

DATED this 26th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

-excused-

DENNIS R. LUKE, Chair

[Signature]

TOM DEWOLF, Commissioner

[Signature]

MICHAEL M. DALY, Commissioner

Date of 1st Reading: 26th day of March, 2003.

Date of 2nd Reading: 26th day of March, 2003.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	_____	_____	_____	<input checked="" type="checkbox"/>
Tom DeWolf	<input checked="" type="checkbox"/>	_____	_____	_____
Michael M. Daly	<input checked="" type="checkbox"/>	_____	_____	_____

Effective date: 26th day of March, 2003.

ATTEST:

[Signature]
Recording Secretary

EXHIBIT "A"

**Chapter 18.36. FOREST USE ZONE -
F-1**

- 18.36.010. Purpose.**
- 18.36.020. Uses permitted outright.**
- 18.36.030. Conditional uses permitted.**
- 18.36.040. Limitations on conditional uses.**
- 18.36.050. Standards for single-family dwellings.**
- 18.36.060. Siting of dwellings and structures.**
- 18.36.070. Fire siting standards for dwellings and structures.**
- 18.36.080. Fire safety design standards for roads.**
- 18.36.085. Stocking requirement.**
- 18.36.090. Dimensional standards.**
- 18.36.100. Yards and setbacks.**
- 18.36.110. Stream setbacks.**
- 18.36.120. State law controls.**
- 18.36.130. Rimrock setbacks.**
- 18.36.140. Restrictive covenants.**

18.36.010. Purpose.

The purpose of the Forest Use Zone is to conserve forest lands.
(Ord. 92-025 § 2, 1992; Ord. 91-020 § 1, 1991)

18.36.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.36 and any other applicable provisions of DCC Title 18.

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
- B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a

structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

- C. Physical alterations to commercial forest 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. Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).

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- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 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;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

(Ord. 2003-007 § 1, 2003; Ord. 94-038 § 1, 1994; Ord. 92-025 § 2, 1992; Ord. 91-020 § 1, 1991; Ord. 91-002 § 8, 1991)

18.36.030. Conditional uses permitted.

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.36.040 and other applicable sections of DCC Title 18.

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. 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.

- E. Log scaling and weigh stations.
- F. Disposal site for solid waste for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- G. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025. 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. For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. 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. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- H. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.36.030(D).
- I. Television, microwave and radio communication facilities and transmission towers.
- J. Fire stations for rural fire protection.

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- K. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- L. Aids to navigation and aviation.
- M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- N. Reservoirs and water impoundments.
- O. Cemeteries.
- P. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights of way 50 feet or less in width.
- Q. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- R. Home occupations as defined in DCC 18.04.030 and subject to DCC 18.128.110.
- S. Expansion of existing airports.
- T. Public road and highway projects as described as ORS 215.283(2)(p) through (r) and 215.283(3).
- U. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - 4. Accommodations must be located within one-quarter mile of fish-bearing ~~Class I~~ Type F waters ~~as defined in Oregon Administrative Rules 629-24-101(7).~~
- V. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- W. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- X. A manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter. The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025 (3)(p).
- Y. Single-family dwellings or manufactured homes as specified in DCC 18.116.070, as pursuant to DCC 18.36.050.
- Z. ~~Public parks including only those uses specified under OAR 660-034-0035.~~
- AA. Private seasonal accommodations for fee hunting operations may be allowed subject to ~~DCC 18.36.050~~ and the following requirements:
 - 1. Accommodations are limited to no more than ~~15~~ guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted, and;
 - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission
- BB. Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or

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

(Ord. 2003-007 § 1, 2003; Ord. 2000-033 § 1, 2000; Ord. 94-038 1, 1994; Ord. 92-068 § 1, 1992; Ord. 92-025 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 90-014 § 28, 1990; Ord. 86-018 § 8, 1986)

18.36.040. Limitations on conditional uses.

A use authorized by DCC 18.36.030 must meet the following requirements. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest lands.
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of any use listed in DCC 18.36.030, the land owner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(Ord. 94-038 § 1, 1994; Ord. 92-025 § 2, 1992; Ord. 91-020 § 1, 1991)

18.36.050. Standards for single-family dwellings.

- A. General provisions.
 - 1. Dwellings listed as a conditional use under DCC 18.36.050 shall meet the following standards:
 - a. One of the alternative tests set out in DCC 18.36.050(B) (lot of record dwelling), (C) (large tract dwelling), or (D) (template dwelling);
 - b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or

parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.

