



DLCD



Farmland Conservation Program

September 21, 2023

**Hilary Foote
Farm Forest Specialist**

Program Principals

RESOURCE
LAND
PROTECTION



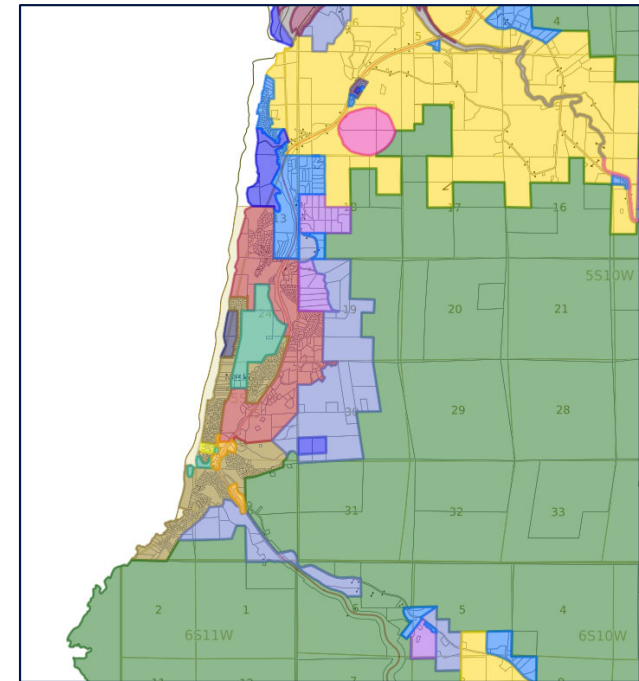
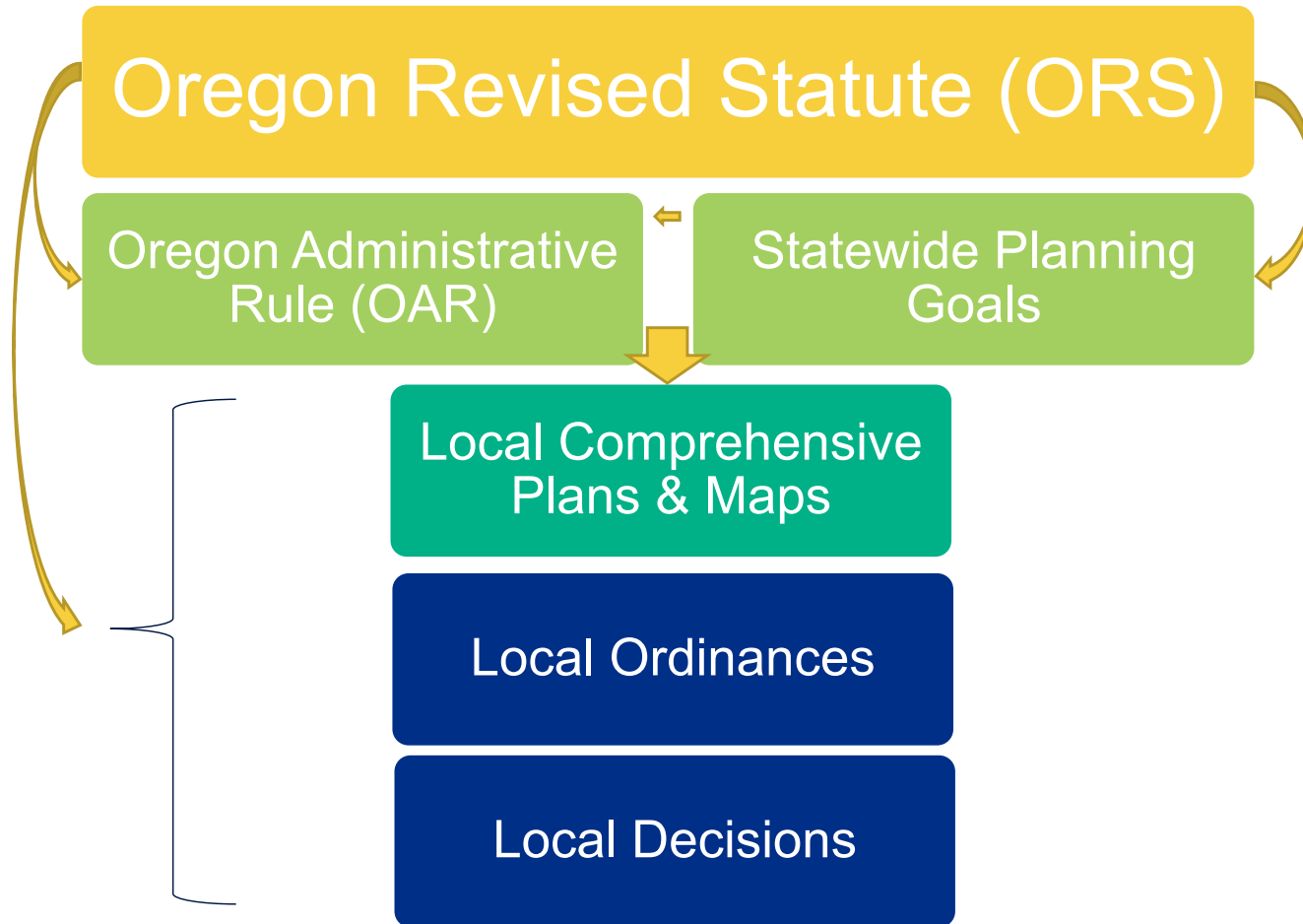
URBAN
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STATE
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Statewide Planning



