

Notes to Reader: This amendment is to update the “Template Dwelling” criteria to be consistent with legislative changes 2019 HB 2225. This only applies to Forest and not to other zoning districts. The changes in summary:

Defines "center of the subject tract" as the mathematical centroid of the tract for siting certain permissible forest dwellings.

Adds the following requirements for a proposed dwelling:

- (1) the lot or parcel on which the dwelling will be sited was lawfully established;
- (2) any property line adjustment complied with property line adjustment provisions in replatting statutes;
- (3) any property line adjustment after January 1, 2019 did not have the effect of qualifying the lot or parcel for a dwelling under this statute; and
- (4) if the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

Authorizes a county, prior to November 1, 2023, to allow establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021 if: no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract and the lot or parcel qualifies for a dwelling, notwithstanding provision prohibiting a proposed dwelling if a dwelling existed on the tract on that date or any other dwelling exists or has been approved on another lot or parcel that is part of the tract.

The other changes are to clean up and remove duplicative language for Forest and Fire Siting Standards. These were repeated in 4.6.120(9)(C) and 4.6.140 Siting Standards. Put all land divisions related to Forestlands in section 4.6.145 and clarify minimum lot and parcel sizes.

## ARTICLE 4.6 – RESOURCE AND RECREATIONAL ZONING DISTRICTS

AS USED IN TABLES I and II.

- (1) “P” means the use is permitted and requires no review from the Planning Department
- (2) “CD” means the use is allowed subject to compliance determination review with clear and objective standards (Staff review or Type I process). Permitted uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance.
- (3) “ACU” means it is subject to Administrative Conditional Use (Planning Director’s Decision or Type II Process)
- (4) “HBCU” means the use is a Hearing Body Conditional Use (Planning Commission Decision or Type III Process)
- (5) “PLA” means Property Line Adjustments subject to chapter 6.
- (6) “L” means Land Division is required (Partition, Subdivision, Planned Unit Development) subject to Chapter 6. These reviews are subject to notice requirements as an ACU, Type II Process.
- (7) The “Subject To” column identifies any specific provisions of Section X.07 to which the use is subject.
- (8) “N” means the use is not allowed.
- (9) “TR” Type of Review
- (10) “HV” means High Value Farm Land
- (11) “All Other” Means lands considered not High Value Farm Land

### **SECTION 4.6.100 FOREST AND FOREST MIXED USE – USE TABLES**

Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Development shall also comply with [Section 4.6.130 Additional Criteria for All New and Replacement Dwellings and Structures in the Forest and Siting Standards for Dwellings and Structures in the Forest Zones](#), Section 4.6.140 Development and Siting Standards. ~~All dwellings and structures are subject to the siting standards found in Section 4.6.130. Exceptions to minimum lot and parcel sizes for the purpose of land division may apply as set out in Land Divisions that apply to Forest Zones are found in~~ Section 4.6.145 Land Division ~~for Open Space and Special Assessment~~, and ~~exceptions to minimum lot and parcel size is found in~~ Section 4.6.150 ~~45~~ Exceptions to Minimum Parcel Size. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

If a use specifically states Forest Mixed Use only it is not permitted in the Forest Zone. If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

### ***SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones***

***(1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be***

*allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.*

USE		TR	Subject to
<b>Forest, Farm and Natural Resource Uses</b>			
<i>(2) The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones. For the purposes of section (2) of this rule "auxiliary" means a use or alteration of a structure or land that 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 growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.</i>			
1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash	P	(2)(a)
2.	Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.	P	2(b), (d)
3.	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.	P	2(c), (d)
<b>(3) The following uses may be allowed outright on forest lands:</b>			
4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources (wildlife management);	(P)	(3)(a)
5.	Farm use as defined in ORS 215.203.	P	(3)(b)
6.	Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups;	CD	(3)(c)
7.	Temporary portable facility for the primary processing of forest products.	CD	(3)(d)
8.	Exploration for mineral and aggregate resources as defined in ORS chapter 517;	P	(3)(e)
9.	Private hunting and fishing operations without any lodging accommodations;	P	(3)(f)
10.	Towers and fire stations for forest fire protection;	CD	(3)(g)
11.	Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.283(1);	P	(3)(h)
12.	Water intake facilities, canals and distribution lines for farm irrigation and ponds;	P	(3)(i)
13.	Caretaker residences for public parks and public fish hatcheries;	CD	(3)(j)

	USE	TR	Subject to
14.	Uninhabitable structures accessory to fish and wildlife enhancement;	CD	(3)(k)
15.	Temporary forest labor camps;	P	(3)(l)
16.	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;	P	(3)(m)
17.	Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.467 and Goal 8;	P	(3)(n)
18.	Alteration, restoration or replacement of a lawfully established dwelling;	CD	(3)(o)
19.	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division.	CD	(3)(p)
20.	Dump truck parking as provided in ORS 215.311 not to exceed seven (7). Log trucking parking may be allowed not to exceed seven (7) trucks.	P	(3)(q)
21.	Agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building to another use. (ORS 215.760)	CD	(3)(r)
<b>(4) The following uses may be allowed on forest lands subject to the review standards in section (5) <a href="#">and (6)</a> of this rule:</b>			
22.	(Commercial) Permanent facility for the primary processing of forest products;	ACU	(4)(a), (5)
23.	(Commercial) Permanent logging equipment repair and storage;	ACU	(4)(b), (5)
24.	Log scaling and weigh stations;	ACU	(4)(c), (5)
25.	Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;	ACU	(4)(d), (5)
26.	Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;	ACU	(4)(e), (5)
27.	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;	ACU	(4)(f), (5)
28.	Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517;	ACU	(4)(g), (5)
29.	Television, microwave and radio communication facilities and transmission towers;	ACU	(4)(h), (5)

