

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1304

Amending MCC Chapter 39 Relating to Re-Establishing Home Occupation Standards in Certain Urban Base Zones and Deleting an Optional Customary Farm Dwelling Qualification Provision in the Exclusive Farm Use Base Zone.

(Language ~~stricken~~ is deleted; underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made its recommendation through adoption of the resolution described below and pursuant to its authority in MCC 39.1645 and in ORS 215.110.
- b. A home occupation is a lawful commercial activity that is conducted within a dwelling unit (or in some cases, within an accessory building) by a business operator and is subordinate to the residential use of the property.
- c. Relevant land use provisions relating to the Exclusive Farm Use base zone provide for opportunities to site dwellings on farmland consistent with state law allowances.
- d. Planning Commission Resolution No. PC 2021-14207 (Board Exhibit 1) addresses two issues. First, the Resolution recommends amendments to re-establish home occupation standards that were deleted inadvertently in prior Code revisions in certain urban base zones. When the County adopted its last significant update of its home occupation standards in Ordinance 1197 in 2013, the findings stated that the amendments should apply to all zones in Chapter 11.15, which would have included the MUF, UF-20, LR-5, LR-7, LR-10, and MR-4 zones. However, although Ordinance 1197 deleted the old home occupation standards (captured in prior definition section 11.15.0010) for all zones in Chapter 11.15, it applied the new home occupation standards only to the LR-7 and LR-10 zones, and the rest of the urban base zones were not amended by the ordinance. As a result, the MUF, UF-20, LR-5, and MR-4 zones continued to reference standards that were deleted by Ordinance 1197, leaving those zones effectively without clear standards for home occupations. The standards of approval for home occupations that were incorporated into the LR-7 and LR-10 zones by Ordinance 1197 subsequently were inadvertently deleted in 2018 when the former Chapter 11.15 Zoning Code was consolidated into current Multnomah County Chapter 39 Zoning Code, leaving those base zones without clear standards for home occupations.
- e. Second, Planning Commission Resolution No. PC 2021-14207 recommends an amendment that deletes MCC 39.4265(B)(3), an optional customary farm dwelling qualification provision in the

Exclusive Farm Use base zone for not high-value farmland soils capable of producing the median level of annual gross sales of county indicator crops. The information needed for the County to implement MCC 39.4265(B)(3), as required by OAR 660-033-0135(2)(c)(A), effectively is no longer available, as explained in more detail within the Planning Commission hearing staff report (Board Exhibit 2).

- f. The Planning Commission held a public hearing on June 7, 2021, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, the written individual notice required in ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”) was mailed on May 18, 2021.
- g. The Planning Commission’s recommendation within Planning Commission Resolution No. PC-2021-14207 is sound and derives from the proper execution of its duties and authority.
- h. A copy of the written record of the Planning Commission hearings is incorporated as Board Exhibit 2.

Multnomah County Ordains as Follows:

Section 1. MCC 39.4705 is amended as follows:

§ 39.4705 PRIMARY USES.

(A) Forest practices associated with the production, management and harvesting of timber;

* * *

(G) Type A home occupations pursuant to MCC 39.8800.

Section 2. MCC 39.4707 is amended as follows:

§ 39.4707 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

(A) Residential use, in conjunction with a primary use listed in MCC 39.4705 consisting of a single-family dwelling, including a mobile or modular home, subject to the following:

* * *

(D) Type B home occupations when approved pursuant to MCC 39.8850.

Section 3. MCC 39.4710 is amended as follows:

§ 39.4710 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable

standards of this Chapter:

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

* * *

(E) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

Section 4. MCC 39.4712 is amended as follows:

§ 39.4712 ACCESSORY USES.

(A) Signs, pursuant to the provisions of MCC 39.6700 through 39.6820.

(B) Off-street parking and loading; and

~~(C) Home occupations; and~~

~~(C)~~ Other structures or uses customarily accessory or incidental to any use permitted or approved in this base zone.

Section 5. MCC 39.4751 is amended as follows:

§ 39.4751 PRIMARY USES.

(A) Residential use consisting of a single-family detached dwelling on a lot;

* * *

(G) Type A home occupations pursuant to MCC 39.8800.

Section 6. MCC 39.4752 is amended as follows:

§ 39.4752 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

The uses permitted subject to prescribed conditions for each use are:

* * *

~~(C) Home occupations, as defined in MCC 39.2000;~~ A Type B home occupation when approved pursuant to MCC 39.8850;

* * *

Section 7. MCC 39.4753 is amended as follows:

§ 39.4753 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards:

* * *

(C) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

Section 8. MCC 39.4822 is amended as follows:

§ 39.4822 PRIMARY USES.

(A) Single family detached dwelling.

* * *

(E) Type A home occupations pursuant to MCC 39.8800.

Section 9. MCC 39.4824 is amended as follows:

§ 39.4824 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

The uses permitted subject to prescribed conditions for each use are:

* * *

(G) ~~Home occupations, as defined in MCC 39.2000.~~ A Type B home occupation when approved pursuant to MCC 39.8850.

* * *

Section 10. MCC 39.4826 is amended as follows:

§ 39.4826 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable Ordinance standards:

* * *

(F) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

Section 11. MCC 39.4852 is amended as follows:

§ 39.4852 PRIMARY USES.

(A) Single family detached dwelling.

* * *

(E) Type A home occupations pursuant to MCC 39.8800.

Section 12. MCC 39.4854 is amended as follows:

§ 39.4854 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

The uses permitted subject to prescribed conditions for each use are:

* * *

(H) ~~Home occupations, as defined in MCC 39.2000.~~ A Type B home occupation when approved pursuant to MCC 39.8850.

* * *

Section 13. MCC 39.4856 is amended as follows:

§ 39.4856 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards.

* * *

(F) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

Section 14. MCC 39.4872 is amended as follows:

§ 39.4872 PRIMARY USES.

(A) Single family detached dwelling.

* * *

(E) Type A home occupations pursuant to MCC 39.8800.

Section 15. MCC 39.4874 is amended as follows:

§ 39.4874 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

The uses permitted subject to prescribed conditions for each use are:

* * *

~~(F) Home occupations, as defined in MCC 39.2000.~~ A Type B home occupation when approved pursuant to MCC 39.8850.

* * *

Section 16. MCC 39.4876 is amended as follows:

§ 39.4876 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards:

* * *

(D) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

Section 17. MCC 39.4975 is amended as follows:

§ 39.4975 PRIMARY USES.

(A) A two-unit dwelling:

* * *

(G) Type A home occupations pursuant to MCC 39.8800.

Section 18. MCC 39.4980 is amended as follows:

§ 39.4980 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

The uses permitted subject to prescribed conditions for each use are:

* * *

~~(G) Home occupations, as defined in MCC 39.2000.~~ A Type B home occupation when approved pursuant to MCC 39.8850.

* * *

Section 19. MCC 39.4985 is amended as follows:

§ 39.4985 **CONDITIONAL USES.**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards:

* * *

(F) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

Section 20. MCC 39.4265 is amended as follows:

§ 39.4265 **STANDARDS FOR SPECIFIED FARM DWELLINGS.**

* * *

(B) Customary Farm Dwelling: A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use as provided in MCC 39.4225(C) is not allowed unless the following standards are met:

* * *

~~(3) Not high value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high value farmland a dwelling may be considered customarily provided in conjunction with farm use if:~~

- ~~(a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and ranch tracts shall be determined pursuant to OAR 660-33-135(3)]; and~~
- ~~(b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and~~
- ~~(c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this section; and~~
- ~~(d) The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and~~
- ~~(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and~~
- ~~(f) The dwelling will be occupied by a person or persons who will be principally~~

~~engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and~~

~~(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (e) of this section.~~

(3)~~(4)~~ Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(4)~~(5)~~ Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

* * *

(5)~~(6)~~ Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

* * *

FIRST READING:

January 13, 2022

SECOND READING and ADOPTION:

January 20, 2022



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lori Stegmann

Lori Stegmann, Vice-Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Katherine Thomas*
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Director, Department of Community Services

Board Exhibit 1

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2021-14207

Recommend to the Board of County Commissioners the adoption of one or more ordinances amending MCC Chapter 39 to make housekeeping amendments relating to home occupations in certain urban base zones and deleting an optional customary farm dwelling qualification provision in the Exclusive Farm Use zone (MCC 39.4265(B)(3)).

The Planning Commission Finds:


- a. The Planning Commission is authorized by Multnomah County Code Chapter 39.1645 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to amend the County Comprehensive Plan and land use regulations.
- b. This recommended ordinance addresses two issues. First, it re-establishes home occupation standards that were deleted inadvertently in prior Code revisions in certain urban base zones. Second, it deletes MCC 39.4265(B)(3), an optional customary farm dwelling qualification provision in the EFU base zone for not high-value farmland soils capable of producing the median level of annual gross sales of county indicator crops. The information needed for the County to implement MCC 39.4265(B)(3), as required by OAR 660-033-0135(2)(c)(A), effectively is no longer available.
- c. Property is being "rezoned," as that term is defined in ORS 215.503, and therefore a mailed notice to individual property owners was required and provided ("Ballot Measure 56" notice). Notice was also published in the Oregonian newspaper and on the Land Use Planning Program website. The Planning Commission held a public hearing on June 7, 2021 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The adoption by the Board of County Commissioners of one or more ordinances amending MCC Chapter 39, in a form substantially similar to that approved by the Planning Commission as set forth in the attached staff report, is hereby recommended.

ADOPTED this 7th day of June, 2021

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

Board Exhibit 2



1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

**STAFF REPORT FOR THE PLANNING COMMISSION HEARING
JUNE 7, 2021**

**HOUSEKEEPING AMENDMENTS -
RE-ESTABLISHING HOME OCCUPATION STANDARDS IN CERTAIN URBAN BASE ZONES AND
DELETING AN OPTIONAL CUSTOMARY FARM DWELLING QUALIFICATION PROVISION IN THE
EFU BASE ZONE (MCC 39.4265(B)(3))**

(PC-2021-14207)

Staff Contact:

Adam Barber, Deputy Planning Director
adam.t.barber@multco.us (503) 988-0168

1.0 INTRODUCTION

The following staff report presents two housekeeping amendments:

- 1) Re-establishing in certain base zones home occupation standards inadvertently deleted during the last significant home occupation amendments in 2013 and in subsequent amendments in 2018 when former County Chapter 11.15 Zoning Code was consolidated into current County Chapter 39 Zoning Code; and
- 2) Deleting MCC 39.4265(B)(3), an optional customary farm dwelling qualification provision in the Exclusive Farm Use (EFU) zone, because it requires the County to conduct a study using data that effectively is no longer available, while retaining other provisions for establishing a dwelling in the EFU zone.

2.0 RE-ESTABLISHING HOME OCCUPATION STANDARDS IN URBAN BASE ZONES

A home occupation is a lawful commercial activity that is conducted within a dwelling unit (or in some cases, within an accessory building) by a business operator and is subordinate to the residential use of the property. Multnomah County Code Chapter 39 provides for three types of home occupations – Type A, B, and C – with three different sets of standards. Those standards were incorporated into both the rural and urban base zones in 2013 and are attached to this report as Appendix A.

In the urban base zones, however, current code provides for “home occupations” in the MUF, UF-20, LR-5, LR-7, LR-10 and MR-4 zones, but does not indicate which type or types of home occupations are allowed or what standards apply to those home occupations. The lack of clear standards results from two inadvertent omissions during prior Code revisions:

- (1) When the County adopted its last significant update of its home occupation standards in Ordinance 1197 in 2013, the findings stated that the amendments should apply to all zones in Chapter 11.15, which would have included the MUF, UF-20, LR-5, LR-7, LR-10, and MR-4 zones. However, Ordinance 1197 applied the new home occupation standards only to the LR-7 and LR-10 zones, and the rest of the urban base zones were not amended in the ordinance. As a result, the MUF, UF-20, LR-5, and MR-4 zones continued to reference standards that were deleted in Ordinance 1197, leaving those zones effectively without clear standards for home occupations.
- (2) The standards of approval for home occupations that were incorporated into the LR-7 and LR-10 zones in Ordinance 1197 subsequently were inadvertently deleted in 2018 when the former Chapter 11.15 Zoning Code was consolidated into current Multnomah County Chapter 39 Zoning Code, leaving those base zones without clear standards for home occupations.

To address those omissions, this proposal:

- (1) Re-establishes home occupation standards in the MUF, UF-20, LR-5 and MR-4 urban base zones by adopting the current Chapter 39 Type A, B, and C home occupation standards in MCC 39.8800 (Type A), MCC 39.8850 (Type B), and MCC 39.7400 through 39.7410 (Type C). This proposal is consistent with the stated intent of Ordinance 1197 to incorporate the new home occupation provisions into all zones that allowed home occupations in Chapter 11.15.
- (2) Re-establishes Type A, B and C home occupation standards in the LR-7 and LR-10 urban base zones authorized in 2013 through Ordinance 1197 and inadvertently deleted in 2018.

In general summary, Type A home occupations may only occur in an existing dwelling and county code requires the business operator to register the business with county Land Use Planning. Type B home occupations may occur in the dwelling and/or accessory building and code requires a discretionary land use review. Type C home occupations involve the greatest level of business activity and code requires the review and approval of a Conditional Use permit after the holding of a public hearing.

The Retail Commercial C-3 and Urban Light Manufacturing LM urban base zones did not contain any home occupation allowances prior to Chapter 39 adoption, do not currently contain any such allowances, and are therefore are not being modified by this proposal. Multnomah County sent a “Ballot Measure 56” notice of the public hearing to all affected property owners.

The following text is used within the proposed amendments:

Double Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

* * * Indicates a gap in the code, typically within the same section. Used to reduce report length.

2.1 4.D.1 – MULTIPLE USE FOREST (MUF)

§ 39.4705 PRIMARY USES.

(G) Type A home occupations pursuant to MCC 39.8800.

§ 39.4707 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

(D) Type B home occupations when approved pursuant to MCC 39.8850.

§ 39.4710 CONDITIONAL USES.

(E) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

§ 39.4712 ACCESSORY USES.

(A) Signs, pursuant to the provisions of MCC 39.6700 through 39.6820.

(B) Off-street parking and loading; and

~~(C) Home occupations; and~~

~~(D)~~ Other structures or uses customarily accessory or incidental to any use permitted or approved in this base zone.

2.2 4.D.3.a – URBAN FUTURE (UF-20)

§ 39.4751 PRIMARY USES.

(G) Type A home occupations pursuant to MCC 39.8800.

§ 39.4752 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

~~(C) Home occupations, as defined in MCC 39.2000; A Type B home occupation when approved pursuant to MCC 39.8850;~~

§ 39.4753 CONDITIONAL USES.

(C) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

2.3 4.D.5.b – URBAN LOW DENSITY RESIDENTIAL – 5 BASE ZONE (LR-5)

§ 39.4822 PRIMARY USES.

(E) Type A home occupations pursuant to MCC 39.8800.

§ 39.4824 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

(G) ~~Home occupations, as defined in MCC 39.2000. A Type B home occupation when approved pursuant to MCC 39.8850.~~

§ 39.4826 CONDITIONAL USES.

(F) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

2.4 4.D.5.c – URBAN LOW DENSITY RESIDENTIAL – BASE ZONE (LR-7)

§ 39.4852 PRIMARY USES.

(E) Type A home occupations pursuant to MCC 39.8800.

§ 39.4854 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

(H) ~~Home occupations, as defined in MCC 39.2000. A Type B home occupation when approved pursuant to MCC 39.8850.~~

§ 39.4856 CONDITIONAL USES.

(F) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

2.5 4.D.5.d – URBAN LOW DENSITY RESIDENTIAL – 10 BASE ZONE (LR-10)

§ 39.4872 PRIMARY USES.

(E) Type A home occupations pursuant to MCC 39.8800.

§ 39.4874 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

(F) ~~Home occupations, as defined in MCC 39.2000. A Type B home occupation when approved pursuant to MCC 39.8850.~~

§ 39.4876 CONDITIONAL USES.

(D) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

2.6 4.D.6.a – URBAN MEDIUM DENSITY RESIDENTIAL – 4 BASE ZONE (MR-4)

§ 39.4975 PRIMARY USES.

(G) Type A home occupations pursuant to MCC 39.8800.

§ 39.4980 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

(G) ~~Home occupations, as defined in MCC 39.2000. A Type B home occupation when approved pursuant to MCC 39.8850.~~

§ 39.4985 CONDITIONAL USES.

(F) Type C home occupations as provided for in MCC 39.7400 through 39.7410.

3.0 DELETING OPTIONAL EFU CUSTOMARY FARM DWELLING QUALIFICATION PROVISION MCC 39.4265(B)(3) – NOT HIGH VALUE FARMLAND SOILS, MEDIAN ANNUAL GROSS SALES INCOME TEST

This section of the report outlines statutory provisions available for siting a new single-family dwelling in the Exclusive Farm Use (EFU) zone and explains why staff recommend deleting one (1) of the seven (7) provisions available for authorization of a customary farm dwelling.

Multnomah County is subject to the provisions of Oregon Revised Statutes (ORS) 215.283, which, among other things, establish and limit a property owner's ability to site a dwelling in the EFU. ORS provisions are crafted and codified by the Oregon legislature. The authority for new farm dwellings in the EFU zone is provided in ORS 215.283(1)(d) – *relative farm help dwelling* and in ORS 215.283(1)(e) – “*Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily provided in conjunction with farm use.*” ORS 215.279, ORS 215.705 and ORS 215.282 establish farm income requirements for new dwellings proposed in conjunction with farm use.

Administrative regulations promulgated by Oregon agencies are captured in the Oregon Administrative Rules (OAR). The OAR generally elaborate on the requirements of ORS and carry the force of law. Not every land use authorized by the ORS has a correlating OAR section.

The rules implementing the state's EFU dwelling requirements, along with other EFU uses, are found in OAR Section 660, Division 33 – Land Conservation and Development, Agricultural Land. More specifically, OAR 660-033-0135 (*Dwellings in Conjunction with Farm Use*) outlines different avenues for dwelling establishment on EFU land.

These statutory farm dwelling provisions are found in the following Multnomah County Code Sections, which have been summarized below by staff to highlight the main distinguishing factors between the various options.

General Summary of Review Options for Dwellings in the EFU Zone MCC 39.4225(B)-(E)

39.4225(B) - Relative Farm Help Dwelling. Subject to 39.4265(A) [Implements ORS 215.283(1)(d) and OAR 660-033-0130(9)]

- Secondary (accessory) farm dwelling located on same lot or parcel as the farm operator dwelling and occupied by a relative of farm operator if relative's assistance is required in management of the farm use.

39.4225(C) - Primary Farm Dwelling. Subject to 39.4265(B). Six dwelling options.

[Implements ORS 215.283(1)(e) and associated OARs outlined below]

- Option 1 (MCC 39.4265(B)(1)): High-value farmland soils, \$80,000 annual farm income. *[Implements OAR 660-033-0135(4)]*
- Option 2 (MCC 39.4265(B)(2)): Not high-value farmland soils, 160-acres. *[Implements OAR 660-033-0135(1)]*

- Option 3 (MCC 39.4265(B)(3)): Not high-value farmland soils, capable of producing median level of annual gross sales of county indicator crops. [Implements OAR 660-033-0135(2)]
- Option 4 (MCC 39.4265(B)(4)): Not high-value farmland soils, \$40,000 annual farm income or mid-point of median income range. [Implements OAR 660-033-0135(3)]
- Option 5 (MCC 39.4265(B)(5)): Commercial dairy farm. \$40,000-\$80,000 annual farm income requirement depending on soils, or median income range of certain farms in Multnomah County. [Implements OAR 660-033-0135(7)]
- Option 6 (MCC 39.4265(B)(6)): Relocating dwelling to another farm. Certain income and farm size requirements. [Implements (combines) various sections of OAR 660-033-0135 related to primary farm dwelling allowance]

39.4225(D) - Accessory Farm Dwelling. Subject to 39.4265(C) [Implements ORS 215.283(1)(e) and OAR 660-033-0130(24)]

- Secondary (accessory) dwelling occupied by person principally engaged in farming and on the same tract as the primary farm dwelling. Certain income requirements based on soils.

39.4225(E) - Primary Heritage Tract Dwelling. Subject to 39.4265(D) [Implements ORS 215.705 and OAR 660-033-0130(3)]

- Tract is non-high value farmland soils, vacant, and not in a big game habitat area.
- Deed demonstrating current ownership back to at least January 1, 1985.

County provision MCC 39.4225(C) / MCC 39.4265(B)(3) –“Option 3” – underlined above implements OAR 660-033-0135(2) addressing a scenario where a farm tract is not primarily composed of high value farmland soils and is not actively being farmed, but is proven capable of producing at least the median level of annual gross sales of indicator crops specific to Multnomah County.

To make that provision available for use by applicants, a county must conduct a study to determine the estimated potential gross sales per acre for properties within one mile of the subject property. The table produced as a result of that study must be approved by the Department of Land Conservation and Development and is valid for a period of four years. Likely because of the resource burden placed on counties to conduct the required gross sales study, Oregon counties are not required to provide for this specific farm dwelling use and staff understand that few Oregon counties have adopted these optional provisions.

For those counties that have adopted this optional provision, the OARs prescribe a specific process for conducting the necessary study, which begins with a county identifying three “indicator crop types * * * using the most recent OSU Extension Service Commodity Data Sheets, Report No. 790, ‘Oregon County and State Agricultural Estimates,’ or other USDA/Extension Service documentation.” OAR 660-033-0135(2)(c)(A). However, Oregon State University no longer produces the cited agricultural indicator crop reports. While the OARs reference data from other USDA/Extension Service documentation as an acceptable alternative, the USDA statistician for this area recently communicated to county staff that federal budget reductions have resulted in data collection for certain crops being eliminated, and reporting intervals reduced from once a year to once every five years. Therefore, the information

required for counties to implement this provision effectively is no longer available, making it difficult for staff to provide guidance to applicants or otherwise implement this provision.

Applications submitted to Multnomah County under the provision proposed for removal are quite rare. Staff only recall one such application submitted over the past two decades. Removal of MCC 39.4265(B)(3) will not affect a property owner's ability to apply for a permit under the other EFU dwelling provisions. Multnomah County sent a "Ballot Measure 56" notice of the public hearing to all affected property owners as required by state law.

4.A.2 – EXCLUSIVE FARM USE (EFU)

* * *

§ 39.4225 REVIEW USES.

* * *

(C) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use subject to the standards in MCC 39.4265 (B).

* * *

§ 39.4265 STANDARDS FOR SPECIFIED FARM DWELLINGS.

* * *

(B) Customary Farm Dwelling: A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use as provided in MCC 39.4225(C) is not allowed unless the following standards are met:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years, or the average farm income earned on the tract in the best three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
2. Only gross income from land owned, not leased or rented, shall be counted; and
3. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and
4. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements.

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as “Exhibit A” in OAR 660-033-0135(5)(b) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.
2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.
5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.
6. The Planning Director shall maintain a copy of the covenants, conditions and restrictions that have been filed in the county deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(2) Not high-value farmland soils, 160 acres. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

- (a) The parcel on which the dwelling will be located is at least 160 acres; and
- (b) The subject tract is currently employed for farm use, as defined in ORS 215.203; and
- (c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
- (d) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract.

~~(3) Not high-value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:~~

- ~~(a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and ranch tracts shall be determined pursuant to OAR 660-33-135(3)]; and~~
- ~~(b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and~~
- ~~(c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this section; and~~
- ~~(d) The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and~~
- ~~(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and~~
- ~~(f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and~~
- ~~(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section.~~

~~(3)~~(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years, three of the last five years, or the average farm income earned on the tract in the best three of the last five years, or the lower of the following:

1. At least \$40,000 in gross annual income from the sale of farm products; or
2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation; and
2. Only costs and sale prices of livestock that are within a reasonable range of prevailing costs and sale prices in the Oregon and Washington region shall be counted in the determination of gross income.

This may be done by comparing actual sales documents to such published livestock value sources as made available by the Oregon Agricultural Statistics Services or the Oregon State Extension Service; and

3. Only gross income from land owned, not leased or rented, shall be counted; and
4. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and
5. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements; and

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(5)(b) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Oregon Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

~~(4)(5)~~ Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

(a) The subject tract will be employed as a commercial dairy operation that owns a sufficient number of producing dairy animals capable of earning the following from the sale of fluid milk:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income or the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

2. On land identified as high-value farmland, at least \$80,000 in gross annual income; and (b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

(c) Except as permitted by 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and 468B.200 to 468B.230 and has approved a Producer License for the sale of dairy products under ORS 621.072.

(g) “Commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(3)(a) or (4)(a), whichever is applicable, from the sale of fluid milk.

~~(5)(6)~~ Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

(a) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in at least three of the last five years, in each of the last two years, or the average farm income earned on the tract in the best three of the last five years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or
2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or
3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(b) The subject lot or parcel on which the dwelling will be located is a minimum lot size of 80 acres and is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or
2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or
3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(c) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(e) In determining the gross income required by subsections (a) and (b) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
2. Only gross income from land owned, not leased or rented, shall be counted.

**APPENDIX A: CURRENT CHAPTER 39 TYPE A, B AND C HOME OCCUPATION
REQUIREMENTS**

*****NO CHANGES PROPOSED - FOR REFERENCE ONLY*****

§ 39.8800- TYPE A HOME OCCUPATION.

(A) Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, is registered with the Planning Director by completing and filing a form provided by the Planning Director, and complies with the following:

(1) Type A home occupation shall not exceed 20 percent of the gross floor area of the dwelling and attached garage, or 500 sq. ft., whichever is less.

(2) No more than one non-resident employee or two customers on the premises at any one time. A maximum of eight customer visits may happen per day.

(3) Modifications to the dwelling to facilitate the use shall be limited to the alteration, replacement or addition of windows or doors or other typically used residential appurtenances.

(4) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) No outdoor storage or displays shall occur on the premises. Outdoor parking of the business vehicle, motor vehicle owned by the employee or customer is allowed. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) No signage shall be allowed, including temporary signage and those exempted under MCC 39.6720 with the exception of property numbers.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws. No operation of a dispatch center where employees enter the premises for the purpose of being dispatched to other locations.

(B) Notwithstanding the transfer of approval rights in MCC 39.1230, registration of a Type A home occupation does not run with the land and is not transferred with ownership of the land.

Registration of a Type A home occupation is personal to the business operator and specific to the registered dwelling unit. Registration of a Type A home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time in the registered dwelling unit.

(C) Existing Type A Home Occupations that were registered prior to August 18, 2012, which complied with all provisions of the ordinance then in effect, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the applicable home occupation regulations. The adoption of this ordinance is not intended to make these existing registrations non-conforming and proposals for alteration, expansion or establishment of a new Type A home occupation on the parcel shall be pursuant to this ordinance.

§ 39.8850- TYPE B HOME OCCUPATION.

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building, but not within or in association with an accessory dwelling unit, on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type B home occupation shall not exceed 25 percent of the total gross floor area of the dwelling, attached garage and accessory buildings, or 1,000 sq. ft., whichever is less.

(3) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.

(4) No more than a total of 20 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and the employee may be authorized through the review process. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 39.6500 – 39.6600 to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) Notwithstanding MCC 39.6700 –39.6820, only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering

or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(9) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the base zone. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(10) In the CFU and EFU zone base zones, the home occupation will not unreasonably interfere with other uses permitted in the general base zone and the use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

(B) Each approval issued by the approval authority shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 39.1230, approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.

