



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor Fax: (503) 378-5318

<http://www.oregon.gov/LCD>

January 2, 2009



TO: Land Conservation and Development Commission

FROM: Katherine Daniels, Farm/Forest Specialist

SUBJECT: Agenda Item 4, January 15-16, 2009, LCDC Meeting

**REVIEW AND APPROVAL OF 2006-07 REPORTS ON LAND USE
DECISIONS IN FARM AND FOREST ZONES – ORS 197.065**

This biennial report, based on reporting information provided by counties, summarizes and comments on land use decisions and trends in farm and forest zones from January 1, 2006 through December 31, 2007. Also included is a summary of Measure 37 and 49 decisions.

Draft 2006-07 FARM REPORT

January 1, 2006 through December 31, 2007

Introduction

State law (ORS 197.065) requires the Oregon Land Conservation and Development Commission (LCDC) to submit a report to the Legislature “analyzing applications approved and denied” for certain land uses in exclusive farm use (EFU) and forest zones and “such other matters pertaining to protection of agricultural or forest land as the commission deems appropriate.” Land use decisions compiled in this report were made on land protected by Statewide Planning Goal 3, “Agricultural Land” in EFU zones.

The Department of Land Conservation and Development (DLCD) receives a description of each local decision and supporting information in these zones along with a compilation of all decisions made during the reporting period from each county. All counties except Lake County submitted this information.

Reporting Period and Content

This report summarizes the information provided by the counties for the two-year period from January 1, 2006 through December 31, 2007. Usually, the department prepares separate farm and forest land reports for each year. For this biennium, the report covers the entire two-year period. Separate tables for each year are still included as the basis for the combined reports.

Tables A through P include information for dwelling and land division decisions, as well as information on other approved uses (for example, commercial activities in conjunction with farm use, mineral and aggregate operations, home occupations, etc.). Table N reports the number and size of urban growth boundary amendments. Table O summarizes the adopted rural plan and zone map amendments. This report continues to include information on the acreage that is inventoried as “non-resource land” (rural lands that are not agricultural or forest lands as defined by Goals 3 and 4) and the number of counties that have mapped high-value farmland as required by OAR 660-033-0080(2).

Ballot Measures 37 & 49

This report includes a section for the land use decisions approved in EFU and forest zones based on waivers to state and local land use regulations under Ballot Measure 37, as subsequently modified by Ballot Measure 49 (Table P). These waivers and approvals were based on the zone standards for dwellings and land divisions that were in effect in counties at the time that applicants acquired their properties.

Use of Reported Information

The department uses the collected information to monitor the type and extent of development and parcelization occurring on agricultural land statewide and in individual counties in to:

1. Assess the effectiveness of the EFU zone to implement Statewide Goal 3; and
2. Focus staff resources to assist counties and the public with the implementation of Statewide Goal 3 where needed.

The department recognizes that many counties have processes, such as pre-application conferences, which serve to discourage applications for uses unlikely to be approved. For this reason, we urge readers to use caution in creating “approval rates” based on the information in this report.

Relatively few applications (less than 10%) are actually denied. In many cases, early conferences between potential applicants and planners result in a decision by the potential applicant to submit an application. Some counties have compared the number of client contacts or “pre-application conferences” with the actual number of approvals and denials. These comparisons show that there are many more initial contacts than actual decisions.

Oregon’s Agricultural Land Protection Program

The preservation of agricultural land is one of the primary objectives of Oregon’s statewide planning program. Oregon has determined that it is in the state’s interest to protect the land resource foundation of one of its leading industries – agriculture. According to the Oregon Department of Agriculture, in 2007 the total direct and indirect contribution to Oregon’s economy by the agriculture and food processing industry was more than \$12 billion dollars (\$4.3 billion in farm/ranch products; \$2 billion from value-added processing; \$3.4 billion in purchased goods and services and \$2.3 billion generated in wages and salaries). This is 10% of Oregon’s gross state product and the agricultural sector provides over nine percent of all Oregon jobs.