- c. No other dwellings shall be located on the tract.
- d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules 629-24-101(3)).

For purposes of DCC 18.36.050, evidence of a domestic water supply means:

- i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- ii. A water use permit issued by the Water Resources Department for the use described in the application; or
- iii. 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

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requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.

- e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the 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.
2. In addition, dwellings listed as a conditional use under DCC 18.36.030(Y) shall be subject to the following standards or conditions:
 - a. The conditional use standards set forth in DCC 18.36.040;
 - b. The siting criteria set forth in DCC 18.36.060;
 - c. The fire siting standards set forth in DCC 18.36.070;
 - d. The fire safety design standards for roads set forth in DCC 18.36.080;
 - e. The stocking requirements set forth in DCC 18.36.085, if applicable; and
 - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
3. Dwellings in forest zones shall not be subject to conditional use standards.

B. Lot of Record Dwelling. For approval under DCC 18.36.050(B), a single-family dwelling shall meet the following requirements:

1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985 and was acquired by the present owner either prior to January 1, 1985 or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

For the purposes of DCC 18.36.050(B), "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, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

2. The dwelling would 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. The road shall not be a ~~U.S. Forest Service road or a Bureau of Land Management (BLM) road~~ and shall be maintained and either paved or surfaced with rock or 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.

For the purposes of DCC 18.36.050, "public roads" are those roads in which the public has a right of use that is a matter of public record.

For the purposes of DCC 18.36.050, "commercial tree species" means tree recognized under administrative rules adopted by the Oregon Department of Forestry under ORS 527.715 for commercial production.

3. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.

C. Large Tract Dwelling. For approval of a single-family dwelling under DCC 18.36.050(C), the subject property shall consist of at least 240 contiguous acres in one ownership.

D. Template Dwelling. For approval under DCC 18.36.050(D), a single-family dwelling shall meet the following requirements:

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1. The lot or parcel is predominantly composed of soils that are:
 - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - i. 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
 - ii. At least three other 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:
 - i. 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
 - ii. 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:
 - i. 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
 - ii. 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 the template requirements under this subsection.
2. Requirements of Applying Template
 - a. If a tract 60 acres or larger described in DCC 18.36.050(D) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is

- to the maximum extent possible aligned with the road or stream.
- b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - i. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- c. If a tract reviewed under DCC 18.36.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(Ord. 2003-007 § 1, 2003; Ord. 94-038 § 1, 1994; Ord. 92-025 § 2, 1992; Ord. 91-020 § 1, 1991)

18.36.060. Siting of dwellings and structures.

All new dwellings and structures approved pursuant to DCC 18.36.030 or permitted under DCC 18.36.020 shall be sited in accordance with DCC 18.36.060 and DCC 18.36.070. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:

- A. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;

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- B. Ensures that forest operations and accepted farming practices will not be curtailed or impeded;
- C. Minimizes the amount of forest lands used for the building site, road access and service corridors; and
- D. Consistent with the applicable provisions of DCC 18.36.070, minimizes the risks associated with wildfire.
(Ord. 94-038 § 1, 1994; Ord. 92-025 § 2, 1992)

18.36.070. Fire siting standards for dwellings and structures.

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses), except as otherwise noted:

A. Access

- 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.

