

1 **660-006-0025**

2 **Uses Authorized in Forest Zones**

3 (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and  
4 applying comprehensive plan provisions and zoning regulations consistent with the goals and  
5 this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as  
6 set forth in ORS 527.722, the Commission has determined that five general types of uses, as set  
7 forth in the goal, may be allowed in the forest environment, subject to the standards in the goal  
8 and in this rule. These general types of uses are:

9 (a) Uses related to and in support of forest operations;

10 (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources,  
11 agriculture and recreational opportunities appropriate in a forest environment;

12 (c) Locationally-dependent uses, such as communication towers, mineral and aggregate  
13 resources, etc.

14 (d) Dwellings authorized by ORS 215.705 to 215.755; and

15 (e) Other dwellings under prescribed conditions.

16 (2) The following uses pursuant to the Forest Practices Act (ORS [C]chapter 527) and Goal 4  
17 shall be allowed in forest zones:

18 (a) Forest operations or forest practices including, but not limited to, reforestation of forest land,  
19 road construction and maintenance, harvesting of a forest tree species, application of chemicals,  
20 and disposal of slash;

21 (b) Temporary on-site structures that are auxiliary to and used during the term of a particular  
22 forest operation;

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

26 (d) For the purposes of section (2) of this rule "auxiliary" means a use or alteration of a structure  
27 or land that provides help or is directly associated with the conduct of a particular forest practice.  
28 An auxiliary structure is located on site, temporary in nature, and is not designed to remain for  
29 the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a  
30 particular forest practice has concluded.

31 (3) The following uses may be allowed outright on forest lands:

32 (a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries  
33 resources;

- 1 (b) Farm use as defined in ORS 215.203;
- 2 (c) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g.,  
3 electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment  
4 that provides service hookups, including water service hookups;
- 5 (d) Temporary portable facility for the primary processing of forest products;
- 6 (e) Exploration for mineral and aggregate resources as defined in ORS [C]chapter 517;
- 7 (f) Private hunting and fishing operations without any lodging accommodations;
- 8 (g) Towers and fire stations for forest fire protection;
- 9 (h) Widening of roads within existing rights-of-way in conformance with the transportation  
10 element of acknowledged comprehensive plans and public road and highway projects as  
11 described in ORS 215.213(1) and 215.283(1);
- 12 (i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- 13 (j) Caretaker residences for public parks and public fish hatcheries;
- 14 (k) Uninhabitable structures accessory to fish and wildlife enhancement;
- 15 (l) Temporary forest labor camps;
- 16 (m) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons,  
17 including the placement and operation of compressors, separators and other customary  
18 production equipment for an individual well adjacent to the well head;
- 19 (n) Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.46[5]7 and Goal  
20 8;
- 21 (o) Disposal site for solid waste that has been ordered established by the Oregon Environmental  
22 Quality Commission under ORS 459.049, together with the equipment, facilities or buildings  
23 necessary for its operation;
- 24 (p) Alteration, restoration or replacement of a lawfully established dwelling that:
  - 25 (A) Has intact exterior walls and roof structures;
  - 26 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a  
27 sanitary waste disposal system;
  - 28 (C) Has interior wiring for interior lights;

1 (D) Has a heating system; and

2 (E) In the case of replacement, is removed, demolished or converted to an allowable  
3 nonresidential use within three months of the completion of the replacement dwelling; ~~and~~

4 (q) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000  
5 persons that is not anticipated to continue for more than 120 hours in any three-month period is  
6 not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division;

7 **(r) Dump truck parking as provided in ORS 215.311; and**

8 **(s) An agricultural building, as defined in ORS 455.315, customarily provided in**  
9 **conjunction with farm use or forest use. A person may not convert an agricultural building**  
10 **authorized by this section to another use.**

11 (4) The following uses may be allowed on forest lands subject to the review standards in section  
12 (5) of this rule:

13 (a) Permanent facility for the primary processing of forest products;

14 (b) Permanent logging equipment repair and storage;

15 (c) Log scaling and weigh stations;

16 (d) Disposal site for solid waste approved by the governing body of a city or county or both and  
17 for which the Oregon Department of Environmental Quality has granted a permit under ORS  
18 459.245, together with equipment, facilities or buildings necessary for its operation;