Learn more:

<https://www.oregon.gov/lcd>

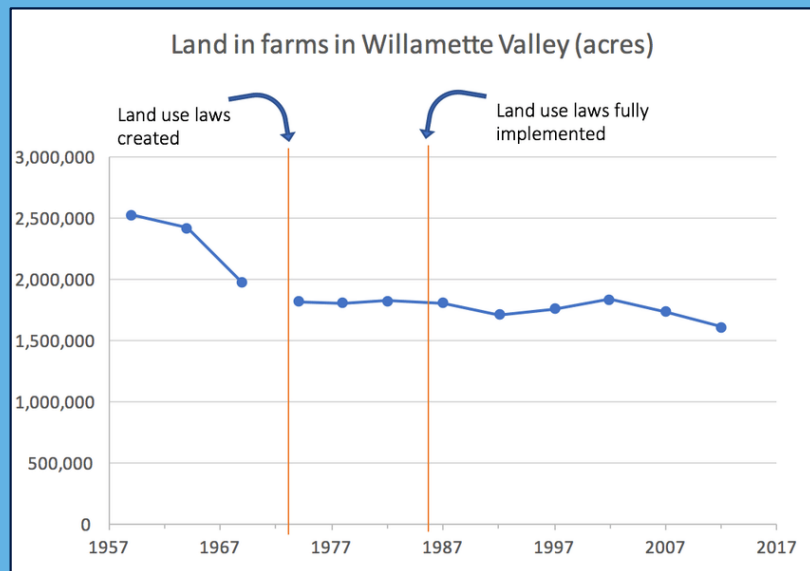
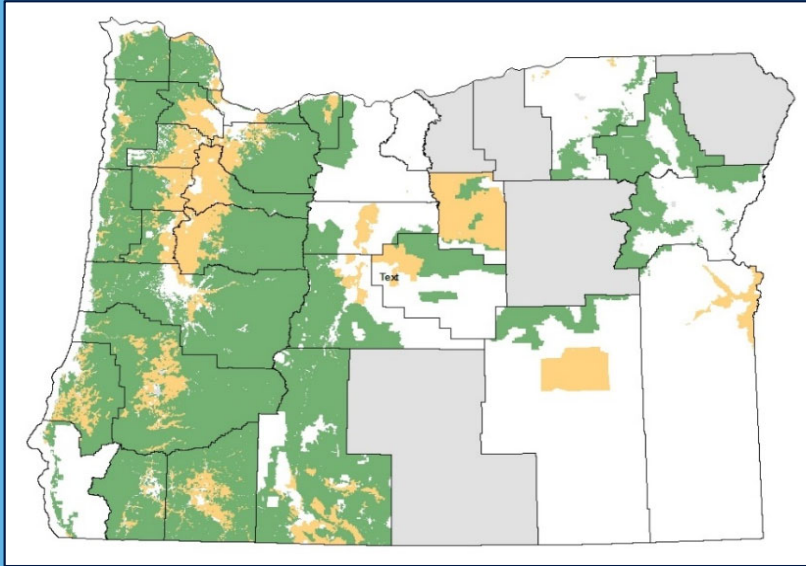
ORS Chapter 197

