2012-13 OREGON FARM & FOREST REPORT

January 1, 2012 through December 31, 2013

Department of Land Conservation and Development

February 3, 2015

2012-13 OREGON FARM & FOREST REPORT

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OREGON 2012-13 FARM & FOREST REPORT

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Introduction

State law (ORS 197.065) requires the Oregon Land Conservation and Development Commission (LCDC) to submit a report every two years 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."

County Reporting of Land Use Decisions

The Department of Land Conservation and Development (DLCD) receives a description of each land use decision in EFU, forest and mixed farm-forest zones with supporting information as part of a submittal of decisions made for the reporting period from each county in Oregon. This report summarizes the information provided by the counties for the two-year period from January 1, 2012 through December 31, 2013. For each of the two years, tables and graphs include information on dwelling and land division approvals as well as other approved uses on farm and forest land. In addition, the report provides information on the acreage rezoned out of farm and forest zones to urban and rural zones in this time period. Additional graphs and tables provide historic data on development trends and land conversion, by county, of farm and forest land to other uses. This report for the first time provides maps of land use decisions to provide the reader with context for these decisions. Finally, this report also includes data on county land use decisions that are based on waivers to state and local land use regulations under Ballot Measure 37, as subsequently modified by Ballot Measure 49. Most of these decisions were in farm and forest zones.

Use of this Report

The department uses the collected information to evaluate the type, extent and location of development, parcelization, rezoning and land conversion occurring on farm and forest land statewide and in individual counties. This information is used to continually assess the effectiveness of farm and forest zones to implement Statewide Planning Goals 3 and 4 and to focus staff resources to assist counties and the public where needed. The data may also be used by LCDC and the Legislature to shape statutory and rule changes to enhance or clarify protections for farm and forest lands.

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.

Oregon Agriculture

Roughly 26 percent of Oregon's land base – 16.3 million acres – is in non-federal farm use, according to the 2012 USDA Census of Agriculture. This includes all places from which $1,000 or more is earned annually from the sale of agricultural products. In 2012 Oregon agricultural sector produced a farm gate value of $5.4 billion, equal to roughly 15 percent of the state's economy. Agriculture is a key traded sector in Oregon, ranking third in the value of exported products and contributing to the state's balance of trade.

Over 98 percent of Oregon's farm sales are generated by "commercial" farms – those farms generating more than $10,000 in annual gross sales. These farms comprise more than two-thirds of all Oregon farms and make up 89 percent of the state's agricultural land base.

Oregon is one of the most agriculturally diverse states in the nation, boasting the production of more than 220 different types of crops and livestock, and leading in the production of 13 crops. More than 90 percent of the state's farms are owned by a family or an individual.

Agricultural Land Use Policy

Oregon's agricultural lands protection program is based on statute and administrative rules as interpreted by the Land Use Board of Appeals (LUBA) and the courts. Statewide Planning Goal 3, "Agricultural Lands," requires identification of agricultural land, use of statutory EFU zones (ORS Chapter 215), and review of farm and non-farm uses according to statute and administrative rule (OAR chapter 660, division 33) provisions. These provisions also incorporate statutory minimum lot sizes and standards for all land divisions.

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:

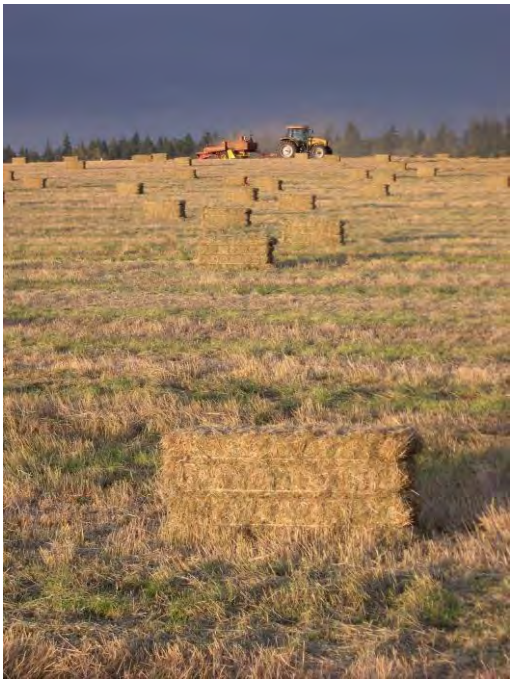
1. Agricultural land is a vital, natural and economic asset for all the people of this state;
2. Preservation of a maximum amount of agricultural land in large blocks, is necessary to maintain the agricultural economy of the state;
3. Expansion of urban development in rural areas is a public concern 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 215.700."



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 protected from conversion to rural or urban uses and other conflicting non-farm uses through the application of EFU zones. At present, about 15.5 million acres (56 percent) of private land in Oregon are included in EFU zones. 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 uses that have increased in type and number over the years. Large minimum lot standards and rigorous dwelling approval standards limit the conversion of farmland to other uses.

EFU zoning has been instrumental in maintaining working farm landscapes in Oregon. The effectiveness of Oregon's farm and forest protections can be demonstrated by comparing conversion data for Oregon with that for Washington. Both states have similar amounts of private land and similar development pressures. After the enactment of the two state land use planning programs were implemented, the conversion of land in farm and forest zones in Oregon slowed dramatically in Oregon, but only a little in Washington. This is solid evidence of the success of EFU zoning in protecting the agricultural land base in Oregon.

Trends in Oregon Agriculture

The protection of Oregon's working farm landscape through EFU zoning over the last 35 years has created expected and unanticipated benefits for landowners, rural communities, and the state, while some challenges remain. In addition to protecting the farmland base against conversion pressures experienced by other states, EFU zoning has facilitated the rise of the viticulture and winery industries, agri-tourism opportunities, local food systems and renewable energy production.

Viticulture

Oregon has experiences substantial growth in its wine grape industry over the last 50 years. Vineyards now number 870, while there are 453 wineries in the state. A significant number of vineyards have been sited on capability class III-VI soils, ratings that are particularly

conducive to growing grapes. Some of this land was claimed to be non-farm land in the past. Had the Goal 3 definition of agricultural land adopted in 1975 not included "other lands suitable for" agricultural use, much of class IV-VI land would likely have been developed for other uses.

At the same time, the success of Oregon vineyards and wineries has led to a proliferation of activities, events, and food service at growing numbers of these facilities located in EFU zones that raise questions about their appropriateness, scale, and impact on nearby farm operations. Farmers want to have assurance that these uses will not create unreasonable conflicts for their operations.

Agri-Tourism

There has also been a growing trend and interest in recent years in a wide variety of types of agri-tourism as well as non-farm related events and activities on farmland. Agri-tourism activities can provide an important supplementary stream of income that helps to keep farmers on the land and people connected to their food sources.

However, there are questions about the degree to which such activities should be in conjunction with or subordinate to farm use, or both. A wide variety of activities with no connection to agriculture are currently occurring on a regular basis in EFU zones, including weddings, festivals, and ATV racing events, among others. Approvals of outdoor mass gatherings are not land use decisions, so counties have no regulatory control over them. These activities and

gatherings can create conflicts for neighbors and farm operations. In addition, businesses in cities and UGBs argue that some of these uses divert existing business from urban areas and into farm areas. These issues may require legislation or rulemaking to resolve.

Local Food Systems

There is growing interest nationwide in the development of local and regional food systems that help ensure the public's access to healthy, local, sustainable food sources. Oregon's urban growth boundaries facilitate ready access to u-picks, community supported

agriculture, and farm stands close to cities, while EFU zoning has kept the price of farmland more affordable for new farmers than it otherwise would be. Farmers markets and community gardens are more popular than ever, while communities are taking steps to facilitate the use of unused public spaces, school grounds and sidewalk strips for edible landscapes. All these efforts help connect people to their food sources, whether inside or outside urban growth boundaries.

Some local food system proponents favor small farms, and for this reason support the creation of smaller farm minimum lot sizes than exist now. However, smaller minimum lot sizes are more likely to result in rural residential properties or hobby farms than they are in small working farms. There are already numerous small farms in Oregon, according to the U.S. Census of Agriculture; 21,782 or 61 percent of Oregon's existing 35,439 farms are between one and 49 acres. In addition, there are many thousands of acres of small parcels in rural residential zones that could be made available for small farm use, without the need to further divide land in EFU zones.

Renewable Energy

Oregon has more than 3,000 megawatts of wind energy generation capacity in EFU zones, now ranking fifth in the nation in installed wind energy capability. Wind projects produce annual lease payments for landowners of more than $9 million dollars and increase the tax base of communities. Part of the attraction of wind energy to the state are the large open farm landscapes free from conflicting uses that are made possible by EFU zoning. Now that Oregon is beginning to attract large commercial solar arrays, the open farm landscapes will provide similarly suitable opportunities for this renewable energy source.

The rise in renewable energy production on farmland, together with new major transmission line corridors to bring energy to market, has raised questions and concerns about potential impacts to farm operations, wildlife habitat, scenic viewsheds, and tourism. Other concerns have been raised about the need for a state energy policy and more proactive state and regional roles in the siting of major transmission line corridors and energy facilities that may have regional impacts. This is an issue that should be addressed by the Legislature.

Reported County Data on Farmland

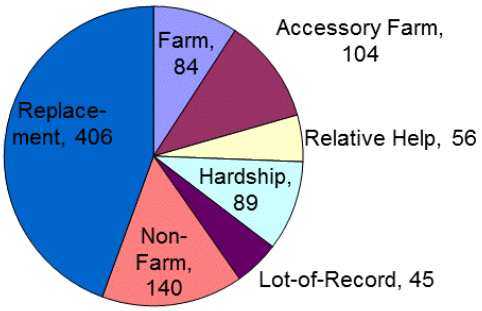
The data in this report are for all local land use decisions on farmland, whether in EFU or mixed farm-forest zones.

Dwellings

In EFU zones and agricultural portions of mixed farm-forest zones, dwellings are allowed in seven different circumstances: primary farm dwellings, accessory farm dwellings, relative farm help dwellings, non-farm dwellings, lot-of-record dwellings, replacement dwellings, and temporary hardship dwellings. Counties approved 457 dwellings on farmland in 2012 and 437 dwellings in 2013, numbers that are similar to those for the last reporting cycle.

As shown in Figure 1 and Table 1, almost one-half of the dwelling approvals in the planning period were for replacement dwellings, 16 percent were for non-farm dwellings, 12 percent were for accessory farm units, 10 percent were for temporary hardship dwellings, nine percent were for farm dwellings and five percent each were for relative farm help dwellings and lot-of-record dwellings.

Figure 1. Dwelling Types on Farmland, 2012-2013



Primary Farm Dwellings. There are four ways in which primary farm dwellings may be approved. On high-value farmland, an $80,000 income standard must be met (that is, the farm operator must have earned $80,000 in gross sales in the two or three of the last

Table 1. Dwelling Approvals on Farmland by Type and County, 2012-2013

	Primary Farm		Accessory Farm		Relative Farm		Non-Farm		Lot-of-Record		Replacement		Temporary Hardship		Total	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
Baker		2	1		1		4		4	2	7		1		**17**	**4**
Benton		2		1		1		1	1		3			1	**4**	**6**
Clackamas	2		1	1			1						6	1	**10**	**2**
Clatsop					2						2	1			**4**	**1**
Columbia		1							1		1	1			**2**	**2**
Coos					1								4		**5**	**0**
Crook	3	1	1		1		7	6	1	1	2	7		2	**15**	**17**
Curry							1								**1**	**0**
Deschutes	2	2	1	1	1	1	17	14			13	14	1	2	**35**	**34**
Douglas	3	4		1	2	7	2	2			20	32	3	2	**30**	**48**
Gilliam				3								1			**0**	**4**
Grant		2	6		3	1		1	3	3	6	5			**18**	**12**
Harney	4	2	1	1		1	4	2			4	2			**13**	**8**
Hood River	1		2	16				2	1	1	8	10			**12**	**29**
Jackson	1	1	2		1	3	6	3		1			6	2	**16**	**10**
Jefferson		1	2	1	1	1	1	1	1	3	1	3	1	1	**7**	**11**
Josephine		1					3	2					1	2	**4**	**5**
Klamath	1	1	1	1		1	3	1	1	3	9	7	1	1	**16**	**15**
Lake		4		3	1	1	5	8			4	6			**10**	**22**
Lane	1	1						1			2	4	2	1	**5**	**7**
Lincoln								1							**0**	**1**
Linn		2		1	1	2	2	1		3	5	21	8	9	**16**	**39**
Malheur	4	2	1				5	8			9	10	2		**21**	**20**
Marion	2	5		2			1				7	12	6	2	**16**	**21**
Morrow	1			2			2	1			1	3			**4**	**6**
Multnomah				1							1	1			**1**	**2**
Polk	1	2							1		11	6	5	3	**18**	**11**
Sherman					1		2	1				1			**3**	**2**
Tillamook			1		2						3	2			**6**	**2**
Umatilla			2		2		1	2	1	1	18	15	2	2	**25**	**20**
Union	1	3		1				5	1		8	9			**10**	**18**
Wallowa	2					1			4	2	2	3			**8**	**6**
Wasco	3	2	36	9		2	1	4			5	2	1		**0**	**19**
Washington		2			1		1	1			19	18	1		**22**	**21**
Wheeler	3	1				1	2	1			2				**7**	**3**
Yamhill	3	2	1		1	1			1	4	15	22	7		**28**	**29**
Total	**38**	**46**	**59**	**45**	**22**	**24**	**71**	**69**	**21**	**24**	**188**	**218**	**58**	**31**	**455**	**457**

five years). Farm dwellings on non-high-value farmland must either meet a $40,000 income standard, be located on a parcel of 160 acres, or meet a potential gross farm sales (capability) test. This latter test involves prior approval of the department director. The total number of primary farm dwelling approvals statewide was 38 in 2012 and 46 in 2013, numbers that are similar to past years. A little more than one-third of these approvals were based on the parcel size test, one-third were based on the non-high-value income test, one-quarter were based on the high-value income test, and six percent were based on the capability test. Primary farm dwelling approvals were distributed evenly across the state. (*See* Table 2.)