19 (e)(A) Private parks and campgrounds. Campgrounds in private parks shall only be those  
20 allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir,  
21 campgrounds shall not be allowed within three miles of an urban growth boundary unless an  
22 exception is approved pursuant to ORS 197.732 and OAR chapter 660, division [00]4. A  
23 campground is an area devoted to overnight temporary use for vacation, recreational or  
24 emergency purposes, but not for residential purposes and is established on a site or is contiguous  
25 to lands with a park or other outdoor natural amenity that is accessible for recreational use by the  
26 occupants of the campground. A campground shall be designed and integrated into the rural  
27 agricultural and forest environment in a manner that protects the natural amenities of the site and  
28 provides buffers of existing native trees and vegetation or other natural features between  
29 campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate  
30 sewer, water or electric service hook-ups shall not be provided to individual camp sites.  
31 Campgrounds authorized by this rule shall not include intensively developed recreational uses  
32 such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in  
33 the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during  
34 any consecutive [6]~~six~~-month period.

- 1 (B) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate  
2 sewer, water or electric service hook-ups shall not be provided to individual camp sites except  
3 that electrical service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.
- 4 (C) Subject to the approval of the county governing body or its designee, a private campground  
5 may provide yurts for overnight camping. No more than one-third or a maximum of 10  
6 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or  
7 on a wood floor with no permanent foundation. Upon request of a county governing body, the  
8 Commission may provide by rule for an increase in the number of yurts allowed on all or a  
9 portion of the campgrounds in a county if the Commission determines that the increase will  
10 comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a  
11 round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage  
12 disposal hook-up or internal cooking appliance.
- 13 (f) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040,  
14 whichever is applicable;
- 15 (g) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS  
16 [C]chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g.,  
17 compressors, separators and storage serving multiple wells), and mining and processing of  
18 aggregate and mineral resources as defined in ORS [C]chapter 517;
- 19 (h) Television, microwave and radio communication facilities and transmission towers;
- 20 (i) Fire stations for rural fire protection;
- 21 (j) Commercial utility facilities for the purpose of generating power. A power generation facility  
22 shall not preclude more than 10[-]acres from use as a commercial forest operation unless an  
23 exception is taken pursuant to OAR chapter 660, division [00]4;
- 24 (k) Aids to navigation and aviation;
- 25 (l) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
- 26 (m) Reservoirs and water impoundments;
- 27 (n) Firearms training facility;
- 28 (o) Cemeteries;
- 29 (p) Private seasonal accommodations for fee hunting operations may be allowed subject to  
30 section (5) of this rule, OAR 660-006-0029, and 660-006-0035 and the following requirements:
- 31 (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the  
32 Oregon Structural Specialty Code;

- 1 (B) Only minor incidental and accessory retail sales are permitted;
- 2 (C) Accommodations are occupied temporarily for the purpose of hunting during **either or**  
3 **both** game bird ~~and~~**or** big game hunting seasons authorized by the Oregon Fish and Wildlife  
4 Commission; and
- 5 (D) A governing body may impose other appropriate conditions.
- 6 (q) New electric transmission lines with right of way widths of up to 100 feet as specified in  
7 ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with  
8 rights-of-way 50 feet or less in width;
- 9 (r) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- 10 (s) Home occupations as defined in ORS 215.448;
- 11 (t) A manufactured dwelling or recreational vehicle, or the temporary residential use of an  
12 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
13 hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283.  
14 The manufactured dwelling shall use the same subsurface sewage disposal system used by the  
15 existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If  
16 the manufactured dwelling will use a public sanitary sewer system, such condition will not be  
17 required. Within three months of the end of the hardship, the manufactured dwelling or  
18 recreational vehicle shall be removed or demolished or, in the case of an existing building, the  
19 building shall be removed, demolished or returned to an allowed nonresidential use. A temporary  
20 residence approved under this subsection is not eligible for replacement under subsection (3)(p)  
21 of this rule. Governing bodies every two years shall review the permit authorizing such mobile  
22 homes. When the hardships end, governing bodies or their designate shall require the removal of  
23 such mobile homes. Oregon Department of Environmental Quality review and removal  
24 requirements also apply to such mobile homes. As used in this section, "hardship" means a  
25 medical hardship or hardship for the care of an aged or infirm person or persons;
- 26 (u) Expansion of existing airports;
- 27 (v) Public road and highway projects as described in ORS 215.213(2)~~[(q)]~~**(p)** through ~~[(s)]~~**(r)**  
28 and (10) and 215.283(2)~~[(p)]~~**(q)** through ~~[(r)]~~**(s)** and (3);
- 29 (w) Private accommodations for fishing occupied on a temporary basis may be allowed subject  
30 to section (5) of this rule, OAR 600-060-0029 and 660-006-0035 and the following  
31 requirements:
- 32 (A) Accommodations limited to no more than 15 guest rooms as that term is defined in the  
33 Oregon Structural Specialty Code;
- 34 (B) Only minor incidental and accessory retail sales are permitted;

