



Oregon

Theodore R. Kubingski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/13/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Columbia County Plan Amendment
DLCD File Number 002-10A

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, January 26, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline. this Plan Amendment is acknowledged.

Cc: Debbie Jacob, Columbia County
Jon Jinings, DLCD Community Services Specialist
Anne Debbaut, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA/l



ADOPTED PLAN AMENDMENT

JURIS ABB :	ACOLU	Adopted Database No.:	16478
Was Proposal Submitted prior to adoption:	Y	Proposed Database No.:	18119
Date Adoption Notice Received:	1/7/2011	Jurisdiction:	COLUMBIA COUNTY
Date of Adoption:	11/10/2010	DLCD File No.:	002-10A
Date Adoption Notice sent:	1/13/2011	Local File # :	TA 10-03
Appeal Deadline:	1/26/2011	Appeal filed:	LUBA No.:
Additional File associated with this Proposal:	N	Decision:	

Proposed Adoption:

Amend the Zoning Code to add and delete text for three zones including Primary Agriculture Use Zone (PA-80), Forest/Agriculture Use Zone (FA-80), Primary Forest Zone (PF-80); and amend the Comprehensive Plan Part V Agriculture in order to comply with Oregon Rules Statutes and Oregon Administrative Rules legislation incorporated since 1993. Amend the Zoning Ordinance to eliminate Section 1178 Buffer Woodlot Overlay Zone. This proposal was received without notice of a final hearing date.

Changes to Proposed Amendments:

DLCD submitted comments dated March 10, 2010 and April 2, 2010 referencing portions of the February 19, 2010 Proposed Amendments that were still discrepant with specific applicable provisions required in either Oregon Revised Statutes or the Oregon Administrative Rules. At the April 19, 2010 public hearing, the Planning Commission directed Land Development Services staff to rectify these discrepancies and to include them in the revisions. These revisions were made, reviewed and unanimously approved by the Planning Commission at their June 7, 2010 continued hearing that was then forwarded to the Board of Commissioners for their review at the October 13, 2010 hearing.

Affected Agencies:

Oregon Department of Forestry, Oregon Department of Agriculture

M - Map T - Text B - Both

Amendment Type: T Ordinance No: 78-2010

DEVCODE
PE.GOAL3
PE.GOAL4
PLANUPDATE

Urban Growth Boundary Expansion:

UGB Expansion:
Acres Involved:

Statewide Planning Goals:

2, 3, 4,

Original Use: New Use: Acres:

Proposal

Date Proposal Submitted:	2/18/2010	Number of Amendments:	
First Evidentiary Hearing date:	4/19/2010	Days to First Evidentiary Hearing:	60
Final Hearing date:		Days to Final Hearing:	
Local Government Contact:	Debbie Jacob	Date Proposed Notice Sent:	
Contact Phone:	503-397-1501	Date Participation Notice Sent:	
	Ext: 7260		

Review

Agency Participation:	YA	Assigning Supervisor:	JJ	<u>Lead Reviewer:</u>	AD
Draft Deadline Date:	03/25	Time spent on Review:	2.00	Reviewer 2:	KD
Mail Deadline Date:	03/26	Response Sent:	Y	Reviewer 3:	
Fax Deadline Date:	04/02	Type of Response:	Letter	Reviewer 4:	
		Date Response sent:		Reviewer 5:	



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JAN 07 2011

LAND CONSERVATION AND DEVELOPMENT
Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Columbia County**

Local file number: **TA 10-03**

Date of Adoption: **November 10, 2010**

Date Mailed: **November 15, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: February 17, 2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zoning Ordinance and Comprehensive Plan Amendments to:

(1) Sections 300, 400, and 500, "Primary Agriculture, Forest Agriculture, and Primary Forest Zones",

(2) Delete Section 1178 the "Woodlot Overlay Zone" in its entirety and

(3) Parts IV and V of the Comprehensive Plan related to Forest and Agriculture Lands

1/5/11
REVISED PER COLUMBIA COUNTY BOARD ORDER 78-2010 (ORDER ORDINANCE ATTACHED)

These amendments are necessary in order for the county's Zoning Ordinance and Comprehensive Plan to comply with provisions that have been incorporated into State law since 1993.

Does the Adoption differ from proposal? Yes, Please explain below:

DLCD submitted comments dated March 10, 2010 and April 2, 2010 referencing portions of the February 19, 2010 Proposed Amendments that were still discrepant with specific applicable provisions required in either Oregon Revised Statutes or the Oregon Administrative Rules.

At the April 19, 2010 public hearing, the Planning Commission directed Land Development Services staff to rectify these discrepancies and to include them in the revisions.

These revisions were made, reviewed and unanimously approved by the Planning Commission at their June 7, 2010 continued hearing that was then forwarded to the Board of Commissioners for their review at the October 13, 2010 hearing.

Plan Map Changed from: **N/A** to

Zone Map Changed from: to:

Location:

DLCD File No. 002-10^A (18119) [16478]

FILE COPY

Specify Density: Previous:

PA - 38 acres
FA - 19 acres
PF - 76 acres

New:

PA - 80 acres
FA - 80 acres
PF - 80 acres

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Fire Districts, Oregon Department of Agriculture, Oregon Department of Forestry

Local Contact: **Todd Dugdale**

Phone: (503) 397-7207 Extension:

Address: **230 Strand St.**

Fax Number: 503-366-3902

City: **St. Helens**

Zip: 97051

E-mail Address: **todd.dugdale@co.columbia.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Correcting Scrivener's Errors)
in Ordinance No. 2010-11, Amending the) ORDER No. 78-2010
Columbia County Zoning Ordinance)

WHEREAS, Ordinance No. 2010-11 was adopted by the Board of County Commissioners on November 10, 2010, and becomes effective on January 5, 2011; and

WHEREAS, Ordinance No. 2010-11 amended the Columbia County Zoning Ordinance (CCZO) and Comprehensive Plan to be consistent with provisions of State law that have applied to Forest and Agriculture zones since 1993; and

WHEREAS, Exhibit B of Ordinance No. 2010-11 contained the text amendments to the CCZO; and

WHEREAS, Exhibit B contained the following scrivener's errors:

- (1) Typographical errors in the PA-80 zone Table of Authorized Uses & Development, Section 305.1C, and Section 306 for Utilities and Solid Waste Disposal Facilities; and
- (2) An inadvertently omitted word from Section 309.6B.3 that is currently applicable in the PA-80 zone through ORS 215.263(10)(b)(C); and
- (3) An inadvertently omitted provision from Section 506.2 that is currently applicable in the PF-80 zone through OAR 660-006-0027(1)(e); and
- (4) An error in transcribing a currently applicable requirement of OAR 660-006-0027 to Section 506.4A.2; and
- (5) An inadvertently omitted provision from Section 506.5 that is currently applicable in the PF-80 zone through OAR 660-006-0027(3)(a); and
- (6) A formatting error in transcribing the requirements of OAR 660-006-0026 to Section 511.2.

WHEREAS, Section 7 of Ordinance No. 2010-11 provides that scrivener's errors may be corrected by order of the Board of County Commissioners.

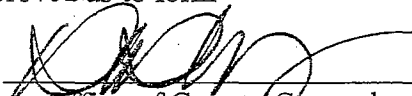
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NOW, THEREFORE, IT IS HEREBY ORDERED that the scrivener's errors in Exhibit B of Ordinance 2010-11, identified above, be corrected as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

Dated this 15th day of December, 2010.

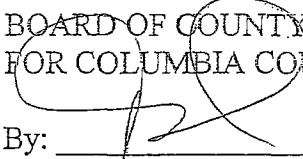
Approved as to form

By:

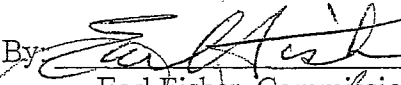

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON:

By:


Anthony Hyde, Chair

By:


Earl Fisher, Commissioner

By:

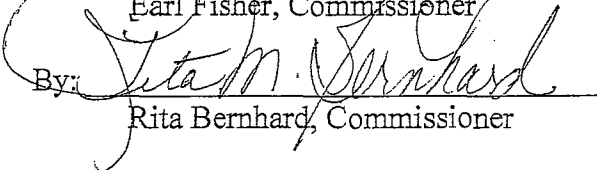

Rita Bernhard, Commissioner

EXHIBIT 1

The following text is amended to correct scrivener's errors with additions show in **bold**, and deletions shown in ~~strikethrough~~.

**PRIMARY AGRICULTURE USE ZONE
(PA-80)**

* * * * *

TABLE OF AUTHORIZED USES & DEVELOPMENT			
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	306.13-4, 307, 308
Commercial Wind Power Generating Facilities	CUP/PC	CUP/PC	306.143(2), 307

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:

- C. The dwelling will be occupied by the person(s) that produced the commodities which provided the income under Subsection 305.1(f)A. above.

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES – 3056 CUP

309 Land Division Requirements [ORS 215.263].

- .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:

- B. The parcel not containing the dwelling:

3. Shall not be considered in approving a redesignation or rezoning **except** to allow a public park, open space or other natural resource use; and

PRIMARY FOREST ZONE
(PF-80)

- 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.

.2 Large Tract or Multi-Tract Forest Land Dwelling. A dwelling may be authorized on a tract that does not include a dwelling and 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."

.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:

- 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.

.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, **provided one of the three required dwellings is on the same**

side of the road or stream as the tract, 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."

* * * * *

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.

* * * * *

.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:

* * * * *

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.

- 6E. 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
- 7F. 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
- 8G. 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
- 9H. 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
- 40I. The resulting parcels are configured such that they are efficient for existing or future forest use(s) employing accepted forest management practices; and
- 44J. The new parcels will not significantly impact identified sensitive fish and wildlife habitat; and
- 42K. The division is consistent with Oregon Revised Statutes, Chapter 92.

ARTICLE III – RESOURCE DISTRICTS

**PRIMARY AGRICULTURE USE ZONE
(PA-80)**

[Amd. Ordinance 2010-11 eff. 1.05.11].

- 301 Purpose
- 302 Definitions
- 303 Table of Authorized Uses & Development
- 304 Permitted Uses
- 305 Uses Subject to Administrative Review
- 306 Conditional Uses
- 307 General Review Standards
- 308 Development Standards
- 309 Land Division Requirements
- 310 Property Line Adjustments
- 311 Construction Financing/Mortgage Tax Lots
- 312 Non-Conforming Uses
- 313 Prohibited Uses

Section 300 PRIMARY AGRICULTURE USE ZONE - 80 PA-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:

- .1 “Agricultural Land” is comprised of predominately Class I-IV soils as classified by the U.S. Natural Resources Conservation Service (NRCS) 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 – Not High Value Farmland	AR NA	NA AR	305.5, 307, 308 305.6, 307, 308
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
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

TABLE OF AUTHORIZED USES & DEVELOPMENT			
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 - Type II -	AR CUP/PC	AR CUP/PC	305.21, 307, 308, 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
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

TABLE OF AUTHORIZED USES & DEVELOPMENT			
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	306.14 ¹ , 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
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	HV	NHV	PA - 80 SECTION
Schools, public or private, & all essential buildings	NP	CUP/PC	306.16, 307, 308

¹Amd. by Order No. 78-2010

TABLE OF AUTHORIZED USES & DEVELOPMENT			
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.

- 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 305.1A above. *[Amd Order No. 78-2010, 12.15.10.]*
- 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

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.

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

- .1 The minimum average lot width shall be 100 feet for all activities except farming and forestry.
- .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 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.

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 except to allow a public park, open space or other natural resource use [*Amd Order No. 78-2010, 12.15.10.*]; 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 than 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.

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

[Amd. Ordinance 2010-11, eff. 1.05.11].

- 401 Purpose
- 402 Predominant Use Test
- 403 Definitions
- 404 Permitted Uses
- 405 Land Division Requirements
- 406 Property Line Adjustments
- 407 Construction Financing/Mortgage Tax Lo
- 408 Non-Conforming Uses
- 409 Prohibited Uses
- 410 Rezoning Land to a Forest/Agriculture Zone
- 411 Notification of State and Local Agencies

Section 400 FOREST/AGRICULTURE - 80 FA - 80

- 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.

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.

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.
- 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.

PRIMARY FOREST ZONE(PF-80)

[Amd. Ordinance 2010-11, eff. 1.05.11].

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Section 500 PRIMARY FOREST ZONE - 80 PF-80

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 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;
- B. Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;
- 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. Recognize locationally dependent uses, such as communication towers, mineral and aggregate resources, etc;
- F. Provide for 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.

TABLE OF AUTHORIZED USES & DEVELOPMENT		
RESOURCE USES	AUTHORIZATION	PF - 80 SECTION
Forest Operations and Practices	P	503.1
Physical Alterations of the Land Auxiliary to Forest Practices	P	503.4
Farm Use as defined in ORS 215.203	P	503.2
Soil, Air and Water Conservation Activities	P	503.5
RESOURCE-RELATED USES AND DEVELOPMENT	AUTHORIZATION	PF - 80 SECTION
Temp. Structures Auxiliary to Forest Practices	P	503.3
Utility Distribution Lines in Existing Rights-of-Way	P	503.6
Portable Facilities for Primary Processing of Forest Products	P	503.7
Exploration for Mineral and Aggregate as defined in ORS Chap. 517	P	503.8
Wild Fire Towers and Stations	P	503.9
Irrigation Water intake facilities, canals and distribution lines for farm irrigation and ponds	P	503.10
Temporary Labor Camps - No Permanent Structures	P	503.12

