

SECTION 3.020. FOREST USE, FU ZONE. In an FU Zone, the following regulations shall apply:

A. **USES PERMITTED OUTRIGHT.** In an FU Zone, the following uses and accessory uses thereof are permitted outright:

1. Forest operations or forest practices uses as defined in Section 1.030 of this ordinance including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, disposal of slash and livestock grazing.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. For the purposes of section (2) above “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.
5. Farm use as defined in ORS 215.203.
6. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hook-ups, including water service hook-ups.
7. Temporary portable facility for the primary processing of forest products.
8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Towers and fire stations for forest fire protection.
11. Widening of roads within existing rights-of-way in conformance with the County Transportation System Plan including public road and highway projects as described in ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n).
12. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
13. Caretaker residences for public parks and fish hatcheries.

14. Uninhabitable structures accessory to fish and wildlife enhancement.
15. Temporary forest labor camps.
16. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
17. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structures.
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system.
 - c. Has interior wiring for interior lights.
 - d. Has a heating system.
 - e. In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.
18. Excavations of less than 5,000 cubic yards of sand, gravel, clay, rock or other similar materials or excavations of less than one acre annually. (MC OR-1-2013)

B. CONDITIONAL USES PERMITTED. In an FU Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Section (C) below and Article 6 of this ordinance:

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
5. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
6. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8.

7. Private parks and campgrounds as defined in OAR 660-006-0025(4)(e). Campgrounds in private parks shall only be those allowed by this exception. 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.
8. Public parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization, including only those uses specified in OAR 660-034-0035.
9. Television, microwave and radio communication facilities and transmission towers.
10. Fire stations for rural fire protection.
11. Aids to navigation and aviation.
12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
13. Reservoirs and water impoundments.
14. Firearms training facility.
15. Utility facility for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.
16. Resource exploration, mining and processing as defined in ORS Chapter 520, and not otherwise permitted outright, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
17. Private seasonal accommodations for fee hunting operations subject to Section (C) below, OAR 660-006-0029 and 660-006-0035, and the following requirements:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 - d. Other conditions as the county deems necessary.
18. Cemeteries.

19. New electric transmission lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
20. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
21. A manufactured dwelling, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
22. Public road and highway projects as described in ORS 215.213(2)(q) through (s) and (10) and 215.283(2)(p) through (r) and (3).
23. Private accommodations for fishing occupied on a temporary basis subject to Section (D) below, OAR 660-0060-0029, and 660-060-0035 and the following requirements:
 - a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.
 - d. Accommodations must be located within 1/4 mile of fish bearing Class I waters.
 - e. Other conditions as deemed necessary.
24. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
25. Expansion of existing airports.
26. Home occupation as defined in ORS 215.448 carried on by the resident as an accessory use within dwellings or other buildings
27. Dwellings authorized by ORS 215.720 to 215.750, subject to Section D below.

C. MINIMUM SITING STANDARDS FOR DWELLINGS. A dwelling permitted in Section B may be allowed if it meets the criteria set forth in subsections 1, 2, or 3 below. Criteria set forth in subsections 4 through 9 and Sections E and F apply to all dwellings in the FU Zone.

1. Lot of record dwelling:

a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:

(1) Prior to January 1, 1985, or

(2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

b. The tract on which the dwelling will be sited does not include a dwelling.

c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.

d. For purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

2. Acreage Test: If a dwelling is not allowed pursuant to subsection (1), a dwelling may be allowed if it complies with other provisions of law and is sited on a tract that does not include a dwelling and meets the following criteria:

a. Of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed for all tracts that are used to meet the acreage requirements of this paragraph.

3. Soils productivity and developed parcels test: single-family dwelling may be permitted on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

(1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(2) At least three dwelling existed on January 1, 1993, and continue to exist on the other lots or parcels.

b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract;

(2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

4. A proposed dwelling provided for by this Section is not allowed if the tract on which the dwelling will be sited includes a dwelling.

