

1 forest practice. An "auxiliary structure" is located on-site, temporary in nature, and is not
2 designed to remain for the forest's entire growth cycle from planting to harvesting. An
3 auxiliary use is removed when a particular forest practice has concluded.

4 (c) Physical alterations to the land auxiliary to forest practices, including but not
5 limited to, those made for purposes of exploration, mining, commercial gravel extraction and
6 processing, landfills, dams, reservoirs, road construction or recreational facilities.

7 (d) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries
8 resources.

9 (e) Farm use as defined in ORS 215.203.

10 (f) Local distribution lines, such as electric, telephone and natural gas, and accessory
11 equipment, such as electric distribution transformers, poles, meter cabinets, terminal boxes,
12 pedestals, or equipment which provides service hookups, including water service hookups.

13 (g) Temporary portable facility for the primary processing of forest products. The
14 facility shall not be placed on a permanent foundation and shall be removed at the conclusion
15 of the forest operation requiring its use.

16 (h) Temporary forest labor camps limited to the duration of the forest operation
17 requiring the use.

18 (i) Exploration for, and production of, geothermal, gas, oil, and other associated
19 hydrocarbons, including the placement and operation of compressors, separators and other
20 customary production equipment for an individual well adjacent to the well head as defined in
21 ORS chapters 517 and 520.

Page 2 -- ORDINANCE # 408

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

- 1 (j) Caretaker residences for public parks and fish hatcheries.
- 2 (k) Private hunting and fishing operations without any accommodations.
- 3 (L) Exploration for mineral and aggregate resources as defined in ORS chapter 517.
- 4 (m) Towers and fire stations for forest fire protection.
- 5 (n) Widening of roads within existing rights-of-way in conformance with the
- 6 transportation element of acknowledged comprehensive plans, including public road and
- 7 highway projects as described in ORS 215.213(1)(L) through (o) and ORS 215.283(1)(k)
- 8 through (n).
- 9 (o) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 10 (p) Uninhabitable structures accessory to fish and wildlife enhancement.
- 11 (q) Alteration, restoration or replacement of a lawfully established dwelling that:
- 12 (A) Has intact interior walls and roof structure;
- 13 (B) Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities
- 14 connected to a sanitary waste disposal system;
- 15 (C) Has interior wiring or interior lights;
- 16 (D) Has a heating system; and
- 17 (E) In the case of replacement, is removed, demolished or converted to a permitted
- 18 nonresidential use within 90 days of completion of the replacement dwelling.
- 19 (2) Conditional Uses Permitted:

1 The following uses may be permitted subject to provisions of subsection (3) of this
2 section and applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to
3 1.1699, and 1.1901 to 1.1999:

4 (a) Permanent facility for the primary processing of forest products.

5 (b) Permanent logging equipment repair and storage.

6 (c) Log scaling and weigh stations.

7 (d) Disposal site for solid waste approved by the governing body of a city or county or
8 both and for which the Department of Environmental Quality has granted a permit under ORS
9 459.245, together with equipment, facilities or buildings necessary for its operation.

10 (e) Parks and campgrounds.

11 (f) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS
12 chapter 520, and not otherwise permitted under paragraph (i) of subsection (1) of this section,
13 such as compressors, separators and storage serving multiple wells, and mining and processing
14 of aggregate and mineral resources as defined in ORS chapter 517.

15 (g) Television, microwave and radio communication facilities and transmission towers.

16 (h) Fire stations for rural fire protection.

17 (i) Utility facilities for the purpose of generating power. A power generation facility
18 shall not preclude more than 10 acres from use as a commercial forest operation unless an
19 exception is taken pursuant to OAR 660, Division 4;

20 (j) Aids to navigation and aviation.

Page 4 -- ORDINANCE # 408

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (k) Water intake facilities, related treatment facilities, pumping stations, and
2 distribution lines.

3 (L) Reservoirs and water impoundments.