USE		TR	Subject to
30.	Fire stations for rural fire protection;	ACU	(4)(i), (5)
31.	Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4;	ACU	(4)(j), (5)
32.	Aids to navigation and aviation;	ACU	(4)(k), (5)
33.	Water intake facilities, related treatment facilities, pumping stations, and distribution lines;	ACU	(4)(l), (5)
34.	Reservoirs and water impoundments;	ACU	(4)(m), (5)
35.	Firearms training facility;	ACU	(4)(n), (5)
36.	Cemeteries;	ACU	(4)(o), (5)
37.	Private seasonal accommodations for fee hunting operations may be allowed. This use requires the applicant to address Section 4.6.130 and Section 4.6.140;	ACU	(4)(p), (5)
38.	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., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width;	ACU	(4)(q), (5)
39.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;	ACU	(4)(r), (5)
40.	Home occupations as defined in ORS 215.448 (this includes cottage industries);	ACU	(4)(s), (5)
41.	Hardship Dwelling: A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship;	ACU	(4)(t), (5)
42.	Expansion of existing airports;	ACU	(4)(u), (5)
43.	Public road and highway projects as described in ORS 215.283(2)(q) through (s) and (3);	ACU	(4)(v), (5)
44.	(2)(q) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.	ACU	(4)(v)(A), (5)
45.	(2)(r) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	ACU	(4)(v)(B), (5)
46.	(2)(s) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.	ACU	(4)(v)(C), (5)
47.	(3) Roads, highways and other transportation facilities and improvements not allowed under prior subsections.	ACU	(4)(v)(D), (5)
48.	Private accommodations for fishing occupied on a temporary basis may be allowed subject to section (5) of this rule, OAR 600-060-0029 and 660-006-0035;	ACU	(4)(w), (5)
49.	Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations;	ACU	(4)(x), (5)

USE		TR	Subject to
50.	An outdoor mass gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	ACU	(4)(y), (5)
51.	Storage structures for emergency supplies	ACU	(4)(z), (5)
<b>(7) Uses not covered under 660-006-0025 but were adopted in the County Ordinance and <u>not</u> listed in statute or rule.</b>			
52.	Alternative energy for non commercial uses	CD	(7)(A)
53.	Marijuana Uses ( <i>Commercial</i> Growth, Processing and Production)	CD	(7)(B)
54.	Non-motorized recreational trails	ACU	(7)(C)(5)
55.	Structural Shoreland Stabilization	ACU	(7)(D)
56.	Water development (diking and drainage, tide-gates, mitigating and nonstructural shoreland stabilization.)	CD	(7)(E)
<b>(8) Other uses allowed in the Forest Mixed Use only</b>			
57.	Churches and public or private schools	HBCU	(8)(A)(5)
58.	Cider business and accessory uses	ACU	(8)(B)
59.	Youth camps (OAR 660-006-0031)	HBCU	(8)(C)
60.	Wineries and accessory uses	ACU	(8)(D)
<b>(9) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</b>			
61.	Dwelling allowed in Forest Mixed Use only (Lot of Record)	ACU	(9)(A), (9)(VII)
62.	Large tract forestland dwelling (ORS 215.740)	ACU	(9)(B)(I), <del>(9)(C)</del>
63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU	<del>(9)(B)(II), (9)(C)</del>
64.	Replacement Dwelling (Other forestland dwellings 215.755)	ACU	(9)(B)(III), <del>(9)(C)</del>
65.	Hardship Dwelling (Other forestland dwellings 215.755)	ACU	(9)(B)(IV), <del>(9)(C)</del>
66.	Caretaker residences for public parks and public fish hatcheries. (Other forestland dwellings 215.755)	ACU	(9)(B)(V), <del>(9)(C)</del>
67.	Temporary Dwellings (RV Use only allowed pursuant to this provision)	CD	(9)(B)(VI), <del>(9)(C)</del>
68.	Additional Forest Dwelling	ACU	(9)(B)(VII), <del>(9)(C)</del>

### **SECTION 4.6.120 REVIEW STANDARDS**

**(1) GOAL 4 REQUIRES THAT FOREST LAND BE CONSERVED.** Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

- (a) Uses related to and in support of forest operations;

- (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;
- (c) Locationally-dependent uses, such as communication towers, mineral and aggregate resources, etc.
- (d) Dwellings authorized by ORS 215.705 to 215.755; and
- (e) Other dwellings under prescribed conditions.

**(2) PERMITTED USES:** The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones:

- (a) **FOREST OPERATIONS** or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
- (b) **TEMPORARY ON-SITE STRUCTURES** that are auxiliary to and used during the term of a particular forest operation;
- (c) **PHYSICAL ALTERATIONS** to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities; and
- (d) **AUXILIARY USE(S)** For the purposes of section (2) of this rule "auxiliary" means a use or alteration of a structure or land that 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 growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

**(3) PERMITTED OR USES SUBJECT TO COMPLIANCE DETERMINATIONS:** The following uses may be allowed outright on forest lands subject to the review identified in the use table for forest are listed as part of the use:

