

**Chapter 18.28
FOREST ZONE, F-1**

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18.28.005 Regulations designated.

In an F-1 zone, the following regulations shall apply. In addition, provisions of Chapter [18.124](#) CCC (Supplementary Provisions) may apply. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040, 2003)

18.28.010 Forest uses allowed.

In an F-1 zone, the following uses pursuant to the Forest Practices Act (Chapter 527 ORS) shall be allowed:

(1) Forest operations or forest practices, approved by the Oregon Department of Forestry, including, but not limited to, reforestation of forestland, road construction and maintenance,

harvesting of a forest tree species, application of chemicals, and disposal of slash consistent with the State Forest Practices Act.

(2) Temporary on-site structures or recreational vehicles, which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring their use.

(3) 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 gravel processing, landfills, dams, reservoirs, road construction or recreational facilities.

(4) For the purposes of this title, "auxiliary" 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. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(1), 2003)

18.28.020 Uses permitted outright.

In an F-1 zone, the following uses and accessory uses thereof are permitted outright:

- (1) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (2) Farm use, as defined in ORS 215.203(2).
- (3) Local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- (4) Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- (5) Exploration for mineral and aggregate resources as defined in Chapter 517 ORS.
- (6) Private hunting and fishing operations without any lodging accommodations.
- (7) Towers and fire stations for forest fire protection.
- (8) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- (9) Caretaker residences for public parks and public fish hatcheries.
- (10) Uninhabitable structures accessory to fish and wildlife enhancement.

- (11) Temporary forest labor camps.
- (12) 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.
- (13) 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, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
- (14) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
- (15) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- (16) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- (17) 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.
- (18) An “outdoor mass gathering,” as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period (which is not a “land use decision,” as defined in ORS 197.015(10), or subject to review under Chapter 660 OAR, Division 6). (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(2), 2003)

18.28.025 Commercial and noncommercial energy criteria.

In addition to the uses permitted under CCC [18.28.010](#) and [18.28.020](#), noncommercial and commercial wind and photovoltaic energy systems are permitted in the zone to the extent they are consistent with state law and the applicable criteria in Chapters [18.160](#), [18.161](#) and [18.162](#) CCC.

(Ord. 280 § 6 (Exh. F), 2015; Ord. 245 § 1, 2011; Ord. 236 § 2 (Exh. B), 2010; Ord. 229 § 1 (Exh. A), 2010)

18.28.030 Conditional uses permitted.

In an F-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter [18.160](#) CCC and this chapter:

(1) A facility for the primary processing of forest products. Such a facility may be approved for a one-year period, and the approval may be renewed annually thereafter. These facilities are intended to be only portable or temporary in nature. The “primary processing of a forest product,” as used in this chapter, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. “Forest products,” as used in this chapter, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(2) Permanent logging equipment repair and storage.

(3) Log scaling and weigh stations.

(4) Disposal site for solid waste approved by the county 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.

(5) Private parks and campgrounds. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and Chapter 660 OAR, Division 4. For the purposes of this subsection (5), a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A 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. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. 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 six-month period.

(6) Public parks, including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

(7) Mining and processing of aggregate and other mineral resources or other subsurface resources as defined in Chapter 520 ORS, and not otherwise permitted under CCC [18.28.020](#)(12) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in Chapter 517 ORS.

- (8) Television, microwave and radio communication facilities and transmission towers.
- (9) Fire stations for rural fire protection.
- (10) Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Chapter 660 OAR, Division 4.
- (11) Aids to navigation and aviation.
- (12) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (13) Reservoirs and water impoundments.
- (14) Firearms training facility.
- (15) Cemeteries.
- (16) Private seasonal accommodations for fee hunting operations may be allowed subject to CCC [18.28.040](#), [18.28.060](#) and [18.28.070](#) 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 game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (17) New electric transmission lines with right-of-way widths of up to 100 feet, as specified in ORS 772.210. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- (18) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- (19) Dwellings subject to the standards in CCC [18.28.050](#).
- (20) Home occupations carried on by the resident(s) as an accessory use within their dwelling or other accessory buildings, as set forth in Chapter [18.160](#) CCC.
- (21) A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured

dwelling will use a public sanitary sewer system, such condition will not be required. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this subsection is not eligible for replacement. Every two years the county shall review the permit authorizing such temporary residences. When the hardships end, the county shall require the removal of these residences. Oregon Department of Environmental Quality review and removal requirements also apply to these residences. As used in this subsection, "hardship" means a medical hardship or hardship requiring the care of an aged or infirm person or persons.

(22) Expansion of existing airports.

(23) Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.

(24) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(25) 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.

(26) Private accommodations for fishing occupied on a temporary basis may be allowed subject to CCC [18.28.040](#), [18.28.060](#) and [18.28.070](#) and the following requirements:

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

(d) Accommodations must be located within one-quarter mile of fish-bearing Type F (fish-use) waters as defined in OAR 629-645-0200(9).

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

(28) Any gathering subject to review by the county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

(29) Helicopter pads, including associated hangar, maintenance and service facilities. A “helicopter pad” as used in this chapter means a pad restricted, except for aircraft emergencies, to use by the owner and/or by commercial aviation activities in connection with forestry operations. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(3), 2003)

18.28.040 Review requirements for conditional uses.

A use authorized by CCC [18.28.030](#) may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forestlands:

- (1) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forestlands;
- (2) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- (3) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and CCC [18.28.030](#)(5), (13), (19), (20), (21) and (26). (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(4), 2003)

18.28.050 Standards for single-family dwellings.

(1) General Provisions.

(a) Dwellings listed as a conditional use under this section shall meet the following standards:

- (i) One of the alternative tests set out in subsection (2) (Lot of Record Dwelling), (3) (Large Tract Dwelling), or (4) (Template Dwelling) of this section;
- (ii) If the lot or parcel is part of a “tract,” the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the county clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in CCC [18.28.130](#)) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the county planning director, or his authorized representative.
- (iii) No other dwellings shall be located on the tract.
- (iv) The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Chapter 690 OAR, Division 10) or surface

water (Chapter 690 OAR, Division 20) and not from a Class N stream as defined in the Forest Practices Rules (OAR 629-635-0200(4)).

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 construction report to the county upon completion of the well.

(v) If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the U.S. Forest Service, then 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.

(b) In addition, dwellings listed as a conditional use under CCC [18.28.030](#)(19) shall be subject to the following standards or conditions:

(i) The conditional use standards set forth in CCC [18.28.040](#);

(ii) The siting criteria set forth in CCC [18.28.060](#);

(iii) The fire siting standards set forth in CCC [18.28.070](#);

(iv) The fire safety design standards for roads set forth in CCC [18.28.080](#);

(v) The stocking requirements set forth in CCC [18.28.090](#), if applicable; and

(vi) Any other provisions made applicable by this title or the comprehensive plan.

(c) Dwellings in forest zones shall not be subject to the conditional use standards of Chapter [18.160](#) CCC.

(2) Lot of Record Dwelling. For approval under this subsection (2), a single-family dwelling shall meet the following requirements:

(a) The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985, and was acquired by the present owner either prior to January 1, 1985, or by devise

or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

For the purposes of this subsection (2), "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, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) The dwelling would be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road. The road shall not be a Bureau of Land Management (BLM) road or a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

For the purposes of this section, "public roads" are those roads in which the public has a right of use that is a matter of public record.

For the purposes of this section, "commercial tree species" means a tree recognized under administrative rules adopted by the Oregon Department of Forestry under ORS 527.715 for commercial production.

