

[Added 1998, Ord. 916 § III]

11.WH.2082 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

11.WH.2084 Area Affected

MCC .2082 through .2115 shall apply to those lands designated CFU-1 on the Multnomah County Zoning Map.

11.WH.2085 Definitions

As used in MCC .2082 through .2115, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) *Auxiliary* - For the purposes of MCC .2088(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) *Campground* - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively

developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

- (C) *Commercial Tree Species* - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) *Cubic Foot Per Acre* - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) *Cubic Foot Per Tract Per Year* - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (F) *Date of Creation and Existence* - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2102 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- (G) *Forest Operation* - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).
- (H) *Tract* - One or more contiguous Lots of Record, pursuant to MCC .2102, 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. Lots that are contiguous with a common boundary of only a single point are not a tract.

11.WH.2086 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2088 through .2096.

11.WH.2088 Uses Permitted Outright

(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

- (1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
- (2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or
- (3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) A temporary portable facility for the primary processing of forest products;

(C) Farm use, as defined in ORS 215.203;

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling subject to the following:

- (1) The existing dwelling
 - (a) Has intact exterior walls and roof structures;
 - (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; and

(d) Has a heating system.

(2) Satisfies the dimensional standards of MCC .2098; and

(3) Satisfies the development standards of MCC .2114(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling:

(a) Has intact exterior walls and roof structures;

(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;

(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and

(3) The replacement dwelling shall satisfy the dimensional standards of MCC .2098 and the development standards of MCC .2114.

(F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and

- fisheries resources conservation area;
- (G) An uninhabitable structure accessory to fish and wildlife enhancement;
- (H) A caretaker residence for a public park or a fish hatchery;
- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a 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;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;

- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.WH.2089 Uses Permitted Under Prescribed Conditions

- (A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:
- (1) The existing dwelling:
- (a) Has intact exterior walls and roof structures;
- (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) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;
- (2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC .2098 and the development standards of MCC .2114.
- (B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:
- (1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and
- (2) A replacement dwelling located more than

200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC .2098 and the development standards of MCC .2114.

(3) The existing dwelling at the time of the fire, casualty, or natural disaster:

(a) Had intact exterior Walls and roof structures;

(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Had interior wiring for interior lights; and

(d) Had a heating system.

11.WH.2090 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Large Acreage Dwelling pursuant to the provisions of MCC.2091 and .2114.

(B)

(C) The following Community Service Uses pursuant to the provisions of MCC .2093, .2114, .7005 through .7015, and .7035 through .7072.

(1) Campground.

(2) Cemetery.

(3) Fire station for rural and forest fire protection.

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.

(8) Forest management research and experimentation facility as defined by ORS 526.215.

(9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.

(11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.

(12) Refuse dump or sanitary landfill 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.

(13) Regional Sanitary Landfill 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 subject to the definitions, restrictions and standards in MCC .7045 through .7072.

(14) Private hunting and fishing operation without any lodging accommodations.

(15) Private seasonal accommodations for a fee hunting operation or fishing, provided:

(a) Accommodations are limited to no

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- 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 or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
- (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.
- (16) Mining, processing and production of geothermal resources.
- (D) The following uses pursuant to the provisions of MCC .2093, .2114, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.
- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;
- (2) Permanent facility for the primary processing of forest products;
- (3) Permanent logging equipment repair and storage;
- (4) Log scaling and weigh stations;
- (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) 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;
- (7) 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; and
- (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.
- (E) Type B home occupations pursuant to MCC 11.15.7455 through .7465 and provided:
- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.
- 11.WH.2091 Large Acreage Dwelling**
- A large acreage dwelling may be sited on a tract or tracts, subject to the following:
- (A) The lot or lots in the tract(s) meet(s) the lot of record standards of MCC .2102(A) and (B);
- (B) The property consists of:
- (1) A single tract of at least 160 contiguous acres in one ownership within Multnomah County and all zoned for forest use; or,
- (2) Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use.
- (C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract,
- (D) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals

of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

- (E) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (F) Proof of a long-term road access use permit or agreement shall be provided if road access to the 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 United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (G) A condition of approval 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, provided, however, that:
 - (1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (2) 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. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
 - (3) 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;

- (H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;
 - (1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;
 - (2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;
 - (3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

11.WH.2092

11.WH.2093 Use Compatibility Standards

Specified uses of MCC.2090(C) and (D) and .2096 may be allowed upon a finding that:

- (A) The use will:
 - (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
 - (2) Not significantly increase fire hazard, or significantly increase fire suppression

costs, or significantly increase risks to fire suppression personnel; and

- (B) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11.WH.2094 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982;
- (B) Off-street parking and loading as required by MCC .6100 through .6148;
- (C) Type A home occupations pursuant to the definition and restrictions of MCC .0010 and .2093. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

11.WH.2096 Temporary Uses

- (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2093 and .8710.
- (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2093.
- (C) A mobile home during the construction or reconstruction of a residence allowed under MCC .2088(D) or (E), .2089(B), or .2090(A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the

completion of the dwelling.

