

**Chapter 420**  
**TIMBER-GRAZING ZONE (TG)**

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**420.01 Purpose.** The purpose and intent of the Timber-Grazing (TG) Zone is to provide areas for the continued practice of grazing for domestic livestock as well as timber production, harvest, and protection of these areas from the hazards of fire, pollution, and the conflicts of urbanization. It is the intent of the TG Zone to preserve and protect watersheds, wildlife habitats and other uses associated with the forest, and to conserve and maintain the aesthetic value of the forest area. Since public and private forest lands in Baker County are managed for multiple uses, the County has designated the forest lands under its jurisdiction as mixed use forest land.

This Zone is adopted in conformance with OAR 660-006-0050, which allows the combination of uses allowed in Exclusive Farm Use and agricultural forest zones.

**420.02 Uses Permitted Through a Type I Procedure.** In the TG Zone the following uses and their accessory uses shall be permitted outright when authorized in accordance with the provisions of Section 115.05.

A. Farm/Forest Resource.

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.
2. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
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.

Note: For the purposes of subsections 1 to 3 above, “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.

4. Temporary portable facility for the primary processing of forest products.
5. Towers and fire stations for forest fire protection. The standards in Section 420.06, in addition to other applicable standards, shall be met.

6. Temporary forest labor camps. The standards in Section 420.06, in addition to other applicable standards, shall be met.
7. Farm use, as defined in ORS 215.203.
8. 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. The standards in Section 420.06, in addition to other applicable standards, shall be met.

B. Natural Resource.

1. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
2. Uninhabitable structures accessory to fish and wildlife enhancement.

C. Commercial.

1. Type I Minor Home Occupations, subject to the provisions of Section 225.02.
2. Private hunting and fishing operations without any lodging accommodations.
3. An outdoor mass gathering as defined in ORS 433.735, subject to the provisions of ORS 433.735 to 433.770;
4. Dump truck parking as provided in ORS 215.311.

D. Utility Facilities. Structures shall meet the standards of Section 420.06.

1. A Residential Wind Power Generation Facility, subject to the provisions of Chapter 750.
2. A Small-Scale Solar Power Generation Facility, if measuring less than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760.
3. A Commercial-Scale Solar Power Generation Facility, if measuring less than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760.
4. 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;
5. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

E. Transportation.

1. 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 215.213(1) and 215.283(1).

F. Mineral, Aggregate, Oil and Gas Use.

1. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
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;

**420.03 Uses Permitted Through a Type II Procedure.** In the TG Zone the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 115.06. All structures and dwellings shall meet the siting standards of Section 420.06.

A. Residential. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a non-exclusive Acknowledgement of Farm and Forest Practices shall be filed with the County Clerk prior to development authorization for a dwelling or other use where specified. Such Acknowledgement shall specify that owners of farm and forest enterprises have the right to conduct legal farm and forest practices, and the owner of the subject property, as well as subsequent owners, waive all rights to object to legal farm and forest activities. Additionally, all residences shall adhere to the standards in Section 420.06, Siting Standards for Structures and Dwellings.

1. Lot of Record Dwellings authorized by ORS 215.705 through 215.720 and OAR 660-006-0027 subject to the following:
  - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner as defined in Chapter 150:
    - i. Prior to January 1, 1985; or
    - ii. 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. If 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. 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.
  - e. The lot or parcel on which the dwelling will be sited, if zoned for forest use, is described in ORS 215.720, ORS 215.740, or ORS 215.750.
  - f. In accordance with ORS 215.720, the tract on which the dwelling will be sited 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:
    - i. A United States Bureau of Land Management (BLM) road;

- ii. A United States Forest Service (USFS) 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 USFS and landowners adjacent to the road, a local government or a state agency.
- g. If the parcel on which the dwelling will be sited is within the Big Game Habitat Overlay, the minimum parcel size requirements of Section 620.04 are met.
- h. 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.
- i. When approval for a single-family dwelling is granted to an application 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.
- j. 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 the approval of the dwelling would:
  - i. Exceed the facilities and service capabilities of the area;
  - ii. Materially alter the stability of the overall land use pattern in the area; or
  - iii. Create conditions of circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.
- k. A local government shall require as a condition of approval of a single-family dwelling allowed under Section (B)(1) above on lands zoned forestland that:
  - i. If the lot or parcel is more than 30 acres in eastern Oregon as defined in ORS 321.805, 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.
  - ii. 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 a primary fuel-break and secondary break areas on land surrounding the dwelling that is owned and controlled by the owner.

