

10095 Parrish Gap Rd., SE
Turner, OR 97392
April 3, 2013

House Committee on Land Use
State Capitol #357
Salem, OR 97310

Re: "No" on HB 2255

Dear Chair Clem and Members of the Committee:

I am hoping you will not pass HB 2255 out of Committee. This bill is a slap in the face to our current land use laws. Please see the information below from DLCDC regarding the need to protect Oregon's farmland and to see that too many non-farm uses are already allowed.

Oregon laws and rules already allow planning for future industrial sites. This bill is simply not needed.

The urban growth boundary system is the mainstay of Oregon's land use program. We need to stop whittling away the laws and rules that protect what ag lands we have left. Too many non-farm uses already have taken farm land out of production. HB 2255 would make matters worse.

Thank you for your consideration.

Aileen Kaye
Arkaye2@gmail.com
503-910-7917

DLCD Farmland Protection Program



[Farmland Protection Program](#)

Farmland Protection Program

For more than three decades, Oregon has maintained its farmland. The policy was adopted by the state in 1972, the "preservation of a maximum amount of the state's farmland" ([Oregon Revised Statutes 215.243](#)).

The main tool for carrying out that policy is the Oregon's Land Conservation and Development Act. The Act sets standards for such planning. The cities and counties and local comprehensive plans and land-use ordinances. Many counties in Oregon have adopted planning and zoning for agricultural land.



This summary below answers some key questions about Oregon's farmland and agricultural planning and zoning.

Farmland Facts

How does Oregon's Statewide Planning Program protect agricultural land?

The program calls for counties to:

1. Inventory agricultural land
2. Designate it in the comprehensive plan
3. Adopt policies to preserve it
4. Zone it Exclusive Farm Use (EFU)

Oregon's land use program places major emphasis on maintaining commercial agriculture. EFU zoning limits development that could conflict with farming practices. It keeps farmland from being divided into parcels too small for commercial agriculture. Lands in these zones are automatically eligible for lower property taxes based on the land being farmed. All 36 counties in Oregon have applied EFU zoning to their agricultural land.

Is agriculture important to Oregon's economy?

Yes! It is one of Oregon's largest industries – the largest by some measures. In 2007, according to the latest data from the [Oregon Department of Agriculture](#), farms in Oregon generated \$4.9 billion in gross sales. With value-added processing, sales of farm-related goods and services and farm-related employment, the total direct and indirect contribution by agriculture to Oregon's economy is more than \$12 billion. This equates to 10 percent of Oregon's gross state product and more than nine percent of all employment in the state. About 98 percent of Oregon's farm sales are generated by "commercial" farms – those farms that earn more than \$10,000 in annual gross sales. These farms make up 87 percent of the state's agricultural land base.

Is agriculture's importance to Oregon's economy growing or declining?

It's growing! Gross sales of agricultural products in Oregon increased 35 percent from 1995 to 2005, unadjusted for inflation, and about 10 percent adjusted for inflation. A key growing sector in the state is vineyards and associated wineries. Agriculture is a key traded sector in Oregon, ranking third in the value of exported products. Over 80 percent of this production leaves the state, with 40 percent leaving the country, thus contributing to the state's balance of trade.

What is agricultural land?

In broad terms, it is rural land that is being used or can be used for agriculture. [Statewide Planning Goal 3](#) defines agricultural land largely in terms of soil productivity, as measured under the U.S. Natural Resources Conservation Service's Soil Capability Classification System. Agricultural land includes Class I-IV soils in western Oregon, Class I-VI soils in eastern Oregon and other lands suitable for farm use. Goal 3 provides a more detailed definition that should be consulted.

How much agricultural land is there in Oregon?

Roughly 28 percent of Oregon's land base – 17.1 million acres – is in agricultural use, according to the 2002 Census of Agriculture. This acreage

represents a 2.1 percent decrease from the 1997 Census figure of 17.4 million acres in agricultural use. This loss of farmland was due primarily to its conversion to non-farm (primarily residential) uses in areas planned for development. 2007 census data will not be released until early 2009, but the acreage in agricultural use can be expected to drop somewhat again as new population growth is accommodated.

How many farms are there in Oregon?

About 38,300, according to the Oregon Department of Agriculture. The definition of farm used by the U.S. Department of Agriculture is "any place from which \$1,000 or more of agricultural products were produced and sold or normally would have been sold during the census year." While the number of mid-sized and large farms in Oregon has remained fairly stable over the years, there has been a steady increase in the numbers of smaller, part-time "hobby" farms.

What are the primary components of EFU zoning?

EFU zoning is applied by counties to lands that they have designated for agricultural use. EFU zoning consists of:

1. Listings of permitted "farm-related" uses and conditional "nonfarm-related" uses, including standards for their evaluation,
2. Minimum lot sizes and division standards for both farm and non-farm uses,
3. Other dimensional standards for development, and,
4. Mapping of EFU-zoned lands.

There is a statewide minimum lot size of 80 acres for farmland and 160 acres for rangeland, unless counties can demonstrate through the application of specific standards that a lower minimum is appropriate for the continuation of commercial agriculture and unless the minimum is approved by LCDC. Acceptable farm-related and nonfarm-related uses and their review standards must be consistent with the state listings and review standards. State standards now strictly limit new nonfarm dwellings in "high value" farm areas. A discussion of the primary uses that may be sited in EFU zones is included below.

