



Oregon

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TO: County Planning Directors and Interested Persons

FROM: Katherine Daniels, Farm and Forest Lands Specialist

SUBJECT: Adopted Amendments to Administrative Rules for Goals 3 and 4 (Agricultural and Forest Lands) in OAR chapter 660, divisions 006 and 033, for conformance to recent legislation

Attached are the amendments to the Goal 3 and Goal 4 administrative rules (OAR 660, divisions 6 and 33) adopted by the Land Conservation and Development Commission at its November 15, 2013 meeting. The amended rules will be filed with the Oregon Secretary of State and **become effective on January 2, 2014**. Because several of the legislative bills on which rulemaking was based will not be effective until January 1, 2014, and because the first date the department can file the amended rules is January 2, 2014, any county code updates undertaken before then need to have an effective date of January 2 or later.

PUBLIC NOTICE AND OUTREACH

The commission published notice of its intent to revise these rules in the Secretary of State's Administrative Rules Bulletin on October 1, 2013, and conducted one public hearing at its November 15, 2013, meeting as required by the Oregon Administrative Procedures Act (ORS chapter 183). Before the public hearing, notice and a copy of the draft rules were sent to the department's administrative rules notice list and posted to the department's website. No written or oral comments were received and the commission adopted the revised rules as recommended by staff on November 15, 2013. The staff report for these rules is available online at http://www.oregon.gov/LCD/docs/meetings/lcdc/111413/Item_13_Rulemaking.pdf.

BACKGROUND

The adopted rule amendments are intended to conform to and implement several 2013 Legislative bills as well as a couple of Legislative bills from 2011 and 2012, all of which relate to agricultural or forest land. All of the amendments are minor and technical and include as well as corrections to a number of minor scrivener's errors. Deleted text is ~~bracketed~~, while new text adopted by the commission is **in bold and underlined**.

SUMMARY OF AMENDMENTS TO GOAL 3 RULE

OAR 660-033-0030(5)(b) – Updates a soils reference (HB 2148).

OAR 660-033-0120, Table 1 – This table has been amended to reflect the legislative changes. Adjustments include new uses, amended existing uses, and cross-references new laws or new review criteria applicable to new and existing uses. Specifically, these changes:

- Add a new use to include dog training classes and testing trials (SB 4170 (2012)); this is a sub(1) use where it meets specified review criteria and a sub(2) use where it does not.
- Redefine dog kennels as commercial dog boarding kennels as a use allowed on high-value farmland (SB 4170 (2012)); this also clarifies that farmers who breed dogs for on-site farm use may do so as a farm use.
- Redefine utility facilities necessary for public service to include associated transmission lines (HB 2704 (2013)); these are the gen-tie lines that connect commercial power generating facilities to the grid.
- Redefine a facility for the processing of farm crops to include poultry processing (HB 2393);
- Amend the list of allowed uses to delete “wildlife habitat conservation and management plan” as it is not a land use authorization.
- Add an extension of the authorization for: “Guest ranch in eastern Oregon” to 2018 (HB 2753 (2011)).
- Maintain the reference to ORS 215.452 and 215.452 for the new winery provisions in SB 841 (2013) and add a reference to ORS 215.237.
- Add log truck parking as provided in ORS 215.311 (2001)

OAR 660-033-0130 – New or amended review criteria have been adopted for the following uses:

- (8) Replacement dwellings (HB 2746 (2013)): Review criteria have been amended to:
 - Allow dwellings that formerly had structural integrity to be replaced;
 - Require dwellings to have been tax assessed as dwellings, with some exceptions;
 - Extend the three-month limit for removal, demolition or conversion to one year;
 - Add siting standards for certain replacement dwellings;
 - Delete permit expiration provisions; and
 - Reinstate expired permits for one year.

In addition, the bill’s wording was reorganized for better flow and several confusing provisions were clarified, in coordination with two county planning directors. Although the bill retains the statutory allowance for deferred replacement dwelling permits, the rule does not include this because the bill’s deletion of the permit expiration provisions makes it no longer relevant. All of the bill’s provisions sunset on January 1, 2024, at which time the current provisions are restored.

- (16)(b) Associated transmission lines: These are the lines that connect commercial power generating facilities with the grid. Review criteria have been amended to allow counties to require that these lines be sited on less suitable agricultural land (HB 2704 (2013)). The bill’s wording has been modified for better flow and clarity.
- (28) A facility for the processing of farm crops: Review criteria have been amended to apply to the slaughter and processing of up to 1,000 poultry annually (HB 2393 (2013)).
- (39) Dog training classes and testing trials: Review criteria have been added for this new use

(SB 4170 (2012)).

OAR 660-033-0140(6) – Permit expiration date provisions have been amended to exempt replacement dwelling permits from the time to act and extension limits of ORS 215.417 (HB 2746 (2013)). This provision sunsets on January 1, 2024.

SUMMARY OF AMENDMENTS TO GOAL 4 RULE

OAR 660-006-025(3)(r) – Dump truck parking as provided in ORS 215.311 has been added as an authorized use (2011).

OAR 660-006-0025(3)(s) – Agricultural buildings for farm or forest use are now an allowed use in forest zones (HB 2441 (2013)). State building code has been amended to allow ag exempt buildings to be used for forest purposes. Such buildings may not subsequently be used for other purposes.

OAR 660-006-0026(2) and OAR 660-006-0055(2) – The requirement that a parcel created to facilitate a forest practice that involves an existing dwelling meet the minimum parcel size of the zone (HB 3125 (2013)) has been deleted. Such parcels must still meet other review criteria.