Oregon’s agricultural lands protection program is based on several elements composed of statutory and administrative rules provisions, the agricultural lands goal, and opinions and interpretations from the Land Use Board of Appeals (LUBA) and the courts. These elements are held together in a program by Statewide Planning Goal 3, “Agricultural Lands.” This goal requires the identification of agricultural land, the use of EFU zones under statute (ORS Chapter 215) and the review of farm and non-farm uses according to statute and administrative rule (OAR 660, Division 33) provisions. The goal and administrative rule also incorporate statutory minimum lot sizes and standards for all land divisions.

Agricultural Land Use Policy

Three policy statements set forth Oregon's "Agricultural Land Use Policy." The first was established by the legislature in 1973 and is codified at ORS 215.243. There are four basic elements to this policy:

1. Agricultural land is a vital natural and economic asset for all the people of this State;
2. Preservation of a maximum amount of agricultural land in large blocks, is necessary to maintain the agricultural economy of the State;
3. Expansion of urban development in rural areas is a public concern because of conflicts between farm and urban activities;
4. Incentives and privileges are justified to owners of land in exclusive farm use zones because such zoning substantially limits alternatives to the use of rural lands.

In 1993, the Oregon Legislature added two more important elements to this policy (ORS 215.700). These are 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 on the state's more productive resource land.

Goal 3 reinforces these policies as follows:

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and the state's agricultural land use policy expressed in ORS 215.243 and 215.7000.

These policy statements clearly set forth the state's interest in the preservation of agricultural lands and the means for their protection (EFU zoning), and establish that incentives and privileges (i.e., tax and other benefits) are justified because of the limits placed upon the use of the land.

Exclusive Farm Use Zones

In Oregon, agricultural lands are to be protected from conversion to rural or urban uses and other conflicting nonfarm uses the use of EFU zones. At present, about 15.5 million acres (56%) of private land in Oregon are included in the EFU zone. The EFU zone was developed by the Oregon legislature in 1961 along with the farm tax assessment program. Farm use is encouraged and protected within the zone while also allowing a variety of farm and non-farm related dwellings and other non-farm uses.

Reported Data

Dwellings

In EFU zones, dwellings are allowed in seven different circumstances and include primary farm dwellings, accessory farm dwellings, relative farm help dwellings, non-farm dwellings, lot-or-record dwellings, replacement dwellings and temporary hardship dwellings. Counties approved 792 dwellings in EFU zones in 2006 and 773 in 2007. These numbers are a little higher than for previous years. However, they include a number of dwellings approved under Measure 37.

Primary Farm Dwellings. The total number of primary farm dwellings approved statewide in 2006 was 105, while the figure for 2007 was 87 (Table A). The 2007 figure is more consistent with previous years, while the 2006 figure is somewhat high. Most farm dwelling approvals were in eastern and southern Oregon (64% in 2006 and 77% in 2007).

There are four different ways in which primary farm dwellings may be approved. In most years, the types of primary farm dwelling approvals have been fairly evenly split between those based on an income standard and those approved on parcels of 160 acres and greater. Typically, only a couple of primary farm dwellings are approved each year based on the potential gross farm sales (capability) test. However, in 2006 and 2007, the numbers of dwellings approved in this manner was significantly higher, at 16 and nine, respectively. All but one of these approvals was in Klamath County.

Table B shows the parcel sizes on which primary farm dwellings were approved. In 2006, 53% of all farm dwellings approved were on parcels that met or exceeded the minimum lot size of 80 acres, while in 2007 the figure was 61%. These percentages are a little lower than those for 2004 and 2005, when about 70% of all farm dwellings were on parcels that met or exceeded the 80-acre minimum. If tract size were considered, these percentages would be higher as in some cases farm dwellings are approved on smaller parcels that are part of larger tracts. Even so, of some concern are the farm dwellings approved on parcels between 0 and 20 acres that may not be part of larger tracts; the figures for these were 17% in 2006 and 11% in 2007.

Other Farm-Related Dwellings. Farm-related dwellings include accessory farm dwellings (for year-round or seasonal farm workers) approved under ORS 215.283(1)(f) and family farm help dwellings under ORS 215.283(1)(e) (Table C).