In 2012 and 2013, three-quarters of all farm dwelling approvals for which parcel size information was provided were on parcels of 80 or more acres (*see* Table 3). If tract size were considered, this percentage would be higher as in some cases farm dwellings are approved on smaller parcels that are part of larger tracts.

Accessory farm dwellings. Accessory farm dwellings must be sited on a farm operation that earns the same gross income required for a primary farm dwelling ($80,000 or $40,000). These approvals occasionally involve more than one dwelling unit. In 2012, counties approved 59 accessory farm dwelling units, while in 2013 the figure was 45, numbers that are double that for recent years. One-half of the approvals for the two years were on parcels of 80 acres or more.

Relative farm help dwellings. The number of dwellings approved for relatives whose assistance is needed on the farm was 22 in 2012 and 24 in 2013, numbers that are consistent with those for recent years. A concern with this dwelling type is that, once built, there is no guarantee that it will continue to be occupied by a relative or even that it will continue to be used in conjunction with farm use.

Non-farm dwellings. Non-farm dwellings may be approved on parcels or portions of parcels that are unsuitable for farm use. There were 71 non-farm dwelling approvals in 2012 and 69 in 2013, numbers that are down from previous years. Almost one-quarter of all approvals in both years took place in Deschutes County, with Crook, Lake and Malheur counties also showing relatively high numbers of approvals. This distribution continues the trend begun in 1993 by HB 3661 that shifted the number of non-farm dwelling approvals away from the Willamette Valley to eastern and southern Oregon.

Over three-quarters of all non-farm dwelling approvals occurred on parcels of 20 acres or less in both years. Large parcel (over 40 acres) approvals of non-farm dwellings nearly always take place in eastern or southern Oregon counties. Just under one-third of all non-farm dwellings approved in the reporting period were on newly created parcels.

Lot-of-record dwellings. Lot-of-record dwellings may be approved on parcels that have been in the same ownership since 1985 and, with some exceptions, are not on high-value farmland. In 2012, 21 such dwellings were approved, and in 2013, 24 were approved. Over three-quarters of the parcels for which information was provided were on non-high-value farmland. These numbers are consistent with figures for recent years, though lower than for previous years, as might be expected as existing lots-of-record are slowly built out. Lot-of-record approvals are concentrated in eastern Oregon in this planning period and are on parcels of all sizes that reflect existing lot configurations.

Temporary hardship dwellings. A temporary hardship dwelling is usually a manufactured home placed on a parcel temporarily for reasons of a medical hardship and must be removed at the end of the hardship. A temporary hardship dwelling must be sited in conjunction with an existing dwelling. The number of approved temporary hardship dwellings was 58 for 2012 and 31 for 2013, numbers that are similar to recent years. The department does not track the removal of these dwellings when they are no longer needed.

Replacement dwellings. A replacement dwelling is a new home that replaces an older dwelling on a parcel. There were 188 approvals in 2012 and 218 in 2013. These numbers are consistent with numbers in previous years. Established dwellings that are replaced must be removed, demolished or converted to another allowed use within one year of completion of the replacement dwelling. About one-half of dwellings approved for replacement in 2012-2013 were removed, while almost half were demolished and the remainder were converted to non-residential use. About one-half of dwellings approved for replacement in 2012 and 2013 were removed while almost half were demolished and nine percent were converted. New provisions that were added to statute in 2013 expand the allowance for replacement dwellings in EFU zones.

Issue: ***Housing stock in farm zones.*** At what point is there enough housing stock in farm zones? When is the saturation point reached when the cumulative impacts from thousands of individual dwelling approvals becomes unacceptably high?

Cumulative Dwelling Approvals. Between 1986 and 2013, approximately 21,783 dwellings of all types were approved on farmland across the state. Figures 2 and 3 below illustrate the number of dwelling unit approvals for each year since 1994 for the different dwelling types. Approvals for most types of dwellings have decreased over the years, especially after 2008.

Table 2. Primary Farm Dwelling Approvals by Option and County, 2012-2013

	HV Income		Non-HV Income		Non-HV Size		Non-HV Capability		Total	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
Baker						2			**0**	**2**
Benton		1				1			**0**	**2**
Clackamas	2								**2**	**0**
Clatsop									**0**	**0**
Columbia				1					**0**	**1**
Coos									**0**	**0**
Crook	1		1	1			1		**3**	**1**
Curry									**0**	**0**
Deschutes	1	1	1	1					**2**	**2**
Douglas			1		2			4	**3**	**4**
Gilliam									**0**	**0**
Grant						2			**0**	**2**
Harney			4			2			**4**	**2**
Hood River	1								**1**	**0**
Jackson			1			1			**1**	**1**
Jefferson						1			**0**	**1**
Josephine		1							**0**	**1**
Klamath			1	1					**1**	**1**
Lake						4			**0**	**4**
Lane			1	1					**1**	**1**
Lincoln									**0**	**0**
Linn		1				1			**0**	**2**
Malheur					4	2			**4**	**2**
Marion	2	3		1		1			**2**	**5**
Morrow			1						**1**	**0**
Multnomah									**0**	**0**
Polk	1			2					**1**	**2**
Sherman									**0**	**0**
Tillamook									**0**	**0**
Umatilla									**0**	**0**
Union			1	1		2			**1**	**3**
Wallowa			2						**2**	**0**
Wasco					3	2			**3**	**2**
Washington				2					**0**	**2**
Wheeler			3			1			**3**	**1**
Yamhill	3	2							**3**	**2**
Total	**11**	**9**	**17**	**11**	**9**	**22**	**1**	**4**	**38**	**46**

Table 3. Dwelling Approvals on Farmland by Parcel Size and County, 2012-2013

County	Not Reported		0 to 5 acres		6 to 10 acres		acres		21 to 40 acres		41 to 79 acres		80 to 159 ac.		160 to 319 ac.		320+ Acres		Total	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	**2012**	**2013**
Baker			3				3		5		2	2	1	1	1	2	3		**18**	**5**
Benton			1			2	2				1			1		2		1	**4**	**6**
Clackamas			2		1		4			1	3	1							**10**	**2**
Clatsop			1				1		1	1			1						**4**	**1**
Columbia												1	2			1			**2**	**2**
Coos			3				1				1								**5**	**0**
Crook			2	5	1	1	3	3	2	2	2	3	1		2	1	2	2	**15**	**17**
Curry			1																**1**	**0**
Deschutes			14	6	3	9	8	4	7	7		2	2	3		2	1	1	**35**	**34**
Douglas			3	13	2	4	2	7	5	6	7	6	5	10	6	1		1	**30**	**48**
Gilliam												2						2	**0**	**4**
Grant			1			1	1	2				3		2	1	1	10	3	**13**	**12**
Harney			1				2			2			1	2	4		5	4	**13**	**8**
Hood River			3	6	3	6	1	6	3	3	2								**12**	**21**
Jackson			4		2	2	5	3	2	1	1	2		1	2	2			**16**	**11**
Jefferson				1				1		3	1	1	3	1	3	2		2	**7**	**11**
Josephine			1	1	1		1	2	1	1				1					**4**	**5**
Klamath			3	2	3			3	3	2	2	2	2	4		1	3	1	**16**	**15**
Lake			3	3	1	2	2	3	1	3			1	5	2	3		3	**10**	**22**
Lane				2	1			2	3	1						2	1		**5**	**7**
Lincoln				1															**0**	**1**
Linn	1		3	8	1		4	4	1	9	5	4	1	8		6			**16**	**39**
Malheur			6	7	1	1		1	1	4	3	3	6	1	2	2	2	1	**21**	**20**
Marion			7	8		1	1	1	1	6	3	4	4	2	1	1			**17**	**23**
Morrow						2	2			2				1	2			1	**4**	**6**
Multnomah			1	1														1	**1**	**2**
Polk			3	1	1	1	2		2	3	6	2	1	2	2		1	2	**18**	**11**
Sherman			1		1	1											1	1	**3**	**2**
Tillamook			1				1		2	1	2	1							**6**	**2**
Umatilla			7	8	3	2	2	4	5	4	2	1	2		3	1	2		**26**	**20**
Union			1	4	1	1	3	2		1	1	2	2	2	1	1	1	5	**10**	**18**
Wallowa							1	1	2	1	2		1	1	1	1	1	2	**8**	**6**
Wasco			1		2		1	6	1	1	1	1	2	2	2		2	2	**12**	**12**
Washington			6	3	1	4	6	2	5	6		5	3	1	1				**22**	**21**
Wheeler				1	1		2							1	2		2	1	**7**	**3**
Yamhill			1	5	4	1	4	5	6	6	2	5	9	6	2	1			**28**	**29**
Total	**1**	**0**	**84**	**86**	**34**	**41**	**65**	**62**	**59**	**77**	**49**	**53**	**50**	**58**	**40**	**33**	**37**	**36**	**419**	**446**

