



LAND USE APPLICATION
Dwellings in the Forest Use Zone
Supplemental Information

Siting standards for dwellings in the Forest Use Zone required by the Morrow County Zoning Ordinance 3.020 D:

1. Lot of Record Dwelling:

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.
 - a. The tract on which the dwelling will be sited does not include a dwelling.
 - 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 is 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 are 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: A 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 3 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.
 - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least 7 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 abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle 1 mile long and 1/4 mile wide, centered on the center of the subject tract and, to the maximum extent possible, is 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 1 mile long and 1/4 mile wide centered on the center of the subject tract and, to the maximum extent possible, is 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 abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is 1 mile long and 1/4 mile wide centered on the center of the subject tract and, 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 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.

E. 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, 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.

F. FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES The following fire siting standards or their equivalent shall apply to new dwellings 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 as 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, on site 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 1 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 road access shall be provided to within 15 feet of the water's edge for fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling shall meet road design standards described in the 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.