B. Firebreaks

- 1. Primary Firebreak. Prior to use, owners of dwellings and structures shall construct a primary firebreak, not less than 10 feet wide, containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
- 2. Secondary Firebreak. Owners of the dwellings and structures shall construct a secondary firebreak of not less than 20 feet outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental

shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

- 3. Fuel Break. Owners of the dwellings and structures shall maintain a fuel break extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
- 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. ~~Single-family dwellings,~~ caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
 - 1. All dwellings and structures shall use noncombustible or fire resistant roofing

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materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.

2. If the dwelling or structure has a chimney, it shall have a spark arrester.

F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).

1. For the purposes of DCC 18.36.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
 - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having 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 diversions have been obtained or that such permits or registrations are not required under state law for the use.

(Ord. 2003-007 § 1, 2003; Ord. 94-038 § 1, 1994; Ord. 92-025 § 2, 1992)

18.36.080. Fire safety design standards for roads.

The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under DCC 18.36.020 or approved under DCC 18.36.030.

- A. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a Professional Engineer, registered in Oregon.
- B. Access roads shall have an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, and provide an all-weather surface.
- C. Turnarounds shall have a minimum of 50 feet of turn radius with an all-weather surface and be maintained for turning of fire fighting equipment.
- D. Road grades should not exceed eight percent, with a maximum of 12 percent on short pitches. Variations from these standards may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical and where the local fire protection district states their fire fighting equipment can negotiate the proposed road grade.

(Ord. 92-025 § 2, 1992)

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18.36.085. Stocking requirement.

All dwellings approved under DCC 18.36.050 shall be subject to the provisions of DCC 18.36.085.

A. Stocking Requirement.

1. Dwellings approved under DCC 18.36.050 shall include a condition requiring the owner 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 specified in Department of Forestry administrative rules (~~Oregon Administrative Rules 629-24-400 et. seq.~~) in force at the time the approval is granted.
2. ~~Consistent with Department of Forestry Administrative Rules, Oregon Administrative Rules 629-24-401 and Oregon Administrative Rules 629-24-404, stocking shall not be required for (1) tracts designated by the department of Forestry as Class III forest land and (2) tracts of 11 acres or under in one contiguous ownership.~~
2. If the lot or parcel is more than 30 acres, 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.

B. Reporting Requirements.

1. The Planning Director or his designee shall notify the County Assessor of any stocking requirement condition at the time the dwelling is approved.
2. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required under Department of Forestry rules. The assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking report or where the survey report indicates that minimum stocking requirements have not been met.

3. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. That decision shall be solely the decision of the Department of Forestry. If the department determines that the tract does not meet those requirements, the department shall notify the owner and the Assessor that the land is not being managed as forest land. The assessor shall then remove the forest land designation pursuant to ORS 321.359.

The tax penalty imposed by the Assessor under DCC 18.36.085 shall be the only sanction for failure to meet stocking requirements.

(Ord. 2003-007 § 1, 2003; Ord. 94-038 § 1, 1994)

18.36.090. Dimensional standards.

In an F-1 Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres; or
- B. Land divisions creating parcels less than 80 acres in size may only be approved for uses listed in DCC 18.36.030(D) through (O), provided that those uses have been approved pursuant to DCC 18.36.040. Such division shall create a parcel that is the minimum size necessary for the use.
- C. Building Height. No nonagricultural building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

(Ord. 94-038 § 1, 1994; Ord. 92-055 § 4, 1992; Ord. 92-025 § 2, 1992; Ord. 83-037 § 10, 1983)

18.36.100. Yards and setbacks.

- A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.
- B. Each side yard setback shall be a minimum of 25 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.

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- C. Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
 - D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
 - E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- (Ord. 95-075 § 1, 1995; Ord. 94-008 § 18, 1994; Ord. 92-025 § 2, 1992; Ord. 83-037 § 11, 1983)

18.36.110. Stream setbacks.

All sewage disposal installations such as vault toilets, septic tanks and drainfield systems shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

(Ord. 92-025 § 2, 1992)

18.36.120. State law controls.

Forest operations are governed by the State Forest Practices Act. Whenever a use allowed by DCC 18.36 conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.