Figure 2. New Dwelling Approvals on Farmland by Year: All Counties, 1994-2013

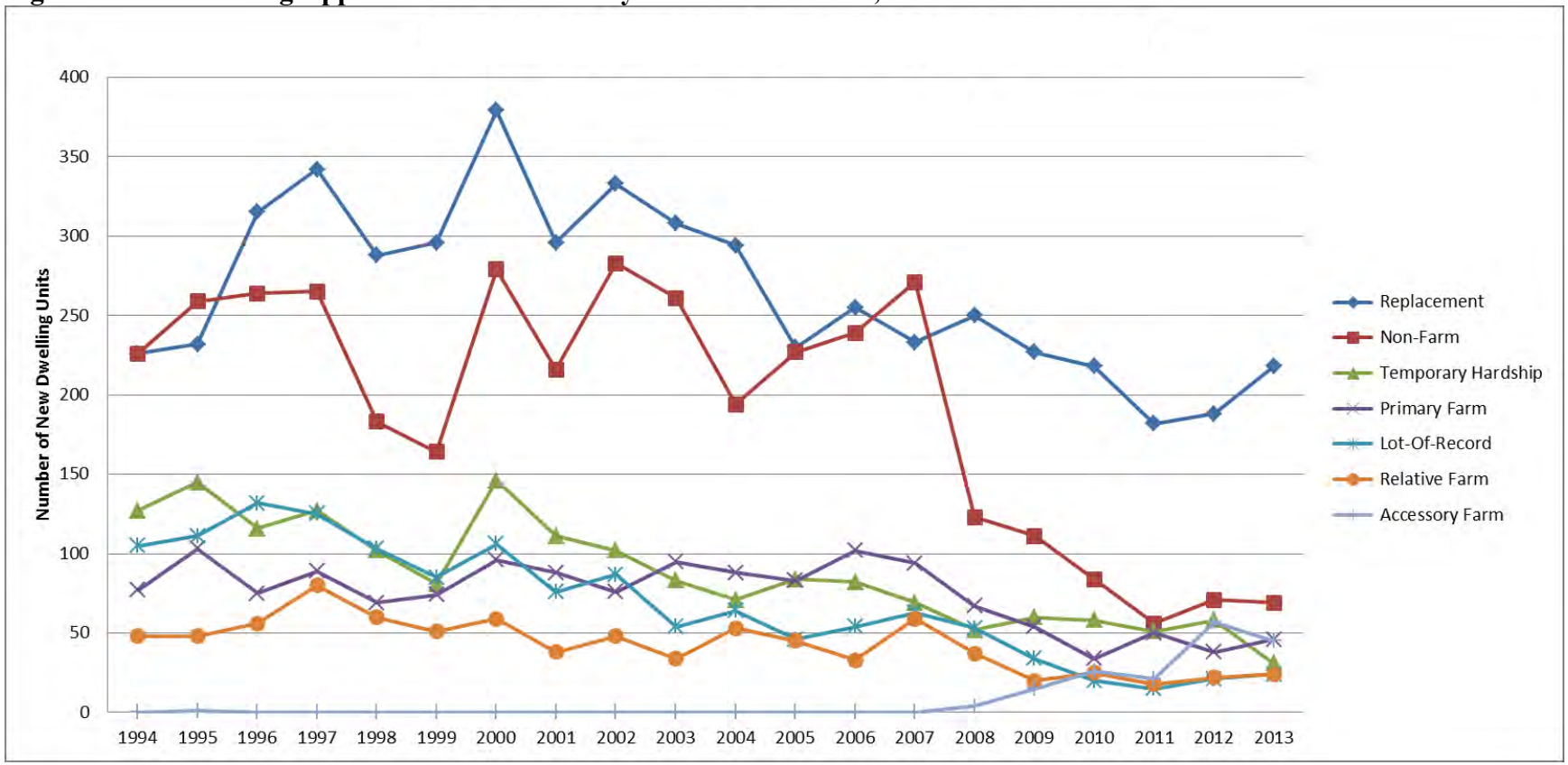
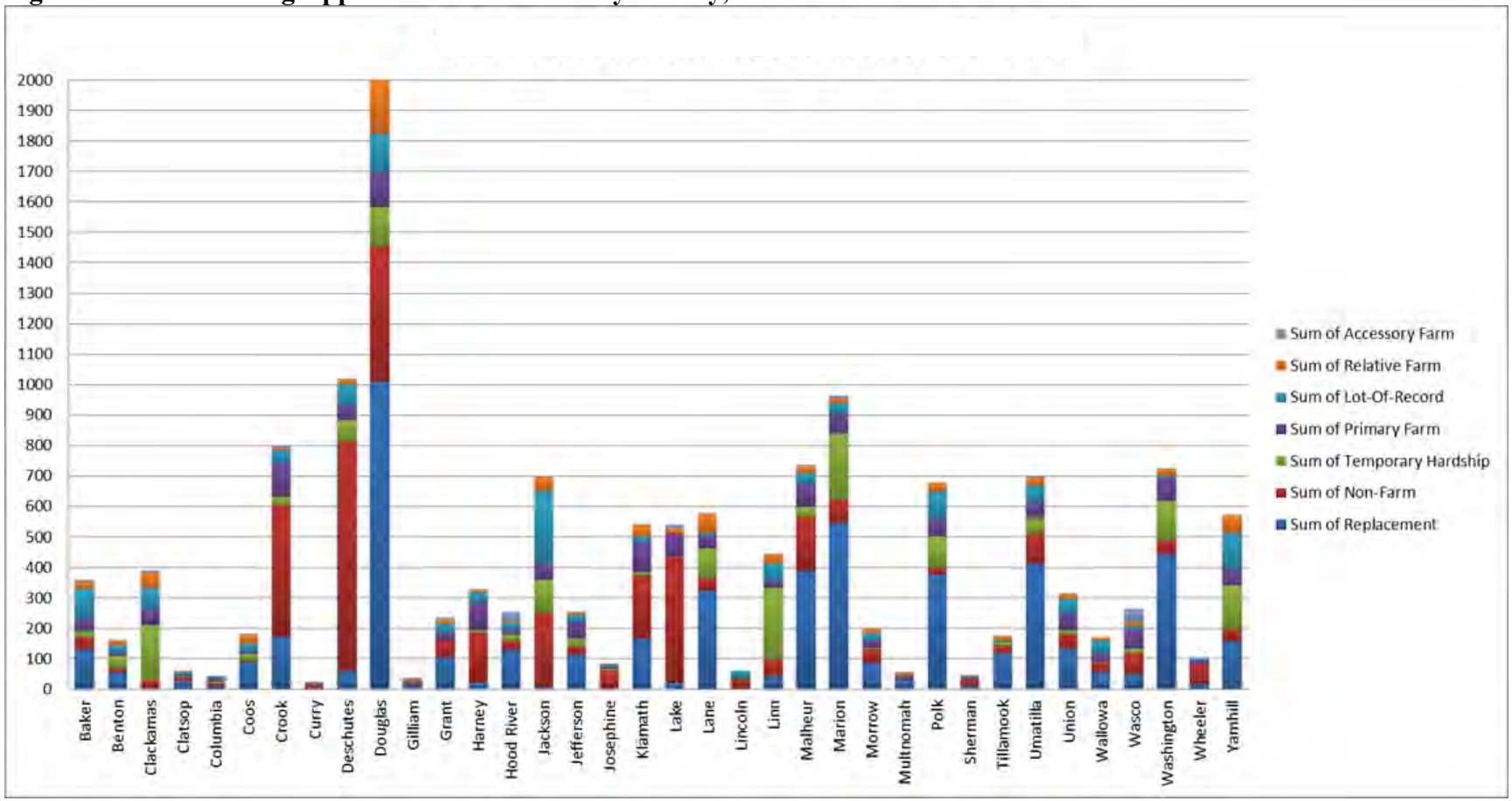


Figure 3. Total Dwelling Approvals on Farmland by County, 1994 to 2013



Other Uses

The Legislature has recognized that some farm-related as well as non-farm uses are appropriate in farming areas, such as farm-related commercial activities, utilities necessary for public service and home occupations. In 1963, the first statutory EFU zone included just six non-farm uses; today over 50 uses are allowed in an EFU zone.

In this biennial report, all types of use approvals are reported for the first time (*see* Table 4). In 2012-13, the most commonly approved uses other than dwellings were agricultural buildings, accessory uses, home occupations, and commercial activities in conjunction with farm use. Total numbers of approved other uses were 428 in 2012 and 413 in 2013, numbers that are consistent with those for recent years.

Approved uses that are rising in number include various types of agri-tourism that are approved as wineries, farm stands, commercial activities in conjunction with farm use or agri-tourism.

Issue: Events on farmland. The state is experiencing an increase in the number and approval paths for various types of events on farmland, only some of which are agri-tourism events, including through "commercial activities in conjunction with farm use," "home occupations," "farm stands," and "private parks." There is the potential for cumulative adverse impacts from such uses on nearby agricultural operations.

Non-farm uses are subject to local land use approval and 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). 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 without affecting an area's overall agricultural utility. Small lots with such non-farm uses and dwellings do not qualify for farm use tax assessment.

Table 4. Other Use Approvals on Farmland, 2012-2013

Use	2012	2013	Total
Accessory use	124	84	**208**
Agricultural building	166	214	**380**
Agri-tourism	5	10	**15**
Church	1		**1**
Commercial activities with farm use	20	16	**36**
Commercial dog boarding kennel		3	**3**
Commercial power generating facility	8	6	**14**
Community center	2	1	**3**
Farm processing facility	5		**5**
Farm stand	7	7	**14**
Fire service facility		1	**1**
Golf course		1	**1**
Guest ranch	1		**1**
Home occupation	23	18	**41**
Living history museum		1	**1**
Mineral Aggregate	8	7	**15**
Other	17	12	**29**
Personal-use airport	1	4	**5**
Private park/campground	9	2	**11**
Public park	4	4	**8**
Roads and Improvements	2	4	**6**
School	1		**1**
Solid waste disposal site		1	**1**
Transmission tower over 200 feet	1	1	**2**
Utility facility	17	11	**28**
Winery	6	6	**12**
Total	428	414	**842**

Land Divisions

As is true for dwellings, the number of land divisions and new parcels on farmland, both farm and non-farm, is down for the two-year reporting period, most likely due to the current economy.

Farm Divisions. Land divisions on farmland must meet the statutory minimum lot size of 80 acres (160 acres for rangeland) or be in counties that have approved "go-below" parcel minimums below these sizes. A "go-below" is a parcel size below 80 or 160 acres that has been approved by the commission as being adequate to protect existing commercial agriculture in an area. In 2012-13, there were 76 land divisions of 80 acres or more on farmland, nearly half of all land divisions on farmland. A large majority of new farm parcels of 80

acres or more occurred in eastern Oregon.

Non-Farm Divisions. Up to two new non-farm parcels may be divided from a tract that was in existence on July 1, 2001, for a dwelling if the new parcels are predominantly comprised of non-agricultural soils. In addition, non-farm land divisions are allowed for conditional uses that are approved on farmland. In 2012, 40 new parcels were created below the 80-acre minimum lot size requirement, while in 2013, 51 new such parcels were created, not counting the remainders from the parent tracts. These numbers are down significantly from past years. Some of these parcels were created for farm use in counties with "go-below" parcel size minimums. The counties with the highest numbers of new parcels below 80 acres were Deschutes and Umatilla. Two-thirds of all new parcels below 80 acres were five acres or smaller. (*See* Table 5.)

Issue: Rangeland divisions. The continuing break-up of large ranch properties into 160-acre parcels can make it increasingly difficult to generate reasonable economic returns from agriculture on these properties. While non-farm divisions from a parent parcel are limited to two, there is no limit on the number of farm divisions from a parent parcel over time.

Property Line Adjustments

For the first time, this report provides information on property line adjustments on farmland. Such adjustments are commonly employed for a variety of reasons. However, they may not be used to allow the approval of dwellings that would not otherwise be allowed, or to increase the size of new parcels created through Measure 49 to be larger than two or five acres. Property line adjustments, which appear to be increasing in number and are sometimes used in serial fashion on a single tract to effectively move an existing parcel to another location. Many of the reported property line adjustments involve multiple tax lots. In 2012, 251 property line adjustments were approved, while in 2013 the number was 264.

Table 5. New Parcel Approvals on Farmland by Size and County, 2012-2013

County	0 to 5 acres		6 to 10 acres		11 to 20 acres		21 to 40 acres		41 to 79 acres		80 to 159 ac.		160 to 319 ac.		320+ acres		Total	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
Baker		1					2				1						**3**	**1**
Benton																	**0**	**0**
Clackamas										1							**0**	**1**
Clatsop																	**0**	**0**
Columbia																	**0**	**0**
Coos																	**0**	**0**
Crook	2	1		1	1	1			1	1		1	1	1	1		**6**	**6**
Curry																	**0**	**0**
Deschutes	7			2	1												**8**	**2**
Douglas		2	1	4							3	2	1				**5**	**8**
Gilliam																	**0**	**0**
Grant									1			1	3	1	3		**7**	**2**
Harney													2	4	1		**3**	**4**
Hood River	1																**1**	**0**
Jackson	2		2										2				**6**	**0**
Jefferson	2								1				2		2		**7**	**0**
Josephine																	**0**	**0**
Klamath	2	2		2		1				1		2		2	2	4	**4**	**14**
Lake								1						3		1	**0**	**5**
Lane								1									**0**	**1**
Lincoln																	**0**	**0**
Linn	1	1									8	1		1			**9**	**3**
Malheur	1	2	1	1		1		1									**2**	**5**
Marion												1					**0**	**1**
Morrow				2				1		1						2	**0**	**6**
Multnomah																	**0**	**0**
Polk																	**0**	**0**
Sherman	2		1	1													**3**	**1**
Tillamook																	**0**	**0**
Umatilla	2	2	1	2					3		3		1	2			**10**	**6**
Union		5			1										1		**2**	**5**
Wallowa													1		1	4	**2**	**4**
Wasco						2											**0**	**2**
Washington										1							**0**	**1**
Wheeler		2	1									2	1				**2**	**4**
Yamhill				1		1		2			1						**1**	**4**
Total	**22**	**18**	**7**	**16**	**3**	**6**	**2**	**6**	**6**	**5**	**16**	**10**	**14**	**14**	**11**	**11**	**81**	**86**

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 – as well as to protect other forest values, including soil, air, water and fish and wildlife resources.

Approximately 20 percent of Oregon's land use base – 12.2 million acres – is in non-federal forest use, according to the Oregon Forest Resources Institute. Oregon is the nation's number 1 producer of softwood lumber and the forest products sector is Oregon's third largest industry. Forestry services and wood products manufacturing together generate almost $13 billion annually in sales. Forestry products and services employ over 85,000 people directly in Oregon and are critical to Oregon's rural communities. Annual wage income adds up to $3.5 billion.

