

342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

The purpose of this District is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources of the County and to prohibit uses of land which are not compatible with the management and development of forest resources, in order to minimize the potential for damage from fire, pollution, soil erosion and conflict caused by development. This District is suited for application to forest land as well as associated scenic lands, recreation land, wildlife habitat or other sensitive land forms or watershed areas.

The EFC District is provided to meet Oregon statutory requirements for forest lands. Uses permitted by the Forest Practices Act are not subject to the requirements of this Section.

For all permitted uses, the property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. All new buildings, including accessory buildings, in this District shall comply with the fire structure siting and fire safety standards of Section 428.

342-2 Uses Permitted through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 342-2.1 Accessory Uses and Structures - which meet the Type I forest structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.
- 342-2.2 Forest products - temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.
- 342-2.3 Property Line Adjustment - Section 610-1.1 B.
- 342-2.4 Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, not including structures.
- 342-2.5 Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 342-2.6 Alteration or restoration of a lawfully established dwelling. For required standards, see Section 430-8.1.

- 342-2.7 Replacement of a lawfully established dwelling which meets the Type I forest structure siting and fire safety standards in Section 428-3. For required standards, see Sections 430-8.1 and 8.3.
- 342-2.8 Detached dwelling unit (one) which meets the Type I forest structure siting and fire safety standards in Section 428-3. See Section 430-37.2 F. for required standards.
- 342-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2, provided that all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-109.3.
- 342-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, provided that the tower and all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 – For required standards, see Section 430-109.4.

342-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

- 342-3.1 Permitted Uses which are exempt from Section 342-3.3:
- A. Alteration or restoration of a lawfully established dwelling that is not permitted through a Type I procedure. For required standards see Sections 430-8.2 and 8.3.
 - B. Caretaker residences for public parks and fish hatcheries.
 - C. Exploration for geothermal, gas, oil, and other associated hydrocarbons within a flood plain, drainage hazard area, or an area identified in the Rural Natural Resource Plan as a Significant Natural Resource.
 - D. Detached dwelling unit (one). For required standards see Sections 430-37.2E.
 - E. Forest products - temporary portable facility, with structures for primary processing, which may not be used as a dwelling or for overnight accommodations. See Section 430-47 for required standards.
 - F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

- G. 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.
 - H. Property line adjustment, which is exempt from Section 342-3.2.
 - I. Solid waste disposal site - Section 430-127.1.
 - J. Structures accessory to fish and wildlife enhancement, which may not be used as a dwelling or for overnight accommodations.
 - K. Temporary forest labor camps.
 - L. Towers and fire stations for forest fire protection. For required standards see Section 430-103.
 - M. Replacement of a lawfully established dwelling. For required standards see Section 430-8.1, 430-8.2, and 430-8.3.
 - N. Accessory structures which do not meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.
 - O. Unless exempt under 201-2, importing fill material as a customarily accepted farming practice or for a use allowed in the district – Section 410.
- 342-3.2 Permitted Uses which are subject to Section 342-3.3:
- A. Aids to navigation and aviation.
 - B. Cemeteries.
 - C. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations - Section 430-27.
 - D. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 342-3.3 if that section was addressed in a prior application. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
 - E. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
 - F. Log scaling and weigh stations.
 - G. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way fifty (50) feet or less in width.
 - H. New electric transmission lines with right-of-way widths of up to one-hundred (100) feet as specified in ORS 772.210.

- I. Parks - Section 430-97. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- J. Permanent logging equipment repair and storage.
- K. Private hunting and fishing operation with accessory structures - Section 430-100.1.
- L. Reservoirs and water impoundments, except as permitted by Section 342-4.1 K.
- M. Microwave facilities, Broadcast and Communication Towers, excluding communication towers allowed under Section 342-2.10, and transmission towers up to two-hundred (200) feet in height - Section 430-109.
- N. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- O. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 342-3.3 if that section was addressed in a prior application.
- P. Temporary Use - Section 430-135.1 H.
- Q. Uses to conserve soil, air and water quality and fisheries resources with structures, which may not be used as a dwelling or for overnight accommodations.
- R. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten (10) acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- T. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing Section 342-3.3 provided at the time of Master Plan approval as evidence of compliance with OAR 660-006-0025(5).
- U. Youth camps as provided in OAR 660-006-0031. This use is exempt from Section 342-3.3 B.
- V. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

342-3.3 The proposed use will not:

- A. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; nor
- B. Significantly increase fire hazard or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

342-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

- A. Airport, expansion of existing airports only - Section 430-7.
- B. Campground - Section 430-25. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds in private parks shall not be allowed within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Firearms training facility, as provided in ORS 197.770.
- D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Ch. 520, and not otherwise permitted by Section 342-3.1 C. or Section 342-3.1 G.
- E. Permanent facility for the primary processing of forest products.
- F. Private accommodations for fishing occupied on a temporary basis - Section 430-100.3
- G. Private seasonal accommodations for fee hunting operations - Section 430-100.2.
- H. Public Building - limited only to fire stations for rural fire protection - Section 430-103.
- I. Solid Waste Disposal Site - Section 430-127.2.
- J. Microwave facilities, Broadcast and Communication Towers and transmission towers greater than two-hundred (200) feet in height - Section 430-109.
- K. All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related alterations.

342-4.2 Required findings:

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on 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.

342-5 Creation of Lots or Parcels by a Land Division Through a Type II Procedure

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 342-5.1 Creation of minimum eighty (80) acre parcels - Section 424-3.
- 342-5.2 Creation of a parcel less than eighty (80) acres, only for uses listed in the following sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility or primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers). See Section 610-1.1 B. (2) for required standards.
- 342-5.3 Creation of a parcel with an existing dwelling in EFC District – Section 424-8. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-5.4 Division of a Lot or Parcel with at least two (2) existing lawfully established dwellings in the EFC District which existed prior to November 4, 1993 – Section 424-9. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-5.5 Division of a Lot or Parcel for a Public Park or Open Space in the EFC Districts – Section 424-10.

342-6 Prohibited Uses

- 342-6.1 Structures or uses of land not specifically authorized by Section 342.
- 342-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.
- 342-6.3 Outdoor advertising displays and structures except as provided in Section 414.

- 342-6.4 The location of service facilities which house groups of people, and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 342-6.5 Auto wrecking yards.
- 342-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 342-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

342-7 Dimensional Requirements

342-7.1 Lot Area:

See Section 342-5, Creation of Lots or Parcels.

342-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard; and
- D. Thirty (30) foot street side yard;

342-7.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

342-7.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

342-8 Access

All lots in this district shall either:

342-8.1 Abut a public street, or

342-8.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

342-8.3 Private driveways and private roads which are not subject to the standards of the Forest Practices Act shall comply with the standards of Section 428-3 and 428-4.

342-8.4 Roadways which are used only for forest uses and are subject to the standards of the Oregon Forest Practices Act, are not subject to the requirements of Subsection 342-8. These roadways shall be subject to the requirements of Subsection 342-8 and any other applicable Code standards if the roadways are used for uses other than uses governed by the Oregon Forest Practices Act, such as a residential dwelling.

342-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), and 428 (Forest Structure Siting and Fire Safety Standards), are applicable as required by Subsection 403-4.