




## Farming in Oregon


### Part I: EFU 101

OPI Conference September 13, 2013  
Oregon Department of Land Conservation & Development



## Oregon Farmland Protection

- Gov. Tom McCall issued a call to arms for land use planning in 1973  
([www.oregon.gov/LCD/docs/history/mccall\\_speech\\_1973.wav](http://www.oregon.gov/LCD/docs/history/mccall_speech_1973.wav))
- SB 100 - A pioneering program with separate urban & rural policies
- Today 50% of private land base zoned EFU
- Agriculture remains Oregon's #2 industry





## A Framework for Protection

- Statute (ORS chapter 215) - 1973
- Goal 3: Agricultural Lands - 1974
- Administrative rule (OAR 660 division 33) - 1992
- Case law: Land Use Board of Appeals (LUBA) - 1979



## Key Program Elements

- Policy statement to protect agricultural land
- Clear, measurable definition of agricultural land
- Limited allowed uses in EFU zones
- Land division standards & minimum parcel sizes in EFU zones
- Tax & other benefits to landowners
- Conversion standards to nonfarm uses
- Urban and rural growth management





## Agricultural Land Use Policy

- Agricultural land is a vital natural & economic asset for all the people of this state.
- Preservation of a maximum amount of agricultural land, in large blocks, is necessary to maintain the agricultural economy of the state.
- Expansion of urban development in rural areas is a public concern because of conflicts between farm & urban activities.
- Incentives & privileges are justified to landowners in EFU zones because such zoning limits alternative land uses. (ORS 215.243 1973)



## Defining Farmland

Goal 3, OAR 660 division 33

- Four-part test:
  1. NRCS Capability Classes I-IV or I-VI
  2. Other lands suitable for farming
  3. Other lands necessary to permit farm practices
  4. Adjacent or intermingled lands within farm unit
- Marginal lands
- High-Value Farmland





## Allowed Uses in EFU Zones

- From 6 to > 50 nonfarm uses  
(ORS 215.213 & 215.283)
  - Sub(1) uses are farm-related or compatible
  - Sub(2) uses non-farm related & subject to ORS 215.296
  - *Brentmar* distinguishes between the two
  - Cumulative impacts are growing
- High-value farmland restrictions  
(OAR 660 division 33 Table 1)




## Dwellings in EFU Zones

ORS 215 & OAR 660 division 33

- Seven types of dwellings:
  - Farm dwelling: *4 potential routes*
  - Relative farm help dwelling
  - Accessory farm dwelling(s)
  - Replacement dwelling: *revised*
  - Temporary hardship dwelling
  - Lot of record dwelling
  - Nonfarm dwelling: *if on unsuitable soil & compatible & taken off farm deferral*







## Land Division Standards


ORS 215 & OAR 660 division 33

- Large minimum parcel sizes (80/160)
- Go-below parcel sizes possible
- No subdivisions
- Use approval standards separate
- Property line adjustment standards separate
- Smaller land divisions permitted for ORS 215.283(2) uses (*not 215.283(1) uses*)
- Up to two new parcels may be created for NF dwellings if predominantly unsuitable soils
- *All land divisions* must leave a remainder that meets the minimum parcel size unless both are unsuitable

## Tax & Other Benefits


- Use Value Assessment (ORS 308A.128)
- Limitations on Special Assessments (ORS 308A.128)
- Right to Farm Law (ORS 215.253)
- Dwelling deed restriction (ORS 215.293)
- Lower land prices





## Conversion Standards & Growth Management

- UGB Expansion
- Rural communities
- Exceptions
  - Built & committed
  - Reasons
- Non-resource Lands  
(OAR 660 division 4 & 33)



## An Evolving Program

- Flexibility & new uses have been added
- M49 compensation provided
- Loopholes have been closed
- Case law has clarified standards
- Always a balancing act between effectiveness, fairness & flexibility

