

## SECTION 3.110 "F-1" FOREST ZONE

### A. Purpose

The purpose of the "F-1" Forest Zone is to provide areas for the continued practice of timber production, harvesting and related areas, and to help protect those areas from the hazards of fire, pollution, and the conflicts of urbanization.

It is also the primary intent of the zone to preserve and protect watersheds including the protection of surface water sources relied on for public drinking water, wildlife habitats and other uses associated with the forest, and preserve and maintain the high positive visual aspect of the forest area.

Residential development is prohibited in the "F-1" Forest Zone as the conflicts created between safe and efficient watershed management and residential development are unable to be mitigated.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-1" Forest Zone shall comply with the following regulations:

### B. Definitions

1. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions: When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
  - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
  - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
  - c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and

- d. shall be copied by the Planning Director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.
3. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 for commercial production.
4. Forest Operation - Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS 527.620(6).
5. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937
6. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-1" zone shall not be located on a permanent foundation.
7. Tract - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

### C. Permitted Uses

In the "F-1" Forest Zone, the following uses and activities and their accessory uses are permitted, on a legal parcel, subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:

#### RESOURCE USE

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
3. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational

facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of this zone.

5. Uses to conserve water, soil, open space, forest or wildlife resources including accepted fish and wildlife practices.
6. Uninhabitable structures accessory to fish and wildlife enhancement.
7. Farm use, as defined in Oregon Revised Statutes (ORS) 215.203(2).
8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

#### EXISTING RESIDENTIAL USES

9. Maintenance, repair or replacement of existing legally implemented dwellings and/or accessory structures. Any replacement dwelling which meets the requirements listed below need not be replaced in kind and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards for dwellings in the Forest zone and Chapter 10 – Fire Safety Standards.
  - a. A replacement dwelling must have:
    - (1) Intact exterior walls and roof structures;
    - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (3) Interior wiring for interior lights;
    - (4) Heating system; and
    - (5) Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.
  - b. A replacement dwelling shall be subject to the following siting standards:
    - (1) Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:
      - (a) General Development Standards,
      - (b) Siting Requirements for Compatibility.
    - (2) Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:

(a) General Development Standards, and

Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address

(b) Siting Requirements for Compatibility

(3) Replacement of a legally established dwelling in a new location will be allowed and the applicant will be required to meet all applicable—

(a) General Development Standards,

(b) Siting Requirements for Compatibility,

Chapter 13, Non conforming uses, buildings and lots, is not applicable to replacement of a dwelling described in this section. A temporary use permit need not be sought in order to live in the existing dwelling while the replacement dwelling is being constructed as long as removal, demolition, or conversion of the original dwelling is completed in accordance with time limits set above.

10. A building or use accessory to a legally established residential use subject to applicable Development Standards, Siting Requirements, contained in this section.

#### UTILITY FACILITIES, ROADS, AND SERVICES

11. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.213 (l), (m) through (p) and ORS 215.283 (l), (k) through (n).

12. Additional local distribution lines (e.g., electric telephone, natural gas) and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

13. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

14. Disposal site for solid waste ordered by DEQ per ORS 259.049, together with the equipment, facilities or buildings necessary for its operation.

#### RECREATIONAL USE

15. Private hunting and fishing operations without any lodging accommodations or any other physical development.

16. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to

have land use impact, in public parks, public playgrounds, and public recreational grounds.

#### EMERGENCY USE

17. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.
18. Towers, communication facilities, and fire stations for forest fire protection.

#### D. Uses Permitted Conditionally

In the "F-1" Forest Zone, the following uses and activities and their accessory uses may be permitted on a legal parcel when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:

#### RESOURCE USE

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.
3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

#### EXISTING RESIDENTIAL

6. Home Occupations subject to Section 20.060.

#### UTILITY FACILITIES, ROADS, AND SERVICES

7. Television, microwave and radio communication facilities and transmission towers.
8. Water intake facilities, related treatment facilities, pumping stations and distribution lines.

9. Reservoirs and water impoundments.
10. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.
11. Aids to navigation and aviation.
12. Public road and highway projects as described in ORS 215.213 (2)(q) through (s) and ORS 215.283 (2)(p) through (r).
13. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.
14. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
15. Expansion of existing airports.

#### EMERGENCY

16. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.

#### E. Conditional Use Approval Standards

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Chapter 5 of this Ordinance and Section (H) and (I) of this zone, the following review criteria shall apply to conditional uses applied for in subsection (D) of this zone:

1. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.
2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

- F. Prohibited Uses - All other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

- G. Parcel Size - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:
1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a ministerial action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
  2. Divisions to create parcels for specified non resource use permissible in the F-1 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.110.C.14. and Section 3.110.D.1, 2, 3, 4, 8, 9, 10, 11, 12, 17 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
  3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1, 1995 provided that:
    - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
    - b. The remaining parcel, not containing the dwelling, shall either:
      - (1) meet the minimum parcel size standard of the zone; or
      - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
    - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
    - d. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

- e. A forest farm management easement shall be recorded for each resulting parcel.
4. Divisions of land containing 2 or more dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  - d. At least one dwelling shall be located on each parcel created, including the parent parcel;
  - e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
  - f. A lot or parcel may not be divided under the provisions of this subsection if:
    - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
    - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:

- a. Shall not be eligible for siting of a new dwelling;
  - b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
  - d. Shall not result in a parcel of less than 35 acres, except:
    - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - g. A forest farm management easement shall be recorded for each parcel.
6. Division of land for public park uses provided that:
- a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and
  - b. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
  - c. The parcel created for park or open space uses shall not contain a dwelling, and:
    - (1) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - (2) may not be considered in approving or denying an application for siting any other dwelling;

(3) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

(4) May not be smaller than 25 acres unless the purpose of the land division is:

(a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(b) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.

#### H. General Development Standards

1. Setback - No structure other than a fence or sign shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Structures shall also meet all siting standards and setbacks listed for structures in the F-1 zone.
2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
3. Stream or Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740, Flood Damage Prevention.
5. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

6. Parking - Off street parking shall be provided in accordance with Chapter 20 when and if necessary.
7. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
8. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

I. Siting Requirements for Compatibility of New Accessory Structures and replacement dwellings in a new location

The following siting criteria shall apply to all replacement dwellings in a new location, and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

1. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
  - a. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
  - b. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
  - c. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.
2. Structure Set Backs - To satisfy 1. above, re-located dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.
3. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.

4. Good Proximity to Public Roads - Siting structures close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.
5. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.
6. Road Maintenance Required - If road access to the re-located dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
7. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply relied on for the re-located dwelling is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
  - a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - b. A water use permit issued by the Water Resources Department for the use described in the application; or
  - c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
8. Forest Stocking Requirements - Approval of a replacement dwelling in a new location shall be subject to the following requirements:

Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

  - a. The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;

- b. The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;
  - (1) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation (ORS 321.359) and impose the additional tax.
  - (2) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.