- iii. If a governing body determines that meeting the requirement of subsection (k)(ii)(d) of this Section would be impractical, the governing body may provide an alternative means for protecting the dwelling from fire hazards. This means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions.
- iv. If a water supply is required under subsection (iii), 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.

## 2. Large Tract Dwellings.

- a. If a dwelling is not allowed, pursuant to ORS 215.720, a dwelling may be allowed if it complies with other provisions of law and is sited on a tract that does not include a dwelling.
- b. The dwelling may be sited on a tract in eastern Oregon of at least 240 contiguous acres or 320 non-contiguous acres held in common ownership in the same county or adjacent counties and are zoned for forest use.
- c. 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.
- d. A deed restriction shall be filed for all tracts that are used to meet the acreage requirements of this Section. The deed restriction 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.
- e. The applicant for a dwelling authorized by (2)(a) and (b) of this Section shall provide evidence that the following covenants, conditions and restrictions have been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located;
  - i. 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;
  - ii. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;
  - iii. The failure to follow the requirements of the Section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this Section;
  - iv. The 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 which 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 Section shall be readily available to the public in the county planning office.

3. Temporary Hardship Dwellings authorized by OAR 660-006-0025, which includes 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 of the resident as defined in ORS 215.283, subject to the following:
  - a. The manufactured dwelling shall use the same sub-surface 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.
  - b. 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 non-residential use. Department of Environmental Quality review and removal requirements also apply.
  - c. A temporary residence approved under this Section is not eligible for replacement under Section 420.03(A)(5).
  - d. When the hardship ends, the governing body or its designate shall require the removal of such mobile homes.
  - e. Governing bodies shall review the permit authorizing such manufactured homes every two years.
  - f. As used in this Section, "*hardship*" means a medical hardship or hardship for the care of an aged or infirm person or persons as defined in OAR 660-006-0025(4)(t).
4. Caretaker residences for public parks and public fish hatcheries.
5. Replacement Dwellings. Alteration, restoration or replacement of a lawfully 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.
  - e. In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.

B. Commercial.

1. Destination resorts reviewed and approved, pursuant to ORS 197.435 to ORS 197.467 and Goal 8.

C. Transportation.

1. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

D. Utility/Solid Waste Disposal Facilities.

1. A Small-Scale Wind Power Generation Facility if precluding fewer than 10 acres from use as a commercial forest production, subject to the provisions of Chapter 750.

**420.04 Uses Permitted Through a Type III Procedure.** In the TG Zone, the following uses may be permitted when authorized in accordance with the provisions of this Section and Section 115.07. These uses shall also require a Conditional Use Permit as described in Chapter 210 and Section 420.07, as well as the siting criteria in Section 420.06.

A. Farm/Forest Resource.

1. 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.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Big game feeding stations and wildlife management areas within the Big Game Habitat Overlay (BGHO) Zone, subject to the following provisions:
  - a. Permanent feeding stations:
    1. Permanent feeding stations may be allowed as a conditional use in specified zones when in compliance with the following standards:
      - a) The feeding station shall be located on an area inventoried as winter game habitat in the following order of preference:
        - 1) On federal lands wherever suitably located to provide feeding sites to minimize winter damage from big game. Such sites shall be exempt from local review.
        - 2) Whenever private land is proposed as a management area/feeding site, said land shall adjoin federally owned land whenever feasible, and the owner(s) of record have joined in the application for permit.

b) When a site on privately-held land meets the requirements in Section 420.04(A)(4)(a)(1):

1) The applicant shall document that:

- i. Other less-intrusive management techniques (e.g., hazing, fencing, hay stack panels and trapping/removal) have been examined and will not solve the identified problems;
- ii. The project complies with the standards, criteria and other requirements of any feeding station facilities plan adopted by the Oregon Department of Fish and Wildlife (ODFW).
- iii. The project complies with the management objective adopted by ODFW.
- iv. The tract of land shall be sufficient in size to accommodate the projected number of big game animals; or that additional management techniques such as game fences can be designed to overcome anticipated limitations of the parcel's size. A judgment relative to the sufficiency of size shall be based upon the carrying capacity of the air, land, and water resources of the area as measured by the following:
  - a. Number of animals;
  - b. Topography as it relates to providing cover and bedding areas;
  - c. Thermal cover;
  - d. Bedding areas;
  - e. Hiding cover;
  - f. Access; and
  - g. Proximity to public lands.

2) The applicant shall describe which of the ODFW programs for minimizing or mitigating off-site damage, such as the Green Forage Program, as authorized by ORS 496.012, are relevant to the proposed use. The proposed use shall be consistent with such programs.

3) The proposed use must comply with all applicable state and federal air and water quality standards, such as the animal waste control provisions of the 208 Water Quality Program.

c) Conditions of Approval. The following condition shall be attached to any permit issued for a permanent feeding station: "The feeding station and associated activities must remain in compliance with the terms and conditions imposed by its conditional use permit designed to assure compliance with approval standards."

b. Emergency feeding stations shall be approved when the following is met:

1. Written notice will be provided to the Planning Director as to the location of emergency feeding stations or feeding sites on private or public land, said notice to be provided within 15 days of the establishment of said feeding station. After notification of the siting of an emergency feeding station, the Planning Director will send written notice of that siting to

abutting landowners and operators. Upon written request of any abutting landowner, a public hearing will be scheduled for review and approval or disapproval of the feeding site within 30 days of the close of the feeding site for the season.

2. The applicable decision criteria shall be as follows. The emergency feeding station operators shall demonstrate that:
  - a) The permanent feeding station criteria cannot be applied;
  - b) The feeding station is located in an area where there is reasonable evidence that its operation will effectively reduce or prevent significant damage by big game to private property or otherwise solve the emergency; and
  - c) Where the purpose of the feeding station is for damage control, other less intrusive management techniques (e.g., hazing and fencing) have been utilized and have not solved the identified problem.
3. The operators of emergency feeding stations in existence at the time of acknowledgment of this Ordinance shall submit an application prior to the next feeding season to approve the location by means of a Type III procedure, as governed by Chapter 115.
5. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

## B. Residential.

1. Template Test Dwellings.
  - a. A single family dwelling may be established on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
    - i. Capable of producing 0 to 20.99 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 or rectangle 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.
    - ii. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
      - 1) All or a part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square or rectangle 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.
    - iii. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

- 1) All of part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square or rectangle 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. Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this Section.
  - c. Except as provided by Section 420.04(B)(1)(d), if the tract under this rule 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  $\frac{1}{4}$  mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
  - d. If a tract 60 acres or larger described under this Section abuts a road or perennial stream, the measurement shall be made in accordance with Section 420.04(B)(1)(c). 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  $\frac{1}{4}$  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  $\frac{1}{4}$  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.
  - e. 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.
  - g. A proposed dwelling provided for under this Section is allowed only if:
    - i. It will comply with the requirements of the Baker County Comprehensive Plan, the Baker County Zoning Ordinance, and other provisions of law;
    - ii. It complies with the requirements of OAR 660-006-0029 and 660-006-0035;
    - iii. A deed restriction is filed for all tracts that are used to meet the acreage requirements of this Section. The deed restriction shall preclude all future rights to construct a dwelling on the tract or to use the tract 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.
    - iv. The tract on which the dwelling will be sited does not include a dwelling;
    - v. The lot or parcel on which the dwelling will be sited was lawfully established;
    - vi. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;
    - vii. Any property line adjustment to the lot or parcel after January 1<sup>st</sup>, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this Section; and

- viii. 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.
- ix. If the parcel on which the dwelling will be sited is within the Big Game Habitat Overlay, the minimum parcel size requirements of Section 620.04 are met.

