



# Oregon

Kate Brown, Governor

## Department of Land Conservation and Development

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April 29, 2015

**TO:** The Honorable Senator Chris Edwards, Chair  
Senate Committee on Environment and Natural Resources

**FROM:** Jim Rue, Director  
Department of Land Conservation and Development

**RE: HB 2457**

House Bill 2457 has been introduced at the request of the Department of Land Conservation and Development (DLCD). This bill would authorize a land partition for farm or forest parcels that “straddle” an urban growth boundary (UGB) even though the newly created parcel outside the UGB would be smaller than the statutory minimum lot size. This proposal would also ensure that the new parcel that remains outside the UGB will be protected for farm or forest use and that the parcel inside the UGB will be planned and zoned for urban development in accordance with the local comprehensive plan.

### Background

Several cities and Metro have made a concerted attempt to follow streams and other natural features in establishing their urban growth boundaries (UGBs). Farm and forest land is often at the edge of urban areas, and therefore decisions to establish a UGB that follows natural features rather than property lines sometimes means that a farm or forest parcel is bisected by the UGB. In other words, some portion of the parcel is inside the UGB and some portion is outside. In such cases, the parcel is “split-zoned” with the part inside the UGB typically planned for development and the part outside zoned for farm or forest use. Under Oregon land use law, local governments plan and zone land for urban uses inside UGBs, and counties protect farm and forest land outside UGBs through exclusive farm use (EFU) or forest zoning. Farm/forest zoning maintains land in large parcel sizes; state law sets minimum parcel sizes for newly created farm or forest parcels.

Local governments have brought it to the attention of DLCD that development of parcels that straddle a UGB can sometimes be difficult. Such a parcel would usually need to be divided to allow the part inside the UGB to be annexed. Annexation is often necessary in order to provide urban levels of services and such services are necessary in order to develop the property inside the UGB with “urban levels” of development. However, in some cases that portion of the property that would remain outside the UGB would be smaller than the statutory required minimum lot size for farm or forest parcels. As such, the parcel cannot be divided along the UGB.

In this case, either the entire property would need to be annexed, including land intended for long term preservation of farm or forest use, or else annexation is not an option. Without annexation,

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the urban portion of parcels split by a UGB will be very difficult or impossible to develop when urban services are required for such development. Annexation of farm or forest parcels is problematic for cities since most cities do not have farm or forest zones and most owners of farm or forest land have no interest in having their farm or forest land annexed to a city.

HB 2457 would amend ORS 215 to authorize land partitions for farm or forest parcels that straddle a UGB even if the newly created portion of the parcel outside the UGB would be smaller than the statutory minimum lot size. The legislation would ensure that the new parcel outside the UGB remains protected in farm or forest use regardless of the size of the parcel, and that the parcel inside the UGB will be planned and zoned for urban uses in accordance with the applicable acknowledged comprehensive plan.

Thank you for considering this legislation. If you have questions, please contact Bob Rindy, Legislative Coordinator, 503-934-0008; [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us)

Copy: Greg Macpherson, LCDC Chair