

## **ARTICLE 5**

### **(FF) Farm Forest**

#### **SECTION 3.5.000 Purpose**

The Farm Forest Classification is intended to promote management, utilization, and conservation of forested grazing lands, lands which might not be forested but have such potential, and non-tillable grazing lands adjacent to forested lands. The purpose of this classification is to encourage sound management practices on such lands for agricultural or forest resource uses, including but not limited to: watershed management; recreation; fish and wildlife management; and agricultural activities consistent with sound forest and agricultural management practices, to retain lands within this district for farm and forest use, protecting such land from nonresource use and conflicts.

#### **SECTION 3.5.050 Permitted Uses**

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

1. Forest uses listed in §3.2.050.
2. Farm Uses.
3. Other buildings and accessory uses customarily provided in conjunction with farm use.
4. Limited Home Occupation.

#### **SECTION 3.5.075 Uses Permitted with Standards**

In the FF zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. One single-family dwelling customarily provided in conjunction with farm use on a property meeting the requirements of Article 45.
2. "Owner of Record" dwelling subject to the standards in 3.5.115.
3. "Relative Dwelling" -- A second single-family dwelling on real property used for farm use and meeting the notice and process requirements of §3.45.100.1 through 4:
  - a. If the dwelling is:
    - i. located on the same lot or parcel as the dwelling of the farm operator; and

- ii. occupied by a relative, which means a child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
  - b. Except as provided in ORS 215.283(1)(e), establishment of the second dwelling may not be used for future justification of land division; and
  - c. The County must find, based on the farm operators statement, that the second dwelling is necessary for the farm operation and that the farm operator fully understands the conditions under which the building permit is being approved.
4. Dwelling on a tract of at least 160 contiguous acres subject to siting standards in §3.5.160 and §3.5.170.
5. Destination resorts reviewed and approved subject to Article 50.
6. Accessory farm dwellings on a property meeting the requirements of Article 45.
7. One single family dwelling in conjunction with a wildlife habitat conservation and management plan that has been approved by the State Department of Fish and Wildlife, provided that:
  - a. the proposed dwelling will be situated on a lot or parcel legally created prior to November 5, 1993; and
  - b. the subject lot or parcel qualifies for a farm or non-farm dwelling under current standards (except that farm assessment disqualification shall not be required); and
  - c. the proposed dwelling will not be established on a lot or parcel that is predominantly composed of class I or II, or prime or unique soils as identified by the U.S. Natural Resources Conservation Service; and
  - d. the governing body or its designee finds that the proposed dwelling will not:
    - (1) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
    - (2) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

- (3) The standards of this subsection may be satisfied through the imposition of clear and objective conditions; and
- e. The proposed dwelling will be the only dwelling situated on the subject lot or parcel.
- 8. Single-family residential dwelling not provided in conjunction with farm use, subject to Sections 2.060.1 and 3.43.100, and upon a finding that the subject property was predominately in farm use on January 1, 1993.
- 9. Dwelling on a lot or parcel that comprises a tract of at least 200 acres (provided the tract does not currently include a dwelling), that is not contiguous but located in the same county or adjacent counties and zoned for forest use, and which is subject to deed restriction provisions in 3.2.180 and siting standards in 3.5.160 and 3.5.170.
- 10. Youth Camps established after June 14, 2000 and meeting the criteria of OAR 660-006.
- 11. "Template" Dwelling, subject to the provisions of Article 42 and the siting standards in §3.5.160 and §3.5.170.

### **SECTION 3.5.100 Buildings and Uses Permitted Conditionally**

In the FF Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

- 1. Commercial activities that are in conjunction with farm use.
- 2. Uses listed in §3.2.100, except "Owner of Record dwellings", and subject to the additional review standards in 3.5.125.3.
- 3. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.
- 4. Golf courses as defined in OAR 660 Division 33.
- 5. Commercial utility facilities for the purpose of generating power for public use by sale subject to §3.3.100.7 or §3.2.100.11 based on predominate use of the property on January 1, 1993.
- 6. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver

action by the Aeronautics Division in specific instances. A personal use Airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

7. Kennels.
8. Home Occupation, subject to the filing of a Resource Management Covenant.
9. Churches and public or private schools, including all buildings essential to the operation of a school, provided that they are not within 3 miles of a UGB unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.