4 (m) Firearms training facility.

5 (n) Cemeteries.

6 (o) Private seasonal accommodations for fee hunting operation, subject to subsections
7 (3), (6) and (7) of this section and the following requirements:

8 (A) Accommodations are limited to no more than 15 guest rooms as that term is
9 defined in the Oregon Structural Specialty Code.

10 (B) Only minor incidental and accessory retail sales are permitted.

11 (C) Accommodations are occupied temporarily for the purpose of hunting during game
12 bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

13 (p) New electric transmission lines with right-of-way widths of up to 100 feet as
14 specified in ORS 772.210. New distribution lines, such as gas, oil and geothermal, with
15 rights-of-way 50 feet wide or less in width.

16 (q) Temporary asphalt and concrete batch plants as accessory uses to specific highway
17 projects.

18 (r) Home occupations.

19 (s) Medical hardship dwelling.

20 (t) Expansion of existing airports.

1 (u) Public road and highway projects as described in ORS 215.213(2)(p) through (r)
2 and ORS 215.283(2)(p) through (r).

3 (v) Private accommodations for fishing occupied on a temporary basis, subject to
4 subsections (3), (6) and (7) of this section, and the following requirements:

5 (A) Accommodations limited to no more than 15 guest rooms, as that term is defined in
6 the Oregon Structural Specialty Code;

7 (B) Only minor incidental and accessory retail sales are permitted;

8 (C) Accommodations occupied temporarily for the purpose of fishing during fishing
9 seasons authorized by the Oregon Fish and Wildlife Commission; and

10 (D) Accommodations must be located within 1/4 mile of fish bearing Class I waters.

11 (w) Forest management research and experimentation facilities as defined by ORS
12 526.215 or where accessory to forest operations.

13 (x) One single-family dwelling on a tract meeting the following qualifications:

14 (A) The lot or parcel on which the dwelling is to be sited was lawfully created and was
15 acquired by the present owner prior to January 1, 1985, or by devise or intestate succession
16 from a person who acquired the lot or parcel prior to January 1, 1985. As used in this
17 subparagraph, "owner" includes the wife, husband, son, daughter, mother, father, brother,
18 brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law,
19 aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner, or a
20 business entity owned by any one or combination of these family members.

21 (B) The tract upon which the dwelling is to be sited does not include another dwelling.

1 (C) The tract is composed of soils not capable of producing 5,000 cubic feet per year of
2 commercial tree species.

3 (D) The tract is located within 1,500 feet of a maintained public road as defined in ORS
4 368.001 that is either paved or surfaced with rock, but not including United States Forest
5 Service and Bureau of Land Management roads.

6 (E) If the tract on which the dwelling is to be sited consists of more than one lot or
7 parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.

8 (y) Non-forest dwelling, subject to the provisions of subsections (5), (6) and (7) of this
9 section.

10 (z) One single family dwelling on a tract of 160 or more contiguous acres and located
11 on a lawfully created lot or parcel **or at least 200 acres in one ownership that are not**
12 **contiguous but are within Lincoln County, Lane County, Benton County, Polk County or**
13 **Tillamook County and are zoned for forest use. A deed restriction shall be filed**
14 **pursuant to paragraphs (h) through (k) of subsection (6) of this section for all parcels**
15 **that are used to meet the acreage requirements of this subsection.**

16 (3) Limitations on Conditional Uses:

17 The Planning Director or Commission shall determine whether a use other than a
18 dwelling authorized by subsection (2) of this section meets the following requirements. These
19 requirements are designed to make the use compatible with forest operations and agriculture,
20 and to conserve values found on forest lands:

Page 7 -- ORDINANCE # 408

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.