ORS Chapter 215

OAR Div 660-033

OAR Div 660-006

Agricultural Lands Program



Restrictive Zoning:

- Restrictive zoning applied to lands inventoried as agricultural land
- Limited opportunities for dwellings and non-farm uses
- Type-1 uses: allowed outright
- Type-2 uses: farm impacts test
- Minimum parcel sizes

Compensatory Benefits:

- Special assessment program
- Exemption from new special assessments
- Right-to-Farm laws protect agricultural activities
- Counties prohibited from regulating farm practices on EFU

ORS 215.243 Agricultural land use policy

The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is **an efficient means of conserving natural resources** that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.


(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and **the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state** and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the **unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty** around urban centers occurring as the result of such expansion.

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, **justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.**


ORS 197.065: Biennial Farm and Forest Land Use Report to the Legislature

https://www.oregon.gov/lcd/Publications/2018-2019_Farm_Forest_Report.pdf




OREGON
Department of Land Conservation & Development

OREGON FARM & FOREST LAND USE REPORT 2018 –2019



November 15, 2020:



OREGON
Department of Land Conservation & Development

2018-2019 Farm & Forest Report 1

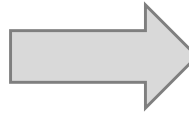



Table 2. Primary farm dwelling approvals, option and county, 2018-2019

County	Total			HV Income		Non-HV Income	
	2018	2019	Grand Total	2018	2019	2018	2019
Baker	0	0	0				
Benton	0	2	2		2		
Clackamas	1	1	2	1	1		
Clatsop	0	0	0				
Columbia	0	2	2		1	1	
Coos	0	0	0				
Crook	3	2	5			2	
Curry	0	0	0				
Deschutes	0	1	1			1	
Douglas	3	3	6			1	
Gilliam	0	0	0				
Grant	3	1	4				
Harney	1	1	2				
Hood River	1	0	1	1			
Jackson	1	0	1				
Jefferson	1	2	3			1	
Josephine	0	0	0				
Klamath	1	1	2				
Lake	6	2	8	1		2	5
Lane	0	0	0				
Lincoln	0	0	0				
Linn	2	1	3	2	1		
Malheur	0	0	0				
Marion	1	3	4	1	3		
Morrow	0	0	0				
Multnomah	0	0	0				
Polk	1	1	2	1	1		
Sherman	0	1	1				1
Tillamook	1	2	3	1	1	1	
Umatilla	0	1	1				
Union	1	2	3		2		1
Wallowa	8	0	8				8
Wasco	3	0	3	1			2
Washington	3	0	3	2		1	
Wheeler	2	0	2			1	1
Yamhill	4	6	10	4	6		
Grand Total	47	35	82	13	18	7	6



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II. Land Use Approvals on Agricultural Land

Dwellings

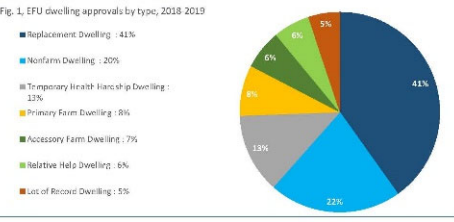
ORS 215.243 Resource Land Dwelling Policy

The Legislative Assembly declares that land use regulations limit residential development on some less productive resource land acquired before the owners could reasonably be expected to know of the regulations. In order to assist these owners while protecting the state's more productive resource land from the detrimental effects of uses not related to agriculture and forestry, it is necessary to:

- (1) Provide certain owners of less productive land an opportunity to build a dwelling on their land; and
- (2) Limit the future division of and the siting of dwellings upon the state's more productive resource land.

The EFU zone allows for the development of a variety of dwelling types on agricultural land. These dwelling types generally fall into two broad categories – those permitted for farm owners (and relatives helping in farming) and farm workers (including relatives assisting in the farm operation), and those that are not associated with an active farm use on the property. The statutory policies related to housing on resource land included in ORS 215.262, 215.277 and 215.700 indicate that it was the intention of the legislature that a limited number of dwellings be permitted on less productive resource land and that farmworker housing be allowed as long as it is consistent with the State's agricultural land use policy discussed above.