Accessory farm dwellings must be sited on a farm operation that earns the same gross income required for a primary farm dwelling (\$80,000/\$40,000). In 2006, counties approved 25 accessory dwellings, a figure that is consistent with previous years. However, in 2007 the number jumped to 54, most of the increase due to 15 accessory dwelling approvals in Hood River County. Just over one-third of the approvals in 2006 were for parcels over 80 acres, while in 2007 the figure was higher at 44% (Table G).

However, in 2007, more than one-third of the approvals were for parcels between 0 and 20 acres, most of them in Hood River County.

The number of dwellings approved for family members whose assistance is needed on the farm was 36 in 2006, jumping to 55 in 2007. Nearly one-third of the 2007 approvals were in Douglas County (Table C).

Non-Farm-Related Dwellings. Non-farm-related dwellings include those approved under the non-farm standards of ORS 215.284, lot-of-record dwellings approved under ORS 215.705 and temporary hardship dwellings allowed under ORS 215.283(2)(k) (Table D). In 2006 and 2007, non-farm dwellings accounted for nearly two-thirds of these approved dwellings.

Approval numbers for non-farm dwellings were nearly identical in 2006 and 2007, at 230 and 229, respectively. These numbers are fairly consistent with past figures. Seventy-five percent of the 2006 non-farm dwelling approvals took place in eastern Oregon and 17% in southern Oregon. In 2007, 55% of non-farm dwelling approvals took place in eastern Oregon and 32% in southern Oregon in 2007. The highest approval numbers for 2006 were for Deschutes County (48), while the highest numbers for 2007 were for Douglas County (54). This distribution continues the trend begun in 1993 by HB 3661 that shifted the number of approved non-farm dwellings away from the Willamette Valley to eastern and southern Oregon. This is a direct result of approval standards that recognize Oregon's regional differences.

Non-farm dwelling approvals occur on parcels of all sizes, but somewhat over half are for parcels of 20 acres or less. Large parcel (over 40 acres) approvals of non-farm dwellings nearly always take place in eastern or southern Oregon counties (Table F).

The number of approvals for lot-of-record dwellings in 2006 and 2007 were 53 and 67, respectively, numbers that are consistent with past trends. Only about nine percent of these approvals were on high-value farmland. The highest level of activity in 2006 was in Deschutes County (54) and in 2007 was Douglas County (62). Lot-of-record dwellings are sited on parcels of all sizes that recognize existing lot configurations.

Temporary hardship dwellings may be sited in conjunction with any existing dwelling, regardless of whether they are farm or non-farm dwellings, but must be removed at the end of the hardship. The number of approved temporary hardship dwellings was 75 for 2006 and 69 for 2007, figures that are consistent with past numbers (Table D).

The number of approvals for replacement dwellings was 268 in 2006 and 212 in 2007, the latter figure representing a significant drop from previous years. Established dwellings that are replaced must be removed or demolished within three months of issuance of a replacement permit.

Non-Farm Uses

The Legislature has recognized that some non-farm uses are generally needed in farming areas, such as farm-related commercial activities, utilities necessary for public service, home occupations and some types of dwellings. In 1963, the first statutory EFU zone included just six non-farm uses; today over 50 uses are allowed in an EFU zone. In 2007, the Legislature removed the word “composting” from the definition of “farm use” and amended “facility for the processing of farm crops” and “commercial activities that are in conjunction with farm use” to specifically include production of biofuel.

The most commonly approved non-farm uses, excluding dwellings, in 2006 and 2007 were telecommunication facilities, home occupations, commercial activities in conjunction with farm use, and accessory uses (some farm and some non-farm). Total numbers of these uses were 201 in 2006 and 254 in 2007, the latter representing a substantial jump in numbers over previous years due in large part to a spike in accessory use approvals (Table M). Significantly more dwellings not related to farming were approved in 2006 and 2007 (358/365) than were other non-farm uses.

Non-farm uses are subject to local land use approval and many of the largest or more intensive must demonstrate that they will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest uses (ORS 215.296). Other approval standards direct such uses to less productive or non-high-value farmlands, or away from urban growth boundaries. Allowing some non-farm uses and dwellings is a safety valve that recognizes that within farm zones there are small areas that can accommodate a rural use or dwelling on a small lot without affecting an area’s overall farm character. Small lots with such non-farm uses and dwellings do not qualify for farm use tax assessment. It is important that non-farm development is sited to minimize its impact on agriculture and thus protect the primary use – farming – within the zone.

However, the cumulative effect of non-farm uses, together with approved dwellings, has not been analyzed. At best, the department can determine the number of acres affected by the approval of these uses. The department remains concerned about the cumulative effects of non-farm uses approved in EFU zones.

Land Divisions

Farm Divisions. The number of new farm parcels decreased by about half from previous years to 105 and 106 in 2006 and 2007. The drop was due primarily to the department’s correction of county data on divisions that were incorrectly labeled farm divisions. In addition, the new figures exclude lot-line adjustments and remainder parcels, which were sometimes previously included in the calculations. The number of “new” parcels includes only additional parcels created, not counting the remainder from the parent tract. This change allows for more meaningful tracking of the actual creation of new parcels (Table J).

Nearly all of the farm divisions were for new parcels of at least 80 acres, thus meeting the statutory minimum lot size for land divisions, while a few were for counties that have approved “go-below” lot minimums. A large majority of farm divisions occurred in eastern and southern Oregon (75% in 2006 and 83% in 2007). As a note, no Measure 37 land divisions were included in Table J.

Non-Farm Divisions. The number of new non-farm parcels jumped substantially in 2006, more than doubling from years previous. However, it must be remembered that in correcting for the mislabeled farm divisions (see above), the department had to increase the numbers in the non-farm division column. As for farm divisions, the department excluded lot-line adjustments and remainder parcels from these figures. The number of “new” parcels includes only additional parcels created, not counting the remainder from the parent tract. Even so, the resulting figure of 170 new non-farm parcels is high compared to previous years, while the figure of 146 for 2007 is consistent with previous years.

The highest number of non-farm divisions in both 2006 and 2007 by a substantial margin was in Douglas County, with 40 approvals in one year and 43 in the next. The great majority of non-farm divisions occurred in eastern and southern Oregon (81% in 2006 and 84% in 2007). The data on non-farm parcel sizes is revealing (Table L). Whereas one might expect the great majority of new non-farm parcels to be small, in fact, they occur in all size ranges. Between 13 and 14% of all new parcels are over 20 acres, with about half of these over 40 acres. It may be that large parcels are being created to accommodate non-farm uses when a smaller parcel might accommodate the use just as well and result in fewer acres lost to farming.

The fact that the greatest number of land divisions (both farm and non-farm) are occurring in the same counties creates concern that farm divisions in these places are being pursued more for purposes of breaking up large farm and ranch properties rather than to facilitate existing or accommodate new farm or ranch uses. As a note, no Measure 37 land divisions were included in Table J.

Changes in Designation

There are several ways in which designated agricultural land can be 1) re-inventoried as higher- or lower-quality farmland, 2) replanned and/or rezoned for other uses or 3) identified as qualified for waivers of resource zone requirements. Each option involves a specific process for identification of appropriate lands as described below.

High-Value Farmland Mapping. Oregon Administrative Rule (OAR) 660-033-0080(2) requires counties to submit maps of high-value farmland along with any other amendments necessary to implement the requirements of Goal 3 and Division 33. High-value farmland maps were required to be submitted no later than the time of the first periodic review after December 31, 1994. All counties received a free copy of the Rural Lands Database in 2001, which includes digital Geographic Information (GIS) data for high-value farmland soils. Thus, counties with GIS systems can easily print maps of their

high-value farmland based on soil type, but not the lands “growing specified perennials” in counties outside the Willamette Valley or those lands in coastal counties used in conjunction with a dairy operation on January 1, 1993 (see ORS 215.710(2) and (4)).