- (a) **WILDLIFE AND FISHERIES RESOURCES USES** - Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- (b) **FARM USES** - Farm use as defined in ORS 215.203;
- (c) **LOCAL DISTRIBUTION LINES** - Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups;
- (d) **PORTABLE FACILITY FOR THE PRIMARY PROCESSING** - Temporary portable facility for the primary processing of forest products;
- (e) **EXPLORATION FOR MINERAL AND AGGREGATE** - Exploration for mineral and aggregate resources as defined in ORS chapter 517;
- (f) **PRIVATE HUNTING AND FISHING OPERATIONS** - Private hunting and fishing operations without any lodging accommodations;
- (g) **FIRE PROTECTION** - Towers and fire stations for forest fire protection;



- (h) WIDENING OF ROADS WITHIN EXISTING RIGHTS-OF-WAY** - Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.283(1);
- (i) WATER INTAKE FACILITIES** - Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- (j) CARETAKER RESIDENCES** - Caretaker residences for public parks and public fish hatcheries;
- (k) FISH AND WILDLIFE STRUCTURES** - Uninhabitable structures accessory to fish and wildlife enhancement;
- (l) FOREST LABOR CAMPS** - Temporary forest labor camps;
- (m) 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;
- (n) DESTINATION RESORTS**- reviewed and approved pursuant to ORS 197.435 to 197.467 and Goal 8 (see county mapping for destination resorts);
- (o) REPLACEMENT DWELLINGS** - Alteration, restoration or replacement of a lawfully (if discretion is used to determine lawfully established will be reviewed as nonconforming use) established dwelling that:
  - (A) Has intact exterior walls and roof structures;
  - (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - (C) Has interior wiring for interior lights;
  - (D) Has a heating system; and
  - (E) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;
- (p) MASS GATHERING FEWER THAN 3000 PERSONS** -An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division;
- (q) DUMP TRUCK PARKING** - as provided in ORS 215.311; and
- (r) AN AGRICULTURAL BUILDING** - as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.

**(4) CONDITIONAL USES** - The following uses may be allowed on forest lands as a conditional use (see table for type of conditional use) subject to the review standards in section (5) of this rule:

- (a) PRIMARY PROCESSING OF FOREST PRODUCTS** - Permanent facility for the primary processing of forest products that is:



- (A) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and
- (B) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body;

**(b) PERMANENT LOGGING EQUIPMENT REPAIR AND STORAGE;**

**(c) LOG SCALING AND WEIGH STATIONS-** Not axillary to onsite forest practices;

**(d) DISPOSAL SITE FOR SOLID WASTE** - Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

**(e) PRIVATE PARKS AND CAMPGROUNDS-**

- (A) Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
- (B) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.
- (C) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

**(f) PUBLIC PARKS** - including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;

- (g) MINING AND PROCESSING OF OIL, GAS, OR OTHER SUBSURFACE RESOURCES** - as defined in ORS chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517;
- (h) COMMUNICATION FACILITIES AND TRANSMISSION TOWERS** - Television, microwave and radio communication facilities and transmission towers;
- (i) FIRE STATIONS** - for rural fire protection;
- (j) COMMERCIAL UTILITY FACILITIES FOR THE PURPOSE OF GENERATING POWER** - A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4;
- (k) AIDS TO NAVIGATION AND AVIATION;**
- (l) WATER INTAKE FACILITIES** - related treatment facilities, pumping stations, and distribution lines;
- (m) RESERVOIRS AND WATER IMPOUNDMENTS;**
- (n) FIREARMS TRAINING FACILITY** - as provided in ORS 197.770(2);
- (o) CEMETERIES;**
- (p) PRIVATE SEASONAL ACCOMMODATIONS FOR FEE HUNTING OPERATIONS** - Private seasonal accommodations for fee hunting operations may be allowed subject to section (5) of this section, OAR 660-006-0029, and 660-006-0035 and the following requirements:
  - (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - (B) Only minor incidental and accessory retail sales are permitted;
  - (C) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
  - (D) A governing body may impose other appropriate conditions.
- (q) NEW ELECTRIC TRANSMISSION LINES** - New electric transmission lines with right of way widths including and up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width;
- (r) TEMPORARY ASPHALT AND CONCRETE BATCH PLANTS** -Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- (s) HOME OCCUPATIONS/COTTAGE INDUSTRY** - Home occupations as defined in ORS 215.448;
- (t) HARDSHIP DWELLING** - A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213

and 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this subsection is not eligible for replacement under subsection (3)(o) of this rule. Governing bodies every two years shall review the permit authorizing such mobile homes. When the hardships end, governing bodies or their designate shall require the removal of such mobile homes. Oregon Department of Environmental Quality review and removal requirements also apply to such mobile homes. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons;

**(u) EXPANSION OF EXISTING AIRPORTS.**

**(v) PUBLIC ROAD AND HIGHWAY PROJECTS** – [described in 215.283(2)(q) through (s) and (3)]:

- (A) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- (B) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- (C) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- (D) Roads, highways and other transportation facilities and improvements not allowed under subsections (A) through (C) of this section may be established, subject to the approval of the governing body or its designee, in areas zoned for forest mixed use subject to:
  - (i) Adoption of an exception to the goal related to agricultural lands and forest lands and to any other applicable goal with which the facility or improvement does not comply; or
  - (ii) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

**(w) PRIVATE ACCOMMODATIONS FOR FISHING** - occupied on a temporary basis may be allowed subject to section (5) of this rule, OAR 600-060-0029 and 660-006-0035 and the following requirements:

- (A) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
- (B) Only minor incidental and accessory retail sales are permitted;
- (C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
- (D) Accommodations must be located within 1/4 mile of fish-bearing Class I waters; and
- (E) A governing body may impose other appropriate conditions.