Fig. 1. EFU dwelling approvals by type, 2018-2019

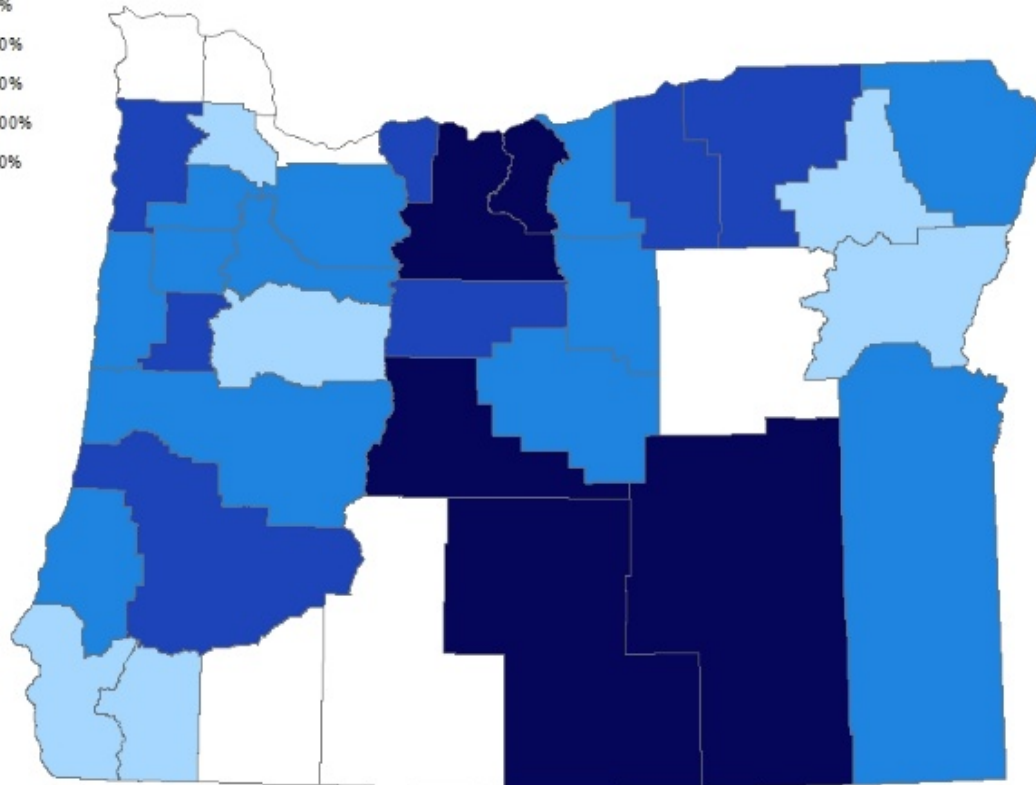
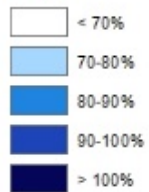


2018-2019 Farm & Forest Report 12

Farmland zone changes and UGB expansions

	2017	2007	1997	1987
USDA NASS Acres in Farm Use	15,962,322	16,399,647	17,658,213	17,809,165
DLCD Acres in Exclusive Farm Zoning	16,077,028	16,097,640	16,104,926	16,112,212

Legend Percent land retained in farm use, by county, 1997-2017 (USDA 2017)



Exclusive Farm Use Zoning

- 16,070,006 acres zoned EFU in 2021.
- 99.7% of land zoned EFU in 1987 was still zoned EFU in 2021.
- More than 42,000 acres have been removed from EFU zoning since 1987.



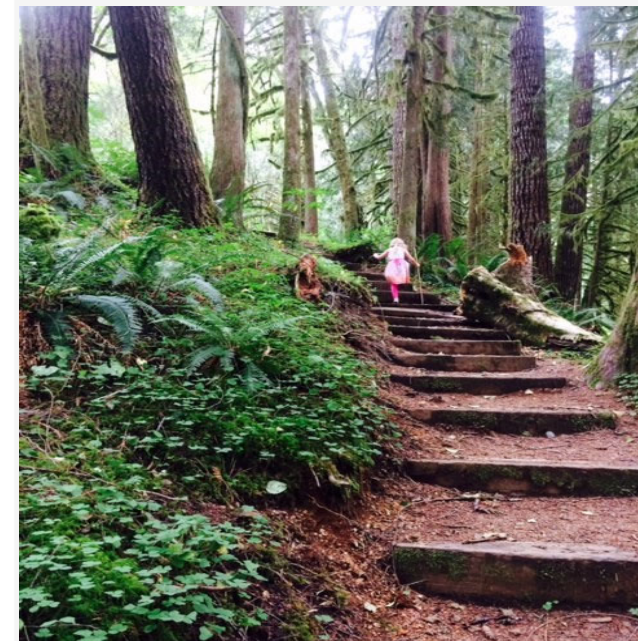
Forest & Mixed Farm-Forest zone changes and UGB expansions