C. Commercial.

1. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-006-0025(5), OAR 660-006-0029, and OAR 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 Specialty Codes;
  - 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.
2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-006-0025(5), OAR 660-006-0029, and OAR 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 Specialty Codes;
  - 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 ¼ mile of fish bearing Class I waters; and
  - e. A governing body may impose other appropriate conditions.
3. Type III Major Home Occupations, subject to the provisions of Section 225.03.
4. An outdoor mass gathering:
  1. Of more than 3,000 persons, any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735. In addition to the review standards in Section 420.07, the county must make findings required by ORS 433.763(l)(c).
  2. As defined by ORS 433.735, for which a county decides that a land use permit is required. In addition to findings required by ORS 433.763(1), a county may, when determining review standards, include all, some, or none of the review standards in Section 420.07.

D. Mineral, Aggregate, Oil and Gas Use.

1. Uses:

- a. Mining and processing of oil, gas, or other sub-surface resources, as defined in ORS 520, and not otherwise permitted under Section 420.02(F)(2), (e.g. compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS 517.

2. Criteria:

- a. Extraction, exploration and processing of resources and related mining activities shall demonstrate compliance to the following approval criteria in addition to the general approval criteria contained in Section 210.04:
  - i. Plans and specifications must contain sufficient information to allow the Decision Making Body to consider and set standards pertaining to the following:
  - ii. The most appropriate use of the land.
  - iii. Setback from the property line.
  - iv. The protection of pedestrians and vehicles through the use of fencing, screening and setbacks.
  - v. The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.
  - vi. The prevention of the collection and stagnation of water of all stages of the operation.
  - vii. The rehabilitation of the land upon termination of the operation including consideration of final slope of cut banks and leveling and/or restoration of terrain.
- b. Surface mining equipment, the mining process itself, and necessary access roads shall be constructed, maintained and operated in conformance with the standards and regulations of the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department of Environmental Quality (DEQ).

E. Transportation.

- 1. Expansion of existing airports.
- 2. Public road and highway projects as described in ORS 215.283(2)(q) through (s) and ORS 215.283(3).
- 3. Aids to navigation and aviation.

F. Utility/Solid Waste Disposal Facilities.

- 1. A Small-Scale Wind Power Generation Facility, if precluding more than 10 acres from use as a commercial forest operation, in which case the *Small-Scale Wind Power Generation Facility* shall be

authorized in accordance with the Type III procedure provisions of Chapter 115.07, and an exception must be taken pursuant to OAR 660-004.

2. A Commercial Wind Power Generation Facility, subject to the provisions of Chapter 750.
3. A Small-Scale Solar Power Generation Facility, if measuring more than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760
4. A Commercial-Scale Solar Power Generation Facility, if measuring more than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760.
5. A Utility-Scale Solar Power Generation Facility, subject to the provisions of Chapter 760.
6. A site for the disposal of 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.
7. Television, microwave, and radio communication facilities and transmission towers.
8. Reservoirs and water impoundments.
9. New electric transmission lines with right of way widths of up to 100 feet, as specified in ORS 772.210.
10. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width, as specified in ORS 772.210.
11. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
12. Commercial utility facilities for the purposes 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.

G. Parks/Public/Quasi-Public.

1. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
2. Firearms training facility, as provided in ORS 197.770(2).
3. Cemeteries.
4. Private parks and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds authorized by this Section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

- a. Vacation or recreational purposes. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds devoted to vacation or recreational purposes shall not be allowed within three miles of an urban growth boundary unless an exception is approved, pursuant to ORS 197.732 and OAR 660-004. Campgrounds approved under this subsection must be found to be 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 and 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. 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.
  - i. 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 the following paragraph.
- b. 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.

