

MEMORANDUM

February 18, 2015

To: Community Advisory Committee

From: Rich Faith

Re: **EXISTING COMPREHENSIVE PLAN AND RURAL AREA PLAN POLICIES
Pertaining to
FARM, FOREST, MINERAL RESOURCES and RURAL ECONOMY**

The following policies and text pertaining to farm, forest, mineral resources and rural economy are taken from the current County Comprehensive Plan and the various rural area plans. The policies from the Sauvie Island/Multnomah Channel Rural Area Plan are those proposed at this time within the recommended plan that is now being considered for adoption. These policies are not yet adopted and could change.

Not all the current policies pertaining to these topic areas are included here because some are obsolete and no longer relevant; and the text of some existing policies has been modified where deemed necessary to update the policy or for better understanding.

These policies are provided as a reference for the CAC in its discussion of these topics.

Policies Related to Farm Lands

Existing text from Comprehensive Framework Plan with modifications

POLICY 9: AGRICULTURAL LAND AREA

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 timber production as primary uses.

POLICIES

A. 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;

2. Of parcel sizes suitable for commercial agriculture;
 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.
- B. 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.

STRATEGIES

- A. Apply Exclusive Farm Use zoning that is consistent with state law.
- B. 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, OAR's, and in this Plan.

POLICY 10: MULTIPLE USE AGRICULTURAL LAND AREA

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 and its associated administrative rules. 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 agricultural production, but to limit the adverse impacts of future development of these lands 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).

POLICIES

- A. 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;
 2. Parcelized to a degree where the average lot size, separate ownerships, and non-farm uses are not conducive to commercial agricultural use;
 3. Provided with a higher level of services than a commercial agricultural area has; or

4. Located in micro-climates which reduce the growing season or affect plant growth in a detrimental manner (flooding, frost, etc.).
- B. Restrict uses to those that are compatible with exclusive farm use areas in recognition of the necessity to protect adjacent exclusive farm use areas.

STRATEGIES

- A. Redesignating land to another land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OAR's, and in this Plan.

Policies from Proposed SIMC RAP

1.1 Maximize retention of Sauvie Island's agricultural land base for productive farm use.

1.4 Consider amending the Multiple Use Agriculture zoning code to include deed restrictions protecting surrounding agricultural practices as a requirement for approval of new and replacement dwellings and additions to existing dwellings.

Policies from the West Hills RAP

POLICY 3. Preserve farm lands in the West Hills for agriculture as the primary use.

STRATEGY: Allow non-agricultural uses, such as residences, on Exclusive Farm Use Lands as permitted by Oregon Administrative Rules, with additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources.

Policies from West of Sandy RAP with modifications

Policy 11

Ensure a viable farm economy by preserving agricultural lands for farm uses.

Strategies:

11.1 Do not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program.

11.2 Continue to require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code.

11.3 Limit new non-agricultural uses, and expansion of existing non-agricultural uses, in both type and scale to serve the needs of the local rural area. This will result in a farm protection program for the area that is more restrictive than what state statutes and rules require.

Policy 14

Protect farm land from encroachment by residential and other non-farm uses.

Strategies:

14.1 Ensure that new, replacement, or expanding uses minimize impacts to farmland by

requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.

14.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.

Policies from East of Sandy River RAP with modifications

8. Maintain existing exclusive farm use designated areas as farm lands and prohibit parcelization which detracts from continued agricultural practices and incidental protection of open space and rural community values.

STRATEGY: Do not support large-scale "exceptions" to Goal 3 of the Oregon Statewide Planning Program.

10A. 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 dis-aggregated 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.

11. 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.

Policies Related to Forest Lands

Existing text from Comprehensive Framework Plan with modifications

POLICY 11: COMMERCIAL FOREST LAND AREA

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 Division 6; (5) template dwellings authorized by OAR 660 Division 6; and, (6) heritage dwellings authorized by OAR 660 Division 6. It is the policy of Multnomah County to allow only the three types of dwellings in (4), (5) and (6) 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 three types of dwellings may be more restrictive than the permitted standards in Statute and Rule.

POLICIES

A. 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;
2. Suitable for commercial forest use and small woodlot management;
3. Potential reforestation areas, but not, at the present, used for commercial forestry;
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.

- B. Allow forest management with related and compatible uses 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.

STRATEGIES

- A. Apply Commercial Forest Use zoning that is consistent with state law.
- B. Redesignating land from Commercial Forest Land Use to another land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's, and in this Plan.

Policies from Proposed SIMC RAP

NONE

Policies from the West Hills RAP

POLICY 2. Preserve resource-based land uses related to forest practices as the primary land use in the West Hills.

STRATEGY: Allow non-forestry related uses, such as residences, on CFU-2 Forest Lands as follows:

- a. dwellings on 160 acre tracts or 200 acre non-contiguous tracts.
- b. dwellings on existing lots of record owned continuously by the current owner or antecedents of the current owner since 1985 which are capable of producing less than 5,000 cubic feet per year of commercial timber.
- c. dwellings on existing lots of record which contain at least eleven existing lots and five existing dwellings within a 160 acre square template centered on the lot of record containing the proposed dwelling.

All dwellings potentially authorized under any of these conditions must meet additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources.

STRATEGY: 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.

Policies from West of Sandy RAP with modifications

Policy 12

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

Strategy:

12.1 Do not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program (Forest Lands).

Policy 13

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.

Strategies:

13.1 Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code.

13.2 Continue to apply more restrictive standards than state requirements when allowing new template dwellings in the CFU zone.

Policies from East of Sandy RAP with modifications

1. Maintain existing commercial forest use areas as forest lands and prohibit parcelization that detracts from continued forest operations and incidental protection of open space, wildlife habitat, and rural community values.

STRATEGY: Do not support large-scale "exceptions" to Goal 4 of the Oregon Statewide Planning Program (Forest Lands).

2. Allow new dwellings on lands designated for commercial forest use only when it can be demonstrated that they will have no significant impact upon forestry practices, open space, public facilities, wildlife habitat, and rural community character.

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.

STRATEGY: Prohibit new dwellings upon the Mt. Hood National Forest and adjacent large commercial timber parcels.

4. Allow new dwellings on Commercial Forest Use zoned lands 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.

4A. 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 dis-aggregated 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.

5. Ensure that any proposed new dwellings in the commercial forest use designated areas receive appropriate public review by providing comprehensive notice and review opportunity prior to any land use decision.

Policies Related to Mineral Resources

Policies from Comprehensive Framework Plan with modifications

POLICY: Protect and ensure appropriate use of mineral and aggregate resources and minimize conflict between surface mining activities and surrounding land uses.

STRATEGY: Protect significant gravel and mineral resources consistent with Statewide Planning Goal 5 and Oregon Administrative Rules, Chapter 660, Division 16.

Policies from Proposed SIMC RAP

NONE

Policies from the West Hills RAP

POLICY 27: Allow expansion of the Angell Brothers quarry to provide needed aggregate materials for the Portland metropolitan area.

POLICY 28: Balance the need for aggregate material with the protection of scenic views, streams, and wildlife habitat in the vicinity of the Angell Brothers quarry by implementing the measures contained within the West Hills Reconciliation Report.

Policies from West of Sandy RAP

NONE

Policies from East of Sandy RAP with modifications

47. Ensure that the Howard Canyon mining operation meets DEQ noise level standards, both within the mining site and on adjacent roadways.

Policies Related to Rural Economy (including farm stands)

From Comprehensive Framework Plan with modifications

- K. Encourage and stimulate agricultural and timber processing industries which will improve the economic viability of farm and forest production within the County. The location of these enterprises must be carefully balanced with the protection of these resource lands when they occur outside the urban growth boundaries.

Policies from Proposed SIMC RAP

1.2 Consider standards for limiting the area, location, design, and function of farm stand promotional activities to the extent allowed by law to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, and to minimize impacts on adjacent farming operations, residents, roads, traffic circulation, wildlife and other natural resources.

1.3 Consider a tiered review process for farm stand operations on EFU land distinguishing between operations that include promotional activities and those that do not.

1.5 Consider developing a unified, multi-agency permitting process for review of mass gatherings and other gatherings. Consider more restrictive permitting thresholds for number of visitors, frequency and duration than the maximums authorized by state law.

1.6 Do not adopt the agri-tourism provisions of ORS chapter 215 due to the island's limited road infrastructure and already high levels of visitation.

Policies from the West Hills RAP

NONE

Policies from West of Sandy RAP

See policies and strategies under Farm Lands

Policies from East of Sandy RAP with modifications

13. Encourage and allow commercial and civic uses that serve local needs within rural centers.

STRATEGY: Evaluate whether proposed conditional commercial and civic uses serve local needs through the land use review process.

~~16. Allow farm stands which sell products grown on the premises in all the Exclusive Farm Use, Multiple Use Agriculture, Rural Residential, and Rural Center zoning districts with findings that, 1) the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock, and 2) the location and design are compatible with the character of the area.~~

16. Allow as a review use retail sales of farm or forest products raised or grown on the premises consistent with standards in state law.

~~17. Allow farm stands which sell a wider variety of farm products and retail incidental items in all Exclusive Farm Use zoned areas, and also on all parcels with frontage on, or with road frontage a maximum of 500 feet from the Historic Columbia River Highway, with findings as mandated by Oregon Administrative Rules with findings that the products have been grown in the local agricultural area, the retail incidental items constitute no more than 25% of the total farm stand sales, and the farm stand does not include structures designed for occupancy as a residence or for banquets, public gatherings, or public entertainment. Require review by the Oregon Department of Transportation (ODOT) for any proposed access onto and impacts upon the Historic Columbia River Highway~~

17. Allow as a conditional use retail sale of farm or forest products beyond what is only raised or grown on the premises, subject to area, location, and design limitations.