

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY

In the Matter of Amending the Columbia County)
Zoning Ordinance and Comprehensive Plan to) ORDINANCE No. 2010-11
Bring Columbia County Forest and Agriculture)
Zones into Compliance with State Law)

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2010-11.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 197.175, ORS 203.035, ORS 215.050, and ORS 215.130.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Columbia County Zoning Ordinance and Comprehensive Plan to be consistent with provisions that have been incorporated into State law since 1993. Specifically, this ordinance amends the text of the PA-38, FA-19 and PF -76 zones of the Columbia County Zoning Ordinance and Section IV and V of the Comprehensive Plan related to Forest and Agricultural Lands. This ordinance also deletes the Woodlot Overlay Zone of the Columbia County Zoning Ordinance.

SECTION 4. FINDINGS.

The Board of County Commissioners adopts Findings of Fact and Conclusions of Law contained in the October 6, 2010 Staff Report to the Board of Commissioners, attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 5. AMENDMENT AND AUTHORIZATION.

1. The Columbia County Zoning Ordinance is hereby amended as shown in Exhibit "B," attached hereto and incorporated herein by this reference.
2. The Columbia County Comprehensive Plan is hereby amended as shown in Exhibit "C," attached hereto and incorporated herein by this reference.

SECTION 6. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this ordinance or any portion of the attached Exhibits invalid, such portion shall be deemed a separate, distinct and independent portion, and any such holdings shall not affect the validity of the remaining portions thereof.

SECTION 7. SCRIVENER'S ERRORS

Scrivener's errors in any portion of this ordinance may be corrected by order of the Board of County Commissioners.

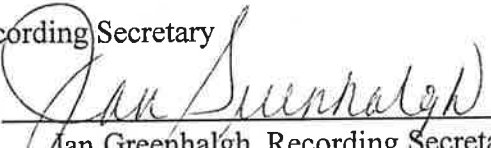
SECTION 8. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on January 5, 2011.

DATED this 10th day of November, 2010.


Approved as to Form

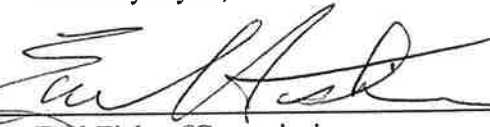
By: 
Office of County Counsel

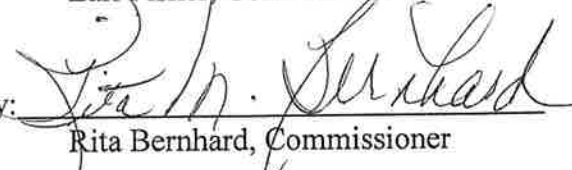
Recording Secretary
By: 
Jan Greenhalgh, Recording Secretary

First Reading: 11-10-10
Second Reading: 11-10-10
Effective Date: 1-5-11

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Earl Fisher, Commissioner

By: 
Rita Bernhard, Commissioner

COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
“Resource Zoning & Comprehensive Plan Text Amendments”
Staff Report
October 6, 2010

HEARING DATE: October 13, 2010

FILE NUMBER: Planning File TA 10 - 03

APPLICANT: Columbia County
Land Development Services
230 Strand
St. Helens, Oregon 97051

REQUEST: Columbia County proposes Zoning Ordinance and related Comprehensive Plan Text Amendments to its three Resource Zones **Primary Agriculture, Forest Agriculture, and Primary Forest** and the elimination of **Section 1178 Buffer Woodlot Overlay Zone** from the Zoning Ordinance. These proposed amendments will allow the county's ordinances to be consistent with provisions that have been incorporated and passed into state legislation since 1993.

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Attachments:

“Attachment A”

- (1) Proposed Amendments to Sections 300, 400, 500 and 1178 of the Zoning Ordinance
- (2) Proposed Amendments to Parts IV and V of the Comprehensive Plan
- (3) Proposed Deletion in its entirety Section 1178 of the Zoning Ordinance - Buffer Woodlot Overlay Zone.

“Attachment B”

Letter from the Department of Land Conservation and Development dated March 10, 2010
Letter from the Department of Land Conservation and Development dated April 2, 2010

“Attachment C”

Comments from the Scappoose CPAC submitted during the April 19, 2010 public hearing
Comments received from the public

“Attachment D”

May 27, 2010 Memorandum to Planning Commission referencing Revisions to the PF-76, PA-38, and FA-19 Zones and to Part V of the Comprehensive Plan after the April 19, 2010 Public Hearing.

“Attachment E”

July 13, 2010 Final Order and Planning Commission’s Recommendation of **APPROVAL** to the Board of County Commissioners for TA 10-03

BACKGROUND: Land Development Services proposes to update the County Zoning Ordinance to reflect baseline criteria found in current State Law (OARs & OARs) regarding farm and forest land zoning laws from the 1993 through February 2010 legislative sessions. Columbia County’s land use ordinances have not been updated to incorporate state law that protects existing forest and farm uses and also prevents residential encroachment into areas currently utilized for commercial forest and farm uses.

The County’s update of its resource zoning provisions is a pressing need in order to accurately reflect the changes in state regulations over the last three decades. One example of the county’s outdated ordinance is the current provisions for and definition of Forest Management Dwellings. The proposed amendments to the PF-76 Zone will remove the current provision allowing Forest Management Dwellings that are *necessary for* and accessory to support a commercially viable forest operation on the property. This is impossible for property owners to demonstrate since its basis is fundamentally flawed; dwellings are **not** necessary for commercially viable timber operations to occur on forestland. Additionally, the proposed amendments to the FA-19 Zone are

significantly different than those proposed for the PA-38 and PF-76 Zones. Specifically, all future development for FA-19 zoned properties will be determined on a case-by-case basis using the Predominant Use Test pursuant to OAR 660-006-0050(2). The uses, activities, and development of land in the FA-19 Zone will be based on the predominant use of a tract as of January 1, 1993 and shall comply with the appropriate requirements of either Farm Land or Forest Land.

One of the consequences of the lack of updated County ordinance provisions has been confusion from individuals, applicants and advisory groups as to how dwellings and other uses in the forest and farm zones are reviewed and approved. Another effect has been that, by applying State rules to our county ordinances, Planning Staff can conduct an initial review to determine if the proposal meets the base criteria for the authorized development of the resource zoned property. Because Planning Staff will not be able to accept an application for review if the base criteria is not met, staff will still be able to work with the property owner and provide them with a mutually accepted authorized alternative that is site specific and appropriate for the proposed development of the resource zoned property.

The Planning Commission held the initial public hearing on April 19, 2010 and continued this hearing until June 7, 2010 in order to provide Land Development Services with sufficient time to include revisions to the proposed Zoning and Comprehensive Plan Amendments reflecting comments from the Department of Land Conservation and Development and comments submitted during the April 19, 2010 public hearing. These Revisions to the proposed Zoning and Comprehensive Plan Amendments were made (referenced in the attached May 27, 2010 Memorandum to the Planning Commission in Attachment D), reviewed and unanimously approved by the Planning Commission at their June 7, 2010 continued public hearing. The Final Order for this Recommendation was signed on July 13, 2010 (Attachment E). With the incorporation of these May 27, 2010 Revisions that are consistent with the research, evaluation and findings in the April 19, 2010 Staff Report for TA 10-03 and based on the comments received from the public and affected agencies, the Planning Commission recommended on the June 7, 2010 public hearing that the Board of County Commissioners approve TA 10-03, the legislative amendment to:

- (1) Amend the text of the PA-38, FA-19, and PF-76, Sections 300, 400, and 500 respectively of the Zoning Ordinance,
- (2) Delete the Woodlot Overlay Zone, Section 1178, in its entirety and
- (3) Amend Section Parts IV and V of the Comprehensive Plan related to Forest and Agricultural Lands.

FINDINGS:

Beginning with Section 1600 of the Zoning Ordinance:

This request is being processed under Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing) of the Columbia County Zoning Ordinance. The pertinent sections of the ordinance are reviewed as follows:

1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

Finding 1: The Director initiated the proposed amendments to Sections 300, 400, 500 and 1178 of the Zoning Ordinance and to Parts IV and V of the Comprehensive Plan by submitting the application for TA 10-03 on February 5, 2010. This criterion is satisfied.

Finding 2: Public hearing notices were published in the *Daily News*, *St. Helens Chronicle* and *Spotlight* newspapers on **March 31, 2010 and April 7, 2010** both of which are more than 10 days prior to the Planning Commission hearing date of April 19, 2010. A public hearing notice was published in the *St. Helens Chronicle* newspaper on **September 22, 2010 and September 29, 2010** more than 10 days prior to the Board of Commissioners' hearing date of October 13, 2010. Notices to and requests for Information & Referral was mailed to all members of the Columbia County's five (5) CPACs, Columbia County Soil & Water Conservation District, the Oregon State University Columbia County Agricultural Extension Office, Oregon Department of Forestry, and Oregon Department of Agriculture on **March 8, 2010**. A Measure 56 Notice of the proposed zone amendments was mailed to all PF-76, PA-38, and FA-19 property owners on **March 11, 2010** because the proposed Resource Zoning Code amendments may limit or prohibit land uses previously allowed in the affected three Resource Zones. **Measure 56** notification criteria identified in ORS 215.503 will be addressed later on **Page 5**. For these reasons, staff finds the criteria for Section 1606 has been satisfied.

Continuing with Section 1611 of the Zoning Ordinance:

1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;

.5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

Finding 3: All of the above information was included in the Notice of Public Hearing published twice in the *Daily News*, *Chronicle Spotlight* newspapers and twice in the *Chronicle* for the Board of Commissioner's October 13, 2010 hearing, stated in Finding 2 above. This criterion is satisfied.

Continuing with Oregon Revised Statutes (ORS):

ORS 197.610 (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new regulation must be forwarded to DLCD at least 45 days before the first evidentiary hearing on adoption and contain the text and any supplemental information that the local government believes is necessary to inform DLCD as to the effect of the proposal as well as the date set for the first evidentiary hearing. When a local government determines that the goals do not apply to a particular proposed amendment or a new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

(a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and

(b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 and 197.845.

Finding 4: Land Development Services mailed a 45 day notice to DLCD required per ORS 197.610(1) on February 17, 2010. Staff therefore finds that the 45 day notice prior to the Planning Commission's initial hearing on April 19, 2010 is met. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments after the October 13, 2010 public hearing. This criterion is satisfied.

Continuing with Oregon Revised Statutes (ORS):

The applicable provisions of ORS 215.503 related to the proposed Resource Zoning Ordinance and related Comprehensive Plan amendments include:

NOTICE TO PROPERTY OWNERS

ORS 215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions. (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by the governing body of a county shall be by ordinance.

(3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(8) Notwithstanding subsection (7) of this section, the governing body of a county may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.

(9) For purposes of this section, property is rezoned when the governing body of the county:

(a) Changes the base zoning classification of the property; or

(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

Finding 5: All owners of record of PF-76, PA-38, and FA-19 zoned properties were mailed notices of the proposed Resource Zoning and Comprehensive Plan amendments on March 11, 2010, 38 days prior to the Planning Commission's April 19, 2010 public hearing on the proposed Resource Zoning and Comprehensive Plan amendments. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments after the October 13, 2010 public hearing. For these reasons, staff finds the criteria identified in ORS 215.503 (1), (2), (3), (4), (8) and (9) have been satisfied for the proposal submitted for TA 10-03.

Continuing with Oregon Administrative Rules (OAR):

The applicable provisions of OAR 660-018-0020 related to the proposed Resource Zoning Ordinance and related Comprehensive Plan amendments include:

OAR 660-018-0020 - Filing of a Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation with the Director

- (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation must:
 - (a) Be submitted to the director at least 45 days before the first evidentiary

hearing on adoption. The submittal must be received by the department at its Salem office;

- (b) Be accompanied by appropriate forms provided by the department;
- (c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;
- (d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is continued or delayed, following proper procedures, the local government is not required to submit a new notice under OAR 660-018-0020.

- (2) The text submitted to comply with subsection (1) (c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

Finding 6: This proposed Zoning Ordinance Amendments to Sections 300, 400, 500, and 1182 and to Parts IV and V of the Comprehensive Plan must also follow the Oregon Administrative Rule's Post-Acknowledgment Plan Amendment process of a 45 day notice to the State; this was accomplished and discussed for Finding 4. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments after the October 13, 2010 public hearing. This criterion is satisfied.

Continuing with Section 1607 of the Zoning Ordinance:

1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 7: The Planning Commission held a public hearing on April 19, 2010 and continued this on June 7, 2010 when they reviewed revisions and recommended the Board of County Commissioners approve the proposed Resource Zone and Comprehensive Plan Amendments as presented in the April 19, 2010 Staff Report for TA 10-03 and revised per the May 27, 2010 Memorandum. The Board of Commissioners has scheduled a public hearing for October 13, 2010 to consider the proposed Resource Zoning and Comprehensive Plan Amendments. The Planning Commission does not make a final decision on this matter, but rather makes a recommendation to the Board of Commissioners for the final decision. See **Findings 8 through 25** for various discussions of consistency with the Comprehensive Plan. This criterion will be satisfied when the

Board holds their public hearing on October 13, 2010 and can then determine that the proposed amendments are consistent with the Comprehensive Plan before final adoption of the proposed amendments.

THE FOLLOWING POLICIES OF THE COUNTY'S COMPREHENSIVE PLAN APPLY TO THIS PROPOSAL

The Columbia County Comprehensive Plan has twenty-one (21) Parts, each with a set of general Goals and related Policies that are, in turn, implemented by the Zoning Ordinance . The main purpose of the Zoning Ordinance is to identify and list provisions that defines how land can be used and developed in the County's unincorporated areas. The proposed text amendments to Sections 300, 400, 500 and the elimination of Section 1182 of the Zoning Code and the related amendments to Parts IV and V of the Comprehensive Plan apply to all 21 Parts of the Comprehensive Plan, except Part VIII - Rural Communities and Part XXI - Comprehensive Plan Maps. The next Section of this report, and the consequent Findings 8 through 25 will evaluate the consistency of the proposed Resource Zoning Code and Comprehensive Plan amendments with these separate Parts of the Comprehensive Plan.

Part I: Introduction to the Plan and Finding 8: The Comprehensive Plan is the public's vision/conclusion about development and conservation of the County's resources, public facilities and services. It is meant to guide the public decisions that impact facility construction or the use of resources. The plan is working document upon which public agencies, private firms and individuals must be able to rely on so that their decisions can be made with confidence. The Comprehensive Plan is meant to be all-inclusive in that it is meant to identify how the county can:

1. Preserve, conserve, manage, and utilize its natural resources, including but not limited to, its land, air and water;
2. Identify appropriate locations for various types of land uses including agricultural, forestry, residential, commercial, and industrial activities; and
3. Guide the public decisions that impact facility construction or the use of resources.

The primary objectives of the Comprehensive Plan are to prevent or minimize conflicts between incompatible land use activities, provide a source of information describing the condition and characteristics of the County, provide an objective basis for public and private land use decisions, and to provide a better understanding of specific actions, programs and regulations which may affect the public.

Since a comprehensive plan is designed and written to meet the needs of the community it serves, it is important for it to be regularly reviewed, revised and updated to ensure it continues to reflect the county constituents' continually changing economic, political, and demographic needs. The proposed Resource Zoning Code and Comprehensive Plan amendments, if approved, will allow the county's Zoning Ordinance to be consistent with the State of Oregon's provisions for Resource Lands that have been incorporated and passed into state legislation since 1993 through February 2010. The county's and state's review processes and amendment procedures already discussed for Findings 1 through 7 of this report are consistent with those outlined in the

Administration provisions of the Comprehensive Plan. For these reasons, staff finds the submitted Resource Zoning Code and Comprehensive Plan amendments are consistent with Part 1 of the Comprehensive Plan.

Parts II & III (Citizen Participation & Planning Coordination) & Finding 9: Requires coordination with affected governments and agencies and property owners. In accordance with requirements in Section 1603 of Columbia County's Zoning Ordinance, in ORS 215.060 and in ORS 197.610, the County provided notice of the hearing with the opportunity for comments to all Resource Zoned property owners, the DLCD, the Oregon Department of Forestry, Oregon Department of Fish & Wildlife, Oregon Department of Agriculture, the five (5) Columbia County CPACs, the Columbia County Soil & Water Conservation District, and the Columbia County OSU Agricultural Extension Office. Any and all comments, received as of the date of this report, are discussed throughout this report and specifically referred in the listed **Attachments B and C** of this Report. .

Additionally, Major Map Amendments are subject to the legislative public hearing process and are heard by the Planning Commission (for a recommendation) and by the Board of County Commissioners (for a final decision). These hearings are advertised and open to the public and provide additional opportunity for public comment. The Planning Commission hearing for the Resource Zoning and Comprehensive Map amendments is scheduled for April 19, 2010, which will be followed by a hearing of the Board of County Commissioners on October 13, 2010. All of these requirements have and will be satisfied through the public notices and hearings process. For these reasons Staff finds the proposed Zoning and Comprehensive Plan Amendments are consistent with Parts II & III of the Comprehensive Plan.

Part IV - Forest Lands & Finding 10: Forest lands contribute to our County's quality of life and economic vitality in a variety of ways. Forest lands produce timber and its by-products, provide recreational opportunities for residents and non-residents, hunters and hikers, and provide non-economic benefits to residents in the form of clean water, fish and wildlife habitats, outdoor recreational opportunities and scenic beauty. The proposed amendments to the PF-76 Zone will also allow for administrative review of residential uses on forest lands when it can be shown that the proposed residence meets qualifications adopted by the State, and provided the subject property can safely support appropriate residential siting and development standards in the forest zone. The required development and siting provisions will also ensure compatibility of the new residential use with resource uses on adjacent active forest and or farm lands such that they minimize as opposed to maximize, potential detrimental impacts on the subject and adjacent properties' natural resources protected by Statewide Planning Goal 5.

These amendments will also ensure the development of all primary and accessory structures within the forest zone will meet the Department of Forestry's recommended fire siting standards for forest dwellings and structures as well as this agency's fire safety design standards for roads. Additionally, if proposed dwellings are not within a fire protection district, the proposed amendments will require property owners to provide written documentation to the county of a residential fire protection plan of an alternative means for protecting the dwelling from fire hazards. This alternative fire protection plan shall be approved by the fire protection district.

These amendments will also require the Planning Commission's approval through the Conditional Use Permit process for future Public or Non-Profit Parks including playgrounds, Destination Resorts, and Firearm Training Facilities in the Primary Forest Zone. Additionally, the proposed amendments will be consistent with the Oregon Forest Practices Act in that they will encourage economically efficient forest practices to ensure the continuous growing and harvesting of forest tree species on commercial forests as well as on private non-commercial forest lands owned by individuals, families and trusts who represent an important aspect of timber management since they also augment existing commercial lumber supplies.

By adopting these amendments Columbia County acknowledges the need to limit potential urbanization (including dwelling siting) activities and parcelization into smaller than 80 acre properties in the forest zone. This is accomplished by providing adequate review procedures to help assure existing commercial activities and future innovative forest practices will be protected in the forest zone. An 80 acre minimum lot size for newly created residential parcels is also necessary to prevent the encroachment of residential users in the primary forest zone. Because these large sizes will make these parcels less attractive for residential uses it will also discourage residential speculation from occurring on forest land. Finally the proposed amendments to the provisions in the Primary Forest Zone are necessary to ensure all land uses and subdivisions occurring in this particular resource zone are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993.

Part V - Agriculture & Finding 11: After the wood products industry, agriculture has consistently been Columbia County's second most important economic activity. However, according to 2000 statistics, agricultural employment contributed only 6% of the County's income and employed only 2% of the County's work force; these percentages have not significantly changed since 1975. Reflecting recent nationwide trends, countywide the number of acres in farm use has been steadily decreasing. Statistics compiled for the period from 1982 to 2007 show the total acreage in the "all farms" category has decreased as a percentage of all land in the County from 18% in 1982 to 13% in 2007. Although the percentage of farms in excess of 50 acres has declined from 39% in 1992 to 27% in 2007, small farms constitute the majority of the farms in the County and have the highest gross sales per acre.

The proposed amendments to the Primary Agriculture Zone will help ensure this agriculture profile of Columbia County is, and will continue to be, that of small-acreage and high-intensity farming for the foreseeable future. The proposed 80-acre minimum size for newly created properties in the Primary Agriculture Zone will be consistent with state regulations that are adequate to protect commercial farms and to prevent residential encroachment into areas currently utilized for commercial farms or that are capable of utilization for commercial farms. Farm uses including the current employment of land for the primary purposes of obtaining a profit of the land's products or by products, defined in OAR 214.203(2) are permitted outright in the Primary Agriculture Zone provided all structures are consistent with the zone's development siting standards. Commercial farm stands in this zone can be used for the sale of farm crops and livestock grown on farms operating in the local agricultural area which includes other bordering county's in the States of Washington and Oregon. These revisions encourage smaller property owners to continue being able to conduct commercially viable agricultural operations in the

Primary Agriculture Zone.

The proposed amendments also provide more accurate definitions of "Agricultural Lands" in the Primary Agriculture Zone and in Part V of the Comprehensive Plan Amendments per DLCD's recommendations dated March 10, 2010. Specifically, the definitions of "Agricultural Lands" have been revised to include land in agricultural capability classes other than I-IV/I-VI that are adjacent to or intermingled with classes I-IV/I-VI and are within a farm unit even though this land may not be cropped or grazed. These amendments will require the Planning Commission's approval through the Conditional Use Permit process for future Public or Non-Profit Parks including playgrounds in the Primary Agriculture Zone. The General Review Standards for development in the Primary Agriculture Zone do not include provisions in ORS 215.296 (3 - 8) for filing complaints in this zone, as requested by DLCD in the March 10, 2010 comments to avoid redundancy with the state's provisions. The proposed amendments will also require Conditional Use Permits for any exploration, minimum and/or subsequent processing of geothermal, oil, and gas resources defined by ORS 522.005 which do not require any permits for the exploration of geothermal resources. These more restrictive provisions are necessary since many of these geothermal resources in Columbia County are located in relatively close proximity to residentially zoned and/or developed areas of Mist and Birkenfeld in the more western unincorporated areas. The proposed amendments will allow the expansions of schools established on or before 1/1/2009 on contiguous tax lots even though they do not primarily serve residents of the rural area provided they do not force a significant change in or increase the costs of accepted farm or forest practices on surrounding lands. The proposed zoning amendments also prohibit new golf courses from being located on high-value farmland. Finally, all of these proposed amendments to the Comprehensive Plan and to provisions in the Primary Agriculture Zone are necessary to ensure all land uses and divisions occurring in this particular resource zone are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993.

Part VI: Housing & Finding 12: As the County population continues to increase, so will the demand for housing and the need to keep housing prices affordable for county residents . The *State Housing Goal* states ". . . plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households . . .". The proposed PF-76 code amendments will allow for the administrative review of single family residences and allow these new residences only if it meets any of the following state mandated criteria:

1. "Lot of Record" forest land dwelling, except on properties that are suitable for commercial timber production,
2. Large and Multiple Tract forest dwelling,
3. "Template" forest dwelling, regardless of size of property,
4. Temporary Dwelling for Medical Hardship as defined in ORS 215.755 and
5. Caretaker residences for public parks and hatcheries

The existing Zoning provisions allowing the alteration, restoration, and replacement of lawfully established replaceable dwellings will not change, and these new provisions will allow the

temporary residential use of existing structures for relatives with medical hardships. However, the old provisions for *Forest Management Dwellings* in the Primary Forest Zone will be eliminated with these amendments because these types of dwellings are not necessary for nor accessory to the property owner being able to grow and harvest timber on the forested property. The proposed amendments are also consistent with the Oregon Forest Practices Act's policy of encouraging economically efficient forest practices in forestland in ways that ensure the continuous growing and harvesting of forest tree species. Finally, these amendments are also consistent with mechanism that call for the utilization of sound management of soil, air, water, fish and wildlife resources and scenic resources that are intended to ensure and preserve the continuous benefits of those resources for future generations.

Similarly, in the PA-38 Zone the amendments will specify various conditions under which new dwellings, either farm or non-farm related, can be built that are also consistent with the state's provisions for Agricultural land. These PA-38 residential-related amendments also include provisions for replacement residential and historical dwellings, medical hardship homes, residential care/training/foster homes or facilities, and dwellings on wildlife habitat land.

For these reasons, the proposed Resource Zoning amendments are consistent with the Comprehensive Plan's Housing Goal to provide for the housing needs of the county. They accomplish this by allowing adequate flexibility in housing location, type, and density in all 3 of the county's resource zones. Finally, the proposed Resource Code Amendments will be consistent with the Comprehensive Plan's policies to assist individuals in their efforts to provide housing for elderly and physically challenged relatives, for the rehabilitation of the county's existing lawfully established housing stock, and for the authorization of residential use on legal lots of record under single ownership provided they meet all regulations and rules of the applicable local, state and federal agencies.

Part VII - Rural Residential & Finding 13: The proposed Resource Code Amendments are consistent with this Part of the Comprehensive Plan in that they will decrease potential residential speculation for rural development on resource zoned properties. It will accomplish this by restricting the subdivision of Resource zoned properties into at least 80 acre parcels. Provisions for the creation of smaller than 80 acre resource zoned properties are permitted provided the property contains the following specific development criteria:

1. Site-specific requirements related to soil characteristics,
2. Existing and lawfully established authorized uses,
3. Legal access to a public right-of-way, and
4. Is no larger than necessary for the minimum size of the authorized use.

These provisions for subdividing resource lands are consistent with those of the State and are necessary to reduce potential conflicts from occurring between residents on rural residential and resource zoned properties who live in close proximity to one another. These proposed amendments are also needed to ensure development occurs only in the rural areas within which the existing or planned for public services can support it and where adequate measures are taken to preserve and protect open spaces, water sheds, habitat areas, flood plains, and natural areas.

Finally, the proposed amendments will also decrease speculation development from occurring in the county's more rural areas that will also ensure property assessments do not rise which, in turn, can create additional costs to nearby agriculture and forestry operations.

Part IX Urbanization & Finding 14: The proposed Resource Code Amendments regarding site specific development and authorized uses within the resource zones are consistent with this Part of the Comprehensive Plan in that they help to provide an orderly and efficient transition from rural to urban land uses of these resource zoned properties situated in relatively close proximity to the county's incorporated areas. Prior to the expansion of any urban growth boundaries of nearby resource zoned properties, the state's and the county's applicable criteria for these expansions must be met and will not be altered by these amendments.

Part X Economy & Finding 15: The proposed Resource Code Amendments are consistent with the Columbia County's Comprehensive Plan's Economic Goals: to strengthen and diversify the economy, to insure stable economic growth and to utilize the county's natural resources and advantages for expanding and diversifying the economic base. Revising these county ordinances so they are consistent with the State of Oregon's statutes and administrative rules will also be a much more efficient use of county employees' time spent reviewing applications as well as the general public's time spent applying for development permits. Incorporating these state regulations into the county's Zoning Ordinance will ensure property owners can receive a thorough and comprehensive analysis by Land Development Services Planning Staff. Finally, these proposed amendments will further protect the county's largest economic activity, that is based on timber products. These amendments are vital for the county because they will ensure resource-based economic activities will not only continue to occur on land that is most suitable for farm and forest production, but will also preserve these lands for these uses.

