

## **ARTICLE 5.00**

### **A-4 TIMBER-GRAZING ZONE**

#### **5.01 PURPOSE**

The purpose of the Timber Grazing Zone (A-4) is to protect and maintain forest lands for agriculture, grazing, and forest use, consistent with existing and future needs for agricultural and forest products. The A-4 Zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The A-4 Zone has been applied to lands designated as Timber-Grazing in the Land Use Plan. The provisions of the A-4 Zone reflect the forest land policies of the Land Use Plan as well as the requirements of ORS Chapter 215 and OAR 660-006 and 660-033. The minimum parcel sizes and other standards established by this zone are intended to promote commercial, agricultural, and forest operations.

#### **5.02 PERMITTED USES**

In the A-4 Zone predominantly farmland lots and parcels shall comply with Section 2.02 Permitted Uses and predominantly forest land parcels shall authorize the following uses and activities and their accessory buildings and uses subject to the general provisions set forth by this ordinance.

In the A-4 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

1. Farm use as defined in ORS 215.203.
2. 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.
3. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
4. 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.

5. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
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.
7. Temporary portable facility for the primary processing of forest products.
8. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

### **5.03 ADMINISTRATIVE USES**

In the A-4 Zone predominantly farmland lots and parcels shall comply with Section 2.03 Administrative Uses and predominantly forest land parcels may authorize the following uses and activities and their accessory buildings and uses subject to the general provision set forth by this ordinance.

1. Widening of roads within existing rights-of-way in conformance with the transportation element of the acknowledged Land Use Plans and public road and highway projects as described in Section 2.04.
2. Towers and fire stations for forest fire protection.
3. Uninhabitable structures accessory to fish and wildlife enhancement.
4. 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.
5. A large tract forest dwelling subject to Subsection 5.05.1 and 5.05.13.
6. An ownership of record dwelling authorized under ORS 215.705 subject to Subsections 5.05.2.
7. A template dwelling subject to Subsection 5.05.3 and 5.05.13.
8. Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections 5.05.4 and 5.05.13.

#### **5.04 CONIDTIONAL USES WITH GENERAL REVIEW CRITERIA**

In the A-4 Zone predominantly farmland lots and parcels shall comply with Section 5.06 Administrative Uses and predominantly forest land parcels may authorize the following uses and activities and their accessory buildings and uses subject to county review and the specific standards set forth in Article 21.00, as well as the general provision set forth by this ordinance.

1. Temporary forest labor camps.
2. 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.
3. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
4. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.
5. Youth camps subject to Section 5.09. Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.
6. Caretaker residences for public parks and public fish hatcheries subject to Subsection 5.05.13.
7. Log scaling and weigh stations.
8. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
9. 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 subject to Subsection 5.05.5 and Section 5.06.
10. Parking of up to seven dump trucks and seven trailers.
11. Home occupations subject to Subsection 5.05.6.
12. Permanent facility for the primary processing of forest products.
13. Permanent logging equipment repair and storage.

14. Private seasonal accommodations for fee hunting operations subject to Subsections 5.05.9, 5.07 and 5.08.
15. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsections 5.07 and 5.08.
16. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 5.04.2 (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
17. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
18. Public road and highway projects as described in ORA 660-12-0065.
19. Expansion of existing airports.
20. Television, microwave and radio communication facilities and transmission towers.
21. 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 of 50 feet or less in width.
22. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
23. Reservoirs and water impoundments.
24. 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.
25. Commercial utility facilities for the purpose of generating power subject to Subsection 5.05.10.
26. Aids to navigation and aviation.
27. Firearms training facility.
28. Fire stations for rural fire protection.
29. Cemeteries.
30. Storage structures for emergency supplies subject to Subsection 5.05.11.

31. Public parks subject to Subsection 5.05.12.
32. Private parks and campgrounds subject to Subsection 5.05.13.

## **5.05 USE STANDARDS**

1. A large tract forest dwelling authorized under ORS 215.740 may be allowed on land predominantly comprised of forest soils if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
  - A. The tract is at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to paragraph 5.05.1.C for all tracts that are used to meet the acreage requirements of this subsection.
  - B. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
  - C. Where one or more lots or parcels are required to meet minimum acreage requirements:
    - (1) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
    - (2) The required 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.
2. Ownership of record dwelling
  - A. The lot or parcel on which the dwelling will be sited was lawfully created, is predominantly comprised of forest land soils, and was acquired and owned continuously by the present owner as defined in paragraph D:
    - (1) Since prior to January 1, 1985; or
    - (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
  - B. The tract on which the dwelling will be sited does not include a dwelling;

- C. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract.
  - D. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-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.
  - E. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
    - (1) A United States Bureau of Land Management road; or
    - (2) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
  - F. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged Land Use Plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on setback which the acknowledged Land Use Plan and land use regulations intended to protect the habitat are based; and
  - G. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
3. A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel is predominantly composed of forest land soils that are:
- A. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
    - (1) 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