What is the extent of EFU zoning in Oregon?

Data from the counties show that 16.1 million acres of agricultural land throughout the state are zoned EFU, with a smaller amount zoned for mixed Farm-Forest use (see [generalized map](#)). The amount of EFU-zoned land in the state has remained remarkably stable over the years. At the same time, in recognition of the need to accommodate other land uses, each year, a few thousand acres of agricultural land are either rezoned and made available for development in rural parts of the State or included within urban growth boundaries in urbanizing areas. In addition, both farm-related and nonfarm-related development is permitted in EFU-zoned areas, subject to standards set forth in [ORS 215](#) and LCDC's administrative rule on agricultural land – [OAR](#)

[chapter 660, division 33.](#)

Does EFU zoning work?

Yes! Just driving through the agricultural parts of the state provides persuasive evidence that EFU zoning has been able to protect large areas of land from conversion to other uses, particularly sprawling and costly residential subdivisions. The comparison to other parts of the country is now stark, especially at the edges of urban areas, where in most states low-density residential development continues to leap-frog across the landscape, forcing the premature conversion of farms to other uses.

The most recent U.S. Census of Agriculture figures show that Oregon is holding onto its large and mid-sized farms at a higher rate than is true for the rest of the nation. Between 1978 and 2002, the rate of loss of large (500+ acres) farms in Oregon was less than half the rate for the nation, while the rate of loss of mid-sized farms (50-499 acres) was almost four times lower than for the nation as a whole. According to a new OSU study, what agricultural loss is occurring is primarily in non-EFU zoned areas that are planned for development.

The impact of EFU zoning may also be reflected in recent farm trends that show a healthy agricultural sector. Zoning that limits land partitioning, speculation and adjacent conflicting uses leaves farmers and ranchers free to pursue farming and confident enough of a long-range future in farming to make continued investments in their operations. The value of total production per acre in Oregon, adjusted for inflation, rose nine percent from \$124 per acre in 1995 to \$166 per acre in 2005. Even more impressive is the change in net farm income, which more than doubled from \$16 per acre in 1995 to \$38 per acre in 2005, an adjusted rate of growth of 113 percent (Oregon Department of Agriculture).

Does Oregon's planning program allow new dwellings on agricultural land?

Yes. Oregon's laws on EFU zoning provide for several types of new dwellings. The main types are replacement dwellings for dwellings that are removed, "nonfarm dwellings" on less productive parts of farms and ranches and "farm dwellings" for owners and operators of commercial farms and ranches. There are now seven different ways for dwellings to be approved in EFU zones:

1. As a primary dwelling for the farm operator
2. As an accessory dwelling for a relative of the farmer who will live on the farm and help operate it.
3. As an accessory dwelling for farm help not related to the operator.
4. As a 'nonfarm dwelling.'
5. On 'lots-of-record' owned before 1985 .
6. Temporarily, during a medical hardship of a family member.

7. To replace an existing dwelling.

Every two years, the department prepares and releases a [Farm Report](#) that documents the numbers and locations of approved new farm and nonfarm uses and land divisions in EFU zones across the state.

What threats are there to farmland?

A vibrant local farm economy requires a critical mass of farmland. When too much residential development encroaches on farmland, a downward "cycle of conversion" can begin, in which farms experience conflicts with neighbors, such as trespass, littering, pets chasing livestock and complaints about spraying, manure application, hours of operation and other normal farming practices.

When conflicts become disruptive, farmers stop making investments in their operations and may seek to divide and sell their land for development or use it for other purposes. The division and sale of farmland for non-farm purposes drives up land prices, often putting it out of the reach of existing farms and new farmers wanting to enter the market. As farm operations scale down or leave, farm infrastructure, such as feed stores, processing facilities and irrigation districts may start to disappear, affecting the ability of the remaining farm community to be successful, and driving the cycle of conversion.

Oregon's agricultural lands protection program has reduced many of these problems relative to other parts of the country, but the threats still exist. Existing zoning, tax, and right-to-farm policies encourage continued farm use, but new challenges continue to appear and growth pressures will likely continue in many parts of the state.

What other uses are permitted in Exclusive Farm Use zones?

The statute on Exclusive Farm Use zones permits a wide range of uses. The list has expanded over the years to be responsive to changing needs. While some uses, such as farm stands and some wineries, may be allowed outright by counties, other uses require a county finding that the proposed use will not have significant adverse impacts on nearby farmland.

The most common non-farm uses approved by counties include "commercial activities in conjunction with farm use" (for example, seed cleaning, fertilizer sales, and berry processing), "home occupations" (home-based businesses with no more than five employees) and "utility facilities necessary for public service" (such as wastewater treatment, cell towers and electrical substations).

Examples of other potential uses of farmland include: mining of mineral and aggregate resources, solid waste disposal sites, rural transportation facilities and private and public parks, although some of these and other uses are restricted in "high value" farm areas as described at ORS Chapter 215.710, or within three miles of UGBs as described at OAR 660-033-0120 Table 1 and -

0130(2).