

# Summary Report

February 26, 2015

**To:** Farm, Forest and Rural Economy Subcommittee

**From:** Matt Hastie and Serah Breakstone, Angelo Planning Group

**Re:** Comprehensive Plan Policy Issues Analysis - Agriculture, Forest and Mineral Resources Policies

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## OVERVIEW

This report presents an analysis of policy issues related to farm and forest land that have been identified for discussion by the Farm, Forest and Rural Economy Subcommittee, as well as the Community Advisory Committee (CAC). These represent issues where the County may revise current policies or adopt new policies to address these issues as part of the Comprehensive Plan update. A summary of mineral resources issues is included in a separate document.

The basis for identifying these issues included:

- Has been identified as an issue of concern by community members.
- Represents a frequent or long-standing area of concern for County staff and/or decision makers.
- Involves a policy area or regulatory requirement where the County has discretion and wants to explore multiple options.
- Was identified through an initial review of existing Comprehensive Framework Plan and Rural Area Plan policies as a gap in the County's policies.

Using this information, the project team prepared a brief list of possible policy issues for review and discussion with the CAC and relevant subcommittees. A preliminary list of issues related to farm and forest lands, rural economy and land uses has been provided to the CAC for their preliminary review.

The policy issues that are analyzed in this report are related to the following farm and forest lands and rural economy topics:

- Agri-tourism and mass gatherings
- Farm stands and similar uses
- Home occupations
- Farm and forest dwellings

For each issue topic, this report provides an analysis using the outline below.

1. Description of key policy issues and background information
2. Relationship to state law and potential level of County discretion or flexibility

3. Geographic applicability:
  - o Do local conditions or Rural Area Plan policies appear to merit a differing approach among different rural areas?
4. Existing policies:
  - o Does the County have existing policies to address this issue?
  - o Are current policies or requirements the same across the entire county or do they differ among rural planning areas?
5. Related concerns expressed by community members
6. Other considerations

The information contained in this report was derived from a variety of sources including several internal memoranda on key code provisions prepared by County assistant planner, Rithy Khut. Those memoranda provide more detailed information on some of the issues discussed here. CAC and subcommittee members may want to refer to those memoranda for additional information.

## ISSUE DESCRIPTIONS AND ANALYSES

### AGRI-TOURISM & MASS GATHERINGS

State law allows counties to adopt provisions for agri-tourism and other commercial events or activities that are related to and supportive of agriculture in the Exclusive Farm Use (EFU) zone. Currently, these types of uses are not permitted on farm lands within the County. Counties have a certain amount of discretion to craft specific requirements related to these uses, including the extent to which they are allowed, the impacts they will address, and the applicable review process.

#### KEY POLICY QUESTIONS

Following are key policy questions for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should the County continue to not permit some agri-tourism and mass gathering uses (i.e., be more restrictive than the state allows) or allow for the maximum permissible level of these activities prescribed in state law,?*
- *Should agri-tourism and mass gatherings only be allowed in certain areas of the County?*
- *What is an appropriate review level and what criteria should be considered in crafting applicable requirements?*

#### STATE REQUIREMENTS AND DEGREE OF DISCRETION

**Agri-Tourism.** Statutory rules for “agri-tourism” provide several opportunities for the review and approval of from one to 18 events per year in EFU zones. The provisions require that these events be “incidental and subordinate to existing farm use on the tract” and can occur outdoors and within temporary or existing permanent structures. Further, they authorize the County to adopt its own regulations in addition to those under ORS 215.283(4).

State laws specify different types of agri-tourism uses that can be allowed outright and others that can be allowed under certain conditions. State law also allows for different types of approval processes for these activities, depending on the number, type and size of events or activities allowed. As noted above, the County has discretion in determining the extent of activities it will allow, the approval processes it will require and types of impacts it will address, within the parameters set by the state. Potential discretionary issues include the following:

- Number and duration of activities, attendance levels and hours of operation.
- Location of existing structures and proposed temporary structures.
- Traffic management plan requirements, including parking standards.
- Authorization to allow for inspection of event premises.
- Sanitation, solid waste and other related matters.

Agri-tourism provisions are very specific and can provide a means for the County, landowners and neighbors to address concerns for events not permitted at farm stands.

