

Memo

TO: Wasco County Planning Commissioners

FROM: Kelly Howsley-Glover, Long Range/Special Projects Planner

DATE: June 7, 2016 Planning Commission Meeting

SUBJECT: Wasco County LUDO Reformat

Based on input from the Planning Commission, Planning Staff, and the community, the Planning Department has reformatted the Wasco County Land Use and Development Ordinance (LUDO). Benefits of the project are improved user experience, reference correction, and making the LUDO consistent with the State Model Code format.

The reformat consists of changes to font, page format, correction of errors, and the addition of hyperlinks to references. No substantive changes were a part of the reformatting project.

The user experience of paper copies should be much the same, with the key changes being more consistent font, chapter and section indexes, and outline systems. Definitions have also been moved all (with the exception of the Planned Unit Development Chapter) to Chapter 1 and grouped according to category/type of use.

The online or digital user experience is enhanced with the addition of reference hyperlinks which allow the user to jump to a referenced section of text or to the specific cited external Oregon Revised Statute or Oregon Administrative Rule. The index of each Section/Chapter is also hyperlinked. The full pdf version has also been made searchable.

The LUDO reformat project took approximately three months to complete, including staff review time. During the course of the process, we were able to continue to identify challenges with the current LUDO, perform an audit of text against current state regulation, and evaluate future solutions to be built into the Comprehensive Plan and the LUDO.



1. **Project Management:**
This task includes oversight and direction of the entire update process, including each of the below state tasks. This task ensures consistent coordination and communication throughout the project, and provides for the public interface for the update. This task will be on-going through adoption of the updated plan.

2. **Needs Assessment/Audit:**
This task will identify specific needs for the Comprehensive Plan update. This team approach to reviewing the existing comprehensive plan will:
 - a. Identify issues, gaps, and formulate recommendations with regard to the tasks below, including but not limited to goals and policies, buildable lands, code development and revisions, Community Plans, and economic development.
 - b. Identify target audiences (public, special interests, elected, etc)
 - c. Establish goals and objectives for the project and design the process, collect data (demographic, transportation, economic, etc), record and analyze data, and establish data management system.

Main Deliverable: Needs Assessment Report/Report to PC
Other Deliverables: Buildable Lands Survey Update, Public Information Flyers/Infographics/Collateral

3. **Public Outreach:**
This task will develop a public participation plan including strategies for identified audiences, specific tasks and timeframes, and key messages. This task also includes collecting and reviewing public input, developing a stakeholder database, developing communication materials, and creating a project website. Public outreach will include citizens not typically involved in the planning processes, and innovated methods to gather public input.

Main Deliverables: Public Participation Plan/Report to PC
Other Deliverables: Website, Social Media, Press Releases, Flyers, Postcards/Mailers, Contact Database, Database for analyzing input, Surveys, input materials/comment cards

4. **Goals and Policies:**

This task is a subset of the broader needs assessment (task 2), and includes review of all existing goals and policies to ensure that each of the goals and policies included in the updated plan are meaningful. The resulting document will be readable and structure for efficient implementation of goals and policies.

Main Deliverables: Goals and Policies

5. **Rural Service Area Plans:**

Any adjustments to maps, including rural service boundaries, as well as updated visioning for unincorporated places are covered by this task. Any updates should not only reflect a community vision for the future, but also support and strengthen broader County goals and policies.

Main Deliverable: Rural Service Area Reports (including any proposed map amendments)

6. **Site Specific/Land Reclassification Requests:**

Review potential rezoning requests or other map amendments. Potential rezones should reflect goals and policies identified through broader process and be vetted by the CAG (Planning Commission). Once approved, all revisions need to be forwarded to GIS to update maps.

Deliverables: Revised Comprehensive Zoning Map

7. **Final Draft Comprehensive Plan:**

This final task synthesizes all previous tasks into a final document/deliverables for presentation before the Planning Commission and Board of Commissioners.