Forest Land Use Policy

Oregon's forest lands protection program is based on several elements composed of statutory and administrative rule provisions and the forest lands goal, as interpreted by LUBA and the courts. 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 chapter 660, division 6) provisions. The goal and administrative rule also incorporate statutory minimum lot sizes and standards for all land divisions (ORS 215.780).

Forest and Mixed Farm/Forest Zones

In Oregon, forest lands are protected from conversion to rural or urban uses by the use of forest and mixed farm/forest zoning. At present, about 8.2 million acres (30%) of non-federal land in Oregon are included in forest zones under Statewide Planning Goal 4. An additional 2.2 million acres (7.9%) of non-federal land is included in mixed farm/forest zones under OAR 660-006-0050.

Forest uses are encouraged and protected within forest and mixed farm-forest zones, while these zones also allow a variety of non-forest related uses. Large minimum lot standards and rigorous dwelling approval standards are intended to limit the conversion of forest land to non-forest uses.

Forest zoning has been instrumental in maintaining working forests in Oregon. The Oregon Department of Forestry reports that western Washington's annual loss of wildland forest between 1994 and 2005 was 10 times that of Oregon.

Trends in Forest Use

The protection of Oregon's working forest landscape through forest zoning over the last 35 years has had expected as well as unanticipated benefits for landowners, rural communities and the state, while some challenges remain. In addition to protecting the forest land base against conversion pressures, forest zoning has provided new recreation and tourism opportunities, yielded significant carbon sequestration and facilitated opportunities in harnessing energy from woody biomass.

Forest Land Conversion

Global competition, environmental controls and rising forest management costs over the past three decades are creating serious challenges to the continued economic viability of Oregon's working forests. Large areas of industrial forest land have changed hands in recent years and there is growing pressure to divide and convert forest land to other, developed land uses, as forest landowners seek current as well as long-term returns. Many mills across

the state have closed. As less federal and industrial forest land is available to harvest, more privately owned woodlots are being harvested.

In 2010 the Board of Forestry adopted a "no net loss" policy regarding non-federal wildland forest (forest land with fewer than five structures per square mile). While Oregon's large minimum lot sizes for forest land divisions and dwellings have significantly reduced the potential fragmentation and conversion of the forest land base, there is an ongoing market for 160-acre parcels for dwellings by buyers who do not wish to manage the land as a working forest. The department's transfer of development rights pilot program (HB 2228 in 2009 and HB 2132 in 2011) provides an incentive for forest landowners to transfer the right to develop forest land to other, more appropriate locations.

Growing numbers of dwellings in forested areas have increased conflicts for forest management and have increased fire hazard as well as the cost of fighting fires. Data from the Oregon Department of Forestry indicates that the cost of protecting a single dwelling in a forest zone in a remote area can cost $30,000 or more, in contrast to about $300 to protect a dwelling in a rural community.

Recreation and Tourism

Both public and private forest lands have long provided a variety of recreational opportunities for the public, and interest in outdoor activities continues to grow across the state. Recreation and tourism in and around forest areas provides personal and societal benefits as well as generates significant economic activity. A 2009 study for Travel Oregon and the Department of Fish and Wildlife found that in 2008, fishing, hunting, wildlife viewing, and shellfish harvesting participation and related expenditures generated $2.5 billion for Oregon's regions and counties. Many locations within Oregon, including those near forests, serve as appealing day and overnight destinations for both Oregon residents and out-of-state visitors who participate in outdoor activities. Forest zones allow a variety of recreation and tourism pursuits appropriate to a forest environment. Recreation and tourism opportunities in and near forest areas can be expected to continue to grow in the future.

Carbon Sequestration and Ecosystem Markets

Oregon's forests make an enormous contribution to carbon sequestration that will likely be increasingly tapped for ecosystem crediting purposes, providing a small stream of revenue for forest landowners. In 2009, the Pacific Northwest Research Station reported that, without Oregon's farm and forest land protection program, an estimated 1.2 million acres of forest and agricultural land in western Oregon would have been converted to more developed uses and that by maintaining these lands, the gains in carbon storage are equivalent to avoiding 1.7 million tons of carbon dioxide emissions annually.

> Without Oregon's statewide planning program, 1.2 million acres of farm and forest land in western Oregon would have been converted and 1.7 million tons of carbon storage lost.

As ecosystem markets develop for other environmental benefits, such as restoration or enhancement of riparian, in-stream or other habitats, wetlands, and so on, landowners should be able to realize small streams of income for these benefits.

Renewable Energy

Currently, much of the slash remaining from forest harvests is burned at the site and any potential energy lost. There is growing interest in capturing energy from forest biomass both through on-site pyrolysis and from the development of biofuel processing facilities. In addition, according to the Oregon Forest Resources Institute, about 15 percent of Oregon's forest land has the potential to provide useful woody biomass through thinning. All of these sources of renewable energy represent potential opportunities for forest landowners to realize a supplemental stream of income while harnessing a new renewable energy source.

Reported County Data on Forest Land

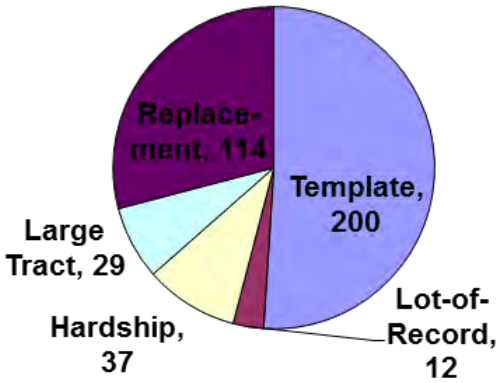
The data in this report are for all local land use decisions on forest land in forest or mixed farm-forest zones.

Dwellings

In forest zones and forested portions of mixed farm-forest zones, dwellings are allowed in five different circumstances and include large tract forest dwellings, lot-of record dwellings, template dwellings, replacement dwellings and temporary hardship dwellings. The total number of dwellings approved in 2012 was 189 and in 2013 it was 203, numbers that are lower than for previous years. It is likely that the low numbers reflect the fact that qualifying parcels are being gradually built out.

As shown in Figure 4, one-half of the 2012-13 dwelling approvals were for template dwellings, while more than one-quarter were for replacement dwellings, seven percent were for large tract forest dwellings and nine percent were for temporary hardship dwellings and three percent were for lot-of-record dwellings. (*See* Table 6 for data on all dwelling approvals.)

Figure 4. Dwelling Types on Forest Land, 2012-2013



Large Tract Dwellings. In western Oregon, large-tract 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 2012 and 2013, 18 and 11 large-tract forest dwellings were approved, respectively. One-half of the approvals were in Jackson County. Table 7 size of the parcel for all dwelling approvals, by county, in 2012 and 2013.

Lot-of-record Dwellings. "Lot-of-record" dwellings may be approved on parcels that have been in the same ownership since 1985 and have a low capability for growing merchantable tree species. In 2012 and 2013, 6 such dwellings were approved in each year. These numbers are significantly lower than for previous years, as might be expected as existing lots-of-record are slowly built out. Lot-of-record approvals are spread fairly evenly across the state and are for parcels of all sizes that reflect existing lot configurations.

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 2012, 95 template dwellings were approved, while in 2013 the number of approvals was 105. About 88 percent of the dwellings that were approved for both years were on the most productive forest soils. Almost two-thirds of the template dwelling approvals were for parcels smaller than 21 acres. The highest number of approvals for both years (as well as for the last two reporting periods) was Lane County, with 39 template approvals.

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. A temporary hardship dwelling may be sited in conjunction with any existing dwelling. In 2012, 22 temporary hardship dwellings were approved on forest land, while in 2013 the number was 15, numbers that are similar to previous years. These approvals are occurring evenly across the state. The department does not track the removal of hardship dwellings when they are no longer needed.

Template Dwelling Issues

Adjacent Land Ownership. The department has reviewed template and lot-of-record dwelling approvals to learn whether they are adjacent to public or private industrial timber ownerships, where they could conflict with adjacent forest operations. About 28 percent of template and lot-of-record dwellings approved in both years were adjacent to U.S. Forest Service, BLM, State of Oregon, or private industrial forest land. One-half of these approvals were for template dwellings adjacent to private industrial forest land, in many cases on parcels in the same private industrial forest land ownership.

Multiple template dwellings per tract. Statutory language permits one template dwelling per qualifying "tract." Because a "tract" is not tied to a specific date of creation, multiple parcels that comprise single tracts are being sold or otherwise conveyed to others and approved for template dwellings. This issue could be resolved by tying "tract" to a specific date of creation.

Rezonings for template dwellings. It can be easier to gain template dwelling approval than non-farm dwelling approval in the Willamette Valley, leading to the rezoning of land from farm zones to forest zones with sometimes inadequate justification. This effectively permits the expansion of the original footprint of land areas that potentially qualify for template dwellings. These expanded footprints expose growing areas of designated wildland forest to unanticipated template dwelling development. For this reason, department staff has recommended that designated Rural Reserves not be permitted to be subject to zone change while in reserve status. Department staff is also reviewing proposed rezonings in the Willamette Valley from farm to forest for adequate justification.

Replacement Dwellings. A replacement dwelling is a new home that replaces an older dwelling on a parcel. In 2012, 48 replacement dwellings were approved, while in 2013 the number was 66, figures that are lower than for previous years. Established dwellings that are being replaced must be removed, demolished or converted to another allowed use within three months of completion of the replacement dwelling. One-half of the dwellings approved for replacement in 2012 and 2013 were removed, while more than one-third were demolished and 10 percent were converted to non-residential use.

Cumulative Dwelling Approvals. Between 1986 and 2013, approximately 11,834 dwellings of all types were approved on forest land across the state. The graph in Figure 5 illustrates the number of dwelling unit approvals for each year since 1994 for the different dwelling types. Approvals for most types of dwellings have decreased over the years, especially after 2008.

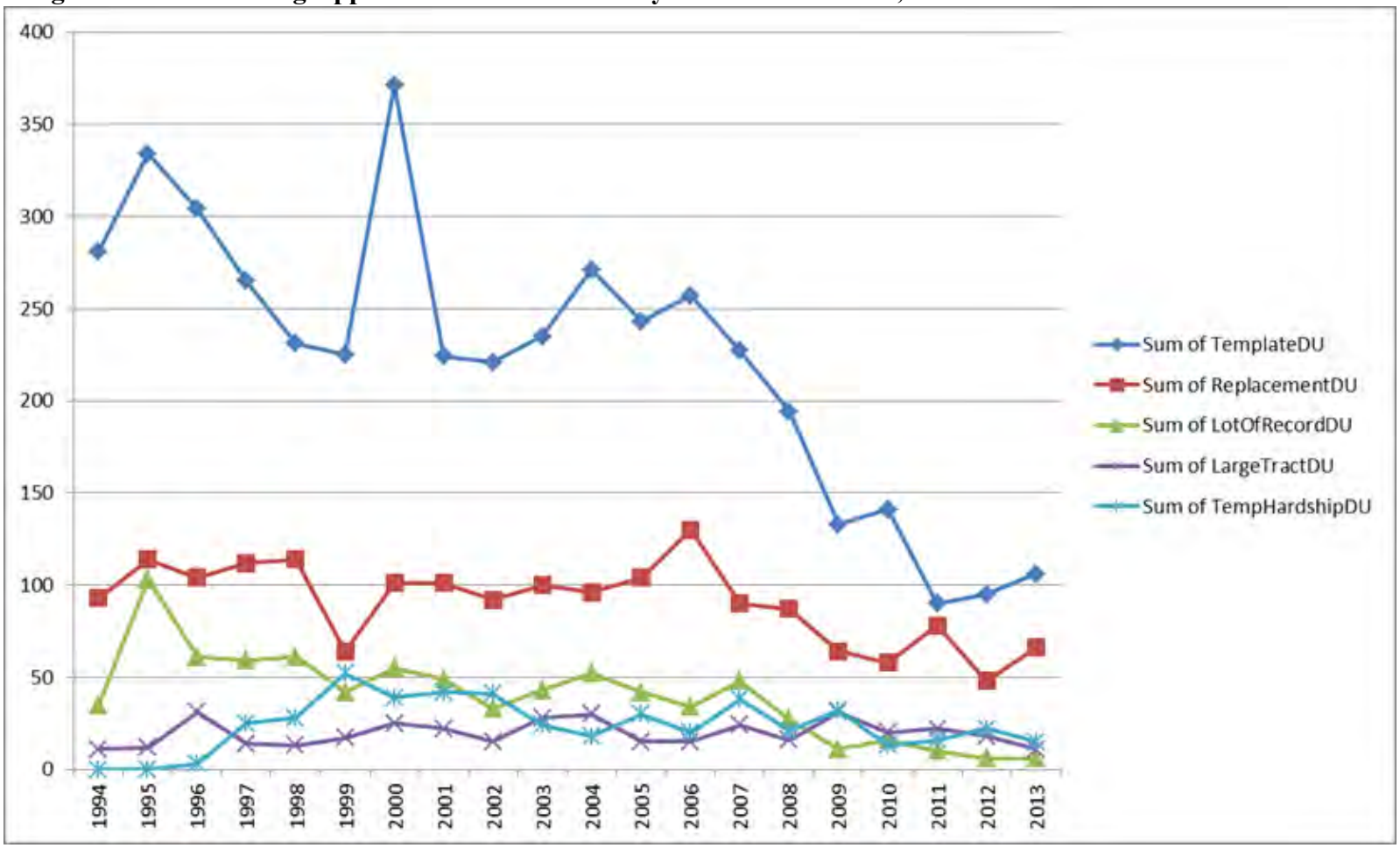
Table 6. Dwelling Approvals on Forest Land by Type and County, 2012-2013