**Mass Gatherings.** Oregon also has an “Outdoor Mass Gatherings” law that was adopted in 1971. It is a very complex law that has had some limited use in counties around the state. How it applies or interrelates to promotional activities at farm stands or to other agri-tourism events under ORS 215.283(4) is not entirely clear as ORS 215.283(6) (c) states that:

*“outdoor mass gathering’ and ‘other gathering,’ as those terms are used in ORS 197.015 (10) (d), do not include agri-tourism or other commercial events and activities.”*

It appears that the “outdoor mass gathering” law would only apply to events not authorized as agri-tourism under ORS 215.283(4). What these might be is not completely clear and will need to be determined after further research and discussions.

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## GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County to some degree since they all include resource zones that could allow for these types of uses. However, the extent of existing or future agri-tourism uses in the rural areas may differ substantially. This issue was addressed extensively in the Sauvie Island Multnomah Channel (SIMC) Rural Area Plan update and is a significant issue for farmers, other property owners and residents in that area. It may be appropriate to craft a consistent set of policies related to this topic for all rural areas, using the SIMC Plan as a model. At the same time, differing circumstances in specific areas could merit a tailored approach for other locations.

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## EXISTING COUNTY POLICIES

Currently, Multnomah County has not adopted the optional agri-tourism provisions allowed by state law but does allow the other events and activities as prescribed in state law. The existing Comprehensive Framework Plan document and the Rural Area Plans, with the exception of the SIMC Plan, do not include policy statements that directly address this issue in detail. However, these documents do include general policy statements that direct the County to preserve agricultural land primarily for farm uses and generally limit non-agricultural uses in these areas.

The proposed SIMC Plan as now drafted includes the following policies related to this topic:

*Policy 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.*

*Policy 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.*

*Policy 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.*

The draft SIMC Plan also includes additional policies associated with farm stands which will be discussed as part of a separate policy issue.

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## COMMUNITY MEMBER COMMENTS

Comments on this issue were provided at the Comprehensive Plan open houses in October, including but not necessarily limited to the following:

- *I would like to see the exploration of Senate Bill 960 as it relates to agri-tourism in East Multnomah County (EMC). We are in a prime position to learn from counties such as Marion and Washington that have successfully implemented such allowances.*
- *Will wedding receptions be allowed here in the future? Is that something that will be discussed during this planning process?*

There was also extensive public discussion of this issue during the SIMC Planning process.

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## OTHER CONSIDERATIONS

The Oregon Department of Land Conservation and Development, with help from Angelo Planning Group is developing model code language for counties to consider as they update their code provisions to meet state requirement and address their own local goals and conditions. Those model code provisions can both guide a policy discussion on this issue and

may ultimately be a model for updating the County’s development code provisions either as part of this project or in a future code update phase.

In addition, a number of other counties are currently addressing this same issue from a policy or development code perspective and their efforts also may provide ideas for Multnomah County to consider. For example, Washington County is currently addressing this issue in their code.

## FARM STANDS

State law permits counties to allow for farm stands as outright permitted or conditional uses along with farm related promotional activities such as hay rides, corn mazes, “farm-to-plate” dinners or other small gatherings. The County may be able to regulate the size and other aspects of these uses, including the impacts of promotional activities at farm stands. The County currently allows farm stands that include promotional activities as a Review Use in the EFU zone.

## KEY POLICY QUESTIONS

Following are key policy questions for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should current requirements be changed to reflect a more refined list of promotional activities?*
- *Should the County develop additional review requirements for managing the size and impacts of promotional activities at farm stands? If so, what factors or criteria should be considered in crafting applicable requirements?*

## STATE REQUIREMENTS AND DEGREE OF DISCRETION

Counties must allow and include in their codes (or directly apply) all ORS 215.283(1) uses. These are permitted “A” uses (outright allowed uses) and some “R” uses (restricted or conditional uses) in OAR 660 Division 33 Table 1. Farm stands are an “A” use although they are subject to certain prescribed standards.

Uses “subject to standards” may be reviewed by any mechanism a county chooses to employ – an administrative review or hearings officer or planning commission hearing – as long as it complies with relevant statutes.

Recent case law has clarified the types and extent of promotional activities that may be part of a farm stand. Fee-based promotional activities may include farm-to-plate dinners and small-scale gatherings like farm-themed birthday parties, but not large-scale gatherings like weddings. Food carts may only be allowed if used for the sale of farm crops or livestock grown on the farm operation. [Greenfield v. Multnomah County 259 Or App 687 (2013).]