Group #	Task #	Work Program Group	Goal	Tasks	Product(s) Description	Key Dates
1	A	Community Involvement	Notice all Wasco County citizens about update	<ul style="list-style-type: none"> Develop outreach materials for multi-mediums Identify key stakeholders, public targets 	<ul style="list-style-type: none"> Measure 56 notice Webpage launch Flyer/Onesheet News media press releases Public Participation Plan 	Fall 2016
1	B	Community Involvement	Visioning for Goal Policies and Implementation	<ul style="list-style-type: none"> Solicit feedback via online and other channels Hold Townhalls and workshops in strategic locations Create mechanisms for handling, maintaining and measuring input PC Workshops 	<ul style="list-style-type: none"> Informal surveys Staff report on input from events Community value themes 	Fall 2016 Winter 2017
1	C	Community Involvement	Proposals for alternative policy	<ul style="list-style-type: none"> Draft policy alternatives and invite public discussion/participation Invite input from key stakeholders PC Workshops 	<ul style="list-style-type: none"> Recommendations for policy alternatives 	Summer 2017
1	D	Community Involvement	Final vetting of policies and implementation	<ul style="list-style-type: none"> Prepare recommendations for final evaluation/discussion PC Workshop 	<ul style="list-style-type: none"> Final recommendation of policies and implementation 	Summer 2018
2	A	Inventory/ Analysis	Research and analysis necessary to provide a solid factual base for plan update	<ul style="list-style-type: none"> Evaluate current inventory of non-resource lands for potential development/ redevelopment 	<ul style="list-style-type: none"> Buildable Lands Survey Update Needs Assessment/Audit 	Summer 2016
2	B	Inventory/ Analysis	Forecast future trends to identify challenges/ opportunities	<ul style="list-style-type: none"> Coordinate with Population Center for Wasco forecasts 	<ul style="list-style-type: none"> Population Forecast 	Summer 2016
2	C	Inventory/ Analysis	Identify opportunities for alternative policy/ implementation	<ul style="list-style-type: none"> Identify where Wasco County policy is more restrictive than state regulation Identify thematic community values and potential policy/ implementation strategies Build out potential development results from alternatives (ie buildout of nonfarm dwellings if restrictions lessened, etc) 	<ul style="list-style-type: none"> Alternatives analysis 	Fall 2016 Winter 2017
3	A	Policy Choices	Current Comp Plan policies, based on inventory and analysis, provides basis for evaluation/audit	<ul style="list-style-type: none"> Evaluate current policies/ effectiveness or relevance audit 	<ul style="list-style-type: none"> Prepare staff report on goal policies Make recommendations on amendments, additions, removal based on 	Summer 2016
3	B	Policy Choices	Policy choices are decisions informed by the alternatives analysis and public input	<ul style="list-style-type: none"> Synthesize policy objectives from public input on alternatives analysis/visioning 	<ul style="list-style-type: none"> Policy recommendations staff report 	Spring 2017
3	C	Policy Choices	Utilize public input to craft	<ul style="list-style-type: none"> Develop final policy recommendations 	<ul style="list-style-type: none"> Final Draft Policies 	Spring

			actionable policies that map to state land use planning goals	<ul style="list-style-type: none"> Suggest implementation strategies for policy that operationalize broad and specific goals 		2018
4	A	Implementation	Current Com Plan implementation strategies, mapped to policy and outcomes, provides basis for evaluation	<ul style="list-style-type: none"> Evaluate current implementation strategies/effectiveness audit 	<ul style="list-style-type: none"> Implementation audit report 	Summer 2016
4	B	Implementation	Implementation strategies should be appropriate/ effective to policies	<ul style="list-style-type: none"> Based on policy recommendations, draft proposed implementation strategies Evaluate potential rezones/map amendments 	<ul style="list-style-type: none"> Proposed implementation strategies based on recommended policy Proposed map amendments 	Spring 2018
4	C	Implementation	Policies must be supported by sufficiently robust implementation measures.*	<ul style="list-style-type: none"> Develop final implementation strategies Map to relevant policy 	<ul style="list-style-type: none"> Final draft Comp Plan 	Fall 2018

* It is important to emphasize that not all these measures are regulatory.



Section 3.110 - Forest (F-1) Zone

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Section 3.111 - Purpose

The purpose of the Forest (F-1) 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 Forest (F-1) 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 Forest (F-1) Zone shall comply with the following regulations:

Section 3.112 - Uses Permitted Without Review

The following uses are permitted on lands designated Forest (F-1) Zone without review:

In the Forest (F-1) 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. (Added 4/12)

RESOURCE USES

- A. 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.