Part XI - Commercial and Finding 16: In 1984 the Comprehensive Plan designated fifty-five (55) parcels outside of recognized urban growth boundaries that were committed to some type of commercial activity. These parcels fell into the following categories: Rural/Urban, Rural Center category, Rural and Marine. The majority of these parcels were committed to commercial use prior to the initial zoning of the County in 1973, and many of these parcels supported more than one commercial enterprise. Although the proposed amendments does not rezone any existing resource zoned properties to Commercial, these proposed amendments to the PA-38 Zone authorizes specific commercial uses including facilities for the processing of farm crops and related commercial activities for the production of biofuel as defined by ORS 315.141, dog kennels, training and stabling of horses, wineries, golf courses, and landscaping businesses in conjunction with a nursery. As already discussed for Finding 11, the proposed amendments include a broader definition of agricultural uses and include the employment of land for the primary purposes of obtaining a profit of the land's products or by products, defined in OAR 214.203(2) are permitted outright in the Primary Agriculture Zone similarly, commercial farm stands in this zone can be used for the sale of farm crops and livestock grown on farms operating in the local agricultural area which includes other bordering county's in the States of Washington and Oregon. These revisions encourage smaller property owners to continue being able to conduct commercially viable agricultural operations in the Primary Agriculture Zone. All of these commercial activities are subject to either administrative or quasi-judicial review, are

required to comply with site-specific development criteria to ensure the use will not detrimentally impact the areas' Goal 5 Resources, and must demonstrate they will not force a significant change in or increase the cost of accepted farm or forest practices on adjacent properties. Staff finds this criterion has been satisfied.

Part XII - Industrial Siting & Finding 17: The Comprehensive Plan already states the county needs more vacant industrial land than is available within the Urban Growth Boundaries, and designated five (5) industrial sites located outside of the UGB's. These sites are known as the Prescott Site, the Bernet Site, Port Westward, Reichold Chemicals, and the Scappoose Industrial Airpark, all of which, still have substantial commitment to industrial use except for the Prescott and Bernet sites. Additionally, the Scappoose Industrial Airpark, because of its unique airpark facilities, does not compete for the same industries as other sites within or without urban growth boundaries. Port Westward, Reichhold Chemicals, and the Bernet site are compatible with industrial uses that are either land extensive, incompatible with the urban environment, marine related or a combination of the above. Although none of these types of uses will be modified with the proposed amendments, it is important to note that they do not compete with industrial areas within urban growth boundaries but are complementary to those existing uses in the county's incorporated areas.

Further, the Goal of the Comprehensive Plan's related to Industrial Siting is to provide for industrial development on rural lands when such development can be shown to support, utilize, or in some manner be dependent upon, the natural resources of the area. The proposed amendments to Conditionally Permitted Uses in Section 305 of the amended PA-38 Zone identify conditions under which mill sites that have been either abandoned or been operating at less than 25 percent of capacity since January 1, 2003 will be eligible to be rezoned for industrial uses. This provision in the PA-38 Zone will, consequently, allow for its implementation in any of the County's 3 Resource Zones provided it satisfies the criteria in ORS 197.719. These conditions require the site as follows:

1. Be located outside any UGB,
2. Contain permanent buildings used in the production or manufacturing of wood products,
3. The boundary cannot be expanded beyond the borders of the mill site,
4. Prohibits any other uses on the site, and
5. Prohibits future rezoning for retail, commercial or other non-resource use except as provided under Statewide Planning Goals.

Because these abandoned or diminished mill sites already support, utilize and are dependent upon the areas' natural resources, allowing their conversion to industrial uses simultaneously increases the county's supply of rural industrial land outside of UGBs. For these reasons, staff finds the proposed amendments are consistent with the Goal and Policies of the Comprehensive Plan related to Industrial Siting.

Part XIII - Transportation and Finding 18: These amendments to both the PA-38 and PF-76 Zones authorize improvements related to reconstruction or modification of existing public roads

and highways. These amendments are consistent with Part XIII of the Comprehensive Plan's Goal to create and improve an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents which satisfies this criterion.

Part XIV Public Facilities and Services & Finding 19: The Comprehensive Plan states that urban and rural developments are to be guided by public facilities appropriate for the needs of the areas to be served. The Comprehensive Plan also states that the facilities and services for rural areas should be provided at levels for rural use only and should not support urban uses. The proposed amendments to Section 300 in the PA-38 Zone include provisions that authorize the Planning Commission's approval of developing the following public utilities in the agriculture zone provided these proposals include mitigation measures to reduce potentially adverse impacts on adjacent properties and land uses:

1. Utility Facilities for Public Services,
2. Communication Facilities/Transmission Towers,
3. Solid Waste Disposal Sites granted by DEQ for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes,
4. Commercial Power Generating Facilities,
5. Commercial Wind Power Generating Facilities, and
6. Operational facilities associated with water districts.

Additional Public Facilities and Services related amendments to the PA-76 Zone authorize circumstances that provide for the development of public and private parks and campgrounds, schools, community centers, youth camps, destination resorts rural fire protection district stations, power generating facilities, solid waste disposal sites, operational facilities for water districts, firearms training facilities, cemeteries, and the expansion of existing airports.

The proposed Resource Code Amendments are consistent with this Part of the Comprehensive Plan in that they help to ensure future land uses and divisions of properties in any of the 3 Resource Zones provided they are compatible with the uses of adjacent properties, minimize potential detrimental impacts to the areas' Goal 5 resources, can safely support the intended new use, and meet the appropriate site specific standards for the intended development. The proposed amendments to the PF-76 Zone will incorporate the Department of Forestry's Fire Siting Standards for Dwelling and Structures as well as the Fire Safety Design Standards for Roads in the forest zone. Similarly, as mentioned in the previous Finding 17, abandoned or diminished mill sites provided for in ORS 197.719, will be eligible to be rezoned and converted into industrial uses which will help the county's preservation of its rural industrial land. Finally, the proposed amendments will support a sufficient level of fire safety and service to minimize the increased risk of fire damage to life and property in the forest zones and will ensure all new development within all resource zones will be adequate and appropriate for the intended uses prior to the issuance of any new building permits. For these reasons, staff finds the proposed amendments are consistent with Part XIV of the Comprehensive Plan related to Public Facilities and Services.

Part XV - Energy Conservation & Finding 20: The previous five discussions concerning

Economy, Commercial, Industrial Siting, Transportation, and Public Facilities and Services also apply to the primary Goal of **Energy Conservation** in that these proposed amendments will help ensure new development within the PA-38 and PF-76 Zones will also encourage an energy efficient land use pattern that is based on sound economic and financial principles. Specifically, the proposed amendments are supported by numerous energy conservation policies for the county to utilize. These include encouraging economically and financially sound provisions that will allow the development of recycling facilities and the use of recycled resources, encourage the development of alternative energy sources, encourage the construction and modification of existing public roads and highways, require fire siting standards for forest dwellings and structures, and encourage the conversion of abandoned or diminished mill sites to rural industrial uses. For these reasons that support needed rural commercial and resource-related growth, staff finds the proposed amendments are consistent with Part XV related to Energy Conservation of the Comprehensive Plan.

Part XVI - Goal 5; Open Space, Scenic and Historic Areas, and Natural Areas & Finding

21: All Goal 5 resources except wilderness areas, Oregon Recreational trails, critical groundwater areas, and federal/state wild and scenic waterways are found within Columbia County. Consequently in 1998, and 2003 Columbia County inventoried and evaluated the following resources according to the Goal 5 Process in OAR 660 Division 23:

- a. Land needed for open space;
- b. Mineral and aggregate resources;
- c. Energy sources;
- d. Fish and wildlife areas and habitat;
- e. Ecologically and scientifically significant natural areas;
- f. Outstanding scenic views and sites;
- g. Water areas, wetlands, watersheds, and ground water resources;
- h. Historic areas, sites, structures, and objects;
- i. Cultural areas;
- j. Potential and approved Oregon Recreational trails;
- k. Potential and approved federal wild and scenic waterways and state scenic waterways;

The proposed Resource Zoning Code amendments are intended to continue the preservation and protection of Columbia County's identified Goal 5 Resources for current and future generations. The proposed amendments to the purpose of the PA-38 Zone state this district "*will provide for open space, watershed protection, maintenance of clean air and water, and fish and wildlife habitat including the creation, restoration, and enhancement of wetlands.*" The PA-38 zone will also provide for wind power generating facilities, composting facilities, and land application of reclaimed water, agricultural, or industrial processed water or biosolids for agricultural, horticultural, silvicultural production or for irrigation in connection with permitted uses in the agricultural zone.

Likewise the amendments to the PF-76 Zone are intended to conserve and protect watershed, soil, fish and wildlife habitats. Not only will activities that conserve soil, air and water be permitted outright in the forest zone, but the amendments will authorize forest research and experimentation

facilities, traditional and alternative power generating facilities, water reservoirs and impoundments, and structures accessory to Fish & Wildlife Enhancement within the PF-76 Zone subject to administrative or quasi-judicial review and to site-specific development criteria . All dwellings in the forest zone will also be required to be sited only in ways that minimize or negate any potentially detrimental impacts on the site's and/or the surrounding areas' Goal 5 Resources.

These amendments to the PA-38 and PF-76 Zones also will provide for appropriate and site-specific development criteria that are necessary to preserve, protect, and utilize the county's mineral and aggregate resources. Consequently, Staff finds that these proposed amendments to the resource zoning codes are consistent with Part XVI of the Comprehensive Plan and will protect the county's identified Goal 5 Resources.

Part XVII - Recreational Needs & Finding 22: Columbia County contains outstanding potential recreational resources. It has a total land area of 676 square miles, of which about 30 square miles are water covered. The mountainous Coast Range in the southern and western regions diminishes eastward into a series of rolling hills interspersed with shallow valleys. The lower stretches of the Columbia River serve as the northern and eastern borders of the County. The plain adjacent to the Columbia River varies in width up to five miles and contains a number of large, generally low-lying islands and diked lands.

Consequently, Columbia County is responsible for supplying its citizens with recreation facilities in an appropriate quantity, quality, and location consistent with the availability of the resources to meet their current and future recreational needs. The proposed PA-38 amendments provide for a variety of recreational needs include wineries, destination resorts, public and private parks and playgrounds, community centers, on-site filming and associated facilities, hunting/fishing preserves and campgrounds, living history museums, model aircraft facilities, golf courses, and outdoor gatherings all of which are subject to land use review and approval.

Similarly, the amendments to the PF-76 Zone provide for public parks, campgrounds, and youth camps, destination resorts, outdoor mass gatherings, hunting/fishing operations with and without accommodations, and structures accessory to Fish & Wildlife Enhancement.

Updating the county's Resource Zones to include these additional recreational uses will also help the county to overcome traditional obstacles to the development of recreational sites and facilities including, but not limited to, the lack of financial resources and the private ownership of vital and popular public use areas. These Resource Code amendments are likely to increase coordination between representatives from the private and public sectors' financial resources, legal and administrative techniques, and specialized financing opportunities all of which are vital to the realization of additional recreational opportunities throughout Columbia County. Finally, these amendments will support the Comprehensive Plan's policy for the county to encourage coordination with the private sector considering the amount and location of private lands. When private facilities answer a public need, the County should encourage and supplement these efforts.

Part XVIII - Air, Land and Water Quality & Finding 23: As analyzed previously during the discussions for Findings 8, 10, 11, 13, 19, 20 & 21 related to **Introduction to the Plan, Forest**

Lands, Agriculture, Rural Residential, Public Facilities & Services, Energy Conservation, and Open Spaces, Scenic, Historic and Natural Areas, respectively, these proposed Resource Code amendments will ensure future land uses and development within Resource Zones will continue to maintain and improve the county's land resources in ways that also protect and preserve the quality of the county's air and water. With these amendments, all proposed uses and development within these 3 Resource Zones will be reviewed either administratively or quasi-judicially and will only be approved provided the proposals are not only authorized but will ensure the air, land and water quality on both the subject and adjacent property are not compromised or detrimentally impacted. Finally the proposed amendments will help ensure the future development on resource zoned properties is consistent with Part XVIII's two policies related to the county's air, land and water quality:

1. To work with the appropriate State and Federal agencies to insure that State and Federal water, air, and land resource quality standards are met, and
2. To comply with all applicable State and Federal standards and regulations regarding noise pollution.

Part XIX - Natural Disasters and Hazards & Finding 24: Columbia County can best be characterized as mountainous, with 28% of the County having slopes of 30% or greater. These excessive slopes cause rapid surface water runoff, are prone to erosion and sliding, and usually have underdeveloped soil covers. Much of the County has severe foundation limitations caused by the combination of excessive slopes and high water tables. The Comprehensive Plan also contains Maps delineating the areas that are subject to Landslides, Earthquakes, Steep Slopes, and Maps of Areas with Soils that are subject to Low Shear Strength, Mass Movement, and High Water Tables, and many of these areas are located in resource zoned areas. Any proposed structural development within these identified areas already require review pursuant to Chapter 70 of the Uniform Building Code prior to the issuance of any building permits. This method of review has worked successfully to date and should continue to work in the future.

Columbia County also contains specific identified areas that are subject to flood hazards and mapped by the Federal Emergency Management Agency's (FEMA) Maps dated 1988 and anticipated to be updated later in 2010. These FEMA Maps designate Flood Plain regions throughout the county that may be dry in some seasons of the year but are inundated when heavy rain, streams, estuaries or other bodies of water overflow their shores. Problems arise when attempts are made to convert flood hazard areas to more intensive uses. Not only are buildings and other improvements in such areas subject to damage, but their presence often impedes the normal flow of water through these plains and may result in an increase in the height of the flood water and the size of the area which is flooded.

The proposed Resource Code amendments will not change how County Building Officials process proposed development within any of these areas that are subject to natural disasters or hazards. However, the proposed amendments may potentially authorize more intensive uses within some of the county's resource zoned properties that are already subject to these hazards. Consequently, the proposed amendments will enable the county to review the proposed development and provide ways for the intended proposal to only be suitable for the specific property and its physical

characteristics, but will also preserve and protect existing land uses on adjacent properties. Within the required review of proposed development on any resource zoned property, these site specific provisions will give careful consideration to the property's location, Goal 5 protected resources, topographic and drainage features, size of tracts, and availability of utility and transportation facilities.

These proposed provisions to the PA-38 and PF-76 Zones will help to ensure only appropriate development can occur in these areas. Finally, the proposed provisions for public and private recreational facilities addressed in Finding 22 will also provide for sustainable and relatively low damage authorized development within the PA-38 Zone and includes Wetland Creation/Restoration and Enhancement, Aquaculture and Insect Cultivation, Wineries, Exploring and Processing of Mineral and Aggregate Resources, parks, golf courses, and the application of reclaimed water and biosolids. In the PF-76 Zone these sustainable and relatively low damage authorized uses include the Exploration and Processing of Mineral and Aggregate Resources, Research and Experimentation Facilities related to forest operations, caretakers residences for Public Parks and Hatcheries, Campgrounds, Youth Camps, Destination Resorts, Reservoirs and Water impoundments, Hunting and Fishing Operations without Accommodations, and Structures Accessory to Fish & Wildlife Enhancement.

In conclusion, the proposed Resource Code amendments will encourage future development to support the Goal of Natural Disasters and hazards: to protect life and property from being significantly impacted by their future occurrences. These amendments will also help the county to coordinate all development within these areas so that the proposals will be consistent with the applicable regulations of other state and federal agencies.

Continuing with Part XX - Willamette River Greenway & Finding 25: The Willamette Greenway system includes all channels of the Willamette River from its confluence with the Columbia River upstream to Dexter Dam on the Middle Fork and to Cottage Grove Dam on the Coast Fork. More than 510 riverbank miles are included within this system. Columbia County contains 25 riverbank miles along both sides of the Multnomah Channel and regulations apply to land within 150 feet of the low water mark within urban areas and within the Greenway Boundary in rural/unincorporated areas.

The predominantly resource zoned lands bordering the Multnomah Channel serve a number of purposes: agriculture, habitats for fish and wildlife, industrial uses, marine commercial uses, and recreation. Additionally, there are no commercial timber resources within the Greenway, nor are there any known mineral or aggregate deposits or extraction sites. The proposed Resource Code amendments will provide additional safeguards for resource zoned properties along the Willamette Greenway since they will help to balance among various authorized uses in ways that will ensure any competing demands do not degrade the quality of the waterway. The Greenway Plan - consisting of ODOT's Greenway Program, Statewide Planning Goal 15, and local comprehensive Plans - provide the framework for achieving this balance. The updated revisions to the Resource Zones, will provide a way for all affected agencies to not only coordinate proposed development and uses of the Willamette Greenway's vital agricultural, natural, scenic, and economic areas and interests, but will also provide a mechanism for these agencies to

continue to maintain and enhance these mutually beneficial interests in ways that reduce or minimize potential conflicts from occurring between its varied authorized resource related uses. For these reasons, staff finds the proposed amendments are consistent with the Comprehensive Plan's Goal of the Willamette Greenway: "To develop and maintain a natural, scenic, historical and recreational greenway along both banks of the Multnomah Channel as part of the statewide Willamette River Greenway system." These proposed amendments will help the county to implement its Comprehensive Plan's 13 Willamette River Greenway policies that, in turn, allows the county to preserve and maintain the natural, historical and recreational greenway along its portions of the Multnomah Channel that are an integral part of the Statewide Willamette River Greenway System.

THE FOLLOWING POLICIES OF THE STATEWIDE PLANNING GOALS APPLY TO THIS PROPOSAL (THOSE NOT LISTED ARE NOT APPLICABLE):

Note: Columbia County's Comprehensive Plan contains provisions consistent with and in support of Oregon's Statewide Planning Goals. Therefore, the proposed amendments' consistency with the Statewide Planning Goals are addressed in the discussions of the proposal's consistency with the Comprehensive Plan. Most findings in this section will reference previously discussed sections of this Staff Report.

Goal 1 (Citizen Involvement): Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in State statute and in its acknowledged Comprehensive Plan and land use regulations.

For Legislative Zoning Ordinance Text Amendments, the County's land use regulations, ORS 215.060 and ORS 197.610 require notice to the public and to the Department of Land Conservation and Development (DLCD) and public hearings before the County Planning Commission and Board of Commissioners. By complying with these regulations and statutes, the County complies with Goal 1.

The County provided (45 day) notice of the proposal to DLCD, which was mailed on February 17, 2010. Agency referrals were sent to all County CPACs, the Oregon Department of Forestry, Oregon Department of Fish & Wildlife, Oregon Department of Agriculture, the Columbia County Soil & Water Conservation District, and the Columbia County OSU Agricultural Extension Office on March 8, 2010. a Measure 56 Notice was mailed to all PF-76, PA-38, and FA-19 zoned property owners that may be affected by the proposal on March 11, 2010. Any and all comments are under COMMENTS RECEIVED below. In addition, two notices of the Planning Commission Hearing, scheduled for April 19, 2010, were posted in the *Chronicle*, *South County Spotlight* and the *Daily News* on March 31, and April 7, 2010. Finally, DRAFT Resource Zoning and Comprehensive Plan Amendments were posted on the County's website for public information and review. The October 13, 2010 public hearing before the Board of County Commissioners was also advertised and published twice in the *Chronicle* at least 10 days prior to this hearing. The requirements of Goal 1 have been satisfied.

Goal 2 (Land Use Planning), Part I: Goal 2, Part 1 requires that decisions and actions related to land uses be consistent with acknowledged Comprehensive plans of affected cities and counties

and based on adequate factual information. Factual information supporting this application is addressed throughout the staff report through an analysis of both County and State laws and the proposal's consistency with these laws. The text amendment's consistency with the Columbia County Comprehensive Plan is specifically addressed above in Findings 8 through 25. Although Goal 2 also contains standards for taking exceptions for statewide goals, they do not apply to the proposed Comprehensive Plan and Resource Zoning Amendments included for TA 10-03.

Goal 2, Part I further requires coordination with affected governments and agencies. As stated under Goal 1 above, affected agencies have been notified of the request. The requirements of Goal 2, Part I have been satisfied.

Goal 3 (Agricultural Lands): Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33. As discussed per Finding 11, the proposed amendments to the PA-38 Zone included in TA 10-03 will help insure this agriculture profile of Columbia County is, and will continue to be, that of small-acreage and high-intensity farming by ensuring:

1. All provisions for uses, activities, and division of the county's Agricultural land will be consistent with state regulations that are adequate to protect commercial farms
2. The prevention of residential encroachment into areas currently utilized for commercial farms or capable of utilization for commercial farms, and
3. All land uses and divisions are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993.

For these reasons, staff finds the requirements of Goal 3 have been satisfied.

Goal 4 (Forest Lands): This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will conserve forest lands for forest uses. As discussed for Finding 10, the proposed amendments will ensure the continual protection and preservation of a variety of resource and non-resource related uses and development on Columbia County's forest lands. Additionally, the proposed development and siting provisions will also help to ensure mutual compatibility of new uses with existing uses on adjacent and active forestlands in ways that also are intended to minimize potential detrimental impacts on the subject and adjacent properties' resources protected by Statewide Planning Goal 5. Finally the proposed amendments to the provisions in the Primary Forest Zone are necessary to ensure all land uses and divisions occurring in this resource zone are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993 satisfying this criteria for Goal 4.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces): Goal 5 directs Columbia County to establish a process for the inventory, evaluation, and continued preservation of each of these natural and cultural resources covering more than a dozen natural and cultural resources such as wildlife habitats and wetlands. Because Columbia County has already inventoried and evaluated its Goal 5 Resources 1998, and 2003 discussed previously for Finding 21, the proposed Comprehensive Plan and Resource Zoning Amendments will ensure

their continued preservation in ways that provide a balance between the affected resources and potentially conflicting uses nearby. For these and the reasons included in Finding 21, staff finds Goal 5 has been satisfied.

Goal 6 (Air, Water and Land Resources Quality): This Goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. As discussed for Finding 23, these proposed amendments will ensure future uses and development within these 3 Resource Zones will only be approved if the authorized proposals are able to ensure the air, land and water quality of the subject and adjacent properties are not compromised or detrimentally impacted. Finally, the proposed amendments will provide the county with local implementing mechanisms that will help ensure proposals on resource zoned land comply with the applicable State and Federal standards and regulations that protect and maintain the county's water, air, and land quality. Staff finds this requirement has been satisfied.

Goal 7 (Areas Subject to Natural Disasters and Hazards): Goal 7 deals with development in areas that are subject to natural hazards such as floods or landslides, and requires the county to apply "appropriate safeguards" (floodplain zoning, for example) when planning for development within these designated areas. As mentioned for Finding 24, approximately 28% of Columbia County can best be characterized as mountainous, with slopes exceeding 30%. The county also contains specific identified areas subject to flood hazards and mapped by the 1988 Federal Emergency Management Agency's (FEMA) Maps which are anticipated to be updated later in 2010 to reflect new technical data from the 1996 and 2007 Floods .

Although the proposed amendments will not change how County Building Officials process proposed development within areas that are subject to natural disasters or hazards, they may potentially authorize more intensive uses on existing resource zoned properties that are already subject to these hazards. Consequently, the proposed amendments will ensure the county's review of the proposed development provides ways for it to only be suitable for the specific property and its physical characteristics, but are also necessary to preserve and protect existing land uses on adjacent properties. These site specific provisions for resource zoned properties will also give careful consideration to the property's location, Goal 5 protected resources, topographic and drainage features, size of tracts, and availability of existing or planned for utility and transportation facilities. Finally, the proposed provisions for public and private recreational facilities addressed in Finding 22 will also provide for sustainable and relatively low damage authorized development within the PA-38 and PF-76 Zones. For these reasons, staff finds this requirement is satisfied.

Goal 8 (Recreational Needs): This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. Per Finding 22, the proposed PA-38 amendments will provide for a variety of recreational needs include wineries, destination resorts, public and private parks and playgrounds, community centers, on-site filming and associated facilities, hunting/fishing preserves and campgrounds, living history museums, model aircraft facilities, golf courses, and outdoor gatherings all of which are subject to land use review

and approval. Similarly, the proposed amendments to the PF-76 Zone provide for public parks, campgrounds, and youth camps, destination resorts, outdoor mass gatherings, hunting/fishing operations with and without accommodations, and structures accessory to Fish & Wildlife Enhancement. These proposed amendments will also increase the likelihood of better coordination between the private and public sectors' financial resources, legal and administrative techniques, and specialized financing opportunities all of which are vital to the realization of additional recreational opportunities throughout our county. These reasons all support the Statewide Recreational Goals and satisfy this requirement for the proposed amendments to the county's Resource Zones.

Goal 9 (Economic Development): Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. As already discussed for Findings 15 and 16, the proposed amendments are consistent with the county's Comprehensive Plan's Economic and Commercial Goals of strengthening and diversifying its economy, insuring stable economic growth and utilizing the county's natural resources and advantages for expanding and diversifying the economic base. These proposed revisions to the 3 resource zones will also be a more efficient use of county employees' time spent reviewing and the time the general public spends applying for development permits because they will incorporate state regulations into the county's Zoning Ordinance. Resource zoned property owners can receive a thorough and comprehensive analysis of the proposal by county staff that will better protect, preserve, and manage the county's identified natural resources so that the proposed development will also be able to ensure the subject property's future productive and environmentally sensitive uses. For these reasons, this requirement has been satisfied.

Goal 10 (Housing): This Goal requires jurisdictions to provide for the housing needs of its residents and requires jurisdictions to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. As already discussed for Finding 12, the proposed amendments are consistent with the Comprehensive Plan's Housing Goal of providing for the county's housing needs by allowing adequate flexibility in housing location, type, and density. These amendments will also include housing provisions for families with elderly and physically challenged relatives, for the rehabilitation the county's existing lawfully established housing stock, and for authorizing residential use on legal lots of record under single ownership provided the homes and property owners meet all regulations and rules of the applicable local, state and federal agencies. These amendments support the Statewide Goal to provide for the housing needs of county residents satisfying this requirement.

Goal 11: (Public Facilities and Services): Goal 11 calls for the efficient planning of public services such as sewers, water, law enforcement, and fire protection. The Goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. As discussed previously for Finding 19, these proposed amendments are consistent with the county's similar Comprehensive Plan Goal that guides urban and rural developments to those areas that are appropriate for the existing or planned public facilities of the areas to be served. For the PA-38 zone, these amendments

include provisions for the quasi-judicial approval of proposed communication, solid waster, electrical, power generation, and community water utilities and the conversion of abandoned or diminished d mills to rural industrial land provided these proposals include mitigation measures to reduce potentially adverse impacts on adjacent properties and land uses. Similarly, for the PF-76 Zone the amendments include provisions for the development of a variety of public and private facilities related to parks and campgrounds, commercial power generation, schools, rural fire protection districts, solid waste disposal sites, water districts, firearm training facilities, expansion of existing airports, and community centers. Additionally, in the PF-76 Zone the proposed amendments will incorporate the Department of Forestry's Fire Siting Standards for Dwelling and Structures as well as the Fire Safety Design Standards for Roads for all new development in this forest zone. Provisions have been made into the proposed Resource Zoning Code amendments that are consistent with Statewide Goal 11 satisfying this requirement.

Goal 12 (Transportation): The Statewide Goal aims to provide "a safe, convenient, and economic transportation system." As discussed for Finding 18, these amendments to both the PA-38 and PF-76 Zones authorize improvements related to the reconstruction or modification of existing public roads and highways which are consistent with the Statewide Goal of safely and efficiently serving the needs of county residents. This requirement is satisfied.

Goal 13 (Energy): Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." As discussed previously for Findings 15 - 20 related to **Economy, Commercial, Industrial Siting, Transportation, Public Facilities and Services and Energy**, these proposed amendments will help the county ensure new development within the 3 resource zones will also encourage an energy efficient land use pattern that is based on sound economic and financial principles. encourage the conversion of abandoned or diminished mill sites to rural industrial uses. For the reasons as well as the ones stated for Findings 15 - 20, staff finds that the proposed amendments will support and encourage needed rural commercial and resource-related growth in the county's resource zoned unincorporated areas consistent which is consistent with the Statewide Planning Goal 13 and satisfies this requirement.