- 1 (C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons  
2 authorized by the Oregon Fish and Wildlife Commission;
- 3 (D) Accommodations must be located within 1/4 mile of fish-bearing Class I waters; and
- 4 (E) A governing body may impose other appropriate conditions.
- 5 (x) Forest management research and experimentation facilities as defined by ORS 526.215 or  
6 where accessory to forest operations; and
- 7 (y) An outdoor mass gathering subject to review by a county planning commission under the  
8 provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue  
9 or can reasonably be expected to continue for more than 120 hours within any three-month  
10 period and any part of which is held in open spaces.
- 11 (z) Storage structures for emergency supplies to serve communities and households that are  
12 located in tsunami inundation zones, if:
- 13 (A) Areas within an urban growth boundary cannot reasonably accommodate the structures;
- 14 (B) The structures are located outside tsunami inundation zones and consistent with evacuation  
15 maps prepared by **Department of Geology and Mineral** Industries (DOGAMI) or the local  
16 jurisdiction;
- 17 (C) Sites where the structures could be co-located with an existing use approved under this  
18 section are given preference for consideration;
- 19 (D) The structures are of a number and size no greater than necessary to accommodate the  
20 anticipated emergency needs of the population to be served;
- 21 (E) The structures are managed by a local government entity for the single purpose of providing  
22 for the temporary emergency support needs of the public; and
- 23 (F) Written notification has been provided to the County Office of Emergency Management of  
24 the application for the storage structures.
- 25 (5) A use authorized by section (4) of this rule may be allowed provided the following  
26 requirements or their equivalent are met. These requirements are designed to make the use  
27 compatible with forest operations and agriculture and to conserve values found on forest lands:
- 28 (a) The proposed use will not force a significant change in, or significantly increase the cost of,  
29 accepted farming or forest practices on agriculture or forest lands;
- 30 (b) The proposed use will not significantly increase fire hazard or significantly increase fire  
31 suppression costs or significantly increase risks to fire suppression personnel; and

1 (c) A written statement recorded with the deed or written contract with the county or its  
2 equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land  
3 owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses  
4 authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

5 (6) Nothing in this rule relieves governing bodies from complying with other requirement  
6 contained in the comprehensive plan or implementing ordinances such as the requirements  
7 addressing other resource values (e.g., Goal 5) that exist on forest lands.

8 [Publications: Publications referenced are available from the agency.]

9 Stat. Auth.: ORS [~~483,~~] 197.040, 197.230 & 197.245  
10 Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740,  
11 215.750, 215.780 & Ch. 792, 1993 OL  
12 Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994,  
13 f. & cert. ef. 3-1-94; LCDC 8-1995, f. & cert. ef. 6-29-95; ; LCDC 3-1996, f. & cert. ef. 12-23-  
14 96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 1-2002, f.  
15 & cert. ef. 5-22-02; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 2-2011, f. & cert. ef. 2-2-11;  
16 LCDD 1-2013, f. 1-29-13, cert. ef. 2-1-13

17 **660-006-0026**

18 **New Land Division Requirements in Forest Zones**

19 (1) Governing bodies shall legislatively amend their land division standards to incorporate one or  
20 more of the following parcel sizes. Under these provisions, a governing body may not determine  
21 minimum parcel sizes for forest land on a case-by-case basis:

22 (a) An 80-acre or larger minimum parcel size; or

23 (b) One or more numeric minimum parcel sizes less than 80 acres provided that each parcel size  
24 is large enough to ensure:

25 (A) The opportunity for economically efficient forest operations typically occurring in the area;

26 (B) The opportunity for the continuous growing and harvesting of forest tree species;

27 (C) The conservation of other values found on forest lands as described in Goal 4; and

28 (D) That parcel meets the requirements of ORS 527.630.

