

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 745

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B). The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C). This ordinance amends the Comprehensive Framework Plan Map and Sectional  
2 Zoning Maps by changing the designation on all lands subject to the amended Statewide  
3 Planning Goal 4 from Multiple Use Forest to Commercial Forest Use. The Commercial Forest  
4 Use designation will then be the Plan Policy and Zoning Code Section in place to satisfy the  
5 State requirements of OAR 660, Division 6.

6 (D). A 46 page findings document examining the impacts of the State Rule changes  
7 and the reasons for the course of action taken is on file with the Multnomah County  
8 Department of Environmental Services, Division of Planning and Development. The findings  
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County  
10 Zoning Code into Compliance with the Oregon Administrative Rule on Forest Lands." They  
11 are attached hereto, are incorporated by reference, and are adopted.

12 (E). On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held  
13 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County  
14 staff conducted public information meetings to explain the State requirements and the proposed  
15 County ordinances to meet those requirements. The Planning Commission then held public  
16 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the  
17 Board of County Commissioners followed on November 24, 1992 and December 8, 1992.  
18 At each of the hearings all interested persons were given an opportunity to appear and be heard.  
19 Section II. Amendment of Framework Plan Land Use Map.

20 The Framework Plan Land Use Map is hereby amended by SUBSTITUTING for the  
21 present designation of Multiple Use Forest on certain lands, the designation of Commercial  
22 Forest as contained in Exhibit B — "Proposed Plan Map Amendments, C 4-92," consisting of  
23 34 maps by that name, and on file with the Multnomah County Department of Environmental  
24 Services, Division of Planning and Development.

25 Section III. Amendment of Zoning Map.

26 The following Sectional Zoning Maps, as adopted November 15, 1962, including all

subsequent amendments thereto as of the effective date of this Ordinance, are hereby amended by SUBSTITUTING for the the present Zoning District designation of Multiple Use Forest - 19 or Multiple Use Forest - 38 on certain lands, the Zoning District designation of Commercial Forest Use as contained in Exhibit C — "Proposed Sectional Zoning Map Amendments, C 4-92," consisting of 136 pages of Sectional Zoning Maps and on file with the Multnomah County Department of Environmental Services, Division of Planning and Development: Numbers 2; 3; 11; 19; 25 through 28; 33 through 36; 41 through 51; 57 through 67; 69; 70; 75 through 86; 88 through 92; 94; 95; 98; 100 through 102; 105 through 110; 121; 122; 124; 125; 127; 131 through 134; 292; 293; 298 through 301; 307 through 313; 322 through 325; 336; 337; 452 through 460; 464; 543 through 545; 586; 592; 649 through 652; 658 through 674; 679 through 681; 683 through 687; 692 through 702; 715 through 717; 779 through 781; 791; 792; 801; 802; 811; 812; 819; 820.

ADOPTED THIS 8th day of December, 1992, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County.



By Gladys McCoy  
Gladys McCoy, County Chair  
MULTNOMAH COUNTY, OREGON

REVIEWED:

Peter Lurnston  
John DuBay, Deputy County Counsel  
of Multnomah County, Oregon



DEPARTMENT OF ENVIRONMENTAL SERVICES  
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C 4-92  
Exhibit A

**FINDINGS ASSOCIATED WITH BRINGING THE MULTNOMAH  
COUNTY ZONING CODE INTO COMPLIANCE WITH THE  
OREGON ADMINISTRATIVE RULE ON FOREST LANDS**

September 21, 1992

**I. INTRODUCTION**

On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4 (Forest Lands) and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

Within this findings report is the full text of the forest goal and rule. Explanations and comments are inserted within the text in "Helvetica font" prefaced by the word "COMMENT." In a few locations, under the heading "POLICY OPTION," is an explanation of the course of action taken by the Planning Commission where the rule allows some discretion in the implementation of the rule or where the Planning Commission has chosen to include additional restrictions on non-forest land uses.

On page 1 of the "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6" the Oregon Land Conservation and Development Commission stated four primary reasons for the amendments:

"The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

## **II. OREGON STATEWIDE PLANNING GOAL 4**

### **GOAL 4: FOREST LANDS**

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

### **USES**

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest management dwellings that are necessary for, and accessory to, forest operations; and (5) other dwellings under prescribed conditions.

### **IMPLEMENTATION**

Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands.

Zoning applied to forest land shall contain provisions which limit, to the extent permitted by ORS 527.722, uses which can have significant adverse effects on forest land, operations or practices. Such zones shall contain standards for land divisions and for the review and siting of land uses consistent with the goal and administrative rule. These standards shall be designed to make land divisions and allowed uses compatible with forest operations and agriculture and to conserve values found on forest lands.

Local governments may inventory, designate and zone forest lands as marginal land, and may adopt a zone which contains provisions for those uses and land divisions consistent with ORS 197.247.

### III. OREGON ADMINISTRATIVE RULE 660, DIVISION 6

ADOPTED JANUARY 25, 1990  
AMENDED MARCH 1, 1990

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**OREGON ADMINISTRATIVE RULE 660, DIVISION 6**

**Purpose**

**660-06-001**

- (1) The purpose of the Forest Lands Goal is to conserve forest lands.
- (2) To accomplish the purpose of conserving forest lands, the governing body shall:
  - (a) Designate forest lands on the comprehensive plan map as forest lands consistent with Goal 4 and OAR 660, Division 6; and
  - (b) Zone forest lands for uses allowed pursuant to OAR 660, Division 6 on designated forest lands, and
  - (c) Adopt plan policies consistent with OAR 660, Division 6.
- (3) This rule provides for a balance between the application of Goal 3 "Agricultural Lands" and Goal 4 "Forest Lands" because of the extent of lands that may be designated as either agricultural or forest land.

**Applicability**

**660-06-003** The following rule describes how and when requirements of the amended Forest Lands Goal and Rule apply to local government land use decisions. OAR 660, Division 6 applies to all forest lands as defined by Goal 4. Governing bodies shall comply with the requirements of OAR 660-06-004 within sixty (60) days of the effective date of this rule:

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**POLICY OPTION: AMENDMENT OF ZONING DISTRICT.** The OAR states that the amended rule applies to all forest lands with no differentiation between areas of large commercial timber ownerships and areas of smaller woodlot ownerships. Therefore, lands presently zoned Commercial Forest Use (CFU) (80 acre parcel size) and Multiple Use Forest (MUF) (19 and 38 acre parcel size) will, as a result of the rule, both have the same zoning district designation. The Commission has taken the option to amend the existing CFU code language to reflect the OAR and to change the zoning on all MUF designated properties to the CFU designation.

Amending the CFU zone, instead of creating a new Forest zone, is being done because the minimum lot size for new parcels does not change (discussion of this issue to follow), the types and number of permitted land uses are similar to

the types of uses listed in the CFU code section, the County Assessor's records do not have to be changed on as many properties, and a new forest subdistrict would have to be "out of place" from the other rural resource subdistricts in the zoning code (due to a lack of available subsection numbers).

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(1) Governing bodies shall comply with requirements of this amended goal and rules, in the following ways prior to the director terminating periodic review, the commission affirming the final periodic review order, or the court sustaining a commission order affirming the final periodic review order for issues covered by this amended goal and rules. Where a proposed periodic review order is submitted prior to the effective date of this amended goal and rules, the following provisions will not apply until three years from the effective date of this amended goal and rules (see OAR 660-06-003(4)):

- (a) If a governing body amends a plan policy, then the requirements of the amended goal and rules shall apply.
- (b) If the governing body amends a plan map, then the requirements of this amended goal and rules shall apply.
- (c) If the governing body amends the background, inventory or other information in the plan, then it shall not be required to meet the requirements of this amended goal and rules but shall be required to meet the requirements of Goal 4 and Division 6 as existed prior to the adoption of these amendments.
- (d) If the governing body amends its land use regulation, then the requirements of this amended goal and rules shall apply. A governing body may amend its regulations to authorize the nonforest uses permitted by OAR 660-06-025 and OAR 660-06-050 provided it simultaneously implements the provisions establishing standards for nonforest uses in OAR 660-06-029, OAR 660-06-035, and OAR 660-06-040. A governing body may amend its regulations to authorize the nonforest dwellings permitted by OAR 660-06-028 provided it simultaneously eliminates any other provisions in its comprehensive plan and land use regulations which permit nonforest dwellings under different standards, and simultaneously implements the provisions in OAR 660-06-027 governing forest dwellings. The requirements of OAR 660-06-003(1)(d) do not apply if a governing body is amending its land use regulation only to comply with the requirements of notice provided for in OAR 660-06-004.
- (e) If the governing body amends a zone map for which no comprehensive plan change is required then it shall apply the requirements of the acknowledged comprehensive plan and land use regulations which apply to the action.
- (f) If the governing body is making a decision under only acknowledged land use regulations, then it shall apply the requirements of that acknowledged land use regulation in place at the time the application for the decision is made.



Independent application of the provisions of this amended goal or rules is not required.

- (2) Governing bodies shall comply with requirements of this amended goal and rules in the following ways at the time it submits a final periodic review order, unless the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules. Where the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules, the provisions of this amended goal and rules apply as outlined in section 4 below:
  - (a) The governing body shall amend its plan policies to conform to the requirements of this amended goal and rules.
  - (b) The governing body shall amend its plan map to conform to the requirements of this amended goal and rules.
  - (c) The governing body shall amend its plan background, inventory or other information in the plan to conform to the requirements of this amended goal and rules.
  - (d) The governing body shall amend its land use regulation to conform to the requirements of this amended goal and rules.
  - (e) The governing body shall amend its zone map to conform to the requirements of this amended goal and rules.
  - (f) Implementation decisions made by the governing body or its designate shall adhere to the acknowledged land use regulations in place at the time the application for the decision is made.
- (3) Following termination of periodic review, a governing body shall apply the requirements of this amended goal and rules as outlined in ORS 197.835 (LUBA Scope of Review).
- (4) Local governments that have submitted a proposed periodic review order prior to the effective date of this amended goal and rules must amend their comprehensive plan and land use regulations to comply with requirements of this amended goal and rules, within three years of the effective date of this rule.

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**STAFF COMMENT : COMPLIANCE DATE.** Multnomah County submitted a proposed Periodic Review Order prior to the adoption date of the amended rule and therefore is given three years to comply. The effective date of the rule was February 5, 1990.

## **POLICY OPTION: FOREST LANDS IN THE COLUMBIA GORGE.**

At the same time that this Goal 4 work is progressing, planning staff are drafting upcoming needed ordinance changes for the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan that will be enacted following the State Goal 4 deadline. In comparing the required and allowed land use provisions that will be enacted for forest areas both within the CRGNSA and out of the CRGNSA there is an important issue regarding the timing of adoption of new regulations. Even though it is our understanding that the NSA Management Plan will be accepted as in compliance with State land use goals, planning staff finds enough differences in the two forest related rules and policies that staff has determined that it is necessary to draft and adopt different zoning ordinances for CRGNSA and non-CRGNSA forest lands.

Therefore, Multnomah County will not enact the state forest OAR requirements on MUF zoned properties in the Gorge. The existing MUF forest regulations will remain in effect until the CRGNSA Management Plan provisions are adopted at a later time, (approximately one to two months later). For the short interval between adoption of the State forest requirements and the adoption of the NSA provisions, lands in the Gorge that are presently zoned CFU (not MUF) will be subject to the amended CFU zone regulations enacted as part of this proposal. Some of the reasons that one forest zone would not work both outside and inside the Gorge is as follows:

1. Outside the CRGNSA our two present forest zones will be combined into one district with an 80 acre minimum parcel area requirement. Within the CRGNSA, however, there are four different forest designations, three in the GMA and one in the SMA. In the Management Plan, those four forest areas have minimum parcel size requirements ranging from 20 to 40 to 80 acres. It would be better policy to not change the present MUF lot area requirement of 19 and 38 acres to the 80 acre requirement if it would only be changed again when the Gorge plan is enacted.
  2. There are some land uses and provisions allowed in the CRGNSA Management Plan that are not listed in the Goal 4 administrative rule and there are some provisions in the 1990 Goal 4 OAR which are not permitted in the CRGNSA forest areas. The transition from the existing zoning regulations to the CRGNSA regulations, at least for the more numerous MUF parcels, would be better without an intervening change.
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- (a) Local governments that do not complete the required comprehensive plan and land use regulation amendments before the expiration of the three-year period will be subject to the requirements of this amended goal and rules for all land use decisions as defined in ORS 197.015.
- (b) After local governments have completed the required amendments to their comprehensive plan and land use regulations, and such amendments are acknowledged as provided in ORS 197.625, the provisions of this amended goal and rules shall apply in the same manner as other goals and rules apply to other land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

#### (5) Applicability Matrix

The following matrix is intended to supplement the above applicability section. It is intended as a general expression of legislative intent. Should confusion or conflicts arise over the meaning of the specific language of the rule, the rule shall take precedence over the matrix.

Type of Action	Before PR <sup>1</sup>	At PR <sup>2</sup>	After PR <sup>3</sup>
1. Plan Policy Amendment	Y	Y	Y
2. Plan Map Amendment	Y	Y	Y
3. Background Information (Inventory)	N	Y	Y
4. Regulation (Code) Amendment	Y	Y	Y <sup>4</sup>
5. Zone Map Change	N	Y	N
6. Implementation decision under acknowledged Land Use Regulation (e.g., dwelling or division approval)	N	N	N

Y Provisions apply

N Provisions do not apply

<sup>1</sup>Refer to OAR 660-06-003(1)

<sup>2</sup>Refer to OAR 660-06-003(2)

<sup>3</sup>Refer to OAR 660-06-003(3)

<sup>4</sup>Except as provided in ORS 197.835(5)(B)

- (6) For jurisdictions not acknowledged as in compliance with Goal 4 at the time the amended Goal 4 is filed with the Secretary of State, unacknowledged provisions must comply with the amended section(s) of OAR 660, Division 6.

### **Notice of Decision in Forest Zones**

**660-06-004** Governing bodies shall provide the following types of notice:

- (1) Notice of all applications for dwellings and land divisions in forest and agriculture/forest zones shall be provided to the Department of Land Conservation and Development and the Department of Forestry at their Salem and field offices. Notice shall be in accordance with the governing body's acknowledged comprehensive plan and land use regulations, and shall be mailed at least ten (10) calendar days prior to the hearing or decision being made.
- (2) Notice of proposed actions described in OAR 660-06-004(1) shall be provided as required by procedures for notice contained in ORS 197.762, ORS 215.402 to ORS 215.438.

### **Definitions**

**660-06-005** For the purpose of this rule, the following definitions apply:

- (1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (2) Forest operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (3) Governing body means a city council or county board of commissioners or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

### **Inventory**

**660-06-010** Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under OAR 660-06-010. Outside urban growth boundaries, this inventory shall include a mapping of forest site class. If site information is not available then an equivalent method of determining forest land suitability must be used. Notwithstanding OAR 660-06-010, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

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**STAFF COMMENT: FOREST LAND INVENTORY.** No forest land inventory work in addition to that already done for acknowledgment in 1981 has been done. The instructions for classifying forest lands is based on potential tree production "site class" and is mapped by soil type. The classification system has not changed sufficiently to alter any mapping of forest land. Also, until some change in state law occurs, such as "secondary lands," it is doubtful whether any additional areas could qualify for a Goal 4 "exception." For other options for areas characterized by certain levels of parcelization, see OAR 660-06-028.

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#### **Plan Designation Outside an Urban Growth Boundary**

##### **660-06-015**

- (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR 660, Division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247, or the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR 660, Division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will be applied.
- (2) When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

#### **Plan Designation Within an Urban Growth Boundary**

**660-06-020** Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.

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**STAFF COMMENT: WEST HAYDEN ISLAND.** In 1982, the Urban Growth Boundary (UGB) was expanded to include the portion of Hayden Island west of the railroad. The zoning designation of Multiple Use Forest, however,

has not been changed in wait for urban level of services to be available. Because the rule does not apply within the UGB, Multnomah County will leave the MUF zoning in place.

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### **Uses Authorized in Forest Zones**

**660-06-025**

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

- (a) Uses related to and in support of forest operations;
  - (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;
  - (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources; etc.
  - (d) Forest management dwellings as provided for in OAR 660-06-027; and
  - (e) Other dwellings under prescribed conditions.
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### **STAFF COMMENT: CHANGES TO PERMITTED LAND USES.**

The number of listed permitted land uses in the forest rule are even fewer than the land uses listed in the Exclusive Farm Use state statutes. Within the uses listed, the following is of note:

1. Dwellings can no longer be a "Primary Use." The Planning Commission has chosen to require all new dwellings, both forest management and not related to forest management, be reviewed as a Conditional Use (an 'action proceeding' in a public hearing).
2. The amended forest rule does not permit such "Community Service" uses as Schools, Hospitals, Churches, Government Buildings (except those accessory to forest operations and fire stations), Private Clubs, Recycling Centers,

**Golf Courses, Boat Moorages, Marinas, or Boathouse Moorages.**

3. The amended forest rule does not list the following "Conditional" uses which are permitted in the MUF zoning district:
    - A. "Limited rural service commercial uses" including stores, shops, and offices;
    - B. "Tourist commercial uses" such as restaurants, gas stations, and motels;
    - C. Cottage industries (a type of light industry employing less than 20 persons in an enclosed building); and
    - D. Houseboats. One of the areas that the Comprehensive Plan designates as suitable for houseboats is zoned MUF-19. This is the area from the Portland city limits northward to one-half mile north of the Sauvie Island Bridge on the west side of Multnomah Channel. There are presently several moorages in this location with an estimated potential increase under the existing code, with redevelopment, of 30 to 40 more houseboats.
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- (2) The following uses pursuant to the Forest Practices Act (ORS Chapter 527) and Goal 4 shall be allowed in forest zones:
  - (a) 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;
  - (b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation;
  - (c) 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 processing, landfills, dams, reservoirs, road construction or recreational facilities;
  - (d) For the purposes of OAR 660-06-025(2) "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.

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

- (a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- (b) Farm use as defined in ORS 215.203;
- (c) Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups;
- (d) Temporary portable facility for the primary processing of forest products;
- (e) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (f) Private hunting and fishing operations without any lodging accommodations;
- (g) Towers and fire stations for forest fire protection;
- (h) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n);
- (i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- (j) Caretaker residences for public parks and fish hatcheries;
- (k) Uninhabitable structures accessory to fish and wildlife enhancement;
- (l) Temporary forest labor camps;
- (m) 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;
- (n) Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8;
- (o) Disposal site for solid waste that has been ordered established by the Environ-



mental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation;

(p) Maintenance, repair or replacement of existing dwellings.

(4) The following uses may be allowed on forest lands subject to the review standards in OAR 660-06-025(5):

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

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

(d) Disposal site for solid waste approved by the governing body of a city or county or both 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;

(e) Parks and campgrounds. For the purpose of OAR 660-06-025 a campground is 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. Campgrounds authorized by OAR 660-06-025 shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(f) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under OAR 660-06-025(3)(m) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

(g) Television, microwave and radio communication facilities and transmission towers;

(h) Fire stations for rural fire protection;

(i) Utility facilities for the purpose of generating five (5) megawatts or less of power;

(j) Aids to navigation and aviation;

(k) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

- (l) Reservoirs and water impoundments;
- (m) Firearms training facility;
- (n) Cemeteries;
- (o) Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 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,
  - (D) a governing body may impose other appropriate conditions, and
- (p) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width;
- (q) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- (r) Home occupations as defined in ORS 215.448;
- (s) A mobile home 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 215.213 and 215.283. The mobile home 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 mobile home will use a public sanitary sewer system, such condition will not be required. Governing bodies every two years shall review the permit authorizing such mobile homes. When the hardships end, governing bodies or their designate shall require the removal of such mobile homes. Department of Environmental Quality review and removal requirements also apply to such mobile homes;
- (t) Expansion of existing airports;

- (u) Public road and highway projects as described in ORS 215.213(2)(q) through (s) and ORS 215.283(2)(p) through (r);
  - (v) Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:
    - (A) accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality 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 1/4 mile of fish bearing Class I waters,
    - (E) a governing body may impose other appropriate conditions, and
  - (w) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- (5) A use authorized by OAR 660-06-025(4) 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 forest lands:
- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
  - (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
  - (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-06-025(4)(e), (1), (r), (s) and (v).
- (6) Nothing in OAR 660-06-025 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordi-

nances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

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

**660-06-026**

(1) Governing bodies may approve land divisions pursuant to acknowledged comprehensive plan provisions for authorizing new land divisions in forest zones pending the evaluation described below:

(a) An evaluation of acknowledged provisions that authorize new land divisions below 80 acres in forest zones shall be conducted by the governing body to determine whether the land division standards in the plan have worked to achieve compliance with the amended Goal 4. In conducting the evaluation, governing bodies shall provide findings based on substantial evidence that the acknowledged land division standards have worked to assure:

(A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and

(B) the opportunity for the continuous growing and harvesting of forest tree species, and

(C) the conservation of other values found on forest lands;

(b) The results of the evaluation must be completed and submitted to the department for review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.

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## **POLICY CHOICE: MINIMUM LOT AREA FOR LAND DIVISION.**

To keep acknowledged minimum land division standards which are less than 80 acres in area, a county must provide an evaluation showing how past land divisions have worked to achieve compliance with the amended Goal 4. A description of the required studies is in the "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6" by DLCD. The report states:

"This analysis needs to include enough case studies over a period of years to determine whether the land division standards in forest and agricultural/forest zones have or have not worked to achieve compliance with the goal. Besides basic information about the location, size and cubic site class, the case studies should discuss the following:

- (1) the current use of the lands that were divided; and
- (2) whether the parcels are receiving a forest or farm deferral;  
and
- (3) whether either parcel has a dwelling and the circumstances under which the dwelling was approved; and
- (4) whether the parcels are stocked to the applicable FPA regional standard; and
- (5) the status of the management plan if one was required as part of the approval; and
- (6) whether other conditions of approval were met; and
- (7) whether the approved parcels have now increased in residential value as a result of the land divisions. This determination may require a comparison of the per acre value of forest lands in the area with the per acre value of those parcels involved with the approval.

In May, 1987, the planning division conducted a study of farm and forest management plans which included an investigation into the amount of compliance there existed to forest management plans approved from 1980 through 1986 on properties from 10 to 37.9 acres in area. Approval of the plans is a requirement to obtain a resource related dwelling. On page 2 of the report is a table which had the following categories and number of properties matching that description:

"Evidence the management plan is followed  
and that it is a commercial farm or forest use": 0

'Evidence the management plan is  
followed but use appears more rural  
residential or hobby farm than commercial': 9

'No evidence that ... plan is followed but a  
residence is present.': 4"

Such results lead staff to conclude that it is very doubtful that there is "substantial evidence that the acknowledged land division standards" of the MUF -19 zone have worked to achieve compliance with the amended Goal 4.

In addition, the findings of the *Farm and Forest Land Research Project*, prepared for the Oregon Department of Land Conservation and Development in a statewide study, concludes that smaller parcel sizes actually reduce the likely amount of forest practices that can be expected to occur on the property. The project results are divided into 3 different reports: *Task One: Status of the Land Resource Base, March 1991*; *Task Two: Analysis of the Relationship of Resource Dwelling and Partition Approvals Between 1985-87 and Resource*

*Management in 1990, May 24, 1991; and Task Three: Survey of Farm and Forest Operators, April 1991. In the Task Two report, page 16 it reads:*

"... Operation size appears to positively affect forest management-- 80.8% of forest approval operations managed by owner that are over 80 acres have received silvicultural treatments since approval date (with a margin of error of plus or minus 15.1%) while only 61.1% of such operations 20 acres and under have managed forests (with a margin of error of plus 22.5%)."