1 (a) The proposed use will not force a significant change in, or significantly increase the
2 cost of, accepted farming or forest practices on agriculture or forest lands;

3 (b) The proposed use will not significantly increase fire hazard, significantly increase
4 fire suppression costs, or significantly increase risks to fire suppression personnel; and

5 (c) A written statement recorded with the deed or written contract with the county or its
6 equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby
7 land owners to conduct forest operations consistent with the Forest Practices Act and
8 paragraphs (e), (l), (r), (s) and (v) of subsection (2) of this section.

9 (4) Lot Size Standards:

10 (a) The minimum lot size shall be 80 acres.

11 (b) Land divisions creating parcels less than 80 acres in size may be approved:

12 (A) For uses which have been authorized in accordance with paragraphs (a) through (n)
13 of subsection (2) of this section. Such parcels shall be the minimum size necessary to
14 accommodate the authorized use.

15 (B) To allow the establishment of a parcel for an existing dwelling, subject to the
16 following requirements:

17 (i) The parcel established shall be not larger than five acres, except as necessary to
18 recognize physical factors such as roads or streams, in which case the parcel shall be no
19 larger than 10 acres;

20 (ii) The dwelling was lawfully established prior to June 1, 1995;

21 (iii) The remaining parcel, not containing the dwelling, is 80 acres or more in size or

1 is consolidated with another parcel, and together the parcels are 80 acres or more in size;

2 (iv) The remaining parcel, not containing the dwelling, is not entitled to a dwelling;

3 and

4 (v) The applicant landowner agrees to record in the deed records of the county a
5 restriction applicable to the remaining parcel not containing the dwelling which prohibits the
6 placement of any new dwellings on the parcel, and is irrevocable unless a statement is
7 signed by the director indicating that the comprehensive plan or land use regulations
8 applicable to the property have been changed in such a manner that the parcel is no longer
9 subject to statewide planning goals pertaining to forest land; and.

10 (vi) The applicant landowner agrees to record in the deed records of the county a
11 statement declaring that the landowner will not in the future complain about accepted
12 farming or forest practices on nearby lands devoted to farm or forest use..

13 (c) The director shall maintain a record of parcels that do not qualify for the siting of
14 a new dwelling under the restrictions imposed by subsubparagraph (v) of subparagraph (B)
15 of paragraph (b) of this subsection. The record shall be readily available to the public for
16 inspection.

17 (5) Non-Forest Dwellings:

18 (a) Tracts Not Abutting a Public Road or Perennial Stream and Tracts of Less Than 60

19 Acres Which Abut a Perennial Stream:

1 A non-forest dwelling to be sited on a tract which does not abut a road or perennial
2 stream, or which abuts a perennial stream and is less than 60 acres in size, shall meet the
3 following qualifications:

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

6 (B) At least three dwellings existed on January 1, 1993, anywhere on the other lots or
7 parcels described in subparagraph (A) of this paragraph.

8 (b) Tracts of Less Than 60 Acres Which Abut a Public Road:

9 A non-forest dwelling to be sited on a tract which is less than 60 acres in size and
10 which abuts a road that existed on January 1, 1993, shall meet the following qualifications:

11 (A) All or part of 11 other lots or parcels that existed on January 1, 1993, are within
12 either a 160 acre square centered on the subject tract or a 160 acre rectangle 1/4 mile wide and
13 one mile long, centered on the subject tract and, to the maximum extent possible, aligned with
14 the road; and

15 (B) At least three other dwellings existed on January 1, 1993, on the other lots or
16 parcels described in subparagraph (A) of this paragraph.

17 (c) Tracts of 60 Acres or Greater Which Abut a Public Road or Perennial Stream:

18 A non-forest dwelling to be sited on tract which is 60 acres or greater in size and which
19 abuts a road or perennial stream shall meet the following qualifications:

1 (A) All or part of 11 other lots or parcels that existed on January 1, 1993, are within a
2 160 acre rectangle 1/4 mile wide and one mile long centered on the subject tract and, to the
3 maximum extent possible, aligned with the road or stream;

4 (B) At least three other dwellings existed on January 1, 1993, on the other lots or
5 parcels described in subparagraph (A) of this paragraph. At least one of the three dwellings
6 shall be on the same side of road or stream as the subject tract, and shall be either within the
7 160 acre rectangle or within 1/4 mile of the edge of the subject tract but not outside the length
8 of the 160 acre rectangle; and

9 (C) If a road crosses the subject tract, at least one of the three required dwellings shall
10 be on the same side of the road as the proposed dwelling.