(D) The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the

expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

(4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 39.1105.

(5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it:

- (a) Is consistent with the prior approval;
- (b) Is consistent with MCC 39.8850(A); and
- (c) Does not increase the intensity of use of the premises.

7.A.5 – TYPE C HOME OCCUPATION (CU)

§ 39.7400- PURPOSES.

The purposes of the type C home occupation section are to address the need for home based business that are small scale businesses (not more than 5 employees) and that fit in with the characteristic of the neighborhood or the area. The regulations are designed to:

- (A) Protect the individual characteristics of areas in unincorporated Multnomah County and maintain the quality of life for all residents of the communities.
- (B) Join in an effort to reduce vehicle miles traveled, traffic congestion and air pollution in the State of Oregon.

§ 39.7405 CRITERIA FOR APPROVAL.

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building, but not within or in association with an accessory dwelling unit, on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

- (1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and signage. No outdoor storage, business activities, or displays shall occur outside of an enclosed building.
- (2) Type C home occupation shall not exceed 35 percent of the total gross floor area of the dwelling, attached garage and accessory buildings, or 1,500 sq. ft., whichever is less.
- (3) The home occupation shall not employ more than five employees.
- (4) No more than a total of 40 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and employees may be authorized through the conditional use process. No deliveries or pick-ups associated with

the home occupation and between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries or pick-ups shall occur on the premises only. The road serving the tract may not be used for loading or unloading purposes.

(5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 39.6500-39.6600 to accommodate the total number of employees and customers, proposed to be on the premises at any one time. No use, parking or storing on the premises of any vehicle in excess of a gross vehicle weight of 11,000 pounds.

(6) Notwithstanding MCC 39.6700–39.6820, only one sign shall be permitted for the home occupation. The sign may be freestanding or a fascia sign.

(a) The sign shall be a maximum of eight square feet;

(b) A freestanding sign shall not exceed six feet in height;

(c) A fascia sign shall be placed on the building used for the business and shall not exceed the height of the first floor;

(d) The sign shall face the access point to the property. A freestanding sign shall not be placed within the vision clearance area;

(e) Indirect lighting of the sign may occur only during the hours the business is operating.

(7) The combination of all uses on the premises associated with the home occupation will not generate noise above 50 dB(A) (decibels adjusted) at the property lines between 7 a.m. and 6 p.m. daily. During all other hours, the home occupation shall not create noise detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

(8) The use shall not generate vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(9) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(10) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the base zone. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(11) In the EFU and CFU base zones, the home occupation will not unreasonably interfere with other uses permitted in the base zone.

(12) The approval criteria listed in MCC 39.7015.

(B) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 39.1230, approval of a Type C home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type C home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type C home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized premises.

(D) Existing Type C Home Occupations that were approved prior to August 18, 2012, which complied with all provisions of their permit, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the above home occupation regulations. The adoption of this ordinance is not intended to make these existing businesses non-conforming and proposals for alteration, expansion or replacement of the Type C home occupation shall be pursuant to this ordinance.

§ 39.7410 TYPE C HOME OCCUPATION RENEWAL.

(A) The home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type C home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type C home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A Type C home occupation renewal shall be processed pursuant to the Type II approval process in MCC 39.1105.

(B) The Planning Director may consider minor modifications to the Hearings Officer's decision required by MCC 39.7405(B) and the conditions of approval if requested by the business operator as part of a Type C home occupation renewal application. A minor modification may be approved if it:

(1) Is consistent with the prior approval.

(2) Is consistent with MCC 39.7405(A).

(3) Does not increase the intensity of use of the premises.



June 4, 2021

Multnomah County Planning Commission
1600 SE 190th Ave
Portland, OR 97233

EXHIBIT H.1
PC-2021-14207

VIA EMAIL: heidie.konopnickl@multco.us

RE: *Comments on Proposed Amendments to Multnomah County Code Section 39.4265(B)(3)*

Dear Commissioners:

Thank you for the opportunity to comment in opposition to the proposed removal of Multnomah County Code Section 39.4265(B)(3), which provides a customary farm dwelling option that is primarily used by new farmers entering the industry and family farms. Oregon Farm Bureau (OFB) and Multnomah County Farm Bureau (MCFB) are concerned about the removal of this provisions because it will limit an important housing opportunity for farmers in the county.

By way of background, OFB is a voluntary, grassroots, nonprofit organization representing Oregon's farmers and ranchers in the public and policymaking arenas. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industries in general. Today, OFB represents nearly 7,000-member families professionally engaged in the industry and has a total membership of over 60,000 Oregon families. MCFB is the voice of agriculture in Multnomah County, representing new and established farmers who would be impacted by this proposal.

As stated earlier, the customary farm dwelling option that is proposed to be deleted by the County can be used by individuals new to the industry or those that hold small, but productive, operations. Specifically, it is available for those who are capable of producing the median level of annual gross sales, but whose farm is not located on high-value soils and is less than 160 acres, which is most of the farms in Multnomah County. Based upon recent NASS data, of the 600+ farms located in Multnomah County, the average size of a farm is just 39 acres, with over 50% of the farms in the County being between 1-9 acres.¹ Given the demographics of farming in Multnomah County, this housing option is one the County should actively retain, not remove.

From a broader policy perspective, it is unclear why Multnomah County would seek to remove an important housing option when Oregon is taking profound steps to create more opportunities for housing in the state. Further, the County should be actively promoting our local food system. Oregon's farmers and ranchers provide the healthy food we depend on, and new farmers bring needed diversity into our

¹ [st41_2_0001_0001.pdf\(usda.gov\)](#)

food system. Removing this important housing option from code works against these important objectives.

Additionally, OFB and MCFB are disappointed with the lack of outreach from Multnomah County to the farming community when considering this proposal. Neither MCFB nor OFB can recount any outreach to farmers in the region about whether this housing option is important to the industry before it was proposed to be deleted. MCFB would welcome the opportunity to assist in evaluating the usefulness of this provision and to help resolve other implementation obstacles the County may be having in permitting dwellings under the code.

Further, our organizations question the timing of this proposal as the industry tries to rebound from the devastating impacts of COVID-19. Prior to COVID-19, producers were already under tremendous pressure – net income on farms is half of what it was five years ago, Oregon faces recent market collapses across several industries due to trade disruptions, new markets are collapsing, and long-time processor, NORPAC, recently closed. Market prices are at record lows across many commodities, and farmers are already grappling with significant recent regulatory costs imposed by the Oregon legislature and agencies.

At the same time, farming is seasonal in nature and cannot respond to changing market pressures overnight. Immediate impacts from COVID-19 included failure of markets for those who sell directly to restaurants, cancellation of festivals and direct marketing opportunities many farms depend upon, closure of international markets to shipments due to the virus, and enormous pressure on the food system to shift processing and distribution from restaurant and food service to retail. Moreover, recent devastating wildfires and ice storms have caused immense loss for farmers around the state, including those in Multnomah County.

In short, Oregon's farmers have been severely impacted by the trials of this year, and they need Multnomah County's support at his time. This support should include the creation of more opportunities for farmers, not the removal of key housing options necessary for the growth of the industry.

Therefore, we urge the Commission to not move forward with the removal of Multnomah County Code Section 39.4265(B)(3).

Respectfully,



Samantha Bayer
Policy Counsel
Oregon Farm Bureau Federation



Larry Bailey
President
Multnomah County Farm Bureau

June 4, 2021

Garrett H. Stephenson

Admitted in Oregon
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VIA E-MAIL

Mr. John Ingle, Chair
Multnomah County Planning Commission
1600 SE 190th Avenue
Portland, OR 97233

RE: PC-2021-14207
Proposed Repeal of MCC 39.2465(B)(3)

Dear Chair Ingle and Planning Commissioners:

This office represents Mr. Scott Reed, owner of Springwood Acres Farm at 12460 NW Springville Road. The farm consists of approximately 84.43 acres. Since starting the farm in 2013, Mr. Reed has changed the long-neglected property into a vibrant and successful enterprise, which now includes substantial livestock and poultry operations.

Since 2013, Mr. Reed has sought to build a dwelling pursuant to MCC 39.4265(B)(3) (“subsection (B)(3)”), the provision which the County seeks to eliminate through the proposed “housekeeping amendment.” Despite obtaining approval under subsection (B)(3) in 2015 and despite diligently seeking permits and even digging the foundation, the County has recently taken the position his land use approval is no longer valid. The County now seeks to eliminate his remaining pathway to the home he and his family have worked so hard for over the last decade. For this and other reasons explained in more detail below, Mr. Reed strongly opposes elimination of MCC 39.4265(B)(3).

1. What is MCC 39.4265(B)(3)?

Before explaining Mr. Reed’s reasons for opposing this text amendment, we seek to aid the Commission by explaining what MCC 39.4265(B)(3) is and how it works. Oregon’s land use laws provide a dizzying array of tests by which farm and non-farm dwellings in exclusive farm use zones can be established. Subsection (B)(3) implements an administrative rule adopted by the Oregon Land Conservation and Development Commission (LCDC), OAR 660-033-0135(2) (the “median gross annual sales test”). The median gross annual sales test allows an owner of non-high value farmland to obtain a dwelling if the owner’s tract meets the following criteria:

- It is as least as large as the median tract size of commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales within one mile of the owner’s tract.

- It is at least 10 acres.
- It is capable of producing the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the minimum tract size, above.
- It is employed for farm use or will be so before a building permit issues.
- There is no other dwelling on the property and the new dwelling will be occupied by a person principally engaged in a farm use.

In order to determine the median level of annual gross sales, the administrative rule provides a methodology by which local governments, with assistance from the Department of Land Conservation and Development Department (“DLCD”) staff, calculate the “median level of annual gross sales of county indicator crops.” County indicator crops are determined by using “the most recent OSU Extension Service Commodity Data Sheets, Report No. 790, “Oregon County and State Agricultural Estimates, or other USDA/Extension Service Documentation.”

This analysis is neither impossible nor especially difficult; Mr. Reed was able to work with County staff and DLCD to conduct it successfully in 2015. It does not require *current* data, only the “most recent” data. Furthermore, DLCD is required by the administrative rule to assist the County in conducting this analysis. As a practical matter, applicants provide a substantial amount of effort in conducting the analysis because they have, as in all land use application, the burden of proof.

2. Elimination of MCC 39.4265(B)(3) is not a “housekeeping amendment.”

Subsection (B)(3) is a property right, just like any other land use allowance in the EFU zone. Its wholesale removal is not a housekeeping amendment – it permanently reduces the range of things that those owning EFU parcels with non-high value soil can do with their land. Because the County has taken the position that Mr. Reed’s prior house approval has expired, Mr. Reed will likely need to apply under (B)(3) again to reinstate his approval. Emails provided by County Staff (**Exhibit 1**) indicate that at least one other potential applicant inquired about making an application under this provision. We do not see how Staff’s attempt to get ahead of these and other future applications by eliminating (B)(3) is mere “housekeeping.” Rather, it should be carefully evaluated based on input from those it affects through a *bona fide* planning process, as explained below.

3. Elimination of MCC 39.4265(B)(3) is bad planning policy and premature.

The purpose of Exclusive Farm Use zoning in Oregon is to preserve family farms, which necessarily include two ingredients: a farm and a farmhouse. In its Comprehensive Plan, the County adopted a policy of allowing farm dwellings “as permitted in Oregon Statute and

Administrative Rules.”¹ Subsection (B)(3) is in the OARs and in the MCC for a good reason: it allows newer farmers to establish both a farm and a dwelling on a farm parcel that, due to soil quality or size, may not be able to meet the more stringent income tests required for high-value farmland. This allows more less-valuable farmland to be put into production and allows aspiring farmers to establish their own family farms.

The Staff Report makes no effort to address this policy issue in even cursory terms. To our knowledge, the County has never consulted the Multnomah County Farm Bureau, the West Multnomah County Soil and Water Conservation District, or the Oregon Farm Bureau to determine whether elimination of this land use right is good for farming or good for landowners. Staff did not consult Mr. Reed to determine the potential impacts on his likely need to file a new application. As noted above, we understand that at least one other person had begun exploring with staff the possibility of using (B)(3) to obtain a dwelling authorization, and it is not clear whether staff consulted that person about this upcoming change, either. Staff also has apparently not considered the alternative solution of working with DLCD to make the median gross annual sales test more user friendly. It is simply bad land use planning practice to eliminate this family farm opportunity without seriously engaging those whom it has helped or those whom it could help, especially those, including my client, who may seek to file a new application under (B)(3).

4. Elimination of MCC 39.4265(B)(3) should not be done simply because few people use it and should not be done because someone is interested in using it.

The Staff Report argues that it will be “difficult for staff to provide guidance to applicants or otherwise implement this provision.” Presumably, this is because certain data sets regarding farm income are not updated as frequently as staff would prefer. But, under OAR 660-033-0135(2)(c)(A), the County need only use “the most recent” data from the OSU Extension Service Commodity Data Sheets or other USDA/Extension Service documentation. There is simply no credible argument that is impossible or even overly difficult for the County to implement subsection (B)(3) with data already available to it.

Email correspondence between staff and DLCD staff undermine staff’s contention that subsection (B)(3) must be removed. As detailed in **Exhibit 1**, staff’s interest in eliminating subsection (B)(3) was prompted by an inquiry of someone who might use it. “While we have an interested party, they have not yet submitted an application. I will be discussing options on our end to remove this provision.” Staff’s concern was also that “we could potentially be risking that they deem their application complete if it takes too long for us to update our study.” However, DLCD staff never stated in this correspondence that the County could not conduct the (B)(3)

¹ According to Multnomah County Comprehensive Plan Section 3.10, the County must “allow...residences, on Exclusive Farm Use Lands as permitted by Oregon Statutes and Administrative Rules, with additional development standards and lot aggregation requirements to ensure protection of agricultural and natural and environmental resources.” Not allowing farm dwellings otherwise allowed under the OARs would violate this Comprehensive Plan provision.

analysis in compliance with the law; as Mr. Gordon Howard of DLCD explained “I see no reason why you can’t use the methodology set forth in your current code to consider a farm dwelling application.”

Mr. Howard did suggest that DLCD “will be looking at the possibility of removing this methodology from our existing administrative rules within the coming year.” However, this has not been done and regardless, Mr. Howard does not write the rules; LCDC does. Such a casual statement is no basis for the County to preemptively remove a property right that Mr. Reed and at least one other landowner may wish to rely upon. Staff’s apparent haste in doing so belies any pretention that this proposal has undergone a considered land use planning process.

Staff’s preference to not approve a new dwelling under subsection (B)(3) is simply not a relevant test for whether a longstanding property right should be eliminated, especially when citizens who might be able to benefit from this provision have never been consulted. At any rate, any suggestion that section (B)(3) places too many administrative burdens on staff is simply wrong: there is no evidence that consideration of applications under subsection (B)(3) takes up an inordinate amount of staff time, or any substantial staff time at all. It takes no work to allow a property right to remain in the MMC; Mr. Reed and other potential applicants, including the one currently looking into using this provision to construct a dwelling, should be able to make their case. And, it is reasonable assume that such an application process will help generate the very data the County believes is lacking.

5. Elimination of MCC 39.4265(B)(3) would likely prejudice Mr. Reed’s ability to complete his home.

This proposed amendment is the latest setback suffered by Mr. Reed in his ongoing effort to build his family home. Mr. Reed made an application under subsection (B)(3) in 2014 and, after satisfying every staff request for information, after working with DLCD to conduct the gross income test required by subsection (B)(3), after working with West Multnomah County Soil and Water district to create a farm plan, and after turning over countless receipts and invoices to prove up the potential farm income of his land, Mr. Reed was nonetheless forced to sue the County in circuit court to force it to approve his application.

Since then, a number of delays in County and City of Portland permitting review have substantially hampered Mr. Reed’s project, to the extent that he may need to re-apply for his 2015 approval. After finally obtaining his approval in late 2015, Mr. Reed went about designing his home and filing the building plans and a grading permit. He initially filed his building plans to Multnomah County in late 2015, which the County did not release for submittal to the City of Portland until February 2018. Mr. Reed then submitted his plans to the City of Portland in March 2018. Mr. Reed began grading for his home in May 2018 under a County-approved permit and dug the foundation. After more delays in City permitting, the City gave notice in March 2020 that Mr. Reed’s permit was ready to issue but indicated that the County had placed an administrative hold on the permit. Less than one week ago and after an inquiry prompted by this legislative proposal, the County explained to Mr. Reed that its official position is now that

Mr. John Ingle, Chair
June 4, 2021
Page 5

his 2015 farm dwelling approval has expired and that he would have to submit a new application; this would most likely be under subsection (B)(3).

Despite his difficult experiences with County staff over the last six years, Mr. Reed is hesitant to impugn staff's motives. Assuming that removal of subsection (B)(3) this not part of a larger issue between Mr. Reed and planning staff—which premise we would prefer to accept—we would expect that staff would have no objection to delaying this legislative amendment until Mr. Reed is able to obtain a new approval under subsection (B)(3).

6. Conclusion and Request.

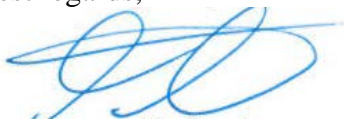
The legislative effort to remove subsection (B)(3) is brought before this Commission as “housekeeping amendment.” It is anything but. It removes an important property right on non-high-value farmland and does so without any meaningful outreach or policy consideration. It directly affects my client, whom staff knows to be interested in obtaining an approval under this section. Given this, the Planning Commission should take the following actions.

First, we request that the Planning Commission recommend denial of this text amendment and instruct staff to do a proper planning process to determine the potential impacts of eliminating subsection (B)(3), including directly engaging those whom this amendment may affect. This will allow all stakeholders to also work with DLCDC to see if the median gross annual sales test can be improved or otherwise streamlined to make it more user friendly.

Second, we request that if the Planning Commission does not decide on June 7 to recommend denial, that it continue the hearing on this matter to the next scheduled Planning Commission meeting to allow my client time to gather more facts regarding this proposed change and begin preparing a new dwelling application.

Thank you for your consideration of this testimony.

Best regards,



Garrett H. Stephenson

GST:jmhi
Enclosure

cc: Mr. Scott Reed (*via email*) (*w/enclosure*)

PDX\131873\229292\GST\31000245.1



Carol Johnson <carol.johnson@multco.us>

RE: Gross sales study

1 message

Howard, Gordon <gordon.howard@state.or.us>

Fri, Apr 16, 2021 at 5:16 PM

To: Carol Johnson <carol.johnson@multco.us>, "Howard, Gordon" <gordon.howard@state.or.us>, "Foote, Hilary" <hilary.foote@state.or.us>, "Donnelly, Jennifer" <jennifer.donnelly@state.or.us>

Yes. Have a great weekend!

Gordon

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Carol Johnson <carol.johnson@multco.us>

Date: 4/16/21 4:26 PM (GMT-08:00)

To: "Howard, Gordon" <ghoward@dlcd.state.or.us>, "Foote, Hilary" <hfote@dlcd.state.or.us>, "Donnelly, Jennifer" <jdonnelly@dlcd.state.or.us>

Subject: Re: Gross sales study

Hello Gordon,

Thank you for responding so quickly. I was told that you had previously been in our long range section, and you are correct in the fact that those area plans have not been updated. I would love to convince our elected officials to support some additional positions in our long-range division so that we can do more community based planning.

I am checking for understanding of your response, so please let me know if I am understanding correctly. Technically, the County did not need DLCD review and approval of our Potential Gross Income study, and as such we can use that 2014 study for our anticipated application while we work as quickly as possible to delete this provision from our code. Am I understanding correctly?

Thank you,
Carol

Carol Johnson, AICP

Land Use Planning Director

Multnomah County

Land Use Planning Division

1600 SE 190th Avenue, Suite 116

Portland, OR 97233

desk: 503-988-0218

mobile: 971-280-3743

carol.johnson@multco.us

pronouns: she/her/hers

----- Forwarded message -----

From: **Howard, Gordon** <gordon.howard@state.or.us>

Date: Fri, Apr 16, 2021 at 3:37 PM

Subject: RE: Gross sales study

To: Carol Johnson <carol.johnson@multco.us>

Cc: Foote, Hilary <hilary.foote@state.or.us>, Donnelly, Jennifer <jennifer.donnelly@state.or.us>

Hi Carol, I hope to meet you some day. You may know that I worked as a planner for Multnomah County back many, many years ago, from 1993 to 1997! I was the project manager for the Sauvie Island/Multnomah Channel, West Hills, and East of Sandy River Rural Area Plans, which may or may not have been updated since then.

Regarding your question, as I read our rules in OAR 660-033-0135 there isn't any provision for us to "authorize" your use of the OSU extension report information – the language in the rule says to use the "most recent" information, which now dates back to 2012. I believe that our previous farm and forest specialist was unofficially "authorizing" use of the method, and given the fact that it is stale and getting staler, we would recommend that you not use the method and remove the methodology from your development code provisions for farm dwelling applications. But I see no reason why you can't use the methodology set forth in your current code to consider a farm dwelling application until you remove the language from your code.

Given the fact that Oregon State University is no longer compiling this data, we will be looking at the possibility of removing this methodology from our existing administrative rules within the coming year, which would make continued presence of it in your code non-operational. So I would recommend that you go ahead and remove the methodology from your existing code as soon as is feasible.

Gordon Howard

Community Services Division Manager

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540 | Cell: 503-856-6935 | Main: 503-373-0050

gordon.howard@state.or.us | www.oregon.gov/LCD



From: Carol Johnson [mailto:carol.johnson@multco.us]

Sent: Friday, April 16, 2021 9:35 AM

To: Howard, Gordon <goward@dlcd.state.or.us>

Subject: Fwd: Gross sales study

Hello Gordon,

I haven't had the pleasure of making your acquaintance yet. I started at Multnomah County on December 31st of 2019, and 2 1/2 months later we all know what happened. As a result, I haven't been able to get to know the extended planning community in Oregon.

I really value the work that Hilary and Jennifer do to support us here in Multnomah County. I am dealing with a time sensitive issue that is somewhat explained in the email below. At Hilary's suggestion, I reached out to David Losh at USDA about identifying the equivalent data that used to be provided in Report 790. He shared that his program has been impacted by budget cuts and he does not feel that he is able to meet the requirements stated in the OAR.

<https://mail.google.com/mail/u/0?ik=0aa24b317a&view=pt&search=all&permthid=thread-a%3Ar-8750381213660786310%7Cmsg-f%3A169724460123...> 2/9

I am wondering who at DLCDD might be able to address the request I made to Hilary that the 2014 study prepared by Multnomah County be reauthorized for a one time use by the applicant who has been waiting to submit? We will be processing a code amendment to delete this discretionary provision, but we won't have completed that process before the applicant is able to submit. Would you be able to make this decision?

Thank you,

Carol

Carol Johnson, AICP

Land Use Planning Director

Multnomah County

Land Use Planning Division

1600 SE 190th Avenue, Suite 116

Portland, OR 97233

desk: 503-988-0218

mobile: 971-280-3743

carol.johnson@multco.us

pronouns: she/her/hers

----- Forwarded message -----

From: **Carol Johnson** <carol.johnson@multco.us>

Date: Mon, Mar 29, 2021 at 5:10 PM

Subject: Fwd: Gross sales study

To: Hilary Foote <hilary.foote@state.or.us>, Jennifer Donnelly <jennifer.donnelly@state.or.us>

Hi Hilary and Jennifer,

Multnomah County is mapping out a timeline for the deletion of the discretionary approval of a farm dwelling on non-high value soils which is codified in Multnomah County Code 39.4265(B)(3) as well as OAR 660-33-135(3). As I stated in my email of last Tuesday, we have a potential applicant that may submit an application before we are able to process the amendment.

As I shared in that email, since OSU Extension stopped publishing Report 790 in 2012 and with funding changes made at the federal level, it is no longer possible to produce the potential gross income test in compliance with OAR 660-33-135(3). As a result, I would like to know whether DLCDD would reauthorize the use of our previous study which includes the five year average of 2012, 2011, 2010, 2009 and 2008 in the event we receive such an application? This would be with the understanding that this would only be valid for one year while we delete this provision from our code.

Thank you,

Carol



OREGON

Department of Land Conservation & Development

OREGON FARM & FOREST LAND USE REPORT

2018 –2019

EXHIBIT H.3
PC-2021-14207



November 15, 2020:



OREGON

Department of
Land Conservation
& Development



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APPENDIX

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Introduction

For nearly half a century, Oregon has maintained strong policies to protect our farm and forest lands. The state legislature adopted governance in the early 70's calling for the preservation of a maximum amount of the limited supply of agricultural land in order to sustain the agricultural economy and ensuring forest resources remain available for timber harvest, wildlife habitat, natural resource values and recreation.



The main tool for carrying out these policies is the statewide land use planning program. Oregon's Land Conservation and Development Commission (LCDC) sets standards and criteria for protecting these resource lands. Counties then apply these state requirements through local comprehensive plans and land-use ordinances. Under this system, all 36 counties in Oregon have adopted planning and zoning measures to protect agricultural and forest lands.

Vibrant farm and timber economies require critical masses of resource land be maintained. When residential development or other non-resource uses encroach into these areas, a downward cycle of conversion leads to increased conflicts between farm and forest practices and rural residents, as well as increased risk for wildfire and pressures on diverse wildlife.

Oregon provides persuasive evidence that zoning has been able to protect large areas of land from conversion to other uses, particularly sprawling residential subdivisions. The comparison to other parts of the country is 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 and forestlands to other uses and encroaching into the wildland-urban interface.

In the past, conversations around working lands preservation have primarily focused on constraining urban sprawl. There is a growing concern within working lands preservation communities about trends in increasing low-density rural residential development. A report published this summer by the American Farmland Trust (AFT) recognizes that increased low-density residential development in agricultural areas results in actual conversion of farmland to other uses. AFT estimates that roughly half of the farmland conversion in Oregon between 2001 and 2016 was due to low-density residential development. This happens even while land remains under exclusive farm use zoning. This report contains detailed data on those non-farm and non-forest uses that have been permitted on lands designated as working resource lands.

This report provides information on the background and structure of the Goal 3 (Agricultural Lands), and Goal 4 (Forest Lands), components of the land use program; reports data on applications approved and denied for certain land uses in exclusive farm use (EFU) and forest zones; and highlights challenges and emerging issues pertaining to the protection of agricultural or forest land. Careful consideration of this information can provide insight into:

- How well our program is working relative to the original goals established for it,
- How new data and information could be used to enhance the program,
- How we can respond to challenges facing the program, and
- How the program might be adapted to respond to emerging issues like climate change adaptation and mitigation.



Reporting of County Land Use Decisions

Oregon Revised Statutes (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.”

The Department of Land Conservation and Development (DLCD or department) receives county land use decisions in EFU, forest and mixed farm-forest zones. This report summarizes the information provided by the counties for the two-year period from January 1, 2018 through December 31, 2019. 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. Detailed, county-level data tables are included here in the appendix and statewide summaries are included in the body of the report. In addition, the report provides information on the acreage rezoned out of farm and forest zones to urban and rural zones in this same time period. Additional graphs, tables, and maps provide historic data on development trends and land conversion of farm and forest land to other uses. Finally, this report also includes data on county land use decisions in farm and forest zones that are based on waivers to state and local land use regulations under Ballot Measures 37 and 49.

Use of this Report

The department uses the collected information to evaluate the extent and location of development, partitions, and zone changes on farm and forest lands. This information is used to continually assess the effectiveness of farm and forest programs in implementing Statewide Planning Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). 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.



I. Oregon’s Agricultural Land Protection Program: Planning for the agricultural economy

As expressed in the statutory Agricultural Land Use Policy, 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 finite land resource that is the foundation of one of its leading industries – agriculture. Agriculture is the second largest sector of Oregon’s economy contributing directly and indirectly \$12.12 billion in taxes, \$29.71 billion in wages and over 680,000 jobs (ODA 2020).

2017 USDA NASS Highlights for Oregon

- 37,616 Farms in Oregon
- 1,664,921 acres of irrigated land
- \$5 billion market value of products sold

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 counties to identify and inventory agricultural land, apply statutory EFU zones (ORS Chapter 215) to those lands, and review applications for farm and non-farm uses according to statute and administrative rule (OAR chapter 660, division 33). These provisions also incorporate statutory minimum lot sizes and standards for all land divisions.

Oregon’s Agricultural Land Use Policy

ORS 215.243 Agricultural Land Use Policy

- (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
- (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.
- (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
- (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.



Oregon's Agricultural Land Use Policy was first established by the Oregon Legislature in 1973 with the enactment of SB 101, the partner bill to the Land Conservation and Development Act (SB 100), and is codified at ORS 215.243. It pre-dates the adoption of Goal 3 and is included therein by reference.

There are four basic elements to the policy. This first two parts of the policy recognize the benefit of farmland preservation to the agricultural economy and also its physical, social and aesthetic contributions to all people of the state in both urban and rural communities. It acknowledges agricultural land as a limited natural resource and as an asset to the public. In other words, the policy acknowledges that ***private farm land has significant public value beyond the economic contribution of the agricultural sector and the security of food supply.***

Some of those public values are less tangible, such as the imaginal contribution of the farm-scape to our sense of landscape identity - or the 'open air' and 'room to breathe' that attract recreationists to our countryside. Other public values are more concrete and have been the subject of growing public discourse such as the potential for carbon sequestration - particularly on managed rangeland.

While the first two policy statements clearly set forth the state's interest in the preservation of agricultural lands, the later statements establish that:

- Imposing limitations on uses allowed on agricultural lands are justified in order to prevent the conflicts and negative outcomes which are the typical topics of many of our land use reviews, and
- Certain incentives and privileges (i.e. special tax assessment) are justified because of those limitations placed upon the use of the land.

Farmland Taxation in Oregon



In Oregon, all land zoned EFU automatically receives special tax assessment at its farm use value rather than at its true cash or "highest and best use" value, unless it is explicitly disqualified. The tax laws enabling this special assessment, laws establishing areas of eligibility and the criteria for eligibility pre-date the Land Conservation and Development

Act by over a decade. Between 1961 and 1973 the special farm assessment program evolved from a voluntary, incentive-based program available in a few areas of the state to a consistent, statewide program that requires the protection of agricultural land through zoning restrictions with reciprocal tax benefits. EFU landowners receive financial compensation in the form of reduced property tax in exchange for the restrictive land use limitations imposed by the EFU zone. The structure that has been in place since 1973 is a compensatory tax program linked to the land use program.



Over the years there have been efforts to quantify the tax benefit owners of EFU land have received. A 2015 report by the American Land Institute estimates the program has resulted in a total \$5.75 billion of compensation in the form of reduced property taxes in the forty-year period from 1974 to 2014. As discussed further below, when the program was established, only six nonfarm uses were allowed in the EFU zone. Since the inception of the program, the legislature has added additional allowed uses on farmland almost every legislative session. There are now over 60 nonfarm uses allowed in the exclusive farm zone. As we consider how the program has evolved over the past 47 years and how successful we have been in achieving the farm land policy goals set by the legislature, it is also important to keep in mind the incentives and privileges the state has afforded owners of rural lands to hold such lands in restrictive exclusive farm use zones.

What and where are our Agricultural Lands?

Oregon boasts a diverse landscape supporting a variety of agricultural activities. As reported in the 2017 Census of Agriculture, over 220 high-quality agricultural products are produced in the state. The top commodities produced reflect that diversity ranging from cattle and calves, hay, grass seed, milk, wheat, wine grapes, blueberries, hazelnuts, nursery products and Christmas trees. Important agri-clusters are located in all areas of our state.

Agricultural Lands Definition

- 1) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;
- 2) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and
- 3) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed.

For land use purposes, the definition of “Agricultural Lands” subject to statewide planning Goal 3 is primarily based on Natural Resource Conservation Service (NRCS) soil capability ratings. Our program relies on objective, scientific field data in determining what is inventoried as agricultural lands rather than subjective and changeable trends in the agricultural economy or metrics of profitability which are dependent on the particular skills of individual operators and market conditions. Basing our definition of agricultural lands on soils classifications acknowledges that long term resource decisions should not be based on short-term conditions, or to put it other words, individual circumstances such as profitability should not be the basis for long-term resource preservation decisions.



In recognition of the difference in our regional landscapes and unique needs of the variety of farm industries, the definition also encompasses other soil classes as needed based on fertility, climatic conditions, availability of water, land use patterns and farming practices. This allows for a broader definition of agricultural lands subject to Goal 3 in keeping with the individual characteristics, vision and needs of local communities.

Lastly, consistent with the Agricultural Land Use Policy’s focus on preserving fully functioning agricultural landscapes, the definition of Agricultural Lands is also meant to include lower capability lands that are interspersed within a cohesive working landscape.

By 1985, all 36 counties had completed their agricultural land inventories based on this definition and the procedures set forth in rule. Counties applied Exclusive Farm Use (EFU) zoning to all inventoried agricultural lands. At that time approximately 16.1 million acres were protected under the EFU zoning designation. Today, 99% of that land remains under the EFU zoning designation. The section on land conversion below addresses other metrics that might be used to evaluate trends in farmland conversion in the state.

Classification of Agricultural Lands: Over the life of the land use program, the State Legislature has added several definitions to statute and rule influencing how agricultural lands are prioritized relative to other development opportunities. Newer definitions for priority – or “high-value” farmland are more inclusive and rely on more current data. As noted above, the foundation for farm land inventories was based on scientific data. Our evolving understanding of the importance of agricultural soils should be informed by technical experts and current data.

“Man – despite his artistic pretensions, his sophistication, and his many accomplishments – owes his existence to a six inch layer of topsoil and the fact that it rains.”

— Paul Harvey

Further classification of designated agricultural lands is required to address criteria under certain land use reviews. Certain land use reviews may require evaluation of the land relative to one of several different definitions for high-value farmland¹, or to definitions for arable land, land suitable for the production of farm crops and livestock, or non-arable land. Land categorized under certain definitions may not be eligible for certain uses or may require additional standards be met. All of these exercises depend fundamentally on soil capability classifications published by NRCS, though the definition may refer to the dataset as it existed at a certain date in time.

The Oregon Legislature originally created the definition of high-value farmland at ORS 195.300(10) for use in review of Measure 49 claims and it was later referenced in a few other review types. The definition at 195.300(10) goes beyond the more basic soils capability definition in rule to include things like suitability for viticulture use; evaluation of access to irrigation water or drainage infrastructure and other metrics in determining if the land should be considered particularly important for agriculture. This is an example of how the Goal 3 program has been updated, albeit in a limited way, to account for advances in data availability; external or environmental constraints on irrigation potential; and evolving social perceptions

¹ ORS 215.710, ORS 195.300, OAR 660-033-0020(8)



of value. ***The way in which we prioritize our agricultural lands for better protection is a topic that merits regular consideration.***

Exclusive Farm Use Zones

Agricultural lands in Oregon are meant to be protected from conversion to rural or urban uses and other conflicting non-farm uses through the application of EFU zoning. At present, about 16 million acres in Oregon are protected under EFU zoning. The Legislature first developed the EFU zone in 1961 and the statutory zoning provisions are codified in ORS Chapter 215 as interpreted and refined by LCDC rulemaking. State law protects and encourages farm use within the EFU zone. In addition to farm use, the statutes allow for a variety of accessory farm uses and nonfarm uses provided they are compatible with agriculture. Large minimum lot sizes and dwelling approval standards limit the outright conversion of farmland to other uses.



Local jurisdictions do have some discretion in how state statute and rule are reflected in local zoning ordinance provisions and local jurisdictions craft many of the standards and criteria associated with specific uses to recognize regional differences.

- Counties may not impose more restrictive standards on those uses allowed outright in statute, like farming itself or farm stands, and they cannot regulate farm or forest practices², such as herbicide application, on resource lands. However, for discretionary uses like campgrounds that require a demonstration of compatibility with surrounding farm and forest practices, counties may adopt more restrictive standards than those in statute,
- Some uses and standards are mandatory and some are optional, meaning that a county wanting to implement those optional use provisions must adopt them into its local ordinance,
- Certain uses, like guest ranches, are allowed in some areas of the state and not in others,
- Other uses (e.g. nonfarm dwellings) apply different standards and criteria depending on where in the state they will be located.

This flexibility recognizes that municipal and county governments are in the best position to assess local conditions and needs within the regulatory framework established by the state. As a result, county farm use zoning ordinances vary widely across the state.

² ORS 215.253, “Restrictive local ordinances affecting farm use zones prohibited; exception. (1) No state agency, city, county or political subdivision of this state may exercise any of its powers to enact local laws or ordinances or impose restrictions or regulations affecting any farm use land situated within an exclusive farm use zone established under ORS 215.203 or within an area designated as marginal land under ORS 197.247 (1991 Edition) in a manner that would restrict or regulate farm structures or that would restrict or regulate farming practices if conditions from such practices do not extend into an adopted urban growth boundary in such manner as to interfere with the lands within the urban growth boundary. “Farming practice” as used in this subsection shall have the meaning set out in ORS 30.930.”



Farm Ownership and Operations

Although the land use program does not directly bear on certain factors which influence the agricultural economy and who owns and manages agricultural lands (succession planning, economic viability, access to capital), the topic of ownership is important as owners decide whether to maintain land in commercial farm use or press to develop the property for non-farm uses. As ownership of farmland evolves over generations, we can anticipate that pressures on the land use program will also evolve.

White only	93.99%
Hispanic, Latino, or Spanish Origin	2.88%
More than one race reported	1.12%
American Indian or Alaska Native	0.91%
Asian	0.90%
Native Hawaiian or Other Pacific Islander	0.13%
Black or African American	0.07%
<i>USDA NASS. Selected Farm Characteristics by Race of Principal Producers: 2017</i>	

Approximately 84 percent of Oregon’s farms are family owned and operated (USDA, 2017). This may be changing. A Portland State University study found that less than half of all buyers of farmland between 2010 and 2016 had a clear connection to agriculture with many buyers focused on estate/property development, investment (such as national and international investors), or manufacturing (requiring eventual conversion away from working farmland) (Horst, 2018). Farmland is particularly vulnerable to conversion to other uses when an experienced operator retires and may be looking for ways to realize the equity he or she has accrued in the land. The average age of Oregon farmers is 57.9 years old and has been increasing over the past decade. Sixty-four percent of Oregon’s farm operators are over the age of 55 (USDA, 2017). This presents challenges in conveying land to the next generation of farmers and highlights the need for farm succession planning. Retirements over the next several decades will require the conveyance of over 10 million acres (64 percent) of Oregon’s agricultural land (Brekken et al, 2016). Given the trend towards buyers without a connection to agriculture, this changing of hands presents a challenge for continuity of operations.

Average Age of Oregon Farm Producers 2007 -2017 (USDA 2017)	
2007	55.3
2012	57.4
2017	57.9

Climate impacts, adaptation and carbon sequestration

Oregon’s farms and ranches will experience significant adverse impacts from climate change.			
Increased average temperature	Shifting growing season & climatic zones	Drought	New pests and invasive pressure
Changes in precipitation and snowpack (amount and timing)	Increased CO2 concentrations (fertilization effect)	Changes in irrigation needs and water supplies	New pathogens
Decrease in chilling days	Wildfire	Increased heat stress	Flooding
(Oregon Climate Change Adaptation Framework 2010)			

Climate-related changes in temperatures and precipitation patterns compound and alter pest pressures, crop maturation, and livestock productivity. Oregon’s agriculturalists are already experiencing increased disturbances from pest-related losses, prolonged drought, and changing growing seasons (Oregon Climate Change Adaptation Framework 2010). Of particular concern are the projected impacts to availability of irrigation water. Oregon’s limited water supplies are already being stressed by climate and population



changes (Mucken, 2017). Reduced availability of water will affect irrigators without first priority water rights, change water supply planning in many basins, and proposals for surface water storage may increase (Oregon Climate Change Adaptation Framework 2010). Irrigated agriculture is a primary economic driver in Oregon, so without careful planning strategies to mitigate water-related impacts, the economy may suffer.

Productive agricultural lands can also serve as a sink for the absorption and sequestration of greenhouse gasses back into both plants and soils in the form of carbon. Practices contributing to the maintenance of soil health are key to this aspect of agriculture’s contribution to climate solutions. However, adoption of land use regulations limiting farm practices are prohibited by statutes (ORS 215.253). The responsibility for regulation of farm practices falls to other state agencies. Oregon State University is currently engaged in collaborations to develop a set of nationally adopted soil health metrics, process samples,



and develop a database that can establish a baseline of soil health for the state³. The Oregon Department of Agriculture, NRCS and Oregon State University all engage in efforts to provide support and resources for soil health including voluntary incentives for practices related to climate mitigation. As mentioned above, Oregon’s land use program relies heavily on NRCS soil capability classifications in defining agricultural lands and high-value farmlands. DLCD remains interested in evolutions in soil health metrics as they relate to definitions and valuations of farmland for the state.

One also cannot overlook the role other aspects of our land use planning program play in ensuring sufficient lands are designated for rural commercial and rural industrial uses and are available for critical food infrastructure like co-packing plants and livestock processing facilities which will help reduce transportation miles, create jobs through localized economic networks in our rural communities, and help keep agricultural land in agricultural production – all of which contribute positively to the climate mitigation strategies.

³ Oregon State University College of Agricultural Sciences Central Analytical Laboratory Soil Health Initiative.



II. Land Use Approvals on Agricultural Land

Dwellings

ORS 215.243 Resource Land Dwelling Policy

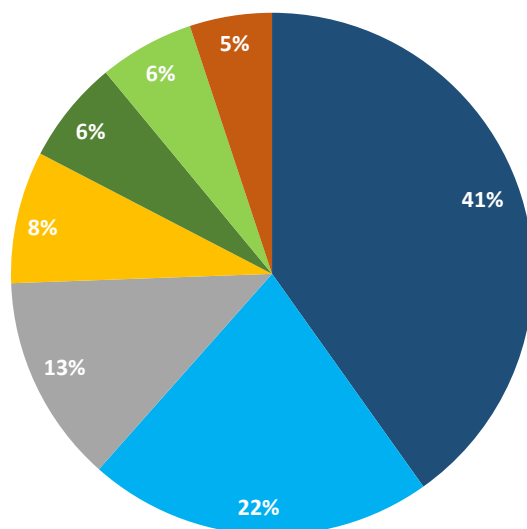
The Legislative Assembly declares that land use regulations limit residential development on some less productive resource land acquired before the owners could reasonably be expected to know of the regulations. In order to assist these owners while protecting the state’s more productive resource land from the detrimental effects of uses not related to agriculture and forestry, it is necessary 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 upon the state’s more productive resource land.

The EFU zone allows for the development of a variety of dwelling types on agricultural land. These dwelling types generally fall into two broad categories – those permitted for farm owners (and relatives helping in farming) and farm workers (including relatives assisting in the farm operation), and those that are not associated with an active farm use on the property. The statutory policies related to housing on resource land included in ORS 215.262, 215.277 and 215.700 indicate that it was the intention of the legislature that a limited number of dwellings be permitted on less productive resource land and that farmworker housing be allowed as long as it is consistent with the State’s agricultural land use policy discussed above.

Fig. 1, EFU dwelling approvals by type, 2018-2019

- Replacement Dwelling : 41%
- Nonfarm Dwelling : 20%
- Temporary Health Hardship Dwelling : 13%
- Primary Farm Dwelling : 8%
- Accessory Farm Dwelling : 7%
- Relative Help Dwelling : 6%
- Lot of Record Dwelling : 5%





Primary Farm Dwellings

Primary farm dwellings are dwellings that are permitted in conjunction with a working farm operation. There are several ways in which a farm operator may apply to place a primary farm dwelling on agricultural land. All of these tests require that the dwelling only be occupied by the farm operator and the operator’s immediate family, and all of these tests require documentation that a commercial farm use is being conducted on the property. Farming of marijuana cannot be considered as a qualifying farm use for the purpose of establishing primary or accessory farm dwellings. The income standards applicable to most of the farm dwelling tests were established in 1992 as clear and objective standards that would be easy for citizens to understand and for local jurisdictions to apply. These gross income requirements were not tied to any inflationary index and have not been revised since.

Table 1, Primary farm dwelling approvals, statewide summary, 2018 - 2019

Primary Farm Dwelling Tests	Summary of Test*	2018	2019
Large Tract Dwelling	On parcel 160-320 acres in size	25	10
Farm Income (High Value)	At least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years.	13	18
Farm Income (Non-High Value)	At least \$40,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years or the median amount of gross income earned by commercial farm operations in the 1992 census.	7	6
Farm Capability	At least as large as the median size of commercial farm tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area. Must be reviewed by DLCD.	2	1
Commercial Dairy**	Owns a sufficient number of producing dairy animals capable of earning the gross annual income required from the high value or non-high value income test - whichever is applicable, from the sale of fluid milk.		
Relocated Farm Operations**	An experienced farm operator who ran a qualifying operation at a different location may relocate to a parcel or tract that previously met the applicable requirements for the farm income test.		
<p><i>*The basic essence of the test is described here. All referenced tests have additional, nuanced criteria.</i> <i>** Reported under the high-value or non-high value tests above.</i></p>			

Although not required by rule or statute, some counties require covenants be recorded on the property limiting occupancy of the primary farm dwelling to a primary farm operator and the operator’s immediate family in order to increase the likelihood of continued compliance with that requirement.



The total number of primary farm dwelling approvals statewide have declined since 1995 though over the past decade the annual number of approvals have remained fairly consistent between 35 – 50 dwelling approvals a year. Table 1 above shows what option was used to approve primary farm dwellings during the 2018-2019 biennium. Forty-two percent of approvals in 2018-2019 were based on the large parcel size test and were approved in southern or eastern Oregon. Thirty-eight percent of approvals in 2018-2019 were based on the high-value income test and over 75% of those approvals occurred in the Willamette Valley. Appendix Tables 2 and 3 contain detailed information on primary farm dwelling approvals.

Accessory farm dwellings

ORS 215.277 Farmworker housing; compliance with agricultural land use policy required

It is the intent of the Legislative Assembly that the provision of farmworker housing, as defined in ORS 215.278, not allow other types of dwellings not otherwise permitted in exclusive farm use zones and that farmworker housing be consistent with the intent and purposes set forth in the agricultural land use policy.

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 order to increase the likelihood of continued compliance with the occupancy requirement, some counties require covenants be recorded on the property limiting occupancy of the dwelling to a person who is principally engaged in farm use and whose assistance is required by the farm operator and their immediate family.

Table 2, Accessory farm dwelling approvals, statewide summary, 2018 - 2019

Accessory Farm Dwelling Tests	Summary of Test*	2018	2019
Accessory Farm Dwelling	Occupied by a person employed as a farm worker on the operation. Sited on a farm operation that earns the same gross income required for a primary farm dwelling (\$80,000 or \$40,000)	30	34
Relative Help	Occupied by a relative of the farm operator who whose assistance is required in the management of farm operations.	31	28
<i>*The basic essence of the test is described here. All referenced tests have additional, more specific criteria.</i>			

Relative Farm Help Dwellings

The number of dwellings approved for relatives whose assistance is needed on the farm has been fairly consistent over the past six years averaging 30 dwelling approvals a year. A concern with this dwelling type is that, once built, there is no requirement that it continue to be occupied by a relative or even that it will continue to be used in conjunction with farm use. Although not required by rule or statute, some



counties require covenants be recorded on the property limiting occupancy of the dwelling to a relative of the primary farm operator whose assistance is needed in the day-to-day operation of the farm in order to increase the likelihood of continued compliance with that requirement.

Dwellings Not in Conjunction with Farm Use

Table 3, Dwellings not in conjunction with farm use, statewide summary, 2018-2019

Dwellings Not in Conjunction with Farm Use	Summary of Opportunity*	2018	2019
Nonfarm Dwelling	Located on a parcel or portion of a parcel not suitable for resource use and when the dwelling will not materially alter the surrounding land use pattern or negatively impact surrounding farm and forest practices.	115	92
Lot of Record Dwelling	Located on a parcel owned continuously since 1985 or inherited from someone who owned the parcel continuously since 1985.	29	22
Temporary Health Hardship Dwelling	Located on a parcel with an existing dwelling for a caregiver or person suffering a medical hardship.	65	64
Replacement Dwelling	Allows the replacement of a legally established dwelling.	213	189
<i>*The basic essence of the test is described here. All referenced tests have additional, more specific criteria.</i>			

Nonfarm Dwellings

Nonfarm dwellings may be approved on parcels or portions of parcels that are determined to be unsuitable for farm use. They have engendered much debate due to the subjectivity and complexity of the test. The Oregon Court of Appeals observed in *Cherry Lane v. Jackson County*⁴ that these types of nonfarm dwelling approvals should “be the exception and that approval for them be difficult to obtain.”

Except in the two “marginal lands” counties (Washington and Lane),⁵ nonfarm dwelling reviews are quite involved, requiring a county to consider resource practices, prior development approvals, development and parcelization trends, and the cumulative impact of all possible new nonfarm dwellings and parcels in a 1,000 to 2,000-acre study area in order to determine if the proposed nonfarm dwelling may alter the stability of the prevailing land use pattern. A county must deny an application if the county determines that the potential dwellings will make it more difficult for the types of farms in the area to continue

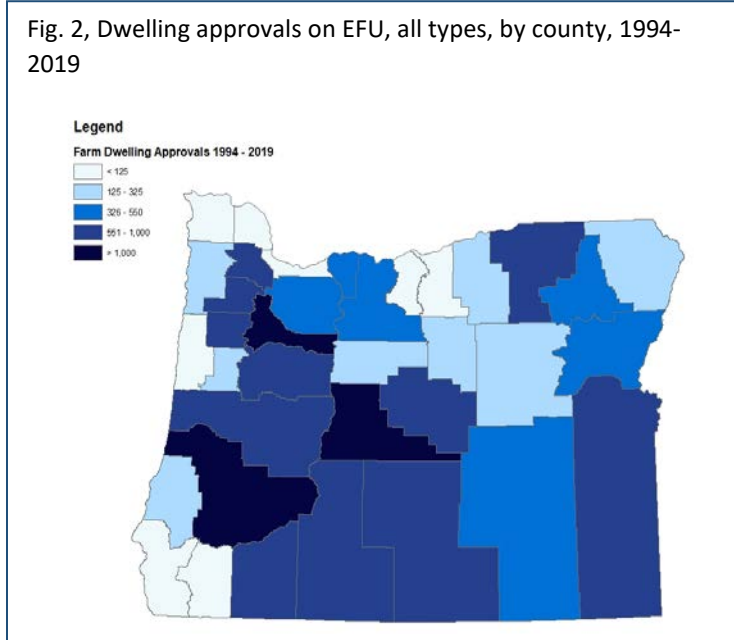
⁴ 84 Or. App. 196, 733 P.2d 488 (1987).

⁵ “Marginal lands” are lands that Oregon Law authorized under previous versions of Oregon Revised Statutes as an optional regulatory method. The Legislature repealed the statutes authorizing marginal lands in 1993, but allowed two counties that had chosen this regulatory method, Lane and Washington, to continue with its use.



operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area. A particular challenge with this review is determining when the jurisdiction has encountered the proverbial “tipping point” for a given area – particularly when evaluating something as dynamic as the agricultural landscape.

As shown in Figure 4, the number of nonfarm dwelling approvals declined following 2008 and began to increase in 2011. Over the past five years the number of nonfarm dwelling approvals has been fairly consistent – averaging 105 dwelling approvals a year. That is roughly equivalent to the combined average of primary farm dwelling and accessory farm dwelling approvals over the same five-year period (45 primary farm dwelling approvals/year and 65 accessory farm dwelling approvals/year). Appendix tables 4, 11 and 12 contain additional detailed information on nonfarm dwelling approvals over the past biennium and historically.



In 2010, the Legislature passed House Bill 3647, which required DLCD review of soil assessments, or soils challenges, prepared by a private soil consultant. Soil assessments prepared by private consultants may be used to provide more detailed information than is shown on the USDA Natural Resources Conservation Service’s soil mapping and are often used to support a nonfarm dwelling approval by re-classifying a portion of a property to a lower soils capability class. On average, DLCD receives 14 soils reports for review in a given year. One third of the requests received have been for properties in Douglas County, which is consistent with the higher number of nonfarm dwelling reviews in that county.

Lot of record dwellings

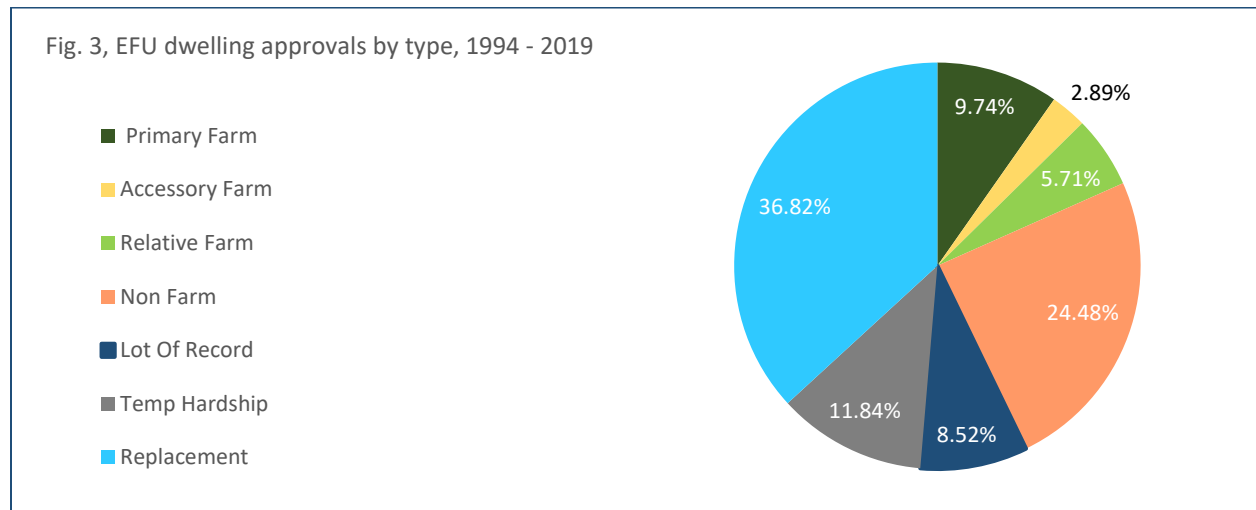
Counties may approve lot of record dwellings on parcels that have been in the same ownership since 1985 and, with some exceptions, are not on high-value farmland. It is anticipated that lot of record approvals will decline over time as existing parcels are built out or conveyed to separate ownership. In 2018-2019, 51 lot of record dwellings were approved. This is consistent with the 10-year average of 25 dwelling approvals per year. Appendix tables 1, 11 and 12 contain additional detailed information on lot of record dwelling approvals over the past biennium and historically.