Counties may adopt local siting and design standards for farm stands to further regulate the use. Such standards could address off-street parking (amount, location, paving materials), site circulation, roadway and parking surface materials, vision clearance, lighting and signage.

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#### GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County to some degree since they all include EFU zones that can or do allow for farm stands and associated uses. However, the extent of existing or future farm stand uses in these areas may differ substantially. Most other rural zones also allow sales of farm crops and livestock grown on the property but not promotional activities or other associated uses. This issue was addressed in the Sauvie Island Multnomah Channel (SIMC) Rural Area Plan update in combination with agri-tourism policy issues and is a significant issue for farmers, other property owners and residents in that area. It may be appropriate to craft a consistent set of policies related to this topic for all rural areas, using the SIMC Plan as a model. At the same time, differing circumstances in specific areas could merit a tailored approach for other locations.

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#### EXISTING COUNTY POLICIES

The existing Comprehensive Framework Plan document and the Rural Area Plans, with the exception of the East of Sandy Plan and the proposed SIMC Plan, do not include policy statements that directly address this issue. However, these documents do include general policy statements that direct the County to preserve agricultural land primarily for farm uses and generally limit non-agricultural uses in these areas.

The following policy taken from the existing East of Sandy River Rural Area Plan, adopted in 1997, simply restates statutory requirements for farm stands in effect at that time.

*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.*

Policy 17 from the East of Sandy Plan imposes limitations on where farm stands can be located in the EFU zone, but otherwise repeats statutory language.

*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 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.*

The proposed SIMC Plan as now drafted includes the following policies related to this topic, although thus far much of the public testimony about the Plan supports stronger language to commit the County to action:

*Policy 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.*

*Policy 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.*

*Policy 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.*

*Policy 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.*

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#### COMMUNITY MEMBER COMMENTS

The following comment, among others was provided on this issue at the Comprehensive Plan open houses in October:

- *I would like to see the exploration of Senate Bill 960 as it relates to agri-tourism in East Multnomah County (EMC). We are in a prime position to learn from counties such as Marion and Washington that have successfully implemented such allowances.*

There was also extensive public discussion of this issue during the SIMC Planning process.

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#### OTHER CONSIDERATIONS

The Oregon Department of Land Conservation and Development, with help from Angelo Planning Group is developing model code language for counties to consider as they update their code provisions to meet state requirement and address their own local goals and conditions. Those model code provisions can both guide a policy discussion on this issue and may ultimately be a model for updating the County's development code provisions either as part of this project or in a future code update phase.

In addition, a number of other counties are currently addressing this same issue from a policy or development code perspective and their efforts also may provide ideas for Multnomah County to consider. For example, Washington County is currently addressing this issue in their code.

## HOME OCCUPATIONS

State law allows for certain types of “home occupations” (businesses occurring within a residence) in farm and forest zones as conditional uses. Counties can choose whether or not to allow these uses in these areas and may decide how to regulate their impacts on surrounding uses. In addition, some commercial activities can be permitted outright within a residence if they operate in a manner that is indistinguishable from the residential use of a dwelling. Currently, Multnomah County allows home occupations in farm and forest zones; the level of review depends on the scale of the home occupation (Type A, B or C). Existing County policies and ordinances either meet, or are more restrictive than, state mandates; therefore, there is some flexibility available.

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### KEY POLICY QUESTIONS

Following are key policy questions for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should the County support allowing home occupations in farm and forest zones to the maximum extent allowed by state law?*
- *If so, what types of impacts should be regulated?*

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### STATE REQUIREMENTS AND DEGREE OF DISCRETION

Counties may allow, but are not required to allow, uses listed at ORS 215.283(2) “after required review” for compatibility on farmland (“R5” uses in Division 33 Table 1); all of these are listed as conditional uses in the model code being developed for the state by APG and DLCD staff. In EFU areas, home occupations are conditional use where additional state standards apply.

For forest lands, counties must allow and include in their codes all OAR 660-006-0025 Section (2) and (3) uses, and may allow uses listed under section (4). All section (4) uses are conditional and subject to state compatibility review standards and some have additional state standards that apply. Therefore, home occupations must also be considered as conditional uses in the CFU zone.