	Large Tract		Template		Lot-of-Record		Temporary Hardship		Replacement		Total	
County	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	**2012**	**2013**
Baker										1	**0**	**1**
Benton						1	1				**1**	**1**
Clackamas	2	1	11	8	1	2	2	1			**16**	**12**
Clatsop			3						1		**4**	**0**
Columbia			10	8				2	1		**11**	**10**
Coos			14	2			2				**16**	**2**
Crook	1									1	**1**	**1**
Curry		1	2	3							**2**	**4**
Deschutes			1	2						1	**1**	**3**
Douglas			5	9	2		3		20	16	**30**	**25**
Gilliam											**0**	**0**
Grant	1		2							1	**3**	**1**
Harney					1					1	**1**	**1**
Hood River			1	2					1		**2**	**2**
Jackson	11	3	10	10		1	2	2			**23**	**16**
Jefferson											**0**	**0**
Josephine		1	1	5			2				**3**	**6**
Klamath			1	2					3	2	**4**	**4**
Lake											**0**	**0**
Lane	2	1	15	24			2	3	1	4	**20**	**32**
Lincoln			2	3							**2**	**3**
Linn			2	6			2		2	8	**6**	**14**
Malheur											**0**	**0**
Marion			4				1		1		**6**	**0**
Morrow		1	2	1							**2**	**2**
Multnomah										5	**0**	**5**
Polk			3	4			3	2	6	8	**12**	**14**
Sherman											**0**	**0**
Tillamook			2					1		1	**2**	**2**
Umatilla		1										**1**
Union					1	1		1	1	2	**2**	**4**
Wallowa		1		2	1	1	1	1			**2**	**5**
Wasco		1									**0**	**1**
Washington				5					6	9	**6**	**14**
Wheeler											**0**	**0**
Yamhill	1		4	9			1	2	5	6	**11**	**17**
Total	**18**	**11**	**95**	**105**	**6**	**6**	**22**	**15**	**48**	**66**	**189**	**203**

Table 7. Dwelling Approvals on Forest Land by Parcel Size and County, 2012-2013

County	0 to 5 acres		6 to 10 acres		11 to 20 acres		21 to 40 acres		41 to 79 ac.		80 to 159 ac.		160 to 319 ac.		320+ acres		Total	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
Baker		1																1
Benton							1	1									1	1
Clackamas	4	2	3	2	1	2	6	4	1			1	1	1			16	12
Clatsop	2				1		1										4	
Columbia		2	3	3	3	4	5			1							11	10
Coos	3	2	3		4		2		3		1						16	2
Crook										1					1		1	1
Curry			1	1	1	1		1						1			2	4
Deschutes		2	1					1									1	3
Douglas	4	2	2	2	2	7	6	3	6	6	8	5	1		1		30	25
Gilliam																		
Grant											2		1	1			3	1
Harney		1									1						1	1
Hood River	2	1				1											2	2
Jackson	2	1	1	3	2	1	2	3	2	4	10	3	3	1	1		23	16
Jefferson																		
Josephine	1	1			1	1	1	1				2		1			3	6
Klamath	1	2			1	2					1		1				4	4
Lake																		
Lane	3	3	2	8	5	8	5	8	4	4	1	1					20	32
Lincoln				1	1	1		1	1								2	3
Linn	2	4		2	2	3	1		1	1		4					6	14
Malheur																		
Marion			2		1		1				1				1		6	
Morrow	2	1														1	2	2
Multnomah		1		2		2												5
Polk	2	2	1	3	3	5	2	3	4	1							12	14
Sherman																		
Tillamook							2			1				1			2	2
Umatilla																1		1
Union				2	1	2							1				2	4
Wallowa		1			1						1	1		3			2	5
Wasco														1				1
Washington	1	2	2	1		3	1	4		3	2					1	6	14
Wheeler																		
Yamhill	2		2	3	1	4	3	1	2	1		7	1	1			11	17
Total	**31**	**31**	**23**	**33**	**31**	**47**	**39**	**31**	**24**	**23**	**28**	**24**	**9**	**11**	**4**	**3**	**189**	**203**

Figure 5. New Dwelling Approvals on Forest Land by Year: All Counties, 1994-2013



Other Uses

In addition to a range of traditional forest-related uses, the commission has recognized that some non-forest uses are acceptable in forest areas. These uses are set forth in OAR 660-006-0025. In this biennial report, all types of use approvals are reported for the first time. The most commonly approved uses in 2012 and 2013, other than dwellings, were accessory uses, agricultural buildings, communication facilities (*see* Table 8). Total numbers of uses other than dwellings approved in 2012 were 72, while 76 such uses were approved in 2013, numbers that are consistent with previous reporting years.

Non-forest uses are subject to local land use approval and must demonstrate that they will not force a significant change in or significantly increase the cost of accepted farm or forest practices on farm or forest land. Allowing some non-forest uses provides a safety valve that can accommodate a rural use without affecting an area's overall forest utility.

Land Divisions

Forest Land Divisions. In 2012, counties approved the creation of 21 new forest parcels meeting the 80-acre minimum parcel size while 26 new forest parcels were approved in 2013, numbers that are lower than for previous years. Forest land divisions occurred fairly evenly across the state, although nearly one-quarter of all approvals were in Wallowa County. (*See* Table 9.)

Non-forest Land Divisions. Non-forest land divisions are 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 2012, 12 new non-forest parcels were created, and in 2013, 22 were approved, numbers that are similar to those for previous years. A majority of these parcels are 10 acres or smaller.

Issue: Forest land fragmentation. Because subdivisions are not specifically prohibited in forest zones, large forest properties may potentially be subdivided into multiple large lots at one time with no limit on the number of new lots in a calendar year. While the large minimum parcel size in forest zones mitigates the potential for land fragmentation, the ability to subdivide without limit facilitates the continued break-up and sell-off of forest land for non-forest purposes. This issue could be resolved through legislation to prohibit subdivisions on forest lands.

Property Line Adjustments

For the first time, this report provides information on property line adjustments on forest land. Such adjustments are commonly employed for a variety of reasons. However, they may not be used to allow the approval of dwellings that would not otherwise be allowed, or to increase the size of new parcels created through Measure 49 to be larger than two or five acres. Property line adjustments appear to be increasing in number and are sometimes used in serial fashion on a single tract to effectively move an existing parcel to another location. Many of the reported property line adjustments involve multiple tax lots. In 2012, 130 property line adjustments were approved, while in 2013 the number was 123.

Table 8. Other Use Approvals on Forest Land, 2012 and 2013

	2012	2013	Total
Accessory use	26	18	44
Agricultural building	8	13	21
Communication facilities	2	13	15
Exploration/production of geothermal/gas/oil	3		3
Fire station	2		2
Fish & wildlife structures	1		1
Forest operations/practices		1	1
Home occupation	8	2	10
Local distribution line		1	1
Logging equipment repair/storage	1		1
Mineral & Aggregate	9	5	14
Other	8	11	19
Private park/campground		2	2
Private seasonal hunting accommodations		1	1
Private temporary fishing accommodations	1	1	2
Public park		3	3
Reservoirs/water impoundment	1	2	3
Roads and Improvements	2	2	4
Water intake/treatment facility/pumping station		1	1
Total	**72**	**76**	**148**

Table 9. New Parcel Approvals on Forest Land by Parcel Size and County, 2012-2013

County	0 to 5 acres		6 to 10 acres		11 to 20 acres		21 to 40 acres		41 to 79 acres		80 to 159 acres		160 to 319 ac.		320+ acres		Total	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	**2012**	**2013**
Baker																	**0**	**0**
Benton					1												**1**	**0**
Clackamas	3	4									2						**5**	**4**
Clatsop			1														**1**	**0**
Columbia																	**0**	**0**
Coos		2															**0**	**2**
Crook																	**0**	**0**
Curry														2			**0**	**2**
Deschutes																1	**0**	**1**
Douglas	1	5				1											**1**	**6**
Gilliam																	**0**	**0**
Grant													1		2		**3**	**0**
Harney																	**0**	**0**
Hood River																	**0**	**0**
Jackson	2						1				1		3	1			**7**	**1**
Jefferson																	**0**	**0**
Josephine																	**0**	**0**
Klamath																2	**0**	**2**
Lake																	**0**	**0**
Lane	1	1															**1**	**1**
Lincoln																	**0**	**0**
Linn		2									1	2					**1**	**4**
Malheur																	**0**	**0**
Marion																	**0**	**0**
Morrow																	**0**	**0**
Multnomah																	**0**	**0**
Polk								1		1	1						**1**	**2**
Sherman																	**0**	**0**
Tillamook																	**0**	**0**
Umatilla																	**0**	**0**
Union														1	3	4	**3**	**5**
Wallowa														1	6	11	**6**	**12**
Wasco																	**0**	**0**
Washington		2	2														**2**	**2**
Wheeler														1			**0**	**1**
Yamhill		1				2					1						**1**	**3**
Total	**7**	**17**	**3**	**0**	**1**	**3**	**1**	**1**	**0**	**1**	**6**	**2**	**4**	**6**	**11**	**18**	**33**	**48**

Recent Statutory and Rule Changes

Statutory Changes to ORS 215 and Elsewhere

- HB 2393 (2013) – Redefines a facility for the processing of farm crops to include poultry processing in EFU zones.
- HB 2441 (2013) – Authorizes agricultural buildings for forest use in forest zones.
- HB 2704 (2013) – Creates new review standards for associated transmission lines in EFU zones.
- HB 2746 (2013) – Expands authorization for replacement dwellings in EFU zones.
- HB 3125 (2013) – Deletes the requirement that a parcel created to facilitate a forest practice that involves an existing dwelling meet the minimum parcel size of forest zones.
- SB 841 (2013) – Expands authorizations for wineries for activities and food in EFU zones.

Rule Changes to OAR chapter 660, divisions 6 and 33

- OAR 660-006-0025 (2013) – Authorizes emergency storage facilities in forest zones.
- OAR 660-033-0130 (2014) – Amends commercial solar review criteria for additional clarity regarding sensitive wildlife habitat in EFU zones.
- OAR 660-033-0130 (2014) – Authorizes youth camps in eastern Oregon in EFU zones.

Land Conversion Trends

While this biennial report focuses on the recent two-year reporting cycle for county land use decisions in farm and forest zones, cumulative data from historic reports as well as other sources provide important context for understanding the data and illustrate trends in land protection and conversion across the state. Land can be converted from farm and forest use to other uses in several ways. First, farm and forest land can be converted when it is approved for various non-farm and non-forest uses by counties. Second, conversion can be affected when the definition of farm or forest land changes in statute. Third, conversion can be affected when certain counties designate new lands as marginal. Fourth, when land is rezoned to other designations, such as through UGB expansion, conversion occurs. Finally, conversion can occur via ballot measure authorization.

The great majority of rural land conversion occurs through the approval of various non-farm and non-forest uses. Conversion occurs both through the physical loss of agricultural and forest land via development and what is called the "shadow effect" of development on nearby resource land. The "shadow effect" refers to the adverse impacts or conflicts that some non-farm and non-forest uses can have on farm and forest operations. These conflicts can interfere with accepted farm and forest practices, raise land costs, lead to the loss of farm and forest infrastructure, and promote the eventual conversion of resource lands to other uses.

Non-farm and non-forest uses with the potential for conflict include: (1) large-scale, land-intensive uses (*e.g.*, aggregate operations, golf courses, wetland creation), (2) cumulative incremental development (*e.g.*, dwellings, home occupations) and (3) activities and events (*e.g.*, outdoor mass gatherings, concert or wedding venues). While any of these individual uses may not pose problems, the approval of large numbers of such uses over time in a region can tip the balance of an area from commercial agriculture and forestry to hobby farm and forest landscapes.

Historical Development Approvals

For the first time, this report provides mapping of the location of county development approvals. The map in Figure 6 identifies dwelling approvals for all types of dwellings in EFU, forest and mixed farm-forest zones, excepting replacement dwellings, for the six-year period of 2008–2013. Dwelling approvals are concentrated in the Willamette Valley and southern Oregon.

The map in Figure 7 shows the locations of other approved uses in EFU, forest and mixed farm-forest zones over the same time period. The map does not reflect agricultural buildings or accessory structures. Uses are concentrated in the Willamette Valley, Jackson County and northern Oregon.

The map in Figure 8 identifies the locations of land divisions approved in EFU, forest and mixed farm-forest zones over the same time period. Land divisions are fairly evenly scattered across the state.

Figure 6. Dwellings in Farm and Forest Zones Map, 2008-2013

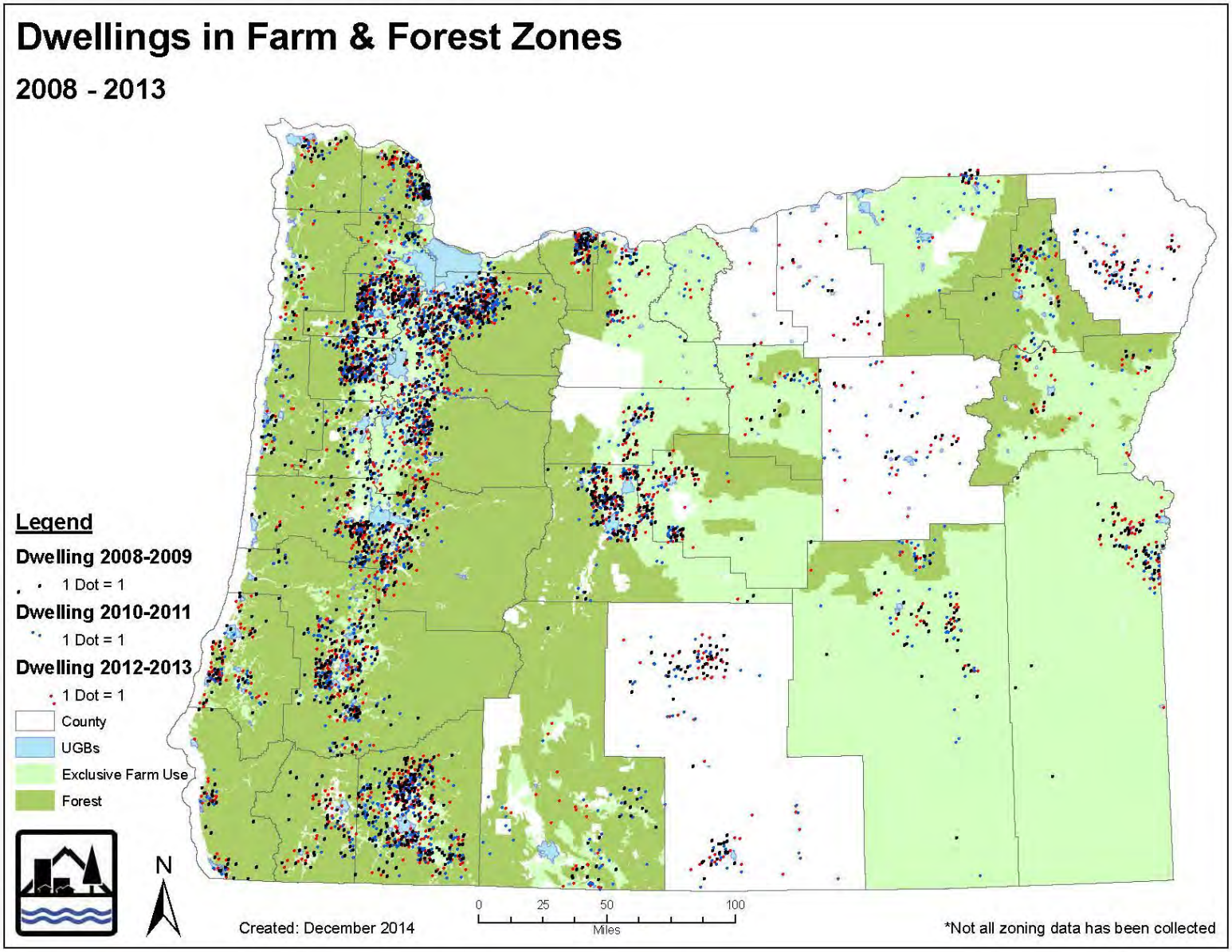


Figure 7. Other Uses in Farm and Forest Zones Map, 2008-2013

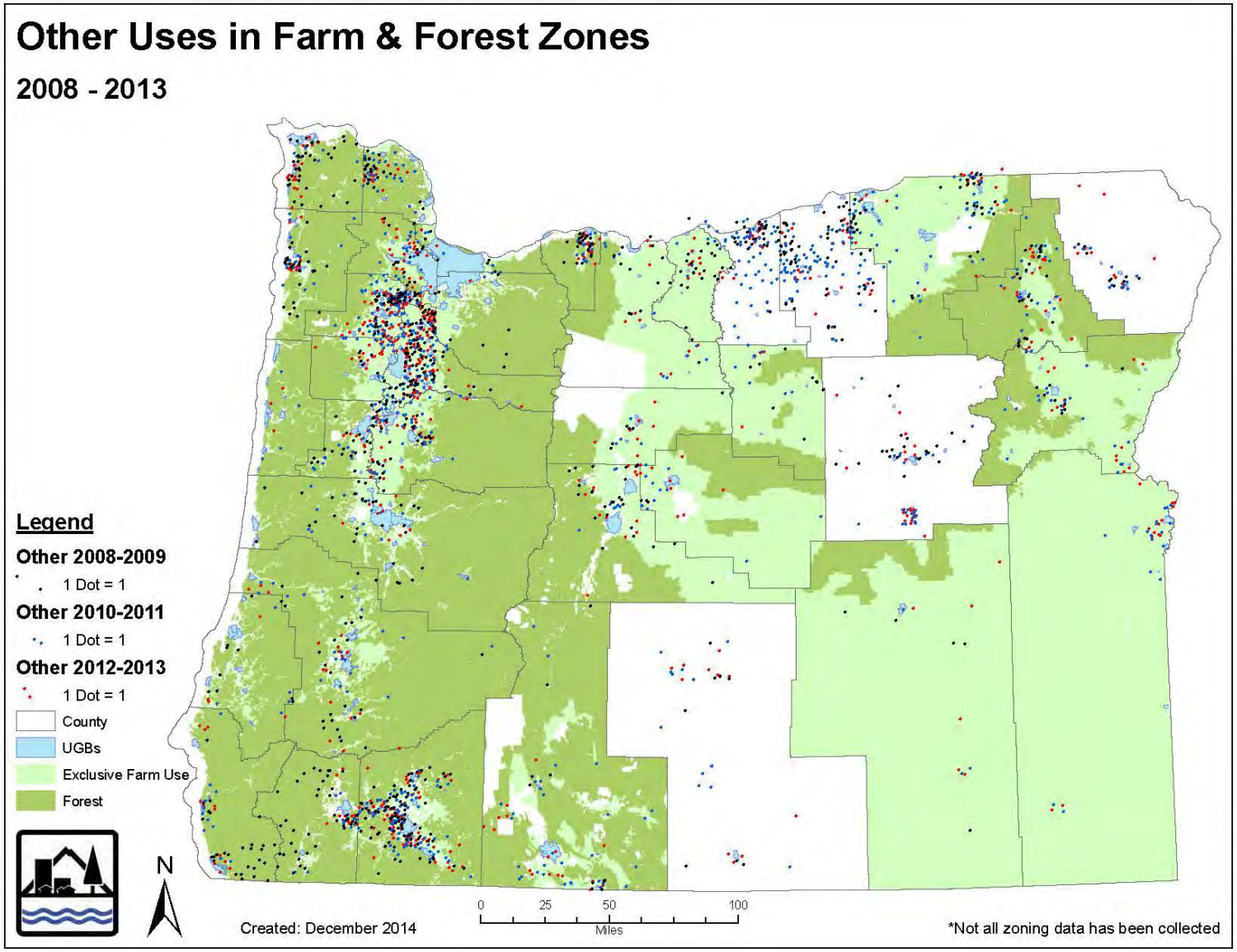
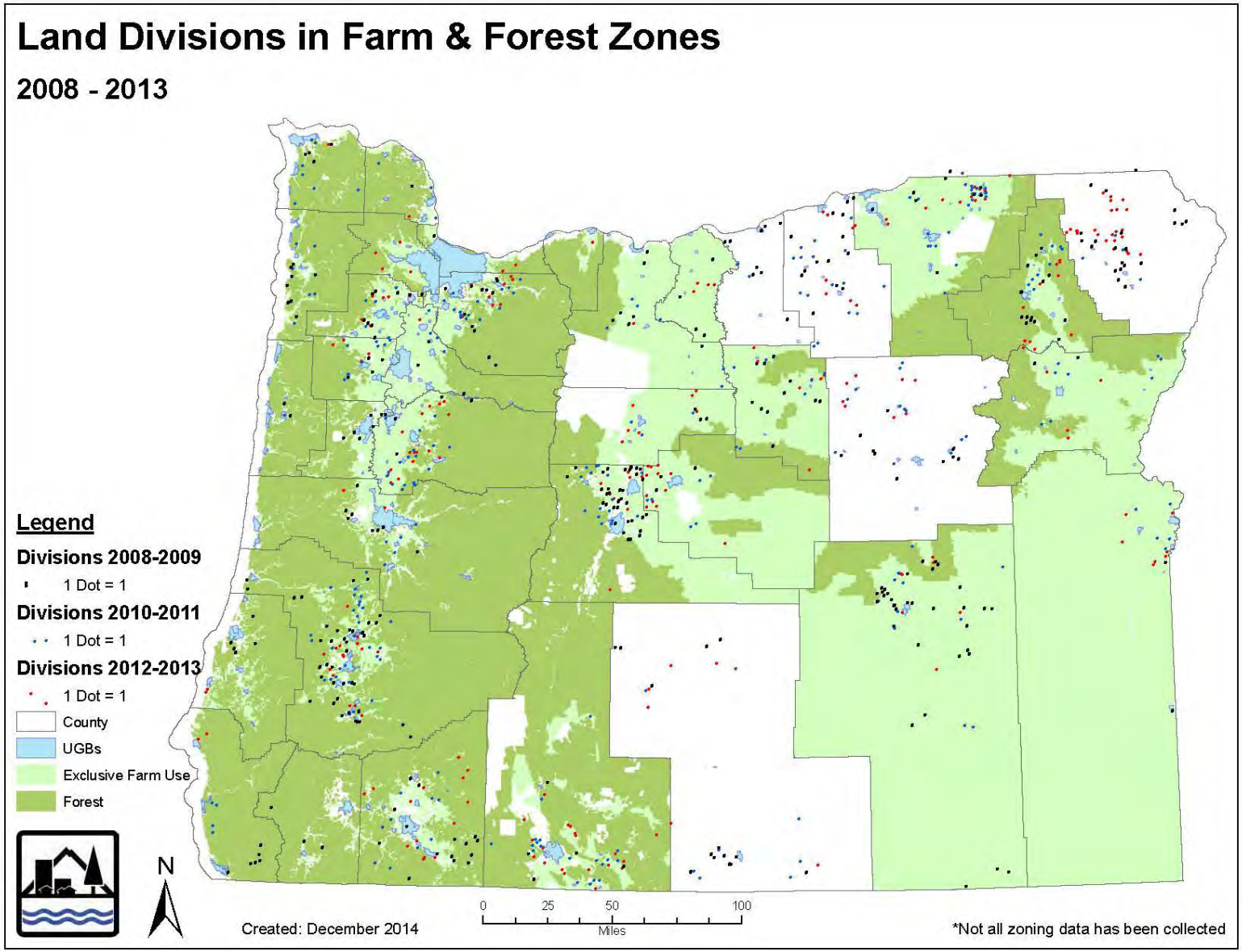


Figure 8. Land Divisions in Farm and Forest Zones Map, 2008-2013



Ballot Measures 37 and 49 Claims

In November, 2007, Oregon voters approved Measure 49, which modified Measure 37 and authorized the department to evaluate existing Measure 37 claims submitted to the state on or before June 28, 2007. DLCD received approximately 4,600 Measure 49 election returns and completed review of these elections by the June 30, 2010 statutory deadline.

House Bill 3225 (2009) and Senate Bill 1049 (2010) modified Measure 49, allowing previously ineligible claimants to pursue relief under Measure 49. The department finished processing these claims in 2011. Once DLCD has authorized a specific number of homesites, the property owner may then obtain necessary local permits.

Table 10 shows the number of Measure 49 authorizations by county for new dwellings and new parcels, as well as county approvals. A total of 6,224 new dwellings and 3,940 new parcels have been authorized. While the great majority of approvals were for land in farm and forest zones, a small number were for land in rural residential zones.

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.

At this time, the department is only aware that five counties have identified high-value farmland. Hood River, Linn, Umatilla and Yamhill counties have identified and mapped their high-value farmland while 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 land use decisions. The U.S. Natural Resources Conservation Service is currently updating soil capability classifications in several counties, which could lead to the need to update the categorization of soils currently identified in statute as high-value or not high-value soils. While existing or new soil classifications could become high-value, others could be re-designated not high-value. This will affect county approvals of certain uses in farm zones.

> ***Issue: Measure 49 dwelling authorizations.*** The introduction of thousands of new non-farm and non-forest parcels and dwellings into working farm and forest landscapes is of significant concern. The commission will consider rulemaking to allow counties to develop local transfer of development rights programs that enable willing landowners to transfer their rights to develop to other, more appropriate locations.

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 that for all other counties in this report; marginal lands dwelling approvals are counted as non-farm dwellings.

Table 10. Total Measure 37 and 49 Authorizations by County

County	Claims	Claims Authorized	Authorized New Dwellings	Authorized New Parcels
Baker	97	66	112	54
Benton	80	57	91	53
Clackamas	863	673	1,158	810
Clatsop	52	29	45	27
Columbia	79	50	90	62
Coos	135	96	182	104
Crook	33	21	44	27
Curry	75	47	96	46
Deschutes	116	83	130	93
Douglas	168	124	208	148
Gilliam	1	0	0	0
Grant	5	3	5	5
Harney	0	0	0	0
Hood River	160	117	168	113
Jackson	349	265	445	306
Jefferson	142	86	185	113
Josephine	124	82	142	106
Klamath	139	92	195	78
Lake	1	1	1	1
Lane	327	237	466	290
Lincoln	78	62	110	49
Linn	270	182	331	222
Malheur	19	11	16	10
Marion	322	211	361	223
Morrow	0	0	0	0
Multnomah	72	50	84	39
Polk	247	168	302	184
Sherman	0	0	0	0
Tillamook	67	40	78	46
Umatilla	34	25	55	30
Union	31	19	28	20
Wallowa	38	29	63	37
Wasco	31	26	44	21
Washington	485	361	609	389
Wheeler	2	0	0	0
Yamhill	318	229	393	242
Totals	**4,960**	**3,542**	**6,237**	**3,948**

Rezoning

Rezoning to Urban Uses. Tables 11, 12 and 13 and Figure 9 summarize adopted plan and zone amendments to EFU, forest and mixed farm-forest zones for various planning periods. This data provides an important historic picture of rezonings to accommodate planned development in urban and rural areas. Table 11 provides information on urban growth boundary (UGB) amendments. During 2012 and 2013, there were 13 UGB amendments that brought 5,835 acres into UGBs, of which 4,467 acres were included within the new UGB for the City of La Pine in Deschutes County. Of the total new acreage added to UGBs in 2012-13, 1,316 acres (23 percent) were zoned for farm use and 1,272 acres (22 percent) were zoned for forest use.

Table 11. Farm and Forest Land included in UGBs by Year, 1988-2013

Year	Number	Acres	Acres from EFU Zones	Acres from Forest Zones
1988	12	516	150	68
1989	25	1,445	259	100
1990	9	2,737	1,734	17
1991	21	1,480	177	70
1992	15	970	297	120
1993	22	2,277	1,390	448
1994	20	1,747	201	20
1995	15	624	219	143
1996	19	3,816	2,466	16
1997	12	668	508	40
1998	21	2,726	493	2
1999	10	927	587	72
2000	8	624	0	0
2001	4	140	11	0
2002	55	17,962	3,281	1,659
2003	10	385	124	85
2004	7	3,391	2,090	176
2005	10	739	70	8
2006	15	3,231	670	27
2007	19	292	105	65
2008	6	972	949	0
2009	7	782	686	4
2010	5	58	37	2
2011	6	2,738	1,662	699
2012	6	4,941*	757	1,272
2013	7	894	559	0
Totals	**366**	**57,082**	**19,482 (34.3%)**	**5,113 (1.0%)**

* Includes new La Pine UGB, Deschutes County

Over the 25-year period from 1988 through 2013, approximately 57,000 acres of land were added to UGBs statewide, 23,959 acres (42 percent) of which was added to the Portland-area Metro UGB. More than one-third of the new acreage added to UGBs in this period originated from farm zones, while just one percent was from forest or mixed farm-forest zones.

As UGBs continue to expand, particularly onto high-value farmland and productive forest land in the Willamette Valley, fewer non-resources lands will be available to be brought into the boundaries, and more farm and forest land will come under pressure to include in UGBs.

> ***Issue: Long-term resource land protection.*** In the long run, continued inclusion of productive farm and forest land in UGBs in the Willamette Valley risks undermining the state's agricultural and forest economies. Alternative growth solutions should be explored, including the more efficient use of land within UGBs, directing more growth into unincorporated communities and creating new towns.

Rezoning to Rural and Resource Uses. Table 12 provides data on changes from farm and forest plan designations and/or zoning to rural land uses. In 2012, 1,174 acres of EFU land were rezoned for rural development, while 79 acres of forest and mixed farm-forest land were rezoned for rural development. In 2013, 380 acres of EFU land were rezoned for rural development, while 147 acres of forest land were rezoned for rural development. Rezonings are required to be supported by an exception to Goal 3 or 4, except where lands can be demonstrated to be "non-resource" lands not subject to Goals 3 or 4.

In 2012 and 2013, 1,833 acres of EFU land were rezoned to forest or mixed farm-forest use, while 368 acres of forest land were rezoned to EFU or mixed farm-forest use. In many cases, these rezonings are intended to facilitate development that is allowed in one resource zone, but not another. For instance, it is easier to get template dwelling approval than non-farm dwelling approval in the Willamette Valley, prompting rezonings to forest use in this area, while it can be easier to get non-farm dwelling approvals over template dwelling approvals outside the Valley.

Table 13 identifies rezonings by county. As there are only six years of data available, it is not yet clear if there is a pattern to rezoning among counties.

Cumulative Rezonings. Between 1989 and 2013, a cumulative total of 21,372 acres of EFU land and 10, 625 acres of forest land have been rezoned for rural development, totaling 30,217 acres. Add the 24,595 acres of farm and forest land included in UGBs over a similar time period, and the total is 56,592 acres. While about 43 percent of this acreage was incorporated into UGBs, 57 percent of it was designated for rural development uses.

Table 12. Acres Re-designated from One Rural Zone to Another by Type and Year, 1989-2013

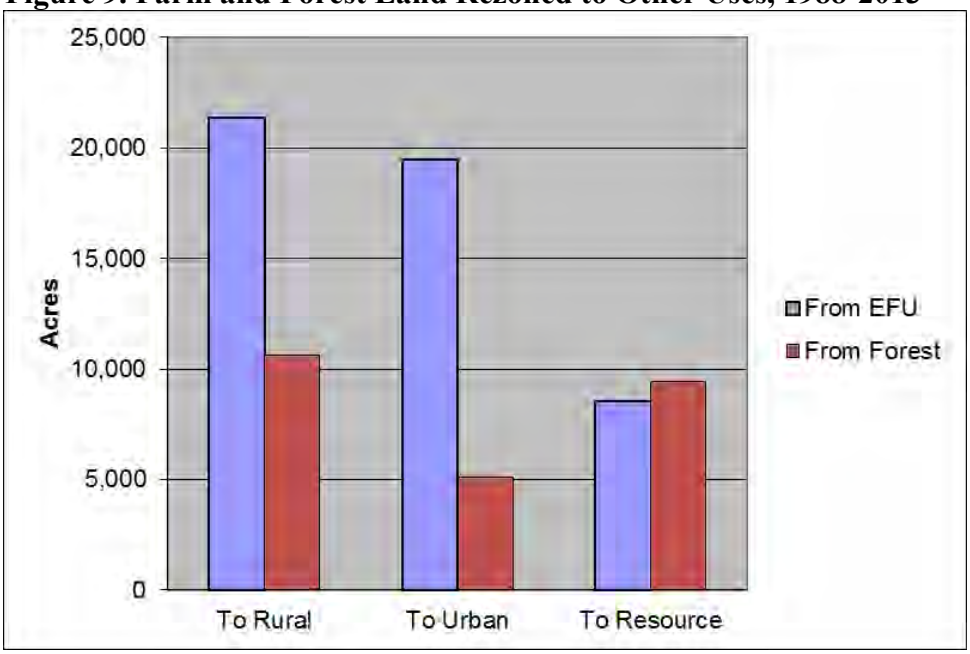
From EFU	To EFU	To Forest	To Commercial*	To Industrial**	To Residential	Subtotal	TOTALS
1989 - 1998	942,256	1,597	584	763	3,452	4,799	948,652
1999	2,181	271	19	547	795	1,361	3,813
2000	233	542	11	60	1,739	1,810	2,585
2001	148	67	11	31	283	325	540
2002	10	202	18	69	147	234	446
2003	77	90	21	2	283	306	473
2004	52	269	25	1,681	220	1,926	2,247
2005	21	988	479	772	414	1,665	2,674
2006	777	311	31	539	1,468	2,038	3,126
2007	2,020	1,115	2	342	1,704	2,048	5,183
2008		73	79	10	1,011	1,100	1,173
2009	53	459	6	375	396	777	1,289
2010	41	546	30	439	402	871	1,458
2011		199		288	270	558	757
2012		517	57	1,075	42	1,174	1,691
2013		1,316			380	380	1,696
Totals	947,869	8,562	1,373	6,993	13,006	21,372	977,803

From Forest	To EFU	To Forest	To Commercial*	To Industrial**	To Residential	Subtotal	TOTALS
1989 - 1996	8,497	36,854	16	252	3,480	3,748	49,099
1999	20				80	80	100
2000				23	132	155	155
2001					232	232	232
2002	109				113	113	222
2003	113				520	520	633
2004	50			82	95	177	227
2005	44	50		31	101	132	226
2006		163		3	292	295	458
2007		90	2	5	1,269	1,276	1,366
2008	131	509	3	212	5	220	860
2009		27		56	2,451	2,507	2,534
2010	10	378	215	185	489	889	1,277
2011	162		2		53	55	217
2012		80		5	74	79	159
2013	288		18	129		147	435
Totals	9,424	38,151	256	983	9,386	10,625	58,200

Table 13. Farm and Forest Land Rezoned to Other Designations by County, 2012-2013

	Exclusive Farm Use				Forest & Farm-Forest				
County	To Forest	To Rural	To Urban	Subtotal	To EFU	To Rural	To Urban	Subtotal	Total Rural/ Urban
Baker									
Benton		50		50					50
Clackamas	24		40	40					40
Clatsop									
Columbia									
Coos	322					18		18	18
Crook			176	176					176
Curry									
Deschutes		380	368	748			1,272	1,272	2,020
Douglas						44		44	44
Gilliam									
Grant									
Harney									
Hood River									
Jackson		693		693					693
Jefferson									
Josephine						30		30	30
Klamath									
Lake									
Lane	162		55	55	288				55
Lincoln	9								
Linn	43	58		58		121		121	179
Malheur			305	305					305
Marion			29	29					29
Morrow									
Multnomah									
Polk	1,273	7		7					7
Sherman									
Tillamook									
Umatilla		80		80					80
Union		61	343	404		8		8	412
Wallowa									
Wasco									
Washington									
Wheeler									
Yamhill		225		225		5		5	230
Totals	**1,833**	**1,554**	**1,316**	**2,870**	**288**	**226**	**1,272**	**1,498**	**4,368**

Figure 9. Farm and Forest Land Rezoned to Other Uses, 1988-2013



Non-resource Lands. Non-resource land designations are a subset of lands zoned for rural development. In 2012 and 2013, one-third of all such farm and forest land rezonings were based on claims that the land involved was not agricultural or forest land as defined by Statewide Goals 3 and 4.

Table 14 identifies nine counties that have identified "non-resource" lands over the years that have been planned and zoned for other rural uses and are no longer subject the provisions of Goals 3 and 4. The table underestimates the acreage actually rezoned to non-resource uses.

> ***Issue: Identifying non-resource lands.*** Concerns have been raised by counties and the department regarding how non-resource lands are identified by counties, their location and extent and about the appropriate level of rural development. There are currently no rules to provide guidance to counties interested in establishing a program to designate non-resource lands.

Lands that are identified as non-resource lands are not required to be supported by an exception to either of these goals. However, counties must have appropriate comprehensive plan and zoning provisions in place that specify how non-resource lands are to be identified and zoned. Appropriate data documenting the non-resource nature of the land must be provided as part of a post-acknowledgment plan amendment.

Typically, soils professionals contracted by landowners provide counties with more detailed soils data than that provided by the USDA Natural Resources Conservation Service. However, counties often do not know which sources of data to rely on. For this reason, the legislature passed HB 3647 in 2010 that authorizes the department to arrange for the review of

more detailed soils data, to provide quality control. LCDC adopted rule amendments in 2012 to implement this bill and the new program is now in effect and working smoothly. To date, the department has reviewed 25 soils assessments.

While there is no comparable DLCD role in overseeing challenges to forest land soil productivity, such challenges must utilize an Oregon Department of Forestry guidance document – "Updated Land Use Planning Notes – 2010" – as referenced in OAR 660-006-0010.

Non-resource lands were also addressed by the Legislature in 2009, when it adopted House Bill 2229, outlining a clearer path for counties to take in designating non-resource lands based on prior mapping errors. Finally, in 2012, the Governor issued Executive Order 12-07, which directs DLCD and other state agencies to work with three southern Oregon counties to develop a pilot program that allows regional variation in the designation of farm and forest lands.

Table 14. Acres of Non-resource Land by County

County	Acres Designated Non-Resource
Clatsop	2,351
Crook	23,261
Deschutes	380
Douglas	3,341
Jackson	505
Josephine	15,495
Klamath	34,718
Linn	120
Lane	495
Wasco	7,047
Total	**87,713**

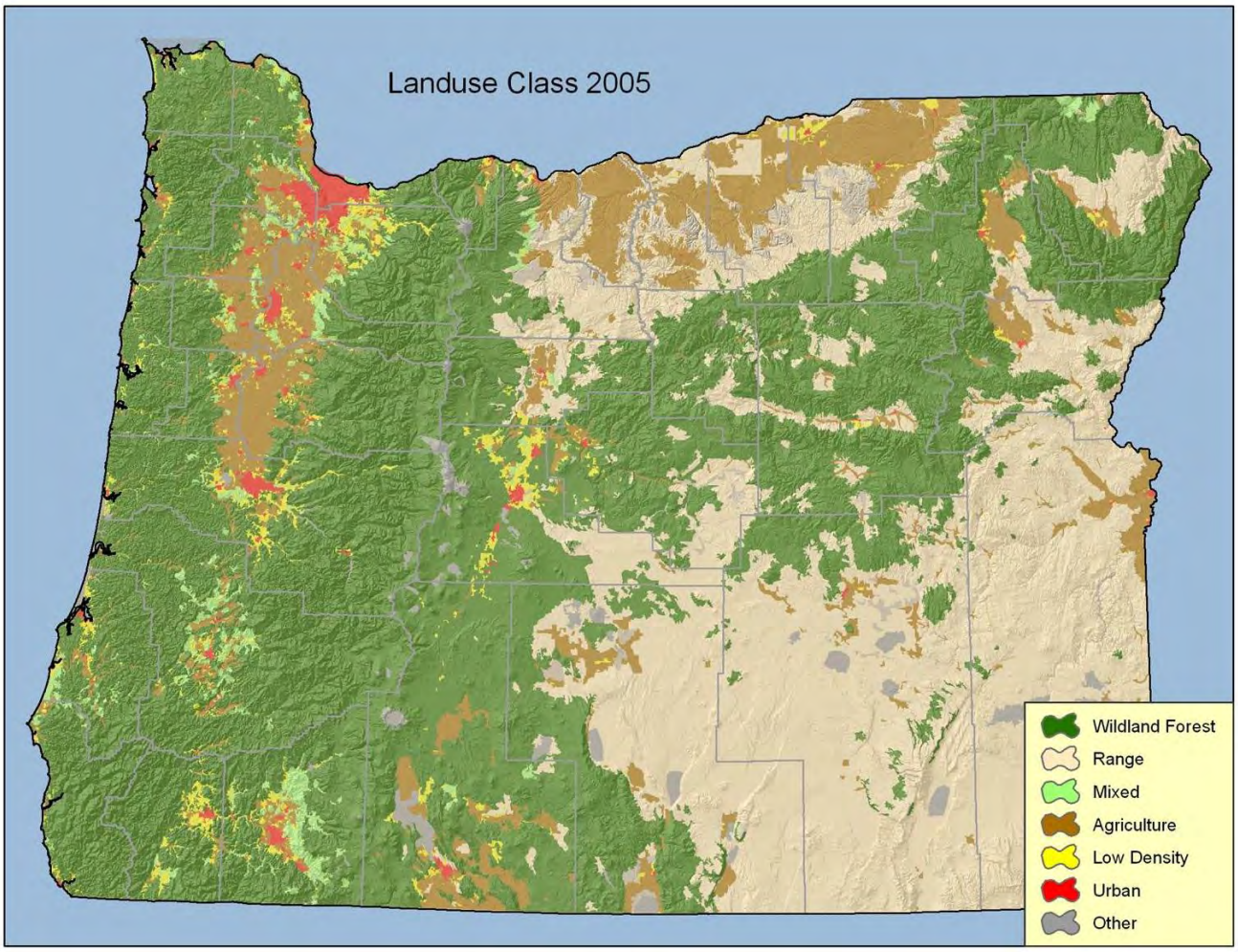
Changes in Land Use

Every few years, the Oregon Department of Forestry (ODF) publishes *Forest, Farms & People: Land Use Change on Non-Federal Land in Oregon,* which uses digital imagery based on 37,003 points across the state, to calculate changes in land cover over time for a variety of land use classes (*see* Figure 10). This data is valuable because it measures actual changes in land use, not just changes to plan or zone designations. Changes to plan and zone designations are not always followed by changes to land use, or changes to land use may follow only years later. For this reason, data on changes in land use represent a more accurate, timely and direct measure of land conversion from farm and forest uses to other uses than do changes to planning or zoning. This data provides another means to evaluate the effectiveness of Oregon's farm and forest land protection efforts.

ODF has tracked land use change in Oregon from 1974 to 2009 in a series of periodic reports. While there is currently no more recent data, the historic data

provides important baseline conversion information. The reports identify several land use classes, among them: wildland forest, wildland range, intensive agriculture, mixed forest/agriculture and mixed range/agriculture. These land use classes reflect both land cover and density of existing structures, which consist primarily of dwellings. Wildland forest and wildland range are those forest and range lands with densities of fewer than five structures per square mile, while the other three resource categories reflect resource land with densities of fewer than nine structures per square mile. These densities roughly reflect the densities of permitted farm dwellings and large track forest dwellings in exclusive farm use and forest zones, standards that were intended by ODF to reflect those used by DLCD.

Figure 10. ODF Land Use Classes



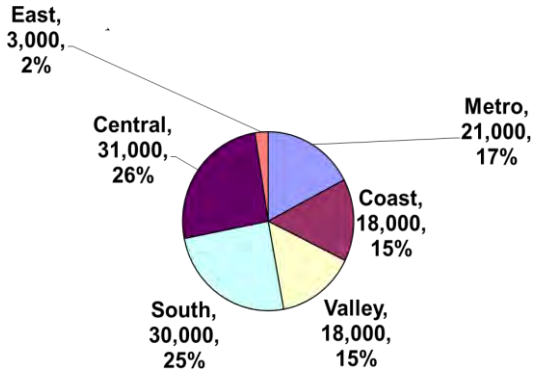
When the density of development in wildland forest and wildland range areas increases to more than one dwelling per 160 acres, the land is reclassified to another use class that reflects its new density. Usually, this will be one of the other three resource classes. When the density of development in the other three resource zones exceeds one dwelling per 80 acres, the land is reclassified as low-density residential, urban, or other.

ODF data on land use change captures not only converted farm and forest land that may have followed rezonings, but also the land that is converted within farm and forest zones. While DLCD data reports the number of approvals of dwellings, other uses and land divisions in farm and forest zones, this data does not capture acreage converted within the zones.

Figures 11 and 12 identify changes in farm and forest land cover between 1984 and 2009, using ODF data. This data reflects values for non-federal lands only. The 1984 date was used because it compares closely to the 1988 and 1989 dates that were first used by DLCD to track plan and zone changes out of farm and forest zones, and because all county comprehensive plans were acknowledged by the end of 1984. Data is rounded to the nearest 500 acres.

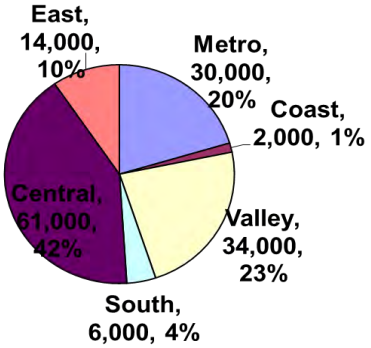
State Trends in Farm and Forest Land Conversion. ODF data shows that, in the 25-year period between 1984 and 2009, approximately 147,000 acres of farm and range land moved to more developed land classes. Almost half of all farmland conversion occurred in Central Oregon, while nearly one-quarter took place in the Metro area and one-quarter in the Willamette Valley.

Figure 11. Forest Land Conversion to Other Uses, 1984-2009



Similarly, in this time frame, 121,000 acres of forest and farm-forest land was converted to more developed classes, about one-quarter of this conversion occurring in Southern Oregon and one-quarter in Central Oregon, with the remainder of conversion split fairly evenly among the Metro area, Valley and Coast.

Figure 12. Farmland Conversion to Other Uses, 1984-2009



The 147,000 acres of farmland that fell out of farm classifications during the study period is approximately *four times* the acreage (34,856) that was rezoned from farm to other rural and urban zones in a similar time frame. In short, a significant amount of land is experiencing low-density residential development without being rezoned.

The 121,000 acres of forest land that fell out of farm classifications during the study period is approximately *ten times* the acreage (12,000) that was rezoned from forest to other rural and urban zones in a similar time frame. This means that an even greater proportion of forest land is being lost to forest use *within* forest zones than is true for farmland loss within farm zones.

There is an important caveat to these comparisons: the ODF definitions of conversion of farm and forest land reflect lower development densities than typically follow rezonings to rural or urban uses. Land is no longer considered in forest use by ODF when development densities exceed one dwelling per 80 acres, while rezonings from farm or forest zones typically result in development densities of one dwelling per 10 acres.

On the other hand, there is significant farm and forest land within the low-density residential land use class, which applies to land with nine or more structures per square mile and the loss of this land to development is not included in the foregoing conversion figures.

The ODF data suggest two conclusions: (a) that there continues to be significant flexibility within resource zones to accommodate dwellings, and (b) that the cumulative increase in numbers of dwellings and other development within resource zones raises concerns about *de facto* conversion of these lands to low-density residential use – particularly for forest lands where low-density residential uses signal an end to active timber management.

County Trends in Farm and Forest Land Conversion. Several counties stand out as experiencing particularly high levels of conversion from farm and forest land classes to more developed land classes. These include Deschutes County, which lost 10 percent of its farmland and 11 percent of its forest land in the 25-year time period. The Portland Metro counties were similarly affected, with Multnomah, Washington and Clackamas counties losing 28, 11 and 7 percent, respectively, of their farmland bases, and between three and four percent of each of their forest land bases. Other counties experiencing significant conversion trends include Jackson, which lost seven percent of its farmland and Coos and Lane Counties, which each lost five percent of their farmland.

Conclusion

Oregon's farm and forest land protection program has provided a significant level of protection to the state's working landscapes over the last three decades, generating important support for state and local economies and providing additional recreational, environmental and cultural benefits for Oregonians. Over the years, and in response to changing conditions, new trends, and regional variation, the department and legislature have continued to fine-tune the program to make it as effective as possible, while being sensitive to landowner interests and county resources. In this spirit, this report identifies several areas of concern that the department would like to pursue in the next biennium, through legislation, rulemaking and technical assistance to counties.