- B. 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 (see Chapter 1).
- C. Farm use, as defined in Oregon Revised Statutes (ORS) [215.203\(2\)](#). Production of Marijuana is subject to Type I Review application and compliance with Chapter 11.
- D. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- E. Exploration for mineral and aggregate resources as defined in ORS Chapter [517](#).
- F. 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. (Added 4/12)
- G. 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.

NATURAL RESOURCE USES (Amended 4/12)

- H. Uses to conserve soil, air, water quality and open space and provide for forest, wildlife, and fisheries resources that do not include development as defined by Section 1.090 in FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section [3.114\(E\)](#) below.

UTILITIES & TRANSPORTATION (Amended 4/12)

- I. Local distribution lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height 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.
- J. 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 [215.283](#) (l), (k) through (n).

COMMERCIAL USES (Amended 4/12)

- K. Private hunting and fishing operations without any lodging accommodations or any other physical development.
- L. Minor Home occupation that:
 - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
 - 2. Does not serve clients or customers on-site;
 - 3. Does not produce odor, dust, glare, flashing lights or noise;
 - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - 5. Does not include the on-premises display or sale of stock in trade.
 - 6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.115 R](#) below.

Section 3.113 - Uses Permitted Subject to Type I Review

The following uses are permitted on a legal parcel on lands designated Forest (F-1) Zone subject to Section [3.117 - General Development Standards](#), Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Amended 4/12)

- A. 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 Chapter 1.
- B. Towers and communication facilities for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height. (Added 4/12)
- C. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) subject to Sections [3.117\(A\)\(1\)\(a\)](#) - Addition, Modification or Relocation Setbacks & [3.119\(A\)](#) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling

and/or accessory building and structure need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to [3.114\(C\)](#) below.

- D. Non-commercial/standalone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
- E. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 1.090 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section [3.114\(E\)](#) below. (Amended 4/12)
- F. The production of marijuana, subject to compliance with Chapter 11.

Section 3.114 - Uses Permitted Subject to Standards/Type II Review

The following uses may be permitted on a legal parcel on lands designated Forest (F-1) Zone subject to the Section [3.117 – General Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards: (This entire section was amended 4/12)

- A. Fire stations for forest fire protection.
- B. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Chapter 1.

RESIDENTIAL USES

- C. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections [3.117\(A\)\(1\)\(a\)](#) - Addition, Modification or Relocation Setbacks & [3.119\(A\)](#) - Replacement Dwelling Standards (Dwellings only) and [3.119\(B\)](#) - Siting Requirements for Compatibility.
- D. A building or structure accessory to a legally established residential use subject to Section [3.119\(B\)](#) - Siting Requirements for Compatibility. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.

NATURAL RESOURCE USES

- E. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- F. Uses to conserve soil, air, water quality and open space and provide for forest, wildlife, and fisheries resources that include development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

ENERGY FACILITIES

- G. Non-commercial/stand-alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

MISCELLANEOUS USES

- H. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.

Section 3.115 - Uses Permitted Subject to Conditional Use Review/Type II or Type III

The following uses may be permitted on a legal parcel on lands designated Forest (F-1) Zone subject to Sections [3.116 – Conditional Use Approval Standards](#), [3.117- General Development Standards](#), Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

RESOURCE USES

- A. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
- B. Log scaling and weigh stations.
- C. Forest management research and experimentation facilities as defined in ORS [526.215](#) or when accessory to forest operations.
- D. 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. 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](#).
- F. 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.

RESIDENTIAL USES

- G. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as defined in [215.283](#). (Added 4/12)

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

- H. Non-commercial/stand-alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
- I. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. 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 [660-004](#) and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities. (Amended 4/12)
- J. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS [772.210](#), Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width. (Amended 4/12)
- K. Television, microwave and radio communication facilities and transmission towers.
- L. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- M. Reservoirs and water impoundments.

TRANSPORTATION

- N. Public road and highway projects as described in ORS [215.283](#) (2)(p) through (r).
- O. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- P. Expansion of existing airports.
- Q. Aids to navigation and aviation.

