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LAND CONSERVATION & DEVELOPMENT
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Land Conservation and Development Commission
635 Capitol St. NE, Suite 150
Salem 97301-2540

RE Southern Oregon Region Pilot Project

Dear Commissioners,

I have been a land use planner in Oregon since 1978 with 17 of those years with the Josephine County Planning Office and 21 years as a private consultant. I attended almost every TAC meeting and public hearing in all three counties and submitted testimony to all three counties.

Today I initially intended to submit remarks concerning the technical review and conclusions of the Southern Oregon Region Pilot Project but decided that this would not make any meaningful impact to the program that is submitted to you for your review and understanding.

The SORPP is a result of the Big Look Task Force that made a final report to the Legislature in 2009. The conclusions of the Task Force in their report are:

- Oregon needs a more flexible land use system, one that responds to regional variations rather than providing "one size fits all" standards.

- The state should foster greater regional cooperation among cities and counties to resolve land use planning issues collaboratively and efficiently.

- The state should coordinate planning for land use, economic development and transportation and clearly articulate what outcomes we are trying to achieve. The state also should develop systems to monitor how we are doing in achieving those outcomes, along with asking for feedback about what is and what is not working.

- Oregon's land use system needs to be simplified to remove the complexity that has built up after 35 years of regulation so that ordinary citizens can understand the basics of the program.

The SORPP is the first program that was initiated in response to the report. As you may be aware,

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the SORPP was initiated in the legislature but died there and was revived as an Executive Order by the Governor. I looked forward to some solid planning in response to the Big Look Conclusions but the report here before you has addressed nothing from the Big Look Task Force Report. It has in fact highlighted the exact problems that the task force found when they evaluated the State Land Use Program.

The first issue that becomes very obvious is the statement that the system needs to respond to regional variations. The current Farm Dwelling requirements mandate lots be more than 160 acres in size or that farm income of $40,000 per year be made for two years before a parcel can qualify for a dwelling. In Jackson and Josephine Counties more than 75% of farms are smaller than 50 acres in size. The average income for farms is $24,243 and $20,652 in these two counties. Under the one size fits all rule, more than 75% of the farms in these two counties would not qualify for a dwelling. There is significant part of the local economy that is attributable to these small farms as they produce locally sustainable products for the "Saturday Market" and for some chain stores. The high labor inputs for this type of farming require the farm operator to live on the property. They cannot afford two separate ownerships and make a living at farming. While staff indicated that there is a provision for reduced lot sizes for farm parcels, there is no flexibility to have a dwelling on farm land with the monetary threshold that applies state wide. Staff provided no guidance or encouragement for any alternative to dwelling requirements that don't work in the Southern Oregon economy.

A suggestion was offered that there be an alternative farm zone of smaller sizes and the right to have a dwelling as an outright use. This was not only disregarded, it appeared that such suggestion was heresy and would never even be considered as a serious proposal. Such a suggestion may not work in the Willamette Valley but it would be consistent with the farm use pattern and economy for much of at least Jackson and Josephine Counties.

During the SORPP review, these types of farms were not reviewed or evaluated. We saw the State Department of Agriculture recommend that farm land have the added evaluation of Animal Units per Month (AUM) with a recommended threshold for farm land to be 2 AUM per acre. The OSU Extension Office was of the opinion that 6 or more AUM would be a minimum threshold for commercial farm land. With pressure to add more farm land to the data base by adding AUM's in addition to soil classes, any realistic local farm evaluation was impossible. Another critical issue in Southern Oregon is a lack of water rights for much of the lands that are zoned for farm use. A more reasonable approach would add that lands without water rights and having class 4 soils be considered for some type of lower level of farm designation with the right to have a dwelling. However, with the stringent requirements for evaluations and strict interpretation by state staff, any consideration to adopt any kind of regional farm identification was quickly abandoned.

A similar situation occurred with the identification of forest lands. While there are some very good timber lands that yield more than 125 cubic feet per acre, there are some areas that have no timber production estimates from the NRCS. With the recent change to state administrative rules on the identification of forest land to be based on the NRCS production capability, State forestry was advocating that forest land be defined as lands that produce 20 cubic feet per acre per year. It appears that this productivity level is adopted by the federal government to identify forest land in its

ownership base. While that might make some kind of sense to a federal land manager, commercial timber land cannot survive at that level. When the cost of land acquisition, management costs, holding costs for taxes are added, it does not pencil out. Government ownership does not have any of these costs to consider when they identify forest land. To put it plainly, the standard championed by state forestry of 20 cubic feet per acre per year is not even 1/4 of a cord of fire wood produced on an acre of land. No commercial timber manager of private land can justify this level of production as timber land. Douglas County has an acknowledged provision in its Comprehensive Plan that defines timber land as 85 cubic feet per acre per year. Jackson County identifies timber land in its Comprehensive Plan as producing at least 50 cubic feet per acre per year. These types of discussions were conducted throughout the SORPP process. There was no flexibility or understanding shown by state staff in these discussions.

With these types of requirements for the counties to address and justify, it was obvious that the status quo would be the outcome of the SORPP. These two examples are just a few of the issues that were mandated to be addressed. This program appears to have spent almost 4 years and more than $300,000 to come to the same conclusion of the Big Look Task Force that the whole program needs to be simplified so that the citizens of the state can understand the basics of the program and that provides some flexibility to address the regional needs in the state. This is evidenced by the final report expressing a conclusion that there is not any significant agreement that the land use program can be modified to deal with local issue. While there is a proposal for identification of non-resource lands, the onerous carrying capacity analysis demanded with a lot by lot evaluation was too large a burden to attempt to make a definitive non-resource proposal.

Southern Oregon is not the Willamette Valley nor is it the high desert of Eastern Oregon. There are regional climate and topography conditions coupled with established settlement patterns that make this area a very good prospect for regional diversity. But it must be evaluated with fresh eyes and not through the same complex mandates of the current system. If some other region wants to try to make a case for local flexibility, I urge you to let them make a case from a fresh sheet of paper and not with the Pilot Project requirements exhibited in this futile exercise. With a future vision to address local issues this is not only good for the region but for Oregon as a whole State. The SORPP as it was conducted here is a missed opportunity for something better. This project with its complex and overly demanding analyses is an indictment of the failures observed by the Big Look Task Force. We can do better, much better.

Sincerely,

Bob Hart

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