(Ord. 92-025 § 2, 1992)

18.36.130. Rimrock setbacks.

Setbacks from rimrock shall be as provided in DCC 18.116.160.

(Ord. 86-053 § 8, 1986)

18.36.140. Restrictive covenants.

Restrictive covenants required under DCC 18.36 shall substantially comply with the form set forth below:

"Declaration of Covenants, Conditions and Restrictions:

Whereas, the undersigned _____ hereinafter referred to as "Declarant," is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein; and

Whereas, the Declarant desires to declare his/her intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR) 660-06-027;

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed, and the authorized representative of the County or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____."

(Ord. 94-038 § 1, 1994)

(Zoning maps amended by Ord. 93-028 § 1, 1993; 93-014 § 1, 1993; Ord. 92-026 § 1, 1992)

EXHIBIT "B"

Chapter 18.40. FOREST USE ZONE - F-2

- 18.40.010. Purpose.**
- 18.40.020. Uses permitted outright.**
- 18.40.030. Conditional uses permitted.**
- 18.40.040. Limitations on conditional uses.**
- 18.40.050. Standards for single-family dwellings.**
- 18.40.060. Siting of dwellings and structures.**
- 18.40.070. Fire siting standards for dwellings and structures.**
- 18.40.080. Fire safety design standards for roads.**
- 18.40.085. Stocking requirement.**
- 18.40.090. Dimensional standards.**
- 18.40.100. Yards and setbacks.**
- 18.40.110. Stream setbacks.**
- 18.40.120. State law controls.**
- 18.40.130. Rimrock setback.**

18.40.010. Purpose.

The purpose of the Forest Use Zone is to conserve forest lands.
(Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991)

18.40.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.40 and any other applicable provisions of DCC Title 18:

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land which provides help or is

directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

- C. Physical alterations to commercial forest 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. Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

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- I. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 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;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.
- E. 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.
- F. Log scaling and weigh stations.
- G. Disposal site for solid waste for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- H. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025. 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. For the purpose of DCC 18.40.030, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. 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.. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(Ord. 2003-007 § 1, 2003; Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991; Ord. 91-005 § 21, 1991; Ord. 91-002 § 9, 1991)

18.40.030. Conditional uses permitted.

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.40.040 and other applicable sections of DCC Title 18:

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring it use.
- D. Destination Resorts where mapped in a DR zone and subject only to the provisions of DCC 18.113 and other applicable provisions of DCC Title 18 and the Comprehensive Plan not contained in DCC 18.40.

- I. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.40.030(F).

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- J. Television, microwave and radio communication facilities and transmission towers.
- K. Fire stations for rural fire protection.
- L. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- M. Aids to navigation and aviation.
- N. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- O. Reservoirs and water impoundments.
- P. Cemeteries.
- Q. 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) with rights of way 50 feet or less in width.
- R. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- S. Home occupations as defined in DCC 18.04.030 and subject to DCC 18.128.110.
- T. Expansion of existing airports.
- U. Public road and highway projects as described as ORS 215.283(2)(p) through (r) and 215.283(3).
- V. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
- 4. Accommodations must be located within one-quarter mile of fish-bearing Type I Class-I waters as defined in Oregon Administrative Rules 629-24-101(7).
- W. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- X. Single-family dwellings or manufactured homes as specified in DCC 18.116.070, pursuant to DCC 18.40.050.
- Y. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- Z. A manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.40.040 and 18.40.60. The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025 (3)(p).
- AA. Public parks including only those uses specified under OAR 660-034-0035.
- BB. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted, and;
 - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting

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seasons authorized by the Oregon Fish and Wildlife Commission

CC. Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

(Ord. 2003-007 § 1, 2003; Ord. 2000-033 § 2, 2000; Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992; Ord. 91-038 § 1, 1991; Ord. 91-037 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 §§ 22, 23 and 24, 1991; Ord. 90-014 §§ 29 and 36, 1990; Ord. 86-018 § 9, 1986; Ord. 84-015 § 2, 1984; Ord. 83-033 § 3, 1983)

18.40.040. Limitations on conditional uses.

A use authorized by DCC 18.40.030 must meet the following requirements. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of any use listed in DCC 18.40.030, the landowner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991)

18.40.050. Standards for single-family dwellings.

- A. General Provisions.