Goal 14 (Urbanization): This Goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." As discussed previously for Finding 14, the proposed Resource Code Amendments include provisions related to site specific development and authorized uses within the 3 resource zones are consistent with the Comprehensive Plan's Goal for Urbanization. These proposed amendments will help provide an orderly and efficient transition from rural to urban land uses on existing resource zoned properties in relatively close proximity to the county's incorporated areas. However, and prior to the proposed expansion of any urban growth boundaries into nearby resource zoned properties, the state's and the county's applicable criteria for these expansions must be met and will not be altered by these amendments. For these reasons, staff finds this requirement is satisfied.

Goal 15 (Willamette Greenway): Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River. As discussed earlier for Finding 25, Columbia

County contains 25 riverbank miles along both sides of the Multnomah Channel and its regulations apply to land within 150 feet of the low water mark within urban areas and within the Greenway Boundary in rural/unincorporated areas. The proposed amendments will provide additional safeguards for resource zoned properties along the Willamette Greenway since they include provisions that are intended to balance the needs for various authorized uses in ways that will ensure all competing demands do not degrade the quality of the protected waterway and also protect and preserve the Willamette Greenway's vital agricultural, natural, scenic, and economic areas. For these reasons staff finds this requirement has been satisfied.

COMMENTS RECEIVED: The following comments have been received as of September 28, 2010:

Clatskanie-Quincy CPAC: No Comment

St. Helens - Columbia City CPAC: Has reviewed the submitted proposal and has no objections to its approval as submitted.

Upper Nehalem CPAC: No comment

Scappoose-Spitzenberg CPAC: Submitted comments at the April 19, 2010 Planning Commission Hearing and are included in *Attachment C*.

Mist-Birkenfeld CPAC: No Comment

Department of Land Conservation and Development (DLCD): DLCD submitted comments in letters dated March 10, 2010 and April 2, 2010 included as "Attachments B". These letters provide a detailed list (with page references) of proposed resource code amendments that are still discrepant with the specific applicable provisions required in either the Oregon Revised Statutes or the Oregon Administrative Rules.

Because these discrepancies were received after the DRAFT AMENDMENTS were submitted for the required agencies and property owners review and after the public notices were made, Land Development Services was able to rectify, with the Planning Commission's approval, these discrepancies in the attached PA-38, PF-76 and FA-19 Code Amendments that require the Board of Commissioners approval prior to their final adoption of the proposed amendments.

Rodney Moore, M.E. Moore Construction: Supports the proposed amendments.

Jeremy Keepers, Weyerhaeuser Real Estate Development Company (WREDCO): Supports the proposed amendments.

No other comments have been received as of the date of this report, September 28, 2010.

CONCLUSIONS AND RECOMMENDATIONS:

Based on the facts, findings and comments in the April 9, 2010 Staff Report for TA 10-03, with the required revisions approved by the Planning Commissions and referenced in the July 13, 2010 Planning Commission Recommendation to the Board of Commissioners for TA 10-03, and with the revisions herein as presented in the October 6, 2010 Staff Report, the Planning Commission recommends the Board of County Commissioners **APPROVE** these TA 10-03 Resource Zoning and Comprehensive Plan Amendments as presented in October 6, 2010 Staff Report that is the legislative amendment to:

- (1) Amend the text of the PA-38, FA-19, and PF-76, Sections 300, 400, and 500 respectively of the Zoning Ordinance,
- (2) Delete the Woodlot Overlay Zone, Section 1178, in its entirety and
- (3) Amend Section Parts IV and V of the Comprehensive Plan related to Forest and Agricultural Lands.

These amendments will allow these county ordinances to be consistent with the provisions codified in the State of Oregon's Revised Statutes and Administrative Rules related to authorized uses, development and property divisions in the three County's Resource Zones included as "Attachment A" of this report.

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Section 300 PRIMARY AGRICULTURE USE ZONE - 80

- 301 **Purpose.** The Primary Agriculture Zone or Exclusive Farm Use (EFU) This district is intended to preserve, enhance, and stabilize those prime agricultural lands and farm use areas within the county which are being used, and offer the greatest potential, for food and fiber production. **This district also provides for open space, watershed protection, maintenance of clean air and water, and fish and wildlife habitat, including the creation, restoration and enhancement of wetlands.**
- 302 **Definitions.** For purposes of the PA-80 Zone, the definitions in ORS 215.203, the Statewide Planning Goals, OAR Chapter 660 and the following definitions apply:

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(PA-80)**

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- 302 **Definitions.** For purposes of the PA-80 Zone, the definitions in ORS 215.203, the Statewide Planning Goals, OAR Chapter 660 and the following definitions apply:

- .1 **"Agricultural Land"** is comprised of predominately Class I-IV soils as classified by the U.S. Natural Resources Conservation Service (NRCS) ~~as identified in the Soil Capability Classification System of the Soil Conservation Service,~~ and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, **technological and energy inputs required**, and accepted farming practices. Agricultural land shall also include other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands. **Agricultural land also includes land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, and shall be inventoried as agricultural lands even though this land may not be cropped or grazed** Agricultural Land does not include land within acknowledged urban growth boundaries or land within acknowledged Exception Areas for Statewide Planning Goals 3 or 4.
- .2 **"Commercial Agricultural Enterprise"** consists of farm operations that will contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the Commercial Agricultural Enterprise, not only what is produced, but how much and how it is marketed, shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.
- .3 **"Contiguous"** means connected in such a manner as to form a single block of land.
- .4 **"Date of Creation and Existence"**. When a lot, parcel or tract has been reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- .5 **"Exception Area"** means an area no longer subject to the requirements of Goal 3 or 4 because the area is the subject of a site specific exception acknowledged pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
- .6 **"Farm Operator"** is a person who operates the farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing
- .7 **"Farm use"** is defined in ORS 215.203.
- .8 **"High Value Farmland"** is land in a tract composed predominately of soils that are irrigated and classified by NRCS as prime, unique Class I or II, or not irrigated and classified by NRCS as prime, unique Class I or II. High Value Farmland also includes tracts growing "specified perennials" as demonstrated by aerial photography of the Agricultural Stabilization and Conservation Service of the U. S. Department of Agriculture prior to December 6, 2007 and defined in ORS 215.710. "Specified perennials" means perennials grown for market or research purposes including, but

not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa.

- .9 "Tract" means one or more contiguous lots or parcels in the same ownership.

303 Table of Authorized Uses and Development. The following uses, activities and development are authorized in the Primary Agriculture Zone, subject to review and approval under applicable regulatory standards:

Key

- HV** High-Value Farm Land
- NHV** Other lands, not defined as High-Value Farm Land
- P** Permitted
- AR** Subject to administrative review and approval process described in Section 1601
- CUP/PC** Subject to Planning Commission review and approval for Conditional Use described in Section 1503
- NP** Use not permitted

Note: The CCZO Section Column below lists only subsections of authorization and specific criteria of this PA Zone. Other criteria of this ordinance may apply to a proposed use, including but not limited to site design review, conditional use permit review, special use standards, and overlay zoning.

TABLE OF AUTHORIZED USES & DEVELOPMENT			
RESOURCE USES	*HV	*NHV	PA-80 SECTION
Farm Use as defined in ORS 215.203	P	P	304.1
Use and Management of Forest Lands	P	P	304.2
Farm and Forest Accessory Structures	P	P	304.3
Forest Product Primary Processing Facility	AR	AR	305.19, 307, 308
Wetland Creation/Restoration and Enhancement; Fish & Wildlife Habitat Projs.	P	P	304.4
Aquaculture and Insect Cultivation	AR	AR	305.20 307
RESIDENTIAL	HV	NHV	PA - 80 SECTION
Farm Dwelling	AR	AR	305.1, .2, .3, .4, 307, 308
Family Farm Help Dwelling	AR	AR	305.8, 307, 308
Lot of Record Dwelling – High Value Farmland	AR NA	NA AR	305.5, 307, 308 305.6, 307, 308
– Not High Value Farmland			
Nonfarm Dwelling	NP	AR	305.7, 307, 308
Replacement Dwelling	AR	AR	305.9, 307, 308
Replacement of Historic Dwelling	AR	AR	305.10, 307, 308

TABLE OF AUTHORIZED USES & DEVELOPMENT			
Temporary Medical Hardship Manufactured Home	AR	AR	305.12, 307, 308
Accessory Farm Dwelling(s)	AR	AR	305.11, 307, 308
Residential Care/Training/Foster Home or Facility	AR	AR	305.13, 307, 308
Dwellings provided for in ORS 215.799 for wildlife habitat land	AR	AR	305.14, 307, 308
COMMERCIAL	HV	NHV	PA - 80 SECTION
Farm Stands	AR	AR	305.18, 307, 308
Facilities for the processing of farm crops and related commercial activities or for the production of biofuel as defined in ORS 315.141 that are not permitted under ORS 215.203(2)(b)(L) or ORS 215.283 (1)(u)	AR	AR	305.22, 307, 308
Home Occupations			
Type I -	AR	AR	305.21, 307, 308,
Type II -	CUP/PC	CUP/PC	306.1, 307, 308,
Kennels	NP	CUP/PC	306.2, 308
Training and Stabling Horses for Profit	P	P	304.1
Destination Resort	NP	CUP/PC	306.3, 307, 308
Winery	AR	AR	305.24, 307
Landscaping Business in conjunction with a Nursery	AR	AR	305.23, 307, 308
INDUSTRIAL	HV	NHV	PA - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	CUP/PC	306.18, 307, 308
MINERAL AND AGGREGATE	HV	NHV	PA - 80 SECTION
Mineral Exploration defined in ORS 517	P	P	304.5
Exploring, Mining and Processing of Geothermal Resources defined in ORS 520 & 522	CUP/PC	CUP/PC	306.4, 307, 308
Mining and Processing of Mineral and Aggregate Materials defined in ORS 517	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Aggregate into Asphalt or Portland Cement	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Other Mineral Resources	CUP/PC	CUP/PC	306.4, 307, 308
TRANSPORTATION	HV	NHV	PA - 80 SECTION
Personal Use Airports and Helipads	CUP/PC	CUP/PC	306.5, 307, 308
Climbing and Passing Lanes within right-of-way existing on July 1, 1987	P	P	304.6
Construction of additional passing and travel lanes, requiring acquisition of right-of-way	CUP/PC	CUP/PC	306.6, 307, 308

TABLE OF AUTHORIZED USES & DEVELOPMENT			
Reconstruction or modification of public roads, not including addition of travel lanes, removal or displacement of buildings or creation of new parcels	P	P	304.7
Reconstruction or modification of public roads involving the removal or displacement of buildings, but no new parcels	CUP/PC	CUP/PC	306.7, 307, 308
Temporary public road detours that will be abandoned and restored to original condition or use at such time as no longer needed	P	P	304.8
Minor improvements to existing road and highway-related facilities within right-of-way	P	P	304.9
Improvement to public highway related facilities, new weigh stations, rest areas etc	CUP/PC	CUP/PC	306.8, 307, 308
Roads, highways and other transportation facilities, requiring an exception	CUP/PC	CUP/PC	306.9, 307, 308
UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	HV	NHV	PA - 80 SECTION
Utility facilities necessary for public service, excepting commercial power generating facilities and transmission towers	CUP/PC	CUP/PC	306.10, 307, 308
Transmission Towers / Communication Facilities	CUP/PC	CUP/PC	306.11, 307, 308
Utility facilities service lines	P	P	304.10
Rural fire protection facilities	AR	AR	305.15
Solid Waste Disposal Sites granted under ORS 459.245 by the Department of Environmental Quality	NP	CUP/PC	306.12, 307, 308
Composting Facilities exempt from DEQ permits under OAR 340-093-0050(3)	AR	AR	305.16, 307, 308
Commercial Power Generating Facilities	CUP/PC	CUP/PC	306.13.1, 307, 308
Commercial Wind Power Generating Facilities	CUP/PC	CUP/PC	306.13(2), 307
Irrigation canals, delivery lines and those structures and accessory operational facilities associated with Irrigation, Drainage, Water Improvement or Water control Districts defined in ORS 540.505	PC	PC	305.17, 307, 308

TABLE OF AUTHORIZED USES & DEVELOPMENT			
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	HV	NHV	PA - 80 SECTION
Schools, public or private, & all essential buildings	NP	CUP/PC	306.16, 307, 308
Churches and Associated Cemeteries	NP	PC	305.26, 307, 308
Parks, private, including playgrounds, hunting/fishing preserves and campgrounds	NP	CUP/PC	306.14, 307, 308
Parks, public or nonprofit, including playgrounds or community centers	CUP/PC	CUP/PC	306.15, 307, 308
Community Centers owned by a governmental agency or a nonprofit organization	AR	AR	305.25, 307
Living History Museum	AR	AR	305.27, 307
On-site Filming and associated facilities - 45 days or less - More than 45 days	P AR	P AR	304.12 305.28, 307
Model Aircraft takeoff and landing facilities	P	P	304.13,
Extraction and Bottling of Water	AR	AR	305.29, 307
Any outdoor gathering subject to land use review	CUP/PC	CUP/PC	306.18
Land application of reclaimed water or biosolids	P	P	304.14
Golf Courses	NP	CUP/PC	306.17, 307, 308

***Note:** For the purposes of approving a land use application under this zone, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if:

- (1) The property owner submits a statement of agreement from the Natural Resources Conservation Service (NRCS) that the soil class, soil rating or other soil designation should be adjusted based on new information; or
- (2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
- (3) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the Director's designee has reviewed the resulting report and finds its analysis to be soundly and scientifically based.

304 Permitted Uses. The following specific development and uses are permitted in the PA-80 Zone and are subject to compliance with the procedures and criteria

under Section 308 Development Standards, the prescriptive standards specified herein, and other applicable state, federal, and local regulations.

- .1 Farm use as defined by ORS 215.203(2);**
- .2 Propagation or harvesting of a forest products;**
- .3 Accessory buildings and structures related to the use and management of farm uses, including roadside stands selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located;**
- .4 Creation, restoration and enhancement of wetlands and fish and wildlife habitat projects;**
- .5 Mineral exploration defined in ORS 517.750 including all activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals;**
- .6 Climbing and passing lanes within the right-of-way existing as of July 1, 1987;**
- .7 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, removal or displacement of buildings or creation of new parcels;**
- .8 Temporary public road or highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;**
- .9 Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous publicly-owned property utilized to support the operation and maintenance of public roads and highways;**
- .10 Utility facility service lines including utility lines and accessory facilities or structures provided for in OAR 660.033.130(32) that end at the point where the utility service is received by the customer and located on at least one of the following areas: (1) a public right-of-way; (2) land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or (3) the property to be served by the utility.**
- .11 Irrigation canals, delivery lines, and those structures and accessory operational facilities associated with an Irrigation, Drainage, Water Improvement or Water Control District defined in ORS 540.505.**
- .12 On-site filming and accessory activities with a duration of 45 days or less provided for in ORS 215.306;**

- .13 A site and the buildings and facilities, including accessory building and facilities, for the takeoff and landing of model aircraft, if not more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this subsection. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this subsection. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operators cost to maintain the property, buildings and facilities As used in this subsection, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.**
- .14 The land application of reclaimed water, agricultural or industrial process water, or biosolids for agricultural, horticultural, or silvicultural production or for irrigation if a license or permit has been issued by DEQ with the requirements of ORS 215.246, 215.247, 215.249, and 215.251 and the land application is in connection with a permitted use in the PA-80 Zone.**

~~302 Permitted Uses:~~

- ~~.1 Farm use as defined by Subsection 2 of ORS 215.203.~~
- ~~.2 The propagation or harvesting of a forest product.~~
- ~~.3 Dwellings customarily provided in conjunction with farm use on contiguous ownerships of 38 or more acres, including a mobile home for the owner, operator, or employees, required to carry out a use permitted outright.~~
- ~~.4 A dwelling on real property used for farm use if the dwelling is:~~
- ~~A) Located on the same lot or parcel as the dwelling of the farm operator; and~~
- ~~B) Occupied by a relative, which means, grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.~~
- ~~.5 Farm buildings, other than dwellings, customarily provided in conjunction with farm use, including roadside stands selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located.~~
- ~~.6 Operations for the exploration for and production of geothermal resources as defined by ORS 522.005.~~
- ~~302.7 A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities, or buildings necessary for its operation:~~

~~—.8— Signs subject to Section 1300.~~

~~—.9— Mobile home or recreation vehicle used during the construction of a permitted use for which a building or siting permit has been issued subject to Section 1505.~~

305 Administrative Review. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein, in Sections 307, 308, & 1550 and as may otherwise be indicated by federal, state and local regulations and permits.

SINGLE FAMILY RESIDENCES – 305 AR

- .1 Dwelling for the Farm Operator on High Value Farmland.** A farm dwelling may be authorized on a tract of land classified as High Value Farmland where the tract meets the following criteria:
- A.** The subject tract is currently in farm use and has produced at least \$80,000 gross annual income from the sale of farm products in the last two years or three out of the last five years;
 - 1.** In determining the gross annual farm income required by Subsection 305.1A., the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only the gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for construction or siting of a primary farm dwelling may not be used;
 - 2.** Non-contiguous PA-80 zoned plots of parcels in Columbia County or contiguous counties in Oregon or Washington may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, these lots or parcels may not be used to qualify for a dwelling in the other part of the state.
 - B.** The tract that is zoned for farm, mixed farm or forest use contains no dwellings except lawfully established seasonal farm worker housing; and
 - C.** The dwelling will be occupied by the person(s) that produced the commodities which provided the income under Subsection 305.1(i) above.
 - D.** Prior to the final approval for a dwelling authorized by Subsection 305.1, the applicant shall provide evidence that:
 - 1.** The covenants, conditions and restrictions described and intended as set forth in Exhibit A found at the end of this Zone have been recorded with the County Clerk of the county or

counties where the property subject to the covenants, conditions and restrictions is located;

2. The covenants, conditions and restrictions shall be recorded for each affected lot or parcel for the primary farm dwelling and shall preclude:
 - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - b. The use of any gross annual farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling;
3. The covenants, conditions and restrictions shall be irrevocable unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the County deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions . The map or other record required by this subsection shall be readily available to the public in the County planning office.

- E. The County Assessor shall be notified of the land use application for the proposed dwelling on the PA-80 property.

.2 Dwelling for the Farm Operator on Other Farmland - Acreage Standard. A farm dwelling may be authorized on a tract of land not classified as High Value Farmland subject to the following standards:

- A. The parcel on which the dwelling is to be located is at least 160 acres in size;
- B. The subject tract is currently in farm use;
- C. The dwelling will be occupied by the person(s) principally engaged in the farm use of the land such as planting, harvesting, marketing or caring for livestock on a commercial scale; and
- D. The subject tract contains no dwellings, except lawfully established seasonal farm worker housing.

.3 Dwelling for the Farm Operator on Other Farmland – Income Standard A farm dwelling may be authorized on a tract of land not classified as High Value Farmland subject to the following standards:

- A. The subject tract is currently employed for farm use and has produced at least \$40,000 in gross annual income from the sale of farm products during the last two years or three of the last five years, (Note: When determining gross income the definition in Subsection 305.1A. above applies) or
 - B. The subject tract is currently employed for farm use and has produced gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture during the last two years or three of the last five years used (Note: When determining gross annual income Subsection 305.1A. applies); and
 - C. The subject tract, including properties zoned PA-80 or FA-80, contains no dwellings except lawfully established seasonal farm worker housing; and
 - D. The dwelling will be occupied by the person or persons who produced the commodities in determining gross annual income above.
- .4 Dwelling for the Farm Operator on Other Farmland – Sales Capability Test.
A dwelling in conjunction with farm use may be authorized on a tract of land not classified as High Value Farmland subject to the following:
- The County reserves this section for use if the County prepares the potential gross sales figures table, approved by DLCD, per acre for each assessor land class pursuant to OAR 660-033-0135(4).*
- .5 Lot of Record Dwelling on High Value Farmland.
- A. A dwelling may be authorized on a tract of land classified as High Value Farmland subject to the following criteria:
 - 1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner prior to January 1, 1985. (Note: Present owner may also qualify if the property was inherited by devise or intestate succession from a person that acquired the lawfully created parcel prior to January 1, 1985);
 - 2. The tract on which the dwelling will be sited has no existing dwellings;
 - 3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel of the tract;
 - 4. The dwelling meets all other land use regulations including, but not limited to, regulations which apply to flood hazard areas,

development within the Willamette River Greenway, development in forested areas or development in significant resource areas such as riparian areas or big game habitat;

5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
 6. The parcel cannot practically be managed for farm use, by itself, or in conjunction with adjacent land, due to extraordinary circumstances inherent in the land or its physical setting or physical barriers that separates the lot from other agricultural land that do not apply generally to other land in the vicinity. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms;
 7. The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
 8. The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use; and
 9. The dwelling will not materially alter the stability of the overall land use pattern in the area.
- B. Notice of the application pursuant to Section 1601 shall also be provided to the State Department of Agriculture at least 20 calendar days prior to any decision.
- C. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the land use decision.
- D. For the purpose of Subsections 305.5A. and .6A. of this section, "owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
- E. The County Assessor shall be notified of the land use application for the proposed dwelling on the PA-80 property.

- .6 Lot-of-Record Dwelling Not High Value Farmland. A dwelling may be authorized on a lot-of-record on land not classified as High Value Farmland.**
- A. To qualify as a lot-of-record, the parcel must meet the following criteria:**
- 1. The lot or parcel on which the dwelling will be sited was lawfully created and acquired and continuously owned by the present owner prior to January 1, 1985. (Note: The owner may also qualify if the property was inherited by devise or intestate succession from a person who acquired the lawfully created parcel prior to January 1, 1985);**
 - 2. The tract on which the dwelling will be sited has no existing dwelling;**
 - 3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel of the tract;**
 - 4. The dwelling meets all other land use regulations including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas such as riparian or big game habitat; and**
 - 5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.**
- B. Notice of the application shall be pursuant to Section 1601 of the Columbia County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 1700.**
- C. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the land use decision.**
- D. The owner shall include family members as stated in Subsection 305.5D.**
- E. The County Assessor shall be notified of the land use application for the proposed dwelling on the PA-80 property.**
- .7 Single-Family Dwelling not provided in conjunction with farm use. A dwelling not related to farm use may be allowed subject to Section 307 General Review Standards and the following criteria:**

- A. The dwelling is situated on the lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. Size shall not be the sole consideration; a lot or parcel is presumed to be suitable if it is composed predominately of Class I-IV soils, and, if too small to be managed itself, it can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch nearby;
 - B. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making such a determination, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying standards articulated in OAR 660-033-0130 (4)(a)(D); specifically, an appropriate study area shall be described for analysis of land use pattern and a statement given as to why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis;
 - C. The dwelling will be sited on a lot or parcel created before January 1, 1993, or a lot or parcel created specifically for a non-farm dwelling under Section 309.3;
 - D. The lot or parcel qualifying for a dwelling under this subsection shall be disqualified for farm or forest use assessment pursuant to ORS 215.236; and
 - E. The dwelling complies with other standards of County ordinance, including but not limited to, requiring the landowner to sign and record a deed binding the landowner and successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- .8 **Dwelling for Family Farm Help** A dwelling for family farm help may be authorized on the same lot or parcel as the dwelling of the Farm Operator where the dwelling will be occupied by a relative of the Farm Operator whose assistance in the management and farm use of the existing commercial farm operation is required by the Farm Operator. The Farm Operator shall continue to play the predominant role in the management and use of the farm. As used in this subsection, a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing. Relative, as defined in this subsection, means grandparent, step grandparent, grandchild, parent, step parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin of the Farm Operator, or the Farm Operator's spouse, whose assistance in the management of the farm use is or will be required by the Farm Operator. A change in the farm operation of the dwelling for family farm help is not justification for a zone change, variance or land division.

.9 Replacement Dwelling

- A. The alteration, restoration or replacement of a lawfully established dwelling may be authorized and not subject to Section 1506 where the single-family dwelling being altered, restored, or replaced has:**
- 1. Intact exterior walls and roof structure;**
 - 2. Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 - 3. Interior wiring for interior lights; and**
 - 4. A heating system.**
- B. The dwelling to be replaced must be removed, demolished or converted to an approved non-residential use within 3 months of the completion of the replacement dwelling.**
- C. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this subsection shall comply with all applicable siting standards. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling.**
- D. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the deed records of the County a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is issued by the County.**
- E. The County Planning Director shall maintain a record of the lots or parcels that do not qualify for the siting of a new dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements recorded.**
- F. An accessory farm dwelling authorized under Subsection 305.11 may only be replaced by a manufactured dwelling.**

.10 Replacement of Historic Dwelling. If an existing dwelling is listed on the *National Register of Historic Places* or in the *Comprehensive Plan's Columbia County 2002 Intensive-Level Historic Survey*, it may be replaced by a dwelling to be used in conjunction with a farm use.

.11 Accessory Farm Dwelling for Year-Round and Seasonal Farm Workers.

- A. An accessory dwelling customarily provided in conjunction with farm use may be authorized, subject to review and approval, under the following criteria:**

- 1. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the Farm Operator. However, the Farm Operator shall continue to play the predominant role in the management and farm use of the farm;**
- 2. The accessory farm dwelling will be located:**
 - a. On the same lot or parcel as the primary farm dwelling; or**
 - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or**
 - c. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the County Clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under a subsequent land use action pursuant to this section; or**
 - d. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by applicable state building code, or similar types of farm labor housing as existing farm labor housing on the farm registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The applicant shall require all accessory farm dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or**
 - e. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is located on a lot or parcel consisting of at least 80 acres and the lot or parcel complies with the gross annual farm income requirements of dwellings on land classified as High Value Farmland or not High Value Farmland, whichever is applicable.**
- 3. There is no other dwelling on lands designated for Exclusive Farm Use owned by the Farm Operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and**

4. The primary farm dwelling to which the proposed dwelling would be accessory meets the following applicable criteria:
 - a. On land not identified as High Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and has produced in the last two years or three of the last five years the lower of the following:
 - i. At least \$40,000 in gross annual income from the sale of farm products. (Note: In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract), or
 - ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract).
 - b. On land identified as High Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and has produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. (Note: purchased livestock shall be deducted).
 5. The primary dwelling is located on a commercial dairy farm as defined by OAR 660-033-0135(11) and meets the following:
 - a. Building permits have been issued and construction has begun or been completed for the buildings and animal waste facilities of the dairy farm; and
 - b. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has issued a producer license under ORS 621.072 for the sale of dairy products; and
- B. An accessory farm dwelling approved pursuant to this subsection cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 305.7.
- C. The County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this subsection. If it is determined that an accessory farm dwelling satisfies the requirements of dwellings in conjunction with farm use, a parcel may

be created consistent with the applicable minimum parcel size requirements in OAR 660-033-0100.

- .12 **Temporary Medical Hardship Manufactured Home** One manufactured dwelling, or recreational vehicle, or temporary use of an existing building in conjunction with an existing dwelling is allowed as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
- A. The proposed dwelling meets the requirements of Subsection 1505.3;
 - B. The applicant agrees to annually renew the permit and will remove the temporary home when the hardship condition ceases.
- .13 **“Residential Home” or “Residential Facility”**, or room and board arrangements for up to a maximum of fifteen unrelated persons may be allowed in an existing dwelling in any area of the Primary Agriculture Zone subject to Section 307 General Review Standards and to Section 308 for all new development.
- A. **“Residential Facility”** means a residential care, training or treatment facility licensed or registered by or under the authority defined in ORS 443.400 or ORS 197.660 and licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination of both for six to fifteen individuals.
 - B. **“Residential Home”** means a residential treatment or training facility or an adult foster home licensed by or under the authority as defined in ORS 443.400 under 443.400 to 443.825 or ORS 197.660 which provides residential treatment or training or an adult foster home for five or fewer individuals.
- .14 New and existing dwellings on a lot or parcel that is subject to the Wildlife Habitat Special Assessment under ORS 308A.403 to 308A.430 and subject to provisions in Sections 307 and 308 as follows:
- A. Lawfully existing dwellings, pursuant to ORS 215.130 (5) to (11), may remain; and
 - B. For a lot or parcel without an existing dwelling, a dwelling established under this subsection shall comply with all applicable PA-80 Zone standards; and
 - C. The fact that a lot or parcel is subject to Wildlife Habitat Special Assessment may not make it easier or more difficult for a landowner to obtain approval for a dwelling on the lot or parcel.