Health hardship dwellings

These are temporary dwelling approvals for relatives with a medical hardship and must be removed at the end of the hardship. A health hardship dwelling must be sited in conjunction with an existing dwelling and tied into an existing sanitation system. DLCD does not track the removal of these dwellings when they are no longer needed.

During the two-year 2018-2019 reporting period, 129 health hardship dwellings were approved which is consistent with the 5-year average of 67 health hardship dwelling permits/year. Appendix tables 1, 11 and 12 contain additional detailed information on health hardship dwelling approvals over the past biennium and historically.

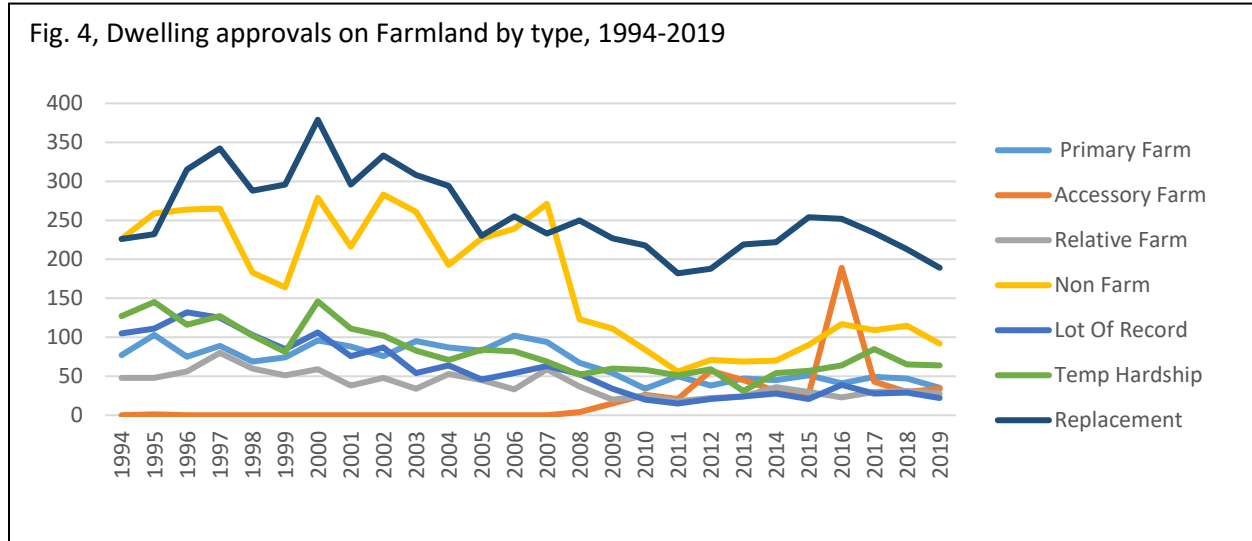


Replacement dwellings

A replacement dwelling is a new home that replaces any older, legally established dwelling on a parcel. These dwellings do not need to be associated with a farm operation. The legislature added new provisions to statute in 2013 and in 2019 which allow owners to obtain a replacement dwelling when the original dwelling no longer exists or is no longer assessed as a dwelling. This category accounts by far for the most number of dwelling approvals in the farm zone. The historical average for replacement dwelling approvals has remained fairly consistent over time at roughly 220 – 250 replacement dwelling approvals per year. Thirty-eight percent of dwellings approved for replacement were removed, 42 percent were demolished, and 10 percent were converted to non-residential use with 11 percent not specified. Appendix tables 11 and 12 contain detailed information on the number of replacement dwelling approvals over time.

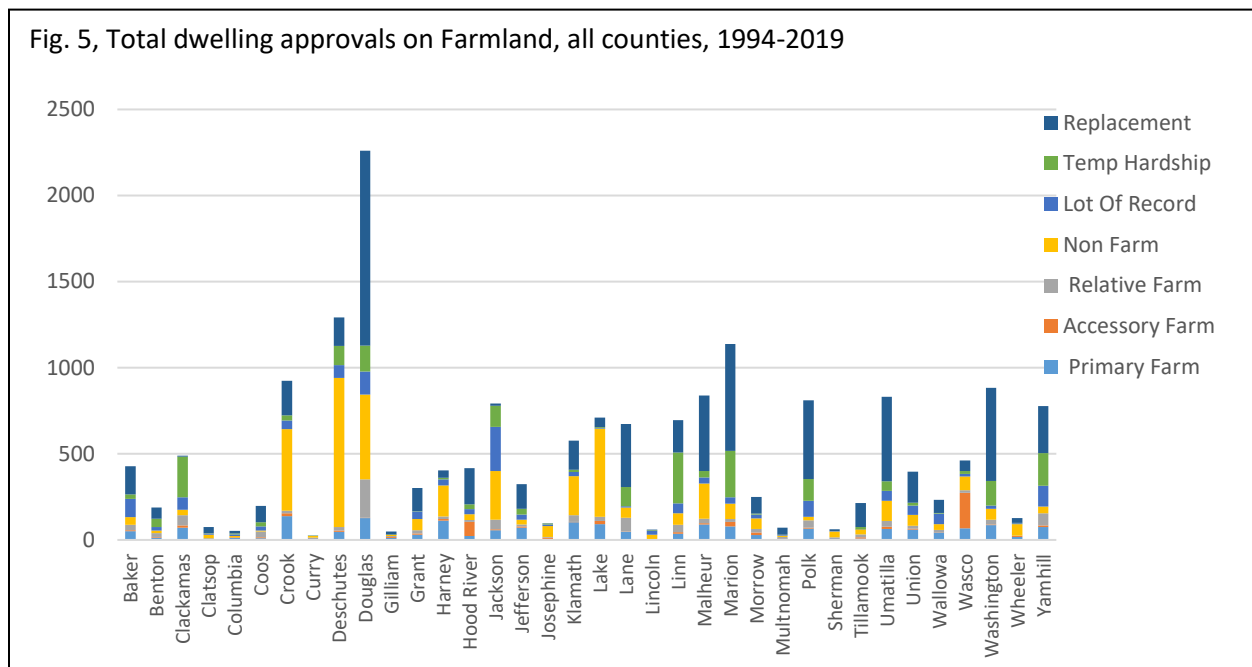


Cumulative Dwelling Approvals



Between 1994 and 2019, over 18,000 dwellings of all types were approved on farmland across the state.

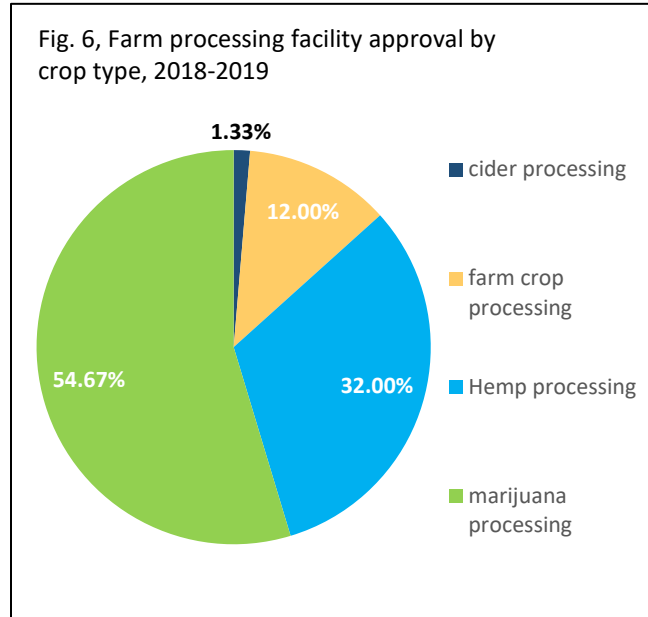
Figures 4 and 5 illustrate the number of dwelling approvals each year since 1994 for the different dwelling types. Detailed information on EFU dwelling approvals over this timeframe are provided in Appendix tables 11 and 12. Since 1994, only 18 percent of dwelling approvals on land zoned EFU have been approved in conjunction with farm use. Thirty-three percent have been nonfarm or Lot of Record dwelling approvals, 37 percent have been replacement dwellings - which may or may not be associated with a farm - and 12 percent have been temporary health hardship dwellings. **Since 1994, fewer dwellings associated with an operating farm have been approved on agricultural lands than other types of dwellings.**





Nonresidential uses

The Legislature has recognized that some farm-related and non-farm uses are appropriate in EFU and mixed farm-forest zones. The legislature has added additional uses almost every session since the inception of the program. In 1963, the first statutory EFU zone included just six nonfarm uses. Today over 60 uses other than farm use are allowed in an EFU zone. Nonfarm 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 nonfarm uses and dwellings assumes that farm zones can accommodate a certain number of nonfarm uses or dwellings without affecting the overall agricultural stability of an area.



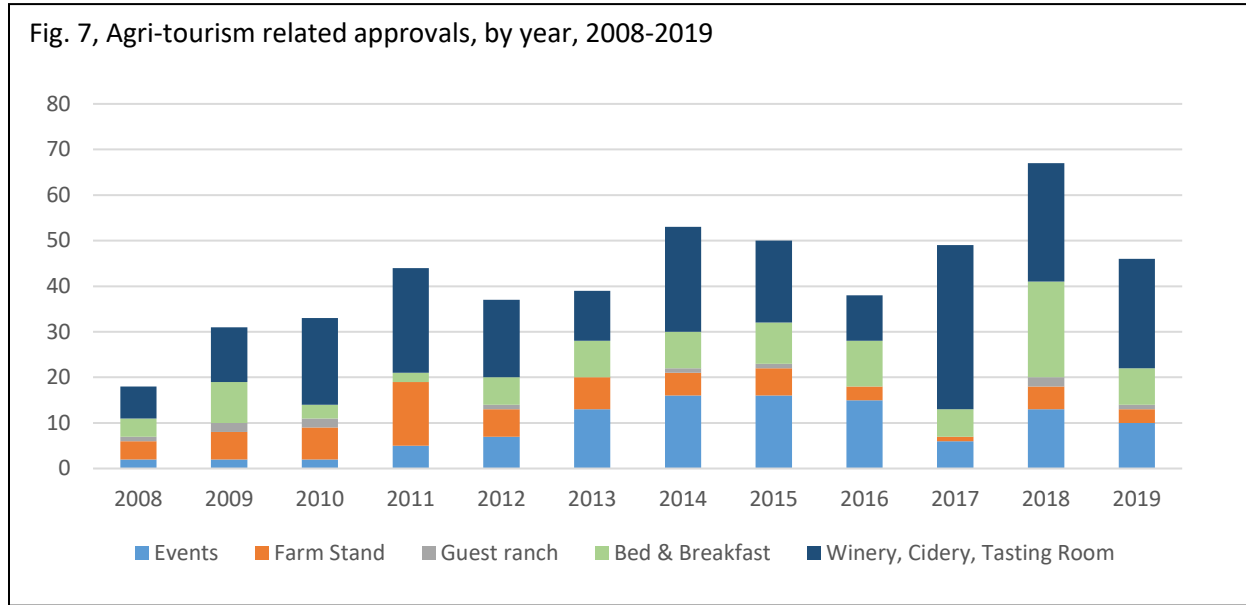
1,000 Friends of Oregon released a report over the summer of 2020, “Death by 1000 Cuts: A 10-Point Plan to Protect Oregon’s Farmland,” that contains a detailed analysis of conflicts and impacts to agriculture from the accumulation of nonfarm uses within working agricultural areas. Potential impacts to the agricultural economy can occur in a variety of ways: from lost time resolving conflicts with residential neighbors due to issues like noise, odors, spraying and trespass and traffic, to more landscape-level impacts that occur when the number of farms decline beyond a certain point. A certain critical mass of farm operations is required in a given area to maintain social networks that provide mentorship, provide opportunities for knowledge sharing, and maintain an informal economy (borrowing equipment or veterinary supplies). That critical mass of farmers is also required to support critical local service providers like diesel mechanics, feed stores and nearby facilities such as co-packing plants and meat processors.

As shown in Appendix table 5, the most commonly approved nonresidential uses in 2018-2019 were solar power generation facilities (59 approvals), home occupations (77 approvals), commercial activity in conjunction w farm use (51 approvals) and farm processing facilities (72 approvals). Renewable energy and agri-tourism related uses are discussed further below.

In 2014-2015, only nine farm processing facilities were approved statewide. The increase from 2016 through 2019 is largely related to marijuana and hemp processing facilities. In 2018-2019, thirty-one percent of commercial activities in conjunction with farm use and eighty percent of processing facility permits were reported as associated with marijuana or hemp processing.



Agri-tourism



Agri-tourism allows visitors to experience and learn about Oregon agriculture while providing additional income for farmers, and has been growing in popularity over the past decade. USDA reports \$16M in 2017 revenue earned from Oregon agri-tourism and recreational services (hunting, fishing, farm or wine tours, hay rides, etc.) (USDA NASS 2017). This represents an increase of 51% over 2012 revenues (\$10.6M). However the burgeoning industry has its share of controversy as operators and neighboring farmers negotiate a series of challenging conflicts, such as noise, litter, trespass, traffic, parking and spraying.

In addition to the potential for conflict with neighboring agricultural operations, there have been some concerns about the effect of events and the cumulative impact of multiple agri-tourism operations on farm practices. Many agri-tourism uses, like farm stands and farm-to-table dinner events, are allowed outright and are not required to address changes to farm practices or cost increases as part of the land use approval process.

There is no definition for agri-tourism in statute or rule and applications can encompass a wide variety of potential options including: u-picks, farm stands, wineries, cideries, breweries, guest ranches, farm-to-table dinners, corn mazes, commercial activities in conjunction with farm use, home occupations, bed and breakfasts, camping, classes, tastings, tours, concerts, festivals, etc. Many of the provisions related to agri-tourism opportunities are optional for counties to adopt into their ordinances, resulting in uneven application across the state.

Agri-tourism can provide an alternate stream of income that helps farmers and can promote awareness of locally produced food. However siting should occur under defined circumstances that address impacts to the neighboring agricultural area and ensure that the primary use of the property remains farm use rather than entertainment and tourism.



Figure 7 shows approvals of agri-tourism related uses from 2008 to 2019. Each of the categories summarized below might be permitted in a variety of ways. Approvals of “commercial activities in conjunction with farm use” can vary from agricultural trucking and processing operations to wine tasting rooms. Figure 7 only includes “commercial activities in conjunction with farm use” that are tourism oriented, such as tasting rooms. Agri-tourism events were added to the list of uses allowed on farmland following the passage of Senate Bill 960 in 2011. Event venues are also sometimes permitted as outdoor mass gatherings, at farm stands, wineries and cider businesses and occasionally as home occupations.

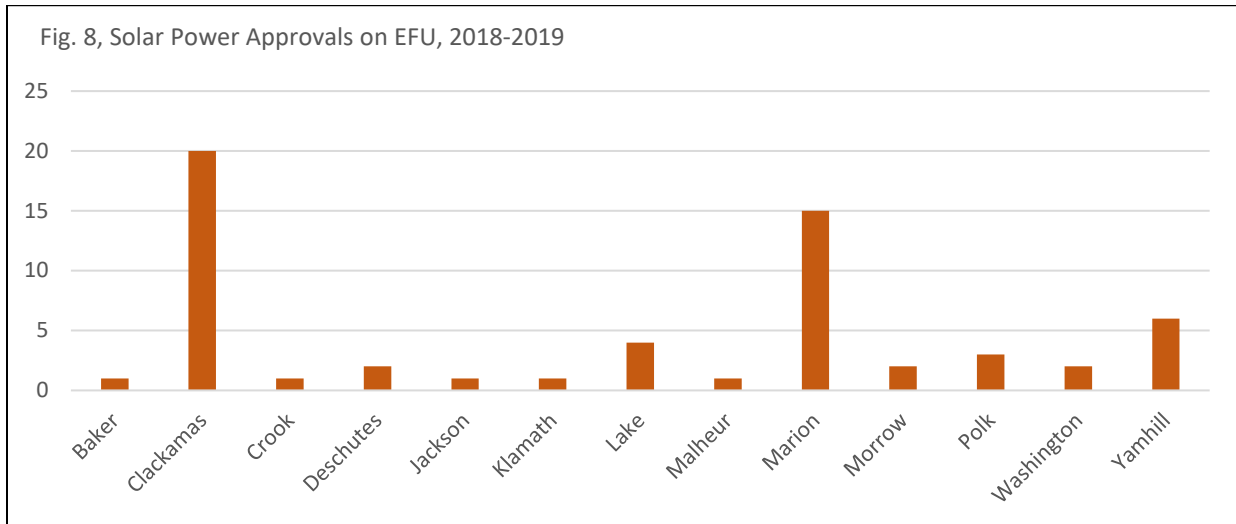
Overnight accommodation options on farmland can be permitted as room and board arrangements, home occupations and bed and breakfasts at wineries, breweries and cider businesses. Activities like product tastings can be permitted as agri-tourism events, home occupations, commercial activities in conjunction with farm use, and at farm stands, wineries, cider businesses and breweries.

Of the 77 home occupation approvals issued in 2018-2019, 44 percent were related to lodging or events venues. Thirty-three percent of approvals for commercial activities in conjunction with farm use in 2018-2019 were for alcohol production and tasting facilities. That is in addition to the thirty-one approvals issued in 2018-2019 for wineries with tasting rooms under ORS 215.452 and 215.453. **The use permits for agri-tourism related activities captured in Figure 7 above represent a quarter of the total non-residential use permits issued on agricultural lands in 2018-2019.**

Renewable Energy

Oregon has more than 3,400 megawatts (MW) of wind energy generation capacity, ranking tenth in the nation in installed wind energy capability (American Wind Energy Association, 2019). Many wind energy installations are located on farmland and are clustered along Columbia Gorge. The attraction of wind energy to the state is partly due to the large open farm landscapes free from conflicting uses that are made possible by EFU zoning.

Solar energy development is rapidly growing in Oregon. In 2020, Oregon’s installed solar capacity was 881 MW - almost double the installed capacity in 2017 (Solar Energy Industries Association, 2020). Many utility scale solar facilities are opting to locate on land zoned EFU due to proximity to high voltage powerlines and substations with interconnection opportunities, lower land acquisition or lease costs, availability of unobstructed sunlight, and ease of development due to flatter slopes.

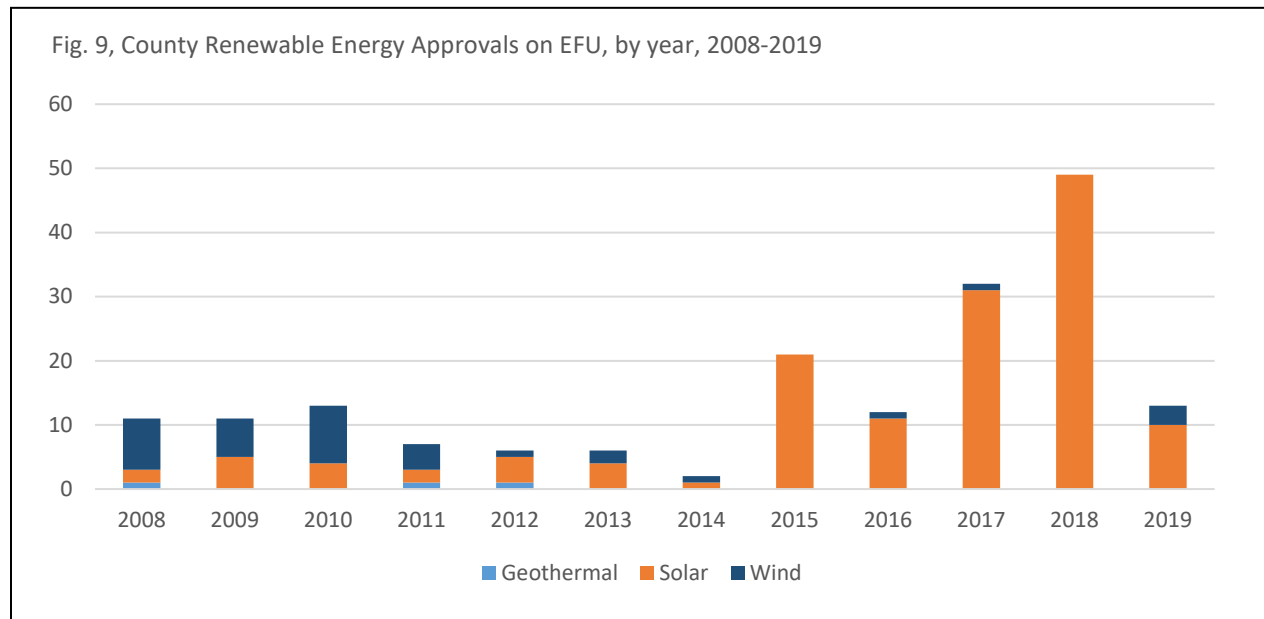


LCDC has limited the size of solar facilities on EFU with the goal of encouraging solar development on land that is the lowest capability for agricultural use rather than high-value farmland. Solar development in eastern Oregon tends to occur on larger parcels with less potential for agricultural use. In 2018-2019, 59 solar power project approvals were issued by local jurisdictions. There has been a sharp increase in the number of solar projects approved in the Willamette Valley on high-value farmland, specifically in Clackamas, Marion, and Yamhill counties. This is a continuation of a trend noted in the 2016-2017 Farm and Forest Report. In 2018-2019, 34 percent of the solar project approvals were issued by Clackamas County, 25 percent were issued by Marion County and 10 percent were issued in Yamhill County. Thirty percent of the approvals issued were for solar facilities exceeding 12-acres in size with the average project size reported as 70 acres. As shown in Figure 8, commercial solar approvals have been rising quickly compared to wind power approvals.

Renewable energy developers may also seek permit approval through the Oregon Energy Facility Siting Council (EFSC) under their standards for review. While facilities over a certain size are required to obtain site certificate approval from EFSC, other developers may choose to do so voluntarily. EFSC review criteria is somewhat different than review criteria in DLCD’s rules – particularly for Goal 3 exceptions. Since 2008, EFSC has issued nine Site Certificate approvals for solar and wind power projects involving Goal 3 exceptions under the Department of Energy’s Goal 3 exception process. As of November 1, 2020, EFSC currently has an additional seven solar projects under review requiring Goal 3 exceptions.



The rise in renewable energy production on farmland, together with new major transmission line corridors to bring that 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. At the same time Oregon is committed to the important role renewable energy development will play in addressing climate change and a balance is needed that affords renewable energy developers a degree of security in pursuing certain development sites over others while protecting our limited supply of working farmland for food production.



Land Divisions and Property Line Adjustments

Local governments approved 181 new parcels on farmland in 2018-2019. These numbers are consistent with the average over the past 5 years. New parcels created in each county are shown in Table 7.

Land divisions on farmland must meet the statutory minimum parcel 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 LCDC as adequate to protect existing commercial agriculture in an area.

State statute also provides several options for creating new parcels smaller than the required minimum parcel size. A county may authorize creation of up to two new nonfarm parcels (each containing a dwelling) if the new parcels are predominantly comprised of non-agricultural soils. In addition, counties may approve nonfarm land divisions for approved conditional uses on farmland. Counties may also approve substandard divisions along urban growth boundaries (UGBs).

In 2018-2019, 38 percent of land division approvals were for conditional uses or nonfarm dwellings. Forty-five percent of new parcels created on farmland were under 10 acres in size and 38 percent were over 80



acres in size. Some of these parcels were created for farm use in counties with reduced “go-below” minimum parcel sizes. The most common reported reason for partitions in 2018-2019 was to create a new parcel for a nonfarm dwelling. Appendix table 6 contains more detailed information on land division approvals in 2018-2019.

Property line adjustments

Property line adjustments are commonly employed for a variety of reasons. However, property owners may not use them to allow the approval of dwellings that would not otherwise be allowed. Many of the reported property line adjustments involve more than two tax lots. In 2018, 277 property line adjustments were approved and 284 were approved in 2019 for total of 561 property line adjustments. During 2016-2017 and 2014-2015, 632 and 593 property line adjustments were approved respectively.



III. Oregon's Forestland Protection Program

Statewide Planning Goal 4

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

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. Forestry products and services employ over 61,000 people directly in Oregon and are critical to Oregon's rural communities (OFRI, 2019). Oregon is the top producer of softwood lumber and plywood in the United States (OFRI, 2019).

Statewide Planning Goal 4 seeks to maintain Oregon's forests for tree harvesting in balance with the sound management of soil, air, water, fish, and wildlife resources. Healthy forests provide vital ecosystem functions and environmental, social, and economic benefits that people value: air, healthy soils capable of carbon storage, clean water, riparian areas, streams, wetlands and estuaries that enhance habitat for fish and wildlife. Investments in healthy ecosystems also provide recreational opportunities for those who live in and visit Oregon. Recreational opportunities and agriculture are also encouraged on forest land. Other uses allowed on forest land (e.g. dwellings) are limited and subject to standards that make them more compatible with forestry, agriculture, and the preservation of habitat and natural resources. Large minimum lot sizes are prescribed to help ensure land is used in accordance with the purposes of Goal 4.

Plans providing for the preservation of forest lands for forest uses must consider the carrying capacity of the air, land and water resources of the planning area. The land development actions provided for by such plans should not exceed the carrying capacity of such resources.

Forestlands

Oregon's forested landscape consists of a mosaic of land uses including working forests, conservation reserves, and those associated with human-dominated uses. Oregon is home to some of the world's most productive forests, ranging from dense Douglas-fir forests of the Willamette Valley and Coast Range to the high desert Ponderosa Pine stands in the Cascades and Blue Mountains. Forests cover over 30.5



“Forest lands” as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands include:

- (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and
- (b) Other forested lands that maintain soil, air, water and fish and wildlife resources.

million acres of Oregon, almost half of the state. Sixty percent of the forest land base, approximately 16 million acres, is owned and managed by the federal government under management plans for different benefits. The Oregon Department of Forestry (ODF) estimates that there are approximately 10.4 million acres of nonfederal wildland forests and approximately 853,000 acres of mixed forest/agriculture. 11.8 million acres of the forest land base have been inventoried by counties as forest and mixed forest/agricultural lands and protected under zoning designations. These are the subset of lands subject to Goal 4.

Subsequent to original county designations, there are now provisions in administrative rules for the identification of forest lands which must be contemplated as part of an amendment to a county’s comprehensive plan. Like the requirements for identifying agricultural lands, OAR 660-006-0010(2) requires forest land determinations be based on scientific data for vegetative capability classes published by the Natural Resource Conservation Service (NRCS) or other specific technical resources if such data is not available.

There is also a definition for high-value forest land at ORS 195.300(11) which is tied to the published vegetative capability classes for soils. However, while certain nonfarm uses and rules for UGB and URA expansions rely on the definition of high-value farmland at ORS 195.300(10), the definition for high-value forest land at 195.300(11) is not currently applied to land use reviews outside of procedures related to Measure 49 claims.

Forest and Mixed Farm-Forest Zones

Forest zoning has been instrumental in maintaining working forests in Oregon. ODF reports that Washington’s loss of wildland forest between 1974 and 2014 was nearly three times the amount of wildland forest lost in Oregon (Gray et al, 2018).

Lands inventoried as forest land are required to be zoned forest or mixed farm-forest by counties. Approximately 11.8 million acres in Oregon are included in forest or mixed farm-forest zones. Mixed farm-forest zones must comply with both Goal 3 and Goal 4 requirements. A variety of uses are allowed in forest and mixed farm-forest zones. Some activities allowed under the Forest Practices Act (e.g. logging, reforestation) do not require county land use approval. Dwellings may be allowed under certain circumstances. Counties may also permit nonresidential uses that are compatible with farm and forest practices.