At this time, the department is only aware that three counties have identified their high-value farmland. Hood River and Linn Counties have identified and mapped their high-value farmland. Marion County has designated all the land within its EFU zone as high-value farmland and does not make such determinations case-by-case as part of local site-specific land use decisions.

Marginal Lands. Only Lane and Washington counties have designated marginal land and continue to have the authority to do so. ORS 215.307 allows the siting of dwellings on existing lots on land designated as marginal, and requires these two counties to use the EFU requirements of ORS 215.213 on non high-value farmland rather than those in ORS 215.283 for approving farm dwellings and other uses in their EFU zones. The use lists for the two sections are almost the same.

Data for actions on EFU-zoned land in counties with marginal lands are tallied and summarized with all other counties in this report. Lane County did not approve any farm dwellings based on the marginal lands provisions in ORS 215.213, while Washington County approved 11 in 2006 and three in 2007. Neither county reported that it added any new lands to its marginal lands base in 2006 or 2007.

Plan Amendments. Tables N and O summarize plan and zone amendments adopted and submitted to the department for the period between January 1, 1987 and December 31, 2007. These data provide an important historic picture of rezonings to accommodate planned development in urban and rural areas. Table N provides information on urban growth boundary (UGB) amendments adopted during this time. During 2006, there were 15 UGB amendments that brought 3,231 acres into UGBs. Of this, 697 acres, or 22%, were farm and forest lands. During 2007, there were 19 UGB amendments that brought 292 acres into UGBs. Of this, 170 acres or 58% were farm and forest lands. Acreage added to UGBs and the percent that is farm and forest land has historically varied significantly from year to year.

Table O provides information on changes from farm and forest plan designations and/or zoning to rural land use categories. In 2006, 2,038 acres of farmland were redesignated for rural development uses, while 295 acres of forest land went into rural use. In 2007, 879 acres of farmland were redesignated for rural development uses, while 1,209 acres of forest land went into such uses. Each of these plan or zone designation changes was required to be supported by an exception to Goal 3 or 4. The farmland conversion figure for 2006 was higher than for previous years, while the forest land conversion figure for 2007 was several times higher than for previous years.

Non-Resource Lands. Seven counties have identified “non-resource” lands that are not “agricultural” or “forest” lands as defined by Statewide Goals 3 and 4. These lands have been planned and zoned for other rural uses and are not subject to the provisions of Goals

3 and 4. Lands that in the future are re-inventoried as non-resource lands are not required to be supported by an exception to either of these goals. However, appropriate data documenting the non resource nature of the land must be provided as part of a plan amendment. Concerns have been raised to the Commission about how non-resource lands are identified, their location and extent and about the appropriate level of rural development allowed by the goals. Included below is a list of the eight counties with acreage planned and zoned as “non-resource.” In 2006 and 2007 Douglas County added 20 acres to its non-resource land base and Linn County designated 29 acres as non-resource land.

County	Acres Designated Non-Resource
Clatsop	2,351
Crook	23,000
Douglas	3,211
Josephine	15,412
Klamath	34,718
Linn	29
Lane	495
Wasco	7,047
Total	86,204

Ballot Measures 37 and 49. In November 2007, Oregon voters approved Measure 49, which modified Measure 37. The department is authorized under Measure 49 to evaluate existing Measure 37 claims submitted to the state on or before June 28, 2007. Claims received after this date will be treated as new Measure 49 claims and must be based on new land use regulations adopted after January 1, 2007. DLCD received approximately 4,600 Measure 49 Election Returns by the end of June 2008 and began issuing preliminary evaluations at the end of July. Final authorizations are now in progress, based on supplemental reviews of Measure 37 claims as provided under Measure 49. Once LCDC authorizes a specific number of homesites, the property owner may then obtain local permits necessary to develop or sell a homesite.

Counties are required to submit records of local approvals under Measure 37 on a special form, along with their other farm and forest reporting forms. Only 21 of the 36 counties submitted the required Measure 37 forms for 2006-2007 decisions (although most non-responding counties had Measure 37 authorizations from DLCD) and so the numbers in Table P under-represent the number of actual county Measure 37 approvals. At the same time, some counties reported Measure 37 approvals of claims for applicants who apparently did not seek or obtain state authorization.

Table P shows the number of Measure 37 approvals that were reported by each county for 2006 and 2007 for EFU and forest zones, all other approvals made in EFU and forest zones and total approvals for these zones. In 2006, six percent of all land use decisions in EFU zones were reported to be Measure 37 approvals, while the approvals jumped to 17% by 2007. In 2006, five percent of all land use decisions in forest zones were Measure

37 approvals, and these approvals increased to 11% by 2007. Because many of these approvals involve subdivisions with multiple lots, the impact of Measure 37 approvals likely is greater than for other land use decisions in EFU and forest zones.

A more comprehensive picture of Measure 37/49 approvals can be obtained by reviewing department authorization numbers. While these authorizations do not always result in county approvals, they include all counties in which there has been Measure 37/49 activity. The majority of authorization activity has been for the creation of new parcels and lots; only 73 authorizations have been for dwellings on existing lots in the reporting period. Significantly greater numbers of new parcels and lots have been authorized through Measure 37/49 claims than through ordinary land division approvals in EFU and forest zones in 2006 and 2007. In this period, more than two-thirds (1,178) of all new lots authorized in EFU zones were created through Measure 37/49, as compared to through the customary land division process (527). In forest zones, more than three-quarters (664) of all new authorized lots were created through Measure 37/49, in contrast to through the customary approach (195). These numbers include approvals for vested claims but not vested decisions on appeal.

Draft 2006-07 FOREST REPORT

January 1, 2006 through December 31, 2007

Introduction

State law (ORS 197.065) requires the Oregon Land Conservation and Development Commission (LCDC) to submit a report to the Legislature “analyzing applications approved and denied” for certain land uses in exclusive farm use (EFU) and forest zones and “such other matters pertaining to protection of agricultural or forest land as the commission deems appropriate.” Land use decisions compiled in this report were made on land protected by Statewide Planning Goal 4, in either a forest or a “mixed” farm/forest zone where the predominant use of the property is forest use.

The Department of Land Conservation and Development (DLCD) receives a description of each local decision and supporting information for these zones along with a compilation of all decisions made during the reporting period from each county. All counties except Lake County submitted this information.

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Tables A through J include information for dwelling and land division decisions, as well as information on other approved uses (for example, utility facilities, home occupations and telecommunication facilities). For information on plan amendments that involve the redesignation or rezoning of forest and farm land to urban or other rural uses, see the 2006-07 Farm Report. The Farm Report also includes information on non resource land designations and Measure 37 and 49 approvals in EFU and forest zones.

Use of Reported Information

The department uses the collected information to monitor the type and extent of development and parcelization occurring on agricultural land statewide and in individual counties to:

1. Assess the effectiveness of the forest and mixed farm/forest zone to implement Statewide Goal 4; and

2. Focus staff resources to assist counties and the public with the implementation of Goal 3 where needed.

The department recognizes that many counties have processes, such as pre-application conferences, which serve to discourage applications for uses unlikely to be approved. For this reason, we urge readers to use caution in creating “approval rates” based on the information in this report.

Relatively few applications (less than 10%) are actually denied. In many cases, early conferences between potential applicants and planners result in a decision by the potential applicant to submit an application. Some counties have compared the number of client contacts or “pre-application conferences” with the actual number of approvals and denials. These comparisons show that there are many more initial contacts than actual decisions.

Oregon’s Forest Land Protection Program

The conservation of forest land is one of the primary objectives of Oregon’s statewide planning program. Oregon has determined that it is in the state’s interest to protect the land resource foundation of one of its largest industries, forestry. Oregon is the nation’s #1 producer of lumber and the forest products sector is Oregon’s second largest industry. Forestry services and wood products manufacturing together generate about \$13 billion annually in sales or about 11% of the state’s economic output.