11 (d) Lots or parcels within urban growth boundaries shall not be counted toward
12 satisfying the qualification requirements for any dwelling permitted under this subsection.

13 (e) No dwelling may be permitted under this subsection on any tract which includes a
14 dwelling.

15 (f) If the lot or parcel upon which a dwelling permitted under this subsection is to be
16 sited is part of a tract, no additional dwellings may be permitted on any other lot or parcel
17 within the tract. Deed restrictions shall be established pursuant to and in accordance with
18 subsection (6) of this section.

19 (g) All dwellings permitted under this subsection shall be located on a lawfully created
20 lot or parcel.

21 (6) General Requirements for All Dwellings:

Page 11 -- ORDINANCE # 408

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.

1 In addition to the other applicable requirements of this chapter and this section, all
2 dwellings authorized in the T-C zone shall be subject to the following conditions:

3 (a) The director shall notify the county assessor of any decision to approve a dwelling
4 in the T-C zone.

5 (b) Approval of a dwelling requires the owner of the tract to plant a sufficient number
6 of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of
7 Forestry stocking requirements at the time specified in Department of Forestry administrative
8 rules.

9 (c) The planning department shall notify the county assessor of the above condition at
10 the time the dwelling is approved.

11 (d) The property owner shall submit a stocking survey report to the county assessor and
12 the assessor shall verify that the minimum stocking requirements have been met by the time
13 required by Department of Forestry Rules. The assessor shall inform the Department of
14 Forestry in cases where the property owner has not submitted a stocking survey report or
15 where the survey report indicates that minimum stocking requirements have not been met.

16 (e) Upon notification by the assessor the Department of Forestry shall determine
17 whether the tract meets minimum stocking requirements of the Forest Practices Act. If the
18 department determines that the tract does not meet those requirements, the department shall
19 notify the owner and the assessor that the land is not being managed as forest land. The
20 assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose
21 the additional tax pursuant to ORS 321.372.

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

6 (A) Verification from a water purveyor that the use described in the application will be
7 served by the purveyor under the purveyor's rights to appropriate water;

8 (B) A water use permit issued by the Water Resources Department for the use
9 described in the application; or

10 (C) Verification from the Water Resources Department that a water use permit is not
11 required for the use described in the application. If the proposed water supply is from a well
12 and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the
13 well constructor's report to the county upon completion of the well.

14 (g) If road access to the dwelling is by a road owned and maintained by a private party
15 or by the Oregon Department of Forestry, the United States Bureau of Land Management, or
16 the United States Forest Service, then the applicant shall provide proof of a long-term road
17 access use permit or agreement. The road use permit may require the applicant to agree to
18 accept responsibility for road maintenance.

19 (h) For dwellings which are approved on a tract consisting of more than one lot or
20 parcel, the applicant shall provide copies of covenants and restrictions which:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (A) Are set forth on a form prescribed by the division and recorded in the deed records
2 of the county;

3 (B) Prohibit the location of any additional dwellings on any lot or parcel which is a part
4 of the tract; and

5 (C) Are irrevocable, unless a statement of release is signed by the director and the
6 Director of the Department of Land Conservation and Development.

7 (i) Enforcement of the covenants and restrictions required by this section may be
8 undertaken by the Department of Land Conservation and Development or by Lincoln County.

9 (j) Failure to follow the covenants and restrictions requirements of this section shall not
10 affect the validity of the transfer of property or the legal remedies available to the buyers of
11 property which is subject to the covenants and restrictions.