29 (2) New land divisions less than the parcel size in section (1) of this rule may be approved for  
30 any of the following circumstances:

31 (a) For the uses listed in OAR 660-~~006~~[~~0~~]-0025(3)(m) through (o) and (4)(a) through (o)  
32 provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the parcel  
33 created from the division is the minimum size necessary for the use[~~;~~].

- 1 (b) For the establishment of a parcel for a ~~[n-existing]~~ dwelling **that has existed since before**  
2 **June 1, 1995** ~~[on land zoned for forest use]~~, subject to the following requirements:
- 3 (A) The parcel established ~~[shall]~~ **may** not be larger than five acres, except as necessary to  
4 recognize physical factors such as roads or streams, in which case the parcel shall not be larger  
5 than 10 acres; **and**
- 6 (B) ~~[The dwelling existed prior to June 1, 1995;]~~
- 7 ~~[(C)](i)~~ The ~~[remaining]~~ parcel~~;~~ **that does** not contain~~[ing]~~ the dwelling~~;~~ ~~[meets the minimum~~  
8 ~~land division standards of the zone; or]~~ **is not entitled to a dwelling unless subsequently**  
9 **authorized by law or goal and the parcel either:**
- 10 **(i) Meets the minimum land division standards of the zone; or**
- 11 (ii) ~~[The remaining parcel, not containing the dwelling, is]~~ **Is** consolidated with another parcel, and  
12 together the parcels meet the minimum land division standards of the zone. ~~[; and]~~
- 13 ~~(D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless~~  
14 ~~subsequently authorized by law or goal.]~~
- 15 (c) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that  
16 results in a parcel that does not meet the minimum area requirements of subsection (1)(a) or (b).  
17 Approvals shall be based on findings that demonstrate that there are unique property specific  
18 characteristics present in the proposed parcel that require an amount of land smaller than the  
19 minimum area requirements of subsections (1)(a) or (b) of this rule in order to conduct the forest  
20 practice. Parcels created pursuant to this subsection:
- 21 (A) ~~[Shall]~~ **Are** not ~~[be]~~ eligible for siting of new dwelling;
- 22 (B) ~~[Shall]~~ **May** not serve as the justification for the siting of a future dwelling on other lots or  
23 parcels;
- 24 (C) ~~[Shall]~~ **May** not, as a result of the land division, be used to justify redesignation or rezoning  
25 of resource lands; **and**
- 26 (D) ~~[Shall]~~ **May** not result in a parcel of less than 35 acres, ~~[except]~~ **unless the purpose of the**  
27 **land division is to:**
- 28 (i) ~~[Where the purpose of the land division is to]~~ ~~[f]~~ **F**acilitate an exchange of lands involving a  
29 governmental agency; or
- 30 (ii) ~~[Where the purpose of the land division is to]~~ ~~[a]~~ **A**llow transactions in which at least one  
31 participant is a person with a cumulative ownership of at least 2,000 acres of forest land. ~~[; and]~~

- 1 ~~[(E) If associated with the creation of a parcel where a dwelling is involved, shall not result in a~~  
2 ~~parcel less than the minimum lot or parcel size of the zone or the minimum size required for~~  
3 ~~dwelling approved under OAR 660-006-0027(1)(e).]~~
- 4 (d) To allow a division of a lot or parcel zoned for forest use if:
- 5 (A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- 6 (B) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213(1)  
7 or 215.283(1);
- 8 (C) Except for one lot or parcel, each lot or parcel created under this paragraph is between two  
9 and five acres in size;
- 10 (D) At least one dwelling is located on each lot or parcel created under this paragraph; and
- 11 (E) The landowner of a lot or parcel created under this paragraph provides evidence that a  
12 restriction prohibiting the landowner and the landowner's successors in interest from further  
13 dividing the lot or parcel has been recorded with the county clerk of the county in which the lot  
14 or parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a  
15 statement of release is signed by the county planning director of the county in which the lot or  
16 parcel is located indicating that the comprehensive plan or land use regulations applicable to the  
17 lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning  
18 goals protecting forestland or unless the land division is subsequently authorized by law or by a  
19 change in a statewide planning goal for land zoned for forest use.
- 20 (e) To allow a proposed division of land as provided in ORS 215.783.
- 21 (3) A county planning director shall maintain a record of lots and parcels that do not qualify for  
22 division under the restrictions imposed by OAR 660-006-0026(2)(d) and (4). The record shall be  
23 available to the public.
- 24 (4) A lot or parcel may not be divided under OAR 660-006-0026(2)(d) if an existing dwelling on  
25 the lot or parcel was approved under:
- 26 (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that  
27 required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
- 28 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest  
29 use zone under statewide goal 4 (Forest Lands).
- 30 (5)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this rule shall  
31 provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been  
32 recorded with the county clerk of the county where the property is located. The restriction shall  
33 allow no dwellings unless authorized by law or goal on land zoned for forest use except as  
34 permitted under section (2) of this rule.

1 (b) A restriction imposed under this subsection shall be irrevocable unless a statement of release  
2 is signed by the county planning director of the county where the property is located indicating  
3 that the comprehensive plan or land use regulations applicable to the property have been changed  
4 in such a manner that the parcel is no longer subject to statewide planning goals pertaining to  
5 agricultural land or forest land.

6 (c) The county planning director shall maintain a record of parcels that do not qualify for the  
7 siting of a new dwelling under restrictions imposed by this rule. The record shall be readily  
8 available to the public.

9 (6) A landowner allowed a land division under section (2) of this rule shall sign a statement that  
10 shall be recorded with the county clerk of the county in which the property is located, declaring  
11 that the landowner will not in the future complain about accepted farming or forest practices on  
12 nearby lands devoted to farm or forest use.

13 Stat. Auth.: ORS 197.040, 197.230 & 197.245  
14 Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740,  
15 215.750, 215.780, 215.783 & Ch. 792, 1993 OL  
16 Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7 1992, f. & cert. ef. 12-10-92; LCDC 1-1994,  
17 f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98;  
18 LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 2-2011, f. &  
19 cert. ef. 2-2-11

20 **660-006-0055**  
21 **New Land Division Requirements in Agriculture/Forest Zones**

22 (1) A governing body shall apply the standards of OAR 660-006-0026 and 660-033-0100 to  
23 determine the proper minimum lot or parcel size for a mixed agriculture/forest zone. These  
24 standards are designed: To make new land divisions compatible with forest operations; to  
25 maintain the opportunity for economically efficient forest and agriculture practices; and to  
26 conserve values found on forest lands.

27 (2) New land divisions less than the parcel size established according to the requirements in  
28 section (1) of this rule may be approved for any of the following circumstances:

29 (a) For the uses listed in OAR 660-006-0025(3)(m) through (o) and (4)(a) through ~~(n)~~**(o)**  
30 provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the land  
31 division created is the minimum size necessary for the use.

32 (b) For the establishment of a parcel for a ~~non-existing~~ dwelling **that has existed since before**  
33 **June 1, 1995** ~~[on land zoned for mixed farm and forest use]~~, subject to the following  
34 requirements:

35 (A) The parcel established ~~[shall]~~ **may** not be larger than five acres, except as necessary to  
36 recognize physical factors such as roads or streams, in which case the parcel shall not be larger  
37 than 10 acres; **and**