In the County's MUF zone, a dwelling may be placed or built on a parcel of 38 acres without the requirement for approval of a forest management plan. As a consequence, such parcels were not included in any past County studies correlating the amount of forestry practice occurring on lots between 38 and 80 acres. Related to that issue are the statements on page 30 of the above referenced Task One report:

#### "II.5.A. Harvest Patterns

Summary: Within the private ownership sector, non-industrial owners are less inclined to harvest timber than industrial owners.

Even though industry owners possessed less than two-thirds of the total volume of growing stock on private lands in the mid-'80s, the industry lands were responsible for nearly 90% of the timber harvested off private lands in this time period. ...

Two reasons why non-industrial timberland owners harvest less than industrial owners and far less than their own potential are that some of these owners hold land for non-timber purposes, and many of those who do grow and harvest timber manage their timberlands less intensively than industry owners."

In a October 11, 1989, report to the Board of Forestry, Ann Hanus, Department of Forestry staff member, concluded that smaller parcels "attract potential buyers of homesites who have little or no interest in forest management." The problem is described as follows:

"They want from 5 to 50 acres for their house and are willing to pay a premium over and above the value of the land for forest production. Thus they compete with timber growers for the same land but can afford to outbid these other purchasers. The Department of Revenue values forest land from \$100 to \$500/acre but homesite buyers can pay up to ten times those amounts per acre."

Under the 38 acre minimum parcel size, sizable portions of commercial timber company holdings in the MUF zone have been clearcut and then parceled into 38 acre lots and sold to non-industrial owners. Just one holding on McNamee Road involved twelve 38 acre parcels. On Skyline Blvd. several 38 acre parcels have been sold by a commercial timber company to non-industrial owners right up to the CFU -80 boundary and then the parcelization stops.

This industrial timber land parcelization is of concern to Ted Lorensen, Policy Analyst with the Department of Forestry. In a January 27, 1989 letter to Craig Greenleaf of DLCD Mr. Lorensen wrote:

"It is the Department's opinion that the majority of land use changes (outside of southwest and eastern Oregon) occur on smaller forest parcels and in counties with high development pressure (Washington and Yamhill). Land use changes often occur after the sale of a recently clearcut parcel. The land use change is often the result of such change being the least expensive way of meeting the FPA reforestation liability.

The Department of Forestry does not collect data on land use changes. However, we believe the scenario producing these land use changes is: 1) the original landowner clearcuts the parcel; 2) to avoid the reforestation expense and capture the value of the homesite development opportunity, the landowner puts up the land for sale; 3) the time interval between harvest and the sale to a new owner results in a brushy site that is expensive to reforest; 4) ownership is transferred and the new owner is confronted with a reforestation obligation he/she may not have been aware existed; 5) the new landowner places a fence around the ownership and begins grazing livestock because a fence and livestock are much cheaper than scarification and planting." (Page 23, "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6.")

From the information that staff has obtained, it appears that most other Counties either have adopted the 80 acre minimum requirement or expect to adopt it. As given in OAR 660-06-026(2)(a) below, Multnomah County is allowed to adopt the 80 acre minimum land division requirement without having to justify the standard to the Department of Land Conservation and Development (DLCD). The 80 acre minimum is actually a reduction from a 1988 draft of the rule in which DLCD staff recommended to LCDC a minimum lot size of 160 acres.

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(2) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 through the adoption of one or more of the following:

(a) An 80-acre minimum land division standard; or

(b) One or more numeric minimum land division standards less than 80 acres provided that the numeric minimum land division size(s) is large enough to assure:

(A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and

(B) the opportunity for the continuous growing and harvesting of forest tree species, and

(C) the conservation of other values found on forest lands.

(3) New land divisions less than the parcel size in OAR 660-06-026(1) and (2) may be approved only for the uses listed in OAR 660-06-025(3)(m) through (o) and OAR 660-06-025(4)(a) through (n) provided that such uses have been approved pursuant to OAR 660-06-025(5).

(4) Notwithstanding OAR 660-06-026(1) and OAR 660-06-026(2), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:

(a) The new parcel containing the dwelling is no larger than 5 acres; and

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

(c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

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**POLICY CHOICE: LAND DIVISION OPTION FOR EXISTING DWELLINGS ON VERY LARGE PARCELS.** The above subsection (4) allows a dwelling which existed prior to January, 1990 to be sold separately on a parcel of five acres or less if the remainder of the parcel either meets the minimum land division standard or is consolidated with another parcel which together meet the minimum land division standard. The concept is similar to the "home-



stead lot" provision in the EFU zone except that there is no resource impact evaluation required, there is allowance for consolidation to meet the minimum parcel size, and the larger parcel could qualify for a new dwelling.

Even though this provision would result in a dwelling not related to forest management, the Planning Commission does not anticipate much impact from these dwellings because there are so few situations meeting the requirements. Staff has counted only two dwellings on existing lots of more than 80 acres in area.

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## **Forest Management Dwellings in Forest Zones**

### **660-06-027**

- (1) Forest management dwellings may be allowed in forest zones provided the governing body makes findings based on substantial evidence that the requirements of OAR 660-06-027 are met. For the purpose of OAR 660-06-027, necessary for and accessory to are defined as:

- (a) "Necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling.

NOTE: (The Commission intends that this requirement create a relationship between the approval of a dwelling and the ongoing forest management of the land. It means that the principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. A dwelling is necessary where the occupant must spend an extensive amount of time on forest management. This definition precludes a dwelling which simply "enhances" forest management. This definition also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.)

- (b) "Accessory to" means that the dwelling is incidental and subordinate to the main forest use.

- (2) The governing body shall determine whether the dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based at a minimum on the following information provided by the applicant. The applicant shall provide information necessary to complete the form attached in Appendix A of this rule or its equivalent regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of

commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

- (a) The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and
  - (b) Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density, and harvest; and
  - (c) The siting and safety standards in OAR 660-06-029 and OAR 660-06-035 have been adequately addressed.
- (3) There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling on the forest operation.
- (4) The property qualifies for and is enrolled in one of Oregon's forest tax programs.
- (5) The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.
- (6) 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, 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.
- (7) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Eastern (OAR 629-24-402), Northwest (OAR 629-24-502), or Southern (OAR 629-24-602) Regions which ever is applicable, at the time authorization for a permanent dwelling is requested. If the lands to be managed do not meet these stocking and survival requirements, the governing body may approve a temporary dwelling subject to the following requirements:
- (a) The prospective resident(s) shall agree in writing to remove the temporary dwelling and any accessory structures within 60 days of the governing body's determination pursuant to OAR 660-06-027(7) that the property has not met the stocking and survival requirements within five years of the date the temporary dwelling was approved;

- (b) The prospective resident(s) shall agree in writing to pay all costs associated with the removal of the dwelling and any accessory structures by the governing body if the prospective resident(s) fails to comply with OAR 660-06-027(7)(a). This written agreement with the governing body shall include either a performance bond, cash deposit, irrevocable letter of credit, promissory note, written contract or other similar form of security equal to costs determined by the governing body needed to remove totally the temporary dwelling and accessory structures from the parcel and any additional costs for legal proceedings;
- (c) The governing body shall determine whether the prospective resident(s) has complied with OAR 660-06-027(7)(a) within 60 days of the end of the time period prescribed in OAR 660-06-027(7)(a). If the prospective resident(s) has not complied with such requirements, the governing body shall secure the removal of the dwelling unless an extension is granted. An extension of not more than two (2) years may be granted if the governing body has substantial evidence on which the finding can be made that, due to natural disaster or illness, completion of the requirements in OAR 660-06-027(7)(a) was not possible;
- (d) The governing body shall enforce the terms of this agreement if the prospective resident(s) fails to meet the stocking and survival requirements of OAR 660-06-027(7)(a) for the lands to be managed within five years unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted under OAR 660-06-027(7)(c);
- (e) When the governing body has determined that the prospective resident(s) has complied with the requirements of OAR 660-06-027(7)(a), the temporary dwelling may be replaced by a permanently constructed dwelling.
- (8) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- (9) An application for a forest management dwelling is not complete for the purpose of requiring a governing body to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1) is submitted to the governing body.
- (10) It is the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met.

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## **STAFF COMMENT: FOREST MANAGEMENT DWELLINGS.**

One of the reasons that the Forest Goal had to be amended was a result of the Oregon Supreme Court 1988 decision in 1000 Friends of Oregon v. Land Conservation and Development Commission (Lane County). The Supreme Court held that the LCDC should not have acknowledged Lane County's comprehensive plan to be in compliance with statewide planning goals. One, of many, issues in the case dealt with the County's use of the words "accessory" and "necessary" in the approval criteria for a "forest dwelling." Those two words had been used by LCDC in reviewing land uses in Goal 3 and 4 lands since a 1983 Land Use Board of Appeals case. Lane County's code provided that if a forest management plan was completed, then a dwelling was "deemed accessory and necessary to the forest management." The Supreme Court noted that the words "necessary" and "accessory" were themselves not a part of Goal 4 and then the Court concluded:

"Therefore, the question is actually whether the standards for compliance with the forest management plan are such that LCDC can properly conclude that what would otherwise be a non-forest use -- a dwelling -- is, because of the forest management plan, properly considered a forest use. (Page 13).

The 'necessary and accessory' test in the Lane County plan is neither precise nor strict enough to show that dwellings on forest lands will meet the stated intent of Goal 4 to conserve forest lands for forest uses." (Page 15)

As a result, LCDC in 1990 amended Goal 4 and the administrative rule to address the Supreme Courts concerns. The Commission added the phrase "necessary for, and accessory to, forest operations" to both the goal and rule in order to allow forest related dwellings under appropriate standards.

The rule language, however, does not state a specific minimum parcel size for a forest related dwelling and uses the vague term "extensive" in describing the amount of time (labor) which the dwelling resident must spend on forest management labor in order to provide the "findings based on substantial evidence that the requirements" of the rule are met.

A good summary explanation of the forest related dwelling standards was made by Ted Lorensen, Policy Analyst with the Oregon Department of Forestry (ODOF), in a report to the Board of Forestry entitled "Dwellings 'Necessary For' A Forest Operation, (Agenda Item 4, July 19, 1991 Board meeting). After a narration of the evolution of the LCDC forest dwelling rule language, Mr. Lorensen states:

"The eventual draft wording of 'necessary for' which used the term 'contribute substantially' reflected a vision that the time to be spent by the resident on forest management was an important factor, but not the only factor in making the determination. The key words in the intent statement are 'principal purpose,' 'extensive amount of time,' and 'ongoing forest management'.

With regard to 'principal purpose', it appears that LCDRC is embracing a standard somewhat less than requiring the manager(s) to be totally a 'tree farmer', but which requires that the resident manager is predominantly a 'tree farmer'.

With regard to 'extensive amount of time', it appears that this is less restrictive than 'a continuous presence is required' but does require that significant work exists for the resident manager to conduct on an on-going manner.

'Ongoing forest management' appears to imply that the long-term forest management should be the basis for analyzing the need for a dwelling and not short term management needs." (Page 4).

The same report to the Board of Forestry outlined a range of five different possible levels of resident forest management labor and characterized them as follows on pages 5 and 6:

1. One weekend per month (192 hours per year): "... a situation in which the dwelling would 'enhance' the management of the property. However this level of input can be provided by off-site owners and clearly, the principal purpose of the dwelling would not be forest management."
2. Two weekends per month (384 hours per year): "... represents an alternative where a manager that has a full-time other job would be spending, more or less, half their free time on the weekends managing the property. ... This does not appear to be a situation where the principal purpose of the dwelling is forest management. However, time spent on management is becoming significant in terms of free time."
3. 500 hours per year: "... represents that level of input that is considered to define an active participant in forestry under the current IRS tax codes. ... This may be a situation where a principal purpose of the dwelling is forest management and the time spent is becoming more extensive."
4. 20 hours per week (1040 hours per year): "... represents a situation where clearly a principal purpose of the dwelling is forest management. Additionally, 20 hours per week would also reasonably be considered to be an extensive amount of time and require 'ongoing management'."

5. 40 hours per week (2080 hours per year): "... represents a situation where the 'principal purpose,' 'extensive amount of time,' and 'ongoing management' standards are met."

The report then matched those labor amounts with the results of a study done to determine the type and amount of labor that would be expected in conducting forestry practices on different acreages of forest parcels. The study was done by the Department of Forestry assisted by a committee of professional foresters employed by the Department. Table 3 (on page 5 of Attachment 1 to Agenda Item 4) sums up this match:

"Table 3: Acres of Land That Can Be Managed For A Given Amount of Landowner Labor Input"

Hours of Landowner Labor	Difficulty (Working the Land)	
	Low	High
	-----	-----
	Acres	Acres
1 Weekend / Month (192 hrs/yr)	102	52
2 Weekends / Month (384 hrs/yr)	202	81
500 Hours / Year	263	106
20 Hours / Week (1040 hrs/yr)	547	220
40 Hours / Week (2080 hrs/yr)	1095	440

Note: These acreage estimates above are consistent with the estimates of Lucien Alexander, a partner in the Portland forestry consulting firm of Mason, Bruce & Girard. In 1984, he calculated the amount of time it would take to manage 16 different acreages of forest land ranging from 20 to 640 acres, based on some actual property in Lane County. The sixteen hypothetical tracts also had a variety of different conditions, ranging from brushy cut-over land to 40 year old trees. Except for one or two of the 640 acre tracts all of the smaller tracts, (from 20 to 80 acres) could easily be managed using weekends. Periods of up to 20 years required no management by the landowner, such as between planting and thinning, or between the first and second thinning."

In addition to presenting the above findings to the Board of Forestry, Department of Forestry staff also recommended that the Board adopt the following position in reviewing forest management plans:

"The Department recommends that the position about how much ongoing forest management labor by a landowner results in contribut-

ing substantially to effective and efficient management of the forest land to be managed and therefore, meets the definition of 'necessary for' should be:

- a. For levels of input less than two weekends per month, the Department would oppose the application as not meeting the 'necessary for' standard;
- b. For levels of input that meet or exceed 20 hours per week would be accepted by the Department as 'necessary for;' and
- c. For levels of input between these two levels, the Department would make a declarative statement about the amount of labor input and that in the Department's opinion the dwelling may not meet the definition of 'necessary for'."

The above position, in effect, is a determination that most likely only on a parcel of at least 80 acres is there sufficient labor involved to meet the "necessary for" forest dwelling standard. **The preceding position, recommended by ODOF staff, was NOT adopted by the Board of Forestry.** However, portions of the Department of Forestry studies and recommendations are presented in these Findings as the best information Multnomah County planning staff has located which attempts to quantify the new rule standards for forest related dwellings.

Part of the reason that the Board of Forestry did not adopt the recommended standard was testimony at the hearing asking for (1) a delay in adoption of such standards until a "secondary lands" law or rule was adopted which permitted dwellings on smaller existing parcels and (2) opposition from small woodlot owners. In a July 16, 1991 memo to the Board of Forestry from Gary Carlson, Executive Director of the Oregon Small Woodlands Association states:

"The Oregon Small Woodlands Association urges the Board not to adopt as Department policy the recommendations contained in the staff report for Agenda Item 4, Dwellings 'Necessary For' a Forest Operation.

We object to the application of a rigid criteria based on hours of management input contained in the requisite management plan. We object in particular to the 'statistical' and the 'one size fits all' approach contained in the 'Analytical Process for Determining Level of Ongoing Forest Management Labor Related to 'Necessary For' staff paper that is the basis for the recommended Board position.

Testimony submitted to the Board of Forestry on July 19, 1991 from the Department of Land Conservation and Development supported the approach of evaluating the labor required to implement a management plan for determining whether a dwelling will substantially contribute to effective forest management, but advised against setting minimum lot sizes:

"It is important to note that the forest rule implies that each application be judged independently. Therefore, we advise that it be made clear that these are guidelines and not minimum lot sizes upon which ODOF's recommendation must be based.

In adopting the definition of 'necessary for,' LCDC recognized that forest management objectives among individuals will vary. Their intention was to allow for some variation in forest management provided these practices would be effective and efficient. The variation in practices may include managing a portion of their operation for Christmas trees or hardwoods or providing hand labor in place of certain chemical applications. In addition, LCDC recognized that existing conditions of the land or the specific location of a parcel may require the resident to spend more time than what might be described as typical for certain forest practices. For example, extensive vandalism or drought conditions may demand more labor from a resident to manage the operation successfully. These factors alone would not support a conclusion that a dwelling was necessary, but they are factors relevant to the decision."

The result of the ODOF study seems to be that while ODOF staff will still review the proposed management plans and provide an evaluation, those evaluations, either won't use the acreage standard or if they do it is not Board policy and would have less validity in any future court challenges to individual cases. In the end, however, it has always been "the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met".

In drafting ordinance language to comply with this section of the OAR most of the language must exactly match the rule. Because no minimum parcel sizes are specified, Multnomah County may include a minimum parcel size as an additional standard to be met. The Planning Commission has chosen to use the same minimum lot size for a forest management dwelling that is in the present MUF and CFU zoning regulations. This 10 acre minimum is recognized not as an indicator of the size of lot appropriate for approval of a management plan, but more of a means of eliminating the need to process applications where clearly the lot size would not meet the standards for a dwelling being "necessary" for forest management.

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- (11) Nothing in OAR 660-06-027 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.



## **Dwellings Not Related to Forest Management**

**660-06-028** The Commission has determined that circumstances may exist under which a dwelling not related to forest management may be allowed under prescribed conditions. Governing bodies may allow dwellings not related to forest management subject to the following standards:

- (1) The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands; and

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### **STAFF COMMENT: DWELLINGS EFFECT ON FOREST PRACTICES.**

For a dwelling to "force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices," the presence of and/or location of the dwelling would cause a forest operator or farmer to modify forest or farming practices in anticipation of or after receipt of complaints from the non-resource dwelling occupant. Some of the conflicts which occur between non-forest dwellings and adjacent and nearby forestry and farming practices involve:

(from forestry practices)

1. aerial application of pesticides;
2. the burning of slash;
3. forest road construction;
4. hauling activities (causing dust, noise and safety concerns);
5. complaints about the visual appearance of the site after timber harvest;

(sometimes from residents)

6. trespass;
7. refuse and litter;
8. vandalism;
9. accidental fire;

(from farming practices)

10. fertilizer and chemical spraying;
  11. farm animal trespass;
  12. complaints about odors and smells; and
  13. complaints about slow moving machinery.
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- (2) The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection; and
- (3) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules; and
- (4) The dwelling meets the standards in OAR 660-06-029 and OAR 660-06-035; and
- (5) The parcel on which the dwelling would be located was lawfully created prior to adoption of OAR 660-06-028; and
- (6) The parcel on which the dwelling would be located has been disqualified from receiving a farm or forest tax deferral; and
- (7) The parcel satisfies one of the following:
  - (a) In western Oregon, the parcel is composed primarily of soils which are:
    - (A) capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of 3 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
    - (B) capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
    - (C) capable of above 85 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel; or
  - (b) In eastern Oregon, the parcel is composed primarily of soils which are:
    - (A) capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
    - (B) capable of above 50 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel.
- (8) Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under OAR 660-06-028(7).

- (9) 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, 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.
- (10) Nothing in OAR 660-06-028 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.
- (11) Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands.
- 

## **POLICY CHOICE: STANDARDS FOR ALLOWING DWELLINGS NOT RELATED TO FOREST MANAGEMENT**

Much of the testimony heard by the Land Conservation and Development Commission during hearings on the amended forest rule were requests for the opportunity to develop existing lots with dwellings not related to forest management (sometimes referred to in this report as "nonforest" dwellings). After much deliberation, the Commission recognized that there are "certain situations within the forest environment where the siting of a dwelling will not appreciably affect the values Goal 4 is designed to protect" ("Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6," a report accompanying the February 8 distribution of the goal and OAR, page 31). The "situations" are, in many cases, where there is some factor that makes a forest area less productive or viable ("secondary" in quality) compared to others of more importance ("primary" forest lands). Such factors may include soil capabilities in producing timber, quantified as cubic feet per acre per year of Douglas Fir, and the degree to which the land ownership is parceled into many inefficient small lots.

LCDC and the State Legislature have both been struggling the past several years with defining and enacting a statewide "secondary lands" goal, rule, or statute. Lacking such a program, LCDC wrote the amended forest rule to allow the limited approval of dwellings not related to forest management in situations like those which have been under discussion as qualifying for designation as "secondary." However, written into the rule is a deadline in which this provision expires 30 days after the adoption of goal and rule amendments establishing "secondary lands."

The "secondary lands" type of standard in the rule [subsection 660-06-028 (5)-(8)] establishes an eligibility process for individual parcels which involves counting the number of existing parcels there are within a 160 acre square grid centered on the subject parcel. The number of parcels required for eligibility depends on the timber producing quality of the soils, more parcels are required when the productivity potential is higher. For nearly all of timber zoned soils in Multnomah County the highest number of 11 other parcels is required to meet the eligibility threshold. In addition to the 160 acre grid test, an assessment of the possible effects the residence might have on adjacent forest lands is also required.

In an effort to determine the number and characteristics of the existing parcels in Multnomah County that could meet the "11 other parcels within a 160 acre square grid test," staff conducted a study which actually tested each parcel that met the present lot of record definition. In addition to single ownership tax lots and subdivision lots, lots of record in the MUF and CFU zone include "aggregations" of adjacent existing tax lots or subdivision lots in the same ownership into groups of at least 19 acres with no lot or grouping of lots less than 19 acres standing alone.

The study included updating dwelling permit information and land divisions on assessment and taxation property maps. Then a to scale 160 acre clear template was centered on each of the 720 lots of record of less than 80 acres without a dwelling. (Parcels more than 80 acres were not tested). The number of lots in which any portion of the lot was within the square were then counted.

The parcels which met the 160 acre grid test were then totaled into four different groupings of parcel sizes. The groupings were: under 10 acres, considered by the present zones to be non-resource; 10 to under 19, presently considered presently to be resource land but is less than the minimum lot size of the MUF -19 zone; 19 to under 38, a match of the MUF-19 zone minimum; 38 to under 80, a match with lots created in the MUF -38 zone. The results then were added for county-wide totals and also broken down into three subregions: Northwest Hills, East County / West of the Sandy River, and East County / East of the Sandy River (excluding the Columbia River NSA and State and Federal owned lands).

The study produced some surprises, most notably that 83 percent of the existing parcels under 80 acres without dwellings met the 160 acre square grid test for eligibility to apply for a dwelling not related to forest management. These 532 potential nonforest dwellings amount to about three quarters of the 680 existing dwellings in the forest zones. The Planning Commission could view the figures in many ways. One would be that the numbers are evidence that the County is so parceled up into small ownerships, with its resulting less efficient forest productivity potential, that allowing all eligible nonforest dwellings would likely have little impact on commercial levels of forest production. Another view may be that the numbers of nonforest related dwellings are unacceptably high considering their potential interference with

existing forest practices and some other mechanism is necessary to further define areas appropriate for dwellings not related to forest management.