12 (k) The director shall maintain a copy of the covenants and restrictions filed in the
13 county deed records pursuant to this section and a map or other record depicting tracts which
14 do not qualify for the siting of a dwelling under the covenants and restrictions. This map or
15 other record shall be available to the public in the division office.

16 (7) Siting and Fire Protection Standards for Dwellings:

17 The following siting fire protection standards shall apply to all new dwellings:

18 (a) Dwellings and structures shall be sited on the subject lot or parcel so that:

19 (A) They have the least impact on nearby or adjoining forest lands;

20 (B) The siting ensures that adverse impacts on forest operations and accepted farming
21 practices on the tract will be minimized;

Page 14 -- ORDINANCE # 408

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (C) The amount of forest land used to site access roads, service corridors, the dwelling
2 and structures is minimized; and

3 (D) The risks associated with wildfire are minimized. The division or commission may
4 impose conditions on any dwelling approval which are deemed necessary to ensure
5 conformance with the standards contained in this paragraph, including, but not limited to,
6 requiring increased setbacks from adjoining properties, siting on that portion of a property least
7 suitable for growing trees, or clustering near existing dwellings or roads.

8 (b) Dwellings shall have fire retardant roofs conforming to the requirements of Section
9 R 221.4.2.1 of the State of Oregon One and Two Family Dwelling Specialty Code, 1993
10 Edition.

11 (c) Dwellings shall be sited on slopes of 40 percent or less.

12 (d) A primary fire break no less than 30 feet wide shall be provided and maintained.
13 The primary firebreak may include a lawn, ornamental shrubbery or individual or groups of
14 trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15
15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels
16 shall be removed.

17 (e) A secondary firebreak cleared of all dead fuels shall be provided and maintained.

18 The size of the secondary firebreak shall be:

19 (A) On slopes of less than 10 percent, 50 feet beyond the primary firebreak.

20 (B) On slopes of 11 to 25 percent, 75 feet beyond the primary firebreak.

21 (C) On slopes of 26 to 40 percent, 100 feet beyond the primary firebreak.

Page 15 -- ORDINANCE # 408

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (D) On slopes greater than 40 percent, 150 feet beyond the primary firebreak.

2 (f) All chimneys shall be equipped with a spark arrester.

3 (g) If a dwelling is to be located on a parcel that is not within a fire protection district,
4 the applicant shall provide evidence that the applicant has asked to be included in the nearest
5 such district.

6 (h) If a dwelling is to be located on a lot or parcel that is not within a fire protection
7 district, either:

8 (A) The applicant shall provide evidence that residential fire protection is provided to
9 the property by contract and that such contracted service is comparable to that generally
10 provided by fire protection districts in the rural areas of the county; or

11 (B) On site fire protection means are provided. Such means shall consist of:

12 (i) Fire sprinkling system or systems;

13 (ii) On-site water storage and pumping equipment. Such a water supply shall consist of
14 a swimming pool, pond, lake or similar body of water and at all times contains at least 4,000
15 gallons or a stream with a minimum flow of one CFS. Road access shall be provided to within
16 15 feet of the water's edge for fire fighting equipment and shall provide a turnaround for fire
17 fighting equipment; or

18 (iii) Other methods which provide at least a comparable level of protection to that
19 contained in subparagraphs (i) and (ii) of this subparagraph, and which are reasonable given
20 site conditions.

21 (8) Fire Safety Design Standards for Roads:

Page 16 -- ORDINANCE # 408

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 The following standards apply to all roads and driveways which access uses permitted
2 under subsection (1) of this section or approved under subsection (2) of this section, except for
3 private roads accessing only commercial forest uses:

4 (a) Width: Access roads serving three or fewer dwellings shall have a 12 foot
5 improved width and a 20 foot horizontal clearance. Access roads serving more than three
6 dwellings shall have a 16 foot improved width and a 20 foot horizontal clearance.

