

## ARTICLE 6

### (AW) Agriculture and Woodlot

#### SECTION 3.6.000 Purpose

The Agriculture and Woodlot classification is intended to preserve the rural quality and conserve lands of marginal agricultural and timber production capability and which are predominantly in private ownership for agricultural and forest use, and to provide incentives for the beneficial use of these lands for resource use under intensive management.

#### SECTION 3.6.050 Permitted Uses

In the AW 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 3.5.050.
2. Farm Uses.
3. Buildings accessory to a single-family dwelling such as garages, storerooms, woodsheds, laundry, playhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.
4. Limited Home Occupation.
5. Nursery for growing, sale and display of trees, shrubs and flowers.

#### SECTION 3.6.075 Uses Permitted with Standards

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

1. Uses listed in 3.5.075 and subject to the siting standards in §3.6.140 and §3.6.145.
2. "Template" Dwelling, subject to the provisions of Article 42 and the building permit standards in §3.6.140 and §3.6.145 of the AW zone.
3. One single-family dwelling in conjunction with non-commercial farm or forest use subject to the criteria found in §3.43.100 items a - e.<sup>1</sup>

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<sup>1</sup>**Legislative note:** The AW farm or forest dwelling was originally acknowledged by LCDC as being consistent with the small-scale nature of resource activities in the AW zone. This dwelling opportunity has been an important part of the County's land use action process since adoption of this ordinance in December 1980. The name of this dwelling was changed to "small scale farm or forest dwelling" in December 1992, consistent with LCDC amendments to goal 4. With the passage of HB3661 in 1993, and as interpreted by the state Department of Land Conservation and Development and the Land Use Board of Appeals, the term "small scale" can no longer be used even though the term describes the true nature of these lands as originally acknowledged by LCDC.

**SECTION 3.6.100 Buildings and Uses Permitted Conditionally**

In the AW 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. Uses listed in §3.5.100, and subject to the additional review standards in §3.6.125.3.
2. Additional single-family dwellings customarily provided in conjunction with farm use, providing residence for an immediate family member or employee, on a property meeting the minimum requirements of §3.6.150.
3. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of the area, including but not limited to fire stations, granges, community halls, and/or churches and schools subject to §3.5.100.9.
4. Parks and playgrounds, and/or golf courses subject to 3.5.100.4.
5. Roadside Stand.
6. Kennels.
7. Home Occupation, subject to the filing of a Resource Management Covenant.
8. Single-family dwellings not provided in conjunction with farm use may be established, subject to the standards in §3.6.125.3, and upon a finding that each proposed dwelling meets ORS 215.284(3), and that the dwelling will be situated on land not receiving special tax assessments under ORS 321.730 or 321.815 three (3) out of the last five (5) years.

**SECTION 3.6.125 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 §3.6.100.1 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 3.6.140 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 non-exclusive 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 3.6.145 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; 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. Wood roof shingles or shakes shall not be permitted. 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 3.6.150 Property Development Standards**

1. **Size:** The minimum lot or parcel size shall be 20 acres, except that the minimum parcel size may be waived using the provisions of Section 3.5.200.1.b.
2. **Coverage:** Not over 40 percent of the property area of any building site shall be covered by all buildings located thereon.
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:** Maximum height of any structure shall be 45 feet.

**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.**7. Land Division:**

- a. All divisions of land zoned AW shall be reviewed, pursuant to §2.060.1, and shall meet the following criteria:
  - (1) The proposed division is compatible with farm or forest uses in the area, and does not interfere with farm or forest practices on adjacent lands.
  - (2) The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased use of road or other public facilities and services.
  - (3) The proposed land division provides for resultant parcels of sufficient size to ensure:
    - (a) That farm or forest uses will be the primary use on such lands;
    - (b) That nonfarm/nonforest uses (e.g., dwellings) are incidental to the primary use as an agricultural or forestry operation; and
    - (c) That farm or forest practices continue.
- b. Such requests shall be accompanied by a site management plan for the property, ensuring that resource use shall remain the predominant land use of the property.
- c. The Director may impose reasonable conditions on divisions of land under this article to ensure consistency and compatibility of the request with the Forest or Agricultural Land Policies of the Douglas County Comprehensive Plan.