UTILITY FACILITIES – 305 AR

- .15 Fire service facilities providing rural fire protection services may be

allowed subject to Sections 307 General Review Standards and 308 Development Standards.

- .16 **Composting operations and facilities allowed on High Value Farmland or non- High Value Farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050 (3), only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold onsite to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility and shall be sited per provisions in Section 308.**
- .17 **Irrigation canals, delivery lines and those structures and accessory operational facilities associated with Irrigation, Drainage, Water Improvement, or Water Control District as defined in ORS 540.505 are allowed, subject to compliance with Sections 307, 308 and 1550.**

COMMERCIAL RESOURCE RELATED USES – 305 AR

- .18 **Farm Stand. Structures that are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area may be allowed, including the retail sale of incidental items and fee based activity to promote the sale of farm crops or livestock sold at the stand. Together, these accessory items may account for no more than 25% of the total annual sales of the farm stand. Farm stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops and livestock, nor do they include processing of farm crops, or structures for banquets, public gatherings or entertainment. Farm crops or livestock includes both fresh and processed farm crops and livestock grown on the farm operation or grown on other farm operations in the local agricultural area. Processed crops and livestock includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items. Local agricultural area includes adjacent counties bordering the property on which the farm stand is located and include adjacent counties in the State of Washington that border the farm stand(s).**
- .19 **Facility for the Primary Processing of Forest Products. A facility for the primary processing of forest products is authorized, provided such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this subsection, means the use of a portable chipper or stud mill or other similar methods of initial**

treatment of a forest production order to enable its shipment to market. Forest products, as used in this subsection, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- .20 **Propagation, cultivation, maintenance and harvesting of aquatic or insect species.** Insect species shall not include any species under quarantine. Notice of all applications shall be required under Section 1601 and shall be mailed to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing of the application.
- .21 **Type I Home Occupations,** as defined by and subject to the applicable provisions in Sections 307, 308 and 1507.
- .22 **Facilities for the processing of farm crops and related commercial activities or for the production of biofuel,** as defined in ORS 315.141. These include activities related to the processing, distribution and retail marketing of farm products grown on-site and on farms within Columbia County or contiguous counties, where at least one-quarter of the farm crops were grown at the site of the farm processing operation. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. An application is subject to compliance with Sections 307, 308 and 1550.
- .23 **Landscaping business,** as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use subject to the requirements of Section 307, 308, and 1550.
- .24 **A winery** may be allowed on at least 15 acres producing no more than 100,000 gallons annually pursuant to conditions established in ORS 215.452 subject to the requirements of Sections 307, 308 and 1550. The winery shall also be consistent with the Comprehensive Plan and implementing ordinances including, but not limited to, development within floodplains, wetlands, areas of geologic hazards, the Willamette River Greenway, airport overlay, riparian areas, big game habitat, forested areas, open spaces, scenic and historic areas and natural areas.

PUBLIC AND PRIVATE FACILITIES – 305 AR

- .25 **Community Centers** owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community, subject to compliance with Sections 307, 308 and 1550 Site Design Review.

- .26 **Churches and Associated Cemeteries** may be allowed subject to Sections 307, 308 and 1550 Site Design Review. New churches and associated cemeteries are not authorized on lands classified as High Value Farmland. Existing facilities on High Value Farmland may be maintained, enhanced, or expanded subject to provisions in Section 1506. An exception to the statewide Agricultural Land Planning Goal 3 is required to locate a church or cemetery within three miles of an urban growth boundary.
- .27 **Living History Museum** may be allowed subject to Sections 307, 308 and 1550, and this subsection. A Living History Museum shall be owned and operated by a governmental organization or a local historical society, recognized by the local government or organized under ORS Chapter 65. Limited commercial activities and facilities may be authorized that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period.
- .28 **On-Site Filming** and accessory facilities with a duration of more than 45 days may be allowed subject to Section 307.
- .29 **Operations for the Extraction and Bottling of Water** may be allowed subject to Sections 307, 308 and 1550 for all on-site uses and development.

306 Conditional Uses. The following uses may be approved, subject to compliance with the procedures and criteria under Sections 307, 308, and 1503 Conditional Use Permit Hearing, the prescriptive standards specified herein, and other applicable state, federal and local regulations and permits:

COMMERCIAL ACTIVITIES – 306 CUP

- .1 **Type II Home Occupations**, as defined by and subject to Section 1507, may be allowed pursuant to Sections 307, 308 and 1503 with an associated public hearing.
- .2 **Kenel**, except on high value farmland as defined herein, subject to standards contained in Section 1802. [*Amd. Ordinance No. 2010-3, eff. 01.04.11*].
- .3 **Destination Resorts** may be approved on land not classified as High Value Farmland and shall be consistent with the requirements of Goal 8 Recreational Needs, as well as the review criteria of Sections 307, 308, 1503, and 1550.

MINERAL AND AGGREGATE OPERATIONS – 306 CUP

- .4 The following operations shall be consistent with provisions in Sections 307, 308, 1040, 1503 and 1550:
 - A. Any exploration, mining, and/or subsequent processing for the production of geothermal, oil and/or gas resources, as defined by ORS 522.005;

- B. **Surface mining for mining of more than 1,000 cubic yards of material or for the excavation preparatory to mining of a surface area of more than one acre of aggregate and other minerals and subsurface resources, which are included in the County Inventory of Mineral and Aggregate Resources, are subject to compliance with provisions in ORS 215.298 related to mining activities in exclusive farm use zones.**

Processing as defined by ORS 517.750 of aggregate by batching into asphalt or cement is not permitted within two miles from a planted vineyard, at least 40 acres in size, planted as of the date the application for batching and blending is filed; and

- C. **Processing of other mineral resources and other subsurface resources.**

TRANSPORTATION – 306 CUP

- .5 **Personal-Use Airports and Helipads, including associated hangar, maintenance and service facilities, subject to compliance with Sections 307, 308 and 1503. A personal use airport, as used in this subsection, means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Aeronautics Division.**
- .6 **Construction of Additional Passing and Travel Lanes requiring the acquisition of right-of-way, but not resulting in the creation of new parcels, as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands and subject to compliance with Section 307, General Review Standards and Section 1503.**
- .7 **Reconstruction or modification of Public Roads and Highways involving the removal or displacement of buildings as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands but not resulting in the creation of new parcels, subject to compliance with Sections 307 and 1503.**
- .8 **Improvements to Existing Public Road and Highway-Related Facilities, such as maintenance yards, weigh stations and rest areas as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands where additional property or right-of-way is required but not resulting in the creation of new parcels, subject to compliance with Sections 307 and 1503.**
- .9 **Roads, Highways and other Transportation Facilities and Improvements as set forth in OAR 660-012-0065 related to Transportation Improvements on**

Rural Lands and not otherwise provided for in this Section, subject to adoption of an Exception to Statewide Planning Goal 3 and to any other applicable goal with which the facility or improvement does not comply, subject to compliance with Section 307, General Review Standards and Section 1503.

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES – 305 CUP

- .10 Utility Facilities Necessary for Public Service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height, or to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission, may be allowed subject to Sections 307, 308, 1503, and 1550 and to the following criteria:**
- A. To demonstrate that a utility is necessary, an applicant must show that reasonable alternatives have been considered and that the utility must be sited in the Primary Agriculture Zone due to one or more of the following factors:**
 - 1. Technical and engineering feasibility;**
 - 2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
 - 3. Lack of available urban or nonresource lands;**
 - 4. Availability of existing rights-of-way;**
 - 5. Public health and safety; and**
 - 6. Other requirements of state and federal agencies.**
 - B. Cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of public facilities that are not substantially similar.**
 - C. The County shall impose clear and objective conditions to mitigate and minimize the impacts of the proposed facility in order to prevent a significant change in accepted farming practices or a significant increase in costs of farm practices on surrounding farmlands.**
 - D. The County shall require the owner of the utility facility to restore any agricultural land that is damaged or otherwise disturbed by the siting,**

maintenance, repair or reconstruction of the facility. A bond or other security instrument may be imposed for such consideration.

- E. The establishment or extension of a sewer system by public or private entities as defined by OAR 660-011-0060(1)(f) in a Primary Agriculture Zone shall be subject to the provisions of OAR 660-011-0060. Systems that solely collect, transfer and/or dispose of storm water runoff or animal waste from farm use defined in ORS 215.203(2) are not considered "sewer systems" for this subsection.
- .11 **Transmission Towers /Communication Facilities over 200 feet in height,** subject to compliance with Sections 307, 308, 1503, and the following criteria:
- A. The location, size design, and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;
 - B. The tower shall be located so as to not interfere with air traffic;
 - C. The tower will not have significant adverse effect on identified sensitive fish or wildlife habitat, natural areas, or scenic areas designated in the Comprehensive Plan;
 - D. The minimum setback from the property line shall be equal to the minimum setbacks from all property lines pursuant to applicable provisions in Subsection 308.4; and
 - E. The level of facilities and services provided shall be appropriate for, but not limited to, the needs and requirements of the area(s) to be served.
- .12 **Solid Waste Disposal Site,** for which a permit has been granted by DEQ under ORS 459.245 and the site has been approved by the governing body of a city or county or both, together with the equipment, facilities or buildings necessary for its operation, subject to compliance with Sections 307, 308, 1503, and 1550.
- .13 **Commercial Power Generating Facilities,** subject to compliance with the applicable provisions in OAR 660-033-0130(37) and subject to Sections 307, 308, 1503, and 1550. On High Value Farmland, an exception to the Statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 12 acres from commercial agricultural production. On farmland not classified as high value, an exception to the statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 20 acres from commercial agricultural production.
- .14 **Commercial Wind Power Generating Facilities** include, but are not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices,

electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

PARKS, PUBLIC AND PRIVATE FACILITIES – 306 CUP

- .15 Private Parks, Playgrounds, Hunting and Fishing Preserves and Campgrounds subject to compliance with review standards found in Sections 307, 1503 and 1550 as follows:**
- A. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized by this subsection shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.**
 - B. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection C. of this section.**
 - C. Subject to Planning Commission approval under the provisions of Section 1503, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request by the County, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this subsection, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.**

- .16 **Public or Nonprofit Parks, including Playgrounds**, may be established consistent with ORS 195.120, OAR 660-034-035 or OAR 660-034-0040, whichever is applicable, and shall be subject to compliance with review standards found in Sections 307 and 308, and sections 1503 Conditional Use Permit and 1550 Site Design Review.
- .17 **Schools**, public or private for kindergarten through Grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located may be allowed subject to Sections 307, 1503 and 1550. New schools are not authorized on lands classified as High Value Farmland. Existing schools on High Value Farmland may be maintained, enhanced, or expanded. An exception to the Statewide Agricultural Lands Planning Goal is required when the school would be located within three miles of an urban growth boundary.

Schools established on or before January 1, 2009 that do not primarily serve residents of the rural area may expand provided the expansion occurs on the tax lot for which the use was established or on a tax lot that is contiguous to the tax lot of the established school. Proposed expansions of schools shall not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use nor shall they significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

- .18 **Golf Courses**. A new golfing facility may be approved on a tract of land not classified as High Value Farmland if it is found to be consistent with Sections 307, 1503, and 1550 and meets the state definition of a 9- or 18-hole regulation golf course including accessory uses as outlined in OAR 660-33-0130. Existing golf course facilities on all farmlands may be maintained, enhanced, or expanded up to 36 holes on the same tract consistent with the above sited regulations.
- .19 **Mass Gatherings** as used in this ordinance means the actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure. Any assembly of persons not meeting the above definition is not a land use decision. An application for a Mass Gathering pursuant to this ordinance shall be processed in accordance with Section 1603, with special notification to the County sheriff, County health office and the local fire district, and shall be subject to the Columbia County Mass Gathering Ordinance.

INDUSTRIAL USES – 306 CUP

- .20 **Abandoned or diminished mill sites** means a mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper.

- A. Pursuant to ORS 197.719 these abandoned or diminished mill sites may be zoned for industrial use provided the facility:**
- 1. Is located outside of urban growth boundaries;**
 - 2. Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and**
 - 3. Contains or contained permanent buildings used in the production or manufacturing of wood products.**
- B. Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or statewide land use goals relating to urbanization, the County may amend the County's Comprehensive Plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.**
- C. The County shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this subsection, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.**
- D. For an abandoned or diminished mill site that is rezoned for industrial use under this subsection, the Planning Commission may approve only the industrial development and accessory uses subordinate to such development on the mill site. The Planning Commission may not approve any other uses including, but not limited to, retail, commercial or residential development on the mill site.**
- E. For land that, on June 10, 2003, was zoned for Primary Agriculture, Primary Forest or Forest Agriculture and that is rezoned for industrial use under this subsection, the County may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732.**

~~303 Conditional Uses:~~

- ~~.1 Commercial activities that are in conjunction with farm use:~~
- ~~.2 Kennel, except on high value farmland as defined herein subject to standards contained in Section 1802. [Amd. Ordinance No. 2010-3, eff. 01.04.11].~~
- ~~.3 Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005, or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.~~
- ~~.4 Public or private schools:~~
- ~~.5 Churches:~~

- ~~_____ .6 Community centers owned and operated by a governmental agency or a nonprofit community organization.~~
- ~~_____ .7 Golf course.~~
- ~~_____ .8 Parks, playgrounds, hunting and fishing preserves, and campgrounds.~~
- ~~_____ .9 Facilities necessary for public utility service.~~
- ~~_____ .10 Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as provided by ORS 215.213(2)(g).~~
- ~~_____ .11 Home occupations carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm use.~~
- ~~_____ 303.12 A facility for the primary processing for forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Subsection 2 of ORS 215.203. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.~~
- ~~_____ .13 The boarding of horses for profit.~~
- ~~_____ .14 Single family dwellings or mobile homes and their accessory uses, not provided in conjunction with farm use, may be granted conditional approval upon a finding that each such proposed use:
 - ~~_____ A. Is compatible with farm uses and is consistent with the intent and purpose set forth in this ordinance relating to farm lands; and~~
 - ~~_____ B. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use; and~~
 - ~~_____ C. Does not materially alter the stability of the overall land use pattern of the area; and~~
 - ~~_____ D. Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions; drainage and flooding, vegetation, location and size of the tract.~~
 - ~~_____ E. Any application for a non-farm dwelling in an exclusive farm use zone shall be approved only if the parcel on which the dwelling is to be built has been removed from the farm tax deferral in accordance with the provisions of ORS 215.236.~~~~

- ~~.15 Construction or placement of a dwelling or manufactured dwelling customarily provided in conjunction with farm use on a contiguous ownership smaller than 38 acres upon a finding that all of the following criteria are satisfied:~~
- ~~A. The parcel will support accepted farm practices as defined by ORS 215.203 by showing that (1) the parcel will be used in conjunction with other farmland in the area to contribute to a continuation of the existing commercial agricultural enterprise; or (2) the ownership will be used for an alternative commercial farm use of greater intensity (such as a nursery) than commercial farms in the area, and that such a use will be consistent with the continuation of existing commercial agriculture in the area; and~~
- ~~B. The dwelling is located in such a way that it does not reduce the existing or potential agricultural productivity of the parcel; and~~
- ~~C. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc. will not impose limitations on existing commercial farm practices in the area; and~~
- ~~D. The construction or placement of the dwelling is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243, which declares that: "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the state..."~~
- ~~E. The dwelling is to be used in conjunction with an existing commercial farm use on the parcel.~~
- ~~303.16 Temporary placement of a mobile home or recreation vehicle to be used because of a health hardship subject to Section 1505.~~

307 General Review Standards.

- .1 All uses in the Primary Agriculture Zone shall meet the review standards found in the above enabling Sections 304, 305 or 306. To also ensure compatibility with farming and forestry activities, the Planning Director, hearings body or Planning Commission shall determine that a use authorized by Sections 304, 305, or 306, except as specifically noted, shall meet the following requirements:**
- A. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
- B. The proposed use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.**
- .2 In addition to the requirements in 307.1A. and B., the applicant may demonstrate that the standards for approval will be satisfied by imposing**

clear and objective conditions to ensure conformance to applicable standards of the proposed PA-80 use.

- .3 For all residential development approved under 305.1 through 305.13, the owner shall sign and record in the deed records a document binding on the landowner and any successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices normally allowed under law.
- .4 **Permit Expiration:**
 - A. For any discretionary decision under Sections 305 and 306, except as provided for in Subsection 307.5 below, if not within an urban growth area, the approval period for development is void two (2) years from the date of final decision if a development permit is not issued by Land Development Services;
 - B. The Director may grant extensions of up to one year if the applicant requests an extension in writing prior to the approval period expiration and it is determined that the applicant was not able to begin or continue development during the approval period for reasons which the applicant was not responsible;
 - C. Approval of an extension granted under this subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision; and
 - D. Additional one year extensions may be authorized where applicable criteria for the decision have not changed.
- .5 For a proposed residential development decision under Subsections 305.1 through 305.13, if not within an urban growth boundary, the approval period shall be valid for four (4) years and an extension granted under B. above shall be valid for two (2) years.

308 Development Standards

~~304~~ Standards:

- ~~.1~~ The minimum lot or parcel size for all farm and forest activities shall be ~~38~~ acres, except as provided in Section 305 below. The minimum lot or parcel size for all other permitted and conditional uses shall be 20,000 square feet. [~~Note: State law now requires 80 acres minimum parcel size~~]
- ~~2.1~~ The minimum average lot width shall be 100 feet for all activities except farming and forestry.
- ~~3.2~~ The minimum average lot depth shall be 100 feet for all activities except farming and forestry.

.3 All newly created lots or parcels and those with permitted, reviewed or conditional uses, shall have a minimum of 50 foot frontage on a public or private right-of-way and an approved access in accordance with this ordinance, the Columbia County Road Standards and the Rural Transportation System Plan.

~~.4 All parcels and lots permitted by Section 302 shall have a minimum of 50 foot frontage on a public or private right-of-way.~~

~~.5 All parcels and lots permitted by Section 303 shall have a minimum of 50 foot frontage on a public right-of-way. This is also the minimum width of any lot or parcel.~~

~~.6 No structure shall be constructed closer than 30 feet to a property line.~~

~~.7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 50 feet or 2-1/2 stories, whichever is less. Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.~~

.4 Setbacks. The following are minimum setbacks for all buildings and structures. In addition, all structures are subject to any special setback lines, where specified on designated arterial or collectors.

A. No structure shall be constructed closer than 30 feet to a property line. In the event the subject property is bordered by a zone with more restrictive setbacks, the more restrictive setback of the adjoining zone shall control on the side of the subject property adjoining the more restrictive setback.

B. Setbacks in wetland areas shall be required in accordance with Sections 1170 and 1180 of the Columbia County Zoning Ordinance.

.5 Height. There shall be a height limitation of 100 feet in the PA-80 Zone for farm use structures, except for on those lands containing abandoned mill sites that were rezoned to industrial uses pursuant to ORS 197.719 or are subject to Airport Overlay Zone, or any structure which has received a conditional use or variance approval which allows a greater height of said structure. Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 50 feet or 2½ stories, whichever is less.

.6 Signs. The standards and requirements described in Section 1300 of the Columbia County Zoning Ordinance shall apply to all signs and name plates in the Exclusive Farm Use Zone.

.7 The Oregon Department of Fish & Wildlife shall be notified and provided with the opportunity to comment on any development within a Goal 5 protected wildlife habitat area.

- .8 Dwellings and other structures to be located on a parcel within designated big game habitat areas pursuant to the provisions of Section 1190 are also subject to the additional siting criteria contained in Section 1190.**

305 Partitions:

- ~~.1 Any proposed partition of land that would result in the creation of a farm or forest parcel smaller than 38 acres shall be reviewed in accordance with the requirements of ORS 215.263, Section 305.2 below, and the County Subdivision and Partitioning Ordinance. If all parcels proposed to be created exceed 38 acres, the partition shall be reviewed in accordance with the requirements of the County Subdivision and Partitioning Ordinance.~~
- ~~.2 The proponent of a partition request for the creation of a parcel or parcels smaller than the prescribed minimum must demonstrate that the parcel is for a non-farm use reviewed and approved under Section 303.13, or that all of the following criteria are satisfied:~~
- ~~A. Any newly created parcels will support farm practices as defined by ORS 215.203 by showing (1) that the parcel will be used in conjunction with other farmland in the area to contribute to a continuation of the existing commercial agricultural enterprise, or (2) the parcel will be used for an alternative commercial farm use of greater intensity (such as a nursery) and that such a use will be consistent with the continuation of existing commercial agriculture in the area; and the proposed parcels are large enough to enable the proposed agricultural use to be practiced as it is on similar commercial enterprises in the region; and~~
- ~~B. The parcelization will not reduce the existing or potential agricultural productivity of the subject property; and~~
- ~~C. The addition and location of new structures and improvements, including houses, fences, roads, utilities, wells, etc., will not impose limitations on existing farm practices in the area; and~~
- ~~D. The parcelization is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243, which declares that "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the State..."~~

~~306 Special Notification Requirements: [Re-written and re-numbered as Section 314.]~~

- ~~.1 The County Agricultural Extension office and the Soil and Water Conservation Service shall be notified of all requests made under Section 303 and 305 of this chapter. These two agencies will be given 10 working days to comment on such requests:~~

~~307 Homestead Lot or parcel: The purpose of this section is to encourage the retention of agricultural land in large blocks, while providing the opportunity for residents who are no longer able, or who no longer desire, to farm the land to retain their homes and sell the balance of the property. The Planning Director may approve a lot or parcel division for a principal dwelling existing on the effective date of this ordinance, and this lot or parcel shall be permitted as a non-farm use, provided that all of the following criteria are satisfied:~~

- ~~.1 The property is 38 acres or larger prior to the creation of the homestead lot.~~
- ~~.2 The lot or parcel created to accommodate the dwelling shall include no more than 2 acres of land, unless soil conditions, topography, or other unique circumstances require a greater land area, and such lot or parcel shall not be divided further.~~
- ~~.3 The remainder of the property shall not be partitioned further under this provision.~~
- ~~.4 A lot or parcel created under this provision shall be partitioned in accordance with the requirements of the County Subdivision and Partitioning Ordinance.~~
- ~~.5 Documents recorded to carry out a partition approved under this provision shall include a statement that such lots or parcel are for "Homestead Purposes" and are subject to the restrictions imposed herein.~~
- ~~.6 The existing dwelling:

 - ~~A. Is compatible with farm uses and is consistent with the intent and purpose set forth in this ordinance relating to farm lands; and~~
 - ~~B. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use; and~~
 - ~~C. Does not materially alter the stability of the overall land use pattern of the area; and~~
 - ~~D. Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.~~~~

~~309 Land Divisions:~~

~~A farm or forest parcel smaller than 38 acres may be created in the PA-38 zone only if the application, investigation, evidence, findings and conclusions show that all of the following conditions exist:~~

- ~~.1 The proposed parcel is intended for farm use, and is appropriate to the continuation of the existing commercial agricultural economy in the area;~~
- ~~.2 The proposed parcel will not have a significant adverse impact on identified sensitive fish and wildlife habitats;~~

- ~~.3 The proposed parcel will be capable of contributing in substantial way to the existing agricultural processors and established farm markets; and~~
- ~~.4 Such findings shall be based on at least the following factors:~~
- ~~A. The proposed division is compatible with the farm use in the area and does not interfere, either in itself or in the location of improvements, with 'current accepted farming practices', as that term is defined in ORS 215.203, which characterizes such use;~~
- ~~B. The proposed division is consistent with the agricultural land use policy for the State of Oregon expressed in ORS 215.243;~~
- ~~C. The proposed division does not materially alter the stability of the overall land use pattern of the area, nor substantially add to the demand for increased use of roads, ground water during growing seasons, or public facilities and services.~~
- ~~.5 The proposed division shall create parcels typical of the surrounding agricultural area and be of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in ORS 215.203 after findings have been made with respect to the following:~~
- ~~A. Soil types and patterns in the area and typical yields;~~
- ~~B. Type of crops grown in the area and typical yields;~~
- ~~C. Potential markets;~~
- ~~D. Other relevant information included in the agricultural element of the Columbia County Comprehensive Plan; and~~
- ~~E. Average size of parcels on which commercial agricultural farming is practiced in the area.~~
- ~~In no case shall parcels less than 38 acres be allowed except as provided elsewhere in this zoning ordinance.~~

309 Land Division Requirements [ORS 215.263].

- .1 No land(s) located within the Primary Agriculture Exclusive Farm Use Zone shall be divided without the express approval of Columbia County under the provisions set forth in the Columbia County Subdivision and Partitioning Ordinance and the provisions of Sections 307 and 308 of this ordinance. A proposed division of land in the PA-80 Zone may not occur for the land application of reclaimed water, agricultural or industrial process water or biosolids described in ORS 215.213(1)(y) or 215.283(1)(v). Parcels resulting from a foreclosure action and the creation of cemetery lots in existing cemeteries are exempt from this Section. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.**

- .2 New Resource Farm Parcels. Primary Agriculture parcels may be partitioned to create parcels for farm use as defined by ORS 215.203 and this ordinance provided:**
- A. The proposed partition is appropriate for the continuation of the existing agricultural enterprise within the area; or**
 - B. The created parcels are 80 acres or larger;**
- .3 New Non-Farm Non-Residential Parcels. Land may be partitioned into parcels of less than 80 acres in size for non-farm residential uses authorized by this ordinance under Sections 305 and 306 subject to compliance with the requirements of ORS Chapter 92, the Columbia County Subdivision and Partitioning Ordinance and the following criteria:**
- A. The parcels for the non-farm use shall not be larger than the minimum size necessary for the use;**
 - B. A preliminary site plan shall be submitted depicting the proposed parcel boundaries, natural features and the location of all existing and proposed buildings, structures, and related facilities, including, but not limited to the on-site septic system, water facilities, utility easements, vehicular access, circulation, parking and loading areas;**
 - C. Each parcel shall have legal access to an existing public road by frontage or easement; and**
 - D. The new non-farm parcels shall be disqualified from special tax assessment as required under ORS 215.236.**
- .4 New Non-Farm Residential Parcels**
- A. Up to two new parcels each less than 80 acres for non-farm residential use may be created, each to contain one dwelling not provided in conjunction with farm use, subject to compliance with the requirements of the Columbia County Subdivision and Partitioning Ordinance and the following criteria:**
 - 1. The non-farm dwellings for the site have been approved under Section 305.7;**
 - 2. The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001 and contains at least 80 acres;**
 - 3. The remainder of the original lot or parcel not containing the non-farm dwellings will contain at least 80 acres after the land division; and**
 - 4. The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable**

tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

- B. Up to two new parcels for non-farm residential use may be created each to contain one dwelling not provided in conjunction with farm use, subject to the provisions of the Columbia County Subdivision and Partitioning Ordinance and the following criteria:**
- 1. The non-farm dwelling for the site has been approved under Section 305.7;**
 - 2. The division is from a lot or parcel that was created prior to July 1, 2001, and is at least 40 acres or larger; and**
 - 3. The parcels for the non-farm dwellings:**
 - a. Are not capable of producing more than at least 50 cubic feet per acre of wood fiber;**
 - b. Are composed of at least 90 percent Class VI through VIII soils;**
 - c. Do not have established water rights for irrigation, and**
 - d. Are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.**
- .5 New parcel for Residential Care/Training/Foster Home and Historic Property Identified in Comprehensive Plan. A new parcel may be approved of less than 80 acres with an existing dwelling to be used as a "Residential Home", approved under Subsection 305.13 or for a dwelling replacement approved under Subsection 305.10 for historic dwellings.**
- .6 New parcel for Public Parks or Open Space or Non-Profit Land Conservation Uses. A new parcel may be approved for a provider of a public park or open space, or for a non-profit land conservation organization to permit the purchase of at least one of the resulting parcels subject to the following:**
- A. One of the parcels contains an existing dwelling and is large enough to support the continued residential use of the existing dwelling; and**
 - B. The parcel not containing the dwelling:**

1. Shall not be eligible for siting a dwelling except as may be authorized within state parks pursuant to ORS 195.120;
 2. Shall not be considered in approving or denying an application for the siting of any other dwelling;
 3. Shall not be considered in approving a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 4. Shall not be smaller than 25 acres unless the proposed land division is:
 - a. To facilitate the creation of a wildlife habitat protection corridor or implementation of a wildlife habitat protection plan; or
 - b. To allow a transaction in which one of the parties is a public park or open space provider, or a non-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- .7 **Churches.** A new parcel may be approved to establish a church, including cemeteries in conjunction with the church, at a size smaller than 80 acres, if:
- A. The church has been approved pursuant to Subsection 305.26;
 - B. The new parcel is not larger than 5 acres; and
 - C. The remaining parcel, not including the church, is 80 acres or larger either by itself or by consolidation with another lot or parcel.