TABLE OF AUTHORIZED USES & DEVELOPMENT		
Exploring, Mining and Processing of Subsurface resources as defined in ORS Chap. 520; and the mining and processing of aggregate and mineral resources as defined in ORS Chap. 517	CUP/PC	505.2, 508 - 510
Permanent Facility for Primary Processing of Forest Products	AR	504.6, 508 - 510
Permanent Logging Equipment Repair and Storage Facility	AR	504.7, 508 - 510
Log Scaling and Weigh Stations	AR	504.3, 508- 510
Research and Experimentation Facilities as defined by ORS 526.215 or where accessory to forest operations	AR	504.8, 508- 510
SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
"Lot-of-Record" Forest Land Dwelling	AR	504.1 & 506.1, 507- 510
Large & Multiple Tract Forest Land Dwelling	AR	504.1 & 506.2, 507 - 510
"Template" Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510
Temporary Dwelling for Medical Hardship defined in ORS 215.213 & 215.283	AR	504.2, 507- 510
Caretaker Residence for Public Parks and Hatcheries	AR	503.14, 507- 510
INDUSTRIAL	AUTHORIZATION	PF - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	505.13, 508- 510
COMMERCIAL	AUTHORIZATION	PF - 80 SECTION
Home Occupation as defined in ORS 215.448 per CCZO Section 1507	AR (Type1) CUP/PC Type 2)	504.4, 505.1, 507 - 510
Kennel as a Home Occupation	CUP/PC	505.17, 507, 508, 510
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	AUTHORIZATION	PF - 80 SECTION
Private Parks, Campgrounds, and Youth Camps	CUP/PC	505.4, 505.11, 508 - 510
Public Parks	CUP/PC	505.14, 508 - 510
Destination Resorts approved per ORS 197.435 through ORS 197.465 and Statewide Planning Goal 8	CUP/PC	505.15, 508 - 510

TABLE OF AUTHORIZED USES & DEVELOPMENT		
An outdoor gathering of less than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	P	503.18
A mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period	CUP/PC	505.12, 508
Communication Towers and Facilities	CUP/PC	505.5, 508 - 510
Rural Fire Protection District Stations	AR	504.5, 508 - 510
Power Generating Facilities	CUP/PC	505.6, 508- 510
Solid Waste Disposal Site under ORS 459.245.	CUP/PC	505.3, 508 - 510
Aids to Navigation and Aviation	AR	504.11 508 - 510
Domestic Water intake facilities and related treatment facilities, pumping stations, & distribution lines	AR	504.12, 508 - 510
Reservoirs and Water Impoundments	AR	504.13, 508 - 510
Firearms Training Facility	CUP/PC	505.16, 508 - 510
Cemeteries	AR	504.9, 508 - 510
Hunting/Fishing Operations w/o Accommodations	P	503.15, 508 - 510
Temporary Private Seasonal Hunting/Fishing Operations with Accommodations	AR	504.10, 504.14, 508 - 510
New electric transmission lines w/ROW up to 100 ft. wide as specified in ORS 772.210	CUP/PC	505.7, 508
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

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.

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 does not include a dwelling and that meets the following criteria [*Amd Order No. 78-2010, 12.15.10*]:
- 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 50 to 85 cubic feet per acre of wood fibre if [*Amd Order No. 78-2010, 12.15.10*]:
 - 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, provided one of the three required dwellings is on the same side of the road or stream as the tract [*Amd Order No. 78-2010, 12.15.10*], 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.

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.

509 Standards of Development

- .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.
- .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.

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.
- .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 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.
- E. 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 *[Amd. Order 78-2010, 12.15.10]*.
- F. 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 *[Amd. Order 78-2010, 12.15.10]*.
- G. 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 *[Amd. Order 78-2010, 12.15.10]*.
- H. 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 *[Amd. Order 78-2010, 12.15.10]*.
- I. The resulting parcels are configured such that they are efficient for existing or future forest use(s) employing accepted forest management practices; and *[Amd. Order 78-2010, 12.15.10]*.

- J. The new parcels will not significantly impact identified sensitive fish and wildlife habitat; and [*Amd. Order 78-2010, 12.15.10*].
- K. The division is consistent with Oregon Revised Statutes, Chapter 92. [*Amd. Order 78-2010, 12.15.10*].

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.
- 516 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 the Primary Forest Zone. Responses should be received within 10 days of the date of mailing to be assured consideration.