The required minimum parcel sizes of 80 acres is intended to support opportunities for economically efficient forest operations, the continuous growing and harvesting of trees, and conservation of natural resource and recreation values consistent with the Forest Practices Act Policy (ORS 527.630).

Minimizing fire risk is a major concern in forest zones and is reflected in siting and fire standards applied to all structural development in designated forest zones. New dwellings and structures are required to have defensible fuel-free space around them. Dwellings must be in a fire protection district or have other sufficient means of suppressing fire such as an onsite lake and sprinklers. Fire retardant roofs and spark arrestors are required for dwellings. County road design requirements for firefighting equipment also need to be met.

Wildfire

Climate change, population growth, and record levels of forest fuel volumes all contribute to the growing wildfire risk in Oregon. Population growth adds increasing pressure for development of housing stock within the Wildland Urban Interface (WUI). Climate change is anticipated to result in higher rates of tree mortality from droughts, insects and disease, warmer temperatures and changes to hydrologic cycles. All of these factors contribute to increased risk and severity of wildland fires.

Over the past 30 years:

84% of wildfires in Oregon's 31-million-acre wildland - urban interface were human caused

73% of all wildfires on lands protected by ODF were human caused.

In 2018, a total of 2,019 wildland fires burned approximately 892,707 acres of forested and non-forested lands during Oregon's 2018 fire season (Northwest Interagency Coordination Center, 2018). The total cost to fight fires across the state was estimated at over \$500 million for 2018. The 2019 wildfire season was relatively short and mild, a breath of fresh air following two back-to-back challenging fire seasons in 2017 and 2018. That said, 79,732 acres were consumed by 2,293 wildland fires in 2019 (Northwest Interagency Coordination Center, 2019). Over the 2018-2019 biennium, fire danger forced thousands of Oregonians to evacuate their homes. With large blazes consuming hundreds of thousands of acres, destroying structures, damaging recreation sites and pouring hazardous smoke into communities, much of the state also experienced significant economic loss, natural resource damage and threats to watersheds. At the time of drafting this report, the 2020 fire season is ongoing with several active clusters of fires and over a million acres burnt. 2020 has been one of the most destructive years on record in the state of Oregon, significantly exceeding the impact of the 2018 fire season.

Studies suggest that impacts from wildland fires far exceed the direct cost of suppression by over 11x including economic losses, lost taxes, damages to ecosystem services, destruction of infrastructure, depreciated property values, etc. (Headwaters Economics. 2018). As noted above, firefighting costs have exceeded \$500 million during high-fire seasons - meaning that the comprehensive costs to Oregonians from fire-related causes can total several billion dollars in a single year.

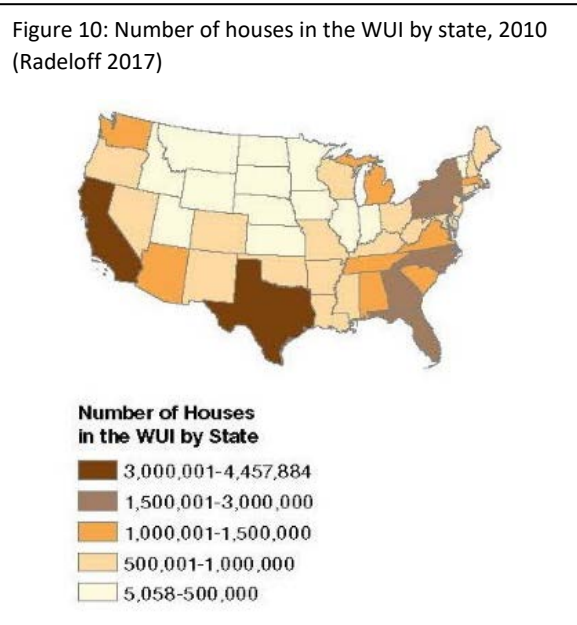
Approximately 9,550 km² (3,687 sq. mi.) or 3.8% of Oregon's land base is considered to be Wildland Urban Interface (WUI) (Martinuzzi, 2010). These are areas where conditions are conducive to a large scale



wildland fire disturbance event, thereby posing a significant threat to human life or property. Thirty-six percent of the homes built in Oregon in 2010 were built within the wildland urban interface (WUI) and 80.4% of the vacation homes in Oregon were built in the WUI (Martinuzzi, 2010).

In addition to the increased risk for causing wildfires, the presence of dwellings can significantly alter fire control strategies and can increase the cost of wildfire protection by 50 to 95 percent (Gorte, 2013). In order to protect dwellings, firefighters must devote manpower and resources to activities like establishing fire perimeters, conducting burnouts around structures and addressing combustible materials commonly found around residential structures – like gas, propane and electrical lines. Isolated rural dwellings particularly increase suppression costs. The incremental cost of protecting two homes instead of one within six miles of a wildfire is estimated to be over \$31,000 (Gude et al, 2012). For comparison, the incremental cost of protecting 100 homes instead of 99 homes within six miles of wildfire is estimated at \$319 (Gude et al, 2012).

Oregon’s statewide land use planning program significantly limits this kind of residential development on resource lands which helps to minimize wildfire risk, reduces firefighting costs, and protects human lives. The program further discourages conversion of resource lands to more intensively developed uses with an increased risk of fire danger. Oregon requires residential and other developed uses in forest zones and mixed farm-forest zones to incorporate fire safety measures, such as fuel-free breaks around buildings. As illustrated in Figure 10, the land use planning program has helped reduce the number of dwellings built in our WUI since the mid-1980s when compared to other states by limiting development on rural resource lands and requiring development standards intended to mitigate fire risk.



Climate adaptation and carbon sequestration

Oregon’s forest ecosystems will be significantly affected by anticipated changes to climate in the coming decades. Our forest landscapes are already experiencing altered distributions of plant species, longer fire seasons, and higher numbers of wildfires. Warmer temperatures and changes to hydrologic systems are anticipated to result in increased invasive species and pests, changes in wildlife distribution, and increases in both drought and landslides seasons (Oregon Climate Change Adaptation Framework 2010). All of these factors have the potential to negatively impact our forest lands. At the same time, our forest lands are a critical tool in mitigating climate change.

Forested ecosystems are a basic component of the carbon, oxygen and water cycles. Oregon’s forests make an enormous contribution to carbon sequestration. ODF has recently released a report with



estimates for the status and trends of carbon in Oregon’s forest ecosystems and ownerships and concludes Oregon’s forests have been functioning as a net sink of carbon even after accounting for forest land use conversions and non-CO2 greenhouse gas emissions from wildfire (Glenn 2019). The report also notes that 58% of the net CO2 sequestered annually from tree growth occurs in the forests of the Western Cascades and the Oregon Coast Range. ODF concludes that these two regions are the most important in the state for annual carbon flux due to their high rate of annual tree growth, output of wood products and relatively less area impacted by tree mortality. The report also notes that Lane County leads the state in this regard and is responsible for nearly a quarter of all the CO2e sequestered each year by Oregon’s forests.

State statute specifically prohibits land use regulations limiting forest practices on designated forest lands (ORS 527.722). The Oregon Department of Forestry (ODF) is the agency charged with regulation of forest management practices. Oregon's coordinated land use program was founded to preserve the state’s working forest lands for resource use and the value they provide for soil, air and habitat. That includes keeping these lands in production, rather than converting them to other developed uses that release sequestered carbon as well as protecting them for their tremendous potential to store carbon in biomass and in soils. DLCD is currently collaborating with other state agencies to identify opportunities for aligning our various programs and regulatory frameworks to expand on that capacity in ways that can mitigate climate related impacts to our natural working lands.

Recreation and tourism

Both public and private forest lands have long provided a variety of recreational opportunities. Interest in outdoor activities continues to grow across the state. Recreation and tourism in and around forest areas provides personal and societal benefits and generates significant economic activity. 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.





IV. Land Use Decisions on Forestland

Dwellings

Table 4, Forest dwelling approvals, statewide summary, 2018-2019

Dwellings in Forest Zones	Summary of Opportunity*	2018	2019
Large Tract Dwelling	Located on a tract of 160-240 acres depending on the location.	16	20
Lot of Record Dwelling	Located on a parcel owned continuously since 1985 or inherited from someone who owned the parcel continuously since 1985.	11	9
Alternative/Template Test Dwelling	Parcel is located in an area of residential development and parcelization as of 1993.	117	137
Temporary Health Hardship Dwelling	Located on a parcel with an existing dwelling for a caregiver or person suffering a medical hardship.	16	19
Replacement Dwelling	Allows the replacement of a legally established dwelling.	50	56
Family Forestry Dwelling**	Allows a second dwelling to be established on a parcel with an existing dwelling that is in commercial forest use subject to a forestry management plan.		
*The basic essence of the test is described here. All referenced tests have additional, more specific criteria. **This dwelling type became effective in 2020			

In 2018-2019, 451 dwellings were approved on forestlands which is consistent with the trend over the past several years. In 2016-2017 and 2014-2015, 457 and 447 dwellings were approved respectively. Appendix tables 7, 13 and 14 have detailed information on forest dwelling approvals in 2018-2019 and historically. As shown in Figure 11, the bulk of approvals in 2018-2019 were for template test and replacement dwelling which is consistent with historical trends. Since 1994, 56 percent of approvals for dwellings on forestlands have been for template test dwellings and 23 percent have been for replacement dwellings.

In 2019 the legislature authorized a new type of dwelling approval in the forest zone – a family forestry dwelling. This opportunity is for a second dwelling to be established on a parcel that is in commercial forest use with an existing dwelling. Review of a forestry management plan is a condition of this dwelling type. This opportunity became effective January 1, 2020.

Template Dwellings

“Template dwellings” are allowed on forestland in areas that were subject to certain patterns of development and parcelization up to 1993 when this development option was adopted into statute. Counties may approve template dwellings where a certain amount of pre-1993 dwellings and parcels were



established within a 160 acre “template” centered on the parcel. Locating multiple dwellings in the same area provides greater opportunity for fire protection and services than more remote forest dwellings. Conversely, the statute does not allow “template dwellings” in areas with no or very few existing dwellings, where establishment of new dwellings would introduce greater fire protection issues and create new conflicts with forest practices.

In 2018-2019, 254 template dwellings were approved which is consistent with historical average approvals of 125-180 template test dwellings per year. In 2016-2017 and 2014-2015, 255 and 278 template test dwellings were approved respectively. Template Dwellings

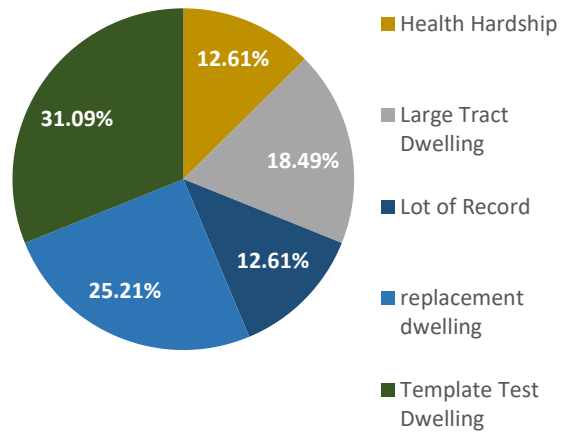
account for 56 percent of all dwelling approvals on forestlands since 1994. Additional information on 2018-2109 and historic forest template dwelling approvals are contained in Appendix tables 8, 13 and 14.

The legislature enacted HB 2225 in 2019 to address some “loopholes” in the Forest Template Dwelling Test that have contributed to the high number of approvals. The bill precluded the use of property line adjustments to ‘move’ a parcel into an area where it would qualify for a dwelling, and eliminated an opportunity for a property owner to secure additional template dwelling approvals on contiguous properties following the sale or transfer of a developed property. The new provisions are currently effective in five counties. HB 2225 staggers implementation of the provisions over a four year period in order to reduce mailing costs to the agency related to notices we are required to send to all landowners who may be impacted by legislative changes (“Measure 56 Notices”).

Large Tract Dwellings

Landowners with large amounts of forest land may construct a dwelling in a forest zone based on the acreage owned. In western Oregon, large tract dwellings must be on ownerships of at least 160 contiguous acres or 200 noncontiguous acres. In eastern Oregon, they must be on ownerships of 240 or more contiguous or 320 or more noncontiguous acres. In 2018-2019, 36 large tract dwellings were approved statewide. This is consistent with the 5- and 10-year averages of 15 large tract dwelling approvals a year. Additional information on 2018-2109 and historic forest dwelling approvals are contained in Appendix tables 7, 13 and 14.

Fig. 11, Forest dwelling approvals by type, 2018-2019

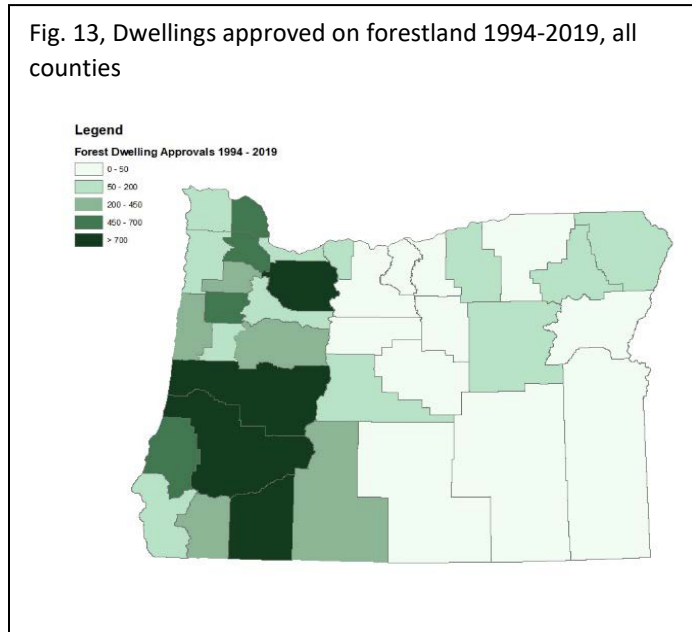




Lot of Record Dwellings

Forest landowners and families who have owned the same property since 1985 may be eligible for a lot of record dwelling. The property must have a low capability for growing merchantable tree species and be located near a public road. Counties approved 20 lot of record dwellings in 2018-2019. This is consistent with the 10-year averages of 11 large tract dwelling approvals a year. Lot of record dwelling approvals are spread fairly evenly across the state and are on a variety of parcel sizes. Additional information on 2018-2019 and historic forest dwelling approvals are contained in Appendix tables 7, 13 and 14.

Fig. 13, Dwellings approved on forestland 1994-2019, all counties



Temporary Health Hardship Dwellings

Temporary hardship dwellings are approved for relatives with a medical hardship and must be removed at the end of the hardship. A temporary health hardship dwelling must be sited in conjunction with an existing dwelling and tied into an existing sanitation system. DLCD does not currently track the removal of these dwellings when they are no longer needed.

Counties approved 35 temporary health hardship dwellings in 2018-2019 which is consistent with the 10-year average of 18 temporary health hardship dwelling approvals per year. Additional information on 2018-2019 and historic forest dwelling approvals are contained in Appendix tables 7, 13 and 14.

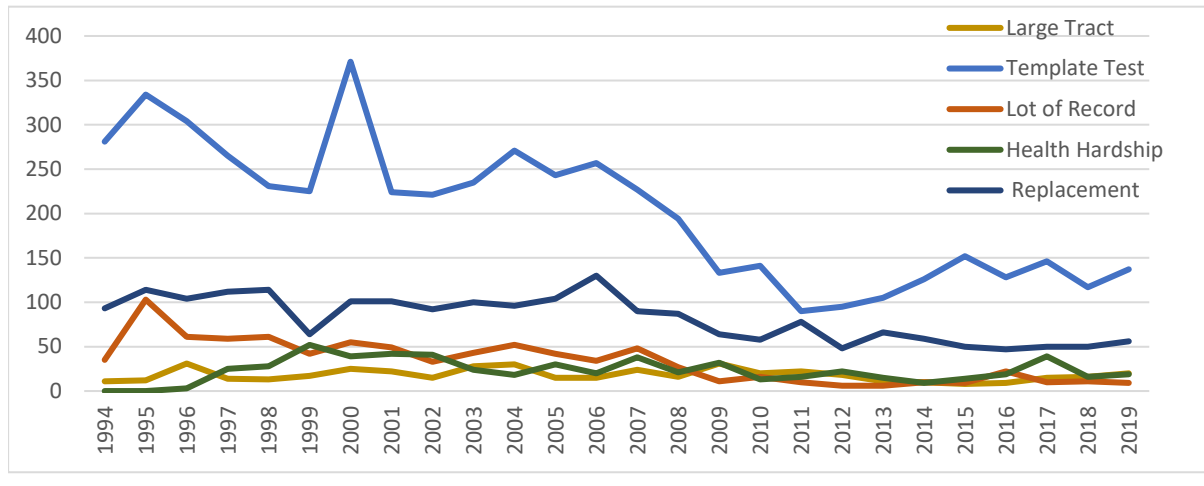
Replacement Dwellings

A replacement dwelling is a new home that replaces an older dwelling on a parcel. Counties approved a total of 106 replacement dwellings in 2018-2019 which is consistent with the 10-year average of 56 dwelling approvals per year. The dwellings that were designated to be replaced must be removed, demolished or converted to another allowed use within three months of completion of the replacement dwelling.

Forty-seven percent of dwellings approved for replacement were removed, 34 percent were demolished, and 13 percent were converted to non-residential use with 5 percent not specified. Additional information on 2018-2019 and historic forest dwelling approvals are contained in Appendix tables 7, 13 and 14.



Fig. 12, Total dwelling approvals on forest land by year, all counties, 1994–2019

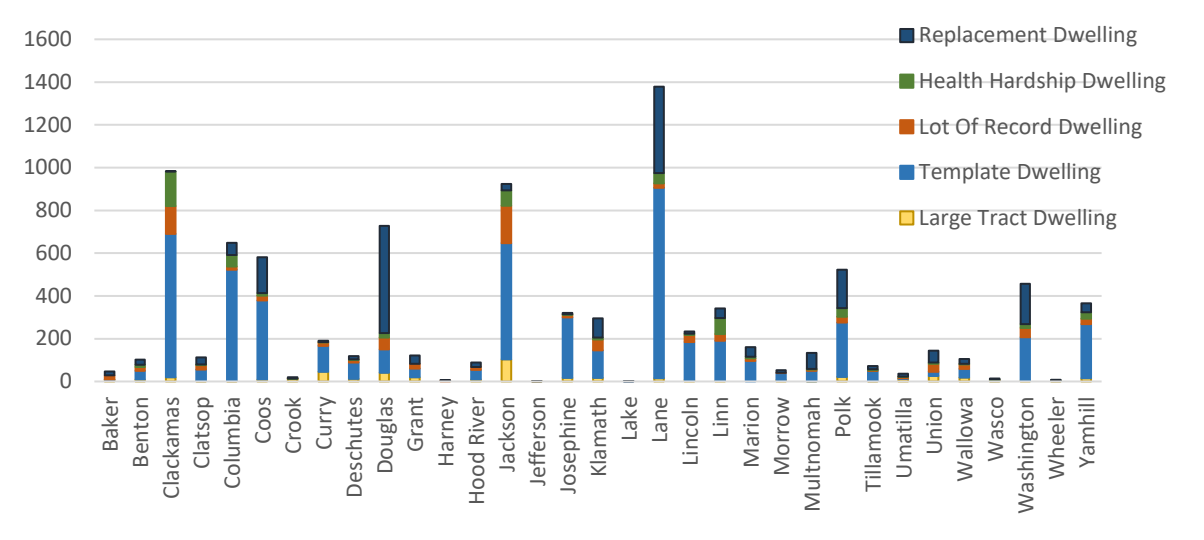


Cumulative dwelling approvals

Between 1994 and 2019, over 9,000 dwellings of all types were approved on forest land across the state. Figures 12 and 14 show the number of dwelling unit approvals since 1994 for the different dwelling types. A total of 9,308 dwellings were approved over this timeframe. Additional details are provided in Appendix tables 13 and 14.

Fifty-six percent of all dwelling approvals from 1994-2019 were template dwellings, 23 percent were replacement dwellings, nine percent were lot of record, six percent temporary hardship, and five percent large tract dwellings. Fifteen percent of all forest dwelling approvals during this timeframe occurred in

Fig. 14, Total dwelling approvals on forest land, by county, 1994–2019





Lane County with 1,378 dwellings approvals, 890 of which were template dwellings. The map in Figures 12 and 14 shows dwellings approvals on forest land from 1994- 2019.

Nonresidential uses

In addition to a range of traditional forest-related uses, the commission has recognized that some non-forest uses are acceptable in forest and mixed farm-forest zones. These uses are set forth in OAR 660-006-0025 for forest zones and OAR 660-006-0050 for mixed farm-forest zones. Mixed farm-forest zones provide opportunities for all those nonresidential uses permitted in EFU zones and those uses permitted in forest zones. 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 and that they will not significantly increase fire hazard risk, fire suppression costs or the risk to fire suppression personnel. Appendix table 9 provides detailed data on nonresidential uses approved on forest and mixed farm-forest land in 2018-2019. The most commonly approved uses in 2018-2019 were agricultural buildings, marijuana production, residential accessory structures, home occupations and telecommunication facilities. Approvals in Jackson County accounted for 14 percent of all nonresidential permits issued in forest and mixed farm-forest zones in 2018-2019. Nearly half of the approvals in Jackson County were for marijuana production.

Land divisions

Counties authorized creation of 57 new parcels on forestland in 2018-2019. These numbers represent a slight decrease from the 2016-2017 and 2014-2015 biennium.

In 2018-2019, 13 parcels, or 23 percent of divisions, met the minimum parcel size of 80 acres. 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 and for certain approved conditional uses. Counties may also approve a substandard division along an urban growth boundary (UGB). The most common reported reason for creating smaller parcels in 2018-2019 was to divide a parcel that has multiple dwellings (8 approvals).

Property line adjustments

Property line adjustments on forest land may occur for a variety of reasons. Occasionally they are used to adjust parcels to areas where they can be approved for dwellings. Many of the reported property line adjustments involve more than two tax lots. In 2018, counties approved 115 property line adjustments and approved 74 in 2019, for total of 189 adjustments on forest land.



V. Conversion: Zone changes, UGB Expansions and Other Metrics for Consideration

A primary goal of Oregon’s land use program is the preservation of working agricultural and forest lands. Thus, the less agricultural and forest land that is converted to urban and rural development relative to the total amount zoned for exclusive farm use or forest use, the greater the indication that the land use program is working.

DLCD has traditionally measured conversion by tracking the amount of land that has been re-zoned from EFU and forest to other zones and by the amount of EFU and forest land added to Urban Growth Boundaries (UGBs). By 1986, LCDC had acknowledged the majority of local comprehensive plans and ordinances to be in compliance with statewide planning goals, thus making 1987 an appropriate base year from which to measure the success of the land use program. At that time approximately 16.1 million acres of land in Oregon were zoned EFU and 11.7 million acres were zoned forest. For comparison, information from three other sources that take different approaches to measuring resource land conversion has been included below as well.

Zone Changes

Table 5, Zone changes involving agricultural lands, statewide summary, 2018-2019							
Year	From EFU to Rural (Acres)	From EFU to Urban (Acres)	From EFU to Forest (Acres)	From EFU to Aggregate (Acres)	To EFU from Other Zone (Acres)	Total Rezone (Acres)	Net Rezone (Acres)
2018	400	194	112	160	269	1,059	790
2019	364	1,294	83	124	143	1,865	1,722
Total	2,781	1,321	278	408	4,789	555	2,512

Local governments rezoned 2,512 acres of EFU land to other uses in the 2018-2019 biennium. From a base of 16.1 million acres of EFU-zoned land in 1987, a total of 37,983 net acres have been rezoned from EFU to other urban and rural uses through 2019. **This means that 99.8 percent of land zoned EFU in 1987 was still zoned EFU in 2019.**

Table 6, Zone changes involving forestlands, statewide summary, 2018-2019							
Year	From Forest to Rural (Acres)	From Forest to Urban (Acres)	From Forest to EFU (Acres)	From Forest to Aggregate (Acres)	Total Rezone (Acres)	To Forest from Other Zone (Acres)	Net Rezone (Acres)
2018	111	43	262	147	565	228	337
2019	163	0	0	58	221	83	138
total	274	44	263	205	786	311	475



475 acres of forest land were rezoned in the 2018-2019 biennium. From a base of 11,766,543 acres in 1987, a total of 10,813 net acres have been rezoned from Forest to other urban and rural uses through 2019. **This means that 99.9 percent of land zoned forest in 1987 was still zoned forest in 2019.**

Counties usually approve rural zone changes in order to allow land uses that otherwise would not be permitted in an EFU or forest zone. Examples include clustered rural residential parcels, mineral and aggregate quarries, and institutional uses such as schools serving an urban population. **The majority of zone changes for both classes of resource lands have been to rural residential use accounting for more than half of the re-designations in both cases.**

A zone change typically includes an exception to Statewide Planning Goals 3 or 4 based on existing development, development patterns on surrounding lands, or other reasons unique to the properties involved. A goal exception is not required if it can be demonstrated that a parcel does not qualify as agricultural or forest land and is therefore 'nonresource' land. Appendix tables 11, 17 and 18 contain detailed information on zone changes involving resource lands from 1989-2019.

Nonresource Land Designations

In 2009, the Legislature adopted provisions that allow counties to designate land for nonresource use (see ORS 215.788 – 794). This process requires coordination with state agencies to ensure such lands are truly nonresource and that future development would not conflict with wildlife, water quality, or increase the costs of public facilities and services. Counties and landowners have not used this process but rather continue to designate rural resource lands on a case by case basis through comprehensive plan amendments. Ten counties have designated rural resource lands as shown in the table below. Several counties have recently expressed interest conducting countywide evaluations of land that could be rezoned for nonresource use.

Table 7, Acres of nonresource designations, by county

County	Acres Designated Prior to 2018	Acres designated in 2018-2019
Clatsop	2,351	
Crook	23,261	
Deschutes	452	
Douglas	3,341	
Jackson	545	
Josephine	15,573	
Klamath	34,797	80
Linn	122	109
Lane	559	54
Wasco	7,047	
Total	88,048	243

Rural resource lands (commonly referred to as nonresource lands) are rural lands that do not meet the state’s definition of agricultural or forest lands. Rural resource lands are not subject to Statewide Planning Goals 3 and 4 and may be zoned by counties for other uses. These lands are commonly rezoned for rural residential development with minimum parcel sizes of 10 acres or less.



Urban Growth Boundary (UGB) Expansions

Table 8, Urban growth boundary expansions involving agricultural lands, statewide summary, 2018-2019

Year	Acres to be added to UGB	Acres Removed from UGB	Net Acres Added to UGB	EFU Acres Removed from County	EFU Added to County**	Net EFU Loss*	% of Land Added to UGB from EFU	Net EFU % of Net Land Added*
2018	415	208	99	194	0	194	47%	86%
2019	2,497	142	2,355	1,294	138	1,156	52%	49%
* "Zone swaps" include acreage added to EFU as well as acreage removed from EFU and added to an UGB.								
**Reflects only acreage designated EFU reviewed as part of a UGB expansion proposal.								