Area of non-federal land in Oregon by land use class and year (ODF 2018)

	1984	2018	Change in Acreage	% Retained
Wildland Forest	10,570,000	10,433,000	-137,000	98.70%
Wildland Range	9,164,000	8,990,200	-173,800	98.10%
Mixed Forest/Agriculture	901,000	851,600	-49,400	94.52%
Mixed Range/Agriculture	664,000	708,200	44,200	106.66%
Intensive Agriculture	5,806,000	5,751,700	-54,300	99.06%
Low-Density Residential	1,060,000	1,309,100	249,100	123.50%
Urban	453,000	582,000	129,000	128.48%

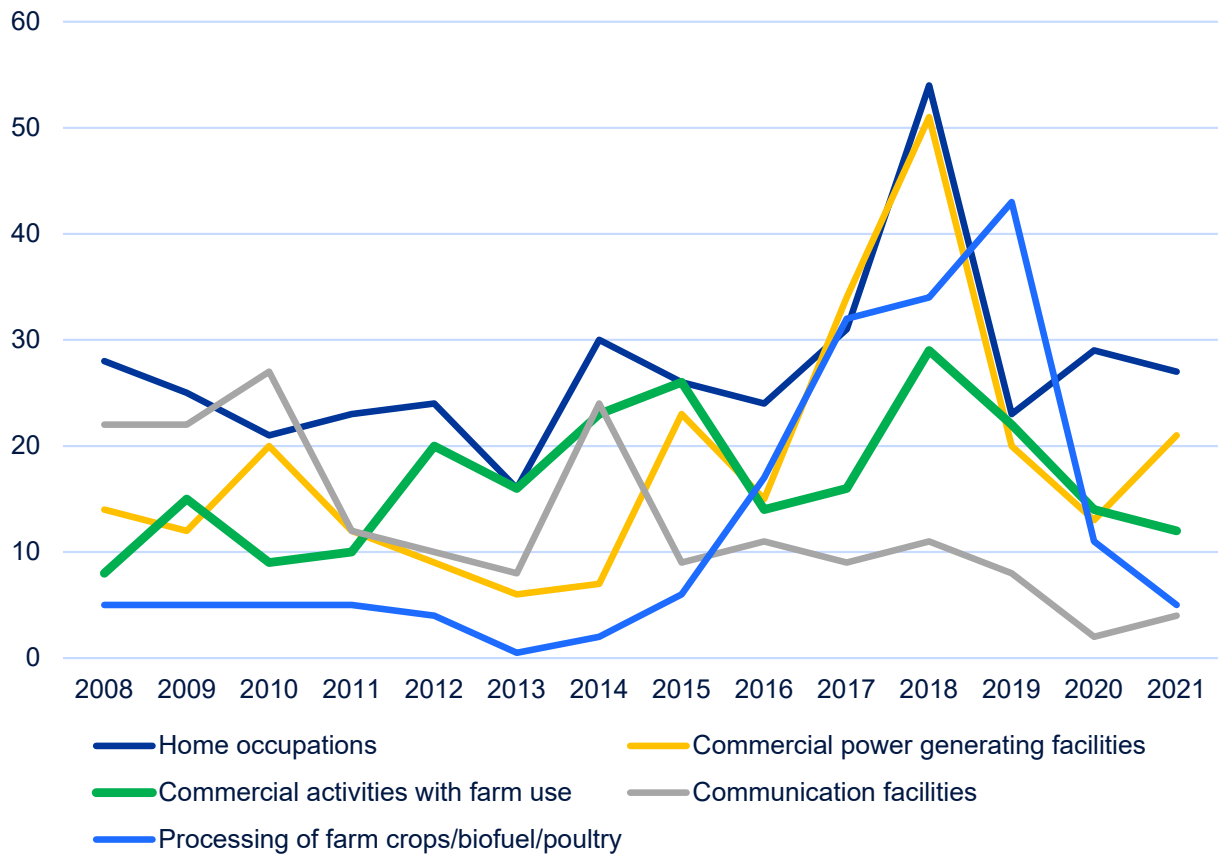
Forest Zoning

- 11,756,108 acres zoned forest in 2021.
- 99.9% of land zoned Forest in 1987 was still zoned Forest in 2021.
- More than 10,400 acres have been removed from Forest or Mixed Farm-Forest zoning since 1987.



