

## ARTICLE 2

# (TR) TIMBERLAND RESOURCE

### SECTION 3.2.000 Purpose

The Timberland Resource classification is intended to conserve and protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by nonforest related residential, commercial and industrial activities.

### SECTION 3.2.050 Permitted Uses

In the TR 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 operations, forest uses or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, the propagation or harvesting of forest products or forest tree species, application of chemicals, and disposal of slash.
2. Farm uses, as defined in ORS 215.
3. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, unless the temporary use is specifically listed as a conditional use in the TR zone.<sup>1</sup>
  - a. The term "auxiliary", as used in §3.2.050, 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.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

<sup>1</sup> A temporary portable facility for the primary processing of forest products (including the processing of a forest product into biofuel) is a conditional use, pursuant to LUDO Section 3.2.100.1.

5. Water impoundments with less than 1000 acre feet of storage capacity, in conjunction with beneficial uses of water customarily associated with fire prevention, farm or forest uses or as a source of water for domestic or municipal use, provided that necessary state and federal permits have been issued.
6. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
7. Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.
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 including landing strips and heliports.
11. Widening of roads within existing rights-of-way in conformance with the Transportation Element of the Comprehensive Plan. This includes public road and highway projects as described in §3.35.250.1.
12. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
13. Caretaker residences for publicly owned parks and fish hatcheries.
14. 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.
15. Maintenance, repair or replacement of existing dwellings.
16. Alteration, restoration or replacement of a lawfully established dwelling that:
  - a. Has intact exterior walls and roof structure;
  - 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; and

- e. In the case of replacement, the dwelling to be replaced shall be removed, demolished or converted to an allowable non-residential use within three months of completion of the replacement dwelling.

17. Establishment of a Wildlife Habitat Conservation and Management Plan.

### **SECTION 3.2.075 Uses Permitted with Standards**

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

1. Destination resorts reviewed and approved subject to Article 50.
2. Dwelling on a tract of at least 160 contiguous acres, provided the tract does not currently include a dwelling, subject to siting standards in §3.2.160 and §3.2.170.
3. "Owner of Record" Dwelling on a lot or parcel that was lawfully created and was acquired by the current owner before January 1, 1985, or acquired by devise or intestate succession from an owner who acquired the property before January 1, 1985, subject to standards in 3.2.155.
4. 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, is subject to deed restriction provisions in 3.2.180 and siting standards in 3.2.160 and 3.2.170.
5. Youth Camps established after June 14, 2000 and meeting the criteria of OAR 660-006.
6. Parking of up to seven dump trucks and up to seven trailers unless the County determines that dump truck/trailer parking on a particular lot or parcel will:
  - 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.

### **SECTION 3.2.100 Buildings and Uses Permitted Conditionally**

In the TR zone, the following uses and activities and their accessory buildings and uses are necessary for the public convenience and welfare, and are thus permitted subject to the provisions of §2.060.1, §3.2.150, and Article 39 of this chapter:

1. Temporary portable facility for the primary processing of forest products subject to the provisions of Article 41 of this chapter.
2. Temporary forest labor camps, subject to the provisions of Article 41 of this chapter.
3. Disposal site for solid waste approved by the governing body or its designee and 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.
4. Private parks and campgrounds, subject to the filing of a Resource Management Covenant. For the purpose of §3.2.100, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized under this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the following:
  - a. 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 660-004;
  - b. A private campground shall be established on a site, or is contiguous to lands, with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
  - c. A private 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;
  - d. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites; and
  - e. For campgrounds approved under this section, 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.
5. Public parks and campgrounds subject to OAR 660-034.
6. Log scaling and weigh stations, sorting yards and log storage areas.
7. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

8. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under §3.2.050.14, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
9. Television, microwave, and radio communication facilities and transmission towers.
10. Fire stations for rural fire protection.
11. Utility facilities for the purpose of generating power on a site which does not consume more than 10 acres of land useable for a commercial forest operation (unless an exception is taken pursuant to OAR 660 Division 4).
12. Aids to navigation and aviation.
13. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
14. Reservoirs and water impoundments over 1000 acre feet, subject to the filing of a Resource Management Covenant.
15. Firearms training facility.
16. Cemeteries.
17. Private seasonal accommodations for fee hunting operations, and private accommodations for fishing occupied on a temporary basis, subject to §3.2.160, §3.2.170, 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 either or both game bird or big game hunting seasons, or occupied during fishing seasons for private accommodations for fishing, as those seasons are authorized by the Oregon Fish and Wildlife Commission;
  - d. Private accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters; and
  - e. Other appropriate conditions pursuant to Article 39 of this Chapter.
18. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width; and, new electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210.

19. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects, subject to the provisions of Article 41 of this chapter.
20. Expansion of existing airports.
21. Public road and highway projects as described in §3.35.250.2.
22. Home Occupation, subject to filing of a Resource Management Covenant.
23. Establishment of a new Medical Marijuana Grow Site (MMGS), expansion of a preexisting MMGS (i.e., OHA/OMMP\* registered and established prior to March 1, 2016) or physical development (e.g., structures, fences, RV placements and building conversions) in conjunction with a preexisting MMGS which has occurred without permits, or new physical development in conjunction with a preexisting MMGS.

\*Oregon Health Authority (OHA); Oregon Medical Marijuana Program (OMMP).

### **SECTION 3.2.150 Review Standards For Uses Listed In §3.2.100**

The uses authorized by §3.2.100 may be allowed if the following review standards are met:

1. 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
2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

### **Section 3.2.155 Standards for "Owner of Record" Dwellings**

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, 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 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.
  - c. The tract is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
  - d. 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.
  - e. The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.
3. 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.
  4. 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.
  5. 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.

### **SECTION 3.2.160 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 shall be provided to the County Assessor.

### **SECTION 3.2.170 Fire Siting Standards for New Dwellings and Structures**

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

- 1. Owners of new dwellings shall maintain an adequate water supply suitable for fire protection, and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
  - 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;
  - d. The road bed shall have an all weather surface; and
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 arrestor.
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 3.2.180 Deed Restriction Requirements for Dwellings**

An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total a minimum of 200 acres to qualify for a dwelling under this section.

When the tracts are not contiguous an irrevocable deed restriction must be recorded with the deed for each tract. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present owner and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forest lands.

### **SECTION 3.2.200 Property Development Standards**

#### **1. Property Size:**

- a. The minimum lot or parcel size shall be 80 acres. Applications for land divisions shall be processed as Administrative Actions, subject to the provisions of §2.060.1.
- b. The following exceptions may apply:
  - (1) Divisions of land for the purpose of exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land holdings is exempt from partitioning review; provided, however, that no new parcels are created as a result of such exchange or transfer of less than 80 acres in size. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
  - (2) Lot or parcel size may be reduced below 80 acres through the administrative action process specified in 2.060.1 only for the uses listed in §3.2.050.14; §3.2.075.1; and §3.2.100.3, 4, 7, and 9 through 17, provided that all such uses have met the review standards of §3.2.150.
  - (3) The minimum parcel size may be waived to allow division to establish a parcel for a dwelling that has existed since before June 1, 1995 provided that:
    - i. The parcel containing the dwelling may 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

- ii. 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.
  - iii. The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.
  - iv. 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.
  - v. A nonexclusive resource management covenant pursuant to §3.2.160.3 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 provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
- i. Are not eligible for siting of a new dwelling;
  - ii. May not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - iii. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands, and;
  - iv. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
    - a) Facilitate an exchange of lands involving a governmental agency; or

- b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
  - v. 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.
  - vi. A nonexclusive resource management covenant pursuant to §3.2.160.3 shall be recorded for each parcel.
- (5) Division of land for open space uses provided that only two parcels are created, and the land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels.
- i. The parcel that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:
    - a) If the parcel contains a dwelling or another use allowed under ORS Chapter 215, the parcel shall be large enough to support continued residential use or another allowed use of the parcel; or
    - b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling under ORS 195.120 for a park related dwelling, or is eligible for siting any dwelling authorized in the TR Zone, based on the size and configuration of the parcel.
  - ii. The parcel created for the purpose of being sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

- a) Prior to final approval, the provider of public parks or open space or the not-for-profit land conservation organization shall record at the Clerks Office and submit to the Planning Department, an irrevocable deed restriction that prohibits the provider or organization and their successors in interest:
    - (1) from establishing a dwelling on the parcel or developing the parcel for any use not authorized in the TR Zone except park or conservation uses; and
    - (2) from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
  - iii. If the division of land proposed under this section would result in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 prior to the County granting final approval of the land division.
- (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.
- (7) Pursuant to ORS 215.263, division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest uses or mixed farm and forest uses and is smaller than the minimum parcel size, provided that:
- i. If the parcel contains a dwelling, it must be large enough to support continued residential use;
  - ii. If the parcel does not contain a dwelling, it:
    - a) is not eligible for siting a dwelling<sup>1</sup>;
    - b) may not be considered in approving or denying an application for any other dwelling;
    - c) may not be considered in approving a redesignation or rezoning of forestlands, except for redesignation or rezoning to allow a public park, open space or other natural resource use, and;
    - d) the owner of a parcel not containing a dwelling shall record with the County Clerk an irrevocable deed restriction prohibiting the owner and all

<sup>1</sup> Except as may be authorized under ORS 195.120.

successors in interest, from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

2. **Lot Coverage:** No standard established.
3. **Setbacks:** No structure other than a fence or sign shall be located closer than 50 feet from the right-of-way of a public road and 25 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.