**(x) FOREST MANAGEMENT RESEARCH AND EXPERIMENTATION FACILITIES** - as defined by ORS 526.215 or where accessory to forest operations; and

**(y) MASS GATHERINGS ARE THOSE OF MORE THAN 3,000** - An outdoor mass gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to

continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

- (z) **STORAGE STRUCTURES FOR EMERGENCY SUPPLIES** - to serve communities and households that are located in tsunami inundation zones, if:
- (A) Areas within an urban growth boundary cannot reasonably accommodate the structures;
  - (B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI) or the local jurisdiction;
  - (C) Sites where the structures could be co-located with an existing use approved under this section are given preference for consideration;
  - (D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
  - (E) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
  - (F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.

**(5) REVIEW CRITERIA FOR CONDITIONAL USES:** A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

- (A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- (B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- (C) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.
- (D) All uses must comply with applicable development standards and fires siting and safety standards.

(6) **COMPLIANCE WITH OTHER REGULATIONS:** Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) that exist on forest lands.

**(7) USES NOT COVERED UNDER 660-006-0025 BUT WERE ADOPTED IN THE COUNTY ORDINANCE (MAY BE ALLOWED UNDER STATUTE OR OTHER RULE)**

- (A) **Alternative power sources** – This category includes solar photovoltaic cell(s), wind energy geothermal and hydro-electric. This use is only regulated when a state agency permit is required.
- (a) Photovoltaic Cells for noncommercial use. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:
    - (i) The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and
    - (ii) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)

- (iii) The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards as the parent parcel.
  - (b) Wind energy for non-commercial use shall be allowed if:
    - (i) It is to support an approved use on the property;
    - (ii) It is not for commercial purposes;
    - (iii) The wind structure must not exceed 35 feet; and
    - (iv) It must comply with the same setback requirements listed in the development standard as the parent parcel.
  - (c) Geothermal and hydro-electric may be used to support an approved use if:
    - (i) It is not for commercial purposes;
    - (ii) Other agencies may require permits for the use of hydro-electric;
    - (iii) It must comply with the same setback requirements listed in the development standards as the parent parcel.
- (B) Marijuana:** This category includes, sale, growing, production, processing, wholesaling of both medical and recreational marijuana and marijuana products. This may include a commercial kitchen that may require a health department license.
- (a) MARIJUANA GROWTH may be permitted notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use or allow for agricultural uses for profit:
    - (i) A new dwelling used in conjunction with a marijuana crop;
    - (ii) A farm stand, as described in ~~ORS 215.213 (1)(e)~~ or 215.283 (1)(o), used in conjunction with a marijuana crop; and
    - (iii) A commercial activity, as described in 215.283 (2)(a), carried on in conjunction with a marijuana crop.
  - (b) MARIJUANA PROCESSING: The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority. The structures used in processing cannot exceed 10,000 square feet. Processing shall be located inside of a structure.
  - (c) MARIJUANA PRODUCTION: The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”
- (C) NON-MOTORIZED RECREATIONAL TRAILS:** Non-motorized recreational trails located on land owned or maintained by the federal government, the State of Oregon, an Oregon municipal corporation, or other Unit of Local Government, as that term is defined in ORS 190.003, but not including any public utility, for public use or any recreational activity identified in the recreational master plan portion of the Coos County Comprehensive Plan.
- (D) STRUCTURAL SHORELAND STABILIZATION:** Shoreland structural stabilization is subject to Natural Hazards Policy 5.11 as explained in this subsection. Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean

front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.

**(E) WATER DEVELOPMENT** (diking and drainage, tide-gates, mitigating and nonstructural shoreland stabilization.) – These are permitted uses subject to any applicable hazards or overlays.

**(8) OTHER USES ALLOWED IN THE FOREST MIXED USE ONLY:**

**(A) CHURCHES AND PUBLIC OR PRIVATE SCHOOLS**, including all buildings essential to the operation of a school, provided that all such places of assembly shall be consistent with the siting standards of OAR 660-33-130 found in Sections 4.6.130 and 4.6.140.

**(B) CIDER BUSINESS AND ACCESSORY USES:** A cider business as described in ORS 215.451 may be established as a permitted use on land zoned for exclusive farm use under 215.283 (1)(y) or on land zoned for mixed farm and forest use.

**(C) WINERY AND ACCESSORY USES:**

- (i) A winery and accessory uses in conjunction with the 15 or 40 acre vineyard provisions and standards as set forth in ORS 215.452 and 215.237.
- (ii) A winery and accessory uses in conjunction with the 80 acre tract provisions and standards as set forth in ORS 215.453
- (iii) A restaurant in conjunction with a winery authorized under the 80 acre tract provisions and standards of ORS 215.453.