Table 9, Urban growth boundary expansions involving forest lands, statewide summary, 2018-2019

Year	Acres to be added to UGB	Acres Removed from UGB	Net Acres Added to UGB	Forest Acres Removed from County	Forest Added to County**	Net Forest Gain*	% of Land Added to UGB from Forest	Net Forest % of Net Land Added*
2018	415	208	99	44	108	64	11%	-15%
2019	2,497	142	2,355	0	0	0	0%	0%
* "Zone swaps" include acreage added to EFU as well as acreage removed from Forest and added to an UGB.								
**Reflects only acreage designated Forest reviewed as part of a UGB expansion proposal.								

Urban growth boundaries (UGBs) help prevent conversion of irreplaceable farm and forest lands, while limiting the cost of services associated with expansion of urban infrastructure into rural areas. Cities must have a 20 year supply of land within UGBs to meet their residential, commercial, and industrial needs. Periodically cities and counties must expand UGBs onto rural lands to meet those needs. Lands zoned EFU, forest, and mixed farm-forest are given lower priority for inclusion in UGBs than lands already zoned for rural development or nonresource lands.

DLCD tracks and reports on the amount of land zoned EFU that is added to UGBs. Performance on this measure has varied widely from year to year over the past decade, reaching a low of 8% converted resource lands in 2015 and reaching a high of 86% of converted resource lands in 2014. **In the past biennium, 1,487 acres of land previously zoned EFU and 44 acres of forest land were added to UGBs accounting for 53% of lands added.** Given the inter-annual variability in acreage added to UGBs, a longer look at trends in this area is merited. Between 1987 and 2019, local governments added just over 62,000 acres to UGBs statewide. Of this amount, 44 percent of land added was zoned EFU, forest or mixed farm-forest and 56 percent was in other rural zones. Appendix tables 11 and 16 contain additional information on UGB expansions involving resource lands for 2018-2019 and from 1989 to 2019.



A recent trend in UGB expansions has been ‘zone swaps’ where some amount of land meeting the definition of agricultural land is designated as EFU while some amount of land is moved into the urban growth boundary and re-designated for urban uses. These ‘zone ‘swaps’ occurring with UGB amendments account for the majority of the acreage added to EFU zone in the past biennium. **In the past biennium, 1,285 net acres of EFU and forest land were lost to UGB expansions which accounts for 52% of net acres added to UGBs.**

Other Metrics for Evaluating Conversion

While the state’s policy recognizes the significant role resource zoning plays in limiting alternative uses of farm and forest lands, many nonfarm and nonforest uses are allowed in statute and have the potential to contribute to de facto conversion of working lands even while the protective EFU and forest zoning remains in place. Zone changes may not capture actual conversion of agricultural and forest lands developed for permitted nonfarm or nonforest uses or pursuant to Measure 37 or Measure 49 orders (neither of which require actual rezoning of the land from EFU or forest to another zoning designation).

There are three additional data sources for considering farmland conversion in Oregon noted here: the USDA National Agricultural Statistics Service (NASS) Census of Agriculture, the ODF “Forests, Farms and People” report, and the “Farms Under Threat: State of the States” report released in 2020 by the American Farmland Trust (AFT).

Resource Zoning: As highlighted above, 99.8 percent of land zoned EFU in 1987 was still zoned EFU in 2019. 2,512 acres of EFU land were rezoned in the 2018-2019 biennium. From a base of 16.1 million acres of EFU-zoned land in 1987, a total of 37,983 net acres have been rezoned from EFU to other urban and rural uses through 2019.

99.9 percent of land zoned forest in 1987 was still zoned forest in 2019. 475 acres of forest land were rezoned in the 2018-2019 biennium. From a base of 11,766,543 acres in 1987, a total of 10,813 net acres have been rezoned from Forest to other urban and rural uses through 2019.



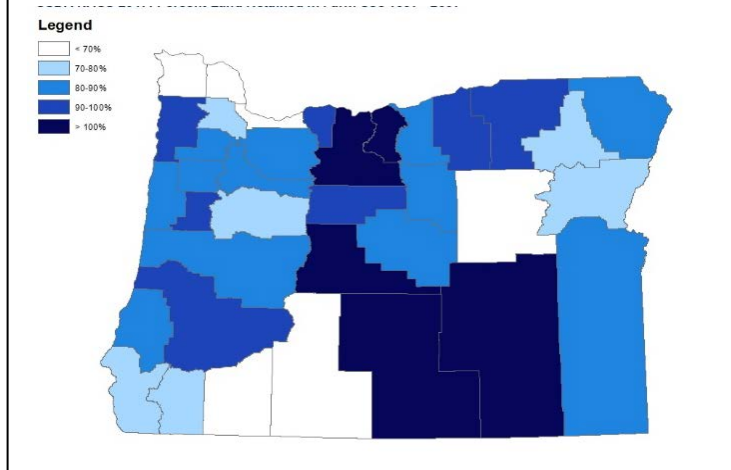
USDA NASS 2017 Census of Agriculture:

USDA reports the current amount of land in farm use in Oregon at 15.9 million acres which is only 90% of the 17.7 million acres reported in farm use in 1997. The results represent a more significant decline in acres reported in farm use when compared to a measurement of whether land is maintained in EFU zoning.

The Census of Agriculture has been conducted on five-year intervals since 1982. The responsibility for the census was transferred from the Bureau of Census to USDA in 1997. Over the

twenty-year period, increases in working farm acreage were reported in five counties: Deschutes, Lake, Sherman, Harney and Wasco, while losses exceeding 30% were reported in six counties: Columbia, Grant, Clatsop, Jackson, Klamath and Multnomah. Appendix table 19 contains additional information from the 2017 Census of Agriculture on farmland conversion in Oregon from 1997 to 2017.

Fig. 15, Percent land retained in farm use, by county, 1997-2017 (USDA 2017)



Oregon Department of Forestry (ODF) “Forest, Farms & People: Land Use Change on Non-Federal Land in Oregon 1974 – 2014”⁶: ODF performed land use cover review based on interpretation of aerial imagery for seven different years between 1974 and 2014. Based on that review, they categorized non-federal land into one of five resource land categories or into urban or low-density residential lands. ODF found that from a base of 15.4 million acres categorized as cropland, rangeland or mixed farm-rangeland land in 1984, 98.8% (15.4 million acres) was retained in 2014. However, the report also identifies less acreage in these land cover categories than is protected under resource zoning. As discussed above, Oregon’s policies for agricultural lands and forest lands both acknowledge the need to preserve lands that are part of a cohesive working landscape in order to limit fragmentation and conflicting development, even when those lands may not be as productive as surrounding working lands. This may contribute to the difference in base acreage under resource zoning as tracked by DLCD and acreage in resource landscape cover as reported by ODF.

Table 10, Area of non-federal land in Oregon by land use class and year (ODF 2016)

	1984	1994	2000	2005	2009	2014	Land Retained
forest	10,570,000	10,512,000	10,497,000	10,468,000	10,455,000	10,446,000	98.83%
mixed farm forest	901,000	877,000	876,000	864,000	855,000	853,000	94.67%
SubTotal Forest/Mixed Forest	11,471,000	11,389,000	11,373,000	11,332,000	11,310,000	11,299,000	98.50%

⁶ ODF will be publishing data through 2018 shortly. This section of the report will be updated with most current numbers prior to submission to the legislature. Updates will include ~18,000 acres converted to residential use and a net loss of ~16,000 acres of resource land over the 2014-2018 period.

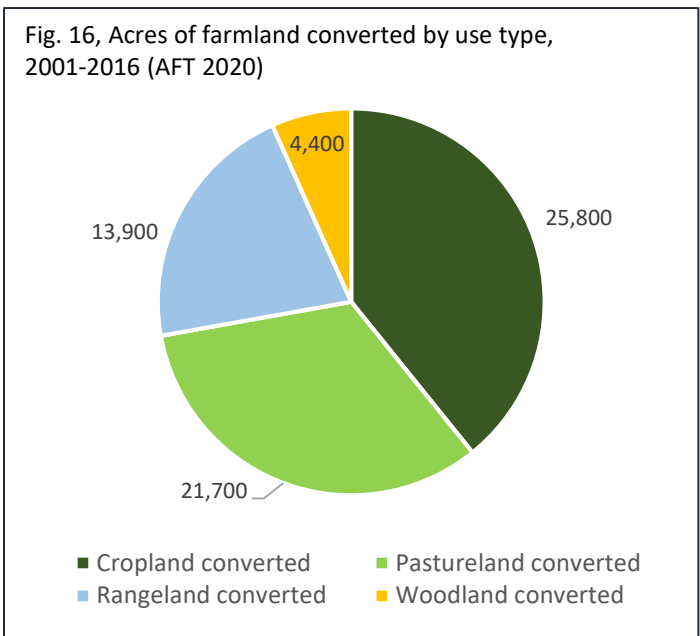


range	9,164,000	9,116,000	9,087,000	9,045,000	9,034,000	9,013,000	98.35%
mixed range forest	664,000	666,000	678,000	690,000	690,000	699,000	105.27%
cropland	5,806,000	5,786,000	5,757,000	5,747,000	5,733,000	5,740,000	98.86%
SubTotal Ag Land	15,634,000	15,568,000	15,522,000	15,482,000	15,457,000	15,452,000	98.84%

American Farmland Trust ‘Farms Under Threat: State of the States’: The report documents a multi-year effort to document the extent of agricultural land in four categories across the continental U.S. and assess the conversion of those lands to urban and rural residential use in the period from 2001 and 2016. The American Farmland Trust (AFT) also assigned scores to each state based on a suite of policy and incentive tools related to farmland preservation. Oregon ranked ninth in the nation, primarily based on the strength of our land use planning and farm tax assessment programs.

AFT estimates 65,800 acres of agricultural lands were converted during the 2001-2016 period – which is more than double the amount of land re-zoned from EFU to other designations during the same period (24,256 acres). Of those 65,800 acres, the report identifies 32,800 acres as converted to urban and highly developed uses while 33,000 acres were converted to low-density residential uses.

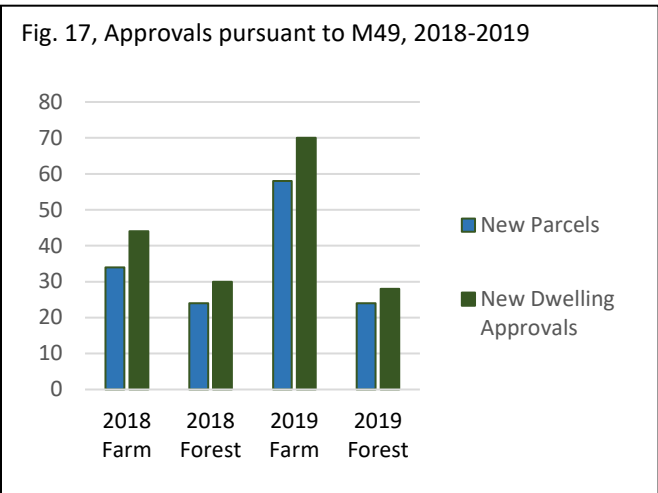
In the past, conversations around farmland preservation have focused on constraining urban sprawl. There is a growing concern within farmland preservation communities about recent trends in increasing low-density rural development. This happens even while land remains under exclusive farm use zoning. The report by AFT found that agricultural land in areas with patterns of scattered large-lot residential development were 95 times more likely to be converted to urban and high-density development over the five-year period than agricultural lands in large, cohesive blocks of working land. This is a concern to keep in mind as Oregon considers the number of nonfarm and non-forest land use approvals and development on working lands - historically and over the 2018-2019 biennium.





VI. Ballot Measures 37 and 49

If a state or local government enacts a land use regulation that restricts a residential use or a farm or forest practice, and thus has the potential to reduce the fair market value of a property, then the landowner may qualify for compensation under Ballot Measure 49. Oregon voters initially passed Ballot Measure 37 in 2004, which was later modified by the Oregon legislature and approved by the voters in 2007 as Ballot Measure 49. Enactment of Measure 49 retroactively voided some Measure 37 claims. Measure 49 relief for former Measure 37 claims ended in 2011. DLCD received 4,960 Measure 49 claims and authorized 3,542 claims for residential development. The difference between claims received and authorizations issued is partly due to multiple claims being filed for contiguous properties. Under Measure 49, contiguous properties were combined into single claims.



The vast majority of claims were resolved by granting reversionary development rights rather than providing compensation for lost property value. Due to the variability in receiving notice of Measure 49 development from counties, DLCD periodically estimates the total numbers of Measure 49 dwellings built and parcels created since 2009, when the first authorizations were issued. This is accomplished by analyzing county tax assessor’s data for counties that share this data. DLCD estimated that by 2016, 12 percent of new dwellings and 28 percent of new parcels authorized by Measure 49 had been completed.

Appendix table 15 shows the number of new dwellings and new parcels authorized under Measure 49 for each county. A total of 6,417 new dwellings and 4,096 new parcels were authorized. Approximately 90 percent of Measure 49 approvals have been on land in farm and forest zones.

Measure 49 authorizations are tied to a specific property and may be conveyed to a new owner when the property is sold. Unless the new owner is a spouse or revocable trust, all authorized Measure 49 development must be completed within ten years of the property conveyance. DLCD anticipates that Measure 49 development will increase in the coming years as properties conveyed in 2009 and 2010 near the ten year deadline.

Many claimants who had completed development or who were vested in their Measure 37 projects on the date Measure 49 was enacted did not file a Measure 49 election. County approvals of Measure 37 developments are not included in this report. DLCD is working on tracking these developments and intends to provide that information in future reports.



**VII. 2018 - 2019 Statutory and Rule Changes for Farm and Forest Lands
Statutory amendments**

Statutory Amendments, 2018-2019

2018	SB 1533 A	Allows equine therapy (nonclinical) as a new use in exclusive farm use zones and mixed farm-forest zones.
2019	HB 2106	Allows dog training classes to be conducted in farm buildings existing on January 1, 2019 within counties that adopted marginal lands provisions. Allows counties to approve up to five additional one-year extensions of land use permits for residential development.
2019	HB 2222	Requires ODF to report annually on the development, implementation and administration of a Forestland-Urban Interface Protection Act.
2019	HB 2225	Clarifies the method used for determining “center of tract” when establishing a forest template dwelling. Prohibits the use of property line adjustments to qualify a parcel for a template dwelling. Prohibits the use of deed transfer to qualify parcels for template dwellings. Allows exceptions until November 1, 2023. Establishes effective dates by county.
2019	HB 2435	Repeals sunset on law allowing guest ranches to be established on lands zoned for exclusive farm use in eastern Oregon. Requires new guest ranches to report on operations to county.
2019	HB 2469	Allows a second dwelling on forestlands within the rural fire protection district near an existing dwelling for the owner or relative who supports the owner’s forestry practices.
2019	HB 2573	Reduces the income test for adding a dwelling on a cranberry farm for three years provided the farm owner or operator agrees to a deed restriction preventing the use of the dwelling for rentals.
2019	HB 2844	Allows facilities for processing farm products under 2,500 sq. feet on lands zoned for exclusive farm use without regard to siting standards.
2019	HB 3024	Prohibits county from considering property tax classification of dwellings that were previously removed, destroyed, demolished or converted to nonresidential uses when reviewing application for replacement dwelling on lands zoned for exclusive farm use.
2019	HB 3384	Allows for expansion of non-conforming secondary schools if the school was established on or before January 1, 2009 and the additional property is contiguous and on the same tax lot on which the school was established.
2019	SB 287	Allow a farm brewery on lands zoned for exclusive farm use or mixed farm and forest use provided the brewery produces less than 150,000 barrels annually, less than 15,000 barrels on the farm brewery site and either owns an on-site hop farm of 15 acres or obtains hops from contiguous properties.
2019	SB 408	Allows a county to approve certain divisions of land zoned for exclusive farm use for the purpose of siting utility facilities.
2019	HB 2790	Allows counties to require mass outdoor gathering of more than 3,000 people, except for agri-tourism events, to obtain land use permit. Allows counties to charge larger fee for approval of larger mass outdoor gatherings.



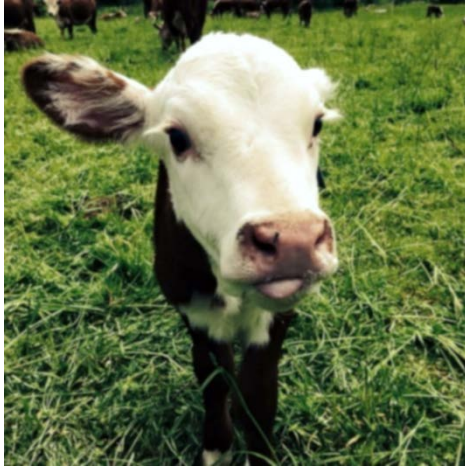
2019	HB 2329	Revises the jurisdiction of the Energy Facility Siting Council for solar energy facilities and provides for county land use approval subject to certain conditions.
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Rule amendments, 2018-2019

2019	Solar Rule Revisions	OAR 660-033-0130(38) was revised to modify requirements for siting solar power facilities on high-value farmland.
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VIII. 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 several decades. As shown in Figure 16, the total acres of farm and forest lands converted to low density residential and urban uses in Oregon has slowed considerably since the adoption of county comprehensive plans in 1984.

Over the years, the Legislature and LCDC have continued to refine the state’s agricultural and forest land protections to accommodate changing needs and regional variation. As Oregon continues to change, it is important to remember the valuable role that agricultural and forest lands provide to the food and economic needs and health of all Oregonians. Agricultural and forest lands are also critical for the various industries that depend on Oregon produced farm and forest products and businesses that thrive on recreation and tourism opportunities. Maintaining the land base necessary to support agricultural and forestry operations is a critical component of a prosperous Oregon.



References

- American Wind Energy Association (2019). Wind Energy in Oregon. Retrieved from <https://www.awea.org/Awea/media/Resources/StateFactSheets/Oregon.pdf>
- Brekken, C.A., Gwin, L., Horst, M., McAdams, N., and Martin, S.A. (2016). The Future of Oregon's Agricultural Land. Institute of Portland Metropolitan Studies Publications. 148. Retrieved from <https://pdxscholar.library.pdx.edu/metropolitianstudies/148>
- Chun, Nicholas (2017). An Emerging Contradiction: Non-Farm Activity within Exclusive Farm Use Zones. Retrieved from <https://metroscape.imspx.org/an-emerging-contradiction-nonfarm-activity-within-exclusive-farm-use-zones>
- Glenn A. Christensen¹, Andrew N. Gray¹, Olaf Kuegler¹, & Andrew C. Yost² (2019) Oregon Forest Ecosystem Carbon Inventory: 2001-2016. <https://www.oregon.gov/odf/forestbenefits/Documents/Forest%20Carbon%20Study/OR-Forest-Ecosystem-Carbon-2001-2016-Report-FINAL.pdf>
- Gray, A.N., Hubner, D., Lettman, G.J., McKay, N., Thompson, J.L. (2016). Forests, farms & people: Land use change on non-federal land in Oregon 1974-2014. Oregon Department of Forestry. Retrieved from <http://hdl.handle.net/1957/58941>
- Gray, A.N., Hubner, D., Lettman, G.J., Thompson, J.L., Tokarczyk, J. (2018). Land Use Change on Non-Federal Land in Oregon and Washington. Oregon Department of Forestry.
- Gorte, Ross (2013). The Rising Cost of Wildfire Protection. Headwaters Economics. Retrieved from <http://headwaterseconomics.org/wp-content/uploads/fire-costs-background-report.pdf>
- Governor's Council on Wildfire Response (2019). November 2019: Report and Recommendations. /
- Gude, P.H., Jones, K., Rasker, R., and Greenwood, M.C. (2012). How much do homes contribute to wildfire suppression cost? Evidence from Oregon and California. Headwaters Economics. Retrieved from http://headwaterseconomics.org/wpcontent/uploads/ORfire_Manuscript_Jan12.pdf
- Headwaters Economics (2018). <https://headwaterseconomics.org/wp-content/uploads/full-wildfire-costs-report.pdf>
- Horst, Megan (2018). Analysis of Oregon farmland sales 2010-2015. Retrieved from https://www.pdx.edu/cus/sites/www.pdx.edu.cus/files/PSU_Horst%20Oregon%20Farmland%20Sales%20Assessment%20Spring8.pdf
- Mucken, A., & Bateman, B. (Eds.) (2017). Oregon's 2017 Integrated Water Resources Strategy. Oregon Water Resources Department. Salem, OR. Retrieved from https://www.oregon.gov/owrd/WRDPublications1/2017_IWRS_Final.pdf
- Northwest Interagency Coordination Center (2018). Northwest Annual Fire Report. Retrieved from https://gacc.nifc.gov/nwcc/content/pdfs/archives/2018_NWCC_Annual_Fire_Report_FINAL.pdf



Northwest Interagency Coordination Center (2019). Northwest Annual Fire Report. Retrieved from https://gacc.nifc.gov/nwcc/content/pdfs/archives/2019_NWCC_Annual_Fire_Report_Final.pdf

Oregon Community Food Systems Network (2018). State of the Food System. Retrieved from <http://ocfsn.net/state-of-the-food-system/>

Oregon Department of Agriculture (2020). State of Oregon Agriculture. Retrieved from <https://www.oregon.gov/ODA/shared/Documents/Publications/Administration/BoardReport.pdf>

Oregon Department of Agriculture (2020). Oregon Agricultural Statistics & Directory 2020. <https://www.oregon.gov/oda/shared/Documents/Publications/Administration/AgStatsDirectory.pdf>

Oregon Department of Forestry (2017). 2017 Wildfire Report. Retrieved from https://www.oregon.gov/ODF/Documents/Fire/2017_ODF_Protection_Fire_Season_Report.pdf

Oregon Forest Resources Institute (2020). Oregon Forest Facts 2019-2020 Edition. Retrieved from https://oregonforests.org/sites/default/files/2019-01/OFRI_2019-20_ForestFacts_WEB.pdf

Martinuzzi, Sebastián Susan I. Stewart, David P. Helmers, Miranda H. Mockrin, Roger B. Hammer, and Volker C. Radeloff (2010). The 2010 Wildland-Urban Interface of the Conterminous United States. https://www.fs.fed.us/nrs/pubs/rmap/rmap_nrs8.pdf

Radeloff, Volker C.; Helmers, David P.; Kramer, H. Anu; Mockrin, Miranda H.; Alexandre, Patricia M.; Bar Massada, Avi; Butsic, Van; Hawbaker, Todd J.; Martinuzzi, Sebastián; Syphard, Alexandra D.; Stewart, Susan I. (2017). The 1990-2010 wildland-urban interface of the conterminous United States - geospatial data. 2nd Edition. Forest Service Research Data Archive. Retrieved from <http://silvis.forest.wisc.edu/data/wui-change/>

Richmond, Henry R. & Houchen, Timothy G (2015). Farm Zoning and Fairness in Oregon 1964-2014. American Land Institute.

Solar Energy Industries Association (2020). State Solar Spotlight - Oregon. Retrieved from <https://www.seia.org/sites/default/files/2020-09/Oregon.pdf>

Sorte, Bruce & Rahe, Mallory. Oregon State University Extension Service (2015).

Oregon Agriculture, Food and Fiber: An Economic Analysis. Retrieved from <http://www.oregon.gov/ODA/shared/Documents/Publications/Administration/OregonEconomicReport.pdf>

USDA (USDA (2017). Census of Agriculture. Retrieved from https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Oregon/

U.S. Forest Service (Photographer). (1989). Retrieved from <https://www.flickr.com/photos/forestservicenw/36796830610>

Wonderlane (Photographer). (2011). Retrieved from <https://flic.kr/p/auRfwy>



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Table 1, All Dwelling approvals on Farmland, type and county, 2018–2019

County	Primary Farm			Accessory Farm			Relative Help			NonFarm Dwelling			Lot of Record			Replacement			Health Hardship		
	2018	2019	Total	2018	2019	Total	2018	2019	Total	2018	2019	Total	2018	2019	Total	2018	2019	Total	2018	2019	Total
Baker			0		1	1		1	1			0		1	1	7	3	10	2		2
Benton		2	2			0			0			0			0	4		4	1	2	3
Clackamas	1	1	2			0	4	1	5		1	1	1	1	2	2	3	5	6	9	15
Clatsop			0			0			0		1	1			0		1	1			0
Columbia		2	2	1	1	2			0			0			0	2		2			0
Coos			0			0	1	1	2			0			0	2	2	4			0
Crook	3	2	5	2	2	4	2		2	9	1	10	3	3	6	4		4		1	1
Curry			0			0			0			0			0			0			0
Deschutes		1	1	1		1	1		1	23	21	44	3	1	4	15	14	29	7	11	18
Douglas	3	3	6			0	6	8	14	9	5	14		1	1	14	20	34	4	1	5
Gilliam			0		1	1	1		1	1	1	2			0			0			0
Grant	3	1	4			0	1	1	2	1	4	5	3	1	4	5	4	9			0
Harney	1	1	2		1	1	2	1	3		4	4	1		1		3	3			0
Hood River	1		1	9	10	19			0	1		1	2	1	3	13	9	22	1	1	2
Jackson	1		1			0	1	2	3	5	6	11		1	1	1	2	3	3	3	6
Jefferson	1	2	3	1		1			0		2	2	1		1	5	4	9	1		1
Josephine			0	1		1			0	1	1	2			0		1	1			0
Klamath	1	1	2			0			0	1	1	2			0			0			0
Lake	6	2	8	3		3	1		1	24	15	39			0	6	6	12			0
Lane			0			0	1	2	3	1	4	5			0	7	13	20	2	3	5
Lincoln			0			0			0			0			0			0			0
Linn	2	1	3	2	3	5	1	2	3	5	3	8	1	1	2	30	25	55	9	8	17
Malheur			0		4	4			0	10	4	14			0	6	9	15	1	1	2
Marion	1	3	4	4	4	8			0	3	2	5	1	1	2	9	7	16	11	11	22
Morrow			0	1		1	1	1	2	4	5	9	1		1		2	2			0
Multnomah			0			0			0			0			0		2	2			0
Polk	1	1	2		3	3	1	3	4			0		1	1	18	15	33	4	5	9
Sherman		1	1			0			0	3	2	5			0	1	1	2			0
Tillamook	1	2	3	1	1	2	1	1	2	2	2	4			0	8	2	10			0
Umatilla		1	1	3	1	4	1	1	2	2	2	4	1		1	21	15	36	1		1
Union	1	2	3		1	1	1		1	3	2	5	2	1	3	12	5	17		1	1
Wallowa	8		8			0	1		1		1	1	5	2	7	3	4	7			0
Wasco	3		3			0			0	4		4	1		1	6	4	10	1		1
Washington	3		3		1	1	1		1	2		2	3	6	9	9	10	19		1	1
Wheeler	2		2	1		1			0		1	1			0	2	1	3			0
Yamhill	4	6	10			0	2	3	5	1	1	2			0	1	2	3	11	6	17
Grand Total	47	35	82	30	34	64	31	28	59	115	92	207	29	22	51	213	189	402	65	64	129