Non-resource Use Approvals on Farmland

Top five nonfarm, nonresidential approvals on EFU, 2008-2021

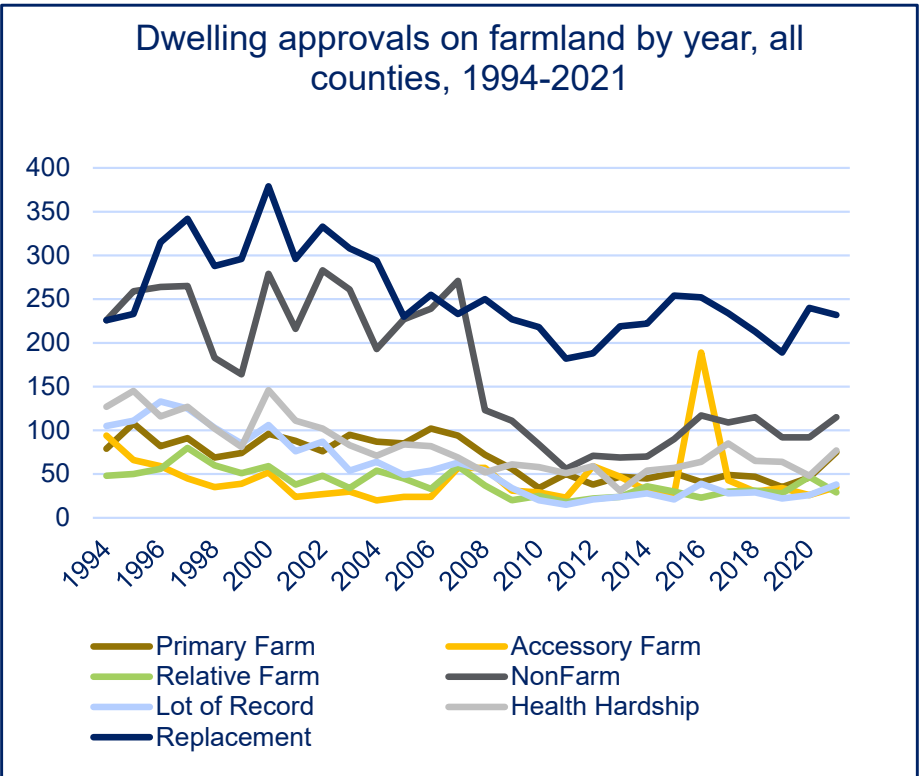


Examples of uses approved through various permitting paths in EFU zones

Use Type	Chapter 215	CACFU	Home Occupation
Wineries	145	63	9
Cideries	1	5	1
Breweries	0	7	6
Farm Product Processing	174	35	30
Events	13	9	13

Specific uses are often permitted under the vaguely defined CACFU and Home Occupation categories when they do not meet standards for the specific use in statute.

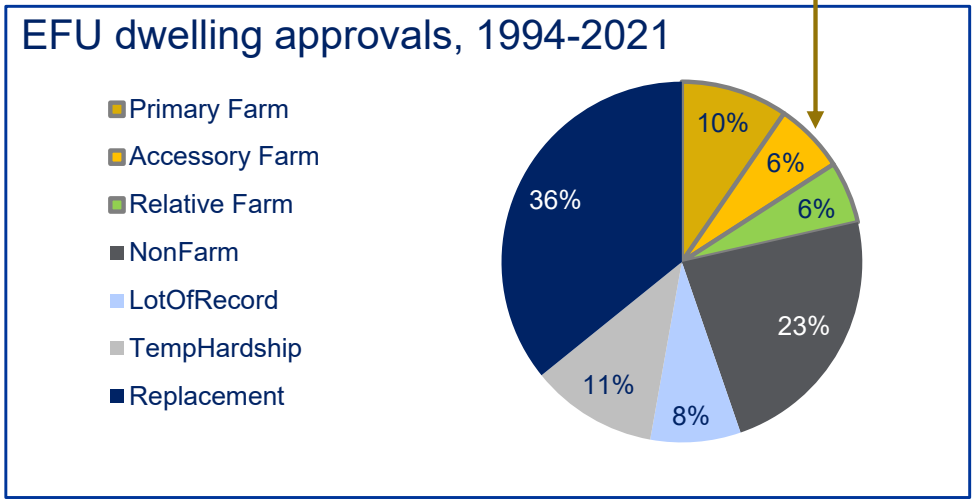
Dwelling approvals on farmland by type 1994-2021