310 **Property Line Adjustments.**

- .1 All property line adjustments require review and approval by the Planning Director or his designate, subject to compliance with the following criteria:
 - A. Adjustments may be made between one parcel larger than the minimum lot size and one parcel smaller than the minimum lot size as long as the exchange results in the same number of parcels larger than the minimum lot size;
 - B. The lot boundaries resulting from the adjustment will maintain compliance with building setbacks, access standards and environmental health regulations; and
 - C. The adjustment will create no additional parcels(s).
- .2 Parcels greater than 10 acres do not require a survey.

.3 Property line adjustments in the PA-80 Zone may not be used to:

- A. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;**
- B. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or**
- C. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.**

311 Construction Financing/Mortgage Tax Lots. Persons owning land in the Primary Agriculture Zone may obtain construction financing for housing or agricultural improvements from a lending institution, governmental agency, or private lender. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the parcel(s) involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure.

312 Nonconforming Uses. The lawful use of any building, structure or land at the time of the enactment of this ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state, or federal regulations pertaining to the use and development of the land and the buildings thereon. A nonconforming use is transferrable; however, any significant change in, or replacement of, the nonconforming use may require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster.

313 Prohibited Uses. It is unlawful to erect, alter or establish in the Primary Agriculture Exclusive Farm Use Zone any building, structure or use not authorized and approved under the standards and procedures in this ordinance.

314 Special Notification Requirements: The County Agricultural Extension office and the Soil and Water Conservation Service shall be notified of all requests made for Administrative and Conditional Uses and proposed partitions per Sections 305, 306, & 309 of land zoned PA-80. These two agencies will be given 10 working days to comment on such requests.

315 Violation of Standards; Complaint; Penalties; Exceptions to Standards. Any person engaged in farm or forest practices on lands devoted to farm or forest uses may file complaints with the County alleging that condition(s) imposed on authorized farm uses have been violated per ORS 215.296. The County shall follow procedures outlined in ORS 215.296 to review, determine, and/or correct these violations.

~~310 Fire Siting Standards for Dwellings and Roads: The following fire siting standards or their equivalent shall apply to all new dwellings in this 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. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.~~
- ~~.2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.~~
- ~~.3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.~~

**FOREST / AGRICULTURE USE ZONE
(FA-80)**

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401 Purpose: The purpose of this zone is to protect and promote forest and farm uses on lands which have resource value, but which are not suited for either Primary Forest (PF-80) Zone or the Primary Agriculture (PA-80) Zone because of smaller parcel sizes, conflicting adjacent uses, adverse physical features, a predominate mixture of forest and farm uses, or other limiting factors. **The Forest/Agriculture (FA-80) Zone is designed to provide for the full range of forest and agricultural uses for such lands, while providing for the maximum property tax benefits available (e.g. farm use assessment, timber tax treatment, open space deferral etc.) and conformity with the Columbia County Comprehensive Plan’s Goals and Policies for Forest and Agriculture Lands.**

402. Predominant Use Test [(OAR 660-06-0050 (2))]. The uses, activities and development in the Forest/Agriculture Zone, except provisions identified in Section 404 for land divisions, are based on a determination of the

predominant use of a tract as of January 1, 1993 as either Farm or Forest land. These uses, activities, and development are authorized subject to review and approval under applicable regulatory standards for either the Primary Agriculture (PA-80) Zone or the Primary Forest (PF-80) Zone property. A "tract" is defined as one (1) or more contiguous lots or parcel(s) under the same ownership.

403 **Definitions.** Pursuant to Section 402, for a tract where the predominant use as of January 1, 1993 is determined to be in farm or forest use, the terms related to these uses are defined in Sections 300 and 500 of the Columbia County Zoning Ordinance, the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660 Divisions 6 and 33.

404 **Permitted Uses:** Permitted and Conditional Uses, partitioning, and development standards will be determined by the Predominant Use Test described in Section 402 above. Notwithstanding the Predominant Use Test, the rezoning and conversion of abandoned or diminished mill sites on farm or forest land to industrial uses pursuant to ORS 197.719 will be conditionally permitted subject to the applicable provisions of the Zoning Ordinance.

~~402~~ Permitted Uses:

~~.1~~ Farm uses as defined by Subsection (2) of ORS 215.203.

~~.2~~ The propagation or harvesting of a forest product.

~~.3~~ Dwellings necessary and accessory to farm or forest use on contiguous ownerships of 19 or more acres, including a mobile home, for the owner, operator, or employees, required to carry out a use permitted outright. Applications for a building permit pursuant to this section shall be accompanied by a management plan which shall be reviewed by the Planning Director under the procedures set forth in Section 1601 of this ordinance. The application shall not be approved unless the Planning Director determines that the requirements of this section are met. The management plan must provide the following information. Additional information may also be required:

~~A.~~ A description of the parcel, including soil types, forest site classes, forest species, ages and densities, topography, streams, wetland areas, roads, structures, and other significant geographic features.

~~B.~~ A determination of which forest use(s) the forest residence is needed for:

~~C.~~ A discussion of why the forest residence is needed to conduct the forest use(s) identified in B. above:

~~D.~~ A discussion of methods and practices the landowner is or will be using to conserve forest resources, including but not limited to:

- ~~1. soil conservation and erosion control;~~
- ~~2. fire protection;~~
- ~~3. brush management;~~
- ~~4. fish and wildlife habitat management;~~
- ~~5. harvest and revegetation plans;~~
- ~~6. stream quality protection; and~~
- ~~7. fencing requirements and costs.~~

~~E. All forest practices must comply with the Oregon Forest Practices Act.~~

~~.4 A dwelling on real property used for farm help if the dwelling is:~~

~~A. Located on the same lot or parcel, as those terms are defined in ORS 92.010, as the dwelling of the farm operator; and~~

~~B. Occupied by a relative, which means grandparent, grandchild, parent, child, brother, or sister of the farm operator or the farm operators spouse, whose assistance in the management of the farm use is or will be required by the farm operator.~~

~~.5 Buildings, other than dwellings, customarily provided in conjunction with farm or forest uses, including roadside stands for selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located.~~

~~.6 Operations conducted for the exploration of geothermal resources as defined by ORS 522.005.~~

~~403 Planning Director Review: Residential structures allowed by Section 402 within major and peripheral big game range shall be reviewed by the Planning Director to determine consistency with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Where such a finding is made, development shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.~~

~~404 Conditional Uses: In an FA-19 zone, the following uses and their accessory uses are permitted subject to the provisions of Sections 405 and 406. A conditional use shall be reviewed according to the procedures provided by Section 1503:~~

~~.1 Commercial activities that are in conjunction with a farm use or that are necessary for and accessory to a forest use.~~

- ~~.2 Kennel, as allowed by Columbia County Zoning Ordinance Section 303.2 (Primary Agriculture) or Section 503.2 (Primary Forest) subject to the predominant use of the property as defined by OAR 660-006-0050(2). [Amnd. Ordinance No. 2010-3, eff. 01.04.11].~~
- ~~.3 Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005, or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.~~
- ~~.4 Public or private schools.~~
- ~~.5 Churches.~~
- ~~.6 Community centers owned and operated by a governmental agency or a nonprofit community organization.~~
- ~~.7 Parks, playgrounds, hunting and fishing preserves, and campgrounds and accessory facilities.~~
- ~~.8 Facilities necessary for public utility service.~~
- ~~.9 Airplane landing strips and helipads and accessory facilities in conjunction with farm or forest use.~~
- ~~.10 Home occupations carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm or forest use.~~
- ~~.11 A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Subsection 2 of ORS 215.203. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facilities is located.~~
- ~~404 .12 The breeding, boarding and training of horses for profit provided the Commission or the Board finds in the particular case that the request can be granted pursuant to a proper exception to Goal 4 - Forest Lands.~~
- ~~.13 A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation.~~
- ~~.14 One-family dwellings, mobile homes, or recreation vehicles and their accessory uses not provided in conjunction with farm or forest use may be granted conditional approval upon a finding that each such proposed use:~~

- ~~_____ A. Is compatible with farm or forest uses and is consistent with the intent and purpose set forth in this ordinance relating to farm or forest lands; and~~
- ~~_____ B. Does not interfere seriously with accepted farming or forest practices on adjacent lands devoted to farm or forest use; and~~
- ~~_____ C. Does not materially alter the stability of the overall land use pattern of the area; and~~
- ~~_____ D. Is situated upon generally unsuitable land for the production of farm or forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.~~

~~_____ .15 Construction or placement of a dwelling or mobile home necessary for and accessory to farm use on a contiguous ownership smaller than 19 acres upon a finding that all of the following criteria are satisfied:~~

- ~~_____ A. The parcel will support accepted farm practices as defined by ORS 215.203 by showing that (1) the parcel will be used in conjunction with other farmland in the area to contribute to a continuation of the existing commercial agriculture, or (2) the ownership will be used for an alternative commercial farm use of greater intensity (such as a nursery), and that such a use will be consistent with the continuation of existing commercial agriculture or forestry in the area; and~~
- ~~_____ B. The dwelling is located in such a way that it does not reduce the existing or potential productivity of the parcel; and~~
- ~~_____ C. The addition and location of new structures and improvements, including dwellings, fences, roads, utilities, wells, etc., will not impose limitations on existing commercial farm and forest practices in the area; and~~
- ~~_____ D. The construction or placement of the dwelling is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243, which declares that: "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the state..."; and~~
- ~~_____ E. The dwellings to be used in conjunction with an existing commercial farm use on the parcel.~~
- ~~_____ F. A farm management plan may be required to assure compliance with the criteria established by 404.14.~~

~~_____ .16 Signs subject to Chapter 1300.~~

~~405 All Conditional Uses Permitted in the FA-19 Zone Shall Meet the Following Requirements:~~

- ~~.1 The use will not significantly increase the cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby lands devoted to forest or farm use.~~
- ~~.2 The use will be limited to a site no larger than necessary to accommodate the activity and, as such will not materially alter the stability of the overall land use pattern of the area or substantially limit or impair the permitted uses of surrounding properties. If necessary, measures will be taken to minimize potential negative effects on adjacent forest lands.~~
- ~~.3 The use does not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation.~~
- ~~.4 Public utilities are to develop or utilize rights-of-way that have the least adverse impact on forest resources. Existing rights-of-way are to be utilized wherever possible.~~
- ~~.5 Road standards shall be limited to the minimum width necessary for management and safety.~~
- ~~.6 Development within major and peripheral big game range shall be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in area on big game habitat. Where such a finding is made, development shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.~~

~~406 All dwelling units, including mobile homes, shall meet the following additional requirements:~~

- ~~.1 That on forest land, provision has been made for fire safety measures in accordance with the guide published by the Northwest Interagency Fire Prevention Group entitled, "Fire Safety Considerations for Development in Forest Areas".~~
- ~~.2 That responsibility for protection from wildlife damage on the property be assumed by the dwelling's owner or occupant.
met.~~
- ~~.3 That the use does not impose any limitation on the operation of a primary wood processing facility.~~
- ~~.4 That a farm or forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, including setbacks for any dwellings from forest or farm uses~~

to assure that the above conditions are

~~407~~ Standards - In a FA-19 zone, the following standards shall apply:

- ~~.1~~ The minimum lot size for all permitted and conditional uses, except farm or forest uses, shall be 20,000 square feet. The minimum lot or parcel size for farm or forest uses shall be 19 acres except as provided in Section 409 below. [~~Note: State law now requires 80 acres minimum parcel size~~]
- ~~.2~~ The minimum lot or parcel width at the front building line for all uses except farm or forest uses shall be 100 feet.
- ~~.3~~ The minimum lot or parcel depth for all uses except farm or forest uses shall be 100 feet.
- ~~.4~~ No structure shall be constructed closer than 30 feet to a property line.
- ~~.5~~ The maximum building height for all non-farm structures shall be 35 feet.

405 Land Division Requirements (ORS 215.780 & OAR 660-006-0055). No land(s) located within the mixed Forest/Agriculture Zone shall be divided without the express approval of Columbia County under the provisions set forth in this Section and the Columbia County Subdivision and Partitioning Ordinance. These standards are designed to make new land divisions compatible with forest operations, maintain the opportunity for economically efficient forest and agriculture practices, and to conserve values found on forest lands.

- .1 Land in the mixed Forest/Agriculture Zone may be divided for any of the following reasons:
 - A. Based on the determination of predominant use of a tract in Section 402, the following land division requirements shall apply:
 - 1. Farm Land Tract - Land Division Requirements in accordance with the applicable provisions of Section 309 of the Columbia County Zoning Ordinance in the Primary Agriculture Zone;
 - 2. Forest Land Tract - Land Division Requirements in accordance with the applicable provisions of Section 511 of the Columbia County Zoning Ordinance in the Primary Forest Zone.
 - B. To allow the establishment of a parcel for one lawfully-established dwelling on land zoned for mixed FA-80 use subject to the following requirements:

1. The parcel established shall not be larger than five acres, except as necessary to recognize physically limiting factors such as road, streams, or steep slopes etc., in which case the parcel shall not be larger than 10 acres;
 2. The dwelling existed prior to June 1, 1995;
 3. The remaining parcel, not containing the dwelling:
 - a. Contains 80 acres; or
 - b. Is consolidated with another parcel, and together the parcels contain 80 acres; and
 - c. The remaining parcel, not containing the dwelling, has a recorded deed restriction stating it is not entitled to another dwelling unless subsequently authorized by law;
 4. The tract shall be predominantly in forest use and that portion in forest use qualifies for special assessment under ORS Chapter 321;
 5. The remainder of the tract shall not qualify for any uses allowed under ORS 215.283 that are not allowed on forestland; and
 6. A waiver of remonstrance is recorded with the final land division approval] certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- C. To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that results in a parcel less than 40 acres provided parcels so created:
1. Shall not be eligible for the siting of a new dwelling;
 2. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
 3. Shall not be used to justify a rezoning of resource lands;
 4. Shall not result in a parcel of less than 35 acres, except:
 - a. Where the purpose of the land division is to

facilitate an exchange of lands involving a governmental agency; or

- b. Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland;
5. If associated with the creation of a parcel where a dwelling is involved, the parcel containing the dwelling shall not be larger than five acres except as necessary to recognize physical factors such as road or stream in which case the parcel shall not be larger than 10 acres; and
 6. Have a waiver of remonstrance is recorded with the final land division approval certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- D. A division of a lot or parcel zoned for mixed FA-80 use may be allowed if:
1. At least two (2) lawfully established dwellings existed on the lot or parcel prior to November 4, 1993;
 2. Each dwelling complies with the alteration, restoration or replacement criteria for a replacement dwelling under ORS 215.283(1)(p);
 3. Except for one lot or parcel, each lot or parcel is between two (2) and five (5) acres in size;
 4. At least one dwelling is located on each lot or parcel;
 5. The landowner records deed restrictions for all created lots or parcels prohibiting the applicant and successors from further dividing the FA-80 zoned lots or parcels unless subsequently authorized by law;
 6. Neither of the two lawfully established replaceable dwellings was approved under:
 - a. A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited

subsequent division of the lot or parcel; or

- b. A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Statewide Goal 4 (Forest Lands);

- 7. A waiver of remonstrance is recorded with the final land division approval certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.

E. To allow the creation of two parcels for the purpose of preserving open space or parks, in accordance with provisions in ORS 215.783 as follows:

- 1. The purpose of the partition is to allow a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels;
- 2. The newly created parcel that is not sold to the provider of public parks or open space, or a not-for-profit land conservation organization, must comply with the following:
 - a. If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support the continued residential use or the other allowed use of the parcel; or
 - b. If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.
- 3. A condition of final plat approval requires the provider of public parks or open space, or the not-for-profit land conservation organization, to record an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:
 - a. Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and

b. **Recording a waiver of remonstrance with the final land division approval certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.**

4. **If the partition results in the disqualification of a parcel for a special assessment described in ORS 308A.718, or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the County may approve the division.**

.2 **The County Planning Director shall maintain a record readily available to the public of parcels created with deed restrictions on future siting of new dwellings.**

.3 **A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Columbia County Clerk. Parcels greater than 10 acres do not require a survey. No land division shall result in the creation of a new split-zoned parcel. Parcels resulting from a foreclosure action are exempted from the partitioning process. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.**

~~408 Homestead Lot: The purpose of this section is to encourage the retention of farm and forest land in large blocks, while providing the opportunity for residents who are no longer able, or who no longer desire, to manage farm and forest lands to retain their homes and sell the balance of the property. The Planning Director may approve a lot or parcel division for a principal dwelling existing on the effective date of this ordinance, and this lot or parcel shall be permitted as a non-farm use, provided that all of the following criteria are satisfied:~~

~~.1 The property is 19 acres or larger prior to the creation of the homestead lot.~~

~~.2 The lot or parcel created to accommodate the dwelling shall include no more than 2 acres of land, unless soil conditions, topography, or other unique circumstances require a greater land area and such lot or parcel shall not be divided further.~~

~~.3 The remainder of the property shall not be partitioned further under this provision.~~

~~.4 A lot or parcel created under this provision shall be partitioned in accordance with the requirements of the County Subdivision and Partitioning Ordinance.~~

~~_____~~ .5 Documents recorded to carry out a partition approved under this provision shall include a statement that such lots or parcels are for "Homestead Purposes" and are subject to the restrictions imposed herein.

~~_____~~ .6 The dwelling meets the standards for residential structures set forth in ORS 215.283(3).

~~_____~~ 409 Partitions:

~~_____~~ .1 Any proposed division of land that results in the creation of a parcel smaller than 19 acres shall be reviewed according to the procedures established by Section 1504 of this ordinance. If the parcels created are not smaller than the 19 acres minimum, the proposed division shall be reviewed in accordance with the County Subdivision and Partitioning Ordinance.

~~_____~~ .2 The proponent of a partition request for the creation of a parcel or parcels smaller than the prescribed minimum must demonstrate that the parcel is for non-farm non-forest uses reviewed and approved under Subsection 404.13 or that all the following criteria are satisfied:

~~_____~~ A. Any newly created parcels will support accepted farm or forest practices by showing (1) that the parcel will be used in conjunction with other land in the area to contribute to the continuation of the existing commercial forestry/agricultural enterprises in the area; or (2) the parcel will be used for an alternative commercial farm or forest use of greater intensity, and that such use will be consistent with the continuation of existing commercial agriculture or forestry in the area; and (3) the proposed parcels are large enough to enable the proposed agricultural or forestry use to be practiced as it is on similar commercial enterprises in the region; and

~~_____~~ B. The parcelization will not reduce the existing or potential forest/agricultural productivity of the subject property;

~~_____~~ C. The addition and location of new structures and improvements, including houses, fences, roads, utilities, wells, etc., will not impose limitations on existing farm practices in the area; and

~~_____~~ D. The parcelization is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243 which declares that "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the State..."

~~_____~~ .3 Procedures for approving partition requests shall be as provided in the County Subdivision Ordinance.

406 Property Line Adjustments. All property line adjustments require review and approval by the Planning Director or his designate, subject to compliance with

the following criteria:

- .1 Adjustments may be made between one parcel larger than the minimum lot size and one parcel smaller than the minimum lot size as long as the exchange results in the same number of parcels larger than the minimum lot size;
- .2 The property boundaries resulting from the adjustment will maintain compliance with building setbacks including primary and secondary fire breaks, access standards and environmental health regulations;
- .3 The adjustment will create no additional lot(s) or parcel(s);
- .4 Property line adjustments in the FA-80 Zone may not be used to:
 - A. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller 80 acres and contains an existing dwelling or is approved for the construction of a dwelling if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - B. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - C. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

407 Construction Financing/Mortgage Tax Lots. Persons owning land in the Forest/Agricultural Zone may obtain construction financing for forest/agricultural related improvements from a lending institution, governmental agency, or private lender. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the parcel(s) involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure.

408 Non-Conforming Uses. The lawful use of any building, structure or land at the time of the enactment of this Ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state, or federal regulations pertaining to the use and development of the land and the buildings thereon. A non-conforming use is transferrable; however, any significant change in, or replacement of, the nonconforming use may require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster. This section takes precedent over other non-conforming use provisions of the Zoning Ordinance.

~~410 Reestablishment of Non-farm or Non-forest Use: A non-farm or non-forest use that is unintentionally destroyed by fire, other casualty or natural disaster may be reestablished to its previous nature and extent as provided in ORS 215.215(1), so long as the reestablishment meets all other building, plumbing, sanitation and other codes, ordinances, and permit requirements.~~

409 Prohibited Uses. It is unlawful to erect, alter or establish in the Forest/Agricultural Zone any building, structure or use not authorized and approved under the standards and procedures in this Ordinance.

410 Rezoning Land to a Forest/Agriculture Zone (OAR 660-006-0057.) Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an Forest/Agriculture Zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Statewide Goal 3 nor 4 can be applied alone.

411 Notification of State and Local Agencies: The Columbia County Soil and Water Conservation District shall be notified and requested to comment on all applications filed under Sections 402 and 404 of this Ordinance that affect farmland. The appropriate offices of the Oregon Departments of Forestry and Fish and Wildlife shall be notified and requested to comment on all applications filed under Sections 402 and 404 of this Ordinance that affect forest lands. To be assured consideration, responses should be received within 10 days of the date of mailing.

~~412 Fire Siting Standards for Dwellings and Roads: The following fire-siting standards or their equivalent shall apply to all new dwellings in this 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. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.~~

~~.2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From~~

~~Wildfire" published by the National Fire Protection Association:~~

~~.3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.~~

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PRIMARY FOREST ZONE

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Section 500 PRIMARY FOREST

501 .1 Purpose. The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. **Uses in this zone will also** ~~And~~ provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the

encroachment of conflicting non-forest uses and influences.

The Primary Forest (PF) Zone is intended to:

- A. **Conserve, protect, and encourage the management of forest lands for continued timber production, harvesting and related uses;**
 - ~~.1~~ ~~Uses related to and in support of forest operations;~~
 - B. **Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;**
 - ~~.2~~ ~~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. **Provide for orderly development through planned development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management;**
 - D. **Recognize that the forest lands within the County are necessary for the continuous production of renewable natural resources in the form of forest crops and, as such, are beneficial to the economy of the County and to the welfare of its people;**
 - E.~~.3~~ **Recognize** locationally dependent uses, such as communication towers, mineral and aggregate resources, etc;
 - ~~.4~~ ~~Forest management dwellings as provided for in OAR 660-06-027; and~~
 - F.~~.5~~ **Provide for Other** dwellings under prescribed conditions;
 - G. **Provide a compatible zone for those areas inventoried and designated as Forest Lands in the Columbia County Comprehensive Plan; and**
 - H. **Implement the Goals and Policies of the Columbia County Comprehensive Plan.**
- .2** Definitions. For the purposes of this Zoning District the following definitions shall apply:
- A. **"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.**
 - B. **"Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.**

- C. "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality.
- D. "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality.
- E. "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
- F. "Forest Operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- G. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

502 Table of Authorized Uses & Development. The following uses, activities, and development are authorized in the Primary Forest Zone, subject to review and approval under applicable regulatory standards:

Key

- P Permitted outright.
- AR Subject to administrative review pursuant to Section 1601.
- CUP/PC Subject to Planning Commission review and approval as a conditional use pursuant to Section 1503.

Note: The CCZO Section Column lists only subsections of authorization and specific criteria of this PF-80 zone. Other criteria may apply to a proposed use such as site design review, overlay zoning, special use standards, or conditional use permits.

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TABLE OF AUTHORIZED USES & DEVELOPMENT		
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TABLE OF AUTHORIZED USES & DEVELOPMENT		
Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.	P	503.17, 508 -510
Temporary Asphalt and Concrete Batch Plants	CUP/PC	505.8, 508 - 510
Expansion of Existing Airport	CUP/PC	505.9, 508 - 510
Public Road and Highway Projects	AR	504.16, 508- 510
Structures Accessory to Fish and Wildlife Enhancement	P	503.5, 508 -510
Widening of Roads within Existing Right-of-Way for public roads and highway projects as described in ORS 215.283(1)(k) through (n)	P	503.16
Public road and highway projects as described in ORS 215.283(2)(q through (s)	AR	504.16

502 ~~Permitted Uses:~~

- ~~.1 Commercial forest management consistent with the intent and purposes of the Oregon Forest Practices Act.~~
- ~~.2 Fish and wildlife management.~~
- ~~.3 Structures and facilities necessary for and accessory to commercial forest management and fish and wildlife management. The uses served by such structures and facilities may include, but are not limited to: administration, equipment storage and maintenance, communications, fire protection, fish rearing, and residences for property owners, employers or full-time employees directly accessory to and required for commercial forest management or fish and wildlife management. A management plan approved by the Planning Director is required before a building permit is issued to assure that structures and facilities are consistent with the requirement of this ordinance. The management plan shall contain the information required by Section 402.3 of this ordinance, and it shall be reviewed under the procedures set forth in Section 1601 of this ordinance.~~
- ~~.4 [ORS Repealed 7-1-1985.]~~
- ~~.5 Primary wood processing facilities. Such facilities include, but are not limited to: pole and piling preparation, small portable saw mills, log sorting yards, wood chipping operations, fence post manufacturing, and fire wood production.~~
- ~~.6 Facilities and test sites for experimental and research activities associated with the propagation, management, or harvesting of forest tree species.~~
- ~~.7 Forest tree nurseries and accessory facilities.~~
- ~~.8 Rock quarries, including the crushing, screening, and stockpiling of materials, when the~~

~~rock is used for a commercial forest operation or when an operating permit and reclamation are not required by state law (ORS 517.790). Commercial forest operations include construction, reconstruction, or maintenance of forest access roads, or supporting forest management activities such as riprapping, bridge wing wall diversions, culvert bedding, and other similar activities located on forest lands and conducted for the purpose of forest management.~~

- ~~.9 Helipad and balloon bedding areas necessary to commercial forest management.~~
- ~~.10 Farm use as defined by ORS 215.203(2).~~
- ~~.11 Rehabilitation, replacement, repair, and minor improvement of existing park structures and facilities.~~

503 Permitted Uses. The following uses are permitted in the Primary Forest Zone:

- .1 Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.**
- .2 Farm Uses as defined by ORS 215.203.**
- .3 Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.**
- .4 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.**
- .5 Uses and activities to conserve soil, air and water quality and to provide for and manage wildlife and fisheries resources, including ODFW Wildlife Habitat Conservation and Management Program.**
- .6 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), and which provide service hookups, including water service hookups.**
- .7 Temporary portable facility for the primary processing of forest products. The facility shall be removed at the conclusion of the forest operation requiring its use.**
- .8 Exploration for mineral and aggregate resources as defined in ORS Chapter 517.**
- .9 Towers and fire stations for forest fire protection.**
- .10 Water intake facilities, canals and distribution lines for farm irrigation and ponds.**
- .11 Alteration, restoration, or replacement of a lawfully-established dwelling subject to the following:**

- A. The lawfully established dwelling has:**
- 1. Intact exterior walls and roof structure;**
 - 2. Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 - 3. Interior wiring for interior lights: and**
 - 4. A heating system.**
- B. The dwelling to be replaced must be removed, demolished or converted to an approved non-residential use within 3 months of the completion of the replacement dwelling.**

- .12 Temporary forest labor camps, without any permanent structures, limited to the duration of the forest operation requiring the use.**
- .13 Caretaker residences for public parks and fish hatcheries.**
- .14 Uninhabitable structures accessory to fish and wildlife enhancement.**
- .15 Private fee hunting or fee fishing operations without any accommodations.**
- .16 Widening of roads within existing right-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects. as described in ORS 215.283(1) (k) through (n)**
- .17 Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.**
- .18 An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period and is consistent with applicable provisions of the Columbia County Mass Gathering and Public Road Event Ordinances.**

504 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601. All authorized dwellings and permanent structures shall meet the standards listed in Sections 506, 507, 508, 509 and 510 of this Ordinance.

- .1 Single-family dwelling, as authorized under Section 506 of this Ordinance and such accessory buildings and uses as are normally associated with a single-family dwelling.**
- .2 One manufactured home or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the general review standards in Section 506, if:**

- A. The medical hardship is documented by a licensed physician;
 - B. The manufactured home is connected to the existing sewage disposal system, unless the Department of Land Development Services finds the existing system to be inadequate and that it cannot be repaired or is not physically available. If the manufactured home will use a public sanitary system, such condition will not be required;
 - C. The applicant agrees to renew the permit every year and will remove the manufactured home when the hardship condition no longer exists; and
 - D. Notice of Determination. Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to the owners of parcels within 500 feet of boundaries of the subject parcels. An appeal of the Planning Director's decision shall be processed pursuant to Section 1600 of the Columbia County Zoning Ordinance.
- .3 Log Scaling and weigh stations.
 - .4 Type 1 Home Occupations as determined by Section 1507.
 - .5 Rural Fire Protection District Stations and Substations.
 - .6 Permanent Facilities for the primary processing of forest products.
 - .7 Permanent logging equipment repair and storage.
 - .8 Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - .9 Cemeteries.
 - .10 Private seasonal accommodations for fee hunting operations, subject to 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; and
 - D. Other conditions as deemed appropriate.
 - .11 Aids to navigation and aviation.
 - .12 Domestic Water intake facilities, related treatment facilities, pumping stations and distribution lines.

- .13 Reservoirs and water impoundments.**
- .14 Private accommodations for fishing occupied on a temporary basis subject to the following requirements:**
 - A. Accommodations 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 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; and**
 - E. The governing body may impose other appropriate conditions.**
- .15 Public road and highway projects as described in ORS 215.283(2)(q) through (s) including:**
 - A. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;**
 - B. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but does not result in the creation of new land parcels; and**
 - C. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.**

505 Conditional Uses. The following conditional uses may be allowed subject to the general review standards and process in Sections 1503 and 1603 of the Zoning Ordinance. All authorized uses and permanent structures shall also meet the applicable standards listed in Sections 506, 507, and 508 of the Zoning Ordinance and all other local, state, and federal laws pertaining to these uses.

- .1 Type 2 Home occupations, as defined by Section 1507, and subject to the general review standards under Sections 507 and 508 and compliance with the standards of Section 1507.**
- .2 Exploring, mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and the mining and processing of mineral and aggregate resources as defined in ORS Chapter 517.**
- .3 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. Such site designation shall require owner consent.**

.4 Private parks and campgrounds.

- A. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel-trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this subsection shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.**
- B. Campsites may be occupied by a tent, travel-trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for in this subsection.**
- C. Subject to County approval, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request by the County, the County Planning Commission may provide by order for an increase in the number of yurts allowed on all or a portion of the campgrounds if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this Ordinance, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.**

.5 Communication facilities such as television, cellular, microwave and radio and transmission towers over 200 feet in height, subject to compliance with Sections 508, 509, and 1503, and the following criteria:

- A. The location, size, design, and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;**
- B. The tower shall be located so as to not interfere with air traffic;**
- C. The tower will not have significant adverse effect on identified sensitive fish**

or wildlife habitat, natural areas, or scenic areas designated in the Comprehensive Plan;

- D. The minimum setback from the property line shall be equal to the minimum setbacks from all property lines pursuant to applicable provisions in Subsection 509.6; and
 - E. The level of facilities and services provided shall be appropriate for, but not limited to, the needs and requirements of the area(s) to be served.
- .6 Power generating facilities, including alternative power generation facilities. (Note: An exception to the statewide Forest Lands Planning Goal 4 is required where development of the power generating facility removes more than 10 acres from use as a commercial forest operation).
 - .7 New electrical transmission lines with right-of-way width of up to 100 feet as specified in ORS 772.210 and new distribution lines (e.g., electrical, gas, oil, geothermal) with right-of-way 50 feet or less in width.
 - .8 Temporary asphalt and concrete batch plants accessory to specific highway projects.
 - .9 Expansion of existing public airport(s).
 - .10 Permanent forest labor structures to house laborers on a temporary basis for the duration of a forest operation.
 - .11 Youth Camps as defined and provided for in OAR 660-006-0031.
 - .12 Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.
 - .13 The conversion and rezoning of abandoned or diminished mill sites to industrial uses pursuant to ORS 197.719 and subject to the provisions in Section 306.20 of the Zoning Ordinance.
 - .14 Public Parks including only those uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable, and subject to provisions in Sections 508 through 510, 1503 and 1550.
 - .15 Destination Resorts reviewed and approved pursuant to ORS 197.435 through 197.465 and Statewide Planning Goal 8, and subject to provisions in Sections 508 through 510, 1503, and 1550.
 - .16 Firearms law enforcement training facility subject to provisions in Sections 508 through 510, 1503, and 1550.
 - .17 Kennel as a home occupation carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm or forest use subject to standards contained in Section 1507 and Section 1802.

- A. **Consistent with all home occupations, land use approval for a kennel granted as a home occupation shall be granted only to the person or persons named on the application and shall not be transferable to or include any other person or organization, unless approved through a new home occupation permit; and**
- B. **A home occupation permit for a kennel shall be granted only to an individual resident or residents of the dwelling and shall not be granted to an organization, such as but not limited to a business or non-profit corporation.**

~~503 Conditional Uses: In the PF Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 504 and 505. A conditional use shall be reviewed according to the procedures provided in Section 1503:~~

- ~~.1 Wood processing facilities other than primary processing:~~
- ~~.2 Kennel as a home occupation carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm or forest use subject to standards contained in Section 1507 and Section 1802:~~
 - ~~A. Consistent with all home occupations, land use approval for a kennel granted as a home occupation shall be granted only to the person or persons named on the application and shall not be transferable to or include any other person or organization, unless approved through a new home occupation permit; and~~
 - ~~B. A home occupation permit for a kennel shall be granted only to an individual resident or residents of the dwelling and shall not be granted to an organization, such as but not limited to a business or non-profit corporation.~~

~~[Amd. Ordinance No. 2010-3, eff. 01.04.11].~~

- ~~.3 Operations conducted for the exploration, mining, and processing of geothermal, aggregate, and other mineral or subsurface resources not permitted outright:~~
- ~~.4 Parks, campgrounds, hunting and fishing reserves, and other recreational uses that require roads or structures:~~
- ~~.5 Small scale solid waste disposal sites or transfer stations not to exceed 20 acres:~~
- ~~.6 Water impoundments of not greater than 1000 acre feet:~~
- ~~.7 Utility facilities, including utility corridors for electrical transmission lines of up to 115 KV's, and small electrical generation facilities:~~
- ~~.8 Radio or television stations, transmitters or towers, except those installations used for the purpose of commercial forest management which are allowed outright:~~
- ~~.9 Airplane landings strips and accessory facilities in conjunction with forest use:~~
- ~~.10 A nonresource-related single-family residential structure:~~

- ~~_____ .11 Storage of construction equipment and materials, including a structure to be used for this purpose:~~
- ~~_____ .12 Home occupation:~~
- ~~_____ .13 Signs subject to Section 1300:~~
- ~~_____ 504 All Conditional Uses Permitted in the PF-76 Zone Shall Meet the Following Requirements:~~
 - ~~_____ .1 The use is consistent with forest and farm uses and with the intent and purposes set forth in the Oregon Forest Practices Act.~~
 - ~~_____ .2 The use will not significantly increase the cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby lands devoted to forest or farm use:~~
 - ~~_____ .3 The use will be limited to a site no larger than necessary to accommodate the activity, and as such will not materially alter the stability of the overall land use pattern of the area or substantially limit or impair the permitted uses of surrounding properties. If necessary, measures will be taken to minimize potential negative effects on adjacent forest lands:~~
 - ~~_____ .4 The use does not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation:~~
 - ~~_____ 504.5 Public utilities are to develop or utilize rights-of-way that have the least adverse impact on forest resources. Existing rights-of-way are to be utilized wherever possible:~~
 - ~~_____ .6 Development within major and peripheral big game ranges shall be sited to minimize the impact on big game habitat.~~
 - ~~_____ To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed:~~

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.

- .1 Lot of Record Dwelling – Small Tract. A dwelling is authorized on a lot of record provided the parcel meets all of the following criteria:**
 - A. The parcel was lawfully created and was acquired and owned continuously by the present owner prior to January 1, 1985. The owner may also qualify if the property was inherited by devise or intestate succession from a person who acquired the lawfully created parcel prior to January 1, 1985;**
 - B. For the purposes of subsection A. of this section, “owner” includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or business entity owned by any one or combination of these**

family members;

- C. The tract on which the dwelling will be sited does not include a dwelling;
 - D. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;
 - E. Based on soil types, the tract is not capable of annually producing 5,000 cubic feet of commercial tree species as recognized under rules adopted under ORS 527.715 for commercial production;
 - F. The tract is located within 1,500 feet of a public road which will provide access to the property as defined by ORS 368.001. The road shall be maintained and either paved or surfaced with rock. The road shall not be a Bureau of Land Management road unless the road is maintained and paved to a minimum width of 18 feet and has one defined lane in each direction;
 - G. When the lot is located in a big game habitat area, the dwelling must comply with the siting criteria of Sections 507 and 1190 Big Game Overlay District;
 - H. Where the dwelling is sited on a portion of a tract, the remaining portions of the tract are consolidated into a single parcel;
 - I. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the decision; and
 - J. Applicants owning parcels 10 acres or larger in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance Application prior to receiving a permit for a dwelling as authorized by this subsection.
- .2 Large Tract or Multi-Tract Forest Land Dwelling. A dwelling may be authorized on a tract that meets the following criteria:
- A. The tract is at least 160 acres in size; or
 - B. The tract is part of one ownership, at least 200 acres in size, that may be composed of separate vacant tracts of designated forest land in Columbia County or its adjacent counties.
- .3 For a dwelling authorized by either 506.1 or 506.2, above, covenants, conditions and restrictions shall be recorded for all remaining parcels of the tract and tracts that are used to meet the acreage requirements of this section pursuant to the following provisions:
- A. The applicant shall consolidate the parcels of the tract and provide evidence that the intended covenants, conditions and restrictions set forth in Exhibit A found at the end of this Zone has been recorded with the County Clerk of the county or counties where the property subject to the covenants,

conditions, and restrictions is located.

- B. The covenants, conditions and restrictions are irrevocable until such time as the property described herein is no longer protected under the statewide planning goals for forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located executes and records a release of the covenants, conditions and restrictions.
 - C. Enforcement of the covenants, conditions, and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions, and restrictions is located.
 - D. Failure to follow the requirements of this subsection shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is subject to the covenants, conditions, and restrictions required by this section.
 - E. The County Planning Director shall maintain a copy of the covenants, conditions, and restrictions filed in the County deed records pursuant to this subsection and a map or other record depicting tracts which do not qualify for a siting of a dwelling under the covenants, conditions and restrictions.. The map or other record required by this subsection shall be readily available to the public in the county planning office.
- .4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:
- A. The tract is composed of soils that meets one of the following:
 - 1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fibre if:
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible); and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - 2. Soils that are capable of annually producing more than 50 to 85 cubic feet per acre of wood fibre if:

- a. All or part of at least seven (7) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
3. Soils that are capable of annually producing 0 to 49 cubic feet per acre of wood fibre if:
- a. All or part of at least three (3) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; and
- B. The tract contains no dwellings on other lots or parcels that make up the tract;
- C. No dwellings are allowed on other lots or parcels that make up the tract consistent with the recorded covenants, conditions and deed restrictions established under in Subsection 506.3; and
- D. Parcels 10 acres or greater in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance application prior to receiving a permit for the dwelling as authorized by this subsection.
- .5 Template Dwelling for Tract of 60 Acres or Larger [Rectangular Template]. A dwelling may be authorized on a tract that meets the following criteria:
- A. If a tract is 60 acres or larger described under Subsection 506.4A. above and abuts a road that existed on January 1, 1993, or a perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream, and
 1. Is located within a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

2. **Is within 1/4 mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.**
- B. **If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road or stream as the proposed dwelling.**
- .6 **The Planning Director may deny or refer to the Planning Commission for review at a public hearing for the approval of a new dwelling on any property zoned for Primary Forest where the Director determines that approval of the dwelling would:**
 - A. **Exceed the facilities and service capabilities of the area;**
 - B. **Materially alter the stability of the overall land use pattern in the area; or**
 - C. **Create conditions or circumstances that would be contrary to the purposes or intents of the Comprehensive Plan and/or the Primary Forest Zone.**

507 Siting of Dwellings and Structures

- .1 **All new dwellings and structures are subject to the siting standards in this section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land use and source of domestic water shall be used to identify a site which:**
 - A. **Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;**
 - B. **Ensures that forest operations and accepted farming practices on the tract will not be curtailed or impeded by locating dwellings and structures as near to each other and to existing developed areas as possible considering topography, water features, required setbacks and firebreaks;**
 - C. **Minimizes the amount of forest lands used for building sites, road access and service corridors;**
 - D. **Is consistent with the provisions of Section 510 related to Fire Siting Standards and minimizes the risk associated with wildfire; and**
 - E. **Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood, steep slopes, and landslide hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource and natural areas, such as wetland riparian and slide-prone areas.**
- .2 **The applicant shall provide evidence consistent with OAR 660-006-0029(3) that domestic water supply is from a source authorized in accordance with the Department of Water Resources' administrative rules for the appropriation of ground water or surface water in OAR Chapter 690 and not from a Class II stream**

as defined in the Forest Practices Rule in OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the subject 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.

- .3 As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry or the U.S. Bureau of Land management, 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.
- .4 Pursuant to OAR 660-006-0029 (5), approval of a dwelling shall be subject to the following requirements:
 - A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;
 - B. Land Development Services shall notify the Columbia County Assessor of the above condition at the time the dwelling is approved;
 - C. If the property is over 10 acres the owner shall submit a stocking survey report or a Forest Land Assessment and Stocking Compliance Application to the Columbia County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry administrative rules;
 - D. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372; and
 - E. A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- .5 Dwellings and other structures to be located on a parcel within designated Big Game Habitat areas pursuant to the provisions of Section 1190 are subject to the additional siting criteria contained in Section 1190.

505 Residential Structures Shall meet the following Additional Requirements:

- ~~.1 Nonresource-related structures provided by Section 503.9 shall be placed only on land that is generally unsuitable for commercial forestry or agriculture taking into~~

~~consideration the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.~~

- ~~_____ .2 Provision has been made for fire safety measures in accordance with the guide published by the Northwest Inter-Agency Fire Prevention Group entitled, "Fire Safety Considerations for Development in Forest Areas".~~
- ~~_____ .3 Responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner or occupant.~~
- ~~_____ .4 The use does not impose any limitation on the operation of a primary wood processing facility:~~
- ~~_____ .5 A forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, including setbacks for any dwellings from forest or farm uses to assure that the above conditions are met.~~

508 General Review Standards The Planning Director or hearings body shall determine that a use authorized by Sections 504 and 505 meets all of the following requirements:

- .1 The proposed use will not force significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;**
- .2 The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;**
- .3 A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm or forest lands to modify the conduct of legal and accepted farm or forest operations; and**
- .4 The proposed use is consistent with requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian, wetlands or slide-prone areas.**

506 Standards:

- ~~_____ .1 The minimum lot or parcel size for new land divisions shall be 76 acres. New land divisions of less than 76 acres shall be allowed only for uses permitted under Sections 502.5 through 502.9, 503.1 through 503.8, and 503.10. New land divisions for the uses permitted under these sections shall be limited to the minimum size necessary to accommodate the proposed use. [Note: State law now requires 80 acres minimum parcel size]~~

509 Standards of Development

- .2.1 The minimum average lot or parcel width and minimum average lot or parcel depth**

shall be 100 feet for all activities except farming or forestry.

- ~~.3~~ The minimum front yard, minimum rear yard, and minimum side yards shall all be 50 feet.
- ~~.4~~ There shall be no height limitations on buildings.
- .2** **Access to parcels in this zone shall meet Fire Safety Design Standards for Roads in the County Road Standards and access standards found in Section 510 of the Zoning Ordinance.**
- .3** **There shall be no height limitation for forest operation and management-related structures unless otherwise permitted in the Primary Forest Zone. The maximum building height for all non-farm, non-forest structures shall be 50 feet or 2 ½ stories, whichever is less.**
- .4** **The standards and requirements described in Section 1300 of the Zoning Ordinance shall apply to all signs and name plates in the Primary Forest Zone.**
- .5** **The Oregon Department of Fish & Wildlife shall be notified and provided with the opportunity to comment on any development within major and peripheral Big Game Habitat.**
- .6** **Setbacks:**
 - A.** **There shall be a minimum setback of 50' for front, side, and rear yards for all development in the Primary Forest Zone.**
 - B.** **When this Ordinance or any other ordinance requires a greater or lesser setback than is required by this subsection, the greater setback shall apply.**
 - C.** **All structures are subject to any special setbacks when adjacent to arterial or collector streets designated in the County Transportation Systems Plan.**
 - D.** **No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of water. Riparian and natural hazard setbacks set forth in Sections 1170 and 1182 of the Zoning Ordinance shall apply.**
 - E.** **When land divisions create parcels of less than 40 acres for uses listed in Subsection 511.2A., provided those uses have been approved pursuant to this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis by the Director or the hearings body.**
 - F.** **The owner shall provide and maintain primary fuel-free fire break and secondary fire break areas on land surrounding the dwelling and primary fuel-free break areas surrounding accessory structures in the Primary Forest Zone pursuant to the provisions in Subsections 510.2 and .3.**
- .7** **Approval Period for Use Permits. For all uses approved under sections 504 and 505, the approval period shall be valid for four (4) years. At a minimum, a**

development construction permit must be issued by the Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of two years on the approval period may be granted by the Director if a written request is received prior to its expiration and the reason for the delay is beyond the control of the owner.

- ~~507 Homestead Lot: The purpose of this section is to encourage the retention of forest land in large blocks, while providing the opportunity for residents who are no longer able, or who no longer desire, to manage forest lands to retain their homes and sell the balance of the property. The Planning Director may approve a lot or parcel division for a principal dwelling existing on the effective date of this ordinance, and this lot or parcel shall be permitted as a non-farm or non-forest use, provided that all of the following criteria are satisfied:~~
- ~~.1 The property is 76 acres or larger prior to the creation of the homestead lot.~~
 - ~~.2 The lot or parcel created to accommodate the dwelling shall include no more than 2 acres of land, unless soil conditions, topography, or other unique circumstances require a greater land area and such lot or parcel shall not be divided further.~~
 - ~~.3 The remainder of the property shall not be partitioned further under this provision.~~
 - ~~.4 A lot or parcel created under this provision shall be partitioned in accordance with the requirements of the County Subdivision and Partitioning Ordinance.~~
 - ~~.5 Documents recorded to carry out a partition approved under this provision shall include a statement that such lots or parcels are for "Homestead Purposes" and are subject to the restrictions imposed herein.~~
 - ~~.6 The dwelling meets the standards for residential structures set forth in Section 504.1, 504.2, 504.3, 504.6 and 505.1 of this ordinance.~~
- ~~508 Reestablishment of Non-Forest Use: A non-forest use that is unintentionally destroyed by fire, other casualty, or natural disaster may be reestablished to its previous nature and extent, so long as the reestablishment meets all other building, plumbing, sanitation and other codes, ordinances, or permit requirements, and is in the same location.~~

510 Fire Siting Standards for Dwellings, Structures and Roads:

The following fire siting standards or their equivalent shall apply to new dwellings in this zone:

- .1 If a water supply is available, suitable **and acceptable** for fire protection **by the fire protection district**, 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 **to the dwelling and access to the on-site water supply** shall accommodate the turnaround of fire fighting equipment during the fire season. **The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.** Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

- .2 The owner of the dwelling shall establish and maintain a primary fuel-free fire break surrounding the dwelling and accessory structure(s) no less than 30 feet wide in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. The owner may be required to increase the primary fuel-free fire break if the dwelling or structure is located on a 10% or greater slope. The primary fuel-free fire break could include a lawn, low ornamental shrubbery less than 24" in height and/or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All existing tree limbs shall be pruned from the base to at least eight feet in height. Dead fuels shall also be removed.**
- ~~.2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.~~
- .3 A secondary fire break of 100 feet outside the primary fuel-free fire break, or its equivalent allowed by Columbia County Board Order No. 239-97 Firebreak Equivalents, shall also be provided and maintained for the dwelling in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. All existing trees shall be pruned from the base to at least 8 feet in height. Dead fuels shall be removed from the secondary fire break area. If the placement of the proposed dwelling cannot meet the secondary fire break due to physical constraints of the land or parcel size, the applicant may apply to obtain a secondary fire break easement from a neighbor or build the structure to a Class 1 or 2 Ignition Resistance Construction as allowed by Board Order No. 239-97, Firebreak Equivalents.**
- ~~.4~~ **.3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment according to the standards provided by the local rural fire protection district, the County Road Department, or the State Department of Forestry.**
- .5 No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stove pipe or chimney.**
- .6 A dwelling shall meet all of the following requirements:**

 - A. The dwelling shall have a fire retardant roof;**
 - B. The dwelling shall not be sited on a slope of greater than 40 percent;**
 - C. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester; and**
 - D. The dwelling shall be located upon a parcel within a fire protection district unless the applicant meets the criteria of subsection 510.7.**

- .7 If the dwelling is not within a fire protection district, the applicant shall provide written documentation to the County of residential fire protection. The applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the County determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the County and fire protection district may provide an alternative means for protecting the dwelling from fire hazards which may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable given the site conditions.

511 **Land Division Requirements.** No land(s) located within the Primary Forest Zone shall be divided without the expressed approval of Columbia County under the provisions set forth in the Columbia County Subdivision and Partitioning Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Columbia County Clerk. Parcels greater than 40 acres do not require a survey. No land division shall result in the creation of a new split-zoned parcel. Parcels resulting from a foreclosure action are exempted from the partitioning process. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.

- .1 Primary Forest (PF) parcels that are 160 acres or larger may be partitioned subject to the following standards for divisions on resource parcels:
- A. All parcels are 80 acres or greater in size;
 - B. The primary forest enterprise is appropriate for the area considering other forest enterprises located within 1/4 mile to determine if there are conflicts;
 - C. The additional parcel(s) will not significantly impact identified sensitive fish or wildlife habitat;
 - D. The resulting parcels are configured such that they are efficient for forest use employing accepted forest practices;
 - E. The division will not result in an appreciable increase in forest management and operating costs; and
 - F. The division will not materially alter the stability of the land use pattern in the area.
- .2 **Partitioning Parcels Less Than 80 Acres.** The following standards apply to all proposed land divisions on primary forest parcels where the proposed parcel is to be less than 80 acres and the parcel created is the minimum size necessary for the approved use according to subsections 503 and 504.
- (A) Land divisions of parcels less than the minimum lot size may be approved for any of the following uses:
 - 1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons;

2. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465;
 3. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049 or approved under ORS 459.245;
 4. Permanent facility for the processing of forest products;
 5. Permanent logging equipment repair and storage;
 6. Logging scale and weight stations;
 7. Private parks and campgrounds not for residential purposes and with no separate sewer, water and electric service hookups to individual camp sites;
 8. Public parks specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable;
 9. Mining and processing of oil, gas and other subsurface resources;
 10. Transmission towers such as television, radio, and cellular;
 11. Fire Stations for rural fire protection.
 12. Utility facilities for the purpose of generating power. If on a parcel more than 10 acres in size, an exception pursuant to OAR Chapter 660, Division 4 will be required.
 13. Aids to navigation and aviation;
 14. Water intake facilities, related treatment facilities, reservoirs and water impoundments;
 15. Firearms training facility;
 16. Cemeteries;
 17. Preserving open space or parks provided in ORS 215.783
- B. The partitioning of a parcel with an existing dwelling is allowed subject to the following requirements:**
1. The parcel established for the dwelling shall not be larger than 5 acres or less than 2 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
 2. The dwelling existed prior to June 1, 1995, and the remaining parcel not containing the dwelling is 80 acres or larger, or is consolidated

with another parcel and, together, the parcels meet the minimum land division standards of the zone; and

3. **Covenants, conditions and deed restrictions set forth in Exhibit A found at the end of this Zone must be recorded at the County Clerk's Office and state that the remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.**
- C. Approval of a division of forest land to facilitate a forest practice as defined in ORS 527.620 shall be based on findings which demonstrate that there are unique property-specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice. Parcels created pursuant to this subsection:**
1. **Shall not be eligible for siting of any new dwelling;**
 2. **Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;**
 3. **Shall not result in a parcel of less than 35 acres, except:**
 - a. **Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or**
 - b. **Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland; and**
 4. **Shall not result in a parcel less than 80 acres or the minimum size required for dwellings approved under the provisions for Large or Multi-Tract Forest Land Dwellings in Subsection 506.2 if associated with the creation of a parcel where a dwelling is involved.**
- D. A division of a lot or parcel zoned for mixed farm/forest may be allowed if all of the following criteria are met:**
1. **At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;**
 2. **Each dwelling complies with the criteria for a replacement dwelling under Subsection 503.11 of this Ordinance;**
 3. **Except for one lot or parcel, each lot or parcel created under this subsection is between two and five acres in size;**
 4. **At least one dwelling is located on each lot or parcel created under this subsection; and**
 5. **The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the**

landowner's successors in interest from further dividing the lot or parcel has been recorded with the County Clerk. This restriction shall be irrevocable unless subsequently authorized by law.

