**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Where the county makes a finding that an electrical transmission project "will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands," and "forest practices" are defined pursuant to the Oregon Forest Practices Act, petitioners' argument that the proposed transmission line will remove 36 acres from forest production is not sufficient to explain why the development will result in "a significant change in * * * forest practices * * * on * * * forest lands." OAR 660-006-0025(5). OAR 660-006-0025(5) contemplates the approval of limited non-forest uses on forest land, including the removal of some forest land from production to accommodate a use that is allowed as a conditional use on forest land, including clearing a 100-foot right-of-way with 25 feet of clearance from the ground to the lines, for the purpose of constructing electric transmission lines on forest lands. *Tilla-Bay Farms, Inc. v. Tillamook County*, 79 Or LUBA 235 (2019).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** The definition of "transmission line" for purposes of ORS 215.276 is inapposite for purposes of determining whether, under OAR 660-006-0025(4)(q), a liquefied natural gas pipeline is a "new distribution line." *McCaffree v. Coos County*, 70 Or LUBA 15 (2014).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** The text of OAR 660-006-0025(4)(q) reflects that for purposes of conditional uses that are allowed in the Forest zone, all *non-electrical* lines with rights-of-way of up to 50 feet in width are classified as "new distribution lines." *McCaffree v. Coos County*, 70 Or LUBA 15 (2014).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** A local government errs in concluding that the uses specified in OAR 660-004-0028(3) are impracticable because the property is not capable of supporting commercial levels of agriculture. The test under the rule is not whether the property is capable of supporting commercial levels of agriculture. *Gordon v. Polk County*, 55 Or LUBA 57 (2007).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** A metal storage structure placed on a permanent foundation that is designed and intended to support multiple forest operations over multiple growth cycles is not a "temporary on-site structure" within the meaning of OAR 660-006-0025(2)(b), which is limited to temporary structures that are not designed to remain for the entire planting to harvesting growth cycle and are removed when a particular forest practice has concluded. *Central Oregon Landwatch v. Deschutes County*, 52 Or LUBA 582 (2006).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Counties have no inherent authority to allow uses in forest zones free of restrictions imposed by the Goal 4 rule, although counties may regulate more restrictively than required by the rule. *Central Oregon Landwatch v. Deschutes County*, 52 Or LUBA 582 (2006).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** OAR 660-004-0025 divides the universe of uses allowed in forest zones into outright permitted and conditional uses, with limitations on the types of auxiliary and accessory uses allowed. It is inconsistent with the rule for a county to allow as an outright permitted "accessory" use a use that the rule expressly categorizes as a conditional use. *Central Oregon Landwatch v. Deschutes County*, 52 Or LUBA 582 (2006).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Riparian protection measures required under the Forest Practices Act are not "forest practices" for purposes of OAR 660-004-0028(3)(c), and a county may consider setbacks and other riparian protection measures in determining whether forest land is irrevocably committed to non-resource use. *Gordon v. Polk County*, 50 Or LUBA 647 (2005).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Whether property is "suitable for commercial forest uses" under the Goal 4 definition of forest land depends on the property's capability for production of commercial tree species, not necessarily the past or current level of production, or whether the property is or could be part of a commercial-scale timber business. *Potts v. Clackamas County*, 42 Or LUBA 1 (2002).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Under ORS 215.705(4), an application for a dwelling in a mixed farm/forest zone must comply with the siting standards appropriate for the predominant use of the tract on January 1, 1993. A showing that no farm use of the property, as that term is defined in ORS 215.203(2), was occurring on the tract as of January 1, 1993, does not mean that, by default, the property was predominantly in forest use on that date. *Gambee v. Yamhill County*, 38 Or LUBA 420 (2000).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** ORS 215.705(4) requires that a county must determine whether farm or forest uses predominated on a "tract" on January 1, 1993. However, the configuration of the tract is considered as it exists as of the time an application for a dwelling is submitted. Once the scope of the tract is identified, the inquiry turns to whether farm or forest uses predominated on that tract on January 1, 1993. *Gambee v. Yamhill County*, 38 Or LUBA 420 (2000).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** In considering which of two uses, farm or forest, predominate on a tract as of January 1, 1993, a county may consider more than the number of acres devoted to farm or forest use to determine predominant use. However, those considerations must flow from the use that was made of the tract on January 1, 1993. Thus, income from farm and forest uses and the amount of activity directed at those uses may be considered, but historic uses and soil capability may not. *Gambee v. Yamhill County*, 38 Or LUBA 420 (2000).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Portions of a tract that are used for nonfarm or nonforest activities have no relevance to the inquiry under ORS 215.705(4), which requires a county to determine whether farm or forest uses predominated on a tract as of January 1, 1993. If only a small portion of the property can reasonably be considered to be in farm or forest use, the county need only consider that portion in its determination of predominant use. *Gambee v. Yamhill County*, 38 Or LUBA 420 (2000).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** There is no intrinsic relationship between the size of a parcel and whether the uses on it are "intensively developed" for purposes of the Goal 4 Rule. It is the nature and interrelationship of the uses that determine intensity, not the accidental fact of whether the uses are situated on a larger or smaller parcel. *Donnelly v. Curry County*, 33 Or LUBA 624 (1997).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** A local government misconstrues the meaning of "intensively developed recreational uses" under OAR 660-06-025(4)(e) when it assesses intensity as a product of the relative density of the proposed use with respect to the undeveloped portions of the parcel. *Donnelly v. Curry County*, 33 Or LUBA 624 (1997).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** For purposes of determining whether an RV camp is "intensively developed" and hence inappropriate "for a forest environment" under the Goal 4 Rule, a local government must compare the proposed use to other campgrounds on forest lands, or establish why it is appropriate to compare the proposed use with RV parks on nonresource lands. *Donnelly v. Curry County*, 33 Or LUBA 624 (1997).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** The question under Goal 4 is not whether a campground on forest lands is appropriately rural (*i.e.*, non-urban) in intensity, but whether the campground's intensity of development is "appropriate in a forest environment." *Donnelly v. Curry County*, 33 Or LUBA 624 (1997).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** Allowing a 180-day period of occupancy is inconsistent with the Goal 4 rule's limitation on the use of campgrounds to "overnight temporary use." *Donnelly v. Curry County*, 33 Or LUBA 624 (1997).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** A requirement that a *significant* amount of firearms training occur at a firearms training facility is not demanding enough under OAR 660-06-025(4)(m), because it places no limitation on other activities not directly related to or justified by firearms training. *J.C. Reeves Corp. v. Washington County*, 31 Or LUBA 115 (1996).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** OAR 660-33-030(6) requires that the "more detailed data" upon which the county may rely in determining soil capability for forest uses be related to the SCS soils classification system and, therefore, before the county can rely on more detailed data, the county must establish that the source of the data has the requisite knowledge of the classification system, including the qualifications and expertise to classify soils under the system. *Thomas v. Wasco County*, 30 Or LUBA 302 (1996).

**8.3 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Uses.** A finding that soils could be reclassified to Class VII does not establish that the soils are Class VII or that even if they are Class VII, the classification renders the site unsuitable for forest use without evaluation of other relevant factors. *Thomas v. Wasco County*, 30 Or LUBA 302 (1996).