7 (b) Construction: Access roads must be improved with an all weather surface. Roads,
8 bridges and culverts shall be designed and maintained to support a minimum gross vehicle
9 weight (GVW) of 50,000 pounds. If bridges or culverts are involved in the construction of a
10 road or driveway, written verification of compliance with the 50,000 pound GVW standard
11 shall be provided by a professional engineer, registered in Oregon.

12 (c) Vertical Clearance: Access roads shall have an unobstructed vertical clearance of
13 not less than 13.5 feet.

14 (d) Turnarounds: Dead end roads over 150 feet in length shall provide a turnaround
15 adequate for emergency vehicles.

16 (e) Turnouts: Access roads greater than 400 feet in length shall have turnouts at a
17 maximum spacing of one-half the length of the access road or 400 feet, whichever is less.
18 Turnouts shall be required more frequently where visibility is limited. Turnouts shall be an all
19 weather surface at least 10 feet wide and 40 feet long.

20 (f) Road Grade: Road grades shall not exceed 12 percent, except that a maximum of
21 15 percent may be permitted on pitches less than 200 feet long. Variations from these

1 standards may be granted by the fire service having responsibility for the area when
2 topographic conditions make these standards impractical and where the local fire protection
3 district states that their fire fighting equipment can negotiate the proposed road grades.

4 (g) The applicant shall provide an as-built certification stamped by a licensed
5 professional engineer registered in the State of Oregon verifying that road safety design
6 standards set forth in this section have been met.

7 (9) Dimensional Standards:

8 (a) The front yard shall be a minimum of 20 feet.

9 (b) Each side yard shall be a minimum of five feet, or one foot for each three feet of
10 building height, whichever is greater.

11 (c) The rear yard shall be a minimum of 10 feet, except for that on a corner lot the rear
12 yard shall be a minimum of either five feet, or one foot for each three feet of building height,
13 whichever is greater.

14 (d) No structure shall be located closer than 30 feet from the right of way of any state
15 highway, and no structure shall be located closer than 30 feet from the right of way of any
16 arterial or collector street which has a right of way width of less than 60 feet.

17 (e) No dwelling or residential accessory structure shall exceed a height of 30 feet.

18 ////

19 ////

20 ////

21 ////

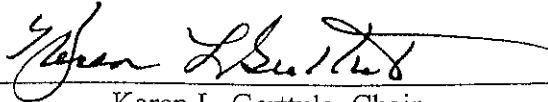
1
2
3
4

SECTION 2.

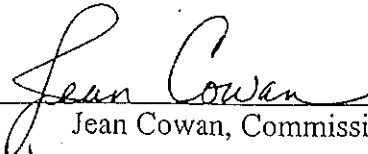
This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 30th day of May, 2001.

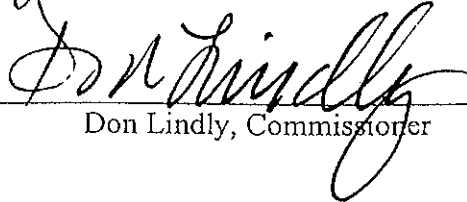
LINCOLN COUNTY BOARD OF COMMISSIONERS



Karen L. Gerttula, Chair

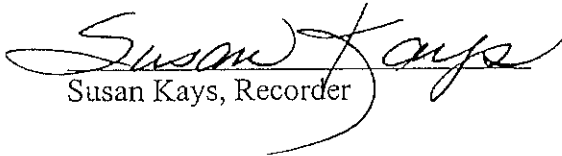


Jean Cowan, Commissioner



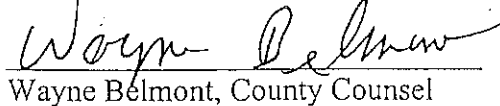
Don Lindly, Commissioner

ATTESTED TO:



Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.