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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 05/21/2015 by the
Land Conservation and Development Department 660

Agency and Division

Administrative Rules Chapter Number

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To become effective Upon filing. Rulemaking Notice was published in the February 2015 Oregon Bulletin.

RULE CAPTION

Adopts a definition for Primary Processing of Forest Products in forest zones

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

660-006-0005

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 197.040; 197.230

Other Authority:

Statutes Implemented:

ORS 197.040; 197.230; 215

RULE SUMMARY

"Primary processing of forest products" is a use that currently may be allowed in forest zones, but which has lacked a definition. The use is statutorily defined as it applies to exclusive farm use zones, but there has been confusion as to whether that definition implicitly applies to forest zones as well. The adopted definition for the use as it applies to forest zones will provide needed clarity for counties and landowners.

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660-006-0005

Definitions

For the purpose of this division, the following definitions apply:

- (1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (2) "Commercial Tree Species" means trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.
- (3) "Cubic Foot Per Acre" means 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 Natural Resource Conservation Service (NRCS) soil survey.
- (4) "Cubic Foot Per Tract Per Year" means 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 Natural Resource Conservation Service (NRCS) soil survey.
- (5) "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, parcel 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, parcel, or tract.
- (6) "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.
- (7) "Forest Operation" means any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).
- (8) "Governing Body" means a city council, county board of commissioners, or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.
- (9) "Lot" means a single unit of land that is created by a subdivision of land as provided in ORS 92.010.
- (10) "Parcel" means a single unit of land that is created by a partition of land and as further defined in ORS 215.010(1).
- (11) **"Primary processing of forest products" means the initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or**

both, that are adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body. Treatments may include, but are not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

(12) “Storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

~~(12)~~**13** “Tract” means one or more contiguous lots or parcels in the same ownership.

~~(13)~~**14** "Western Oregon" means that portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

Stat. Auth.: ORS 197.040, 197.230 & 197.245

Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & 1993 OL Ch. 792

Hist.: