

Department of Community Services
Land Use and Transportation Planning Program
www.multco.us/landuse



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**STAFF REPORT TO THE PLANNING COMMISSION
FOR THE HEARING ON NOVEMBER 3, 2014**

**AMEND COMMERCIAL FOREST USE ZONES TO ALLOW AGRICULTURAL TYPE
BUILDINGS FOR FOREST PRACTICES
CASE FILE # PC-2014-3250**

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SECTION 1. INTRODUCTION

This staff report follows a work session held with the Multnomah County Planning Commission April 7, 2014 where amendments were considered to the county's Commercial Forest Zones to permit permanent forest practice buildings in the same manner as agricultural buildings in Exclusive Farm Use zone. This staff report outlines proposed amendments to be considered for approval by the Planning Commission at a public hearing scheduled November 3, 2014.

SECTION 2. SUMMARY OF KEY ISSUES

The proposed code amendments will exempt permanent structures associated with forest practices from requiring land use and building permits. The proposed amendments will make Multnomah County's code consistent with amendments to the Oregon revised Statutes (ORS) Section 215 which became effective January 2014. This project was identified as a priority on the Planning Commission's 2014 Work program.

Previously, the ORS Section 215 only allowed exempt agricultural buildings on established farms. House Bill (HB) 2441 was passed in May 2013 which amended ORS Section 215 to also apply the exception to buildings on forest land associated with valid/documented forest practices (Exhibit A.1).

As mentioned above, agricultural buildings constructed outside of a special overlay zone on Exclusive Forest Use zoned properties with a verified farming practice are currently permitted

outright without requiring land use or building permits. However, permanent forest practice buildings which provide similar functions as agricultural buildings in the CFU zones are not allowed uses listed in current county code. The code amendment will allow the same approach for forest practice buildings necessary for valid forest practices in the CFU zones.

Permanent forest practice buildings in the CFU zone make it easier for property owners to maintain their forest practices by allowing for the year round storage of maintenance and forest practice equipment and processing materials.

Similar to agricultural buildings, in order to be eligible for an exempt forest practice building the property owner must demonstrate:

- A valid forest practice
- Compliance with setbacks, access requirements, and maximum height limitations
- Compliance with overlay zone requirements such as environmental concern, hillside development, etc.

Agricultural buildings proposed outside of an overlay zone typically are reviewed and signed off at the front counter. Forest practice buildings would be reviewed through the same process as agricultural buildings. Agriculture and forest buildings can only be used exclusively for the operation of the farm and forest practice. Some examples of agriculture and forest building uses include:

- Storage, maintenance, or repair of farm and forest machinery and equipment.
- Raising, harvesting or selling of crops or forest products.
- Feeding, breeding, management and sale of any other agricultural use, forestry or horticultural use or animal husbandry.
- The preparation and storage of the produce raised on the farm for human use and animal use.
- The preparation storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.

The following structures cannot qualify as agricultural or forest buildings:

- Dwellings
- Structures accessory to a dwelling
- Structures where more than 10 persons will be present
- Structures used by the public
- Structures subject to Floodplain regulations.

It is anticipated that the proposed changes will not create significant additional responsibilities for County staff. Staff currently verifies that agricultural buildings meet the minimum development standards (discussed above) at the front counter. Staff will need to update forms and handouts to accommodate the addition of the forest buildings (Exhibits A.2 and A.3). In addition to verifying agricultural buildings on farm lands, staff will also need to verify similar buildings on forest lands.

Proposed code amendments are provided in the following section.

SECTION 3. PROPOSED AMENDMENTS

Please note the following formatting styles used within this section:

Bold = Existing Code Language

Double Underline = Proposed new language

~~Strikethrough~~ – Language proposed for removal

SECTION 3A.1 (DEFINITIONS):

Definitions in sections:

33.0005

34.0005

35.0005

36.0005

Agricultural Building – Pursuant to ORS 455.315(2)[2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- a. Storage, maintenance, or repair of farm or forest machinery and equipment;**
- b. The raising, harvesting and selling of crops or forest products;**
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals, or honeybees;**
- d. Dairying and the sale of dairy products; or**
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.**
- f. Agricultural and forest practice buildings does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, a structure subject to sections 4001 to 4127, title 42, United States Code (the national Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.**

Forest Practice Building – See Agricultural Building.

SECTION 3A.2 (DEFINITIONS):

Definitions in sections:

11.15.0010

Agricultural Building – Pursuant to ORS 455.315 and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- a. Storage, maintenance, or repair of farm or forest machinery and equipment;
- b. The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals, or honeybees;
- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.
- f. Agricultural and forest practice buildings do not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, a structure subject to sections 4001 to 4127, title 42, United States Code (the national Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Forest Practice Building – See Agricultural Building.

SECTION 3B (USES IN THE CFU ZONE):

33.2020(A)(2) Allowed Uses – *Relates to the CFU-1 Zone*

33.2220(A)(2) Allowed Uses - *Relates to the CFU-2 Zone*

33.2420(A)(2) Allowed Uses - *Relates to the CFU-5 Zone*

35.2020(A)(2) Allowed Uses - *Relates to the CFU-3 Zone*

35.2220(A)(2) Allowed Uses - *Relates to the CFU-4 Zone*

36.2020(A) Allowed Uses - *Relates to the CFU Zone*

11.15.2048(A)(2) Uses Permitted Outright - *Relates to the CFU Zone*

(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 or permanent on site structures which are auxiliary to and used during the term of a particular forest operation per ORS 215 and 455.315. Conversion of these structures is subject to land use and building permit review procedures; 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.

SECTION 3C (FLOOD HAZARD REGULATIONS):

MCC 29.604 - Exemption from development standards.

The following are exempt:

(* * *)

(C) Forest practices approved under the Forest Practices Act are not regulated by this subchapter. Forest practice buildings exempt from state building code per ORS Chapter 215 are subject to Flood Hazard Regulations of this subchapter in the same manner as agricultural buildings.

SECTION 4. EXHIBITS

The attachments listed below are part of this staff report:

Exhibit A.1	House Bill 2441
Exhibit A.2	Exempt Agricultural Building FAQ Form
Exhibit A.3	Farm Agricultural Building Form