**(D) YOUTH CAMPS:** A person may establish a youth camp on land zoned for forest use or mixed farm and forest use, consistent with rules adopted by the Land Conservation and Development Commission found in OAR 660-006-0031:

**(9) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS.**

**(A) LOT OF RECORD DWELLING- FOREST MIXED USE DWELLING ONLY:** Dwellings in farm or forest zone; criteria; transferability of application. The following dwellings may be authorized in Forest Mixed Use. If land is in a zone that allows both farm and forest uses, is acknowledged to be in compliance with goals relating to both agriculture and forestry and may qualify as an exclusive farm use zone under this chapter, the county may apply the standards for siting a dwelling under either subsection (1)(d) of this section or ORS 215.720, 215.740 and 215.750 as appropriate for the predominant use of the tract on January 1, 1993:

- (1) A governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a farm or forest zone as set forth in this section and ORS 215.710, 215.720, 215.740 and 215.750 after notifying the county assessor that the



governing body intends to allow the dwelling. A dwelling under this section may be allowed if:

- (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
    - (A) Prior to January 1, 1985; or
    - (B) By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
  - (b) The tract on which the dwelling will be sited does not include a dwelling.
  - (c) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.
  - (d) The lot or parcel on which the dwelling will be sited, if zoned for farm use, is not on that high-value farmland described in ORS 215.710 except as provided in subsections (2) and (3) of this section.
  - (e) The lot or parcel on which the dwelling will be sited, if zoned for forest use, is described in ORS 215.720, 215.740 or 215.750.
  - (f) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
  - (g) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.
- (2) (a) Notwithstanding the requirements of subsection (1)(d) of this section, a single-family dwelling not in conjunction with farm use may be sited on high-value farmland if:
- (A) It meets the other requirements of ORS 215.705 to 215.750;
  - (B) The lot or parcel is protected as high-value farmland as described under ORS 215.710 (1); and
  - (C) A hearings officer of a county determines that:
    - (i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
    - (ii) The dwelling will comply with the provisions of ORS 215.296 (1).
    - (iii) The dwelling will not materially alter the stability of the overall land use pattern in the area.
  - (b) A local government shall provide notice of all applications for dwellings allowed under this subsection to the State Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearings officer under paragraph (a) of this subsection.
- (3) Notwithstanding the requirements of subsection (1)(d) of this section, a single-family dwelling not in conjunction with farm use may be sited on high-value farmland if:
- (a) It meets the other requirements of ORS 215.705 to 215.750.
  - (b) The tract on which the dwelling will be sited is:
    - (A) Identified in ORS 215.710 (3) or (4);
    - (B) Not protected under ORS 215.710 (1); and
    - (C) Twenty-one acres or less in size.



- (c)(A) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993;
  - (B) The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within the urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
  - (C) The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within the urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subparagraph:
    - (i) “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
    - (ii) “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to that side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
- (4) If land is in a zone that allows both farm and forest uses, is acknowledged to be in compliance with goals relating to both agriculture and forestry and may qualify as an exclusive farm use zone under this chapter, the county may apply the standards for siting a dwelling under either subsection (1)(d) of this section or ORS 215.720, 215.740 and 215.750 as appropriate for the predominant use of the tract on January 1, 1993.
- (5) A county may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under this section in any area where the county determines that approval of the dwelling would:
- (a) Exceed the facilities and service capabilities of the area;
  - (b) Materially alter the stability of the overall land use pattern in the area; or
  - (c) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.
- (6) For purposes of subsection (1)(a) of this section, “owner” includes the spouses in a marriage, son, daughter, parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, parent-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
- (7) When a local government approves an application for a single-family dwelling under the provisions of this section, the application may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

**(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -**

**(I) LARGE TRACT FORESTLAND DWELLING** – Other Forestland dwellings 215.740; Large tract forest dwellings; Criteria; rules:

- (1) If a dwelling is not allowed under ORS 215.720 (1), a dwelling may be allowed on land zoned for forest use under a goal protecting forestland if it complies with other provisions of law and is sited on a tract:
  - (a) Not applicable to Coos County;
  - (b) In western Oregon of at least 160 contiguous acres except as provided in subsection (3) of this section.
- (2) For purposes of subsection (1) of this section, a tract shall not be considered to consist of less than 240 acres or 160 acres because it is crossed by a public road or a waterway.
- (3)(a) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total 320 acres or more in eastern Oregon or 200 acres or more in western Oregon to qualify for a dwelling under subsection (1) of this section.
  - (b) If an owner totals 320 or 200 acres, as appropriate, under paragraph (a) of this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records for the tracts in the 320 or 200 acres, as appropriate. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.
  - (c) The Land Conservation and Development Commission shall adopt rules that prescribe the language of the deed restriction, the procedures for recording, the procedures under which counties shall keep records of lots or parcels used to create the total, the mechanisms for providing notice to subsequent purchasers of the limitations under paragraph (b) of this subsection and other rules to implement this section. [1993 c.792 §4(2),(3),(5)]

**(II) TEMPLATE DWELLING - 215.750** Alternative forestland dwellings; criteria.

- ~~(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
  - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
  - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
  - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.~~
- ~~(2) (Reserved)~~
- ~~(3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.~~
- ~~(4) A proposed dwelling under this section is not allowed:
  - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
  - (b) Unless it complies with the requirements of ORS 215.730.~~

- ~~(c) Unless no are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740(3) for the other lots or parcels that make up the tract are met.~~
- ~~(d) If the tract on which the dwelling will be sited includes a dwelling.~~
- ~~(5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.~~
- ~~(6)(a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:~~
- ~~(A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or~~
- ~~(B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.~~
- ~~(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.~~
- ~~(7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 e.792 §4(6),(7),(8); 1999 e.59 §58; 2005 e.289 §1]~~

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family “template” dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:**
- (a) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:**
- (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**
- (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.**
- (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:**
- (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**
- (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.**
- (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:**
- (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**
- (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.**
- (d) As used in this section, “center of the subject tract” means the mathematical centroid of the tract.**
- (2) The following review standards apply to “template” dwellings approved under this rule:**
- (a) Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.**