Table 2, Primary farm dwelling approvals, option and county, 2018-2019

County	Total			HV Income		Non-HV Income		Large Lot		HV Capability	
	2018	2019	Grand Total	2018	2019	2018	2019	2018	2019	2018	2019
Baker	0	0	0								
Benton	0	2	2		2						
Clackamas	1	1	2	1	1						
Clatsop	0	0	0								
Columbia	0	2	2		1		1				
Coos	0	0	0								
Crook	3	2	5			2		1	2		
Curry	0	0	0								
Deschutes	0	1	1				1				
Douglas	3	3	6				1	2	1	1	1
Gilliam	0	0	0								
Grant	3	1	4					3	1		
Harney	1	1	2					1	1		
Hood River	1	0	1	1							
Jackson	1	0	1							1	
Jefferson	1	2	3			1			2		
Josephine	0	0	0								
Klamath	1	1	2					1	1		
Lake	6	2	8	1			2	5			
Lane	0	0	0								
Lincoln	0	0	0								
Linn	2	1	3	2	1						
Malheur	0	0	0								
Marion	1	3	4	1	3						
Morrow	0	0	0								
Multnomah	0	0	0								
Polk	1	1	2		1	1					
Sherman	0	1	1						1		
Tillamook	1	2	3		1	1	1				
Umatilla	0	1	1						1		
Union	1	2	3		2			1			
Wallowa	8	0	8					8			
Wasco	3	0	3	1				2			
Washington	3	0	3	2		1					
Wheeler	2	0	2			1		1			
Yamhill	4	6	10	4	6						
Grand Total	47	35	82	13	18	7	6	25	10	2	1

Table 3, Primary farm dwelling approvals on Farmland, parcel size and county, 2018-2019

County	Total			0 to 10 Acres		11 to 20 Acres		21 to 40 Acres		41 to 79 Acres		80 to 160 Acres		> 160 Acres		Acreage Not Reported	
	2018	2019	Grand Total	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Baker	0	0	0														
Benton	0	2	2		1		1										
Clackamas	1	1	2				1			1							
Clatsop	0	0	0														
Columbia	0	2	2		1				1								
Coos	0	0	0														
Crook	3	2	5									1		1	2	1	
Curry	0	0	0														
Deschutes	0	1	1										1				
Douglas	3	3	6							1			2	2	1		
Gilliam	0	0	0														
Grant	3	1	4											3	1		
Harney	1	1	2											1	1		
Hood River	1	0	1	1													
Jackson	1	0	1					1									
Jefferson	1	2	3										1	1	1		
Josephine	0	0	0														
Klamath	1	1	2											1	1		
Lake	6	2	8	1										4	2	1	
Lane	0	0	0														
Lincoln	0	0	0														
Linn	2	1	3			1						1	1				
Malheur	0	0	0														
Marion	1	3	4		1				1	1						1	
Morrow	0	0	0														
Multnomah	0	0	0														
Polk	1	1	2							1	1						
Sherman	0	1	1													1	
Tillamook	1	2	3						1	1	1						
Umatilla	0	1	1													1	
Union	1	2	3											1	2		
Wallowa	8	0	8	3								2		2		1	
Wasco	3	0	3											3			
Washington	3	0	3	1		1						1					
Wheeler	2	0	2											2			
Yamhill	4	6	10	1	2				1		1	1		2	1		1
Grand Total	47	35	82	7	5	2	2	1	4	5	3	6	5	23	15	3	1

Table 4, Nonfarm dwelling approvals on Farmland, parcel size and county, 2018-2019

County	Total			0 to 5 Acres		6 to 10 Acres		11 to 20 Acres		21 to 40 Acres		41 to 80 Acres		> 80 Acres	
	2018	2019	Grand Total	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Baker	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Benton	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Clackamas	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0
Clatsop	0	1	1	0	0	0	0	0	1	0	0	0	0	0	0
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Coos	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Crook	9	1	10	0	0	2	0	2	0	2	0	3	1	0	0
Curry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deschutes	23	21	44	6	9	3	1	8	7	5	0	1	1	0	3
Douglas	9	5	14	5	3	3	0	0	2	1	0	0	0	0	0
Gilliam	1	1	2	0	0	0	1	0	0	0	0	1	0	0	0
Grant	1	4	5	1	0	0	1	0	3	0	0	0	0	0	0
Harney	0	4	4	0	0	0	1	0	1	0	2	0	0	0	0
Hood River	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0
Jackson	5	6	11	4	3	0	1	0	0	0	1	1	1	0	0
Jefferson	0	2	2	0	0	0	0	0	0	0	1	0	0	0	1
Josephine	1	1	2	0	0	1	1	0	0	0	0	0	0	0	0
Klamath	1	1	2	0	0	0	0	1	0	0	1	0	0	0	0
Lake	24	15	39	10	6	3	2	7	5	3	2	0	0	1	0
Lane	1	4	5	0	3	0	1	0	0	1	0	0	0	0	0
Lincoln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Linn	5	3	8	3	0	2	1	0	0	0	1	0	0	0	1
Malheur	10	4	14	2	3	3	1	0	0	0	0	1	0	4	0
Marion	3	2	5	2	2	0	0	0	0	1	0	0	0	0	0
Morrow	4	5	9	1	1	3	2	0	1	0	0	0	1	0	0
Multnomah	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Polk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sherman	3	2	5	1	0	1	0	1	0	0	2	0	0	0	0
Tillamook	2	2	4	0	0	2	0	0	0	0	1	0	1	0	0
Umatilla	2	2	4	1	0	0	1	0	1	0	0	0	0	1	0
Union	3	2	5	2	0	0	0	0	0	0	1	1	1	0	0
Wallowa	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1
Wasco	4	0	4	0	0	0	0	3	0	0	0	1	0	0	0
Washington	2	0	2	0	0	1	0	0	0	1	0	0	0	0	0
Wheeler	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0
Yamhill	1	1	2	1	0	0	0	0	1	0	0	0	0	0	0
Grand Total	115	92	207	40	30	24	14	22	22	14	14	9	6	6	6

Table 6, New parcel approvals on Farmland, parcel size and county, 2018-2019

County	Total		0 to 10 Acres		11 to 20 Acres		21 to 40 Acres		41 to 80 Acres		81 to 160 Acres		> 160 Acres		Division in conjunction with a Nonfarm Dwelling		Division in conjunction with a conditional use	
	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Baker	1	4	1	1	0	0	0	0	0	1	0	1	0	1				3
Benton	0	0																
Clackamas	0	3		0		0		1		1		1		0				
Clatsop	0	6		6		0		0		0		0		0				
Columbia	0	0																
Coos	0	0																
Crook	4	5	2	0	1	0	0	2	1	0	0	0	0	3	4	1		
Curry	0	0																
Deschutes	2	7	2	7	0	0	0	0	0	0	0	0	0	0	2	5		2
Douglas	9	10	6	1	0	0	0	0	0	0	2	5	1	4	6	1		
Gilliam	4	0	1		0		0		0		0		3					
Grant	2	1	1	0	0	0	0	0	0	0	0	0	1	1	1			
Harney	0	0																
Hood River	0	0																
Jackson	1	2	0	0	0	0	0	0	0	0	1	0	0	2				
Jefferson	1	0	0		0		0		0		0		1					
Josephine	3	0	2		1		0		0		0		0					
Klamath	7	0	2		1		0		0		1		3					
Lake	16	5	4	2	2	1	2	0	1	0	1	1	6	1	3		1	
Lane	1	6	0	4	0	1	1	0	0	0	0	1	0	0		2		1
Lincoln	0	0																
Linn	3	5	0	4	2	0	0	0	0	0	1	1	0	0		1	1	3
Malheur	1	0	1		0		0		0		0		0		1			
Marion	1	1	1	1	0	0	0	0	0	0	0	0	0	0			1	1
Morrow	11	5	7	1	1	0	0	0	2	1	0	1	1	2	4	2	1	
Multnomah	0	0																
Polk	0	2		1		0		0		0		1		0				1
Sherman	2	1	2	0	0	0	0	1	0	0	0	0	0	0	2	1		
Tillamook	0	0																
Umatilla	12	9	2	5	0	2	0	0	0	0	3	2	7	0	2	3		
Union	3	3	2	1	0	0	0	0	0	0	0	0	1	2	2			
Wallowa	0	0																
Wasco	2	2	0	0	2	0	0	0	0	0	0	1	0	1	2	1		
Washington	1	5	1	5	0	0	0	0	0	0	0	0	0	0		5		
Wheeler	2	1	0	0	0	0	0	1	0	0	0	0	2	0	1	1		
Yamhill	5	4	4	2	1	0	0	1	0	0	0	1	0	0				
Grand Total	94	87	41	41	11	4	3	6	4	3	9	16	26	17	30	23	4	11

Table 7, Dwelling approvals on Forestland by type and county, 2018–2019

County	Total			Health Hardship		Large Tract Dwelling		Lot of Record		Replacement dwelling		Template Test Dwelling	
	2018	2019	Grand Total	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Baker	1	1	2						1	1			
Benton	6	1	7	2		1				1		2	1
Clackamas	21	20	41	6	2		2	1			1	14	15
Columbia	10	6	16						2			10	4
Coos	22	15	37							8	6	14	9
Crook	1	1	2				1			1			
Curry	2	1	3									2	1
Deschutes	4	8	12			1	2	1	2		3	2	1
Douglas	10	7	17	1	1	2		1		3	5	3	1
Grant	2	5	7			1	1	1	1		3		
Hood River	3	4	7							3	1		3
Jackson	18	25	43	1	3		5	2		1	1	14	16
Josephine	1	4	5			1	2						2
Klamath	7	6	13			4			1			3	5
Lane	25	58	83		2	1				8	14	16	42
Lincoln	1	0	1									1	
Linn	10	12	22	1	2					4	3	5	7
Marion	3	6	9							2	1	1	5
Morrow	0	1	1										1
Multnomah	1	7	8							1	4		3
Polk	18	12	30	1	1		1		1	9	3	8	6
Tillamook	1	0	1							1			
Umatilla	3	3	6			3	2						1
Union	1	5	6			1	1				4		
Wallowa	2	4	6			1		1	1		1		2
Wasco	1	0	1							1			
Washington	22	13	35		1		1	3		6	6	13	5
Wheeler	0	1	1				1						
Yamhill	14	15	29	4	7		1	1				9	7
Grand Total	210	241	451	16	19	16	20	11	9	50	56	117	137

Table 8, Template dwelling approvals on Forestland, parcel size and county, 2018–2019

County	Total			Not Reported		VC Class 1		VC Class 2		VC Class 3		0 to 5 Acres		6 to 10 Acres		11 to 20 Acres		21 to 40 Acres		41 to 79 Acres		> 80 Acres	
	2018	2019	Grand Total	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Baker	0	0	0																				
Benton	2	1	3							2	1	0	0	1	0	1	0	0	0	0	1	0	0
Clackamas	14	15	29						2	14	13	7	2	1	2	3	5	0	4	3	1	0	1
Clatsop	0	0	0																				
Columbia	10	4	14							10	4	2	1	1	0	3	1	3	2	1	0	0	0
Coos	14	9	23	1						13	9	4	3	3	2	5	2	2	0	0	1	0	1
Crook	0	0	0																				
Curry	2	1	3			1		1			1	1	0	0	0	0	0	0	0	0	1	1	0
Deschutes	2	1	3					2	1			0	0	0	0	1	1	1	0	0	0	0	0
Douglas	3	1	4							3	1	0	0	2	0	0	1	0	0	0	0	1	0
Gilliam	0	0	0																				
Grant	0	0	0																				
Harney	0	0	0																				
Hood River	0	3	3								3		2		0		1		0		0		0
Jackson	14	16	30			1	1	1	2	12	13	5	2	2	5	3	3	2	4	1	0	1	2
Jefferson	0	0	0																				
Josephine	0	2	2								2		0		0		0		1		0		1
Klamath	3	5	8			1		2			5	0	1	0	0	0	1	3	0	0	0	0	3
Lake	0	0	0																				
Lane	16	42	58			10	12			6	30	2	10	1	16	8	9	4	7	0	0	1	0
Lincoln	1	0	1							1		1		0		0		0		0		0	
Linn	5	7	12			1				4	7	2	2	0	2	2	0	0	2	1	1	0	0
Malheur	0	0	0																				
Marion	1	5	6						3	1	2	0	4	0	1	0	0	0	0	1	0	0	0
Morrow	0	1	1						1				1		0		0		0		0		0
Multnomah	0	3	3								3		2		0		1		0		0		0
Polk	8	6	14						4	8	2	2	0	2	2	3	3	0	0	1	1	0	0
Sherman	0	0	0																				
Tillamook	0	0	0																				
Umatilla	0	1	1				1						0		0		0			1		0	
Union	0	0	0																				
Wallowa	0	2	2				2						0		1		0		1		0		0
Wasco	0	0	0																				
Washington	13	5	18				3			13	2	5	1	2	1	0	0	3	3	2	0	1	0
Wheeler	0	0	0																				
Yamhill	9	7	16			1	1		2	8	4	1	4	5	0	2	1	1	1	0	0	0	1
Grand Total	117	137	254	1	0	15	20	6	15	95	102	32	35	20	32	31	29	19	25	10	7	5	9

Table 10, New parcel approvals on Forestland, parcel size and county, 2018-2019

County	Total New Parcels			0 to 10 Acres		11 to 20 Acres		21 to 40 Acres		41 to 79 Acres		80 to 160 Acres		> 160 Acres		Division associated with Dwelling		Division associated with Conditional Use	
	2018	2019	Grand Total	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Baker	0	0	0																
Benton	0	1	1		1		0		0		0		0		0				
Clackamas	4	3	7	3	2	0	1	0	0	0	0	1	0	0	0				
Clatsop	3	0	3	0		1		0		0		2		0					
Columbia	0	2	2		0		0		1		0		1		0				
Coos	5	1	6	5	1	0	0	0	0	0	0	0	0	0	0				
Crook	0	3	3		2		0		0		1		0		0				
Curry	0	0	0																
Deschutes	2	0	2	0		0		0		0		0		2					
Douglas	0	6	6		4		0		0		0		0		2				
Gilliam	0	0	0																
Grant	0	1	1		0		0		0		0		0		1				
Harney	0	0	0																
Hood River	0	0	0																
Jackson	1	1	2	1	1	0	0	0	0	0	0	0	0	0	0				
Jefferson	0	0	0																
Josephine	0	0	0																
Klamath	8	0	8	2		0		0		2		0		4		8			
Lake	0	0	0																
Lane	1	4	5	0	4	1	0	0	0	0	0	0	0	0	0				
Lincoln	0	0	0																
Linn	0	2	2		1		0		1		0		0		0				1
Malheur	0	0	0																
Marion	0	0	0																
Morrow	0	0	0																
Multnomah	0	0	0																
Polk	0	1	1		1		0		0		0		0		0				
Sherman	0	0	0																
Tillamook	1	0	1	0		0		0		1		0		0					
Umatilla	0	0	0																
Union	0	0	0																
Wallowa	0	0	0																
Wasco	0	0	0																
Washington	2	1	3	2	1	0	0	0	0	0	0	0	0	0	0				1
Wheeler	0	0	0																
Yamhill	0	4	4		4		0		0		0		0		0				
Grand Total	27	30	57	13	22	2	1	0	2	3	1	3	1	6	3	8	0	0	2

Table 11, Dwelling approvals on Farmland, by county, 1994-2019

County	Total EFU Dwelling Approvals 1994-2019	% Approved by County	Primary Farm	Accessory Farm	Relative Farm	Non Farm	Lot Of Record	Temp Hardship	Replacement
Baker	428	2.36%	51	5	31	45	107	26	163
Benton	188	1.04%	14	3	22	15	21	49	64
Clackamas	489	2.70%	71	13	59	33	72	236	5
Clatsop	75	0.41%	4	0	5	22	7	2	35
Columbia	52	0.29%	12	4	0	7	9	6	14
Coos	198	1.09%	10	5	33	6	25	23	96
Crook	924	5.10%	138	17	14	475	50	29	201
Curry	25	0.14%	5	0	8	10	1	1	0
Deschutes	1,293	7.13%	47	7	21	865	75	111	167
Douglas	2,260	12.47%	126	2	224	492	134	151	1,131
Gilliam	48	0.26%	11	6	5	8	1	1	16
Grant	301	1.66%	30	7	20	65	43	2	134
Harney	404	2.23%	112	9	15	180	36	9	43
Hood River	417	2.30%	22	83	10	35	29	28	210
Jackson	793	4.37%	57	4	56	283	256	123	14
Jefferson	324	1.79%	71	8	10	29	30	32	144
Josephine	98	0.54%	7	6	5	63	9	6	2
Klamath	577	3.18%	102	3	38	227	25	13	169
Lake	711	3.92%	91	19	25	511	3	6	56
Lane	674	3.72%	47	2	80	60	6	112	367
Lincoln	60	0.33%	3	0	0	28	21	5	3
Linn	696	3.84%	36	9	42	68	57	296	188
Malheur	839	4.63%	89	9	26	203	36	38	438
Marion	1,138	6.28%	78	26	18	89	37	269	621
Morrow	249	1.37%	29	15	19	62	23	5	96
Multnomah	72	0.40%	6	1	11	6	4	3	41
Polk	811	4.47%	65	6	43	21	93	125	458
Sherman	62	0.34%	10	1	4	33	3	0	11
Tillamook	215	1.19%	8	7	17	29	1	12	141
Umatilla	831	4.58%	64	13	33	118	56	56	491
Union	396	2.18%	60	6	17	63	53	18	179
Wallowa	232	1.28%	44	2	12	34	61	3	76
Wasco	462	2.55%	68	205	15	81	15	16	62
Washington	883	4.87%	86	4	27	64	19	143	540
Wheeler	126	0.70%	17	6	2	67	6	1	27
Yamhill	777	4.29%	75	10	69	40	121	190	272
Grand Total	18,128		1,766	523	1,036	4,437	1,545	2,146	6,675

Table 12, Dwelling approvals on Farmland, by year, 1994-2019

Year	Total	Primary Farm	Accessory Farm	Relative Farm	Non Farm	Lot Of Record	Temp Hardship	Replacement
1994	809	77	0	48	226	105	127	226
1995	899	103	1	48	259	111	145	232
1996	958	75	0	56	264	132	116	315
1997	1,028	89	0	80	265	125	127	342
1998	805	69	0	60	183	103	102	288
1999	751	74	0	51	164	85	81	296
2000	1,065	96	0	59	279	106	146	379
2001	825	88	0	38	216	76	111	296
2002	929	76	0	48	283	87	102	333
2003	835	95	0	34	261	54	83	308
2004	762	87	0	53	193	64	71	294
2005	715	83	0	45	227	46	84	230
2006	765	102	0	33	239	54	82	255
2007	789	94	0	59	271	63	69	233
2008	586	67	4	37	123	53	52	250
2009	521	54	15	20	111	34	60	227
2010	465	34	26	25	84	20	58	218
2011	393	50	21	18	56	15	51	182
2012	456	38	57	22	71	21	59	188
2013	459	47	45	24	69	24	31	219
2014	486	45	31	36	70	28	54	222
2015	530	51	27	30	90	21	57	254
2016	725	41	189	23	117	39	64	252
2017	578	49	43	30	109	28	85	234
2018	530	47	30	31	115	29	65	213
2019	464	35	34	28	92	22	64	189
Grand Total	18,128	1,766	523	1,036	4,437	1,545	2,146	6,675
5-Year Average	565	45	65	28	105	28	67	228
10-Year Average	509	44	50	27	87	25	59	217
20-Year Average	644	64	26	35	154	44	72	249

Table 13, Dwellings approvals on Forestland, by county, 1994-2019

County	Total Forest Dwelling Approvals 1994-2019	% Approved by County	Template Test	Large Tract	Lot of Record	Replacement	Health Hardship
Baker	46	0.49%	2	8	18	18	0
Benton	102	1.10%	40	9	19	24	10
Clackamas	983	10.56%	670	20	131	1	161
Clatsop	112	1.20%	54	2	20	32	4
Columbia	648	6.96%	520	2	16	56	54
Coos	581	6.24%	370	9	22	167	13
Crook	20	0.21%	0	12	1	6	1
Curry	191	2.05%	121	45	17	7	1
Deschutes	118	1.27%	76	13	11	14	4
Douglas	727	7.81%	109	41	55	501	21
Gilliam	0	0.00%	0	0	0	0	0
Grant	121	1.30%	40	20	23	38	0
Harney	6	0.06%	0	0	5	1	0
Hood River	88	0.95%	45	9	13	21	0
Jackson	923	9.92%	544	103	175	30	71
Jefferson	2	0.02%	0	1	0	1	0
Josephine	320	3.44%	283	17	12	5	3
Klamath	295	3.17%	128	17	51	90	9
Lake	2	0.02%	1	0	0	1	0
Lane	1,378	14.80%	890	16	21	404	47
Lincoln	234	2.51%	177	7	34	11	5
Linn	341	3.66%	186	4	32	44	75
Malheur	0	0.00%	0	0	0	0	0
Marion	161	1.73%	96	0	12	46	7
Morrow	53	0.57%	33	6	2	12	0
Multnomah	133	1.43%	49	1	6	74	3
Polk	522	5.61%	254	21	27	179	41
Sherman	0	0.00%	0	0	0	0	0
Tillamook	72	0.77%	47	2	4	15	4
Umatilla	36	0.39%	3	13	6	13	1
Union	144	1.55%	19	26	38	56	5
Wallowa	105	1.13%	40	19	20	22	4
Wasco	14	0.15%	1	2	4	5	2
Washington	457	4.91%	202	5	43	189	18
Wheeler	8	0.09%	1	2	0	3	2
Yamhill	365	3.92%	252	16	26	42	29
Grand Total	9,308		5,253	468	864	2,128	595

Table 14, Dwellings approvals on Forestland, by year, 1994-2019

Year	Total	Large Tract	Replacement	Template Test	Lot of Record	Health Hardship
1994	420	11	93	281	35	0
1995	563	12	114	334	103	0
1996	503	31	104	304	61	3
1997	475	14	112	265	59	25
1998	447	13	114	231	61	28
1999	400	17	64	225	42	52
2000	591	25	101	371	55	39
2001	438	22	101	224	49	42
2002	402	15	92	221	33	41
2003	430	28	100	235	43	24
2004	467	30	96	271	52	18
2005	434	15	104	243	42	30
2006	456	15	130	257	34	20
2007	427	24	90	227	48	38
2008	345	16	87	194	27	21
2009	271	31	64	133	11	32
2010	248	20	58	141	16	13
2011	216	22	78	90	10	16
2012	189	18	48	95	6	22
2013	203	11	66	105	6	15
2014	214	10	59	126	10	9
2015	233	8	50	152	9	14
2016	225	9	47	128	22	19
2017	260	15	50	146	10	39
2018	210	16	50	117	11	16
2019	241	20	56	137	9	19
Grand Total	9,308	468	2,128	5,253	864	595
5-Year Avg	234	14	51	136	12	21
10-Year Avg	224	15	56	124	11	18
20-Year Avg	325	19	76	181	25	24

Table 15, Total approvals pursuant to M49, by county, 2010-2019

County	Claims	Claims Authorized	Authorized New Dwellings	Authorized New Parcels
Total	4,960	3,542	6,417	4,096
Baker	97	66	116	58
Benton	80	57	93	53
Clackamas	863	673	1,204	855
Clatsop	52	29	46	31
Columbia	79	50	92	64
Coos	135	96	182	104
Crook	33	21	44	27
Curry	75	48	102	50
Deschutes	116	83	133	97
Douglas	168	124	208	148
Gilliam	1	0	0	0
Grant	5	3	5	5
Harney	0	0	2	2
Hood River	160	117	180	121
Jackson	349	265	450	308
Jefferson	142	86	192	119
Josephine	124	82	142	106
Klamath	139	92	195	78
Lake	1	1	2	2
Lane	327	237	473	297
Lincoln	78	62	112	51
Linn	270	182	331	222
Malheur	19	11	33	21
Marion	322	211	361	223
Morrow	0	0	9	6
Multnomah	72	50	85	40
Polk	247	168	302	184
Sherman	0	0	0	0
Tillamook	67	40	78	46
Umatilla	34	25	72	45
Union	31	19	28	20
Wallowa	38	29	63	37
Wasco	31	26	45	21
Washington	485	360	607	390
Wheeler	2	0	29	15
Yamhill	318	229	401	250

Table 15a, Total Measure 49 authorizations, by county, 2018-2019

County	New Dwellings		New Parcels		Total New Dwelling Approvals	Total New Parcels
	2018	2019	2018	2019	2018-2019	2018-2019
TOTAL	74	98	58	82	179	143
Baker	4		4		4	4
Benton		2		0	2	0
Clackamas	18	28	16	29	46	45
Clatsop	0	1	2	2	1	4
Columbia	2		2		2	2
Coos		3		2	3	2
Deschutes	2	1	2	2	3	4
Douglas	2		2		2	2
Hood River	1	11	1	7	12	8
Jackson	2	1	2	0	5	2
Jefferson	2	5	2	4	7	6
Josephine	1		1		1	1
Lane	2	5	1	4	7	5
Lincoln		2		2	2	2
Linn	10	5	6	4	17	11
Marion	6		4		9	6
Multnomah	1		1		1	1
Polk	4	13	4	11	17	15
Union	1		0		1	0
Washington	11	18	3	12	29	15
Yamhill	5	3	5	3	8	8

Table 16, Farm and Forest Land included in UGBs by Year, 1989 – 2019

Year	Number of UGB Expansion Approvals	Acres added to UGBs	Acres from EFU Zones	Acres from Forest Zones
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
2014	8	4,188	3,262	350
2015	7	1,028	79	1
2016	5	2,605	225	0
2017	10	1,845	1,192	135
2018	4	415	194	44
2019	7	2,497	1,294	0
TOTAL	395	69,144	25,578	5,575

Table 17, Farmland zone changes not involving urban lands, 1989–2019

	To Commercial*	To Industrial **	To Residential	Subtotal	To Forest or Natural Resource	To EFU from Other Zone	Net Zone Change
1989-2000	614	1,370	5,986	7,970	2,410	944,670	934,290
2001	11	31	283	325	67	148	-244
2002	18	69	147	234	202	10	-426
2003	21	2	283	306	90	77	-319
2004	25	1,681	220	1,925	269	52	-2,142
2005	479	772	414	1,665	988	21	-2,632
2006	31	539	1,468	2,038	311	777	-1,572
2007	2	342	1,704	2,048	1,115	2,020	-1,143
2008	79	10	1,011	1,100	73	0	-1,173
2009	6	375	396	777	459	53	-1,183
2010	30	439	402	871	546	41	-1,376
2011	0	288	270	558	199	0	-757
2012	57	1,075	42	1,174	517	0	-1,691
2013	0	0	380	380	1,316	0	-1,696
2014	22	55	2,987	3,064	6	916	-2,154
2015	640	569	10	1,219	204	8	-1,415
2016	103	167	206	476	0	93	-383
2017	8	157	184	349	432	54	-727
2018	106	505	674	1,285	498	263	-1,521
2019	0	248	728	976	166	0	-1,142
TOTAL	2,252	8,694	17,795	28,741	9,868	949,203	910,594

*Public zones are counted as commercial; ** Mineral and aggregate zones are counted as industrial.