5. If a tract 60 acres or larger described in subsection 3, above, abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road or stream. 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:

a. Be located within a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream;

b. Be within 1/4 mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.

6. If the tract under subsection 3 above abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

7. A proposed dwelling under this section is not allowed:

a. If it is prohibited by or will not comply with the requirements of the Comprehensive Plan;

b. Unless it complies with the requirements of OAR 660-060-0029 and 660-060-0035;

c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (9) below.

8. The following definitions shall apply to this Section:

a. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway;

b. "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.

9. The applicant for a dwelling authorized under Section 3 above that requires one or more lot or parcel to meet the minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" has been recorded with the Morrow County Clerk. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

D. SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES. The following siting criteria or their equivalent shall apply to all new dwellings and structures in the forest zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

1. Dwellings and structures shall be sited on the parcel so that:

a. They have the least impact on nearby or adjoining forest or agricultural lands;

b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

d. The risks associated with wildfire are minimized.

2. Siting criteria for Uses Permitted Outright in Section (1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For purposes of this section, evidence of a domestic water supply means:

- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - b. A water use permit issued by the Water Resources Department for the use described in the application; or
 - c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
4. As a condition of approval, if a road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
5. Approval of a dwelling shall be subject to the following requirements:
- a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
 - b. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - c. If the lot or parcel is more than 30 acres, as defined in ORS 321.405, 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 Forest rules.
 - d. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.
 - e. The county shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

E. FIRE SITING STANDARDS FOR DWELLING AND STRUCTURES. The following fire siting standards or their equivalent shall apply to new dwelling or structures in a forest zone:

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included with the nearest such district. If the county determines that inclusions within a fire protection district or contracting for residential fire protection is impracticable, the county may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting equipment during the fires 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 shall meet road design standards described in Morrow County Transportation System Plan.
3. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" date March 1, 1991 and published by the Oregon Department of forestry.
4. The dwelling shall have a fire retardant roof.
5. The dwelling shall not be sited on a slope of greater than 40 percent.
6. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

F. DIMENSIONAL STANDARDS. In an FU Zone, the following dimensional standards apply:

1. The minimum lot size for new lots or parcels in the FU Zone shall be 160. (Note: minimum lot size for purposes of siting a dwelling is 240 acres.) A parcel 80 acres in size or larger may also be considered.

G. LAND DIVISION REQUIREMENTS IN THE FOREST ZONE. All land partitions in the forest zone must meet the 80-acre minimum lot size and must comply with land partition standards of the Subdivision Ordinance.

1. New land divisions less than the minimum parcel size may be approved for any of the following circumstances:

a. For the uses listed in Section B.1 through B.17, provided that such uses have been approved pursuant to Section C and the land division created is the minimum size necessary for the use.

b. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of subsection (1). Parcels created pursuant to this subsection:

(1) Shall not be eligible for siting of new dwelling;

(2) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(3) 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

(4) 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.

c. An applicant for the creation of a parcel pursuant to subsection (2)(b) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.

d. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

3. The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this subsection. The record shall be readily available to the public.

4. A landowner allowed a land division under subsection (2) of this section shall sign a statement that shall be recorded with the county clerk of the county in

which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

H. SETBACK REQUIREMENTS. In an FU Zone, the minimum yard and setback requirements shall be as follows:

1. The front yard setback from the property line shall be 20 feet for property on a local street and 40 feet on a minor collector, 60 feet from a property line fronting on a major collector ROW, and 100 feet from a property line fronting on an arterial.
2. Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forest lands the adjacent side yards shall be a minimum of 200 feet, except as approved by the Commission.
3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forest lands, side yard setbacks shall be a minimum of 100 feet, except as approved by the Commission.
4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
5. Big Game Range Restrictions. In the case of Forest Use areas identified as Big Game Habitat, no dwellings will be authorized where the overall density within a square mile exceed one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.

I. TRANSPORTATION IMPACTS

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)