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Table 1. Existing Parcels Without Dwellings  
"NONFOREST" DWELLING ANALYSIS  
**TOTALS FOR ALL FOREST ZONED LANDS**

(Does not include: Columbia Gorge NSA, Columbia River Islands,  
State and Federal Ownerships, and Urban Areas)

Existing Dwellings: 680      Lots >80 acres with existing dwellings: 2

NUMBER OF PARCELS\* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>Parcels meeting</u> <u>160 acre <input type="checkbox"/> test</u>	<u>Parcels not meeting</u> <u>160 acre <input type="checkbox"/> test</u>
> 80 <u>78</u>		
38 - 79.9 <u>137</u>	<u>78</u>	<u>59</u>
19 - 37.9 <u>127</u>	<u>106</u>	<u>21</u>
10 - 18.9 <u>98</u>	<u>87</u>	<u>11</u>
< 10 <u>280</u>	<u>261</u>	<u>19</u>
Total <u>720</u>	Total <u>532</u>	Total <u>110</u>

\*Parcels which are defined in the present MUF and CFU zones as "lots of record."

\* Totals do not include 40 different ownerships in the Greenoe Heights and Inglevue Subdivisions, both platted in 1909 into 25'x100' lots on street systems that do not connect to any County road. Steep slopes, lack of adequate access, small lot areas, and sizable percentage of out of state ownerships combine to raise doubts about using those lots in the count of potential buildable non-resource lots.

## SUBREGIONAL SUMMARY

Table 2. Existing Parcels Without Dwellings  
"NONFOREST" DWELLING ANALYSIS  
**NORTHWEST HILLS**  
FOREST ZONED LANDS

Existing Dwellings 376      Lots >80 acres with existing dwellings 1

NUMBER OF PARCELS\* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>29</u>		
38 - 79.9 <u>63</u>	<u>37</u>	<u>26</u>
19 - 37.9 <u>70</u>	<u>60</u>	<u>10</u>
10 - 18.9 <u>71</u>	<u>62</u>	<u>9</u>
< 10 <u>219</u>	<u>208</u>	<u>11</u>
Total** <u>452</u>	Total** <u>367</u>	Total** <u>56</u>

\*Parcels which are defined in the present MUF and CFU zones as "lots of record."

\* Totals do not include 40 different ownerships in the Greenoe Heights and Ingleview Subdivisions, both platted in 1909 into 25'x100' lots on street systems that do not connect to any County road. Steep slopes, lack of adequate access, small lot areas, and sizable percentage of out of state ownerships combine to raise doubts about using those lots in the count of potential buildable non-resource lots.

Table 3. Existing Parcels Without Dwellings  
 "NONFOREST" DWELLING ANALYSIS  
**EAST COUNTY/WEST OF SANDY RIVER**  
 FOREST ZONED LANDS

Existing Dwellings 46      Lots >80 acres with existing dwellings 0

NUMBER OF PARCELS\* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>1</u>		
38 - 79.9 <u>2</u>	<u>1</u>	<u>1</u>
19 - 37.9 <u>5</u>	<u>5</u>	<u>0</u>
10 - 18.9 <u>6</u>	<u>5</u>	<u>1</u>
< 10 <u>13</u>	<u>13</u>	<u>0</u>
Total <u>27</u>	Total <u>24</u>	Total <u>2</u>

\*Parcels which are defined in the present MUF and CFU zones as "lots of record."

Table 4. Existing Parcels Without Dwellings  
 "NONFOREST" DWELLING ANALYSIS  
**EAST COUNTY/EAST OF SANDY RIVER**  
 FOREST ZONED LANDS

(Not including: Columbia Gorge NSA, and State and Federal Ownerships.)

Existing Dwellings 258      Lots >80 acres with existing dwellings 1

NUMBER OF PARCELS\* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>48</u>		
38 - 79.9 <u>72</u>	<u>40</u>	<u>32</u>
19 - 37.9 <u>52</u>	<u>41</u>	<u>11</u>
10 - 18.9 <u>21</u>	<u>20</u>	<u>1</u>
< 10 <u>69</u>	<u>40</u>	<u>8</u>
Total <u>241</u>	Total <u>141</u>	Total <u>52</u>

\*Parcels which are defined in the present MUF and CFU zones as "lots of record."

**NON-MANDATED APPROVAL STANDARDS FOR DWELLINGS NOT RELATED TO FOREST MANAGEMENT:** While Multnomah County can adopt regulations no less strict than the Oregon Administrative Rule, the County may adopt more restrictions on development than are in the Rule. In response to some problems and conflicts seen in the past between residences and efficient forestry practices, the Planning Commission is recommending to the Board of County Commissioners that the following additional regulations be adopted. The additional restrictions would result in some reduction in the number of potential dwellings but the dwellings that are approved are the ones more more likely to be compatible with efficient forest production.

- A. Add a minimum lot size for **existing** lots which must be met in order to apply for a dwelling not related to forest management. In the CFU zone amendments no minimum lot area is cited, but the lot must be of sufficient area to site a dwelling with minimum yard setbacks of 100 feet to the centerline of any County-maintained road and 200 feet to all other property lines. Those setbacks are proposed in an effort to ensure that a new dwelling will be less likely to affect forestry practices on adjacent property. This requirement, assuming a rectangular lot shape, would require the lot to be about 3 1/4 acres in area at a minimum. Less regular shaped lots will need to contain more area or may not be able to meet the standard.
  - B. In an attempt to better identify areas impacted by parcelization and development, resulting in the properties being less efficient for forestry production and more committed to non-forest uses, the Planning Commission is recommending additional criteria for eligibility for this type of dwelling. CFU language adds to the "160 acre square test" the requirement that a specific number of the other 11 parcels also contain a dwelling that existed on the date of passage of the amendments. This requirement will (1) result in the nonforest dwellings that are approved being closer together and more in character with the immediate surrounding area, (2) eliminate the possibility of isolated dwellings impacting forest practices on nearby properties, and (3) cluster the dwellings for better fire protection. No determination of the number of properties affected by this non-mandated provision has been made.
-



## **Siting Standards for Dwellings and Structures in Forest Zones**

**660-06-029** The following siting standards or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. 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 forest lands. A governing body shall weigh the standards in OAR 660-06-029 together with the requirements in OAR 660-06-035 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 forest operations and accepted farming practices will not be curtailed or impeded;
  - (c) The amount of forest lands 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 satisfying subsection OAR 660-06-029(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body 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 II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). 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.

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### **POLICY CHOICE: SITING STANDARDS FOR DWELLINGS AND STRUCTURES**

In this report to follow is a summary of siting and road standards recommended by the Oregon Department of Forestry and various fire protection districts. The information was used by the Planning Commission in the drafting of the dwelling and structure siting standards. In the past, there have been some problems in using our present development standards. The problems usually arose from different interpretations of a few vague phrases, ie. "as close proximity to a publicly maintained street as possible." The rule unfortunately is not much more specific, using such terms as "minimized" and "least impact."

The recommended siting regulations in the amended CFU district strive to avoid imprecise language and use a numerical standard where the rule allows. The numbers are taken from ODOF technical publications, recommendations and requirements of the various fire protection districts in the County, or are MUF and CFU standards used since 1980.

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### **Fire Siting Standards for Dwellings and Structures**

**660-06-035** The following fire siting standards or their equivalent shall apply to new dwelling or structures in a forest or agriculture/forest zone:

- (1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.
- (3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting equipment vehicles in accordance with the provisions in "Protecting Your Home from Wildfire," (National Fire Protection Association).

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### **RECOMMENDED FIRE SITING STANDARDS OF THE OREGON DEPARTMENT OF FORESTRY:**

#### **Water Supply Standards:**

1. Access - If a water supply (such as a swimming pool, pond, stream, or lake) of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%), an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach would provide a turnaround with a 48-foot radius of one of the types shown in the illustration below.
2. Identification - Emergency water supplies should be clearly marked along the access route with a county approved sign.

## **Fuel Break Standards:**

1. **Primary Safety Zone** - The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope.

2. **Secondary Fuel Break** - The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break 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 spread of fire up into the crowns of larger trees. Dead fuels should be removed.
- 

## **Fire Safety Design Standards for Roads**

**660-06-040** The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

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## **EXAMPLES OF FIRE SAFETY DESIGN STANDARDS FOR ROADS:**

### **OREGON DEPARTMENT OF FORESTRY**

#### **Road Standards (public roads and private roads accessing 2 or more residences):**

1. Roads should be built and maintained to provide a minimum 20 foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".
2. Cul-de-sacs should be defined as dead-end roads over 150 feet in length. Cul-de-sacs should have turn-arounds of not less than 48 feet radius at a maximum spacing of 500 feet between turn-arounds. All turn-arounds should be marked and signed as "NO PARKING."
3. Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
4. Road grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
5. Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

#### **Driveway Standards (private roads accessing a single residence):**

1. Driveways should be built and maintained to provide a minimum 12-foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".
2. Driveways in excess of 200 feet should provide 20-foot wide by 40-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.
3. Dead-end-driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end-driveways should have turn-arounds of not less than 48 feet radius.

4. Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
5. Driveway grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
6. Driveways should be marked with the residence's address unless the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

## **FIRE PROTECTION DISTRICTS**

### **1. Maximum road grade:**

Tualatin Valley Fire and Rescue: Roads and driveways should not exceed an average of 10%, with a maximum of 15% on short pitches.

Sylvan RFPD #4: Contracts with Tualatin Valley.

Powellhurst RFPD #10: Contracts with City of Portland.

Corbett/Springdale #14: Driveway should not exceed 6%, if it exceeds 6% must be approved by fire chief.

Burlington Water District: Contracts with City of Portland.

City of Portland: No standard (uses Uniform Fire Code which for most of these categories does not have standards, and where it does the code is more oriented to urban fire service).

### **2. Road Width:**

Tualatin Valley Fire and Rescue: Road width of 20 feet, driveway width of 15 feet.

Corbett/Springdale #14: Road - no standard, driveway - 12 feet.

Skyline #20: Road - 20 feet, driveway - 12 feet.

City of Portland: Road - no standard, driveway - 12 feet.

3. Turning Radius:

Tualatin Valley Fire and Rescue: Roads and driveways - 45 feet, turnarounds - various alternatives shown by diagram.

Corbett/Springdale #14: Roads - no standard, driveways - 35 feet, turnarounds - must be approved by district.

Skyline #20: no standard.

City of Portland: no standard.

4. Road Surface:

Tualatin Valley Fire and Rescue: Roads and driveways - all-weather surface capable of supporting GVW of 50,000 lbs.

Corbett/Springdale #14: Roads - no standards, driveways - designed and maintained to support the imposed loads of fire apparatus with a surface providing all-weather driving capabilities that can support 26 tons.

Skyline #20: No standard.

City of Portland: Road must support 33,000 lbs (this is an example of an urban standard. They depend on fire hydrants, so the trucks weigh less than tankers that are used if no water source is available).

5. Bridges and Culverts::

Tualatin Valley Fire and Rescue: Roads and driveways - must support 50,000 lb GVW.

Corbett/Springdale #14: Roads - no standard, driveways - must support 26 tons.

Skyline #20: No standard.

City of Portland: Must support 33,000 lbs.

6. Cul-de-sac and turnaround spacing:

Tualatin Valley Fire and Rescue: Dead end roads and driveways are defined as over 150 in length and shall have approved provisions for the turning around of fire apparatus.

Corbett/Springdale #14: No road standard, all dead end driveways in excess of 150 feet shall have approved provisions for turning around fire apparatus.

Skyline #20: If road is more than 500 feet long, must have a turnaround, recommends turnarounds have "no parking" signs.

City of Portland: If road is more than 300 feet long, must have a turnaround.

7. Vertical clearance:

Tualatin Valley Fire and Rescue: 13'6"

Corbett/Springdale #14: 12 feet

Skyline #20: No standard

City of Portland: 13'6"

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Uses Authorized in Agriculture/Forest Zones

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**POLICY CHOICE: AGRICULTURE / FOREST ZONE**

The rule allows setting up a combination agriculture and forest zone. The agriculture provisions would be those of the Oregon Revised Statutes on EFU lands and forest provisions would be from this Oregon Administrative Rule. The Planning Commission sees little benefit to be gained from setting up the additional zoning district. It would also be very difficult to satisfy the following requirement:

"Any rezoning of lands from an acknowledged zone to an agricultural / forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone."

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- (1) Governing bodies may establish agriculture/forest zones in accordance with Goals 3 and 4, and OAR 660, Division 6.
- (2) Uses authorized in Exclusive Farm Use Zones in ORS 215.213 and ORS 215.283, whichever is applicable, and in OAR 660-06-025, OAR 660-06-027 and OAR 660-06-028, subject to the requirements of the applicable section, may be allowed in any agriculture/forest zone.
- (3) Notwithstanding OAR 660-06-050(2), nonfarm dwellings authorized under OAR 215.213(3) or ORS 215.283(3) may be allowed on land not receiving special tax assessments under ORS 321.730 or ORS 321.815 three (3) out of the last five (5) years.
- (4) Dwellings and related structures authorized under OAR 660-06-050(2) and (3) in agriculture/forest zones may be allowed subject to the requirements of OAR 660-06-029 and OAR 660-06-035.

#### **New Land Division Requirements in Agriculture/Forest Zones**

**660-06-055** A governing body shall apply the following standards to new land divisions in agriculture/forest zones. These standards are designed: to make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands:

- (1) New land divisions may be allowed for certain nonfarm or certain other uses pursuant to ORS 215.263(3) and (4) and OAR 660-06-026(3); and
- (2) New land divisions may be allowed for agriculture/forest practices pursuant to the minimum land division standards established in acknowledged agriculture/forest zones pending an evaluation described in OAR 660-06-026(1). Governing bodies shall submit the findings from the evaluation to the department for their review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.
- (3) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 and the requirements of OAR 660-06-026(2).
- (4) Notwithstanding OAR 660-06-055(2) and OAR 660-06-055(3), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:



- (a) The new parcel containing the dwelling is no larger than 5 acres; and
- (b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or
- (c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

#### **Rezoning Land to an Agriculture/Forest Zone**

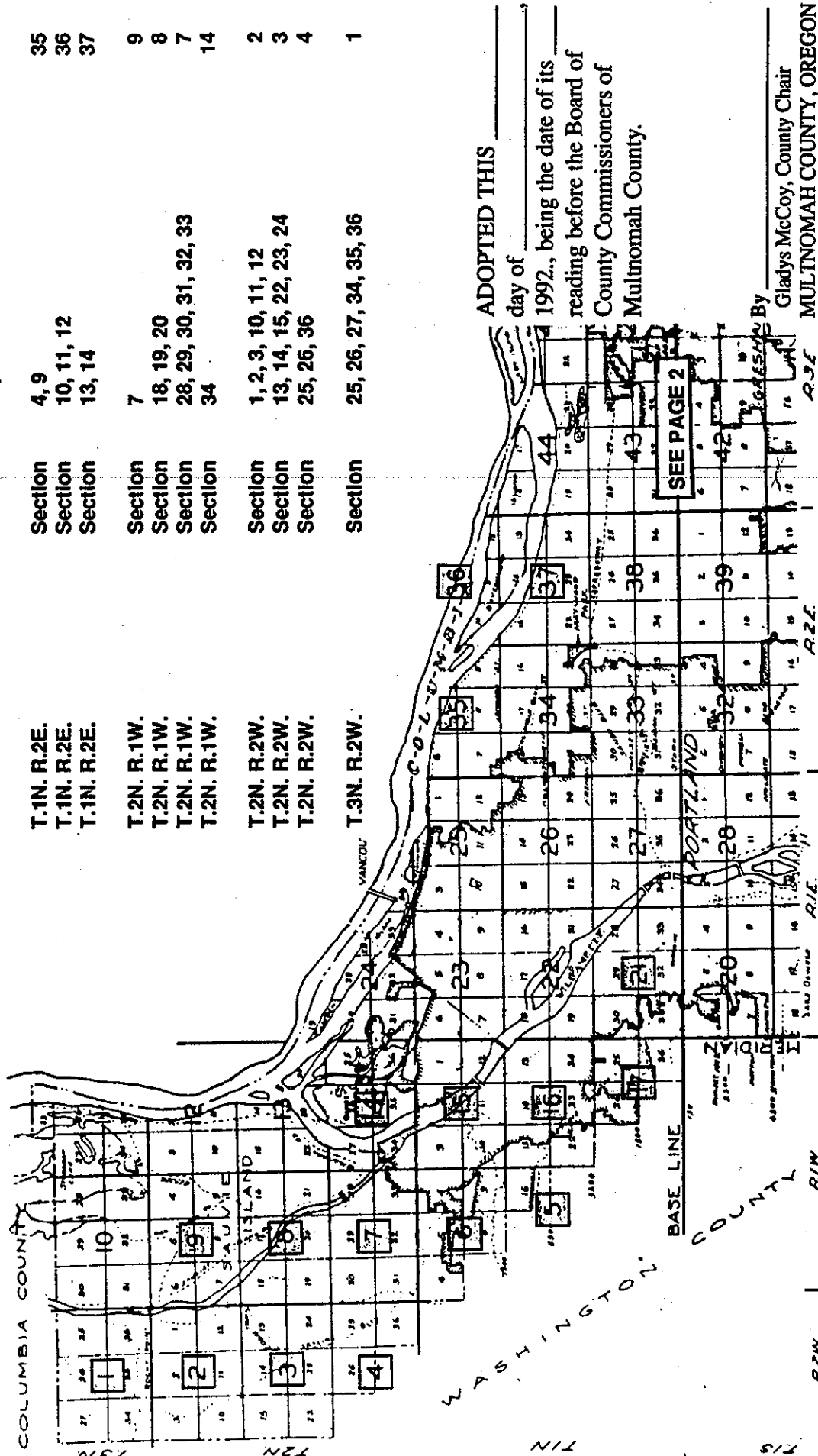
**660-06-057** Any rezoning of lands from an acknowledged zone to an agriculture/forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

#### **Regulation of Forest Operations**

**660-06-060** The Forest Practices Act (ORS 527.620 to ORS 527.990) as implemented through State Board of Forestry rules (OAR 629-24-101 to OAR 629-24-648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in ORS 527.722 to ORS 527.726. OAR 660-06-025 does not authorize county governing bodies to regulate forest operations or other uses allowed by ORS 527.620 to ORS 527.990 and OAR 629-24-101 to OAR 629-24-648.

**Exhibit B**  
**Proposed Plan Map Amendments**  
**C 4-92**

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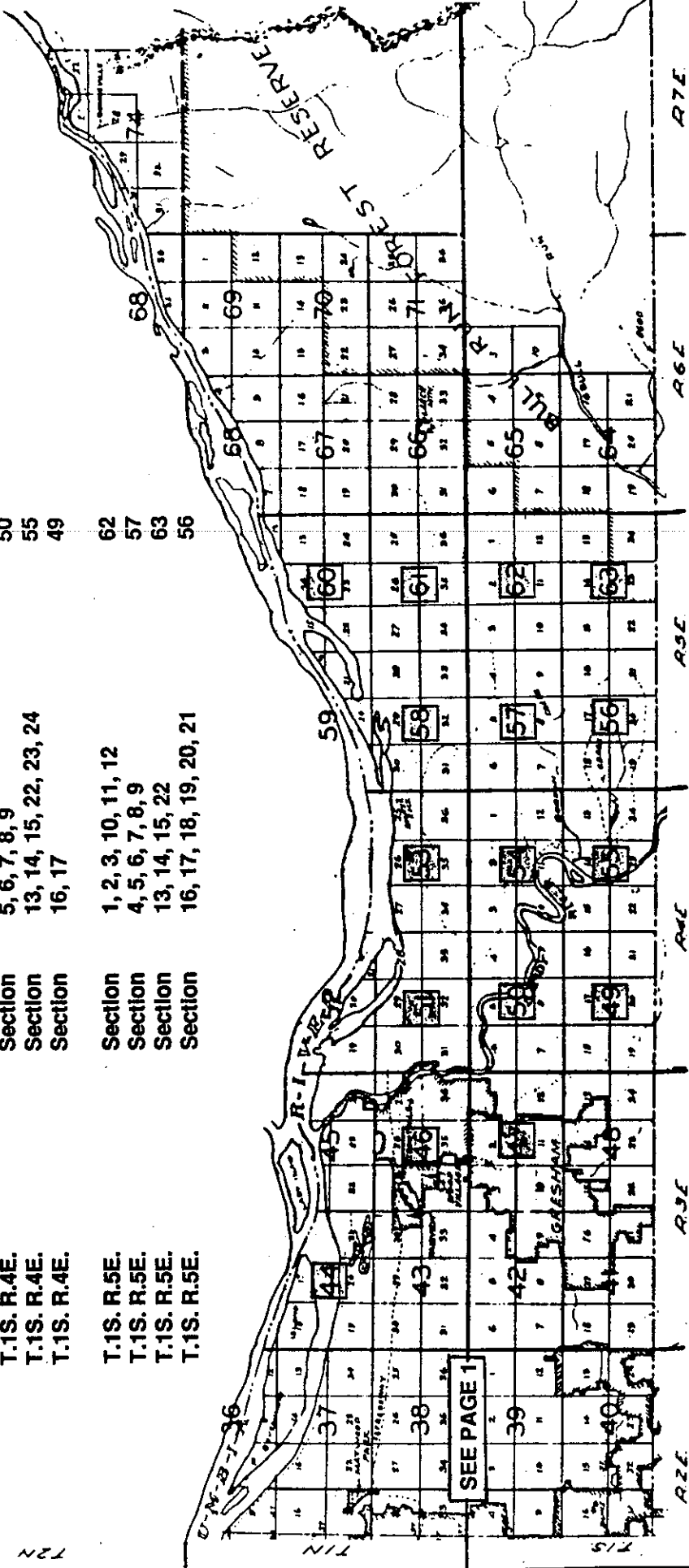
## Township and Range

## Section

## Map Number

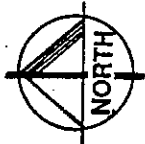
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T.1S. R.5E.	Section	1, 2, 3, 10, 11, 12	62
T.1S. R.5E.	Section	4, 5, 6, 7, 8, 9	57
T.1S. R.5E.	Section	13, 14, 15, 22	63
T.1S. R.5E.	Section	16, 17, 18, 19, 20, 21	56

T.2N



## FOREST ZONED LAND

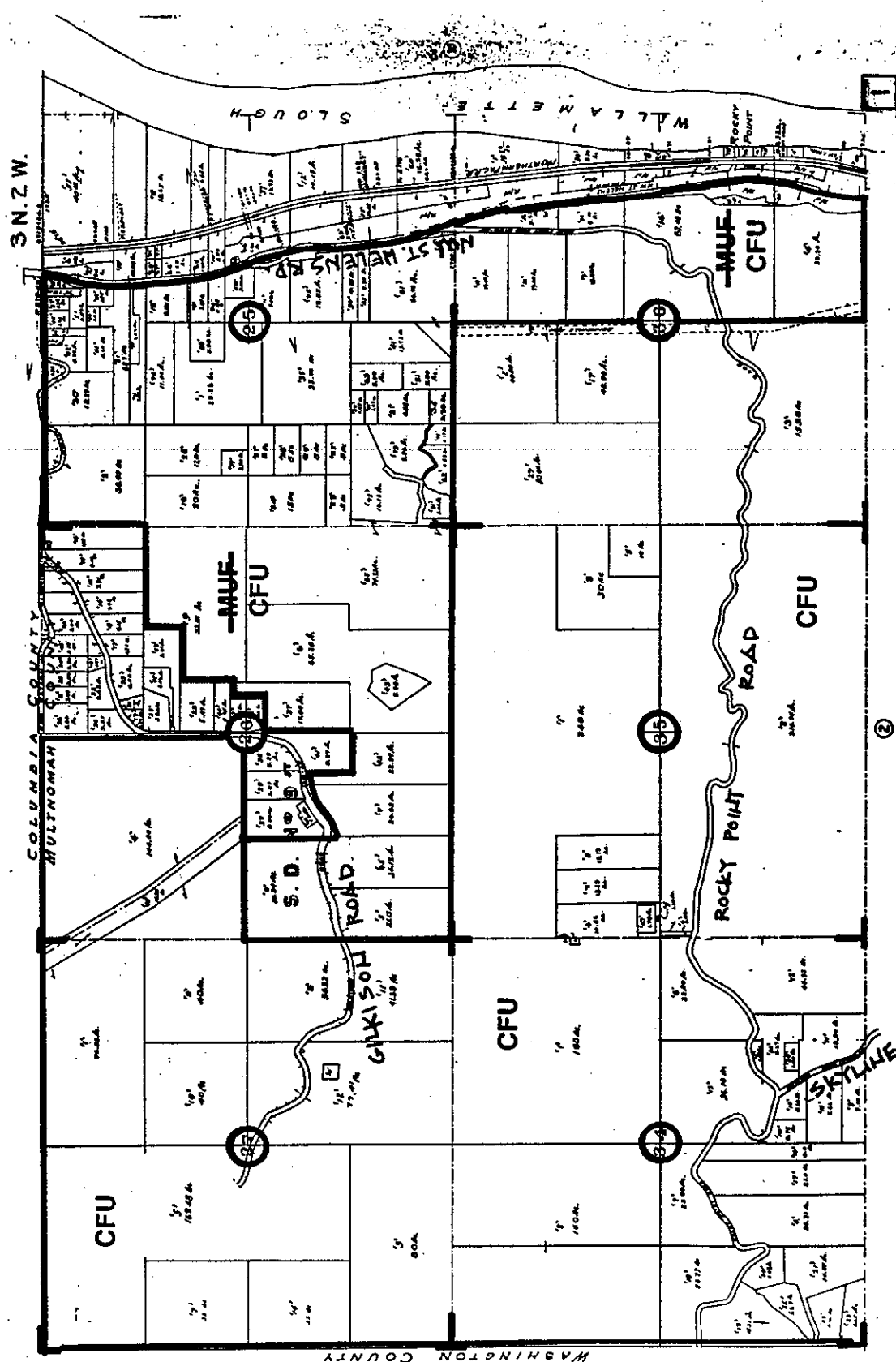
## 1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 25, 26, 27, 34, 35, 36 T.3N. R.2W.