- 1. Dwellings listed as a conditional use under DCC 18.40.030(X) shall meet the following standards:
 - a. One of the alternative tests set out in DCC 18.40.050(B) (lot of record dwelling), DCC 18.40.050(C) (large tract dwelling), or DCC 18.40.050(D) (template dwelling);
 - b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.
 - c. No other dwellings shall be located on the tract.
 - d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules 629-24-101(3)). For purposes of DCC 18.40.050, evidence of a domestic water supply means:
 - i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

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- ii. A water use permit issued by the Water Resources Department for the use described in the application; or
 - iii. 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 construction report to the County upon completion of the well.
- e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the 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.
2. In addition, dwellings listed as a conditional use under DCC 18.40.030(X) shall be subject to the following standards or conditions:
- a. The conditional use standards set forth in DCC 18.40.040;
 - b. The siting criteria set forth in DCC 18.40.060;
 - c. The fire siting standards set forth in DCC 18.40.070;
 - d. The fire safety design standards for roads set forth in DCC 18.40.080;
 - e. The stocking requirements set forth in DCC 18.40.085, if applicable; and
 - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
3. Dwellings in forest zones shall not be subject to conditional use standards.
- B. Lot of Record Dwelling. For approval under DCC 18.40.050, a single-family dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985 and was acquired by the present owner either prior to January 1, 1985 or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

For the purposes of DCC 18.40.050, "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, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
 2. The dwelling would 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. The road shall not be a ~~U.S. Forest Service road or a Bureau of Land Management (BLM) road~~ and shall be maintained and either paved or surfaced with rock, or 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.

For the purposes of DCC 18.40.050, "public roads" are those roads in which the public has a right of use that is a matter of public record.

For the purposes of DCC 18.40.050, "commercial tree species" means tree recognized under administrative rules adopted by the Oregon Department of Forestry under ORS 527.715 for commercial production.
 3. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density

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as applied under the applicable density restrictions of DCC 18.88.

C. Large Tract Dwelling. For approval of a single-family dwelling under DCC 18.40.050(C), the subject property shall consist of at least 240 contiguous acres in one ownership.

D. Template Dwelling. For approval under DCC 18.40.050(D), a single-family dwelling shall meet the following requirements:

1. The lot or parcel is predominantly composed of soils that are:
 - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - i. 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
 - ii. At least three other 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:
 - i. 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
 - ii. 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:
 - i. 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
 - ii. 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 the template requirements under this subsection.

2. Requirements of Applying Template

- a. If a tract 60 acres or larger described in DCC 18.40.050(D) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream.
- b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - i. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- c. If a tract reviewed under DCC 18.40.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(Ord. 2003-007 § 1, 2003; Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991)

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18.40.060. Siting of dwellings and structures.

- A. All new dwellings and structures approved pursuant to DCC 18.40.030 or permitted under DCC 18.40.020 shall be sited in accordance with DCC 18.40.060 and DCC 18.40.070. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:
1. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 2. Ensures that forest operations and accepted farming practices will not be curtailed or impeded;
 3. Minimizes the amount of forest lands used for the building site, road access and service corridors; and
 4. Consistent with the applicable provisions of DCC 18.40.070, minimizes the risks associated with wildfire.
- B. The applicant shall provide evidence that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject 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.

(Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992)

18.40.070. Fire siting standards for dwellings and structures.

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses):

A. Access.

1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.