- (b) *Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road<sup>1</sup> that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
  - (c) *If the:*
    - (A) *Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:*
      - (i) *Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or*
      - (ii) *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
    - (B) *Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
  - (d) *Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.*
- (3) *A proposed “template” dwelling under this rule is allowed only if:*
- (a) *It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;*
  - (b) *It complies with the requirements of OAR 660-006-0029 and 660-006-0035;*
  - (c) *No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;*
  - (d) *The tract on which the dwelling will be sited does not include a dwelling.*
  - (e) *The lot or parcel on which the dwelling will be sited was lawfully established.*
  - (f) *Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
  - (g) *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
  - (h) *If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*
- (4) *Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:*

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<sup>1</sup> The statutory definition of “public road” at ORS 368.001(5) is not applicable to approval of a forest template dwelling required by ORS 215.750(5) to be located on a tract that abuts a “road.” Interpretation of a local code requirement that such dwellings be located on a “public road” is controlled by local legislative intent rather than by statute. *Petersen v. Yamhill County*, 33 Or LUBA 584 (1997). The road may be public or private as long as it has been existence and continued to be in existence since January 1, 1993 and meets the following local definition: A public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. A road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as the use it serves; (b) a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

- (a) *On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:*
  - (A) *Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;*
    - (i) *No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
    - (ii) *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*
- (5) *When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:*
  - (a) *The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
  - (b) *Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
  - (c) *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
  - (d) *The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

**(III) REPLACEMENT DWELLING** - 215.755 other forestland dwellings; criteria. Subject to the approval of the governing body or its designee, the following dwellings may be established in any area zoned for forest use under a land use planning goal protecting forestland, provided that the requirements of the acknowledged comprehensive plan, land use regulations and other applicable provisions of law are met:

- (1) (Replacement Dwelling) Alteration, restoration or replacement of a lawfully established dwelling that:
  - (a) Has intact exterior walls and roof structure;
  - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - (c) Has interior wiring for interior lights;
  - (d) Has a heating system; and
  - (e) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling.
- (2 & 3) Hardship dwelling and caretaker dwelling covered under uses requiring a conditional use.

**(IV) HARDSHIP DWELLING:** A manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be

removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this section is not eligible for replacement under 215.283(1)(p). Department of Environmental Quality review and removal requirements also apply. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.

**(V) CARETAKER RESIDENCE FOR PUBLIC PARKS AND PUBLIC FISH HATCHERIES  
(OTHER FORESTLAND DWELLING 215.755):**

**(VI) TEMPORARY DWELLING (RECREATIONAL VEHICLES):** - Recreation Vehicles may be used as a dwelling under the following circumstances:

- (1) While camping of up to 45 days per calendar year. The camper shall own the subject property or is a member of the immediate family. No more than one RV's can occupy the site for this limited purpose.
- (2) No other use of RV shall be allowed.

**(VII) ADDITIONAL FOREST DWELLING (Adopted pursuant to HB 2469 2019)**

- (1) As used in this section, "owner or a relative" means the owner of the lot or parcel, or a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin of either.
- (2) A county may approve a new single-family dwelling unit on a lot or parcel zoned for forest use provided:
  - (a) The new single-family dwelling unit will be on a lot or parcel no smaller than the minimum size allowed under ORS 215.780;
  - (b) The new single-family dwelling unit will be on a lot or parcel that contains exactly one existing single-family dwelling unit that was lawfully:
    - (A) In existence before November 4, 1993; or
    - (B) Approved under ORS 215.130 (6), 215.705, 215.720, 215.740, 215.750 or 215.755;
  - (c) The shortest distance between the new single-family dwelling unit and the existing single-family dwelling unit is no greater than 200 feet;
  - (d) The lot or parcel is within a rural fire protection district organized under ORS chapter 478;
  - (e) The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;
  - (f) As a condition of approval of the new single-family dwelling unit, in addition to the requirements of ORS 215.293, the property owner agrees to acknowledge and record in the deed records for the county in which the lot or parcel is located, one or more instruments containing irrevocable deed restrictions that:
    - (A) Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot or parcel containing the existing single-family dwelling unit; and
    - (B) Require that the owner and the owner's successors manage the lot or parcel as a working forest under a written forest management plan, as defined in ORS 526.455, that is attached to the instrument;
  - (g) The existing single-family dwelling unit is occupied by the owner or a relative;
  - (h) The new single-family dwelling unit will be occupied by the owner or a relative; and

- (i) The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition or supervision of forest lots or parcels of the owner.
- (3) If a new single-family dwelling unit is constructed under this section, a county may not allow the new or existing dwelling unit to be used for vacation occupancy as defined in ORS 90.100.

**~~(C) ADDITIONAL CRITERIA FOR ALL DWELLINGS ALLOWED IN THE FOREST AND FOREST MIXED USE ZONES.~~**

- ~~(1) A local government shall require as a condition of approval of a single family dwelling allowed on lands zoned forestland:
  - ~~(a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.~~
  - ~~(b) The dwelling meets the following requirements:
    - ~~(A) The dwelling has a fire retardant roof.~~
    - ~~(B) The dwelling will not be sited on a slope of greater than 40 percent.~~
    - ~~(C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.~~
    - ~~(D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.~~
    - ~~(E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.~~
    - ~~(F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.~~
    - ~~(G) The owner provides and maintains primary fuel free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.~~~~~~
- ~~(2)(a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.~~
  - ~~(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire fighting pumping units, and the road access shall accommodate a turnaround for fire fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]~~