Oregon’s forest lands protection program is based on several elements composed of statutory and administrative rule provisions, the forest lands goal, and LUBA/Court opinions and interpretations. These elements are held together in a program by Statewide Planning Goal 4, “Forest Lands.” This goal requires the identification and zoning of forest lands and requires counties to review forest and non-forest uses according to statutory (ORS 215.700 to 215.755) and administrative rule (OAR 660, Division 6) provisions. The goal and administrative rule also incorporate statutory minimum lot sizes and standards for all land divisions (215.780).

Forest and Mixed Farm/Forest Zones

In Oregon, forest lands are protected from conversion to rural or urban uses or other conflicting non-forest uses by the use of forest and mixed farm/forest zoning. At present, about 8.2 million acres (30%) of private land in Oregon are included in forest zones under Statewide Planning Goal 4. An additional 2.2 million acres (7.9%) of private land is included in mixed farm/forest zones under OAR 660-006-0050. Prior to 1990, the county forest zones were generally similar to those of EFU zones applied to agricultural lands. Based on several court decisions and concerns about the amount of development allowed on the state’s productive forest lands, the commission adopted amendments to Goal 4 and a new administrative rule (OAR 660, Division 6). The 1993 legislature modified some of these rules (HB 3661) and directed the commission to conform Goal 4

and its administrative rule with the new provisions of HB 3661. This bill established the types of dwellings allowed on forest land and established minimum lot sizes for forest zones. In March 1994, the commission adopted amendments to make its rules consistent with HB 3661.

Reported Data

Dwellings

In forest zones, dwellings are allowed in five different circumstances and include large-lot dwellings, lot-of-record dwellings, template dwellings, replacement dwellings and temporary hardship dwellings. The total number of dwellings approved in forest and mixed farm/forest zones 2006 was 465 and in 2007 it was 447. These numbers are consistent with those for previous years.

Large-Lot Dwellings – Regional approval standards for dwellings on ownerships of different sizes are provided for in ORS 215.740. In western Oregon, large-lot dwellings must be on ownerships of at least 160 contiguous or 200 non-contiguous acres. In eastern Oregon, they must be on ownerships of 240 or more contiguous or 320 or more non-contiguous acres. In 2006, 16 large-lot forest dwellings were approved and in 2007 the number was 22 (Table A). These numbers are consistent with those for previous years and the approvals are spread fairly evenly among the counties. Large-lot dwellings made up four percent of all dwelling approvals in forest zones in the two years combined.

Lot-of-record Dwellings – “Lot-of-record” dwellings may be approved on lots that have been in the same ownership since 1985 and have a low capability for growing merchantable tree species. In 2006, 34 such dwellings were approved and in 2007, 47 were approved. These numbers are consistent with those for previous years. While the approvals were spread fairly evenly across the state, one-third of all 2007 approvals took place in Douglas County. On average, about two-thirds of the approvals for the two years were for lots that were less than 21 acres (Table C). Lot-of-record dwellings made up nine percent of all dwelling approvals in forest zones in the two years combined.

Template Dwellings – “Template” dwellings may be approved where there is a certain amount of existing development and parcelization within a 160-acre “template” centered on the parcel. In 2006, 274 template dwellings were approved, a number that is consistent with previous approval numbers, while in 2007 the number of approvals dropped somewhat to 250 (Table B). About 70% of the dwellings were approved based on the template test for the most productive forest soils. About 71% of both 2006 and 2007 approvals were for parcels smaller than 21 acres. The largest number of approvals was for the Willamette Valley, followed by southern Oregon. Template dwellings made up over half (57%) of all dwelling approvals in forest zones in the two years combined.

Adjacent Land Ownership – DLCD has reviewed the siting of dwellings in locations where they may conflict with adjacent forest operations. The department has reviewed

template and lot-of-record dwelling approvals to find whether the new home sites are adjacent to public or private industrial timber ownerships (Table D). Of 308 template and lot-of-record dwellings approved in 2006, 15 were adjacent to public forest ownerships (U.S. Forest Service, U.S. Bureau of Land Management or State of Oregon) and 22 were adjacent to private industrial forest lands. Thus, 12% of these new dwellings were adjacent to these large-scale public and private forest uses. In 2007, 297 template and lot-of-record dwellings were approved, 15 of which were adjacent to public forest ownerships and 24 were adjacent to private industrial forest lands, resulting in a 13% rate of adjacency to public and private forest uses.