6. The proposed use of the division will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
7. A waiver of remonstrance is recorded with the deed certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm & forest operations; and
8. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming of forest practices nor will the division materially alter the stability of the forest enterprise in the area; and
9. The forest enterprise or other authorized use is appropriate for the subject property considering soils, productivity, topography, and any other forest or agricultural activities located within 1/4 mile to determine if there are potential conflicts; and
10. The resulting parcels are configured such that they are efficient for existing or future forest use(s) employing accepted forest management practices; and
11. The new parcels will not significantly impact identified sensitive fish and wildlife habitat; and
12. The division is consistent with Oregon Revised Statutes, Chapter 92.

512 Property Line Adjustments. All property line adjustments require review and approval by the Planning Director subject to compliance with the following criteria:

- .1 Adjustments may be made between one parcel larger than the minimum lot size and one parcel smaller than the minimum lot size as long as the exchange results in the same number of parcels larger than the minimum lot size;
- .2 The lot boundaries resulting from the adjustment will maintain compliance with building setbacks including primary and secondary fire breaks, access standards and environmental health regulations;
- .3 The adjustment will create no additional parcel(s).
- .4 Parcels greater than 10 acres do not require a survey; and
- .5 Property line adjustments in the PA-80 zone may not be used to:

- A. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
- B. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

513 **Construction Financing/Mortgage Tax Lots.** Persons owning land in the Primary Forest Zone may obtain construction financing for housing or forest improvements from a lending institution, governmental agency, or private lender. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the mortgage area involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure.

514 **Non-conforming Uses.** The lawful use of any building, structure or land at the time of the enactment of this Ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state, or federal regulations pertaining to the use and development of the land and the buildings thereon. A non-conforming use is transferrable; however, any significant change in, or replacement of, the non-conforming use shall require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster. This section takes precedent over other non-conforming use provisions of the Zoning Ordinance.

515 **Prohibited Uses.** It is unlawful to erect, alter or establish in the Primary Forest Zone (PF-80) any building, structure or use not authorized and approved under the standards and procedures in this Ordinance.

516509 **Notification of State Agencies.** The Oregon Department of Forestry's Columbia Unit Office and The Oregon Department of Fish and Wildlife's Forest Grove Office shall be notified and requested to comment on all conditional use requests filed under Section 503 of this Zone and all building or placement permit applications filed under subsections ~~502.3, 502.5, 502.6, 502.7, 502.8 and 502.10~~ the Primary Forest Zone. Responses should be received within 10 days of the date of mailing to be assured consideration.

Section 1178 — BUFFER WOODLOT OVERLAY — BW

~~[Amended by Ordinance No. 2003-5, effective December 15, 2003].~~

- ~~1178 Purpose: The purpose of this overlay zone is to promote the production of wood fiber on land which has resource value, but which is not suited for primary forest use because of small lots which are distributed in multiple ownerships thus making it impracticable to apply the primary forest designation to such land.~~
- ~~1179 Application and Criteria for Approval of a Woodlot Overlay District: To have the Overlay Zone applied in a Primary Forest -76 (PF-76) or Forest Agriculture (FA-19) Zone the applicant shall provide sufficient information to show, and findings shall be made, that the request complies with the following criteria:~~
- ~~A. The land is in a Primary Forest -76 (PF-76) or Forest Agriculture (FA-19) Zone:~~
 - ~~B. The land will separate and buffer nearby primary forest and forest agriculture districts from adjacent or nearby rural residential, residential, or urban districts:~~
 - ~~C. The land consists of at least 50 acres of subdivided lots: (a) more than one-half of which are smaller than one acre in size, and (b) which are under multiple noncontiguous ownerships averaging less than 10 acres:~~
 - ~~D. Production of wood fiber can be enhanced substantially by application of the overlay zone to the land when compared with either lot of record development or with leaving the property in the underlying zone designation:~~
 - ~~E. A goal exception for the land under ORS 197.732 and the regulations thereunder is approved either prior to or as part of the overlay district approval process. The exception findings and reasons shall contain a condition of approval that any consent to the County to a change in any covenant, which is designed to implement any provision of this Buffer Woodlot Overlay Zone, and which is to be placed on any subject property within the land covered by the Overlay Zone shall be deemed a plan amendment and shall be subject to the post-acknowledgment plan amendment process:~~

~~1180~~ Permitted Uses:

- ~~A. The propagation and harvesting of wood fiber.~~
- ~~B. Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.~~
- ~~C. Fish and wildlife management not requiring developed facilities or structures.~~
- ~~D. Excavation, removal and processing of sand, gravel, loam, stone, dirt or other natural materials when accessory to another permitted use in this district. Such materials must be used on the subject property or contiguous properties.~~
- ~~E. Buildings, other than dwellings, customarily provided in conjunction with forest use.~~
- ~~F. Mobile home or recreation vehicle used during the harvesting of wood fiber.~~
- ~~G. Fire prevention, detection and suppression facilities.~~
- ~~H. One single family detached dwelling on a parcel within the overlay zone of not less than 12 acres in size, when the dwelling is in conjunction with forest use, provided that the Building Official, prior to issuance of a building permit or mobile home siting permit, determines that the following standards have been met:~~
 - ~~1. A certificate, with documentation attached, has been provided by the applicant stating either that all property lines between contiguous lots within the subject property have been vacated or that the subject property is otherwise subject to a covenant binding all of the parcels within the subject property together as one for the benefit of the property in perpetuity, unless such covenant is otherwise removed or modified with written consent of the County.~~
 - ~~2. A certificate has been provided by the applicant signed by a professional forester that the homesite shown on a site plan, which shall be attached to the certification, is the most practicable way to obtain maximum wood fiber production, considering: any forest management plan, the practicability~~

of a building site, terrain, adverse soil and land conditions, access, minimization of roads, vacation of any vacatable rights-of-way, water and septic tank advantages, vegetation, location and size of the property as a whole. The site plan for the subject property shall specify and include an annotated map of the subject property drawn to a usable scale, or an aerial photograph when available, showing the following: (a) accurately drawn property lines clearly indicating the size and location of the subject property; (b) location of existing and proposed structures, roads, and other improvements; (c) drainage, topography, physical constraints such as steep grades or streams, and soils; (d) the area covered by any forest management plan, and (e) township, range, section, tax lot number(s), vacated and unvacated rights of way, size in acres, assessor's code, and other contiguous properties under the same or family ownership.

3. A true copy of the certificate from the state forester that at least 10 acres of the subject property meets the standards of the Western Oregon Small Tract Optional Tax, together with a copy of the management plan, if any, which was found acceptable by the state forester.

4. A true copy of a recorded declaration stating:

"Declarant and declarant's successors, heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept, by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which ordinarily and necessarily produce log truck and heavy machinery traffic, noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in this zone. The county shall be deemed a beneficiary of this declaration, which cannot be removed or modified without written consent of the County."

5. The application shall be accompanied by a statement acknowledged by or on behalf of the applicant and the applicant's successors-in-interest that failure to maintain eligibility for classification under the Western Oregon Small

~~Timber Option Tax Program or a wood fiber production management plan on at least 10 acres of the subject property, as determined by the Oregon State Foresters, constitutes a zoning violation under Oregon law and is subject to remedies set forth in zoning laws of the state.~~

~~I. Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities except as provided below. Maximum utilization of existing easements and rights-of-way shall be made.~~

~~J. Small scale energy production facilities in conjunction with permitted uses.~~

~~1181 Implementation of the Overlay Zone and Procedure:~~

~~A. Implementation. The buffer woodlot overlay zone may be applied to any primary forest-76 (PF-76) district or any forest agriculture (FA-19) district by complying with the standards contained herein. Application of the Overlay District to specific land is accomplished through a Major Map Amendment with Section 1502.1. Approval of a Major Map Amendment for the buffer woodlot overlay zone signifies that the affected property is suitable for the uses specified in Section 1178, but does not authorize uses for which specific permits must be obtained.~~

~~1. The zone applicable to the property preceding the change will be retained on the Comprehensive Plan and Zoning Maps.~~

~~2. Permitted development pursuant to these buffer woodlot overlay district sections shall be reviewed and approved based upon the provisions of these sections rather than the provisions of the underlying zone or zones or of any special or overlay district or zone.~~

~~3. A proposed change from buffer woodlot overlay district to a zone or zones other than the underlying zone, as retained on the Comprehensive Plan and Zoning Maps, shall be evaluated as a change from such underlying zone.~~

~~_____~~ B. Procedure:

- ~~_____~~ 1. Plan and Zone Change: An amendment to the Plan Map and Zoning Map to apply the buffer woodlot overlay district may be initiated by the Board of County Commissioners or by application of a property owner in the area. After initial adoption of this ordinance, the procedure shall be as provided in Section 1502.1 but the matters to be included in an application and considered on review and the criteria for approval of the change shall be only as set forth in Sections 1176 and this section.
- ~~_____~~ 2. Preapplication Conference: Prior to submitting a plan map and zoning map change application, the applicant shall confer with the Planning Director regarding the proposal and the requisites of the applications.
- ~~_____~~ 3. Review: Permitted use approvals under Section 1178 shall be reviewed as provided in ORS 197.825(4)(a). ~~_____~~

***RESOURCE LANDS
COMPREHENSIVE PLAN AMENDMENTS***

PART IV FOREST LANDS

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FOREST LANDS

DEFINITION

Forest lands in Columbia County are defined as:

1. Those lands composed of existing and potential forest lands ~~which that~~ are suitable for commercial production;
2. Other forest lands needed for watershed protection, wildlife and fisheries habitat, and recreation;
3. Lands where extreme conditions of climate, soil, and topography require the maintenance of vegetative cover irrespective of use; and
4. Other forested lands in urban and agricultural areas ~~which that~~ provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

BACKGROUND

~~Since the first settlements in the area,~~ **The primary industry of the county has been is the harvesting and processing of forest products. The mills were originally supplied from old growth timber stands but as these stands were depleted, logs were rafted into the county from other areas. At the same time, the industry was diversifying into pulp, paper insulation products, veneer and plywood. Hybrid Cotton\wood trees are now grown on plantations, usually in exclusive farmland areas. The result is fiber that can be converted to pulp for supply to mills in both Oregon and Washington. Today, raw lumber is only a small part of the total production picture.**

HISTORY

With settlers came the demand to clear land of trees to make way for farmland. Timber was slashed and burned to clear farmland and initially had limited value except as fuel and for local building material. Cordwood sales to steam ship companies along the river developed with river traffic. In 1895, there were roughly 350,000 acres of virgin timber in the county. By 1945, 7,000 acres remained, and by 1960 little remained.

At the beginning of the century, oxen and horses were the logging "machines". The tax rolls of 1890 list 3,353 head of oxen and 924 horses in the county.

In 1906 Chapman Logging started railroad logging up N. Scappoose Creek. Shortly after, Clark and Wilson Lumber Co. at Goble, Benson Lumber Co. in Clatskanie, Kerry Lumber, Yeon-Pelton Logging of Beaver and other companies started at the river and moved towards Vernonia.

The Oregon-American Lumber Co. built its mill in Vernonia in 1922-23. Gradually companies merged, completed logging and sold out to firms we recognize today, notably Weyerhaeuser, Hancock Forest and Longview Timber Corp. These companies developed a system of sustained harvests and replanting, even before Oregon made it law. Today, third, fourth and fifth generation crops of trees are being harvested. (Adapted from - Brief History of Farming and Cutting of Timber in Columbia County by Geo. Nelson, 1961, Columbia County Historical Society - Vol. (1)).

ECONOMIC BENEFITS

Forest lands contribute in a variety of ways to the quality of life in Columbia County. The production of timber and its by-products is vital to the County's economy. **However, employment in the forestry, logging, wood and paper product manufacturing industries has dropped from 1,439 in 2001 and 14.4% of the county's covered employment to 1,042 in 2008 and 9.6% of covered employment. Average wages in these industries are still significantly higher than the average across all industries.** Although the number of employees in the forest products industry has decreased by about 30% since 1981, 55% of the county work force is still dependent upon the lumber and wood products industries for their livelihood. Forest lands also contribute to the economy by providing recreational opportunities for residents and non-residents, hunters and hikers. Forest lands also yield non-economic benefits to residents in the form of clean water, fish and wildlife habitats, outdoor recreational opportunities and scenic beauty.

GENERAL INFORMATION

Forest lands cover over 84% of the county's land area. This 84% represents a total of 350,032 acres and is comprised of about 190,433 in commercial timber land in industrial ownership, about 25,702 in public ownership, and about 133,897 in private non-industrial ownership. These lands are designated as Forest-Conservation in the County's Comprehensive Plan. **The Columbia County's forest lands are unique to the State of Oregon, capable of a high degree of productivity, as evidenced by their high cubic-foot site class rating.** About 95% of the forest land is comprised of cubic-foot site Class II and III soils. These soils have the potential of producing from 120 to 224 cubic feet of timber per acre per year **which is extraordinarily high compared to soils in other Oregon Counties. The second unique factor is that only a small percentage of the forest is in public ownership.**

(See Map #'s 1 - 7)

TABLE IV-1

TIMBER HARVEST DATA FOR 1984-2004 (Columbia County)

Measured in thousands of board feet (MBF) log scale.

Year	Industry	NIP	State	BLM	USFS	Native American	Other Public	Private and State Combined	Totals
1984	172,919	24,919	3,833	0	0	0	7,386	-	209,057
1985	188,075	21,727	5,091	286	0	0	2,789	-	217,968
1986	171,516	36,749	7,101	3,263	0	0	4,494	-	223,123
1987	204,901	42,184	5,283	4,316	0	0	3,572	-	260,256
1988	213,945	51,352	3,754	5,197	0	0	2,645	-	276,893
1989	207,215	48,719	2,956	1,273	0	0	4,887	-	265,050
1990	149,865	31,368	5,398	38	0	0	220	-	186,889
1991	153,073	30,341	0	0	0	0	62	-	183,476
1992	167,026	37,389	3,192	382	0	0	34	-	208,023
1993	138,446	43,020	9,469	3,457	0	0	84	-	194,476
1994	159,851	34,730	9,422	5,052	0	0	56	-	209,111
1995	183,811	36,793	3,478	3,394	0	0	1,459	-	228,935
1996	163,430	28,947	4,834	1,786	0	0	1,998	-	200,995
1997	206,615	20,746	1,408	1,202	0	0	1,615	-	231,586
1998	168,779	19,143	75	1,326	0	0	2,793	-	192,116
1999	166,596	26,324	4,012	1,515	0	0	4,494	-	202,941
2000	199,481	21,136	5,039	1,131	0	0	2,157	-	228,944
2001	189,137	21,684	7,822	0	0	0	3,680	-	222,323
2002	169,281	14,330	7,637	154	0	0	6,600	-	198,002
2003	158,082	17,039	2,288	313	0	0	2,851	-	180,573
2004	171,574	25,637	9,210	652	0	0	1,778	-	208,851

Data Sources: 1953 through 1972 data from "Approximate Acres Logged and M.B.F. Volume Removed-State of Oregon, Including Hazard Status of Certain Cutover Lands" reports by ODF.

Footnotes: Excludes volumes removed for poles, piling, and wood-cutting operations. 1953 through 1961, Private and State Combined includes all ownerships except USFS and Native American.

Data Sources: 1973 through 1976 data from "Approximate Acres Logged and MBF Volume Removed-State of Oregon" reports by ODF.

Footnotes: Includes volumes removed for poles and pilings, but not wood-cutting operations except for 1973 which excludes poles, piling, and wood-cutting.

Data Sources: 1977 through 2004 data from "Oregon Timber Harvest Reports" by ODF.

Footnotes: Includes volumes removed for poles and pilings, but not wood-cutting operations. USFS Per-Acre-Material (PAM) volumes included for 1982 through 1986. USFS PAM volumes excluded for 1987 through 2004.

The three ownership groups for 1942 through 1961 were:

USFS – United States Forest Service, National
Native American – Native American Lands

Private and State Combined – All ownerships except above.

The seven ownership groups for 1962 to present:

USFS– United States Forest Service, National

Native American – Native American Lands

BLM – Bureau of Land Management

State – Oregon state agencies

Other Public – County, city, and miscellaneous non-state agencies

Industry – Corporations, Partnerships, and Unincorporated businesses

NIP – Non-Industrial Private harvests have included individual ownerships, Estates, Trusts, School Districts and Western Oregon Small Tract Option Tax Program lands.

Ownership classifications in this document differ from the previous publication, History of Oregon's Timber Harvests and/or Lumber Production, compiled by Bob Bourhill, in that Private harvests have been separated into Industry and NIP beginning in 1962. Bourhill kept the data combined under Other Private until 1977.

Over the last 20 years, timber harvest in Columbia County has averaged 215,694 MBF (thousand board feet), comparable with Clatsop County and Coos County as being in the upper divisions of all counties in the state.

Percentage Comparison by Ownership in Columbia County (Timber Production)

Industry - Corporations, Partnerships	----	82%
Non-industrial - Private, Wood lots	----	14%
State Ownership	----	2.1%
BLM - Bureau of Land Management	----	0.7%
Other Public - City, County, Misc.	----	1.2%

Table IV-2

COLUMBIA COUNTY FOREST RESOURCE ZONING DISTRICTS

STATISTICAL SUMMARY AS OF 5/2000

	Primary Forest (PF-76)			Forest/Agriculture** (FA-19)			TOTALS				
AREA											
Acres	313,602			14,372			327,974				
Sq. Miles	490			22			512				
PARCELS											
Number	3984			1167			5151				
Average Size	79			12			64				
Range of Sizes	Acres	Parcels	Avg. Size	Acres	Parcels	Avg. Size	Acres		Parcels		Avg. Size
							No.	%	No.	%	
0 -30 Acres	20,675	2052	10	8105	1085	8	28,780	9	3087	60	9
31-80 Acres	56,639	1085	52	5407	122	44	62,199	19	1212	24	51
80 or more Acres	236,288	847	279	706	5	141	236,995	72	852	16	278

**Does not include 690 small(<.3 acre) FA-19/Woodlot parcels in Hillcrest Subdivision

CURRENT TRENDS

Although Columbia County is the third smallest county in the state, its total timber harvest ranked sixth of all counties in 2004. The Timber Harvest data (Table 1) in Columbia County show that forest production is mainly on lands owned by the major timber industry on very large tracts. In addition, because of historic parcelization in some areas and along major roads, a significant portion of timber production (14%) come from non-industrial, private wood-lot ownerships. Sixty percent (60%) of the forest parcels in the County are under 30 acres in size; 84% are under 80 acres in size, and only 16% of the forest parcels are 80 acres or larger (the minimum lot size).

Private non-industrial forest lands **owned by individuals, families and trusts** represent an important aspect of timber management due to their potential for augmenting existing lumber supplies. When the forest industries shift their harvesting operations from county to county, the result can be a decrease in local mill activity. During these periods the small wood lots supplement these local mills and often carry them through what could otherwise be very slow times. However, for the individual land owner the costs of clearing, scarifying, planting and protecting the seedlings during the first seven to ten years are high. And, little return is realized until the stand has matured and is harvested. Either by design or by chance, these small wood lots have typically located along the numerous valley floors **and major county roads** found throughout the County. Although these valley floors offer less than ideal agricultural conditions, many of the small wood lot owners have successfully integrated these two resource activities. Consequently, among these small wood lots are often found isolated agricultural uses which together with the small wood lots provide a significant source of income and sustenance for the families residing on the land.

OTHER CONSIDERATIONS

The effects of forest management practices such as spraying, road construction and harvesting on fish and wildlife habitat, watersheds, recreational areas and rural residences have come under increased scrutiny during the past few years by both the timber industry and private citizens. While many believe the Oregon Forest Practices Act adequately protects these forest resources, others advocate additional controls over forest management practices. It is Columbia County's position to provide a framework whereby those uses which are most beneficial to the county will be allowed to exist with as few restrictions as is practicable, while allowing conflicting uses where they can be mitigated.

~~In addition, there are some limited circumstances where land situated between primary resource lands and rural residential and/or urban lands is not suitable for uses allowed by Goal 4 because [of] parcel sizes, ownership patterns, existing adjacent uses, the level of existing development, and other factors which make the application of Goal 4 impracticable on such land; but such land beneficially separates resource lands from potential conflicting uses on nearby land. In these circumstances, maximizing the production of wood fiber is the County's primary objective. A woodlot designation contingent upon taking an exception to Goal 4 will be applied sparingly based in part on the following concept (partly excerpted from the Jackson County Comprehensive Plan, acknowledged by LGDC, pp. 256-258):~~

1. ~~Non-industrial private owners have different reasons for owning or managing land subject to the factors listed in OAR 660-04-028, but many of these objectives do not include the production of wood fibre nor other typical forest uses. The inducement of individuals to manage their lands for wood fibre production requires their offsetting satisfaction of other objectives. Given the right set of circumstances, owners might change from non-production activities to a program of managed wood fibre production. Favorable circumstances include knowledge and assurance of forest values, management opportunities and no major economic constraints. (Source: Oregon State Department of Forestry, Forestry Program for Oregon, 1977)~~

2. ~~Corporate timber operations may be dissuaded from acquiring woodlands affected by these owners due to the extent of ownership patterns, parcel sizes, and other factors. On the other hand, private non-industrial woodlands managed on a small scale basis may be more productive in smaller units because owners are not readily able to avail themselves of economies of scale in intensive timber management, as are the Bureau of Land Management, United States Forest Service, and the large corporations.~~

3. ~~Woodlands can provide an effective buffer between rural development and the forest resource. For example, "an owner of a 20 acre tree farm can afford to clear brush and remove dead and down wood to sell or use himself for firewood. He can also fence his property, which will in turn put a stop to the damage, such as erosion, fire and mutilation of trees caused by misuse of off-road vehicles" (memo from John Henderson, Double Dee Lumber, February 12, 1980, as quoted in Jackson County Comprehensive Plan, acknowledged by LGDC).~~

4. ~~Currently, only about 20% of the non-industrial private forest lands in Oregon are managed for wood fibre production. (Source: Oregon State Department of Forestry, Forestry Program for Oregon, 1977; see also the "Bueter Report", School of Forestry, Oregon State University, 1976). In the case of certain woodlands in Columbia County, this low percentage appears to be attributable to the intervening factors mentioned above. A woodland designation should encourage more intensive management of parcels not smaller than ten acres at lower elevations through offering single family occupancy of the property in exchange for firm commitments to place such small parcels under wood fibre production management programs.~~

5. ~~In those areas where ownership patterns and parcel sizes indicate that the average size of contiguous ownerships (as that term is used in OAR 660-04-028(ii)(c) is less than 10 acres, the woodlot zoning district is designed to induce aggregation of small parcels and ownerships into units of land suitable for wood fibre production under an approved management plan, by allowing a single family residence on such aggregated property upon a demonstration that:~~
- A. ~~They have aggregated noncontiguous small parcels into units of at least twelve (12) acres;~~
 - B. ~~At least ten (10) acres are subject to a management plan;~~
 - C. ~~The owner acknowledges a waiver of remonstrance against reasonable forest practices in the area;~~
 - D. ~~The owner acknowledges penalties due upon failure to maintain the management plan.~~

~~For timber industry and publicly owned forest lands, the woodlot designation reduces the conflicts between forest and non-forest uses by maintaining low density and by requiring that residential activity be subject to review, waivers, and other demonstrations to assure that such activity does not adversely affect forest productivity on nearby resource lands.~~

6. ~~The woodlot designation identifies and protects certain lands which are capable of producing wood fibre except for factors listed in OAR 660-04-028. By inducing aggregation of parcels and ownerships into managed woodlots, statewide planning Goal 4 will have been achieved to the maximum extent possible under the circumstances.~~

The County has also considered the following facts in developing its forest policies:

1. Commercial forest production, both in the form of traditional raw lumber products and the less traditional woodlot activities, are necessary for the continued economic viability of the County.
2. The existing commercial forest use patterns and management practices in Columbia County of large landowners, both commercial timber companies and private individuals, have predominantly involved the use of ~~38 to 40~~ **80 or more** acre tracts as management units for silvicultural and commercial production reasons. These reasons include but are not limited to the economics of surveying, planting, thinning, brush removal, harvesting practices and fire, insect and disease

protection. The County recognizes the importance of encouraging these economic efforts in promoting the commercial forest products enterprise of the County.

3. The County also recognizes that the forest use pattern in the Northwest in general and Columbia County in particular is changing as a consequences of actions beyond the County's control. ~~(i.e., sales of Southern United States timber products and Canadian imports).~~ To keep the forest production economically viable, the county must encourage innovation in growing, harvesting, and processing of forest products and allow some flexibility from the traditional use patterns that have made Northwest products such a relatively high priced commodity.
4. This flexibility will be achieved in part by allowing the continued use of the existing ~~38- 80~~ acre management unit in Primary Forest zones. ~~(definition follows).~~
5. The existing commercial forest use patterns in the County, however, are not limited to large ownership tracts that use the ~~38-80~~ acre management units. There is a second forest use pattern in the County consisting of individual private parcel ownerships in lot sizes of predominantly the 19-38 acres size. These smaller sized units contribute substantially to the existing forest products economy of the County and will in the future, with encouragement from the County of high intensity woodlot production procedures, provide even greater economic benefits.
6. The County recognizes that including a mixed Forest-Agriculture zone of ~~19 acres~~ will encourage forest production on these small acreages and provide for management flexibility of the forest products in these county-wide clusters of smaller single ownership mixed-use lot patterns.
7. The County also recognizes that urbanization and parcelization of valuable forest production land can potentially have detrimental effects on the price of available forest production land and the cost of planting, maintaining, and harvesting forest products. In order to promote forest production, therefore, the County recognizes that it must limit the urbanization (including dwelling siting) and parcelization activities in forest zones by providing adequate review procedures that will assure existing commercial activities and future innovative forest practices will be protected.
8. ~~Though a 38~~ **An 80** acre minimum lot size in the primary forest zone provides an appropriate management unit for forest purposes, ~~the 76 acre minimum lot size is~~ necessary to prevent the encroachment of residential users in the primary forest zone. The larger lot size will make the parcels less attractive for residential uses and discourage speculation for residential purposes.

FOREST LANDS

GOAL: To conserve forest lands for forest uses.

POLICIES: It shall be the policy of Columbia County to:

1. Conserve forest lands for forest uses, including:
 - A. The production of trees and the processing of forest products;
 - B. Open space;
 - C. Buffers from noise;
 - D. Visual separation from conflicting uses;
 - E. Watershed protection;
 - F. Wildlife and fisheries habitat;
 - G. Soils protection from wind and water;
 - H. Maintenance of clean air and water;
 - I. Compatible recreational activities; and
 - J. Grazing land for livestock.
2. Designate Forest Lands as Forest-Conservation in the Comprehensive Plan and implement this plan designation through the use of two (2) forest zones and one (1) overlay zone which will maintain or enhance the existing commercial forest products enterprise of the County. They are:
 - A. Primary Forest - PF-76 80
 - B. Forest-Agriculture - FA-19 80
 - ~~C. Buffer Woodlot Overlay - BW~~
3. Designate as Primary Forest those lands that:
 - A. Are in industrial, private non-industrial and public ownerships.
 - B. Protect sensitive areas such as watersheds and wildlife and fisheries habitat.
 - C. Are in areas where parcels average 38 acres or more.
 - D. Are geographically or topographically separated from those lands used for agriculture and non-forestry uses.