Counties may choose whether to list conditional uses in their EFU and forest zones. If a use is not listed, counties may not allow that use. Criteria for approval in ORS 215.296 and OAR 660-033-0130(5) require that the applicant demonstrate that:

- The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.



Conditional use criteria for forest lands applicable to uses listed at OAR 660-006-0025(4) include:

- The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations.

Unlike uses that are permitted outright, a conditional use is not presumed to be allowed in every situation, on every site. Counties may approve or deny conditional use applications, or approve them subject to conditions. Counties regulate conditional uses to minimize impacts to farm/forest operations and conflicts with neighboring uses, and apply conditions to minimize potential detrimental effects of the proposed use.

Pursuant to state requirements, a home occupation must be operated “substantially in” a dwelling or a building normally associated with uses permitted in the zone. “Substantially” is not defined in Rule. Counties may limit the size of a home occupation (e.g. “not to exceed” a specific percentage of the gross floor area or a square foot limit, whichever is less, of the dwelling/buildings on site). Counties may also define and categorize home occupations by their impacts (e.g., size, number of customers/visitors, number of employees, outdoor storage etc.) and assign appropriate corresponding review procedures.

Most counties include home occupations under conditional use or special use requirements that are applicable in all zones. Jurisdictions typically regulate the size, number of non-resident employees, number of customers/visitors, parking, outdoor storage/displays, signage, impacts to adjacent uses, and the types of activities permitted in association with home occupations.

Where the commercial use operates in a manner that is indistinguishable from the residential use of a dwelling, counties may permit these uses outright, but the use may not be considered a “home occupation.” Appropriate terms for this low-impact use include “home business” or “in-home commercial activity” and the activity may be permitted through a ministerial, or Type I, permit application.

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#### GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County to some degree since they all include resource zones that allow home occupations. Based on preliminary comments and discussion with staff, there is no reason to think there should be any difference in policies related to home occupations in different rural areas of the County.

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## EXISTING COUNTY POLICIES

Existing Comprehensive Framework Plan policies are generally supportive of home occupations. Policy 22, Energy Conservation includes a strategy that states the County should encourage greater energy conservation by allowing opportunities for home occupations.

The Rural Area Plans have very little in terms of policy language related to home occupations. Specifically:

- The West Hills and Draft Sauvie Island RAPs do not contain policy language related to home occupations.
- The East of Sandy RAP contains the following language regarding home occupations:

*18. Consider revisions to the home occupations policies in the Multnomah County Zoning Ordinance.*

- The West of Sandy River RAP contains the following strategy statement regarding home occupations under a policy on residential development:

*Strategies: Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through an administrative review process and design review.*

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## COMMUNITY MEMBER COMMENTS

Several comments on this issue were provided at the Comprehensive Plan open houses in October, including but not necessarily limited to the following:

- *Allow more home occupations.*
- *I hope that the County can figure out how to allow people to work out of their homes, especially when it constitutes an email, phone number and mailing address and UPS deliveries, etc.*
- *Encourage home occupation uses in rural areas.*

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## OTHER CONSIDERATIONS

. Multnomah County adopted new home occupation provisions in 2013. Using examples from other counties and working with the Planning Commission, many of the regulations were expanded to allow more flexibility. This included allowing Type A home occupations to occur in dwellings constructed after March 1998, allowing an employee and two customers at a time and the use of properties located off of a private road or easement. A new Type B home occupation was created to allow small businesses to use accessory buildings and allow more customers per day. Type C home occupation language was clarified based on State law, hearings officer decisions and court cases. Additionally, input from the Transportation Planning Division was requested to include limitations on the number of daily vehicle trips and the number of customer

vehicles on the property at any one time. Based on staff recommendations many of the code changes were to clarify the limitations, reduce ambiguity and simplify the process of determining whether the proposed use could be approved as a home occupation.

## FARM AND FOREST DWELLINGS

State law allows a new dwelling to be established on forest land through three possible methods (large acreage, template, or heritage tract); while in the EFU zone new dwellings can be established on heritage tracts or in conjunction with a farm use under prescribed conditions. Generally speaking, the County's policies and implementing ordinances are consistent with state laws. However, County rules for siting a template dwelling and prohibiting siting a dwelling in big-game winter habitat are slightly more restrictive than the state. As such, the County may have some flexibility to relax those rules and still be consistent with state law.

