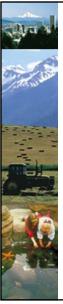




### **Oregon Farmland Protection**

- Gov. Tom McCall issued a call to arms for land use planning in 1973 (www.oregon.gov/LCD/docs/history/mccall\_speech\_1973.wav)
- 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





- Policy statement to protect agricultural land
- · Clear, measurable definition of agricultural land
- Land division standards & minimum parcel

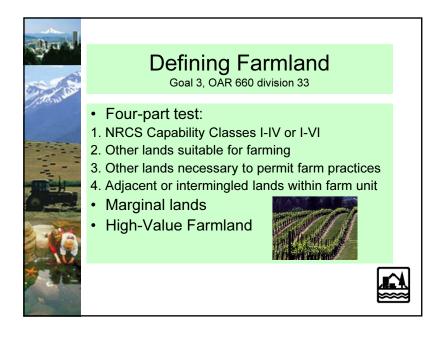




### Agricultural Land Use Policy

- 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)







#### 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





- 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)