**~~(10) LAND DIVISIONS—New Land Division Requirements in Agriculture/Forest Zones~~**

- ~~(A) A governing body shall apply the standards of OAR 660-006-0026 and 660-033-0100 to determine the proper minimum lot or parcel size for a mixed agriculture/forest zone. These standards are designed: To make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands.~~
- ~~(B) New land divisions less than the parcel size established according to the requirements in section (A) of this rule may be approved for any of the following circumstances:~~



- ~~(i) For the uses listed in OAR 660-006-0025(3)(m) through (o) and (4)(a) through (o) provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the land division created is the minimum size necessary for the use.~~
- ~~(ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 
  - ~~(1) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and~~
  - ~~(2) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 
    - ~~(a) Meets the minimum land divisions standards of the zone; or~~
    - ~~(b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;~~~~
  - ~~(3) The minimum tract eligible under subsection (ii) of this section is 40 acres;
 
    - ~~(a) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321; and~~
    - ~~(b) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.~~~~
  - ~~(4) To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that result in a parcel that does not meet the minimum area requirements of section (A). Parcels created pursuant to this subsection:
 
    - ~~(a) Are not eligible for siting of a new dwelling;~~
    - ~~(b) May not serve as the justification for the siting of a future dwelling on other lots or parcels;~~
    - ~~(c) May not, as a result of the land division, be used to justify redesignation or rezoning of resource land; and~~
    - ~~(d) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 
      - ~~i. Facilitate an exchange of lands involving a governmental agency; or~~
      - ~~ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland.~~~~
    - ~~(e) To allow a division of a lot or parcel zoned for mixed farm and forest use if:
 
      - ~~i. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;~~
      - ~~ii. Each dwelling complies with the criteria for a replacement dwelling under ORS 215.283(1);~~
      - ~~iii. Except for one lot or parcel, each lot or parcel created under this section is between two and five acres in size;~~
      - ~~iv. At least one dwelling is located on each lot or parcel created under this section; and~~
      - ~~v. The landowner of a lot or parcel created under this section provides evidence that a restriction prohibiting the landowner and the land owner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in statewide goal 4 (Forest Land);~~~~~~~~

~~(f) To allow a proposed division of land as provided in ORS 215.783.~~

- ~~(C) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by OAR 660-006-0055(2)(d) and (4). The record shall be readily available to the public.~~
- ~~(D) A lot or parcel may not be divided under OAR 660-006-0055(2)(d) if an existing dwelling on the lot or parcel was approved under:~~
- ~~(i) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or~~
  - ~~(ii) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under statewide goal 4 (Forest Lands).~~
- ~~(E) An applicant for the creation of a parcel pursuant to subsection (B)(ii) of this rule shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under section (B) of this rule.~~
- ~~(i) A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forestland.~~
  - ~~(ii) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.~~
- ~~(F) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.~~

**SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES**

The following siting criteria or their equivalent shall apply to all new dwellings 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. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

- (1) Dwellings and structures shall be sited on the parcel so that:
  - (a) They have the least impact on nearby<sup>2</sup> or adjoining forest or agricultural lands;
  - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

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<sup>2</sup> For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.

- (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). 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;
  - (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 under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement [which could include an easement](#). The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling 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 planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner 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;
  - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that 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 pursuant to ORS 321.359 and impose the additional tax; and
  - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a 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.

**SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres.—Except as provided in subsection 4.6.145 of this ordinance, the following minimum lot or parcel sizes apply for land designated forestland, is at least 80 acres.

Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

2. Setbacks: All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
  - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
  - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
  - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
  - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
  - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
  - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or

- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
  - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
  - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.
- a. The dwelling has a fire retardant roof.
  - ~~b.~~ The dwelling will not be sited on a slope of greater than 40 percent. Slope<sup>3</sup> will also determine additional firebreak in Section 8 Firebreak. -
  - ~~e.b.~~ Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
  - ~~d.c.~~ The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.
  - ~~e.d.~~ For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.
    - i. Water storage shall be be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.
  - ~~f.e.~~ If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
  - ~~g.f.~~ The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.

- ~~8.~~ — ~~The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.~~

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<sup>3</sup> Slope caculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon<sup>3</sup> published by United States Department of Agricultrue, Soil Conservation Service, in cooperation with Oregon Agricultural Expermiment Station. Staff will accept an on ground study for slope from an Registered Surveyor or other Registered Professional that is able to make caculations based on the profession licening requirements.

- If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development. ~~governing body may provide an alternative means for protecting the dwelling from fire hazards. These include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.~~
- a. ~~If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103] Permanent signs shall be posted along the access route to indicate the location of the emergency water source.;~~

9. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:

- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
- b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second; Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. ~~Permanent signs shall be posted along the access route to indicate the location of the emergency water source.~~

10. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel free building setback.
- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. ~~Permanent signs shall be posted along the access route to indicate the location of the emergency water source.~~

~~11.8.~~ Firebreak:

- a. ~~The proeprty owner shall maintain~~ This firebreak will be a primary firebreak safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.



c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

e-d. Proof that all of these items will be met include poof of the slope to determine additional firebreak setbacks is required.

Table 1 – Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
<b>0%</b>	<b>30</b>	<b>0</b>
<b>10%</b>	<b>30</b>	<b>50</b>
<b>20%</b>	<b>30</b>	<b>75</b>
<b>25%</b>	<b>30</b>	<b>100</b>
<b>40%</b>	<b>30</b>	<b>150</b>

~~12.9.~~ All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.

~~13. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).~~

The dwelling shall not be sited on a slope of greater than 40 percent.