### **Section 3.5.115 Standards for "Owner of Record" Dwellings**

A dwelling on a lot or parcel that was lawfully created and was acquired and has been owned continuously by the current owner since prior to January 1, 1985, or acquired by devise or intestate succession from an owner who acquired and had owned the property continuously since prior to January 1, 1985, may be allowed subject to the following:

1. For the purposes of this provision, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, grandchild, of the owner or a business entity owned by any one or combination of these family members.
2. The tract on which the dwelling will be sited:
  - a. does not include a dwelling, and
  - b. 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.
3. If the predominant use of the tract is agriculture, the land in the tract is not either:
  - a. Characterized by predominantly irrigated prime, unique or Class I or II soils or non-irrigated prime, unique or Class I or II soils, as designated by the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or
  - b. Planted with "specified perennials" grown for market or research purposes including but not limited to nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay pasture or alfalfa (as demonstrated by the most recent aerial photograph of the Agricultural Stabilization and Conservation Service).

- c. The soil class, soil rating, or soil designation of a specific lot or parcel may be changed if the property owner:
  - (1) Submits a statement of agreement from the NRCS that the soil data should be adjusted based on new information; or
  - (2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
  - (3) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph 2) above and finds the analysis in the report to be soundly and scientifically based.
4. If the predominant use of the tract is forestry the following must be satisfied:
  - a. That the tract is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
  - b. That the tract is located within 1,500 feet of a maintained public road that will provide access to the subject tract, and that road is either paved or surfaced with rock. The road shall not be a Bureau of Land Management road nor a U.S. Forest Service (USFS) road unless the USFS road is paved to a minimum width of 18 feet, has at least one defined lane in each direction, and a maintenance agreement exists between the U.S. Forest Service and either the landowners adjacent to the road, a local government or a state agency.
  - c. That the proposed dwelling will meet the siting standards contained in Section 3.5.160 and the fire safety requirements and guidelines outlined in Section 3.5.170.
  - d. If the lot or parcel is greater than 10 acres the property owner must submit 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.
5. The location of the homesite is consistent with the wildlife habitat requirements in Article 32.
6. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel as a condition of approval.
7. If a single family dwelling is established under this section, no additional dwellings may be sited later under the nonfarm dwelling criteria.

8. An Owner of Record Dwelling approval 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.
9. Owner of Record Dwelling on High Value Farmland: If the tract on which the dwelling will be sited is composed predominately of high value farmland soils as defined in OAR 660-33, then subsection 3.5.115.3.a) and b) do not apply and the approval is subject to the following additional criteria:
  - a. Notice, pursuant to §2.065.15, is provided to the State Department of Agriculture; and
  - b. The hearings body, pursuant to §2.060.3, finds that:
    - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
    - (2) The proposed dwelling will not:
      - (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
      - (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
    - (3) The dwelling will not materially alter the stability of the overall land use pattern in the area.

### **SECTION 3.5.125 Conditional Use Approval Standards**

1. The Approving Authority may approve the application if the use would not seriously interfere with farm uses as defined in ORS 215.203 or forest practices as defined and regulated by ORS 527.610 to 527.730 on adjacent lands devoted to, or suitable for, such uses.
2. The Approving Authority shall impose any conditions necessary to meet the applicable criteria and preserve lands in this district for farm and forest uses. Nothing herein shall be construed to require the granting of a conditional use permit.
3. The uses provided for in §3.5.100.2 shall be subject to the following additional standards:

- a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on adjacent agriculture or forest lands; and
- b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

### **SECTION 3.5.160 Siting Standards for Dwellings and Structures**

The following siting standards shall apply to all new dwellings and structures. 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 or structure 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 part a. and b. of this section:
    - (1) be located near the center of the property to maintain maximum distance between the dwelling or structure and the adjoining properties; or
    - (2) be clustered near other structures currently existing on the parcel.
- 2. Prior to development authorization, the owner shall provide evidence that domestic water supply is from an authorized source contained within the boundary of the property in question and is not from a Class II stream as defined in the Forest Practices Rule (OAR Chapter 629).
  - a. If the domestic water supply is to be obtained from another source, then the owner shall provide evidence that an easement has been obtained permitting domestic water lines to cross the properties of affected owners, and with the condition that such a use will not affect the owner's (of that water source) right to utilize forest management practices.

3. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization for a dwelling or other use where specified. Such covenant shall specify that owners of adjacent and nearby land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.
4. Notice of dwellings subject to this section shall be provided to the County Assessor.