Replacement Dwellings – A replacement dwelling is a new home that replaces an older dwelling on a parcel. The older dwelling must be demolished, moved or converted to a non-residential use within three months of completion of the replacement dwelling. In 2006, 121 replacement dwellings were approved, while in 2007 the number was 88, figures that are at the high and low ends of reported numbers from previous years. In 2006, 42% of all replacement dwellings statewide were in Douglas County. Otherwise, most approvals have been in eastern Oregon. Replacement dwellings made up 23% of all dwelling approvals in forest zones in the two years combined. One concern is whether dwellings being replaced are in fact being demolished, moved or converted to non-residential uses within the required timeframe.

Temporary Hardship Dwellings – A temporary hardship dwelling is usually a manufactured home placed on a parcel temporarily for reasons of a specific hardship (usually medical) and must be removed at the end of the hardship. In 2006, 20 temporary hardship dwellings were approved, while in 2007 the number was 3, representing an increase over previous years. These approvals are spread fairly evenly around the state. Temporary hardship dwellings made up six percent of all dwelling approvals in forest zones in the two years combined.

Non-Forest Uses

The commission has recognized that some non-forest uses are acceptable in forest areas, such as utilities necessary for public service, home occupations and some types of dwellings. These uses are set forth in OAR 660-006-0025; all together, more than 50 uses are allowed in forest and mixed farm/forest zones. Table J provides a summary of the non-forest uses (excluding dwellings) approved in 2006 and 2007. It indicates a trend toward higher numbers of approvals for non-forest uses over the four previous years. In 2006, 114 such uses were approved, while for 2007 the number was 111. The most frequent types of approvals were for accessory uses, telecommunication facilities and mineral and aggregate sites.

Land Divisions

Forest Land Divisions. The number of new forest land divisions was 49 in 2006 and 32 in 2007, the latter a number that is down significantly from previous years. The drop was due primarily to the department's correction of county data on divisions that were

incorrectly labeled forest land divisions. In addition, the new figures exclude lot line adjustments and remainder parcels, which were previously sometimes inadvertently included in the calculations. The number of “new” parcels includes only additional parcels created, not counting the remainder parcel from the parent tract. This change allows for more meaningful tracking of the actual creation of new parcels (Table G).

Nearly all of the new forest land divisions were for new parcels of at least 80 acres, thus meeting the statutory minimum lot size for land divisions. Forest land divisions occurred fairly evenly across the state (Table H).

Non-forest Land Divisions. Non-forest land divisions may be allowed in only a few circumstances, including the creation of a parcel or parcels to separate one or more existing dwellings on a property in certain situations (ORS 215.780 (2)(b) and (e)). No newly-created parcel approved under these provisions may be larger than five to 10 acres. The separation of existing dwellings is the basis for most of the reported non-forest land divisions in 2006 and 2007. However, a number of divisions were also approved based on split zoning - that is when part of a parcel is in forest zoning and another part is in a different zone. In some cases, the other part of a parcel was in an EFU or mixed farm/forest zone; this is not a legitimate or legal basis for a non-forest land division.

The number of new non-forest land divisions jumped to 54 in 2006 and 60 in 2007, a three-fold increase over the average of the three previous years. While part of this increase can be explained by the correction of mislabeled forest land divisions (see above) that resulted in the department adding additional numbers to the non-forest land division column, the jump still represents a substantial increase in the numbers of these divisions. In 2006, 76% of the new parcels created were 10 acres or fewer, while in 2007, 85% of the new parcels met this standard.

Changes in Designation

There are a few different ways in which designated forest lands can be 1) replanned and/or rezoned for other uses or 2) identified as qualified for waivers of resource zone requirements. These options and affected lands are described in the accompanying Farm Report.