- (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- B. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
  - (1) 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
  - (2) 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 50 cubic feet per acre per year of wood fiber if:
  - (1) 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
  - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- D. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
- E. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
- F. Except as provided by paragraph G, if the subject tract 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 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- G. The following applies where a tract 60 acres or larger abuts a road or perennial stream:
  - (1) The measurement shall be made in accordance with paragraph F. 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-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

- (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.
    - (2) 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.
  - H. A proposed “template” dwelling under this ordinance is not allowed:
    - (1) If it is prohibited by or will not comply with the requirements of an acknowledged Land Use Plan, acknowledged land use regulations, or other provisions of law;
    - (2) Unless it complies with the requirements of Sections 5.07 and 5.08;
    - (3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under Section 5.06.1.C for the other lots or parcels that make up the tract are met; or
    - (4) If the tract on which the dwelling will be sited includes a dwelling.
- 4. Alteration, restoration or replacement of a lawfully established dwelling on a predominantly forest land lot or parcel where Subsections A or B apply:
  - A. Alteration or restoration of a lawfully established dwelling that:
    - (1) Has intact exterior walls and roof structures;
    - (2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (3) Has interior wiring for interior lights; and
    - (4) Has a heating system.
  - B. 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.
- 5. A temporary hardship dwelling on a predominantly forest land lot or parcel is subject to the following:
  - A. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing d



welling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

- (1) 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 home will use a public sanitary sewer system, such condition will not be required;
  - (2) A physicians report verifying need for care;
  - (3) The county shall review the permit authorizing such manufactured homes every two years; and
  - (4) 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.
- B. A temporary residence approved under this section is not eligible for replacement under Subsection 2.06.4. Department of Environmental Quality review and removal requirements also apply.
- C. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
6. A home occupation on a predominantly forest land lot or parcel:
- A. Shall be operated by a resident or employee of a resident of the property on which the business is located;
  - B. Shall employ on the site no more than one full-time or part-time persons;
  - C. Shall be operated substantially in:
    - (1) Less than 50% of a dwelling; or
    - (2) Other buildings containing no more than 1,200 square feet normally associated with uses permitted in the zone in which the property is located; and
  - D. Shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
  - E. The home occupation shall be accessory to an existing, permitted dwelling on the same parcel

- F. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- G. All off-street parking must be provided on the subject parcel where the one occupation is operated.
  - (1) Employees must use an approved off-street parking area.
  - (2) Customers visiting the home occupation must use an approved off-street parking area.
- H. One (1) sign, up to a total of 32 square feet in area, identifying the home and occupation is permitted but not in the street right-of-way.
- I. Retail sales shall be limited or accessory to a service.
- J. Prohibited home occupations:
  - (1) Retail sale of a product on the premises.
  - (2) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).
- 7. Private seasonal accommodations on predominantly forest land lots or parcels for fee hunting operations are subject to 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
- 8. Private accommodations on predominantly forest land lots and parcels for fishing occupied on a temporary basis are subject to 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 one-quarter mile of fish-bearing Class I waters; and
9. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.
10. Storage structures on predominantly forest land lots and parcels for emergency supplies are subject to the following requirements:
- A. Areas within an urban growth boundary cannot reasonably accommodate the structures;
  - B. Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;
  - C. The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
  - D. 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
  - E. Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.
11. Public parks on predominantly forest land lots and parcels may include:
- A. All uses authorized under ORS 215.283 or OAR 660-006-0025;
  - B. The following uses, if authorized in a local or park master plan that is adopted as part of the local Land Use Plan, or if authorized in a state park master plan that is adopted by OPRD:
    - (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
    - (2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
    - (3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

- (4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump out stations;
  - (5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
  - (6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
  - (7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
  - (8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
- C. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- (1) Meeting halls not exceeding 2000 square feet of floor area;
  - (2) Dining halls (not restaurants).
12. Private parks and campgrounds on predominantly forest land lots and parcels may include:
- A. Campgrounds in private parks may be permitted, subject to the following:
- (1) 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.

- (2) 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.
  - (3) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
  - (4) 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 within campgrounds meeting the requirement of 5.05.6 and permitted pursuant to Section 5.06 must comply with the following:
- (1) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject subparagraph (3) below.
  - (2) 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.
  - (3) 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.
13. For single-family dwellings, the landowner shall 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.

## **5.06 CONDITIONAL USE REVIEW CRITERIA**

A use authorized by Section 5.04 of this zone 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.

1. 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.

2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
3. 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 OAR 6660-006-0025 Subsection 5(c)

### **5.07 SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES**

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section 5.09 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 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
  - D. The risks associated with wildfire are minimized.
2. Siting criteria satisfying Subsection 1 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. 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.