### KEY POLICY QUESTIONS

Following is the key policy question for discussion by the subcommittee for this topic, which will inform potential updates to County policies and development code requirements:

- *Should the County adjust policies and implementing ordinances to allow the maximum amount of farm and forest dwellings consistent with state law?*

### STATE REQUIREMENTS AND DEGREE OF DISCRETION

Siting a single-family dwelling on either EFU or forest land can be allowed on a "lot of record," which includes the following provisions:

#### *Ownership of Record Dwelling*

(1) *A dwelling may be approved on a pre-existing lot or parcel if:*

- (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (5):*
  - (i) Since prior to January 1, 1985; or*
  - (ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.*
- (b) The tract on which the dwelling will be sited does not include a dwelling;*
- (c) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;*

Generally speaking, for EFU areas, the lot or parcel on which the dwelling will be sited may not be on high-value farm land unless it can be found that the lot or parcel cannot practicably be

managed for farm use or criteria can be met pertaining to settlement patterns (a certain percentage of the border of the subject tract touches on other tracts, a certain number of which that have dwellings). A non-farm dwelling may also be sited on a parcel created before January 1, 1993, subject to the a number of requirements [ORS.284(1) and (4); OAR 660-033-0120 and 130(4)(a).]

For forest lands, the dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and that is located within 1,500 feet of a public road.

In addition to ownership of record dwellings, the following may be established in forest zones in Western Oregon:

- **Large tract forest dwellings**, authorized under ORS 215.740, on at least 160 contiguous acres or 200 acres.
- **Single-family “template” dwelling**, authorized under ORS 215.750, where the proposed single-family dwelling will be located on a lot or parcel that is within a 160-acre template and the parcel is prominently composed of soils that are capable of producing a specific number of cubic feet per acre per year of wood fiber, a number that is determined by the number of other lots or parcels and existing dwellings within the template area.

While there is not much discretion available to the County in terms of how farm and forest dwellings are regulated. The County does have some flexibility to allow more dwellings and still be consistent with state law. In a memo produced by County staff (dated January 6, 2015), County rules for farm/forest dwellings were compared with state rules; the memo notes:

*Therefore, in analyzing the code and noting that the only major differences are the rules for siting a template dwelling and the ability to site a house within big game winter habitat area, the main policy question is: to what extent should the county look to change those specific rules? In one case, the East of Sandy River Rural Plan estimated that adopting changes to match the template requirements in the current OARs could potentially add 88 dwellings to the East of Sandy plan area.*

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#### GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County to some degree since they all include resource zones that allow farm or forest dwellings.

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#### EXISTING COUNTY POLICIES

Existing Comprehensive Framework Plan and Rural Area Plan policies generally reflect the goal of maintaining the rural character and preserving resource lands within the County.

The Comprehensive Framework Plan contains the following language regarding farm/forest dwellings:

- Policy 11, Commercial Forest Land Area - Strategy

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

*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;*

*Strategy A. Apply Commercial Forest Use zoning that is consistent with state law.*

- The draft SIMC RAP contains the following language regarding farm and forest dwellings:

*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.*

- The West Hills RAP contains the following language regarding farm and forest dwellings:

*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.*

*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.*

- The West of Sandy River RAP contains the following language regarding farm and forest dwellings:

*11. Ensure a viable farm economy by reserving agricultural lands for farm uses.*

*Strategies:*

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

*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.*

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

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

*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.*

- The East of Sandy River RAP contains the following language regarding farm and forest dwellings:

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

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## COMMUNITY MEMBER COMMENTS

Several comments on this issue were provided at the Comprehensive Plan open houses in October, including but not necessarily limited to the following:

- *Allow ADU to provide in-care living, necessary affordable housing, additional rental income. Flexibility to accommodate other family members or to generate rental income.*
- *Allow guest houses on 5-acre or larger parcels.*
- *Allow guest houses to be here legally; built on huge properties (i.e., 5-10 acres or more).*
- *Am okay with large parcels -- people with lots of acreage should be allowed to build more than 1 home - but restrict size of lots to no less than 5 acres.*
- *I live in Corbett. My main interest is to keep Corbett rural, but to also allow residents more housing options such as ADU's or granny flats.*

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## OTHER CONSIDERATIONS

With respect to farm and forest zones, state law does not allow the type of accessory dwellings mentioned in the comments received from the October open houses. Further research is needed to determine whether the County has the option of permitting these types of accessory dwellings in the other rural zones.