- 1 (B) [~~The dwelling existed prior to June 1, 1995;~~]
- 2 [~~(C)(i)~~] The [~~remaining~~] parcel **that does**[,] not contain[ing] the dwelling[, ~~meets the minimum~~  
3 ~~land division standards of the zone; or~~] **is not entitled to a dwelling unless subsequently**  
4 **authorized by law or goal and the parcel either:**
- 5 **(i) Meets the minimum land divisions standards of the zone; or**
- 6 (ii) [~~The remaining parcel, not containing the dwelling, is~~] **I**s consolidated with another parcel, and  
7 together the parcels meet the minimum land division standards of the zone;
- 8 [~~(D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless~~  
9 ~~subsequently authorized by law or goal;~~]
- 10 [~~(E)~~]**(C)** The minimum tract eligible under subsection (b) of this section is 40 acres;
- 11 [~~(F)~~]**(D)** The tract shall be predominantly in forest use and that portion in forest use qualified for  
12 special assessment under a program under ORS chapter 321; and
- 13 [~~(G)~~]**(E)** The remainder of the tract [~~shall~~]**does** not qualify for any uses allowed under ORS  
14 215.213 and 215.283 that are not allowed on forestland.
- 15 (c) To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that  
16 results in a parcel that does not meet the minimum area requirements of section (1). Parcels  
17 created pursuant to this subsection:
- 18 (A) [~~Shall~~] **Are** not [~~be~~] eligible for siting of a new dwelling;
- 19 (B) [~~Shall~~] **May** not serve as the justification for the siting of a future dwelling on other lots or  
20 parcels;
- 21 (C) [~~Shall~~] **May** not, as a result of the land division, be used to justify redesignation or rezoning  
22 of resource land; **and**
- 23 (D) [~~Shall~~] **May** not result in a parcel of less than 35 acres, [~~except~~] **unless the purpose of the**  
24 **land division is to:**
- 25 (i) [~~Where the purpose of the land division is to~~] [~~f~~]**F**acilitate an exchange of lands involving a  
26 governmental agency; or
- 27 (ii) [~~Where the purpose of the land division is to~~] [~~a~~]**A**llow transactions in which at least one  
28 participant is a person with a cumulative ownership of at least 2,000 acres of forestland. [~~; and~~]
- 29 [~~(E) If associated with the creation of a parcel where a dwelling is involved, shall not result in a~~  
30 ~~parcel less than the minimum lot or parcel size of the zone.~~]

- 1 (d) To allow a division of a lot or parcel zoned for mixed farm and forest use if:
- 2 (A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- 3 (B) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213(1)  
4 or 215.283(1);
- 5 (C) Except for one lot or parcel, each lot or parcel created under this section is between two and  
6 five acres in size;
- 7 (D) At least one dwelling is located on each lot or parcel created under this section; and
- 8 (E) The landowner of a lot or parcel created under this section provides evidence that a  
9 restriction prohibiting the landowner and the land owner's successors in interest from further  
10 dividing the lot or parcel has been recorded with the county clerk of the county in which the lot  
11 or parcel is located. A restriction imposed under this section shall be irrevocable unless a  
12 statement of release is signed by the county planning director of the county in which the lot or  
13 parcel is located indicating that the comprehensive plan or land use regulations applicable to the  
14 lot or parcel have been changed so that the lot or parcel is no longer subject to statewide goal 4  
15 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in  
16 statewide goal 4 (Forest Land);
- 17 (e) To allow a proposed division of land as provided in ORS 215.783.
- 18 (3) A county planning director shall maintain a record of lots and parcels that do not qualify for  
19 division under the restrictions imposed by OAR 660-006-0055(2)(d) and (4). The record shall be  
20 readily available to the public.
- 21 (4) A lot or parcel may not be divided under OAR 660-006-0055(2)(d) if an existing dwelling on  
22 the lot or parcel was approved under:
- 23 (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that  
24 required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
- 25 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest  
26 use zone under statewide goal 4 (Forest Lands).
- 27 (5)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this rule shall  
28 provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been  
29 recorded with the county clerk of the county where the property is located. The restriction shall  
30 allow no dwellings unless authorized by law or goal on land zoned for forest use except as  
31 permitted under section (2) of this rule.
- 32 (b) A restriction imposed under this section shall be irrevocable unless a statement of release is  
33 signed by the county planning director of the county where the property is located indicating that  
34 the comprehensive plan or land use regulations applicable to the property have been changed in

1 such a manner that the parcel is no longer subject to statewide planning goals pertaining to  
2 agricultural land or forestland.

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

6 (6) A landowner allowed a land division under section (2) of this rule shall sign a statement that  
7 shall be recorded with the county clerk of the county in which the property is located, declaring  
8 that the landowner and the landowner's successors in interest will not in the future complain  
9 about accepted farming or forest practices on nearby lands devoted to farm or forest use.

10 Stat. Auth.: ORS 197.040, 197.230 & 197.245  
11 Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.213, 215.283, 215.700, 215.705,  
12 215.720, 215.740, 215.750, 215.780, 215.783 & Ch. 792, 1993 OL  
13 Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994,  
14 f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 1-2002, f. & cert. ef. 5-22-02;  
15 LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 2-2011, f. & cert. ef. 2-2-11