5. Fire stations for rural fire protection.

**420.05 Minimum Lot Size.** In the Timber-Grazing Zone, the following minimum parcel sizes shall be required:

- A. For forest/farm use: 80 acres.
- B. A governing body shall apply the standards of this Section and Section 410.06 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.
- C. New land divisions less than the parcel size in Section (B) above may be approved for any of the following circumstances:
  1. For the uses listed in Sections 420.02(B)(2), 420.02(G)(2), 420.03(C)(1), 420.04(A)(1) to (3), 420.04(D), 420.04(E)(3), 420.04(F)(1), (6) to (8), (11) and (12), and 420.04(G)(1) to (4) provided that such uses have been approved pursuant to Section 420.07 and the land division created is the minimum size necessary for the use.
  2. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

- a. 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
  - b. 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:
    - i. Meets the minimum land division standards of this zone; or
    - ii. Is consolidated with another parcel, and together the parcels meet the minimum land division standards of this zone.
  - c. The minimum tract eligible under subsection (2) of this Section is 40 acres;
  - d. 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
  - e. The remainder of the tract does not qualify for any uses allowed under Chapter 410 that are not allowed on forestland.
3. To allow a division of forestland 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) of this Section. 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.
4. To allow a division of a lot or parcel zoned for mixed farm and forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling under Section 420.02(B)(2);
  - c. Except for one lot or parcel, each lot or parcel created under this Section is between two and five acres in size;
  - d. At least one dwelling is located on each lot or parcel created under this Section; and
  - e. 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);

5. To allow a proposed division of land as provided in ORS 215.783.

D. A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by Section 420.05(C)(4) and (E). The record shall be readily available to the public.

E. A lot or parcel may not be divided under Section 420.05(C)(4) if an existing dwelling on the lot or parcel was approved under:

1. 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
2. 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).

F. Restrictions.

1. An applicant for the creation of a parcel pursuant to subsection (2)(b) 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 (2) of this rule.
2. 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.
3. 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.
4. 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.

G. If land in the TG Zone is also located in the Big Game Habitat Overlay, the minimum parcel size standards of Section 620.04 apply for all lot of record or template test dwellings.

#### **420.06 Siting Standards for Structures and Dwellings**

- A. The following siting standards or their equivalent shall apply to all new dwellings and structures in forest zones. These standards are designed to make structural development compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands:
1. All new dwellings and structures shall be sited on the parcel according to the following standards:
    - a. To ensure that the amount of forest land used to site access roads, service corridors, the dwelling, and structures is minimized, the dwelling shall be located near an existing road.
    - b. To ensure that the risks associated with wildfire are minimized, the dwelling shall be located on a level or near level portion of the parcel.
    - c. To ensure that the dwelling or structure will have the least impact on nearby or adjoining forest or agricultural lands, the dwelling or structure shall, when not in conflict with Section 420.06(A)(1)(a) or Section 420.06(A)(1)(b):
      - i. be located near the center of the property to maintain maximum distance between the dwelling or structure and the adjoining properties; or
      - ii. be clustered near other structures currently existing on the parcel.
    - d. When not in conflict with Section 420.06(A)(1), Section 420.06(A)(2) or Section 420.06(A)(3), the dwelling shall be sited on that portion of the parcel least suited for growing trees.
  2. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a non-exclusive Acknowledgement of Farm and Forest Practices shall be filed with the County Clerk prior to development authorization for a dwelling or other use where specified. Such Acknowledgement shall specify that owners of farm and forest enterprises have the right to conduct legal farm and forest practices, and the owner of the subject property, as well as subsequent owners, waive all rights to object to legal farm and forest activities.
  3. The applicant shall provide evidence to the Planning Director or the Planning Commission that the domestic water supply is from a source authorized in accordance with rules promulgated by the Oregon Department of Water Resources for the appropriation of ground water or surface water and is not from an intermittent (a Class II) stream as defined in the Forest Practices Rule. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
  4. The applicant must meet the following Fire Siting Standards or their equivalent:
    - a. 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. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is 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, onsite equipment and water storage or other methods that are reasonable, given the site conditions. 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. 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 fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

- b. Road access to the dwelling shall meet following fire safety road design standards:
    - i. The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for firefighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.
  - c. The owners of the dwellings and structures shall maintain a primary fuel-free break area 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 the Oregon Department of Forestry.
  - d. The dwelling shall have a fire retardant roof.
  - e. The dwelling shall not be sited on a slope of greater than 40 percent.
  - f. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
5. Private roads and driveways shall be constructed to meet the specifications listed under Fire Safety Design Standards for Roads in Section 420.06(A)(4)(b)(i), and to the transportation standards listed in Chapter 320.