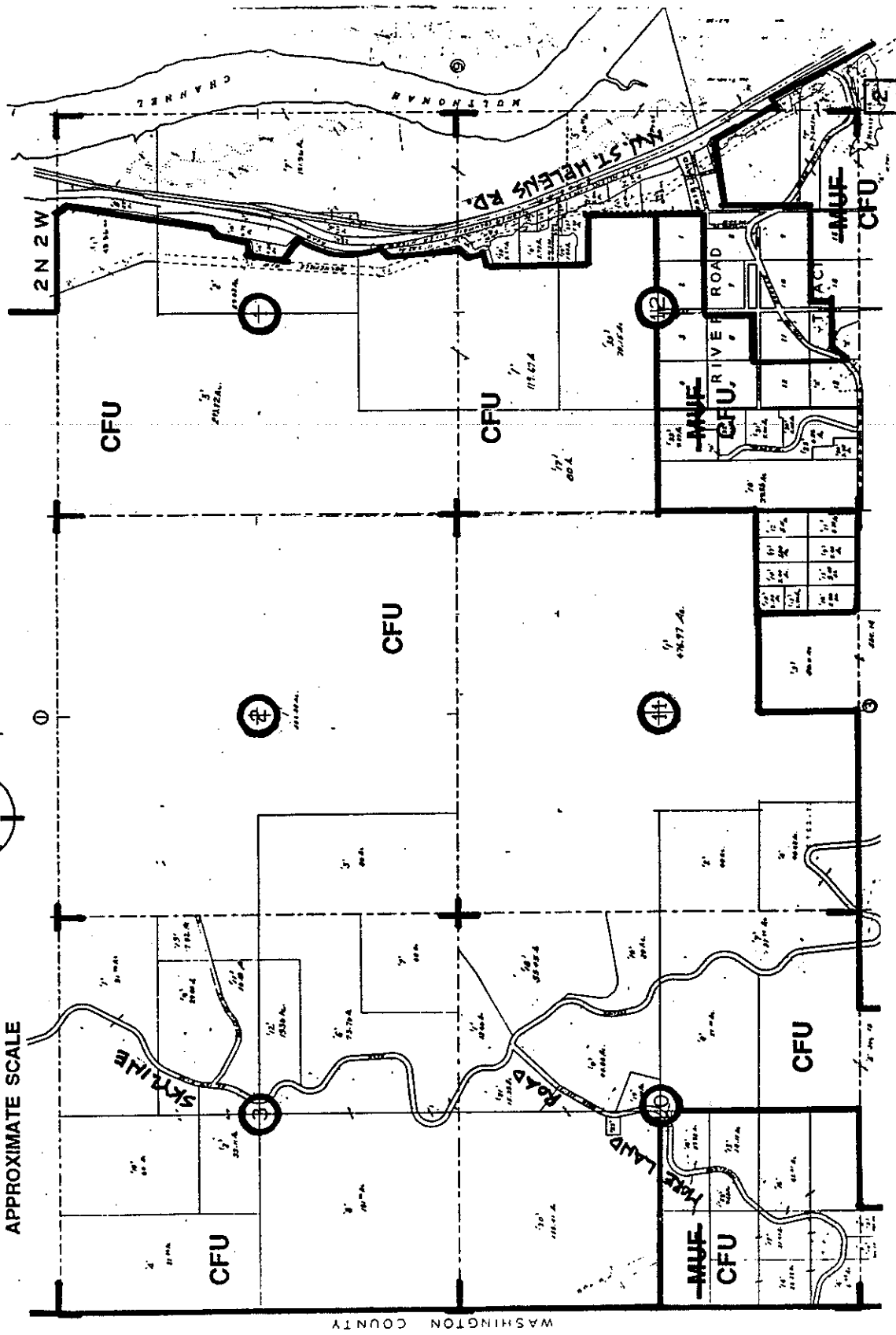


②  
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



SECTION 1, 2, 3, 10, 11, 12 T.2N. R.2W.

APPROXIMATE SCALE

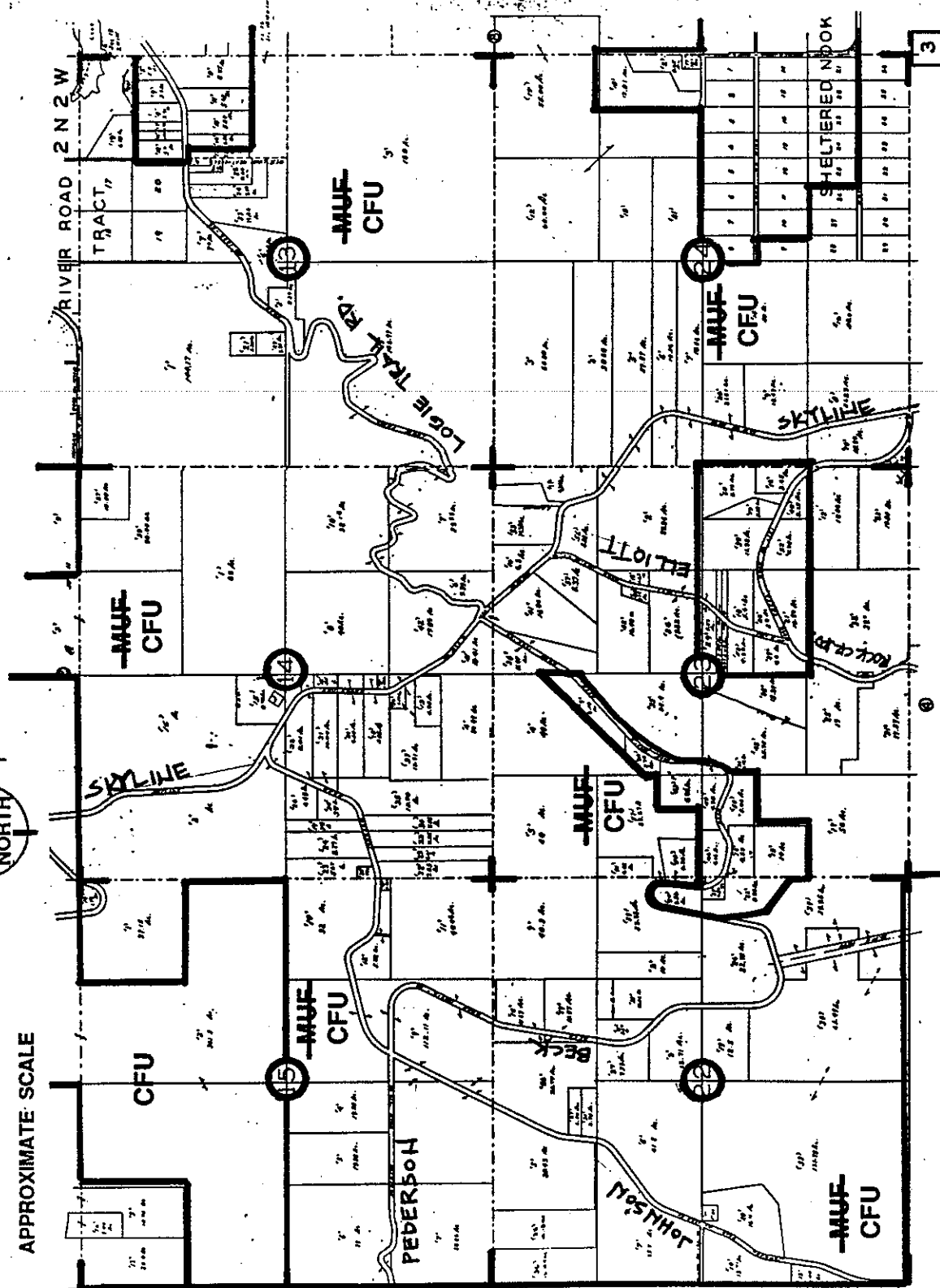


FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

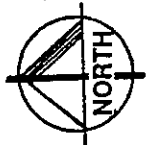


APPROXIMATE SCALE

SECTION 13, 14, 15, 22, 23, 24 T.2N. R.2W.



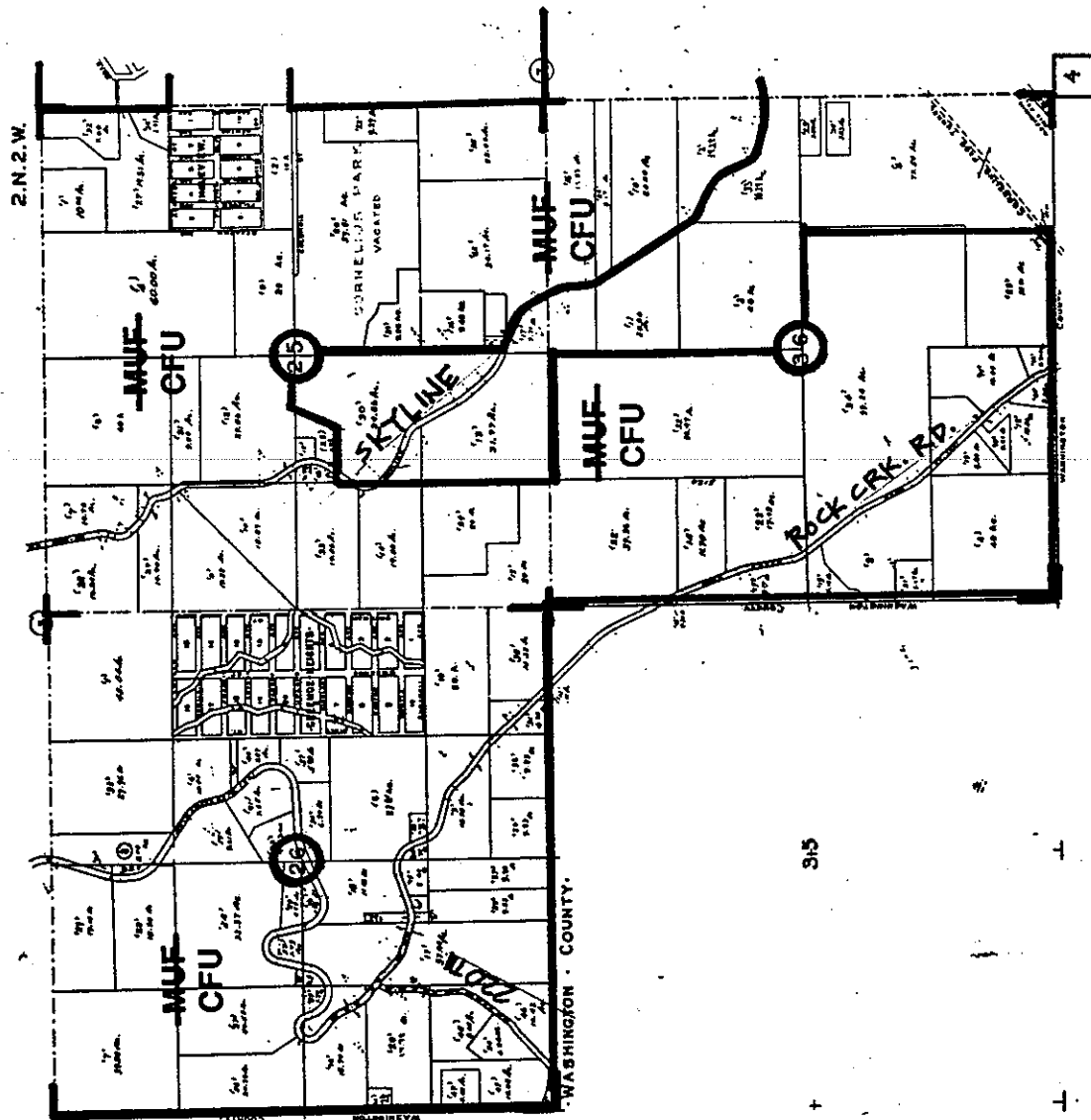
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUE TO CFU



0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 25, 26, 36 T. 2N. R. 2W.



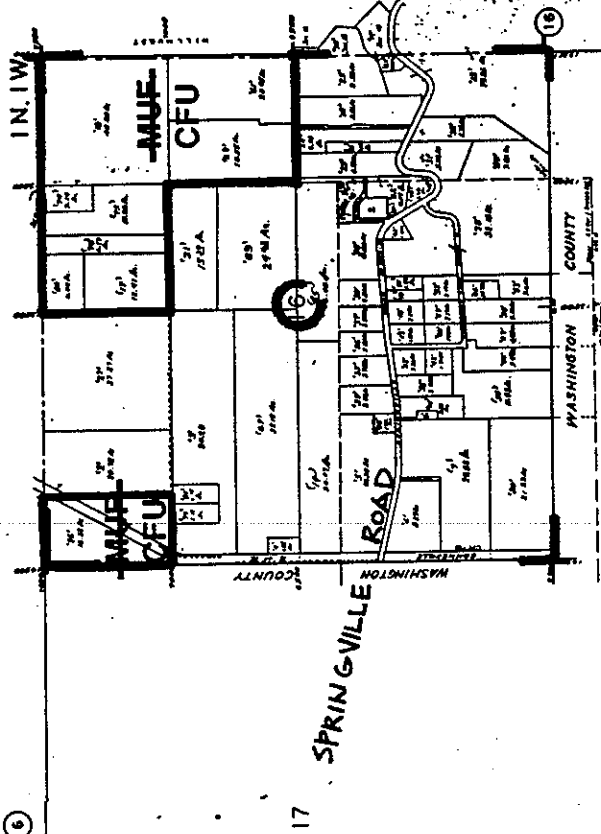
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



APPROXIMATE SCALE



SECTION 16 T.1N. R.1W.

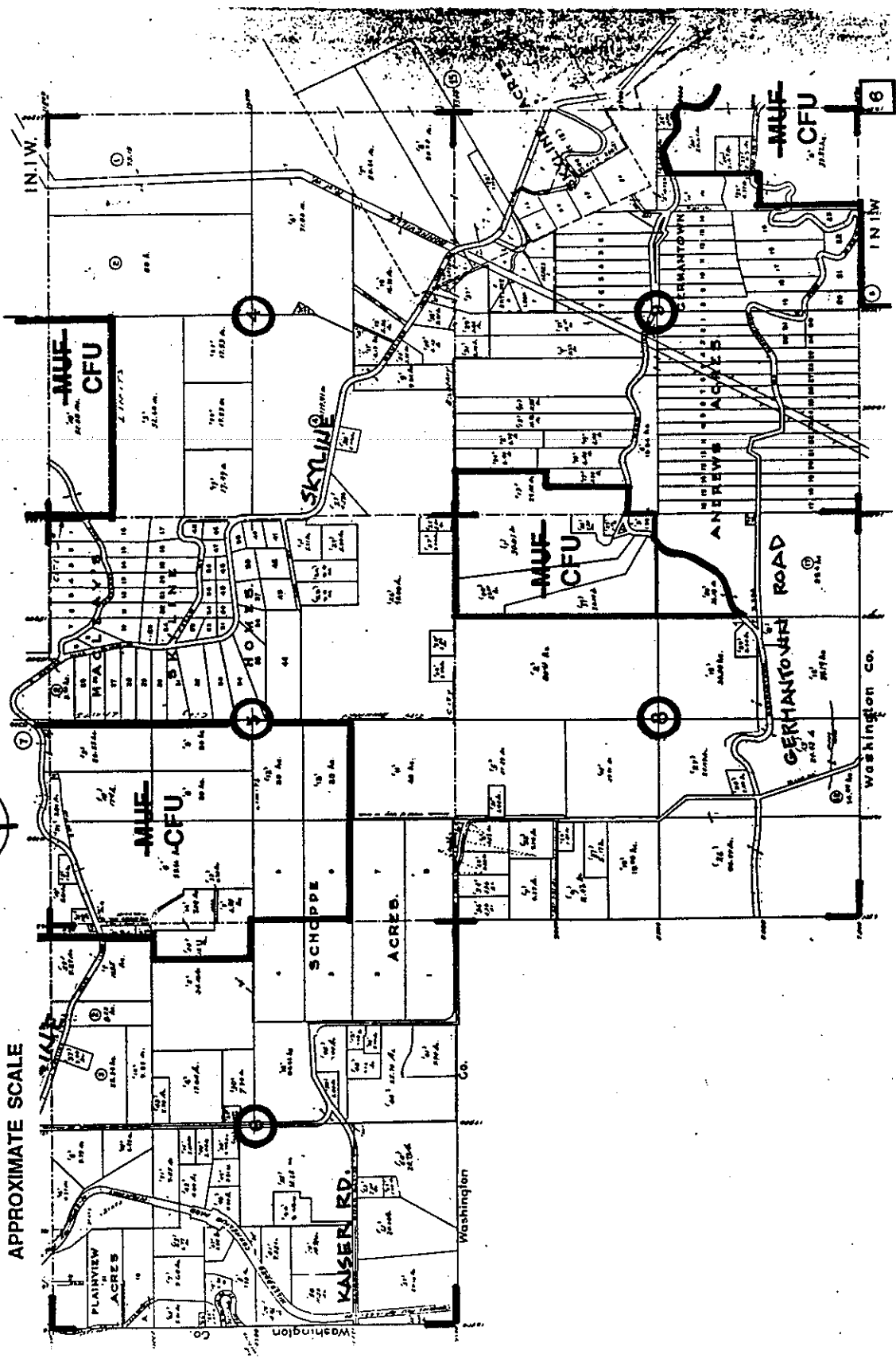




SECTION 4, 5, 6, 8, 9 T.1N. R.1W.



APPROXIMATE SCALE



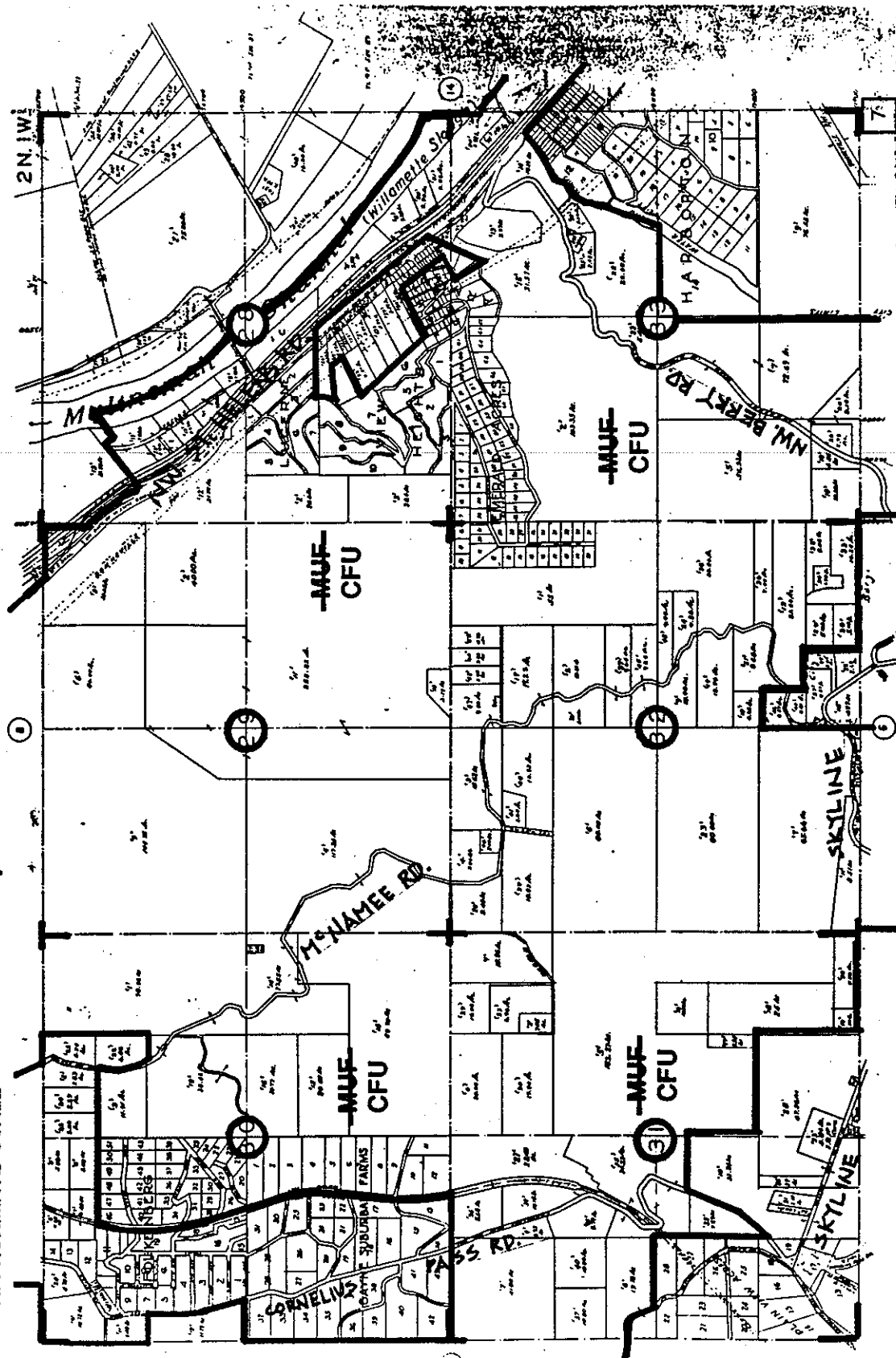
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



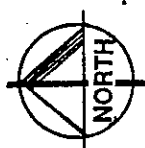
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APPROXIMATE SCALE

SECTION 28, 29, 30, 31, 32, 33 T.2N. R.1W.