COMMERCIAL USES

- R. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure and production, processing, wholesaling and retailing of marijuana that would not otherwise be allowed in the zone is not permitted.

Section 3.116 - Conditional Use Approval Standards

The following review criteria shall apply to conditional uses applied for in Section [3.115](#) of this zone:

- A. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.
- B. 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 [30.936](#) or [30.937](#).
- C. Prohibited Uses – Marijuana processing, wholesaling, retailing and all other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

Section 3.117 - General Development Standards

- A. Setbacks
 - 1. New Buildings and Structures: No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right of way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.

2. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in 1 above.
 - a. Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7 - Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses - Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)
 - b. Buildings and Structures other than Dwellings: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots. (Added 4/12)
3. Waterways (Added 4/12)
 - a. Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.
 - (1) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
 - (2) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.
 - (3) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.

- (4) If the proposal does not meet these standards it shall be subject to [subsection 2 above - Additions or Modifications to Existing Structures](#).
- (5) The following uses are not required to meet the waterway setbacks; however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
 - (a) Fences;
 - (b) Streets, roads, and paths;
 - (c) Drainage facilities, utilities, and irrigation pumps;
 - (d) Water-related and water-dependent uses such as docks and bridges;
 - (e) Forest practices regulated by the Oregon Forest Practices Act;
 - (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
 - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

- B. Height-Maximum height for all structures shall be thirty five (35) feet. Height is measured from average grade.
- C. 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 Hazard Overlay (EPD 1).
- D. Signs-Signs shall not extend over a public right-of-way or project beyond the property line.
 - 1. Signs shall not be illuminated or capable of movement.
 - 2. 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.
 - 3. 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.

- E. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
- F. 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 non-reflective, opaque materials.
- G. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

Section 3.118 - Parcel Size Standards

The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

- A. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a Type I 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.
- B. 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 3.115 [A](#), [B](#), [E](#), [F](#), [I](#), [K](#), [L](#), [M](#), [Q](#), OAR [660-006-0025](#) (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
- C. 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:
 - 1. 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
 - 2. The remaining parcel, not containing the dwelling, shall either:
 - a. meet the minimum parcel size standard of the zone; or
 - b. be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.

3. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
 4. 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.
 5. A forest farm management easement shall be recorded for each resulting parcel.
- D. 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:
1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 2. Each dwelling complies with the criteria for a replacement dwelling in this zone;
 3. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
 4. At least one dwelling shall be located on each parcel created, including the parent parcel;
 5. 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.
 6. A lot or parcel may not be divided under the provisions of this subsection if;
 - a. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
 - b. 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

- c. 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.

- E. 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:
 - 1. Shall not be eligible for siting of a new dwelling;
 - 2. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - 3. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
 - 4. Shall not result in a parcel of less than 35 acres, except:
 - a. where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
 - b. 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
 - 5. 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.
 - 6. 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.
 - 7. A forest farm management easement shall be recorded for each parcel.

- F. Division of land for public park uses provided that:
 - 1. 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

2. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
3. The parcel created for park or open space uses shall not contain a dwelling, and:
 - a. is not eligible for siting a dwelling, except as may be authorized under ORS [195.120](#);
 - b. may not be considered in approving or denying an application for siting any other dwelling;
 - c. 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
 - d. May not be smaller than 25 acres unless the purpose of the land division is:
 - (1) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - (2) 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.

Section 3.119 - Additional Standards

A. Replacement Dwelling Standards

1. A replacement dwelling must have:
 - a. Intact exterior walls and roof structures;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights;
 - d. Heating system; and
 - e. 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.

2. A replacement dwelling shall be subject to the following siting standards:
 - a. 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:
 - (1) General Development Standards,
 - (2) Siting Requirements for Compatibility.
 - b. 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:
 - (1) General Development Standards, and

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

- (2) Siting Requirements for Compatibility

B. Siting Requirements for Compatibility of New Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: 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. Dwelling and Accessory Structure Set Backs - To satisfy a. 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 a. 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:
- a. 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;
 - b. 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;
 - c. 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 and impose (ORS [321.359](#)) 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 [30.936](#) or [30.937](#).