B. Firebreaks.

1. Primary Firebreak. Prior to use, owners of dwellings and structures shall construct a primary firebreak, not less than 10 feet wide, containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
2. Secondary Firebreak. Owners of the dwellings and structures shall construct a secondary firebreak of not less than 20 feet outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
3. Fuel Break. Owners of the dwellings and structures shall maintain a fuel break extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire

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- up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. ~~Single-family dwellings,~~ Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.40.070(F).
1. For the purposes of DCC 18.40.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
 - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having 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 diversions have been obtained or that such permits or registrations are not required under state law for the use.
- (Ord. 2003-007 § 1, 2003; Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992)
- 18.40.080. Fire safety design standards for roads.**
- The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under DCC 18.40.020 or approved under DCC 18.40.030.

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- A. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a professional engineer registered in Oregon.
 - B. Access roads shall have an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, and provide an all-weather surface.
 - C. Turnarounds shall have a minimum of 50 feet of turn radius with an all-weather surface and be maintained for turning of fire fighting equipment.
 - D. Road grades should not exceed eight percent, with a maximum of 12 percent on short pitches. Variations from these standards may be granted when topographic conditions make these standards impractical and where the local fire protection district states their fire fighting equipment can negotiate the proposed road grade.
- (Ord. 92-025 § 3, 1992)

18.40.085. Stocking requirement.

All dwellings approved under DCC 18.40 shall be subject to the provisions of DCC 18.40.085.

- A. Stocking Requirement.
 - 1. Dwellings approved under DCC 18.40 shall include a condition requiring the owner 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 specified in Department of Forestry administrative rules (Oregon Administrative Rules ~~629-24-400 et. seq.~~) in force at the time the approval is granted.
 - 2. ~~Consistent with Department of Forestry Administrative Rules Oregon Administrative Rules 629-24-401 and Oregon Administrative Rules 629-24-404, stocking shall not be required for (1) tracts designated by the~~

~~Department of Forestry as Class III forest land and (2) tracts of 11 acres or under in one contiguous ownership.~~

- 2. ~~If the lot or parcel is more than 30 acres, 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.~~
- B. Reporting Requirements.
 - 1. The Planning Director or his designee shall notify the County Assessor of any stocking requirement condition at the time the dwelling is approved.
 - 2. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required under Department of Forestry rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking report or where the survey report indicates that minimum stocking requirements have not been met.
 - 3. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. That decision shall be solely the decision of the Department of Forestry. If the department determines that the tract does not meet those requirements, the department shall notify the owner and the assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359.
- The tax penalty imposed by the Assessor under DCC 18.40.085 shall be the only sanction for failure to meet stocking requirements.
- (Ord. 2003-007 § 1, 2003; Ord. 94-038 § 2, 1994)

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18.40.090. Dimensional standards.

In an F-2 Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres; or
- B. Land divisions creating parcels less than 80 acres in size may only be approved for uses listed in DCC 18.40.030(D) through (P), provided that those uses have been approved pursuant to DCC 18.40.040. Such division shall create a parcel that is the minimum size necessary for the use.
- C. Building Height. No nonagricultural building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
(Ord. 94-038 § 2, 1994; Ord. 92-055 § 5, 1992; Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991)

18.40.100. Yards and setbacks.

- A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.
- B. Each side yard setback shall be a minimum of 25 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- C. Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
(Ord. 95-075 § 1, 1995; Ord. 94-008 § 19, 1994; Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991; Ord. 83-037 § 11, 1983)

18.40.110. Stream setbacks.

All sewage disposal installations, such as vault toilets, septic tanks and drainfield systems shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
(Ord. 92-025 § 3, 1992; Ord. 91-020 § 1, 1991)

18.40.120. State law controls.

Forest operations are governed by the State Forest Practices Act. Whenever a use allowed by DCC 18.40 conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.
(Ord. 92-025 § 3, 1992)

18.40.130. Rimrock setback.

Setbacks from rimrock shall be as provided in DCC 18.116.160.
(Ord. 93-043 § 5, 1993; Ord. 86-053 § 8, 1986)

(Zoning maps adopted by Ord. 92-026 § 1, 1992)