#### **420.07 Additional Approval Criteria for Type III Uses**

- A. For Type III uses, in addition to the applicable standards in Chapter 210, the applicant shall demonstrate that the following criteria have been satisfied. 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, alter the stability of, 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. The proposed use will not adversely affect important wildlife habitat, pursuant to criteria contained within Article 6 of this Ordinance.
4. The use is compatible with other forest uses in the nearby area, including:
  - a. Maintenance of grazing land for livestock.
  - b. Watershed protection.
  - c. Soil protection from wind and water.
  - d. Maintenance of outdoor recreational activities and related support services.
  - e. Maintenance of values compatible with forest uses.
  - f. Open space, buffers from noise, visual separation of conflicting uses.
5. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which 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 Sections 420.04(B)(1), 420.04(C)(2) & (3), 420.04(G)(4), 420.04(F)(8).
6. Planned access to interior tracts shall be required when dealing with road-front parcels.
7. The proposed use must comply with Oregon Administrative Rules 660-006-0025, 660-006-0027, 660-006-0029, 660-006-0035 and 660-006-0040.
8. The use complies with such other conditions, as the Planning Commission considers necessary. Conditions of approval must be consistent with the standards of ORS 215.296.

#### **420.08 Youth Camps**

- A. A youth camp may be established in compliance with the provisions of this rule. The purpose of this rule 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.
- B. Changes to or expansions of youth camps established prior to the effective date of this rule shall be subject to the provisions of ORS 215.130.
- C. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.
- D. An application for a proposed youth camp shall comply with the following:

1. 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 subsection (D)(2) of this rule a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
  2. The governing body, or its designate, 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 subsection (D)(1) of this rule.
  3. 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.
  4. The provisions of Section 420.07(A)(1).
  5. A campground as described in Section 410.04(H)(2) and Section 420.04(G)(4) shall not be established in conjunction with a youth camp.
  6. A youth camp shall not be allowed in conjunction with an existing golf course.
  7. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
- E. The youth camp shall be located on a lawful parcel that is:
1. 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.
  2. 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:
    - a. The proposed setback will prevent conflicts with commercial resource management practices;
    - b. The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
    - c. The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
  3. 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.

4. Predominantly forestland if within a mixed agricultural/forest zone as provided for under Section 420.09.

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

1. 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.
2. 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.
3. Bathing and laundry facilities, except that they shall not be provided in the same building as sleeping quarters.
4. Up to three camp activity buildings, not including primary cooking and eating facilities.
5. 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.
6. Covered areas that are not fully enclosed.
7. 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.
8. An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
9. 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.

G. A proposed youth camp shall comply with the following fire safety requirements:

1. The fire siting standards in Section 420.06(A)(4);
2. A fire safety protection plan shall be developed for each youth camp that includes the following:

- a. Fire prevention measures;
  - b. On site pre-suppression and suppression measures; and
  - c. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
3. Except as determined under subsection (G)(4) of this rule, a youth camp's on-site fire suppression capability shall at least include:
    - a. A 1000-gallon mobile water supply that can access all areas of the camp;
    - b. A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
    - c. A sufficient number of firefighting hand tools; and
    - d. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
  4. 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.
  5. The provisions of Section 420.08(G)(4) 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.
- H. 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.
  - I. Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) that exist on forest lands.
  - J. The provisions of this rule shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3) commencing October 12, 2000. A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this rule, or to ensure compliance with any standards or criteria.