### **SECTION 3.5.170 Fire Siting Standards for New Dwellings and Structures**

The following fire siting standards shall apply to all new dwellings or structures:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.
- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of 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 new dwellings shall, at a minimum, meet the following standards:
  - a. Maximum grade shall not exceed 20 percent;
  - b. Top surface width shall be 12 feet;
  - c. A turn-around shall be provided which allows for either a 35 foot radius cul-de-sac, or a 60 foot "T-shaped" design; and
  - d. The road bed shall have an all weather surface.
3. Owners of new dwellings and other structures shall:
  - a. Maintain a primary fuel-free building setback, on land that is owned or controlled by the owner, of at least 30 feet surrounding all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than 2 feet high), and trees that are

spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

- b. Clear and maintain a secondary fuel-free building setback, on land that is owned or controlled by the owner, of at least 100 feet in all directions around the primary safety zone. Vegetation within this secondary safety zone should be pruned and spaced so that fire will not spread between the crowns of trees.
  - c. Maintain adequate access, conforming with road access standards in this section, to the dwelling for fire fighting equipment vehicles.
  - d. Use fire resistant building materials and construction standards. All buildings regulated by the Uniform Building Code shall have Class A or B roofing as defined by the Code. Powerlines that service the dwelling or structure shall be insulated. If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.
4. If adjacent to a Rural Fire Protection District, the property owner shall apply for annexation into that district.
  5. In areas subject to the State Scenic Waterway Program, compliance with the primary and secondary fuel-free building setback requirements of this section may be modified to comply with specific siting standards contained in a state approved Scenic Waterway Management Program when such regulations conflict.

### **SECTION 3.5.200 Property Development Standards**

1. **Size:** The creation of a lot or parcel shall be subject to the following:
  - a. The minimum lot or parcel size shall be 80 acres.
  - b. The following exceptions may apply:
    - (1) Nonresource divisions for a non-farm dwelling may be less than the minimum parcel size subject to the provisions of Article 44.
    - (2) Parcel size for non-farm uses, except dwellings, set out in ORS 215.283(2), may be less than the designated minimum parcel size upon a finding that the parcel is not larger than the minimum size necessary for the use, adequate sanitation facilities may be accommodated and negative impacts to surrounding farm or forest lands do not occur.

- (3) The minimum parcel size may be waived to allow the division of a tract of at least 40 acres in size and which contains a dwelling that existed prior to June 1, 1995 provided that:
- i. The subject tract is predominately in forest use and that portion in forest use qualified for special assessment under ORS Chapter 321.
  - ii. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - iii. The remaining parcel, not containing the dwelling, shall either:
    - (a) meet the minimum parcel size standard of the zone; or
    - (b) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
  - iv. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal, and shall not qualify for any uses allowed under ORS215.283 that are not allowed on forest land.
  - v. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - vi. A nonexclusive resource management covenant pursuant to §3.5.160.3 shall be recorded for each parcel.
- (4) Divisions of forest land to facilitate a forest practice as defined in ORS 527.620, may result in parcels less than the minimum parcel size standard provided that parcels created under this provision:
- i. Shall not be eligible for siting of a new dwelling;

- ii. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - iii. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
  - iv. Shall not result in a parcel of less than 35 acres, except:
    - (a) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - (b) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - v. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  - vi. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - vii. A nonexclusive resource management covenant pursuant to §3.5.160.3 shall be recorded for each parcel.
- (5) Division of land for open space uses as provided in Section 3.2.200.1.b(5).
- (6) The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
- i. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - ii. Each dwelling complies with the criteria for a replacement dwelling under the provisions of Section 3.2.050;

- iii. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
- iv. At least one dwelling shall be located on each parcel created, including the parent parcel;
- v. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.

A lot or parcel may not be divided under the provisions of this subsection if:

- vi. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
  - vii. an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
  - viii. an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
- c. Land divisions which create parcels of 80 acres and greater in size shall be reviewed by the Director as a ministerial action to ensure conformance with the provisions of this ordinance.

- 2. **Coverage:** No standard established.
- 3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road and 10 feet from all other property lines.
- 4. **Height:** No standard established.

- 5. Signs:**
  - a. Signs shall not extend over a public right-of-way or project beyond the property line.
  - b. Signs shall not be illuminated or capable of movement.
  - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
- 6. Parking:** Off street parking shall be provided in accordance with Article 35.