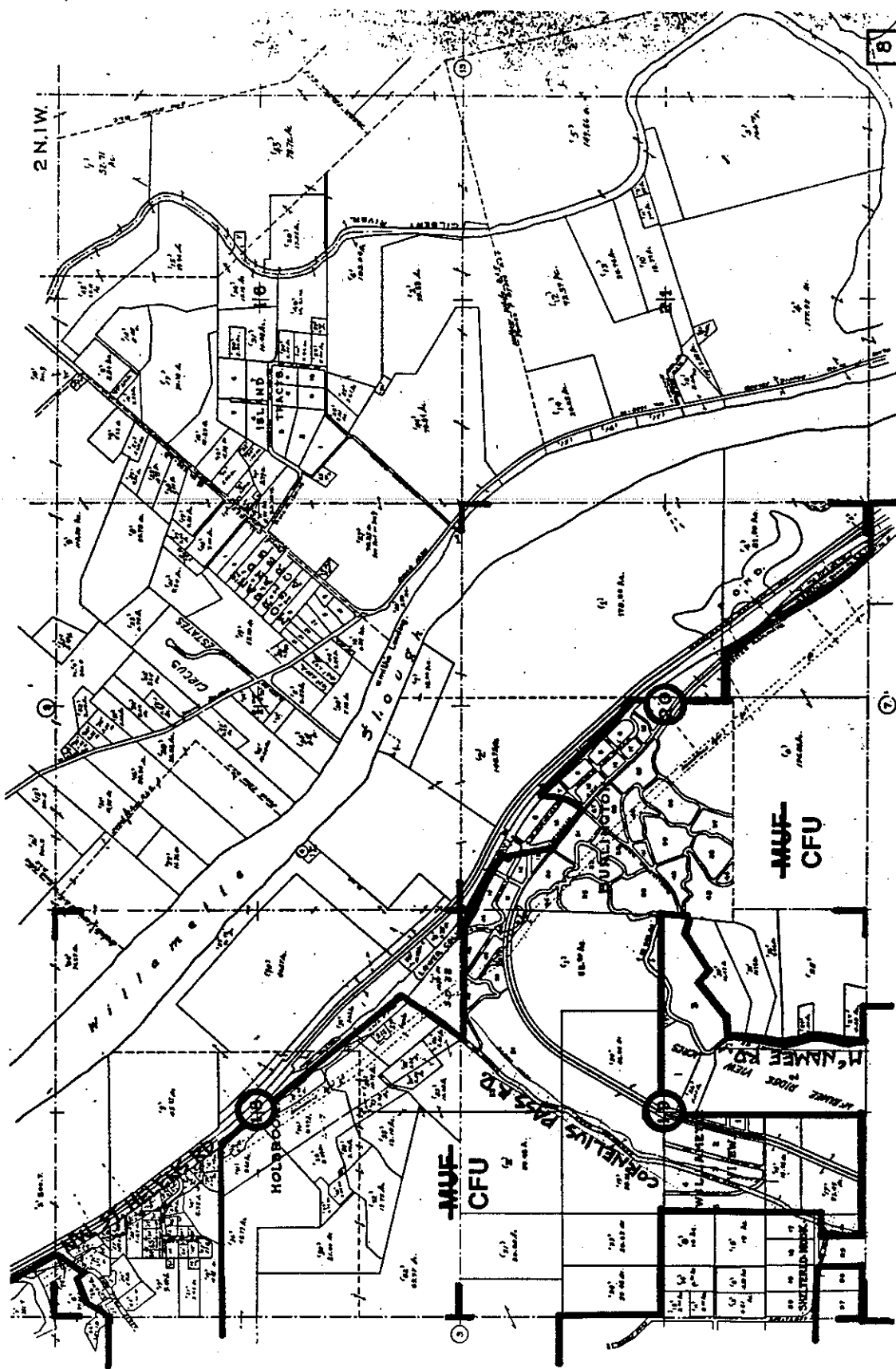
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



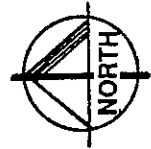
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APPROXIMATE SCALE

SECTION 18, 19, 20 T.2N. R.1W.

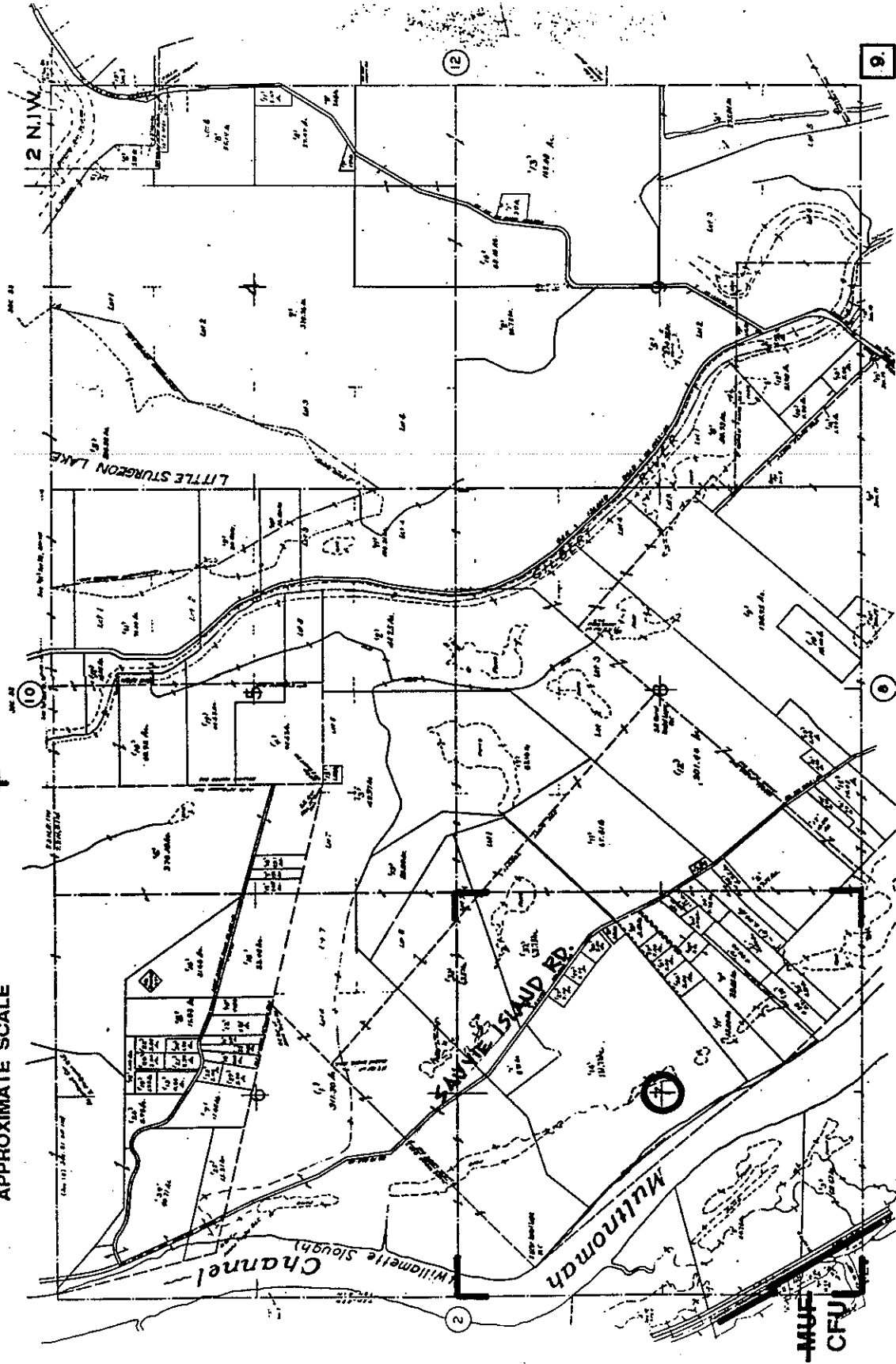


FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



APPROXIMATE SCALE

SECTION 7 T.2N. R.1W.

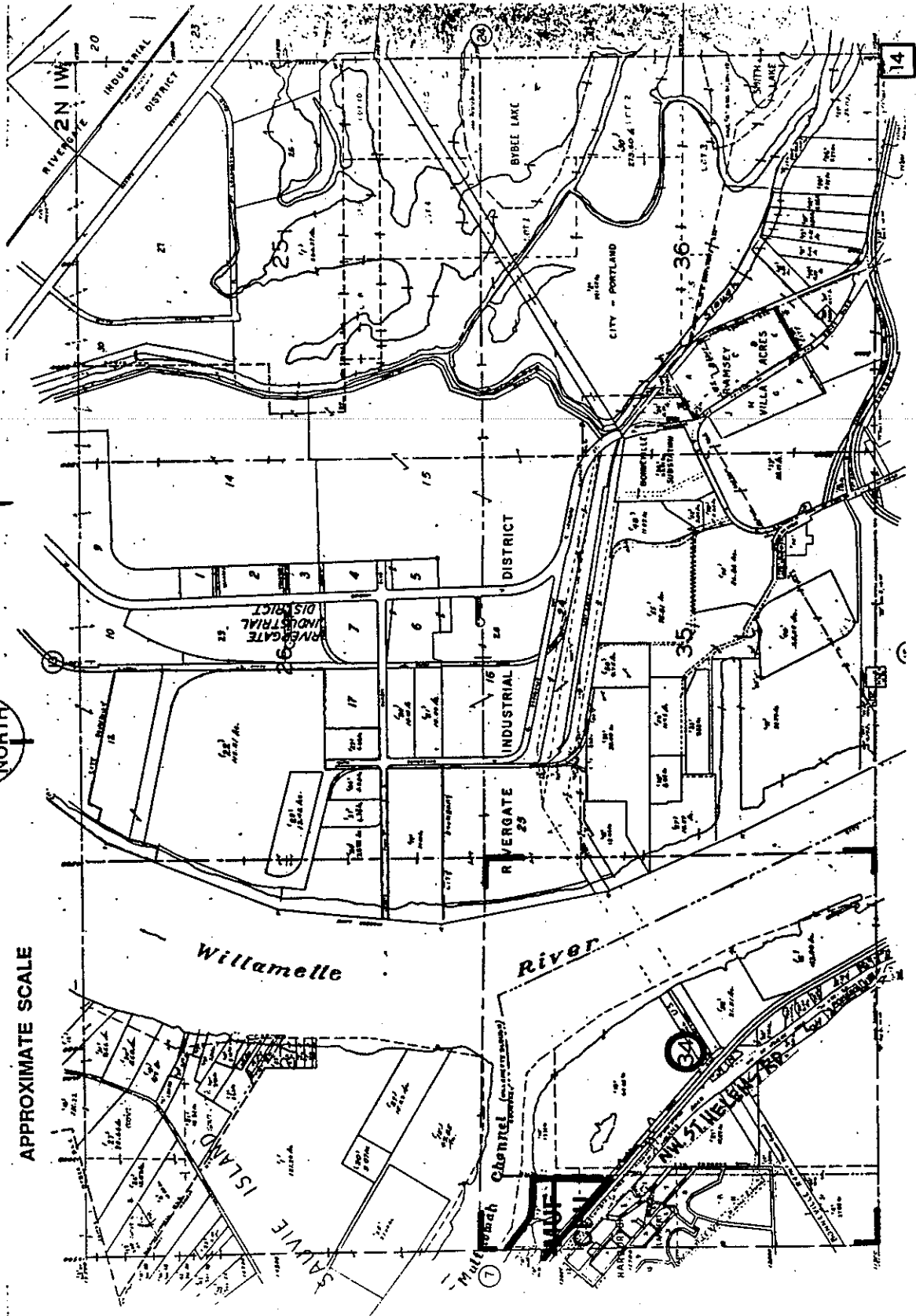


FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

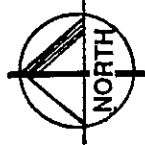


APPROXIMATE SCALE

SECTION 34 T.2N. R.1W.



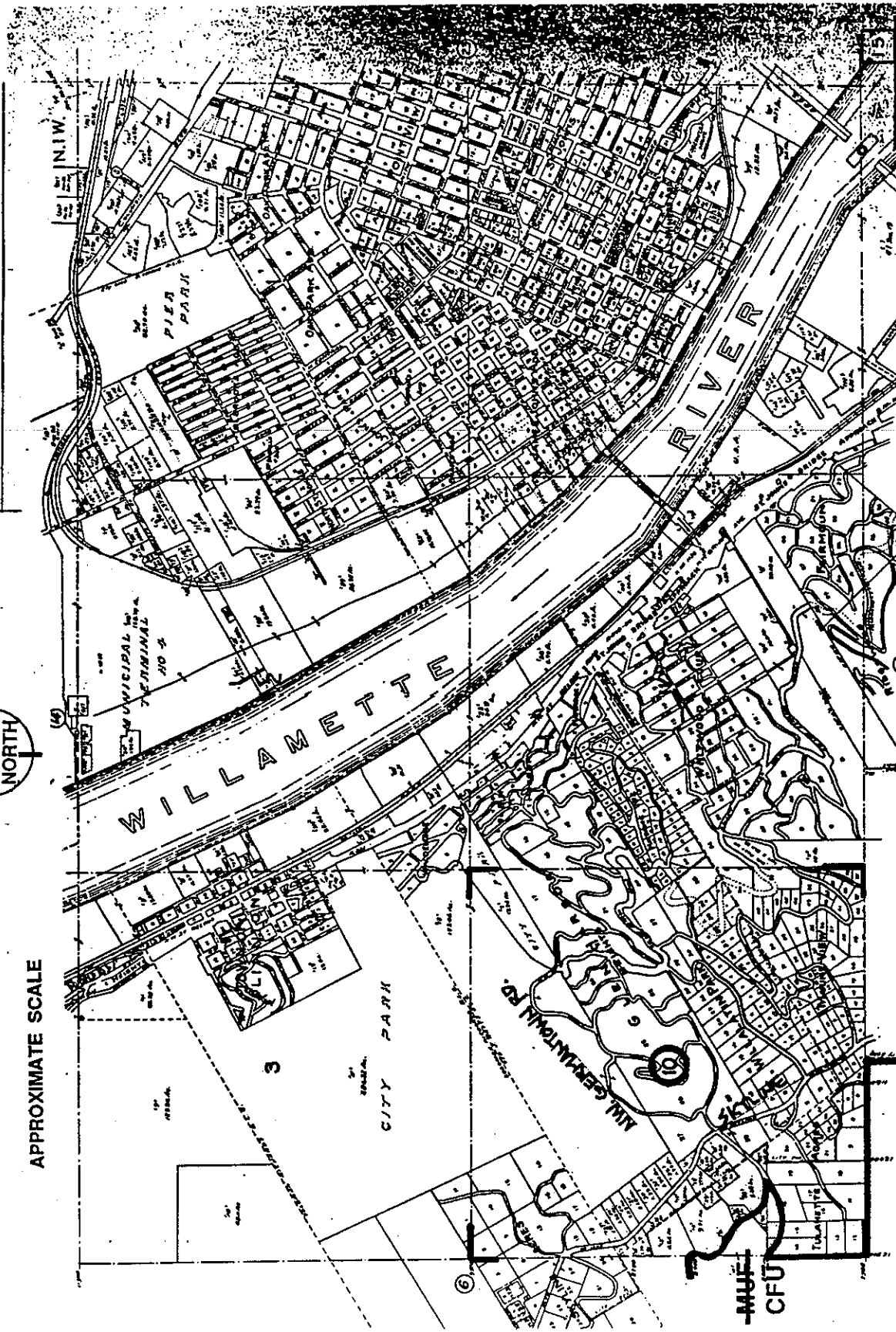
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 10 T.1N. R.1W.

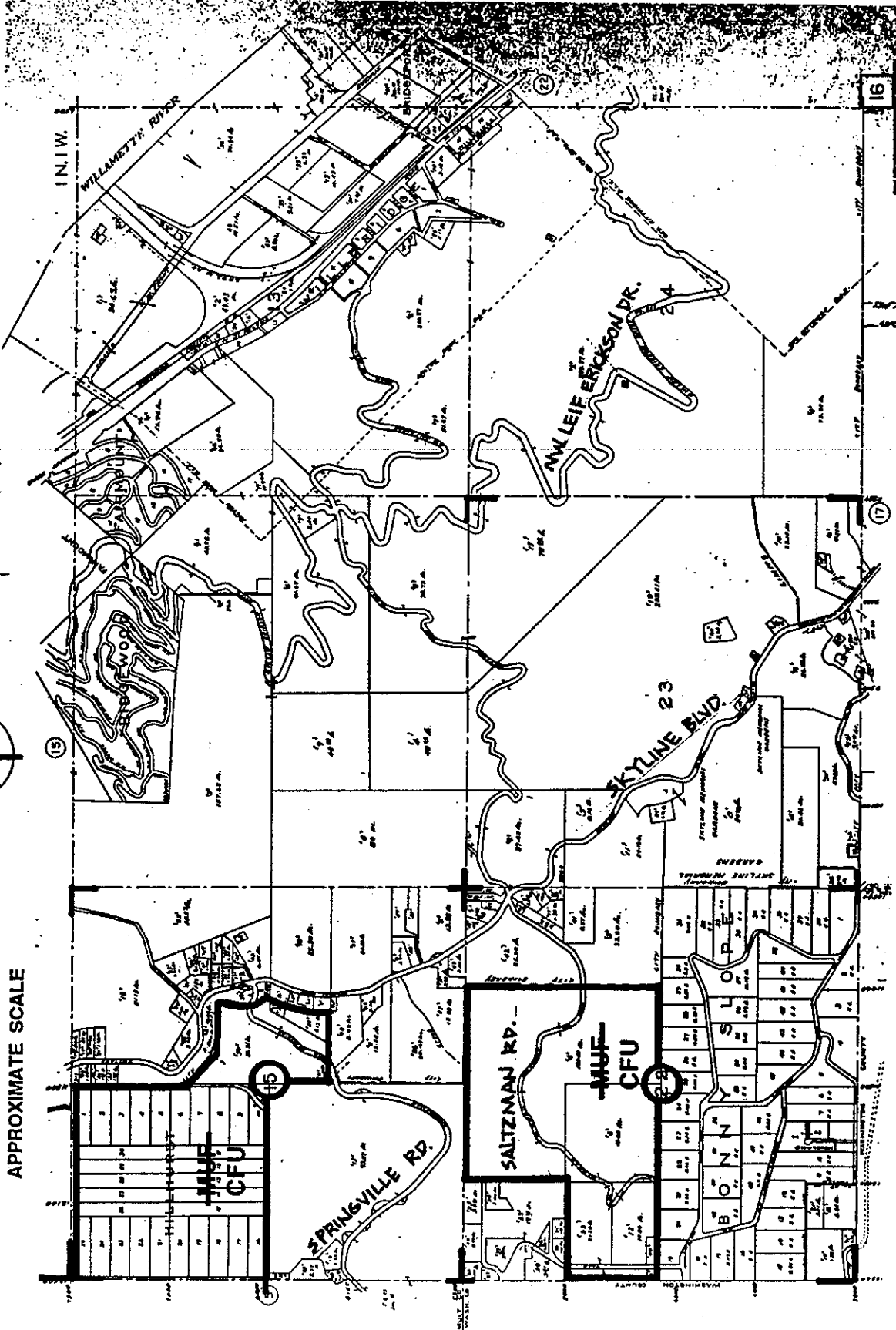


FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



APPROXIMATE SCALE

SECTION 15, 22 T.1N. R.1W.



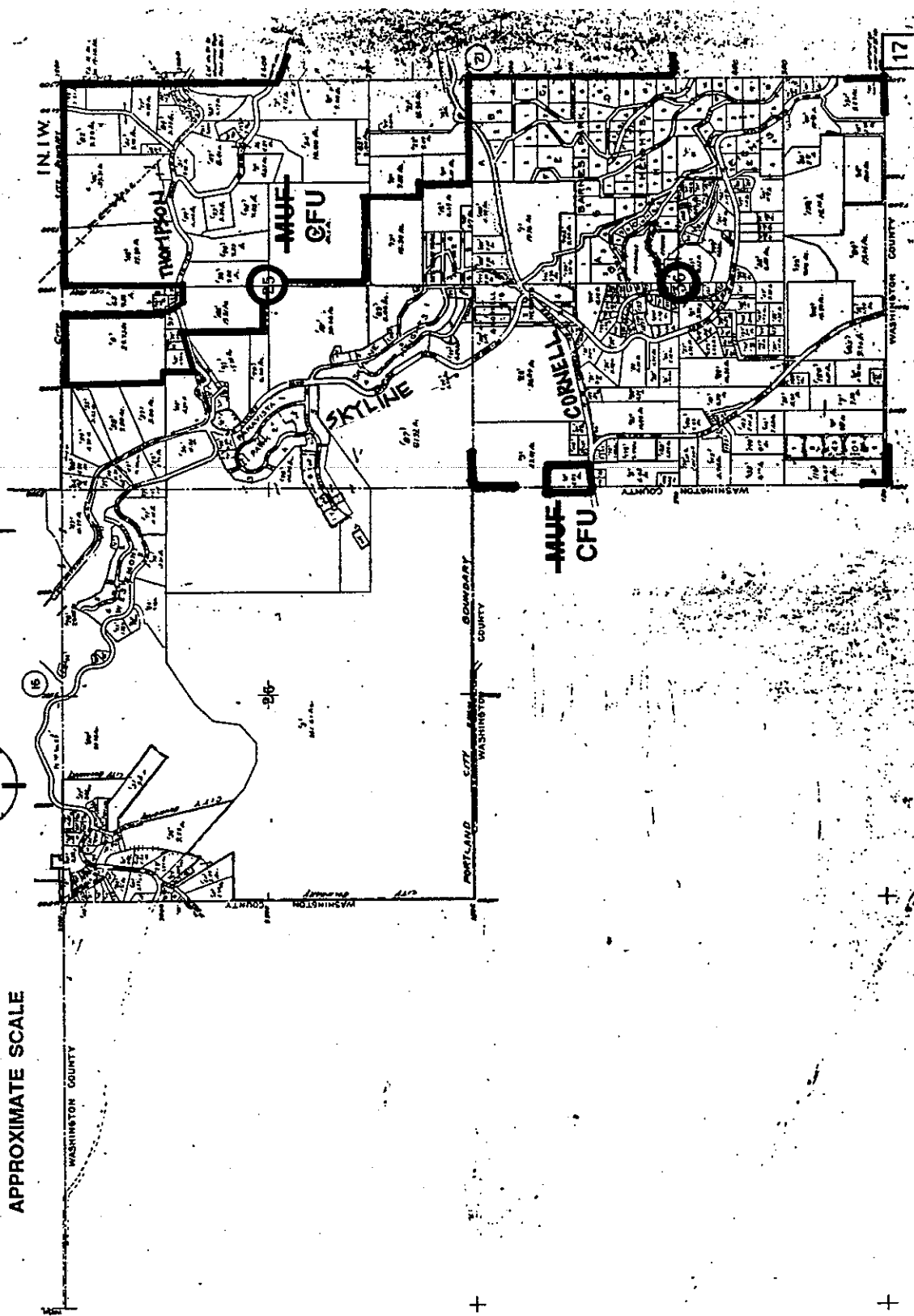
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



0. 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 25, 36 T.1N. R.1W.



FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU





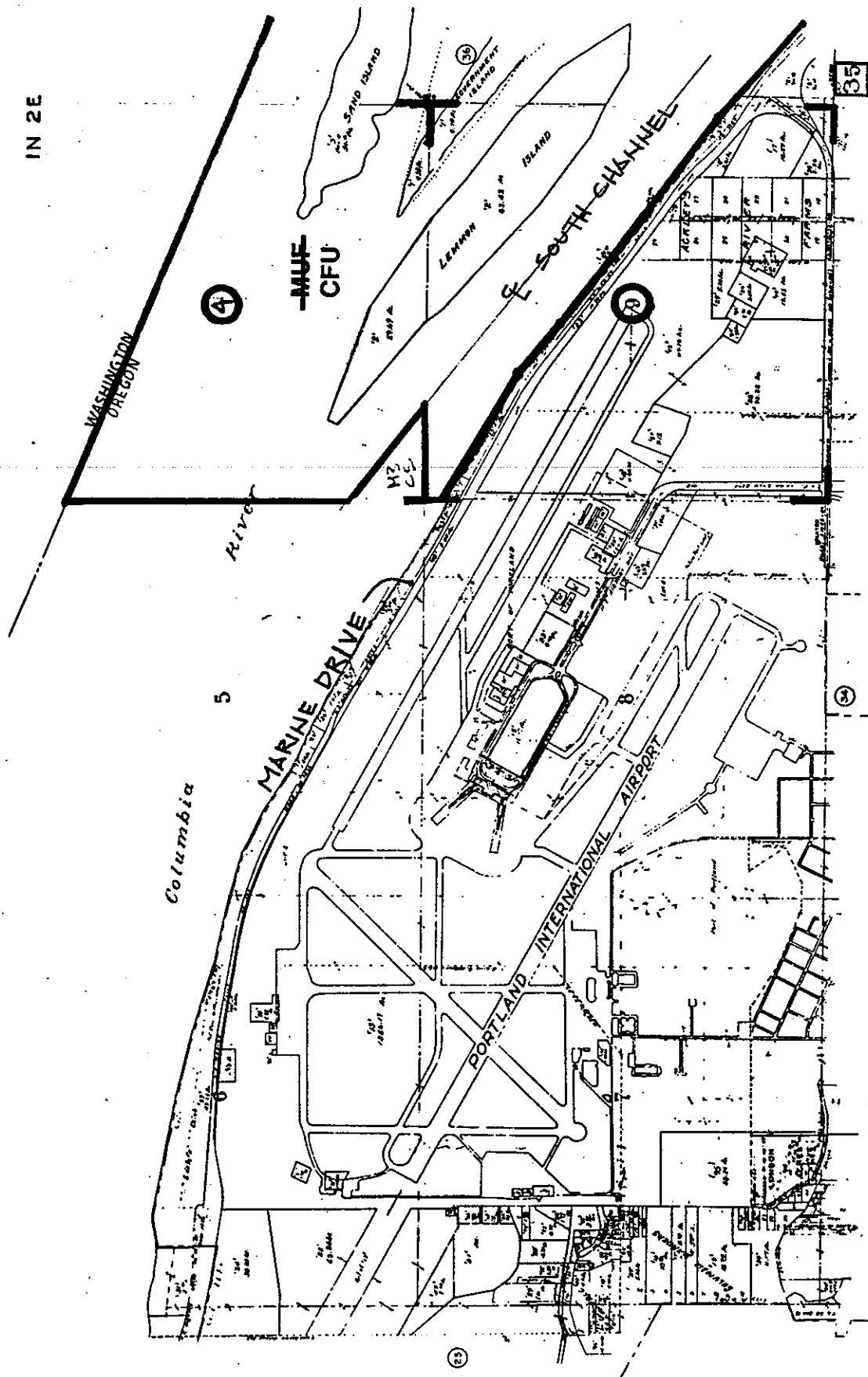


APPROXIMATE SCALE



SECTION 4, 9 T.1N. 2E.

IN 2E



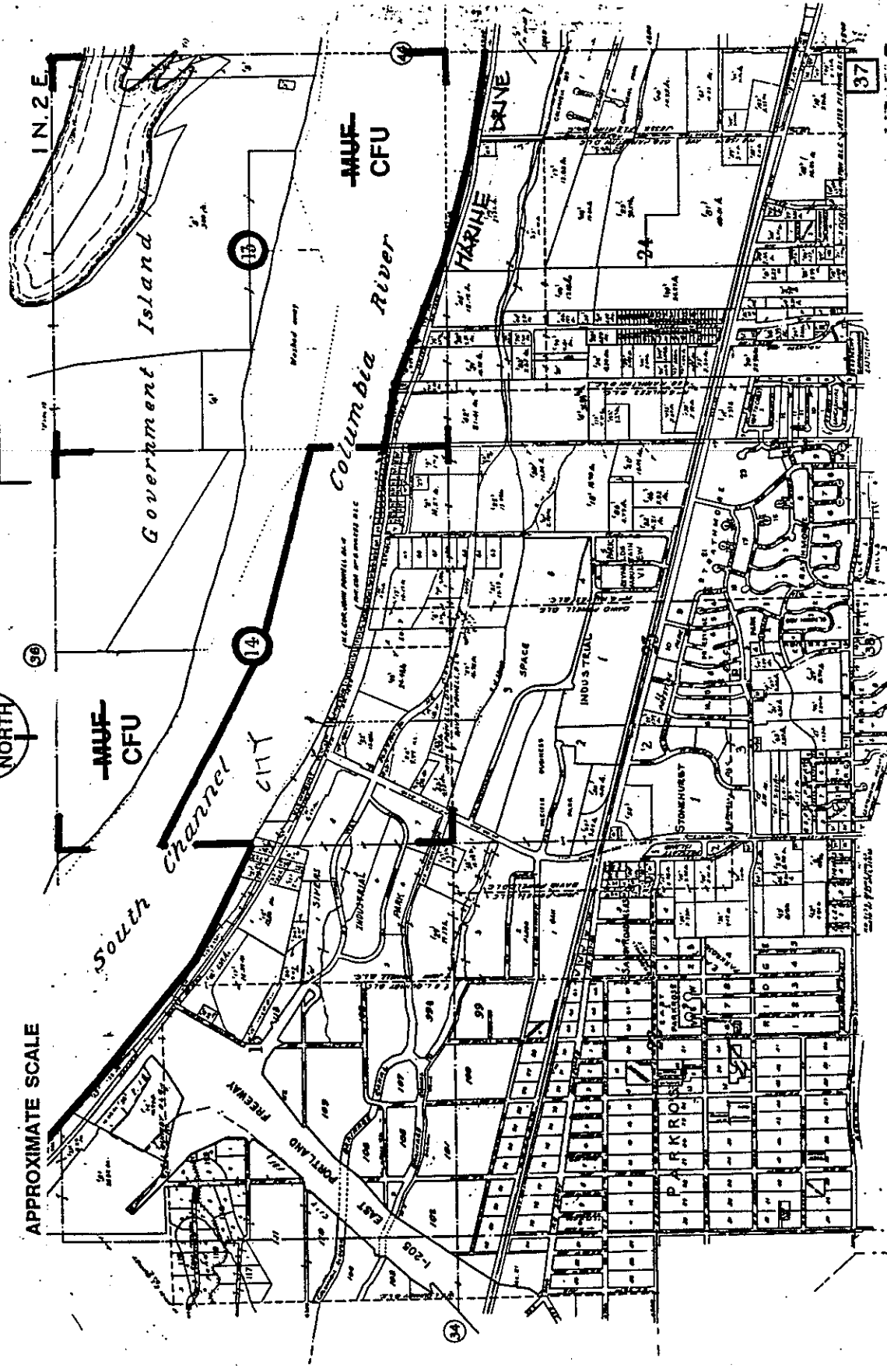
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU





SECTION 13, 14 T.1N. 2E.

APPROXIMATE SCALE



FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

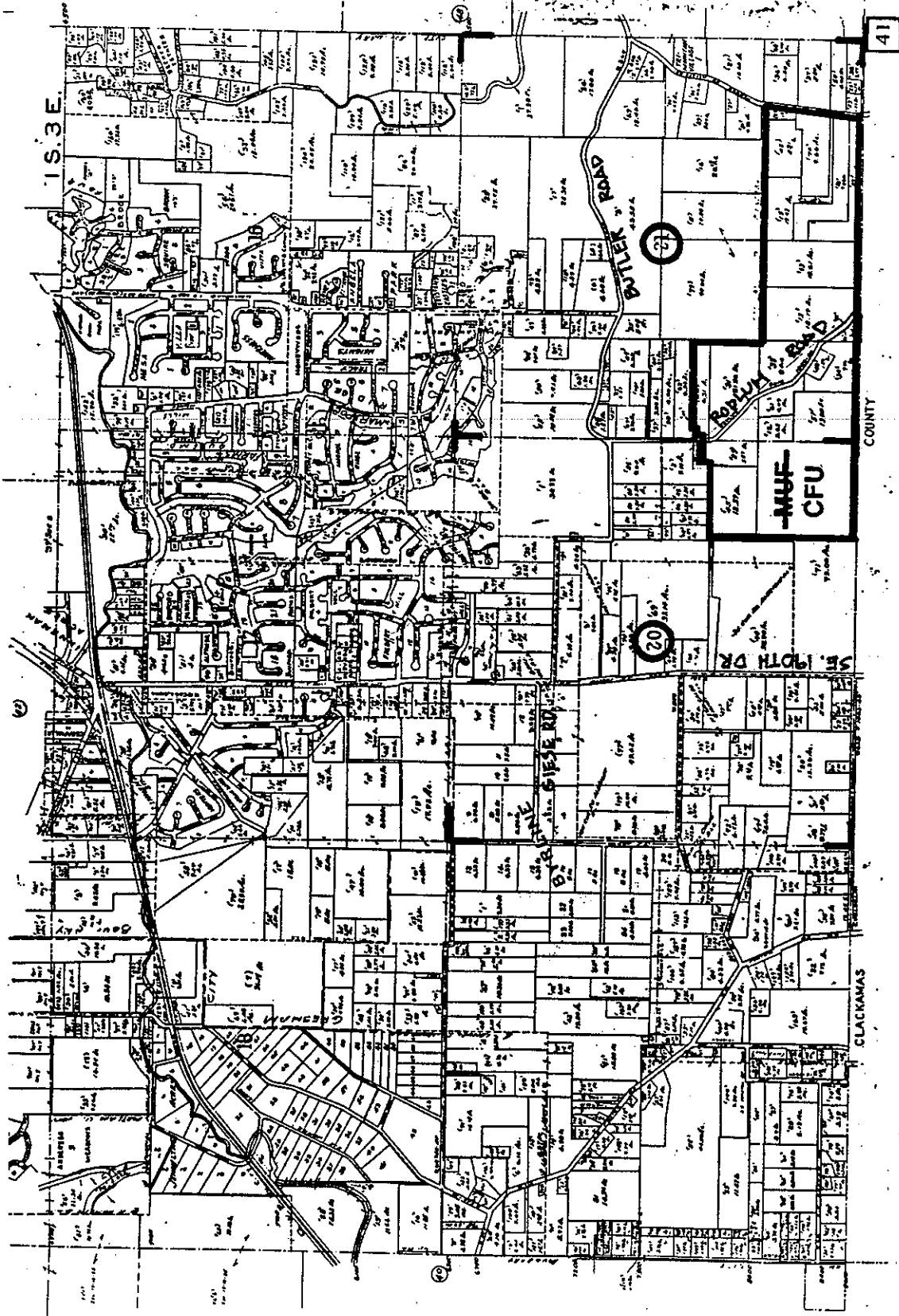


0. 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 20, 21

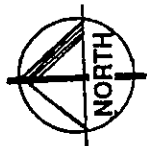
T.1S. R.3E.



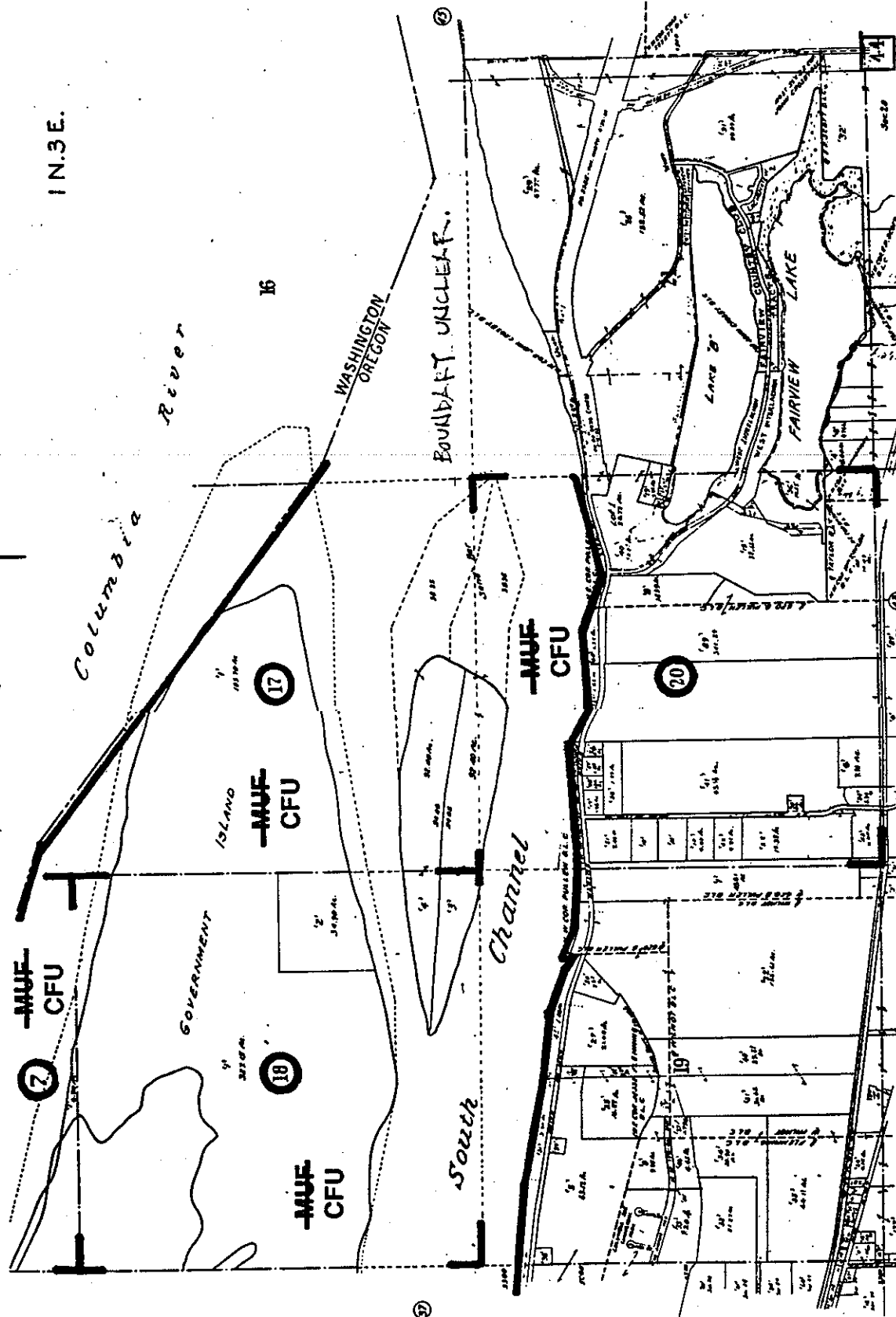
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



APPROXIMATE SCALE



SECTION 7, 17, 18, 20 T.1N. 3E.



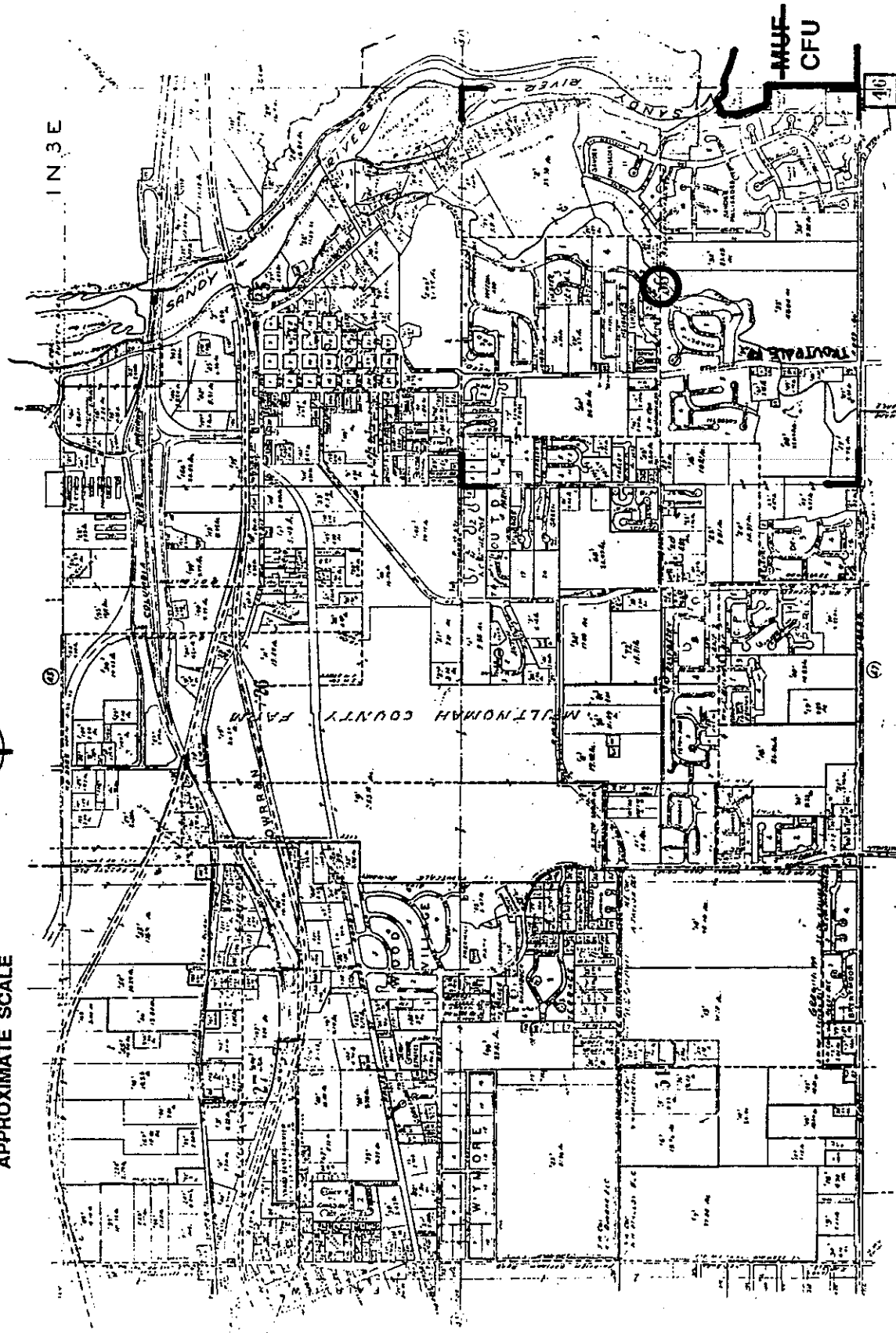
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



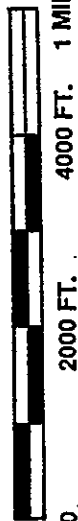
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APPROXIMATE SCALE

SECTION 36 T.1N. R.3E.

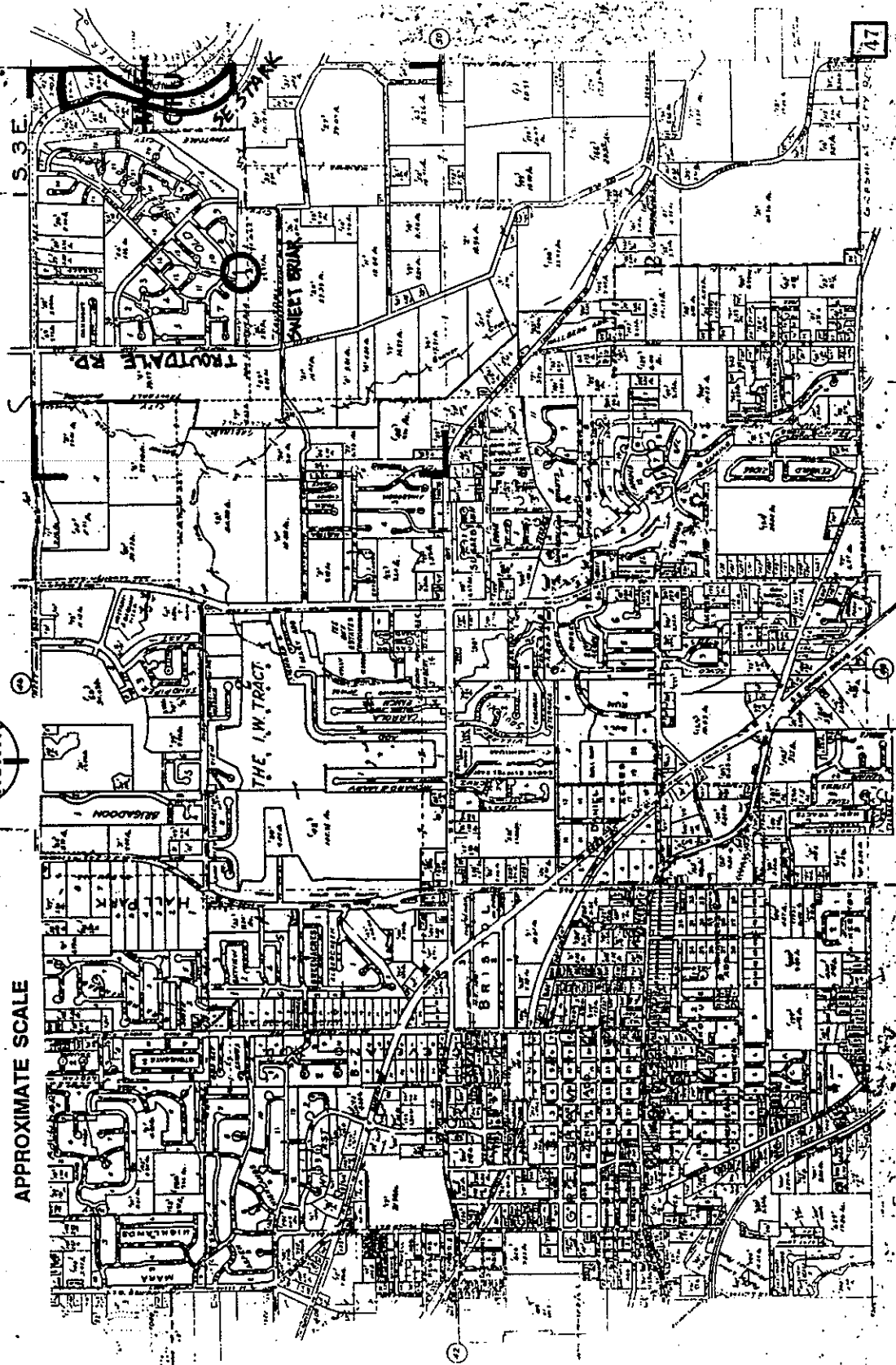


FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



APPROXIMATE SCALE

SECTION 1 T.1S. R.3E.



FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

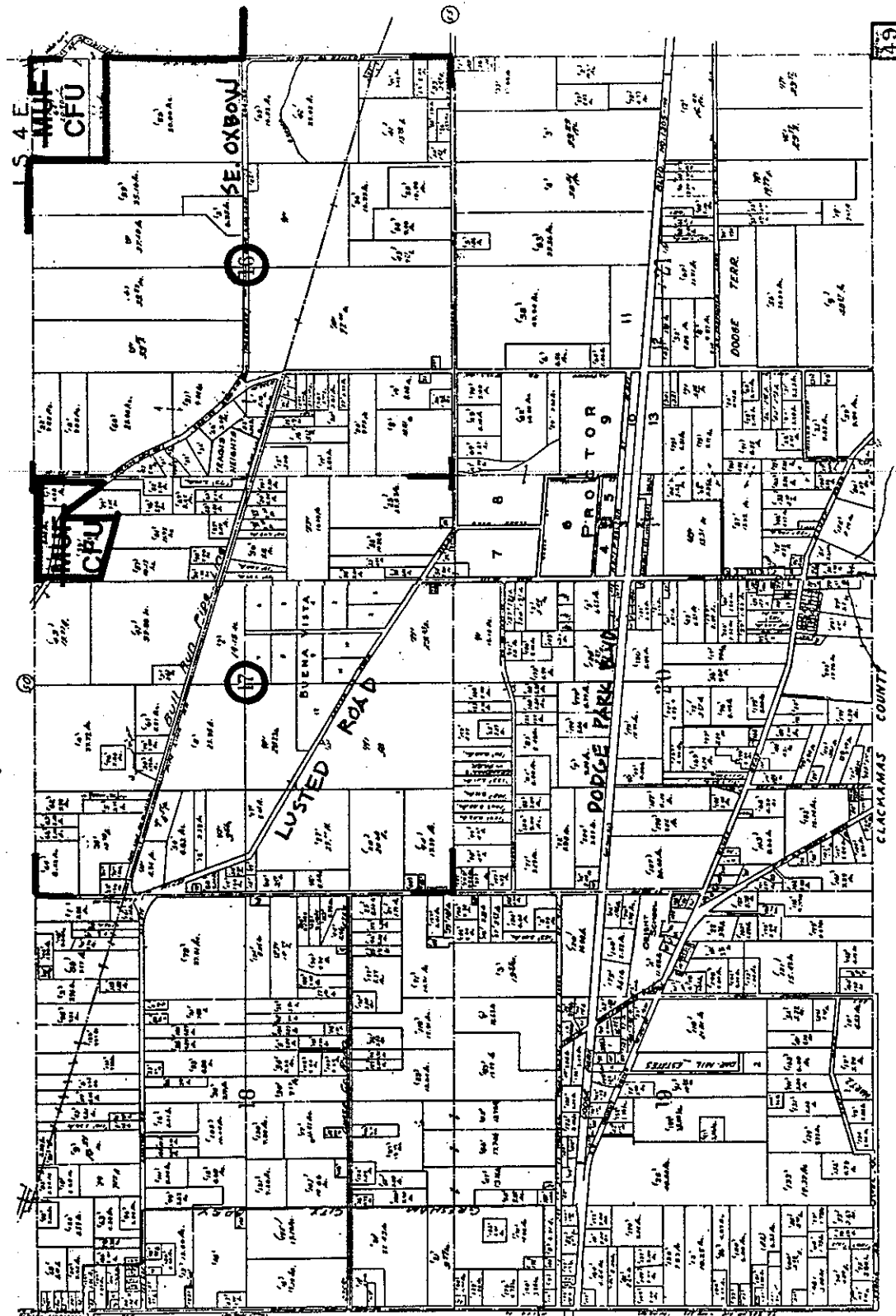




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APPROXIMATE SCALE

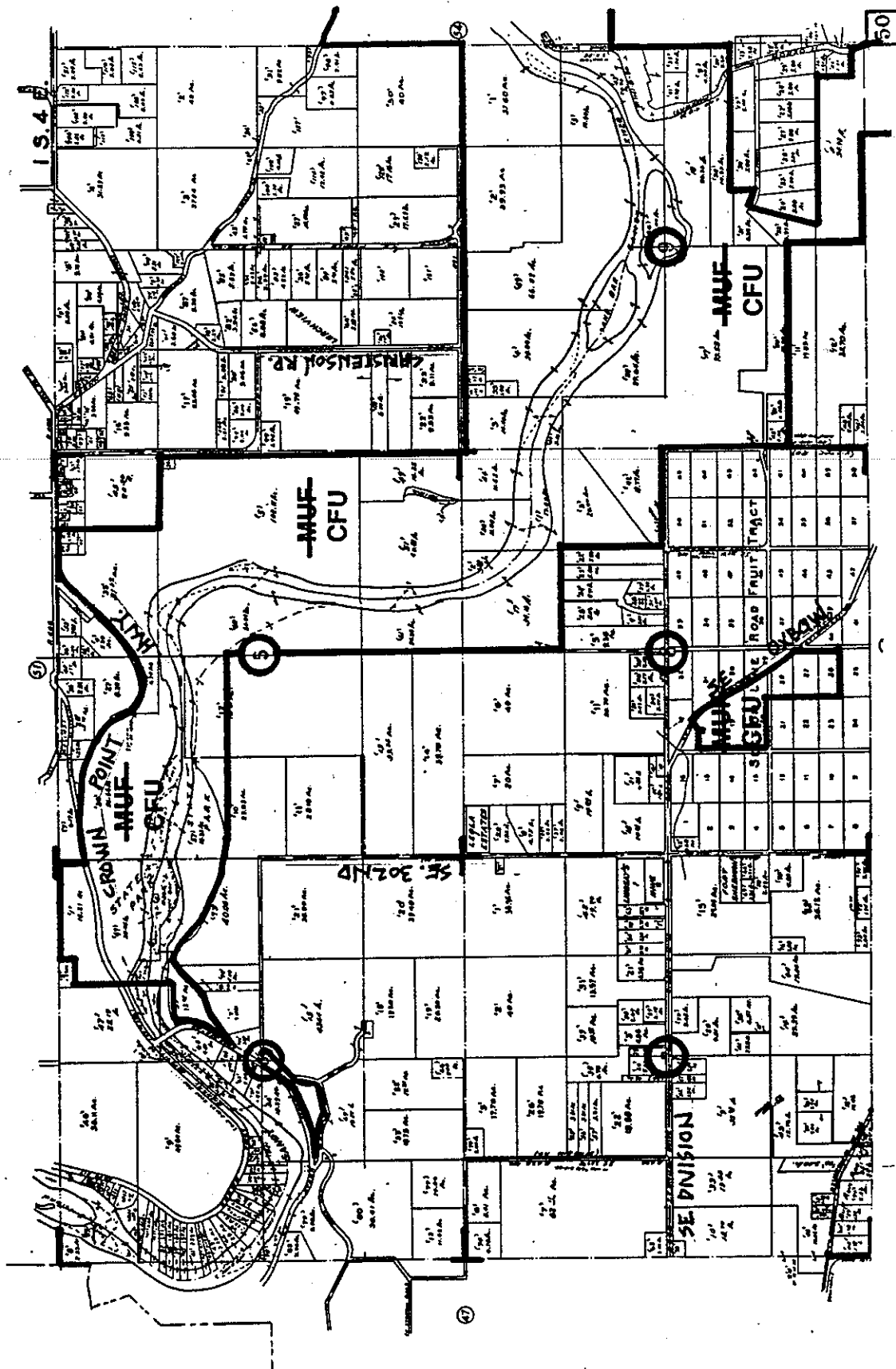
SECTION 16, 17 T.1S. R.4E.



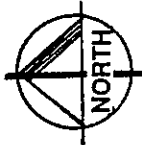
0.	2000 FT.	4000 FT.	1 MILE
0.			



### APPROXIMATE SCALE



**FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU**



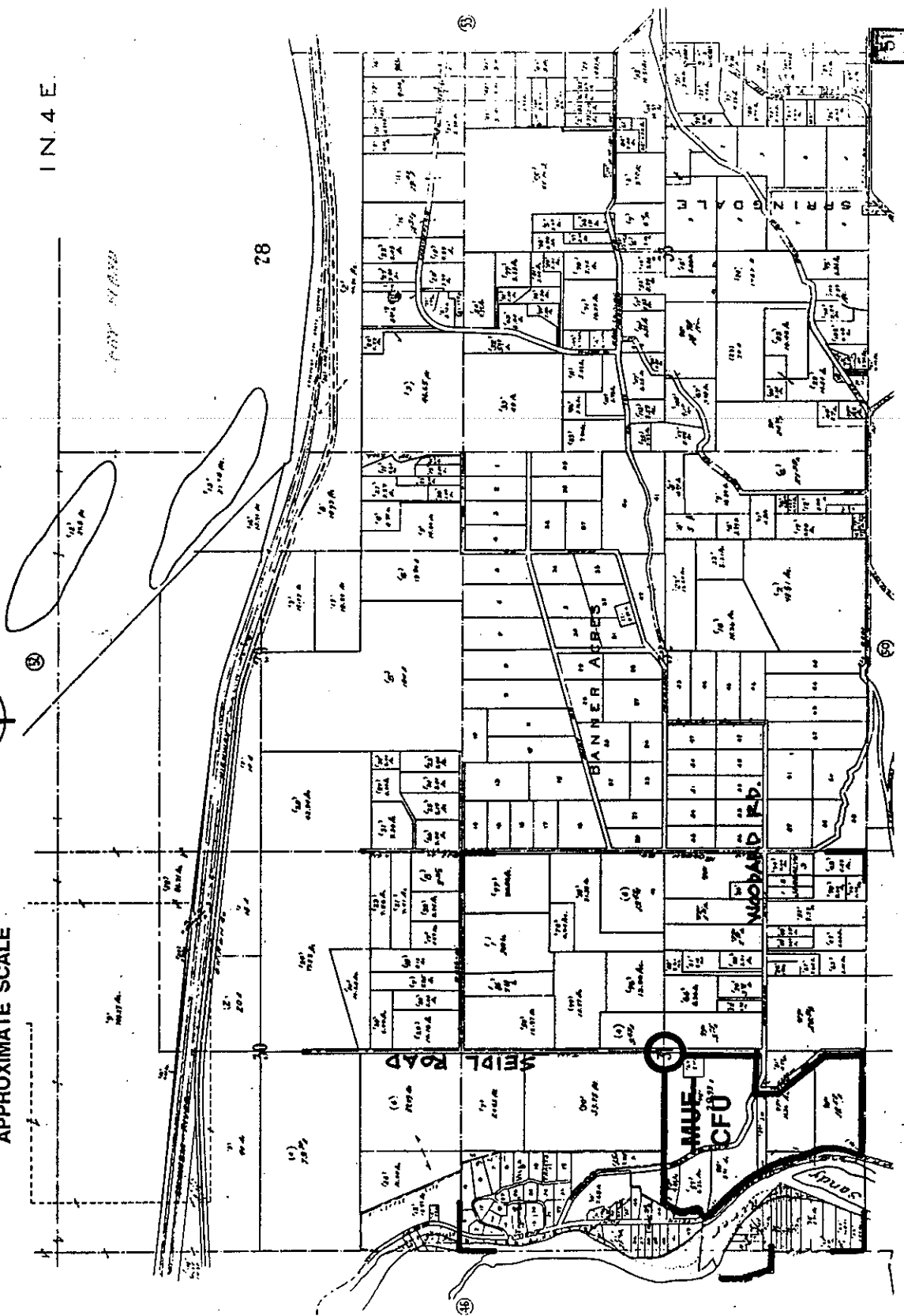
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APPROXIMATE SCALE

SECTION 31

T.1N. R.4E.

IN 4 E.



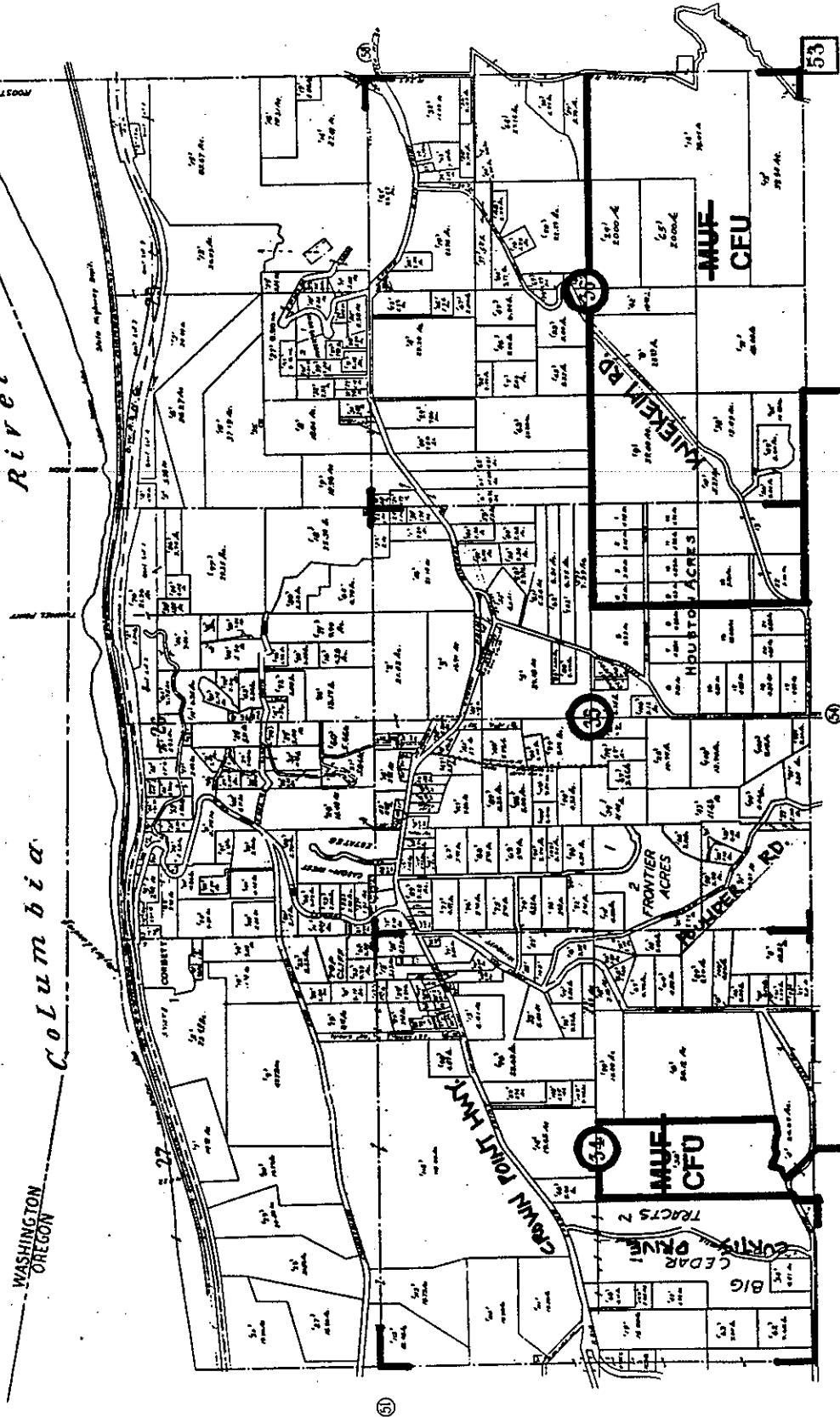
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



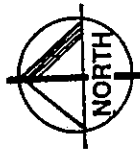
APPROXIMATE SCALE

SECTION 34, 35, 36 T.1N. R.4E.

1N4E

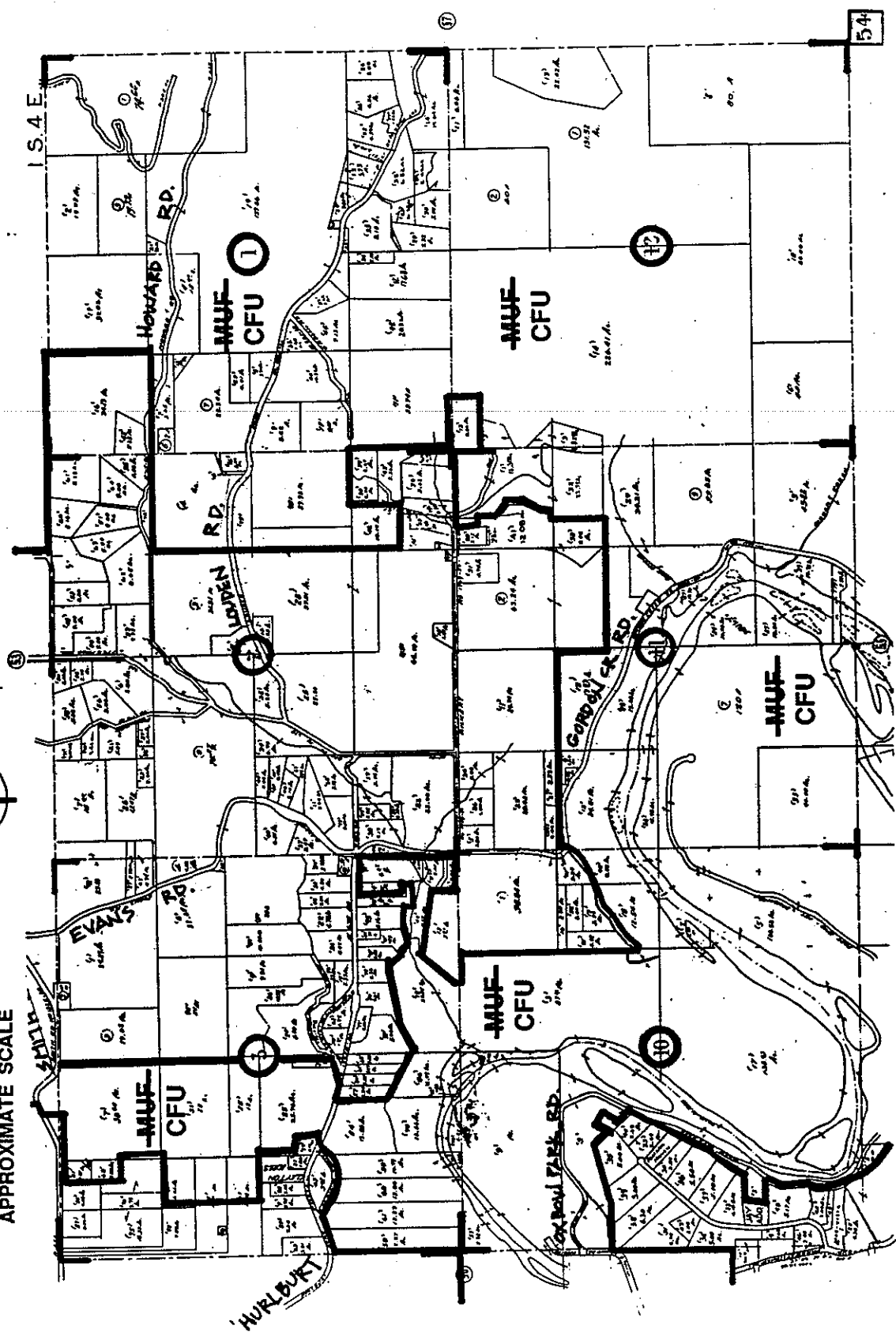


FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



APPROXIMATE SCALE

SECTION 1, 2, 3, 10, 11, 12 T.1S. R.4E.



FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



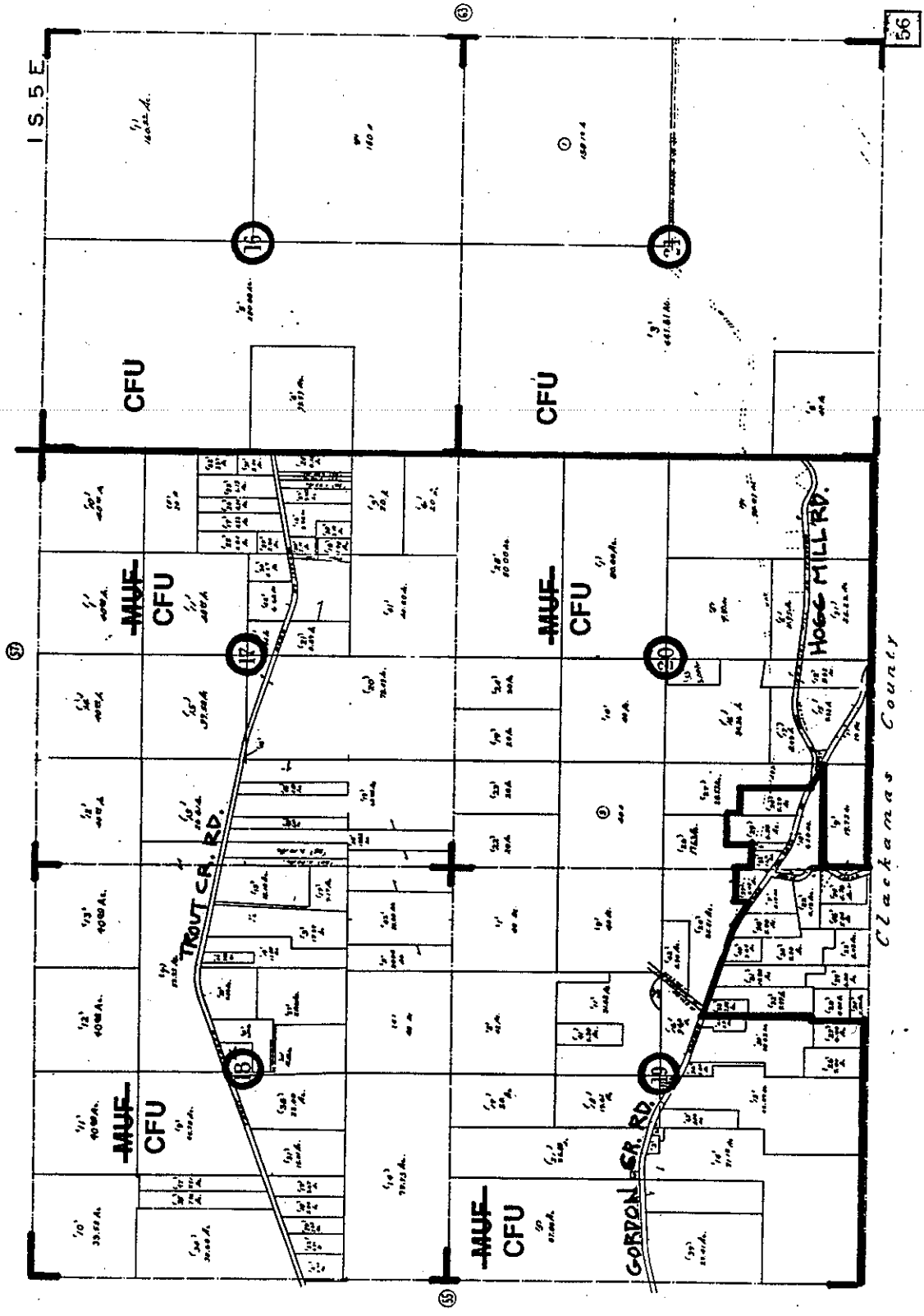


0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE



SECTION 16, 17, 18, 19, 20, 21 T.1S. R.5E.



FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

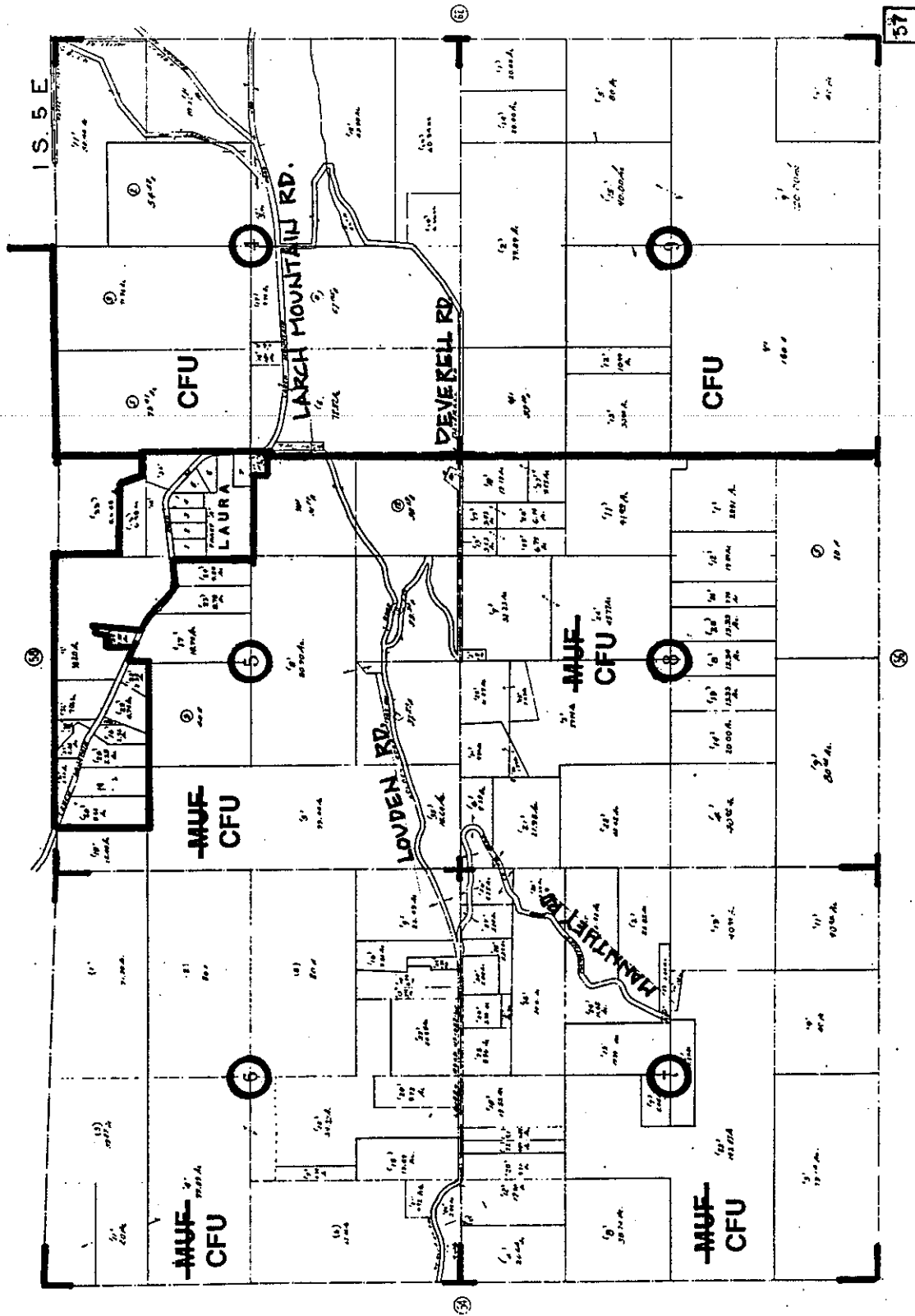


0. 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 4, 5, 6, 7, 8, 9

T.1S. R.5E.



FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

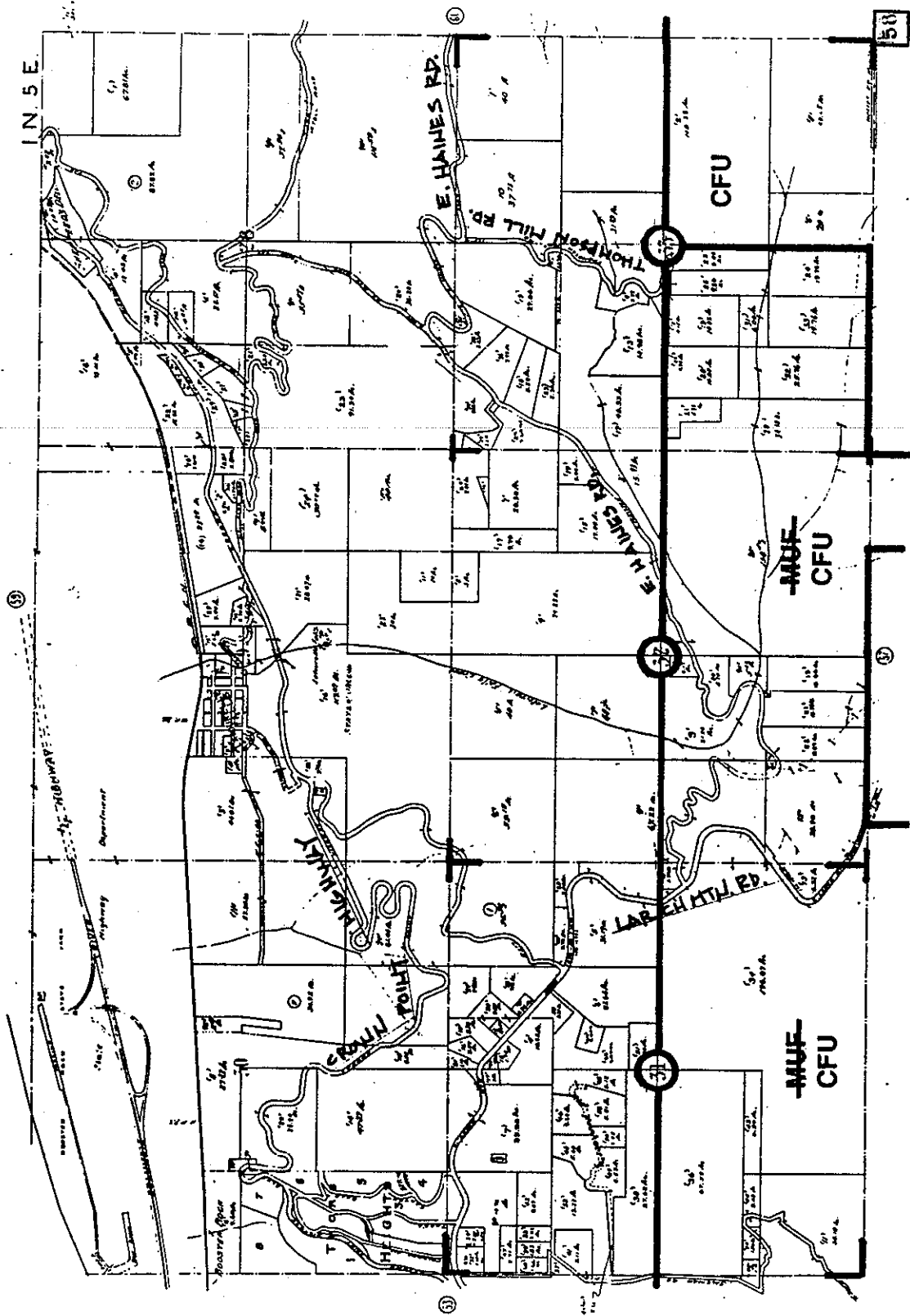




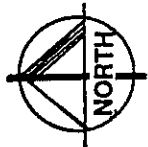
0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 31, 32, 33 T.1N. R.5E.



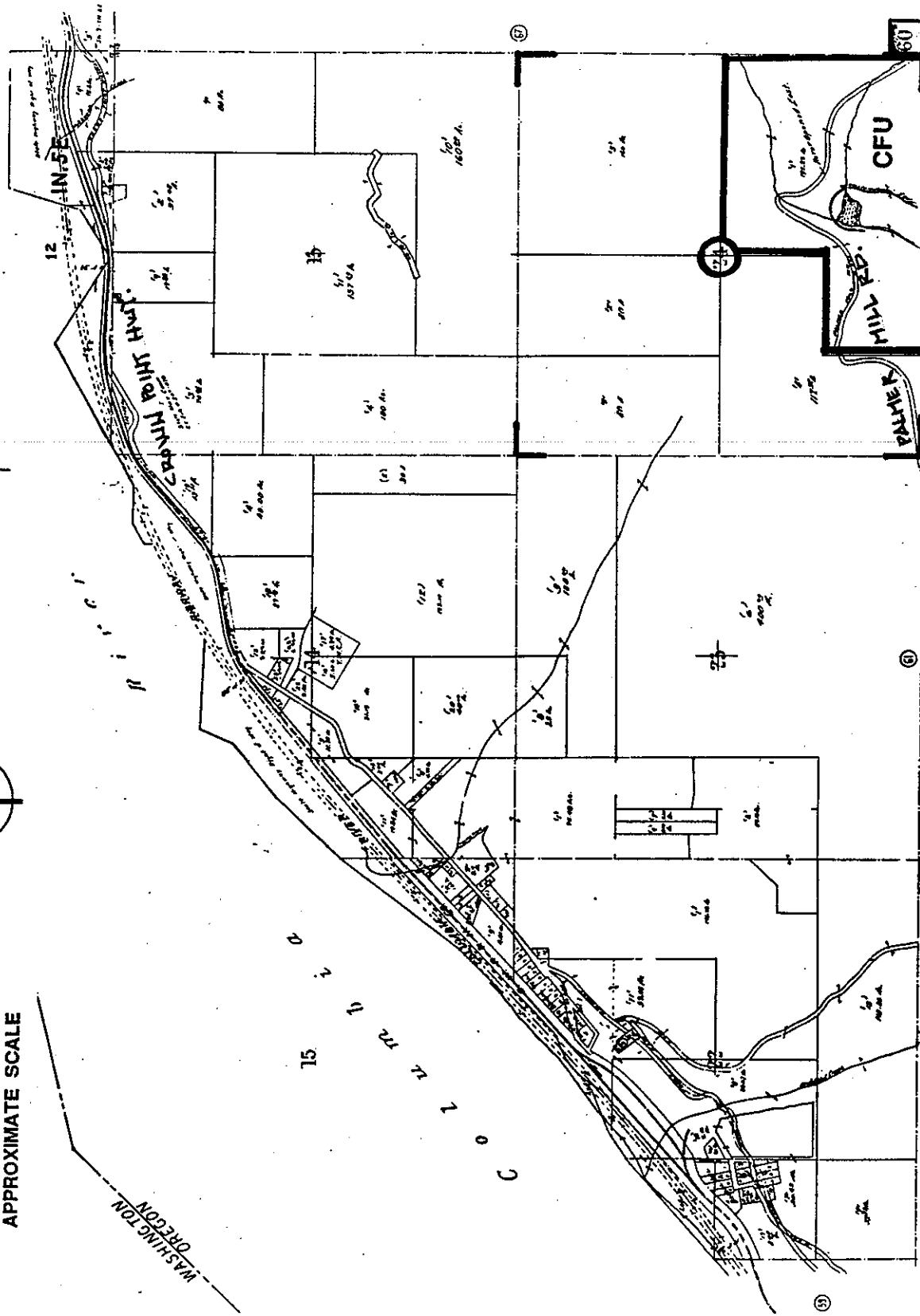
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

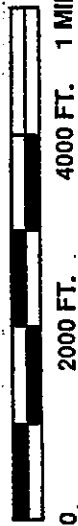


0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

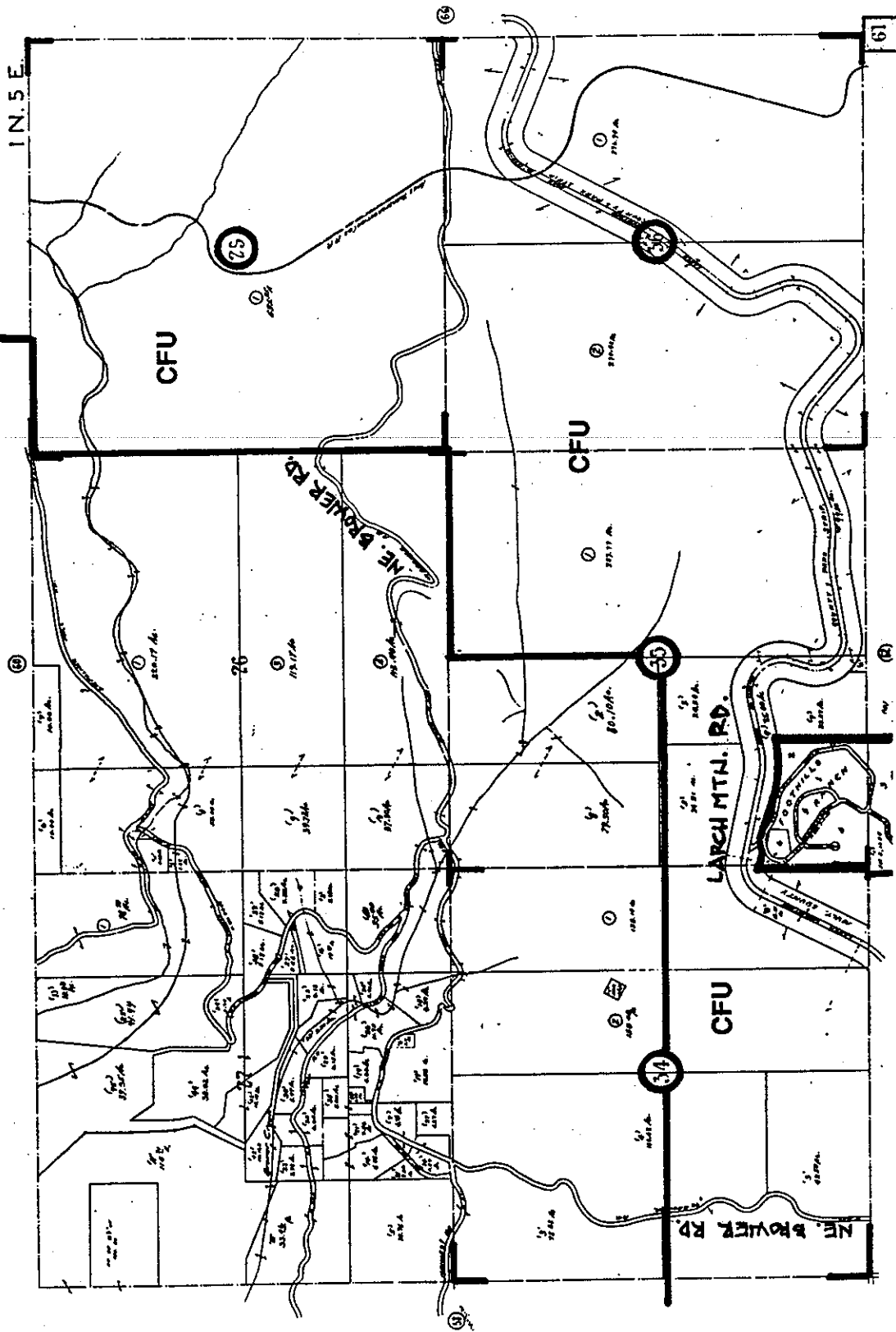
SECTION 24 T.1N. R.5E.





APPROXIMATE SCALE

SECTION 34, 35, 36, 25 T.1N. R.5E.



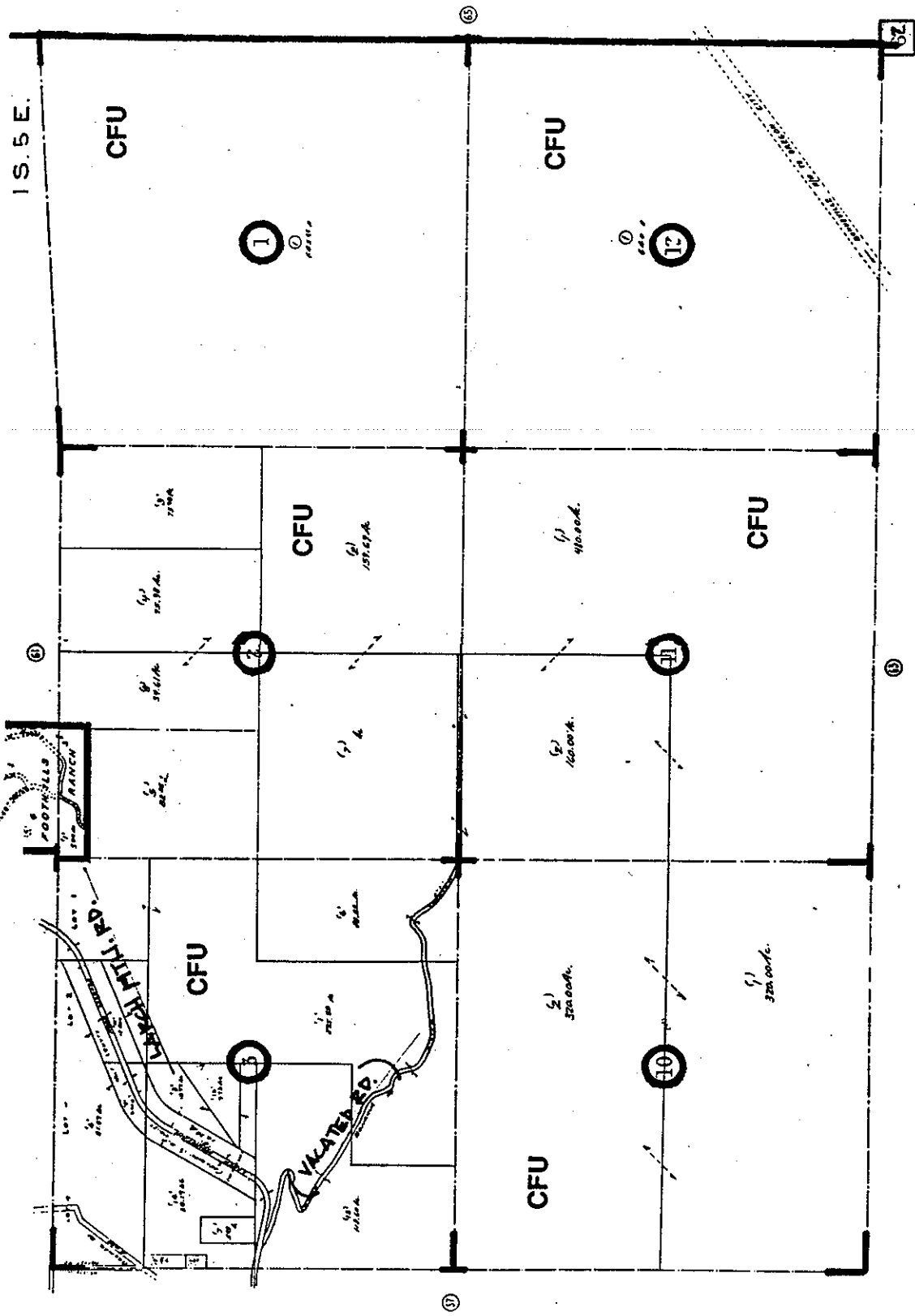
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

SECTION 1, 2, 3, 10, 11, 12 T.1S. R.5E.



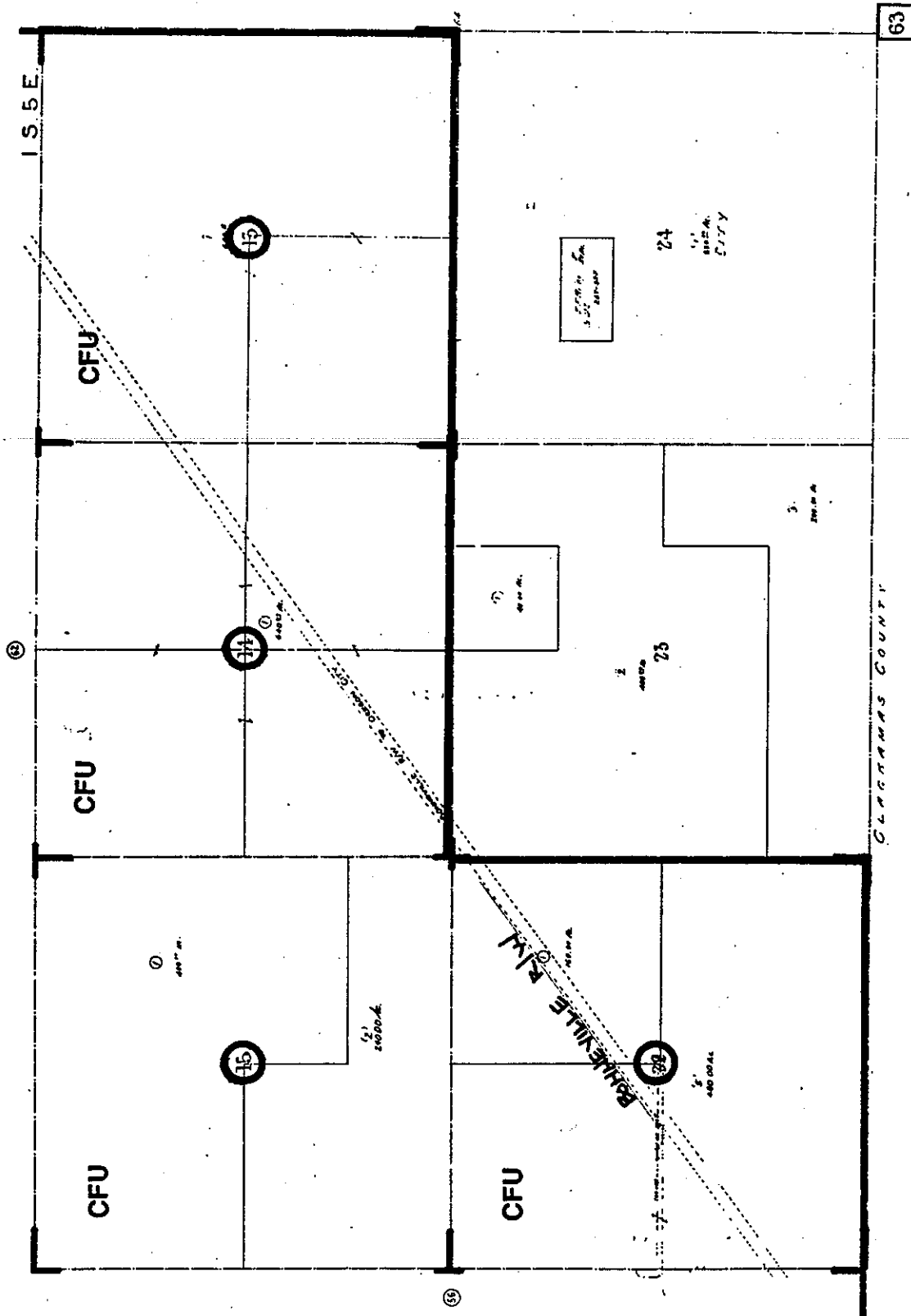
FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



**2000 FT. . 4000 FT. 1 MILE**

### APPROXIMATE SCALE

**SECTION 13, 14, 15, 22**



# CLINTMAS COUNTY

**FOREST ZONED LAND  
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU**