

Existing Policy Language for FARM and FOREST LANDS

PURPOSE OF THIS PAPER: *To present both existing and recommended new policy language related to farm and forest lands for possible carry over into the new Comprehensive Plan.*

BACKGROUND: *The current County Comprehensive Plan and Rural Area Plans contain many policies and strategies pertaining to farm and forest lands that may still be applicable and worth consideration for retaining in whole or in part -- some without changes and some with text changes to update the language for clarity or for countywide applicability. These current policies and strategies could be carried over into the new comprehensive plan so long as they do not conflict with any new policy that emerges from this comprehensive plan update process. Wherever a conflict occurs, the existing policy language would either have to be eliminated or revised to be consistent with the new policy.*

In some instances, current policy statements within the various plans say essentially the same thing but are worded differently. Where this occurs, each policy statement is shown and staff has drafted a new policy statement based on, and reflective of, these similar policy statements, or staff is recommending one or more existing policies for inclusion in the new comprehensive plan.

The current County Comprehensive Plan and Rural Area Plans also contain some policies and strategies pertaining to farm and forest lands and rural economy that are no longer needed because they no longer apply, they have already been completed, it duplicates another policy/strategy statement that is being retained, or for various other reasons. Policies proposed to be deleted are shown in the second section of this document.

The source of existing language is given within the parentheses following the statement.

Explanation of Different Types of Text in this Document

Standard text – means existing language from the County Comprehensive Plan or a Rural Area Plan.

~~Strikeouts~~ – means existing text that is being deleted.

Underlined – means new text that is being added.

Bold – means policy or strategy choices among existing policies or strategies.

Bold Underlined – means new policies or strategies.

(Italics) – means the source of an existing policy or strategy abbreviated as follows:

(MCCP) Multnomah County Comprehensive Plan

(ESR) East of Sandy River Rural Area Plan

(WSR) West of Sandy River Rural Area Plan

(WH) West Hills

(SIMC) Proposed New Sauvie Island/Multnomah Channel Rural Area Plan

Farm and Forest Lands Policies Proposed for Retention

Existing Policy Language Related to Farm Lands

~~POLICY 9: AGRICULTURAL LAND AREA~~ *(from the County Comprehensive Plan)*

INTRODUCTION

The purpose of the Agricultural Land Area Classification is to preserve the best agricultural lands by protecting them from inappropriate and incompatible development and to preserve the essential environmental characteristics and economic value of these areas.

The intent of this classification is to establish these areas for exclusive farm use, with farm use ~~and the growing and harvesting of timber~~ as the primary uses. *(MCCP)*

POLICIES

- A1. Maximize retention of ~~Sauvie Island's~~ the County's agricultural land base for productive farm use. *(SIMC)***
- A2. Preserve farm lands ~~in the West Hills~~ for agriculture as the primary use. *(WH)***
- A3. ~~The County's policy of the West of Sandy River rural area is to help e~~Ensure a viable farm economy ~~in the area~~ by preserving agricultural lands for farm uses. *(WSR)***
- A.4 Maintain existing exclusive farm use designated areas as farm lands. *(ESR)***

The following is staff's recommended policy statement based upon the above four statements:

A. Maximize retention of the agricultural land base by maintaining Exclusive Farm Use designated areas as farm lands with agriculture as the primary permitted use.

- ~~B. The County's policy is to e~~Designate and maintain as exclusive agricultural land, areas which are:**
 - 1. Predominantly agricultural soil capability I, II, III, and IV, as defined by the U.S. Soil Conservation Service; and
 - 2. Of parcel sizes suitable for commercial agriculture; and
 - 3. In predominantly commercial agriculture use; and
 - 4. Not impacted by urban service; or
 - 5. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands. *(MCCP)*
- ~~C. The County's policy is to r~~Restrict the use of these lands to exclusive agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development. *(MCCP)***

- D. ~~Maintain existing exclusive farm use designated areas as farm lands and p~~Prohibit parcelization which detracts from continued agricultural practices and incidental protection of open space and rural community values. (ESR)
- E. Ensure that any proposed new dwellings in the Exclusive Farm Use designated areas receive appropriate public review by providing comprehensive notice and review opportunity prior to any land use decision. (ESR)
- F1. ~~The conversion of land to another broad land use classification~~ Redesignating land from Agricultural land use to another land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan. (MCCP) or
- F2. ~~Multnomah County generally does~~ Do not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program. (WSR) or
- F3. ~~Multnomah County shall not consider~~ Do not support large-scale "exceptions" to Goal 3 of the Oregon Statewide Planning Program. (ESR)

Staff recommends retaining policy statements F1 and F2 for inclusion in the new Comprehensive Plan.

~~POLICY 10:~~ MULTIPLE USE AGRICULTURAL LAND AREA *(from the County Comprehensive Plan)*

INTRODUCTION

The purpose of the Multiple Use Agriculture Land Area Classification is to conserve those lands agricultural in character which have been heavily impacted by non-farm uses and are not predominantly Agricultural Land as defined in Statewide Planning Goal 3. This conservation is necessary to protect adjacent exclusive farm use areas and, in some cases, the fragile nature of the lands themselves. These lands are conserved for diversified agricultural uses and other uses, such as outdoor recreation, open space, residential development, and forestry, when these uses are shown to be compatible with the natural resource base, character of the area, and other applicable plan policies.

The intent of this classification is to recognize the diminished nature of these areas for commercial ~~resource~~ agricultural production, but to limit the adverse impacts of future development of them on nearby agricultural areas and on other lands of a more fragile nature (e.g., areas subject to flooding, but used for agricultural-related uses). *(MCCP)*

POLICIES

- A. ~~The County's policy is to d~~Designate and maintain as multiple use agriculture land, those areas which are:
1. Generally agricultural in nature, with soils, slope and other physical factors indicative of past or present small scale farm use; and
 2. Parcelized to a degree where the average lot size, separate ownerships, and non-farm uses are not conducive to commercial agricultural use; and
 3. Provided with a higher level of services than a commercial agricultural area has; or
 4. ~~In agricultural~~ Located in micro-climates which reduce the growing season or affect plant growth in a detrimental manner (flooding, frost, etc.). *(MCCP)*
- B. ~~The County's policy, in recognition of the necessity to protect adjacent exclusive farm use areas, is to r~~Restrict multiple use agricultural uses to those that are compatible with exclusive farm use areas in recognition of the necessity to protect adjacent exclusive farm use areas. *(MCCP)*
- C. Protect farm land from encroachment by residential and other non-farm uses ~~in a manner that is consistent with the existing Framework Policy 10 Multiple Use Agricultural Land Area.~~ *(WSR)*
- D. Amend the Multiple Use Agriculture zone to include deed restrictions protecting surrounding agricultural practices as a requirement for approval of new and replacement dwellings and additions to existing dwellings. *(SIMC)*

STRATEGIES

1. ~~The conversion of~~ Redesignating land to another ~~broad~~ land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan. *(MCCP)*
2. Ensure that new, replacement, or expanding uses minimize impacts to farmland by requiring ~~“right to farm” measures to be implemented. This shall be accomplished by~~ requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land. *(WSR)*
3. New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area ~~through provisions in the zoning ordinance.~~ *(WSR)*

Existing Language Related to Forest Lands

~~POLICY 11:~~ COMMERCIAL FOREST LAND AREA *(from the County Comprehensive Plan)*

INTRODUCTION

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

The intent of the Commercial Forest Land Area Classification is to allocate lands which are suitable for commercial forest management, including adjacent or nearby lands which are necessary to permit forest operations or practices and to allocate other forested lands not suitable for commercial forest management that maintain soil, air, water, and fish and wildlife resources.

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722. Uses which may be allowed subject to standards set forth in Statewide Planning Goal 4 and Oregon Administrative Rule 660, Division 6 are: (1) uses related to, and in support of, forest operations; (2) uses to conserve soil, water, and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) large acreage dwellings authorized by OAR 660-06-027(1)(c) ~~(December, 1995)~~ Division 6; and (5) template dwellings authorized by OAR 660-06-027(1)(d) ~~(December, 1995)~~ Division 6; and (6) heritage dwellings authorized by OAR 660 Division 6. ~~It is the policy of Multnomah County to allow only the two types of dwellings in (4) and (5) above from the listings of authorized types of dwellings in Oregon Revised Statutes and Oregon Administrative Rules. Further, the implementing Zoning Code criteria of approval of those two types of dwellings may be more restrictive than the permitted standards in Statute and Rule. (MCCP)~~