~~14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.~~

~~15.10. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.~~

~~16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.~~

~~17.11.~~ Access to new dwellings shall meet road and driveway standards in Chapter VII.

**SECTION 4.6.145 LAND DIVISION**

**1. NEW LAND DIVISION REQUIREMENTS IN AGRICULTURE/FOREST ZONES**

(A) A governing body shall apply the standards of OAR 660-006-0026 and 660-033-0100 to determine the proper minimum lot or parcel size for a mixed agriculture/forest zone. These standards are designed: To make new land divisions compatible with forest operations; to



maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands.

(B) New land divisions less than the parcel size established according to the requirements in section (A) of this rule may be approved for any of the following circumstances:

(i) For the uses listed in OAR 660-006-0025(3)(m) through (o) and (4)(a) through (o) provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the land division created is the minimum size necessary for the use.

(1) Uses in OAR 660-006-0025(3)(m) through (o) are:

(a) 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;

(b) Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.467 and Goal 8;

(c) Alteration, restoration or replacement of a lawfully established dwelling that meets replacement criteria.

(2) Uses in OAR 660-006-0025(4)(a) through (o) that have been approved under criteria in OAR-006-0025(5).

(a) Permanent facility for the primary processing of forest products that is;

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

(d) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

(e) Private parks and campgrounds.

(f) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;

(g) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517;

(h) Television, microwave and radio communication facilities and transmission towers;

(i) Fire stations for rural fire protection;

(j) Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4;

(k) Aids to navigation and aviation;

(l) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

(m) Reservoirs and water impoundments;

(n) Firearms training facility as provided in ORS 197.770(2);

(o) Cemeteries;

- (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
- (1) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and
  - (2) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
    - (a) Meets the minimum land divisions standards of the zone; or
    - (b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;
  - (3) The minimum tract eligible under subsection (ii) of this section is 40 acres:
    - (a) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321; and
    - (b) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.
  - (4) To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that result in a parcel that does not meet the minimum area requirements of section (A). Parcels created pursuant to this subsection:
    - (a) Are not eligible for siting of a new dwelling;
    - (b) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
    - (c) May not, as a result of the land division, be used to justify redesignation or rezoning of resource land; and
    - (d) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
      - i. Facilitate an exchange of lands involving a governmental agency; or
      - ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland.
    - (e) To allow a division of a lot or parcel zoned for mixed farm and forest use if:
      - i. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
      - ii. Each dwelling complies with the criteria for a replacement dwelling under ORS 215.283(1);
      - iii. Except for one lot or parcel, each lot or parcel created under this section is between two and five acres in size;
      - iv. At least one dwelling is located on each lot or parcel created under this section; and
      - v. The landowner of a lot or parcel created under this section provides evidence that a restriction prohibiting the landowner and the land owner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in statewide goal 4 (Forest Land);
    - (f) To allow a proposed division of land as provided in ORS 215.783.

- (C) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by OAR 660-006-0055(2)(d) two dwellings lawfully existed prior to November 4, 1993 and (4). The record shall be readily available to the public.
- (D) A lot or parcel may not be divided under OAR 660-006-0055(2)(d) if an existing dwelling on the lot or parcel was approved under:
- (i) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
  - (ii) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under statewide goal 4 (Forest Lands).
- (E) An applicant for the creation of a parcel pursuant to subsection (B)(ii) of this rule shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under section (B) of this rule.
- (i) A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forestland.
  - (ii) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.
- (F) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

**4.2. LAND DIVISION TO PRESERVE OPEN SPACE OR PARK; QUALIFICATION FOR SPECIAL ASSESSMENT (ORS 215.783).**

- (1) The governing body of a county or its designee may approve a proposed division by partition of land in a forest zone or a mixed farm and forest zone to create one new parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in this section.
- (2) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:
- (a) If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or
  - (b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.
- (3) Before approving a proposed division of land under this section, the governing body of a county or its designee shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit land conservation organization, present for recording in the deed records for the county in which the parcel retained by the provider or organization is located an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

- (a) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and
- (b) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(4) If a proposed division of land under this section results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division. [2007 c.143 §2; 2015 c.104 §7]

***SECTION 4.6.150 EXCEPTION TO MINIMUM LOT OR PARCEL SIZES (ORS 215.785)***

(1) As used in this section, notwithstanding ORS 215.010, “parcel” has the meaning given that term in ORS 92.010.

(2) Notwithstanding the minimum lot or parcel size established under ORS 215.780 (1), when a portion of a lawfully established unit of land has been included within an urban growth boundary and redesignated for urban uses under the applicable acknowledged comprehensive plan and the portion of the lawfully established unit of land that remains outside the urban growth boundary and zoned for forest uses or mixed farm and forest uses is smaller than the minimum size established under ORS 215.780 (1), the governing body of a county, or its designee, may approve a proposed division by partition of the land, including the land that remains in a forest zone or a mixed farm and forest zone.

(3) The parcel created in the forest zone or mixed farm and forest zone must be partitioned along the urban growth boundary and:

- (a) If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.
- (b) If the parcel does not contain a dwelling, the parcel:
  - (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; and
  - (C) May not be considered in approving a redesignation or rezoning of forestlands under the acknowledged comprehensive plan and land use regulations, except for a redesignation or rezoning to allow a public park, open space or other natural resource use.

(4) In approving a land division under this section, the governing body of the county or its designee shall require as a condition of approval that the owner of a parcel not containing a dwelling sign and record in the deed records for the county in which the parcel is located an irrevocable deed restriction prohibiting the owner and the owner’s successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937. [2015 c.104 §3]