(3) Large Tract Dwelling. For approval of a single-family dwelling under this subsection (3), the subject property shall consist of at least 240 contiguous acres owned by the same individual person. An owner of tracts that are not contiguous but are in the county or adjacent counties and are zoned for forest use may add together the acreage of two or more tracts to total 320 acres or more in eastern Oregon to qualify for a dwelling under this subsection (3). If an owner can aggregate 320 acres or more in this way, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records for the tracts which are included in the aggregated acres. 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 and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.

(4) Template Dwelling. For approval under this subsection (4), a single-family dwelling shall meet the following requirements:

(a) The lot or parcel is predominantly composed of soils that are:

(i) Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three 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

(B) At least three other dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

(ii) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven 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

(B) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

(iii) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(A) 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

(B) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

(iv) Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.

(b) Requirements of Applying Template.

(i) If a tract 60 acres or larger described in this subsection (4) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream.

(ii) 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 one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;

(B) Be within one-quarter 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.

(iii) If a tract reviewed under this subsection (4) abuts a road that existed on January 1,

1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(5), 2003)

18.28.060 Siting standards for dwellings and structures in forest zones.

The following siting standards shall apply to all new dwellings and structures in the F-1 zone. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forestlands. The county shall weigh the following standards together with the fire siting standards in CCC [18.28.070](#) to identify the building site:

- (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 forestlands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting standards in CCC [18.28.070](#) shall be applied.
- (3) The applicant shall provide evidence to the county that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Chapter 690 OAR, Division 10) or surface water (Chapter 690 OAR, Division 20) and not from a Class N stream as defined in the Forest Practices Rules (OAR 629-635-0200(4)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(7), 2003. Formerly 18.28.070)

18.28.070 Fire siting standards for dwellings and structures.

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

- (1) The dwelling or structure 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 has asked to be included within the nearest such district. If the county determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant must demonstrate that there

is an alternative means for protecting the dwelling from fire hazards. Such means 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 one 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 permits or registrations are not required for the use.

(2) Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source. Road access to the dwelling shall meet road design standards described in CCC [18.28.080](#).

(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 the Oregon Forestland-Urban Interface Fire Protection Act of 1997 (Senate Bill 360).

(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. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(8), 2003. Formerly 18.28.080)

18.28.080 Fire safety design standards for roads.

Public roads, bridges, culverts, cattle guards, private roads and driveways shall be constructed to provide adequate access for firefighting equipment and shall comply with the Crook County road standards regarding proper road base and support for firefighting equipment on a year-round basis. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(9), 2003. Formerly 18.28.090)

18.28.090 Stocking requirement.

All dwellings approved under CCC [18.28.050](#) shall meet the following requirements:

(1) Stocking Requirement.

(a) Dwellings approved under CCC [18.28.050](#) shall include a condition requiring the owner 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 specified in Department of Forestry administrative rules in force at the time the approval is granted.

(b) If the lot or parcel is more than 30 acres, 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 Forestry rules.

(2) Reporting Requirements.

(a) The planning director or his designee shall notify the county assessor of any stocking requirement condition at the time the dwelling is approved.

(b) The property owner shall submit a stocking survey report to the county assessor and the assessor shall verify that the minimum stocking requirements have been met by the time required under Department of Forestry rules. The assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking report or where the survey report indicates that minimum stocking requirements have not been met.

(c) Upon notification by the assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. That decision shall be solely the decision of the Department of Forestry. If the Department determines that the tract does not meet those requirements, the Department shall notify the owner and the assessor that the land is not being managed as forestland. The assessor shall then remove the forestland designation pursuant to ORS 321.359.

The tax penalty imposed by the assessor under this section shall be the only sanction for failure to meet stocking requirements. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010)

18.28.100 Dimensional standards.

In an F-1 zone, the following dimensional standards shall apply:

(1) Except as provided in subsection (2) of this section, no new lots of less than 80 acres shall be created.