## **5.08 DEVELOPMENT AND FIRE SITING STANDARDS**

The following standards shall apply to all development in an A-4 Agricultural Timber Zone. Fire siting standards (items 5-8) shall apply only to new dwellings and related structures in the A-3 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas.

1. Any proposed division of land included within the A-3 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).
2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-foot front and rear yards and 10-foot side yards.
3. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.
4. Signs shall be limited to the following:
  - A. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.
  - B. All on premise signs shall meet the Oregon Administrative Rule regulations for on premise signs which have the following standards:
    - (1) Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
    - (2) Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
    - (3) Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
    - (4) Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.



- C. All on premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorist's vision except for emergency purposes.
  - D. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.
  - E. Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County.
  - F. Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.
5. A new 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. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant shall provide an alternate means of protecting the dwelling from fire hazards. The means selected may shall include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. 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 the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case

of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

6. Access and Evacuation

- A. Road Construction – All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and
  - (1) Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.
  - (2) Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.
- B. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.
- C. A vertical clearance of 14 feet 6 inches.
- D. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.
- E. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.
- F. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches, except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.

7. Defensible Space

- A. Fuel Load Reduction – Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.
- B. Ground Fuel – Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.

- C. Thinning and Pruning – Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.
- D. Dead Trees – Dead trees within a dwelling's defensible space shall be removed.
- E. Ladder Fuels – No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.
- F. Landscaping – Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.
- G. Secondary Fuel Breaks – The applicant for a dwelling within a predominantly forested area or within ¼ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.
- H. Secondary Fuel Break Maintenance – If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.
- I. Defensible Space Maintenance – The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.
- J. Location – The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.

8. Design and Construction – All buildings in identified forestland areas or within one quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.
  - A. Roofing – Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.
  - B. Re-roofing or Roofing Repair of Existing Structures and Dwellings – When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.
  - C. Attic and Sub-floor Ventilation – All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.
  - D. Eaves – Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.
  - E. Overhanging Projections and Buildings – Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.
  - F. Chimneys and Flues – Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.
  - G. Mobile and Manufactured Homes – shall be skirted with noncombustible materials.

## **5.09 YOUTH CAMPS**

1. The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.
2. Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.

3. An application for a proposed youth camp shall comply with the following:
  - A. The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph 4.B, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
  - B. The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph 3.A.
  - C. Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
  - D. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
  - E. A campground as described in Subsection 5.04.32 shall not be established in conjunction with a youth camp.
  - F. A youth camp shall not be allowed in conjunction with an existing golf course.
  - G. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
4. The youth camp shall be located on a lawful parcel that is:
  - A. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 80 acres.
  - B. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different

setback based upon the following criteria that may be applied on a case-by-case basis:

- (1) The proposed setback will prevent conflicts with commercial resource management practices;
- (2) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
- (3) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

C. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1) (f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.

5. A youth camp may provide for the following facilities:

- A. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
- B. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
- C. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
- D. Up to three camp activity buildings, not including primary cooking and eating facilities.

- E. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
  - F. Covered areas that are not fully enclosed.
  - G. Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
  - H. An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
  - I. A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.
6. A proposed youth camp shall comply with the following fire safety requirements:
- A. The fire siting standards in Section 5.08;
  - B. A fire safety protection plan shall be developed for each youth camp that includes the following:
    - (1) Fire prevention measures;
    - (2) On site pre-suppression and suppression measures; and
    - (3) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
  - C. Except as determined under paragraph D, a youth camps on-site fire suppression capability shall at least include:
    - (1) A 1000 gallon mobile water supply that can access all areas of the camp;
    - (2) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
    - (3) A sufficient number of fire-fighting hand tools; and
    - (4) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

- D. An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
  - E. The provisions of paragraph 6.D may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
7. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator'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.

## **5.10 LAND DIVISIONS**

- 1. The minimum parcel size for new parcels is 240 acres on predominantly forest land soils and 320 acres on predominantly rangeland soils.
- 2. New land divisions less than the parcel size in Subsection 1 may be approved for any of the following circumstances:
  - A. For the uses listed in Subsections 5.04.2, 3, 6, 7, 12, 13, 16, 20, 22 through 29, 31, and 32 provided that such uses have been approved pursuant to section 5.06 and the parcel created from the division is the minimum size necessary for the use.
  - B. To allow a division of a predominantly forest land lot or parcel to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection 1. Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection 1 in order to conduct the forest practice. Parcels created pursuant to this paragraph:
    - (1) Are not eligible for siting of a new dwelling;



- (2) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - (3) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
  - (4) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
    - (a) Facilitate an exchange of lands involving a governmental agency; or
    - (b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- C. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783 to preserve open space or a park.
- D. A restriction imposed under this subsection 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 Land Use 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 forest land.
3. A landowner allowed a land division under Subsection 2 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 will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.