- E. Have a predominant cubic-foot site class of 2 and 3.
 - F. Have climate, soil and topographic conditions that require the maintenance of vegetative cover regardless of use.
 - G. Do not generally require an on-site caretaker to effectively manage the resource.
 - H. Are isolated pockets within forest areas which do not meet the above criteria but for other reasons are precluded from any other use.
4. Designate as Forest-Agriculture those lands that:
- A. Are in private non-industrial ownerships where the existing ownership pattern consists predominantly of single small parcel owners.
 - B. Provide only minimal benefit to watershed and wildlife and fisheries habitat areas.
 - C. Are in areas where contiguously owned parcels average less than 38 acres and where the predominant parcel size is less than 38 acres. Contiguously owned parcels are considered as one unit.
 - D. Have direct access to a public right-of-way.
 - E. Have a predominant cubic-foot site class of 3 or 4.
 - F. Have soil and topographic characteristics that do not preclude a limited non-resource use of the land, and where such activity can be buffered from adjacent resource uses.
 - G. Are small isolated pockets of lands surrounded by land which meets the preceding criteria.
5. Limit the creation of parcels or lots for non-forest uses.
6. Allow residential uses when it can be shown that **the proposed use meets one of the three qualifications adopted by the State, known generically as the template test, lot of record dwelling and large tract test;** ~~are necessary for and accessory to the resource activity occurring on the same lot or parcel, and, where it can be shown that siting standards exist which that insure compatibility of the proposed residence with adjacent resource uses. Meeting the standards for establishing the buffer wood lot overlay district is one means of showing both necessity and compatibility.~~
7. Limit ~~non-forest~~ dwellings to individual lots or parcels where it can be shown that:
- ~~A. The proposed site is on land generally unsuitable for forest uses;~~

- B.A. The proposed use will not significantly impact forest uses on adjacent and nearby forest lands;
 - CB. The proposed use will not significantly increase the costs of forest management on adjacent and nearby forest lands;
 - BC. The **dwelling** site is limited in size to ~~that an~~ area suitable and appropriate only for the needs of the proposed use;
 - E.D Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby forest lands; and,
 - F.E The proposed use is consistent with the forest policies contained in the Comprehensive Plan.
8. Allow ~~resource-related~~ dwellings to exist in Primary Forest zones or on Forest-Agriculture zones ~~when it can be shown that such uses are necessary for and accessory to the forest use or forest-agriculture use of the respective zones.~~ **where lot sizes are small acreages and provide for mixed resource uses to encourage small woodland lot ownership.**
- ~~9. Encourage maximum production of wood fiber on certain of the Forest-Conservation lands in the Comprehensive Plan by implementation of a Buffer Woodlot Overlay District. Designate as Buffer Woodlot overlay those lands that:~~
- ~~A. Have parcel sizes and ownership patterns such that contiguously owned parcel sizes are less than ten (10) acres in the area.~~
 - ~~B. Separate resource areas from adjacent or nearby rural residential or urban uses.~~
 - ~~C. Require aggregation of parcels and ownerships in order to achieve parcel sizes suitable for managed wood fiber production.~~
 - ~~D. Are designated BW only after an exception to Goal 4 has been taken on them and are isolated pockets of land subject to one or more of the factors listed in OAR 660-04-028 which make the application of state-wide planning Goal 4 impracticable.~~
- ~~10.9.~~ Require a plan amendment when considering a zone change from Primary Forest (PF-~~76~~ **80**) to Forest-Agriculture (FA-~~19~~ **80**) in accordance with Forest Lands Policies 3 and 4.
10. ~~If the County considers a~~ Any changes in the minimum lot sizes for forest lands, ~~any changes~~ will be reviewed against the requirements of statewide land use planning Goal 4: **and implementing standards and rules.**

***RESOURCE LANDS
COMPREHENSIVE PLAN AMENDMENTS***

PART V AGRICULTURE

PART V AGRICULTURE

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AGRICULTURE

BACKGROUND

Next to the wood products industry, Columbia County's second most important economic activity has been, and continues to be, Agriculture. However, according to 2000 statistics, agricultural employment contributed only 6% of the County's income and employed only 2% of the County's work force. ~~There is no indication that T~~these percentages have **not increased**. shown significant change since 1975.

Although the efforts of the early settlers were primarily directed toward lumbering, the development of the Northwest and the growth of Portland brought a demand for farm produce and stimulated the clearing of land for agriculture. In the late 1800's livestock industries were developing, along with increased specialization and more intensive farming. By the turn of the century the major agriculture industries were **dairying farming**, market gardening, small fruits production, and poultry raising. Prior to World War I, the development of agriculture was gradual, but with the higher prices caused by war, the number of farms in the County increased 100%.

In keeping with the nationwide trend during recent years, the number of acres **in farm use of farmland** in the County ~~hads~~ been steadily decreasing. Statistics compiled **for the period from 1982 to 2007** ~~in 1978 and 1982~~ show ~~acreage a reversal in that trend with both that~~ the total acreage in the "all farms" category and those farms with over \$2500 in gross sales showing slight increases in acreage. **has decreased as a percentage of all land in the County from 18% in 1982 to 13% in 2007.** Both categories still fall below the 1964 figures. (Tables 2 and 3) It should be noted that in 1974 the U.S.D.A. re-defined a farm to include any establishment from which \$1000 or more of agricultural products are sold, or would normally be sold, during a year. This change may have affected the acreage statistics for "all farms" but would not have impacted those farms showing over \$2500 per year incomes.

~~While total acreage statistics increased slightly in 1978 and 1982, there is an important distinction between the trends of large acreage farms and small acreage farms. The percentage of F~~farms in excess of 50 acres ~~have shown no increase and constitute less than half of the farms in the County.~~ **has declined from 39% in 1992 to 27% in 2007.** Also, farms in excess of 40 acres have the lower gross sales per acre. On the other hand, smaller acreage farms have increased. Small farms constitute the majority of the farms in the County and have the highest gross sales per acre. Columbia County's agricultural profile is and will continue to be that of small acreage, high intensity farming.

SUITABILITY FOR AGRICULTURE










Agricultural lands must include, by definition, those lands:

1. With predominantly Class I through IV soils (see Map #8);



Legend

Nonirrigated Capability Class {DCD, >}

	Capability Class - I		Capability Class - III		Capability Class - VII
	Capability Class - II		Capability Class - IV		Capability Class - VIII
			Capability Class - V		Not rated or not available
			Capability Class - VI		

MAP 8 Land In USDA Capability Classes I-IV

2. Other lands suitable for farm use considering:
 - A. Soil fertility;
 - B. Suitability for grazing;
 - C. Climate conditions;
 - D. Present and future water availability for farm irrigation;
 - E. Existing land use patterns;
 - F. Technological and energy input required; and,
 - G. Accepted farming practices.
3. Lands in other soil classifications necessary to permit farm practices to be undertaken on adjacent or nearby lands.
4. Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed.

According to the ~~Soil and Land~~ **Natural Resources** Conservation Service, Columbia County has a total of 57,649 acres of Class I through IV soils. The breakdown by acreage for each class is as follows:

Class I -	387 acres
Class II -	28,638 acres
Class III-	25,890 acres
Class IV-	2,734 acres

All of the County's agriculture activities take place on Class I-IV soils, with the majority occurring on the Class II and III soils located in the diked areas along the Columbia River.

~~Currently~~ **However**, less than half (44%) of the County's Class I-IV soils are being used for agriculture. The remainder of these non-farmed, agriculture soils either support acknowledged Type I "Built and Committed" exceptions or have been designated as Forest-Agriculture.

~~All of the County's agriculture activities take place on Class I-IV soils, with the majority occurring on the Class II and III soils located in the diked areas along the Columbia River.~~

Farming activity in the County is, for the most part, surrounded by land which is built and committed to non-resource uses. Based upon the contiguity of these large blocks of built and committed lands, the County has determined that other than those lands

designated as agricultural there are no other lands in any soil classification which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, or which are suitable for farm use considering the seven (7) factors noted on this page 28 of the Plan.

A significant amount of agriculture takes place along the many valley floors located throughout the interior of the County. These agricultural uses are typically smaller in size and are interspersed with the predominant forest uses. These agriculture uses are addressed under Forest-Agriculture in the Forestry Element of this Plan.

CURRENT TRENDS (Drawn from information found in Tables I through 4 and ~~evidence and testimony from public hearings.~~)

NATURE OF COLUMBIA COUNTY'S COMMERCIAL AGRICULTURAL ENTERPRISE

1. Columbia County's commercial agricultural enterprise is and has always been based on extensive animal grazing (both by acreage and number of farms). **In 2007 grazing occupied 75% of the acreage and 66% of the farms.**
 - A. ~~Grazing occupies 75% of acreage and 69% of the farms. It produces 35.3% of Ag. income.~~
 - B. ~~The other high-income category (dairy) is operated on 6% of the land by 3% of the farmers. It produces 33.4% of income.~~
 - C. ~~Grain, seed crops, berries, and miscellaneous crops produce the remaining income on about 4% of the acreage and [by] 11% of the farmers.~~
 - D. ~~The remainder of the land is either ungrazed woodland or idle.~~
 - E. ~~Average size of extensive animal grazing farms is 137 acres and the median size is 60-70 acres. However, smaller grazing farms contribute significantly to the County's agricultural enterprise.~~
2. The predominant characteristic of the Columbia County farm is that it is operated as a part-time venture. **In 2007, 68% of principal farm operators worked a portion of their time off of the farm and 41% worked more than 200 days off of the farm. In the same year, 61% of principal farm operators named non-farm occupations as their principal occupation.**
 - A. ~~54% of all farms and 47% of farms with sales greater than \$2500 worked more than 200 days off the farm. Another 13% worked 100-200 days. Only 35% showed 100 days or less. A fair number of these are retired, although no definitive statistics exist.~~
 - B. ~~Approximately 70% of all farmers get their principal income outside the farm.~~

- C. ~~Table 1 indicates that even in [the] 160-319 acres class, more than 50% of the operators earn more than 50% of their incomes off-farm.~~
- D. ~~In terms of total stockmen earning more than \$2500/year, 36% showed farming as their principal occupation, while 64% listed other non-farm income as their major source of earning.~~
3. ~~The total cash value of farm sales for the County (greater than \$2500 income) is in excess of \$6,000,000. **The total market value of County agricultural products sold in 2002 was over 28 million dollars.**~~
- A. ~~Sales by farms of less than 40 acres (greater than \$2500 income) are in excess of \$800,000.~~
- B. ~~There are also farms of less than 40 acres with annual incomes between \$500 and \$2,500. Those smaller farms also contribute significantly to the overall agricultural enterprise of the County, but the County does not have precise data on the dollar amount of the contribution.~~
- C. ~~The 1982 Census of Agriculture identifies 781 farms in Columbia County. Of these farms, 513 are less than 50 acres in size; of the 513 farms, 492 grossed under \$10,000, averaging \$2,030. These farms, while small, are very important to Columbia County's existing agricultural economy.~~

~~The 38-acre minimum lot size reflects the parcelization which has occurred on a significant portion of Columbia County's agricultural land. The 38-acre minimum lot size is approved to protect these lands under the Supreme Court's decision in Meeker v. Clatsop County, 287 Oregon 665; 601 P2d 804 (1979).~~

~~The ~~1982~~ 2007 Census of Agriculture identifies ~~103~~ 118 farms grossing over \$10,000. in 1982. The average size of those farms is 318 acres, and the average income \$79,362. These farms are clearly commercial agriculture enterprises which maintain and contribute in volume to Columbia County's agriculture economy.~~

~~The 76-80-acre minimum lot size is adequate to protect commercial farms and to prevent residential encroachment into areas currently utilized for commercial farms or capable of utilization for commercial farms. The 76-80-acre minimum lot size is appropriate for those areas of predominantly larger lots (76 80 acres or larger in size). Land divisions below 76 acres in these areas will be permitted upon showing that the resulting parcels will be appropriate to the continuation of the existing commercial agricultural economy in the area.~~

4. Commercial agriculture in Columbia County is limited by many factors.
- A. Distance from processing. Small fruits and vegetables represent

the high value crops in the Willamette Valley. Columbia County growers, to some degree, are isolated both geographically and "psychologically" from these markets.

- B. Some potentially good soils along the Columbia in Clatskanie **Rivers** have severe limitations for drainage. The same area also experiences a 60" rainfall and low heat unit accumulations. This limits crops that will prosper and complicates disease control.
5. Smaller Columbia County farms are predominantly higher intensity operations.
- A. Farms of 40 acres or less have the higher gross sales per acre than larger farms.
 - B. Farms of less than 50 acres constituted ~~more than half~~ **73%** of the County's farms in 2007 **representing an increase of 13% in the percentage of farms of less than 50 acres in 1992.**
 - ~~C. Table 1 reveals that for grazing operations, the major agricultural activity in the County, farms of 20 acres or less produce twice the amount of gross sales per acre than any other grazing farms.~~
 - ~~D. Median lot size of all Columbia County farms is approximately 40 acres based on tax records. The median size of farms with income in excess of \$2500 is 70 acres. A 38-acre minimum lot size will mean that any farm which is smaller than 78 [76] acres will not be eligible for partitioning. Thus, over half of the County's farms producing more than \$2500 per year will not be eligible for partitioning.~~
 - ~~E.C Farm acreages and sizes have been holding constant from 1969-1978. 1982 figures show an increase in farm numbers and decreases in average size and median size of those farms. **The total farm acreage and average farm size has been declining. Table 2 indicates that in the period from 1982 to 2007, total farm acreage has declined from 77,182 acres to 57,758. During that same period, the total number of farms increased from 781 to 805 and the average farm size decreased from 99 acres to 72 acres.**~~
 - ~~F. Table 1 shows that as the grazing farms acreage increases, the gross sales per acre decrease substantially.~~
 - ~~G. These findings lead the County to establish its PA-38 zone in order to recognize that smaller scale farms contribute to the County's existing agricultural enterprise. The 38-acre minimum lot size will prevent further parcelization and will assure that productive agricultural land will not be divided into parcels that are too small for farm use.~~

H. ~~The agricultural activity carried on in the County is not necessarily dependent upon lot size. There are grazing operations on 38-acre farms, as well as on much larger ones. Dairies also vary in size, as do virtually all other farms.~~

6. ~~The average farm had 30% of the acreage in woodland. This is consistent with the dissected nature of the terrain common to most of the County.~~

7.6 ~~Approximately 30% of the farmers rent land. Approximately 25% of their farm operations were rented land. Median size rented was 67 acres.~~
Fewer County farmers rent or are part owners of their farms. The percentage of farm operators who were either only part-owners or rented their farms decreased from 24% in 1992 to 17% in 2007.

TABLE 1

DETAILED SUMMARY OF EXTENSIVE GRAZING OPERATIONS (>\$2500 gross sales)

<u>Acreage Class</u>	<u>1-19</u>	<u>20-39</u>	<u>40-79</u>	<u>80-159</u>	<u>160-319</u>	<u>320+</u>
Principal Occupation = farm (%)	36	22	31	39	49	60
Principal Occupation = other (%)	64	78	79	61	51	40
Principal Occupation = farmer (gross sales)	\$22,000	\$42,000	\$118,000	\$184,000	\$254,000	\$223,000
Principal Occupation = other (gross sales)	\$40,000	\$151,000	\$262,000	\$287,000	\$265,000	\$148,000
Total \$	\$62,000	\$193,000	\$380,000	\$471,000	\$519,000	\$371,000
\$/Acre (either occupation)	\$344	\$164	\$107	\$111	\$66	\$34

TABLE V-1

PRINCIPAL FARM OPERATOR BY PRIMARY OCCUPATION(1992-2007)

YEAR	PRIMARY OCCUPATION			
	Farming		Other	
	No. Farms	%		%
1992	214	33	447	67
1997	235	34	451	66
2002	407	46	471	54
2007	310	39	495	61

Source: Census of Agriculture(1992-2007)County Data-Table I

TABLE 2

TRENDS IN FARM NUMBERS & ACREAGES

<u>Year</u>	<u>Acres</u>	<u>% Total Land Area</u>	<u>Total # Farms</u>	<u>Avg. Size</u>	<u>Median</u>
1964	94,988	23.2	1,149	82	approx. 40
1969	74,496	18.2	547	136	approx. 60
1974	69,912	17.1	503	139	approx. 50
1978	75,699	18.5	575	132	approx. 40

1982 — 77,182 — 18.9 — 781 — 99 — approx. 38

TABLE V-2

TRENDS IN FARM NUMBERS & ACREAGES(1982-2007)

YEAR	ACRES	% Total Land Area	Total No. of Farms	Average Farm Size	Median Farm Size
1982	77,182	18.9	781	99	
1992	71,839	17.1	661	109	
1997	65,567	15.6	686	96	34
2002	62,398	14.8	878	71	30
2007	57,758	13.7	805	72	23

Source: Census of Agriculture(1982-2007)County Data-Table I

TABLE 3

TRENDS IN FARM NUMBER & ACREAGES (>\$2500 gross sales)

Year	Acres	%Total Land	% Ag Land	% Ag Sales	Total # Farms	% Farmers	Ave. Size	Med. Size	Median* Size Harvested
1964	49,658	12.1	52.2	89.3	267	23.2	186	N/A	N/A
1969	53,712	13.1	72.1	93.6	236	43.1	228	N/A	approx. 40
1974	43,509	10.6	62.2	94.2	211	41.9	206	N/A	approx. 29
1978	48,290	11.8	63.7	95.0	292	50.7	165	69	approx. 22

*The census only breaks out farms with harvested cropland (which is broadly interpreted). This normally includes >80% of farms with >\$2500 sales, and about 30% of the >\$2500 farm land. The bulk (70%) of the harvested crop was hay - this is a form of pasturing.

TABLE 4

FARMS BY SIZE (1964-78)

<u>Size (Acres)</u> <u>1964</u>	<u>1978</u>	<u>1974</u>	<u>1969</u>
<10	40-(07%) 93-(08%)	33-(07%)	37-(07%)
10-49	261-(45%) 569-(50%)	213-(42%)	217-(40%)
50-179	201-(35%) 392-(34%)	195-(39%)	207-(38%)
180-499	54-(09%) 72-(06%)	48-(09%)	73-(13%)
500-999	11-(02%) 15-(01%)	6-(02%)	7-(01%)
1,000-1,999	4-(<1%) 6-(<1%)	3-(<1%)	4-(<1%)
2,000+	4-(<1%) 2-(<1%)	5-(<1%)	4-(<1%)
TOTALS	575 (100%) 1,149(100%)	503(100%)	549(100%)

TABLE 3
FARMS BY SIZE (1992-2007)

Size(Acres)	Years							
	1992		1997		2002		2007	
	No.	%	No.	%	No.	%	No.	%
<10	121	18	129	19	183	21	191	24
10-49	279	42	306	45	451	51	396	49
50-179	205	31	192	28	186	21	162	20
180-499	35	5	43	6	44	5	41	5
500-999	10	2	12	2	6	<1	10	1
1000 +	11	2	4	<1	8	<1	5	<1

Source: Census of Agriculture(1992-2007)County Data-Table I

TABLE 5
OTHER LANDS IN AG. - 1978 and 1974

	<u>1978</u>		<u>1978 (>2500)</u>	
	<u>Ag Land</u>	<u>% Total</u>	<u>Ag Land</u>	<u>% Total</u>
(>2500)				
<u>Land</u>				
Woodland	22,927	30.3	11,445	23.7
Land in Houses, Roads, etc.	3,624	4.8	2,193	4.5
TOTALS	26,551	35.1	13,638	28.24

	% Total		% Total	
(>2500)	1974	Ag Land	1974 (>2500)	Ag
Land				
Woodland	20,755	29.7	10,935	25.1
Land in Houses, Roads, etc.	N/A	-	1,930	4.4
TOTALS	-	-	12,865	29.5

TABLE 6

LANDS RENTED FROM OTHERS BY ACREAGE CLASS (1978 & >2500 ACRES)

Size	# Farms	% Farms in Ac. Class	% Ac. Rented from others	Acres Rented	Ave. Rented
1-19	5/33	15%	9.5%	33	6.60 ac.
20-39	7/54	12%	7.8%	121	17.28 ac.
40-79	20/79	25%	9.7%	440	22.00 ac.
80-159	15/52	29%	16.9%	1,008	67.20 ac.
160-319	25/45	56%	29.8%	3,041	121.64 ac.
320+	16/29	55%	32.0%	8,426	526.62 ac.
TOTALS	88/292	30.1%	27.1%	13,069	148.00 ac. Median = 67

TABLE 7

BREAKDOWN OF PRINCIPAL FARM TYPES

Type	% Total Farms	% Ag. Acreage	Contribution to total Ag. income (%)
Extensive Animal Grazing	69.0	64	35.3
Intensive Animal Husbandry	8.8	*	4.1
Dairying	3.3	5.8	33.4
Horticultural Specialists	2.1	<1	4.1
Grains	7.3	3.0	9.3

Berries ————— 2.4 ————— 0.6 ————— 9.8
 Other Land (woodland, house lots, idle, etc.) ————— 24.5

*Land devoted to intensive animal husbandry (hogs, chickens, horses, etc.) is very small and hard to define from census data. The part of the acreage devoted to crops on those farms is reported in the appropriate category.

TABLE 4
LAND IN FARMS ACCORDING TO USE(1992-2007)

FARM USE	YEARS							
	1992		1997		2002		2007	
	No. Farms	Acres	No. Farms	Acres	No. Farms	Acres	No. Farms	Acres
Pasture and Grazing*	527	37,431	526	32,432	657	94,255	529	85,813
Developed Farmsteads etc	403	3,906	446	3,583	557	2,703	491	4,092
Harvested Cropland	403	15,054	433	13,518	497	17,189	462	17,092
Woodland**	234	11,352	258	15,078	310	14,365	285	7,708
Other Cropland	51	4,096	45	1046	67	1002	54	887

Source: Census of Agriculture(1992-2007)County Data-Table 8

* Includes pastured cropland and pastured woodland

**Does not include pastured woodland.

TABLE 8
GENSUS OF FARM OPERATORS

Days Reported Working off Farm	1978		1974	
	All Farms	Farms(>2500)	All Farms	Farms(>2500)
None	145 (26%)	89 (32%)	114 (25%)	62 (36%)
1-99	39 (07%)	24 (08%)	23 (05%)	15 (09%)

100-200	71 (13%)	36 (13%)	50 (11%)	23 (13%)
200 +	303 (54%)	131 (47%)	265 (59%)	74 (43%)

Principal Occupation

Farming	182 (32%)	122 (42%)	157 (32%)	112 (54%)
Other	393 (68%)	170 (58%)	340 (68%)	94 (46%)

<u>Median Age</u>	51.7	51.7	52.1	52.4
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Farms by Tenure

Full Owners	436 (76%)	202 (69%)	392 (78%)	147 (70%)
Part Owners	120 (21%)	78 (27%)	84 (17%)	55 (26%)
Tenants	19 (03%)	12 (04%)	27 (05%)	9 (04%)

TABLE 9

1978 DISTRIBUTION OF FARM SALES (>2500 income)

<u>Value of Products Sold/farm</u>	<u># Farms</u>	<u>% Farms</u>	<u>Sales \$</u>	<u>% Total Farm Sales</u>
2,500-4,999	98	33.6	353,000	5.8
5,000-9,999	87	29.8	593,000	9.8
10,000-19,999	55	18.8	755,000	12.5
20,000-39,999	25	8.6	701,000	11.6
40,000-99,000	16	5.4	960,000	15.9
100,000 +	11	3.7	2,670,000	44.3

TABLE 10

1978 DISTRIBUTION OF FARMS SALES BY ACREAGE CLASS (>2500 sales)

<u>Gross Acres</u>	<u># Farms</u>	<u>% Farms</u>	<u>Acres</u>	<u>% Acreage</u>	<u>\$ Sales</u>	<u>% Total Sales</u>	<u>Sales/Ac.</u>
1-19	33	11.3	347	<1	385,000	6.4	1,109
20-39	54	18.5	1,549	3.2	447,000	7.4	288
40-79	76	26.0	4,507	9.3	758,000	12.5	168
80-159	52	17.8	5,963	12.3	924,000	15.3	155
160-319	45	15.4	10,215	21.1	866,000	14.3	85
320 +	29	9.9	25,709	53.2	2,652,000	43.9	103

AGRICULTURE

GOAL: To preserve agricultural land for agricultural uses.

POLICIES: It shall be a policy of the County to:

1. Designate as Agricultural lands those lands:
 - A. With predominantly Class I through IV soils;
 - B. Other land which is suitable for farm use considering:
 1. soil fertility;
 2. suitability for grazing;
 3. climatic conditions;
 4. present and future water availability for farm irrigation;
 5. existing land use patterns;
 6. technological and energy inputs required;
 7. accepted farming practices.
 - C. Lands in other soil classifications necessary to permit farm practices to be undertaken on adjacent or nearby lands.
 - D. Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed.
2. If the County proposes to convert agricultural lands (as defined by Statewide Land Use Goal 3) to urbanizable land, the County shall follow the procedures and requirements for exceptions to the Agricultural Lands goal, pursuant to Goal 2. Those uses which are permitted by ORS 215.283(1) or (2) shall not require an exception to the Agricultural Lands goal. [*Amended by Ordinance No. 98-01 effective 6/29/98*].
3. Designate Agricultural lands as Agricultural Resource in the Comprehensive Plan and implement this plan designation through the use of one (1) exclusive farm use zone:
Primary Agriculture - PA-~~38~~ **80**
Minimum lot size of ~~38~~ **80** acres in that zone is appropriate for the continuation of the existing commercial agricultural enterprise in the area.
4. Protect agricultural lands from non-farm encroachments.
5. Encourage agricultural activities on designated agricultural lands.

6. Encourage the use of lands with the best agricultural soils, particularly those lands within the flood plains, for agricultural uses.
7. Support land division criteria appropriate for the continuation of the existing commercial agricultural enterprise in an area.
8. Establish minimum lot sizes to assure that productive agricultural land will not be divided into parcels that are too small for commercial farm use.
9. Avoid extension of urban facilities and services into agricultural areas whenever possible. No water or sewer facility shall be designed to provide domestic service to agricultural areas.
10. Encourage roads through agricultural areas to locate where they will have minimum impacts on agricultural management and the existing lotting pattern.
11. Prevent land uses that interfere with or impair agricultural management from occurring on designated agricultural lands., ~~excepting those specified in ORS 215.213 (2) (3).~~
12. Require **that** conversion of rural land to urbanizable land be based on the criteria set out in Goals 3 and 14.
13. Allow the division of lands placed in the Primary Agriculture District in accordance with the following:
 - A. The lot area is consistent with the agriculture land use policy for the State of Oregon as expressed in ORS 215.243 and consistent with **ORS 215.263 and ORS 215.780**;
 - B. The lot area is of a similar size to existing commercial agricultural operations in the surrounding area;
 - C. In those instances where it is proposed to locate a farm-related dwelling, the proposed lot area is of sufficient size to support commercial production of food or fiber using accepted farm practices as defined in ORS 215.203 (2) (c);
 - D. Approval of the partitioning will not seriously interfere with the preservation of wildlife or fish habitat areas as identified in the Columbia County Comprehensive Plan, or interference will be mitigated; and,
 - E. Any additional criteria as set forth in the County Primary Agriculture District.
14. Limit residential uses within the Exclusive Farm Use District to those dwellings ~~in connection with farm or forest use as defined in ORS 215.203(2)(C) and to non-farm dwellings as provided in ORS 215.283.~~ **ORS 215.296; ORS 215.700 through ORS 215.780.**
15. Permit non-farm/non-forest uses only when not in conflict with agricultural or forestry activities.
16. Require that an applicant for a non-farm use record a waiver of the right to remonstrate against accepted farm or forest practices including spraying.

17. Allow non-farm uses in accordance with ORS 215.283 and **ORS 215.284.**

18. In order to provide additional protection to the existing commercial agricultural economy of the County, the division of land in the primary agriculture zone into lots smaller than ~~76~~ **80** acres will be allowed only if ~~the resulting parcel will be appropriate to the continuation of existing commercial agricultural economy in the area and the resulting parcel will be capable of contributing in a substantial way to the existing agricultural economy and capable of helping to maintain agricultural processors and established farm markets.~~ **consistent with ORS 215.263, ORS 215.284 and ORS 215.780.**