With Farm Use 22%	10% Primary Farm/Large Lot
	6% Farm Help
	6% Farm Relative Help

Not in Conjunction with Farm Use 78%	36% Replacement
	23% Non-Farm
	11% Temporary Hardship
	8% Lot of Record

Since 1994, just under 20,000 dwellings have been approved on EFU lands.



Farm Forest Improvements Project: Scoping Phase Timeline

2023						2024
July	August	September	October	November	December	January
LCDC Briefing						LCDC Presentation
	TWG Meeting 1	TWG Meeting 2	TWG Meeting 3	TWG Meeting 4		
	Project Website and Gov Delivery announcement				Draft Scoping Report posted for comment	



Thank you!



DLCD

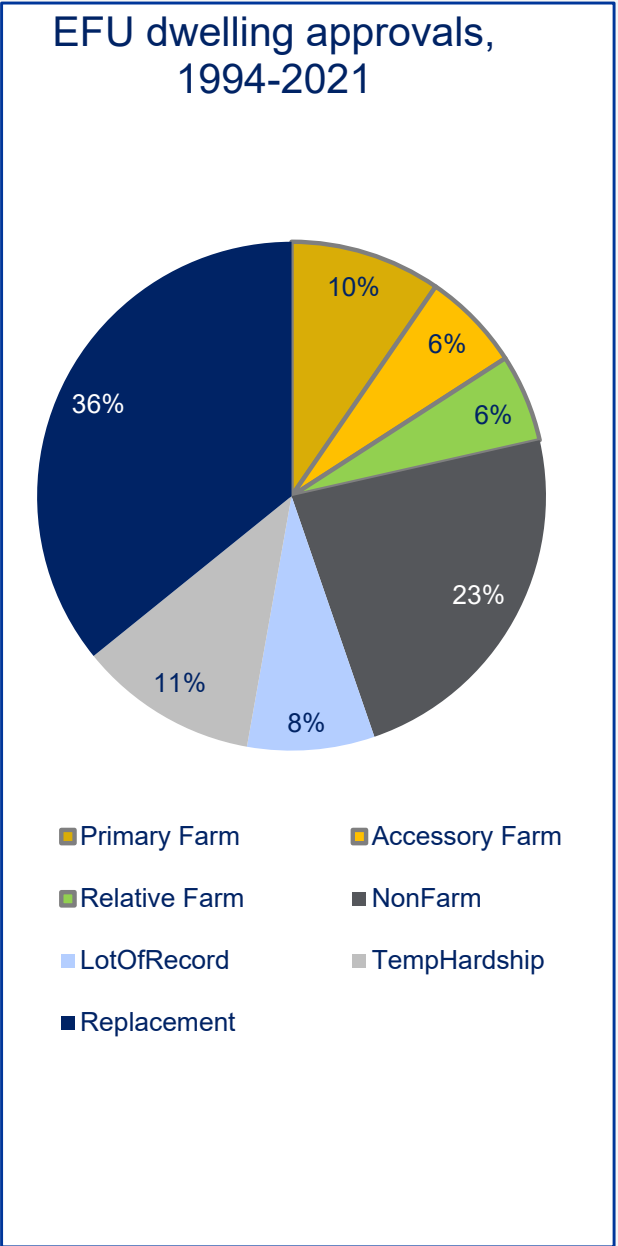
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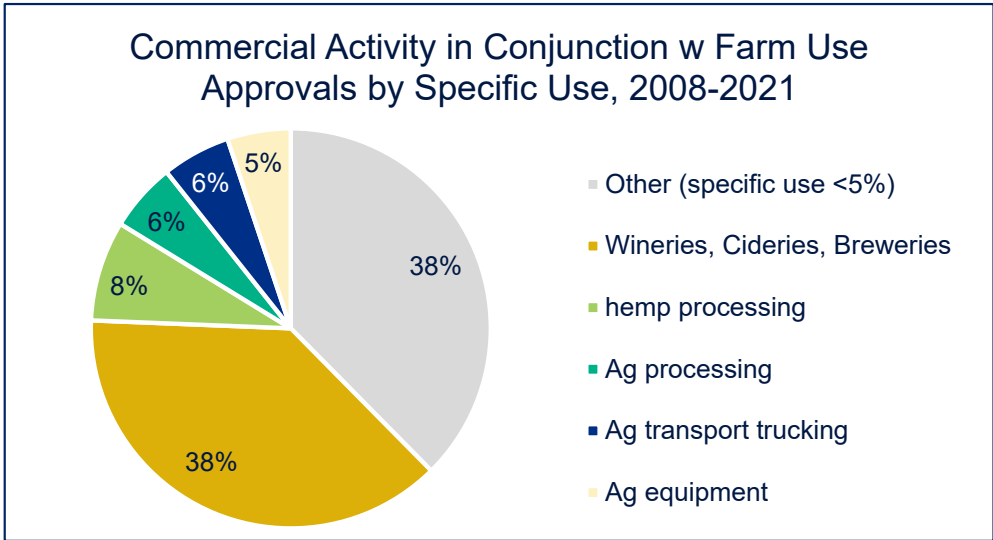
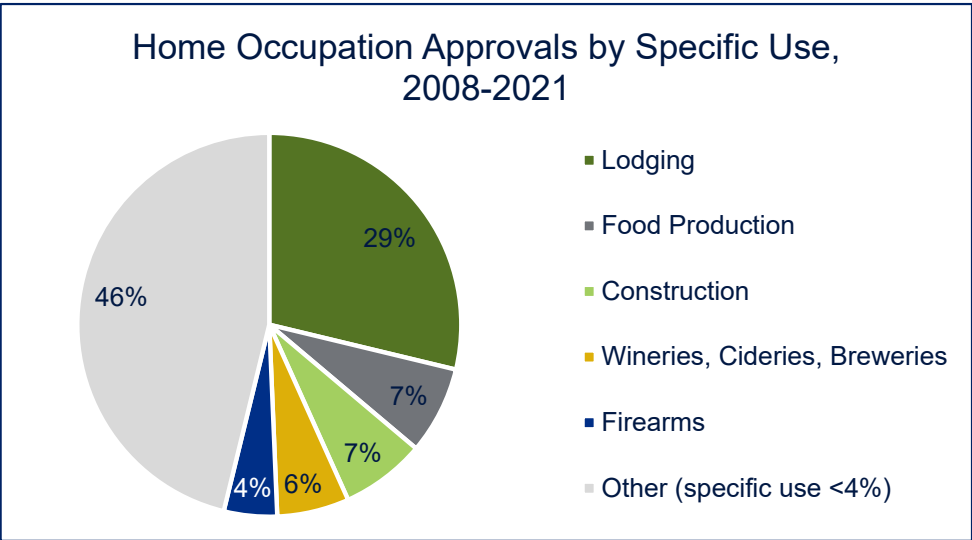


