

**8.10 Goal 4 – Forest Lands/ Goal 4 Rules – Forest Practice Act.** 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).

**8.10 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Practices Act.** A comprehensive plan policy statement that a local government “will rely” on the Forest Practices Act (FPA) to protect surface waters and fish and wildlife does not have the effect of making the FPA requirements into approval criteria for a forest template dwelling. *Fessler v. Yamhill County*, 38 Or LUBA 844 (2000).

**8.10 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Practices Act.** OAR 629-640-0100(2), an administrative rule implementing the Forest Practices Act (FPA), only applies to an “operation,” which is a “commercial activity relating to the growing or harvesting of forest tree species.” Because the clearing of a firebreak as a condition of approval for a forest template dwelling is not such an activity, the administrative rule requirements do not apply. *Fessler v. Yamhill County*, 38 Or LUBA 844 (2000).

**8.10 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Practices Act.** The general prohibition in the Forest Practices Act against counties applying their land use regulations to forest practices on forestlands located outside an urban growth boundary does not apply to a land use regulation prohibiting or regulating the siting or alteration of dwellings. *Sanchez v. Clatsop County*, 29 Or LUBA 26 (1995).