POLICIES

A. ~~The County's policy is to d~~ Designate and maintain as commercial forest land, areas which are:

1. Predominantly in Forest Cubic Foot Site Class I, II, and III for Douglas Fir as classified by the U.S. Soil Conservation Service; and
2. Suitable for commercial forest use and small woodlot management; and
3. Potential reforestation areas, but not, at the present, used for commercial forestry; and
4. Not impacted by urban services; and
5. Cohesive forest areas with large parcels; or

6. Other areas which are:

- a. Necessary for watershed protection or are subject to landslides, erosion or slumping; or
 - b. Wildlife and fishery habitat areas, potential recreation areas, or of scenic significance.
(MCCP)
- B. ~~The County's policy is to~~ Allow forest management with related and compatible uses, ~~but to~~ and restrict incompatible uses from the commercial forest land area, recognizing that the intent is to preserve the best forest lands from inappropriate and incompatible development.
(MCCP)
- C. Preserve resource-based land uses related to forest practices as the primary land use ~~in the West Hills.~~ (WH)

D1. Maintain existing forestlands from further parcelization that detracts from forest operations and incidental protection of open space, wildlife habitat, and rural community values. (WSR) or

D2. Maintain existing commercial forest use areas as forest lands. ~~Do not allow and prohibit~~ parcelization that detracts from continued forest operations and incidental protection of open space, wildlife habitat, and rural community values. (ESR)

Staff recommends retaining policy statement D2 for inclusion in the new comprehensive plan.

- E. Allow new dwellings and other development on lands designated for commercial forest use only when consistent with state requirements and only when upon demonstration that they will have no significant impact upon farm or forest management. (WSR)

STRATEGIES

- 1. Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code. (WSR)
- 2. Continue to allow new template dwellings under the current standards of the CFU zone that are more restrictive than state requirements. (WSR)
- 3. Allow no dwellings or other uses which are incompatible with commercial forestry on lands of the Mt. Hood National Forest and adjacent large commercial timber parcels. (ESR)
- 4. Allow new dwellings on ~~the remainder of the~~ Commercial Forest Use zoned lands ~~east of the Sandy River~~ not in the Mt Hood National Forest or on large commercial forest tracts adjacent to the National Forest boundary if the lot meets current County standards regarding the

"template test" or if a lot meets the legal requirements regarding ownership since 1985 set forth in Oregon Revised Statutes or Oregon Administrative Rules. (ESR)

5. Allow disaggregation of existing legally-created lots for purposes of consideration of an additional dwelling unit on a lot less than 19 acres in size under the following conditions.
 - One of the lots to be disaggregated has an existing legal dwelling.
 - If more than two lots are part of an aggregated ownership which if disaggregated would result in a lot less than 19 acres in size, then the owner shall be allowed to disaggregate only one lot and shall be required to aggregate the remaining lots into a single new lot.
 - Both of the lots were owned by the current owner prior to 1985, or the current owner owned two lots prior to 1985 and sold one of them, rendering the other one undevelopable. (ESR)
6. If current statewide planning regulations of Commercial Forest Use lands are changed, Multnomah County should not allow new subdivision lots of less than ~~40 acres in the CFU-2 district or less than~~ 80 acres in the CFU-1 district in order to preserve forest practices and natural resources such as wildlife habitat, streams, and scenic views. (WH)
7. Ensure that any proposed new dwelling in the commercial forest use designated areas receives appropriate public review by providing comprehensive notice and review opportunity prior to any land use decision. (ESR)
- 8A. ~~The conversion of land~~ Redesignating land from Commercial Forest Land Use to another ~~broad-~~ land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's, and in this Plan. (MCCP) Or**
- 8B. ~~Multnomah County generally does~~ Do not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program. (WSR) Or**
- 8C. ~~Multnomah County shall not consider~~ Do not support large-scale "exceptions" to Goal 4 of the Oregon Statewide Planning Program. (ESR)**

Staff recommends retaining strategy statements 8A and 8B for inclusion in the new Comprehensive Plan.

Farm and Forest Lands Policies Proposed for Deletion

The following language is from the current plans and is not recommended to be carried forward to the new comprehensive plan.

Policies/Strategies Related to Farm Lands

from Comprehensive Framework Plan, Policy 9: Agricultural Land Area

STRATEGIES

A. ~~The following strategies should be addressed as a part of the Community Development Ordinance:~~

1. ~~**The Zoning Code** shall include an Exclusive Farm Use Zone consistent with ORS 215.283* and with:~~
 - a. ~~A base minimum lot size appropriate to commercial agriculture for the particular crops and geographic area of the County;~~
 - b. ~~Provisions for allowing farm uses as primary uses, not conditional uses;~~
 - c. ~~Provision for non farm uses as conditional uses prescribed by ORS 215.283*;~~
 - d. ~~Provisions for retail sales of farm products;~~
 - e. ~~Provisions which allow for the reconstruction of structures destroyed by fire or other circumstances;~~
 - f. ~~Provisions for the aggregation of contiguous substandard lots under single ownership;~~
 - g. ~~Mortgage lot provisions;~~
 - h. ~~Homestead lot provisions;~~
 - i. ~~Approval criteria and siting standards for non farm dwellings designed to assure conservation of the natural resource base and protection from hazards.~~
2. ~~**The County Street and Road Standards Code** should include criteria related to street widths, construction standards and requirements appropriate to the function of the road in an exclusive agricultural area.~~
3. ~~**The Capital Improvements Program** should not program a public water system for exclusive agricultural areas or any service level not commensurate with agricultural uses.~~

from Comprehensive Framework Plan, Policy 10: Multiple Use Agricultural Land Area

STRATEGIES

A. ~~The following strategies should be addressed as part of the Community Development Ordinance:~~

1. ~~**The Zoning Code** should include a Multiple Use Farm Zone with:~~

- a. ~~A base minimum lot size consistent with the character of the areas and the adjacent exclusive farm uses;~~
- b. ~~The following examples of uses:~~
 - (1) ~~Permitted as primary uses; agriculture and forestry practices and single family dwellings on legal lots;~~
 - (2) ~~The sale of agricultural products on the premises, dwellings for farm help, and mobile homes should be allowed under prescribed conditions;~~
 - (3) ~~On lands which are not predominantly Agricultural Capability Class I, II, or III, planned developments, cottage industries, limited rural service commercial, and tourist commercial may be allowed as conditional uses; and~~
 - (4) ~~The following uses should be allowed as conditional uses anywhere in the zone upon the showing that the conditional use standards can be met: commercial processing of agriculture or forest products, commercial services, commercial dog kennels, and mineral extraction.~~
- c. ~~Lot size requirements for uses allowed as conditional uses should be based on such factors as:~~
 - (1) ~~Topographic and natural features;~~
 - (2) ~~Soil limitations and capabilities;~~
 - (3) ~~Geologic limitation;~~
 - (4) ~~Climatic conditions;~~
 - (5) ~~Surface water sources, watershed areas and ground water sources;~~
 - (6) ~~The existing land use and lotting pattern and character of the area;~~
 - (7) ~~Road access and capacity and condition;~~
 - (8) ~~Type of water supply;~~
 - (9) ~~Capacity and level of public services available; and~~
 - (10) ~~Soil capabilities related to a subsurface sewerage system.~~
- d. ~~Lots of Record provisions;~~
- e. ~~Mortgage lot provisions;~~
- f. ~~Siting standards for dwellings proposed to be located adjacent to commercial agricultural or forestry use.~~

2. ~~The County Streets and Road Standards Code should include criteria related to street width, road construction standards, and required improvements appropriate to the function of the road and rural living environment.~~

~~3. **The Capital Improvements Program** should not program public sewers to this area and the County should not support the formation or expansion of existing service district areas for the provision of water service.~~

~~B. It is intended that industrial development which has a minimum impact be allowed on the south tip of Sauvie Island upon meeting all the applicable standards of the plan and conditional use procedures.~~

~~*from East of Sandy River RAP*~~

~~9. Allow new farm dwellings on Exclusive Farm Use lands only if they can be shown to be necessary for farm operations.~~

~~STRATEGY: The finding of necessity shall be met through compliance with approval criteria in the Multnomah County Zoning Ordinance.~~

~~10. Require proposed new farm dwellings to meet the standards set forth in Oregon Revised Statutes and Oregon Administrative Rules for farm income necessary to justify a new dwelling unless the lot meets the state law requirements regarding lots of record which have been continuously owned since 1985.~~