11.WH.2098 Dimensional Requirements

- (A) Except as provided in MCC .2100, .2101, .2102, and .2104, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.
- (C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.WH.2115, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.WH.2114(A)(5)(c)(ii).

- (D)
- (E) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may

exceed the height requirements.

(G) Yards for the alteration, replacement or restoration of dwellings under MCC .2088(D), .2088(E) and .2089(B) need not satisfy the development standards of MCC .2114 if originally legally established to a lesser standard than that required by MCC .2114, but in no case shall they be less than those originally established.

(H) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2114(A)(5)(c)(ii).

11.WH.2100 Lots of Exception

The Planning Director may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2098(A) subject to the following:

(A) The Lot of Record to be divided exceeds the area requirements of MCC .2098(A);

(B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(C) The Lot of Exception will be no larger than 5 acres;

(D) The division will create no more than one lot which is less than the minimum area required in MCC.2098(A);

(E) The division complies with the dimensional requirements of MCC .2098 (C) through (F); and

(F) The parcel not containing the dwelling is not entitled to a dwelling.

(1) A condition of approval shall require that covenants, conditions and restrictions stating that requirement shall be recorded with the county Division of Records.

(2) The covenants, conditions and restrictions

are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

11.WH.2101 Lot Line Adjustment

(A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:

(1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;

(2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;

(3) The new lot line is in compliance with the dimensional requirements of MCC .2098 (C) through (E); and

(4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

11.WH.2102 Lot of Record

(A) For the purposes of this district, a Lot of Record is:

(1) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

(b) Which satisfied all applicable laws when the parcel was created; and

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- (c) Which satisfies the minimum lot size requirements of MCC .2098, or
- (2) A parcel of land:
- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcel was created;
- (c) Does not meet the minimum lot size requirements of MCC .2098; and
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or
- (3) A group of contiguous parcels of land:
- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcels were created;
- (c) Which individually do not meet the minimum lot size requirements of MCC .2098, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
- (d) Which are held under the same ownership.
- (B) For the purposes of this subsection:
- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;
- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2098; and
- (3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.
- (C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- (D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2098(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:
- (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
- (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
- (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
- (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.
- 11.WH.2104 Lot Size for Conditional Uses**
- Lots less than the minimum specified in MCC .2098(A) may be created for the uses listed in MCC .2088(S) and .2090(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2093 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

11.WH.2106 Off-Street Parking and Loading

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .6100 through .6148.

11.WH.2108 Access

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

11.WH.2110 Exemptions From Non-Conforming Use Provisions

- (A) Conditional Uses listed in MCC .2090, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2090.
- (B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2090 to another such Conditional Use.

11.WH.2112 Right to Complete Single-Family Dwelling

- (A) A single family dwelling may be completed under the provisions of a building permit issued prior to August 8, 1998.
 - (1) The building permit shall be subject only to the regulations in effect at the time of issuance.
 - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until

completion of the dwelling.

- (B) A building permit for a new single family dwelling may be issued up to 180 days after January 7, 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
- (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

- (C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2090(A) or MCC .2170(A) in effect prior to January 7, 1993.

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
- (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

- (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

- (D) A building permit for a new single family dwelling may be issued after January 7, 1993 for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2092(C) or MCC .2172(C) in effect prior to January 7, 1993 if the

approval has not expired pursuant to MCC .7110(C).

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
- (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

11.WH.2114 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2088(D),.2088(E) and .2089 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

- (A) The dwelling or structure shall be located such that:
- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2098(C) through (G);
 - (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
 - (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and
 - (5) The risks associated with wildfire are

minimized. Provisions for reducing such risk shall include:

- (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;
- (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2114(D) with permanent signs posted along the access route to indicate the location of the emergency water source;
- (c) Maintenance of a primary and a secondary fire safety zone on the subject tract.
 - (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
 - (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100
 - (iii) A secondary fire safety zone is a

fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.WH.2098(D) and .2115.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

(d) The building site must have a slope less than 40 percent.

(B) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has

been obtained;

(3)

(4) Have a fire retardant roof; and

(5) Have a spark arrester on each chimney.

(C) The applicant shall provide evidence 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 (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) 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.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway

accessing a single dwelling, shall be designed, built, and maintained to:

- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
- (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
- (3) Provide minimum curve radii of 48 feet or greater;
- (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
- (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
 - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
 - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
 - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
 - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

11.WH.2115 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks

- (A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2115(B) when:
 - (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
 - (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
 - (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.
- (B) Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards:
 - (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban–Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
 - (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
 - (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
 - (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2115(B)(1) are utilized, or

- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2115(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2088(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2115(B)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC .2114, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 feet of a building:
- (a) Have a central monitored alarm system;
 - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban–Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as