(2) New land divisions less than the parcel size described in subsection (1) of this section may be approved under any of the following circumstances:

(a) For the uses listed in CCC [18.28.020](#)(12) and [18.28.030](#)(1) through (15); provided, that such uses have been approved pursuant to CCC [18.28.040](#) and [18.160.050](#) and the parcel created from the division is the minimum size necessary for the use.

(b) For the establishment of a parcel for a dwelling on land zoned for forest use, subject to the following requirements:

(i) The parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not

be larger than 10 acres;

(ii) The dwelling existed prior to June 1, 1995;

(iii)(A) The remaining parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(B) The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(iv) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.

(c) To allow a division of forestland to facilitate a forest practice, as defined in ORS 527.620, that results in a parcel that does not meet the minimum area requirements of subsection (1) of this section. Approvals shall be based on findings which demonstrate that there are unique property-specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of subsection (1) of this section in order to conduct the forest practice. Parcels created pursuant to this subsection (2)(c):

(i) Shall not be eligible for siting of new dwelling;

(ii) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iii) Shall not result in a parcel of less than 35 acres, except:

(A) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(B) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland; and

(iv) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone or the minimum size required for large tract dwellings approved under CCC [18.28.050](#)(3).

(d) To allow a 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 ORS 215.283(1)(p);

(iii) Except for one lot or parcel, each lot or parcel created under this subsection is between two and five acres in size;

(iv) At least one dwelling is located on each lot or parcel created under this subsection; and

(e) To allow a proposed division of land as provided in ORS 215.783.

(3)(a) An applicant for the creation of a parcel pursuant to subsections (2)(b) and (d) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.

(b) A restriction imposed under subsections (2)(b) and (d) of this section shall be irrevocable unless a statement of release is signed by the county planning director, indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forestland.

(c) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by subsections (2)(b) and (d) of this section. The record shall be readily available to the public.

(4) A landowner allowed a land division under subsection (2) of this section shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(10), 2003)

18.28.110 Yards and setback requirements.

In an F-1 zone, the minimum yard and setback requirements shall be as follows:

(1) The front yard setback from the property line shall be 40 feet for property fronting a local street or minor collector, 60 feet from a property line fronting on a major collector right-of-way, and 100 feet from a property line fronting on an arterial.

(2) Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forestlands, the adjacent side yard shall be a minimum of 100 feet.

(3) Rear yard setbacks shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forestlands. Such rear yards shall have a setback of a minimum of 100 feet.

(4) Stream Setback. All sewage disposal installations, such as outhouses, septic tank and drain

field system shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 50 feet measured at right angles to the high-water line or mark.

(5) Every lot or land parcel shall have a minimum average width of 150 feet. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(11), 2003)

18.28.120 Signs.

In an F-1 zone, the following signs are permitted:

One sign not more than 32 square feet in area, not illuminated and located at least 10 feet from a property line and 40 feet from a major collector or arterial ROW. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010; Ord. 18 § 3.040(12), 2003)

18.28.130 Restrictive covenants.

Restrictive covenants required under this chapter shall substantially comply with the form set forth below:

Declaration of Covenants, Conditions and Restrictions:

Whereas, the undersigned _____ hereinafter referred to as 'Declarant,' is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein; and

Whereas, the Declarant desires to declare his/her intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of OAR 660-006-0027;

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed, and the authorized representative of the County or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____.

(Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010)

18.28.140 Wildlife policy applicability.

All new dwellings on existing parcels within the deer and elk winter ranges must meet the residential density limitations found in Wildlife Policy 2 of the Crook County comprehensive plan. Compliance with the residential density limitations may be demonstrated by calculating a one-mile radius (or 2,000-acre) study area. An applicant may use a different study area size or shape to demonstrate compliance with Wildlife Policy 2, provided the methodology and size of the study area are explained and are found to be consistent with the purpose of Crook County comprehensive plan Wildlife Policy 2. (Ord. 280 § 6 (Exh. F), 2015; Ord. 236 § 2 (Exh. B), 2010)