Dwelling approvals on farmland

Tests	Gist of Test*	2020	2021
Primary Farm Dwelling	On parcel 160-320 acres in size, \$80,000 or \$40,000 in gross annual income, as large as the median size of commercial farm tracts in the County	46	75
Relative Help	Occupied by a relative of the farm operator who whose assistance is required in the management of farm operations.	47	29
Accessory Farm Dwelling	Occupied by a person employed as a farm worker on the operation. Sited on a farm operation that earns the same gross income required for a primary farm dwelling (\$80,000 or \$40,000)	26	35
Nonfarm Dwelling	Located on a parcel or portion of a parcel not suitable for resource use and when the dwelling will not will not materially alter the surrounding land use pattern or negatively impact surrounding farm and forest practices.	92	115
Lot of Record Dwelling	Located on a parcel owned continuously since 1985 or inherited from someone who owned the parcel continuously since 1985.	26	38
Temporary Health Hardship Dwelling	Located on a parcel with an existing dwelling for a caregiver or person suffering a medical hardship.	48	77
Replacement Dwelling	Allows the replacement of a legally established dwelling.	240	232



Non-resource Use Approvals on EFU: Home Occupations, CACFU, Processing



Home Occupations and CACFUs are very broadly defined in statute. A wide variety of specific uses are permitted in these categories.