~~STRATEGY: Multnomah County shall implement this policy through implementation of the Multnomah County Zoning Ordinance Exclusive Farm Use zoning district.~~

~~12. Review land use issues regarding farm lands in the Columbia Gorge National Scenic Area.~~

~~STRATEGY: Subsequent to the completion of this plan, Multnomah County shall include a review of land use issues regarding farm lands in the Columbia Gorge National Scenic Area as part of the Division of Transportation and Land Use Planning work program.~~

~~*from West of Sandy River RAP*~~

~~None~~

~~*from West Hills RAP*~~

~~None~~

Policies/Strategies Related to Forest Lands

from Comprehensive Framework Plan, Policy 11: Commercial Forest Land Area

STRATEGIES

A. ~~The following strategies shall be addressed as part of the implementing Codes, Ordinances and Programs, including the Zoning (MCC 11.15), Land Division (MCC 11.45) and Street Standards Codes. The strategies are designed to make land divisions and allowed uses compatible with forest operations and agriculture consistent with Statewide Planning Goal 4 and Oregon Administrative Rule (OAR) 660, Division 6:~~

1. ~~**The Zoning Code** should include a Commercial Forest Zone with:~~

- a. ~~A base minimum lot size of no less than 80 acres appropriate to commercial forestry, with aggregation of lots in single ownership required in conformance with OAR standards;~~
- b. ~~Forest and farm uses as primary uses;~~
- c. ~~Large acreage dwellings authorized by OAR 660-06-027(1)(c) (December, 1995) and template dwellings authorized by OAR 660-06-027(1)(d) (December, 1995) as conditional uses with criteria of approval that may be more restrictive than allowed by Statute or Rule, (fewer dwellings may meet the criteria of approval). Such dwellings are to be allowed under approval criteria and siting standards designed to assure conservation of the natural resource base, protection from hazards, and protection of big game winter habitat;~~
- d. ~~Compatible community service uses allowed by OAR 660, Division 6, mineral and aggregate extraction, and support services for forestry activities as conditional uses;~~
- e. ~~Lots of Record provisions; and~~
- f. ~~Mortgage lot provisions.~~

2. ~~**The County Street and Road Standards Code** should include criteria related to street width, road construction standards, and required improvements appropriate to the function of the road.~~

3. ~~**The Capital Improvements Program** should not program public sewers to this area, and the County should not support the formation or expansion of existing service district areas for the provision of water service.~~

from East of Sandy River RAP

6. ~~Ensure that lands subject to the State Forest Practices Act are managed and replanted in accordance with the act.~~

STRATEGY: ~~Request the Oregon Department of Forestry monitor and enforce reforestation of land subject to the State Forest Management Act.~~

7. ~~Review land use issues regarding forest lands in the Columbia Gorge National Scenic Area.~~

~~STRATEGY: Subsequent to the completion of this plan, Multnomah County shall include a review of land use issues regarding forest lands in the Columbia Gorge National Scenic Area as part of the Division of Transportation and Land Use Planning work program.~~

from West of Sandy River RAP

None

from West Hills RAP

~~STRATEGY: Divide Commercial Forest Use lands within the West Hills into three categories. The first, designated CFU 1 Forest Lands, consists of areas with large land holdings generally in excess of 40 acres and areas with few or no existing residences. The second, designated CFU 2 Forest Lands, consists of areas with smaller land holdings generally less than 40 acres, and areas with scattered existing residences. The third, designated CFU 5 Forest Lands, consists of properties within that area identified as a Study Area on the map titled West Hills (Northern Portion).~~

~~STRATEGY: Preserve CFU 1 Forest Lands for continued commercial timber production by limiting residential uses to tracts of 160 acres or greater, or non-contiguous tracts of 200 acres or greater.~~

~~STRATEGY: Allow non-forestry related uses, such as residences, on CFU 5 Forest lands on all tracts as defined by OAR 660—06-027(5)(a).~~

~~POLICY 4. Do not designate additional "Exception" lands in the rural West Hills.~~

~~STRATEGY: Consider redesignation of approximately 80 acres at the intersection of U.S. Highway 30 and Watson Road, adjacent to the Columbia County line, from Commercial Forest Use CFU 2 to CFU 5.~~