Table 18, Forest and mixed farm-forest zone changes not involving urban lands, 1989–2019

	To Commercial*	To Industrial **	To Residential	Subtotal	To EFU or Natural Resource	To Forest from Other Zone	Net Zone Change
1989-2000	16	275	3,692	3,983	8,517	36,854	24,354
2001	0	0	232	232	0	0	-232
2002	0	0	113	113	109	0	-222
2003	0	0	520	520	113	0	-633
2004	0	82	95	177	50	0	-227
2005	0	31	101	132	44	50	-126
2006	0	3	292	295	0	163	-132
2007	2	5	1,269	1,276	0	90	-1,186
2008	3	212	5	220	131	509	158
2009	0	56	2,451	2,507	0	27	-2,480
2010	215	185	489	889	10	378	-521
2011	2	0	53	55	162	0	-217
2012	0	5	74	79	0	80	1
2013	18	129	0	147	288	0	-435
2014	4	0	159	163	0	11	-152
2015	0	197	164	361	0	204	-157
2016	0	32	120	152	35	0	-187
2017	16	136	32	184	41	432	207
2018	0	151	107	258	263	120	-401
2019	0	165	0	165	0	83	-82
TOTAL	276	1,664	9,968	11,908	9,763	39,001	17,330

** Mineral and aggregate zones are counted as industrial.

Table 19, USDA NASS Acres in Farm Use by County 1997 – 2017

Table: USDA NASS 2017 Census of Agriculture: Oregon Land In Farms by County 1997-2017

County	2017	2012	2007	2002	1997	2017 to 2012	2017 to 1997	Acreage
COLUMBIA	43,379	56,668	57,758	62,398	72,700	77%	60%	-29,321
GRANT	628,895	656,410	761,541	892,400	1,041,463	96%	60%	-412,568
CLATSOP	15,070	16,382	21,198	22,234	24,341	92%	62%	-9,271
JACKSON	170,298	214,079	244,055	252,185	254,607	80%	67%	-84,309
KLAMATH	482,999	650,416	675,127	702,951	713,255	74%	68%	-230,256
MULTNOMAH	25,435	29,983	28,506	34,329	36,503	85%	70%	-11,068
UNION	385,152	411,671	487,584	478,411	544,720	94%	71%	-159,568
WASHINGTON	104,715	135,733	127,984	130,683	140,884	77%	74%	-36,169
JOSEPHINE	27,866	28,256	37,706	32,370	37,170	99%	75%	-9,304
LINN	314,947	331,316	376,483	385,589	416,737	95%	76%	-101,790
CURRY	70,338	63,342	74,336	70,459	90,090	111%	78%	-19,752
BAKER	754,585	710,789	711,809	869,523	953,771	106%	79%	-199,186
WHEELER	556,967	649,086	757,780	738,207	694,696	86%	80%	-137,729
CLACKAMAS	157,426	162,667	182,743	215,210	195,602	97%	80%	-38,176
POLK	148,905	144,748	166,663	168,881	184,323	103%	81%	-35,418
LINCOLN	29,017	30,225	31,179	32,791	35,780	96%	81%	-6,763
GILLIAM	611,920	723,405	733,387	642,996	752,067	85%	81%	-140,147
YAMHILL	169,357	177,365	180,846	196,298	204,739	95%	83%	-35,382
COOS	138,171	157,496	145,675	144,077	166,082	88%	83%	-27,911
LANE	203,148	219,625	245,531	234,807	238,014	92%	85%	-34,866
WALLOWA	520,213	452,559	527,957	518,110	606,259	115%	86%	-86,046
MALHEUR	1,093,362	1,076,768	1,170,664	1,175,280	1,252,746	102%	87%	-159,384
CROOK	799,845	822,676	761,548	937,628	904,794	97%	88%	-104,949
MARION	288,671	286,194	307,647	341,051	325,048	101%	89%	-36,377
TILLAMOOK	32,936	36,551	37,780	39,526	36,551	90%	90%	-3,615
HOOD RIVER	28,451	25,817	26,952	29,064	30,834	110%	92%	-2,383
BENTON	127,626	123,975	114,558	130,203	137,465	103%	93%	-9,839
DOUGLAS	400,179	382,386	396,984	390,140	422,605	105%	95%	-22,426
UMATILLA	1,352,241	1,308,312	1,447,321	1,330,932	1,403,598	103%	96%	-51,357
MORROW	1,126,101	1,165,126	1,104,250	1,124,593	1,165,678	97%	97%	-39,577
JEFFERSON	792,920	817,051	708,974	701,440	793,525	97%	100%	-605
DESCHUTES	134,600	131,036	129,369	138,226	131,734	103%	102%	2,866
LAKE	755,639	657,055	692,778	747,888	737,531	115%	102%	18,108
SHERMAN	524,857	513,649	514,004	507,705	451,769	102%	116%	73,088
HARNEY	1,557,103	1,505,437	1,461,508	1,575,020	1,319,828	103%	118%	237,275
WASCO	1,388,988	1,427,324	949,462	1,086,817	1,140,704	97%	122%	248,284
						Percent Change	Percent Change	Change
STATE LEVEL	15,962,322	16,301,578	16,399,647	17,080,422	17,658,213	98%	90%	-1,695,891



Adam Barber <adam.t.barber@multco.us>

Fwd: Submission by Mail of Testimony + Request to Testify - Edward Hill

land.use.planning land.use.planning <land.use.planning@multco.us>
To: Adam Barber <adam.t.barber@multco.us>

Mon, Jun 7, 2021 at 11:18 AM

EXHIBIT H.4
PC-2021-14207

----- Forwarded message -----


From: **Black Food NW** <bfscpx@gmail.com>

Date: Mon, Jun 7, 2021 at 10:54 AM

Subject: Submission by Mail of Testimony + Request to Testify - Edward Hill

To: <land.use.planning@multco.us>, <heidie.konopnickl@multco.us>

Cc: <bfscpx@gmail.com>, <edward@blacfoodnw.org>, <jamese@ecotrust.org>, <lauren.gwin@oregonstate.org>

 **External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.Black Food Sovereignty Coalition
5020 NE MLK Jr Blvd. Ste. F
Portland, OR 97214

June 7, 2021

Multnomah County Planning Commission
1600 SE 190th Ave
Portland, OR 97233VIA EMAIL: heidie.konopnickl@multco.us

RE: Comments on Proposed Amendments to Multnomah County Code Section 39.4265(B)(3)

Dear Commissioners:

We, Black Food Sovereignty Coalition, appreciate the opportunity to comment in serious and severe opposition to the proposed removal of Multnomah County Code Section 39.4265(B)(3), which provides a customary farm dwelling option that is primarily used by new (Greenhorn) farmers entering the industry and family farms. BFSC is concerned about the removal of this provisions because it will limit an important housing opportunity for farmers in the County.

For background, the Black Food Sovereignty Coalition (BFSC) serves as a collaboration hub for Black and Brown communities in Oregon to confront the systemic barriers that make food, place and economic opportunities inaccessible to us. BFSC is focused on meeting these barriers with creative, innovative, and sustainable solutions. Built on a decade of food justice work of founding members of the Black Food Sovereignty Council and other Black-identified leaders and stakeholders in the Pacific Northwest, the BFSC mission is to ignite Black and brown communities to participate as owners and movement leaders within food systems, placemaking, and economic development. Today, BFSC represents nearly 150-members engaged in the food system in our region and 7 new farms in the county that need housing allowances to

make their future work. BFSC is the voice of BIPOC agriculture in Multnomah County, representing new and established farmers and growers of color who would be impacted by this proposal.

As stated earlier, the customary farm dwelling option that is proposed to be deleted by the County can be used by individuals new to the industry or those that hold small, but productive, operations. Specifically, it is available for those who are capable of producing the median level of annual gross sales, but whose farm is not located on high-value soils and is less than 160 acres, which is most of the farms in Multnomah County. Based upon recent NASS data, of the 600+ farms located in Multnomah County, the average size of a farm is just 39 acres, with over 50% of the farms in the County being between 1-9 acres.¹ Given the demographics of farming in Multnomah County, this housing option is one the County should actively retain and strengthen, not remove.

From a broader systemic perspective, it is unclear why Multnomah County would seek to remove an important housing option for People of Color when Oregon is taking profound steps to create more opportunities for housing in the state. Further, the County should be actively promoting our local food system as an economic growth tool. Oregon's farmers and ranchers continue to provide, through this disaster, the healthy food we depend on, and new BIPOC and other farmers bring the EQUITY of diversity into our food system. Removing this important housing option from code works against these important objectives and against equity.

Additionally, BFSC is seriously disappointed with the lack of outreach from Multnomah County to our BIPOC farming community when considering this proposal. BFSC and our partners can recount any outreach to farmers in the region about whether this housing option is important to the industry before it was proposed to be deleted. BFSC would welcome the opportunity to assist in evaluating the usefulness of this provision and to help resolve other implementation obstacles the County may be having in permitting dwellings under the code.

Further, we question the timing of this proposal as the industry tries to rebound from the devastating impacts of COVID-19, racial tensions, and economic trauma. Prior to COVID-19, producers were already under tremendous pressure – net income on farms is half of what it was five years ago, Oregon faces recent market collapses across several industries due to trade disruptions, new markets are collapsing, and long-time processor, NORPAC, recently closed. Market prices are at record lows across many commodities, and farmers are already grappling with significant recent regulatory costs imposed by the Oregon legislature and agencies.

At the same time, farming is seasonal in nature and cannot respond to changing market pressures overnight. Immediate impacts from COVID-19 included failure of markets for those who sell directly to restaurants, cancellation of markets and direct marketing opportunities many farms depend upon, closure of international markets to shipments due to the virus, and enormous pressure on the food system to shift processing and distribution from restaurant and food service to retail. Moreover, recent devastating wildfires and ice storms have caused immense loss for farmers around the state, including those in Multnomah County.

In short, Oregon's BIPOC and Non-POC farmers have been severely impacted by the historically unique challenges of this year, and our farmers and growers want Multnomah County's support at this critical time of the season.

This support should include the creation of more innovative and creative opportunities for farmers to affordably build housing types that support our local food economy, not the ending and removal of key

housing options necessary for the growth of this growing local industry.

Therefore, we urge the Commission to not move forward with the removal of Multnomah County Code Section 39.4265(B)(3).

Respectfully,

Edward Hill, Urban Planner
Co-Director/Land Use & Sustainability
Black Food Sovereignty Coalition

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Multnomah County

Department of Community Services - Land Use Planning Division

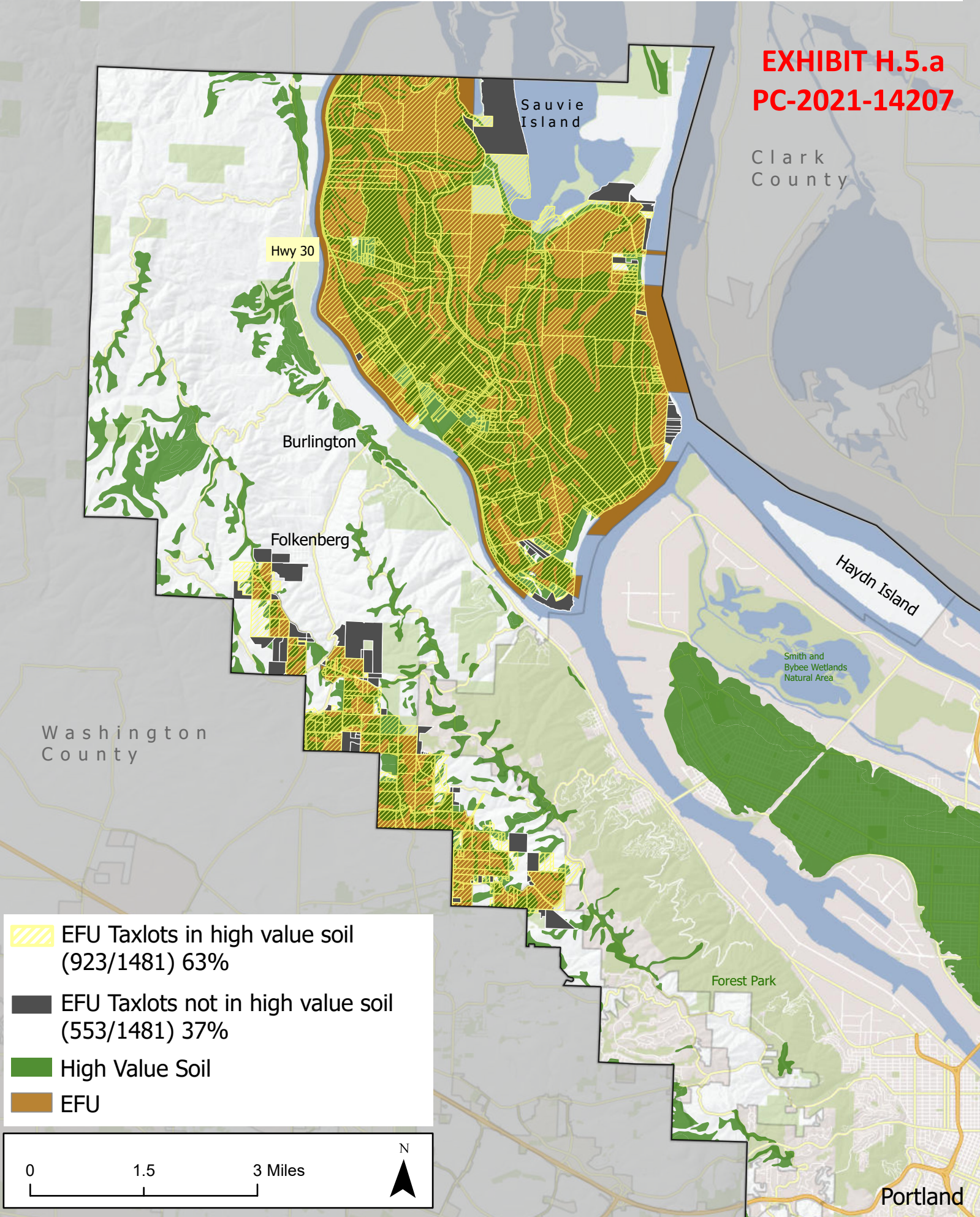
[1600 SE 190th Ave., Portland OR 97233](#)





T: 503-988-3043

Our public counter hours are: Tuesday - Friday, 8am - 4pm

High Value Soil in Zone EFU (West Multnomah County)

EXHIBIT H.5.a
PC-2021-14207



-  EFU Taxlots in high value soil (923/1481) 63%
-  EFU Taxlots not in high value soil (553/1481) 37%
-  High Value Soil
-  EFU



High Value Soil in Zone EFU (East Multnomah County)

0 0.5 1 Miles

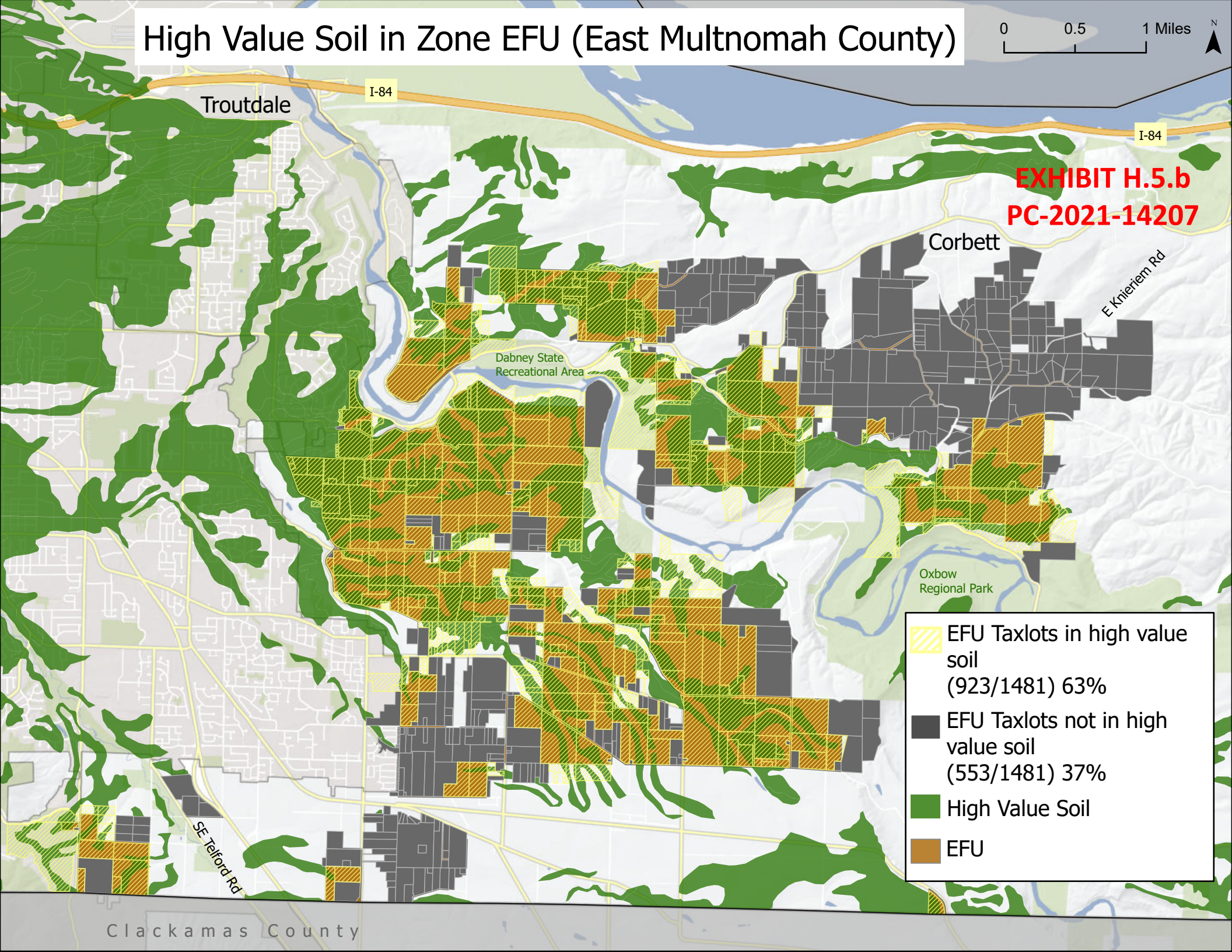


EXHIBIT H.5.c
PC-2021-14207

Multnomah County

High-Value Farmland

County Code	Soil No	Soil Name	Not Irrigated	Irrigated	Acres
051	45	SAUVIE SILT LOAM, PROTECTED	2W	2W	6839
051	4R	SIFTON GRAVELLY LOAM, OCCASIONALLY FLOODED	3W	3W	307
051	55	WAPATO SILT LOAM	3W	3W	1136
051	57	WOLLENT SILT LOAM	3W		2321
		Class 1 Not Irrigated – OAR 660-33-020(8)(a)(B)			
051	26A	LATOURELL-URBAN LAND COMPLEX, 0 TO 3 PERCENT SLOPES	I	I	178
051	51A	URBAN LAND-LATOURELL COMPLEX, 0 TO 3 PERCENT SLOPES	I	I	10026
		Class 2 Not Irrigated – OAR 660-33-020(8)(a)(B)			
051	2A	ALCITA-URBAN LAND COMPLEX, 0 TO 3 PERCENT SLOPES	2W	2W	898
051	9B	CAZADERO SILTY CLAY LOAM, 0 TO 8 PERCENT SLOPES	2E		1736
051	11B	CORNELIUS-URBAN LAND COMPLEX, 3 TO 8 PERCENT SLOPES	2E	2E	457
051	26B	LATOURELL-URBAN LAND COMPLEX, 3 TO 8 PERCENT SLOPES	2E	2E	225
051	38A	QUATAMA-URBAN LAND COMPLEX, 0 TO 3 PERCENT SLOPES	2W	2W	128
051	43C	SALIM SILT LOAM, 8 TO 15 PERCENT SLOPES	2E	2E	227
051	47A	SAUVIE-RAFTON-URBAN LAND COMPLEX, 0 TO 3 PERCENT SLOPES	2W	2W	2710
051	54B	URBAN LAND-QUATAMA COMPLEX, 3 TO 8 PERCENT SLOPES	2E	2E	656
051	53B	URBAN LAND-QUAFENO COMPLEX, 3 TO 8 PERCENT SLOPES	2E	2E	1470
051	53A	URBAN LAND-QUAFENO COMPLEX, 0 TO 3 PERCENT SLOPES	2W	2W	390
051	51B	URBAN LAND-LATOURELL COMPLEX, 3 TO 8 PERCENT SLOPES	2E	2E	3925
		Willamette Valley Cropland Soils – OAR 660-33-020(8)(c)			
051	6C	BURLINGTON FINE SANDY LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	441
051	7C	CASCADE SILT LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	4902
051	11C	CORNELIUS-URBAN LAND COMPLEX, 8 TO 15 PERCENT SLOPES	3E	3E	215
051	10C	CORNELIUS SILT LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	807
051	10D	CORNELIUS SILT LOAM, 15 TO 30 PERCENT SLOPES	4E	4E	430

HIGH-VALUE FARMLAND SOILS

Multnomah County			Soil Class		
County Code	Soil No	Soil Name	Not Irrigated	Irrigated	Acres
		Prime Not Irrigated – OAR 660-33-020(8)(a)(B)			
051	10	ALDHA SILT LOAM, 3 TO 8 PERCENT SLOPES	2W	2W	335
051	1A	ALDHA SILT LOAM, 0 TO 3 PERCENT SLOPES	2W	2W	748
051	6B	BURLINGTON FINE SANDY LOAM, 0 TO 8 PERCENT SLOPES	2E	2E	1924
051	7B	CASCADE SILT LOAM, 3 TO 8 PERCENT SLOPES	3W	3W	2492
051	10B	CORNELIUS SILT LOAM, 3 TO 8 PERCENT SLOPES	2E	2E	928
051	16	FALOMA SILT LOAM, PROTECTED	4W	2W	1078
051	21B	III-VETIA SILT LOAM, 3 TO 8 PERCENT SLOPES	2E	2E	251
051	25A	LATOURELI LOAM, 0 TO 3 PERCENT SLOPES	1	1	724
051	25B	LATOURELI LOAM, 3 TO 8 PERCENT SLOPES	2E	2E	482
051	27B	MERSHON SILT LOAM, 0 TO 8 PERCENT SLOPES	3E		2402
051	28	MOAG SILTY CLAY LOAM, PROTECTED	3W	3W	939
051	29A	MULTNOMAH SILT LOAM, 0 TO 3 PERCENT SLOPES	3S	3S	1978
051	29B	MULTNOMAH SILT LOAM, 3 TO 8 PERCENT SLOPES	3E	3E	872
051	34B	POWELL SILT LOAM, 3 TO 8 PERCENT SLOPES	3E	3E	3805
051	34A	POWELL SILT LOAM, 0 TO 3 PERCENT SLOPES	3W	3W	1702
051	36A	QUAFENO LOAM, 0 TO 3 PERCENT SLOPES	2W	2W	914
051	36B	QUAFENO LOAM, 3 TO 8 PERCENT SLOPES	2E	2E	769
051	37B	QUATAMA LOAM, 3 TO 8 PERCENT SLOPES	2E	2E	1395
051	37A	QUATAMA LOAM, 0 TO 3 PERCENT SLOPES	2W	2W	364
051	40	RAFTON SILT LOAM, PROTECTED	3W	3W	4235
051	46	SAUVIE SILTY CLAY LOAM, PROTECTED	2W	2W	2589

County Code	Soil No.	Soil Name	Not Irrigated	Irrigated	Acres
051	25D	LATTOURELL LOAM, 15 TO 30 PERCENT SLOPES	4E	4E	116
051	25C	LATTOURELL LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	161
051	30B	MULTNOMAH-URBAN LAND COMPLEX, 3 TO 8 PERCENT SLOPES	3E	3E	1550
051	29C	MULTNOMAH SILT LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	458
051	34C	POWELL SILT LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	1196
051	34D	POWELL SILT LOAM, 15 TO 30 PERCENT SLOPES	4E	4E	376
051	37D	QUATAMA LOAM, 15 TO 30 PERCENT SLOPES	4E		382
051	37C	QUATAMA LOAM, 8 TO 15 PERCENT SLOPES	3E	3E	990
051	51D	URBAN LAND-LATTOURELL COMPLEX, 15 TO 30 PERCENT SLOPES	4E	4E	213
051	52A	URBAN LAND-MULTNOMAH COMPLEX, 0 TO 3 PERCENT SLOPES	3S	3S	13719
051	54C	URBAN LAND-QUATAMA COMPLEX, 8 TO 15 PERCENT SLOPES	3E	3E	313
051	52C	URBAN LAND-MULTNOMAH COMPLEX, 8 TO 15 PERCENT SLOPES	3E	3E	302
051	52B	URBAN LAND-MULTNOMAH COMPLEX, 3 TO 8 PERCENT SLOPES	3E	3E	1965
051	51C	URBAN LAND-LATTOURELL COMPLEX, 8 TO 15 PERCENT SLOPES	3E	3E	772



LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
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<https://multco.us/landuse>

THIS IS TO NOTIFY YOU THAT MULTNOMAH COUNTY HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

Public Hearing Notice

MULTNOMAH COUNTY PLANNING COMMISSION HEARING TO CONSIDER HOUSEKEEPING AMENDMENTS TO THE MULTNOMAH COUNTY ZONING CODE RE-ESTABLISHING HOME OCCUPATION STANDARDS IN CERTAIN URBAN BASE ZONES AND DELETING AN OPTIONAL CUSTOMARY FARM DWELLING QUALIFICATION PROVISION IN THE EFU BASE ZONE (MCC 39.4265(B)(3))

**PROJECT # PC-2021-14207
JUNE 7, 2021 AT 6:30 P.M.**

The Planning Commission meeting will be held virtually. Instructions for participating in the meeting online, or by phone will be published prior to the meeting on the county Planning Commission webpage: <https://multco.us/landuse/planning-commission> Those requiring special accommodations, and those with questions about how to participate in the meeting can contact staff prior to the meeting at the email or phone number provided at the end of this notice.

On June 7, 2021 at 6:30 P.M., the Multnomah County Planning Commission will hold a virtual public hearing (accessible online or by phone) to consider a housekeeping ordinance (1) re-establishing home occupation standards that were inadvertently deleted in certain urban base zones and (2) deleting MCC 39.4265(B)(3), an optional customary farm dwelling qualification provision for not high-value farmland soils capable of producing the median level of annual gross sales of county indicator crops in the Exclusive Farm Use (EFU) zone, while retaining other provisions for establishing a dwelling in the EFU zone. The Planning Commission will hear public testimony and, based on the entire record in this matter, determine whether to recommend approval of the ordinance to the Multnomah County Board of Commissioners.

Multnomah County has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zones, and may change the value of your property.

Home Occupation: The proposed ordinance: (1) Re-establishes Type A, B, and C home occupation standards in the LR-7 and LR-10 urban base zones authorized in 2013 through Ordinance 1197 and inadvertently deleted in 2018 when former County Chapter 11.15 Zoning Code was consolidated into current County Chapter 39 Zoning Code; and (2) Re-establishes home occupation standards in the MUF, UF-20, LR-5 and MR-4 urban base zones by adopting current Chapter 39 Zoning Code Type A, B, and C home occupation standards in those zones, consistent with the intent of the last significant update to the home occupation standards in Ordinance 1197.

Customary Farm Dwelling: The proposed ordinance also deletes an optional customary farm dwelling qualification provision in Multnomah County Code section 39.4265(B)(3) for not high-value farmland soils capable of producing the median level of annual gross sales. Multnomah County Zoning Code sections 39.4225(B)-(E), summarized below, implement state EFU dwelling provisions, including the provision proposed to be deleted, which has been underlined. Option 3 (to be deleted) implements OAR 660-033-0135(2) addressing a scenario where a farm tract is not primarily composed of high value farmland soils, but is capable of producing at least the median level of annual gross sales of indicator crops specific to Multnomah County.

39.4225(B) - Relative Farm Help Dwelling. Subject to 39.4265(A) *[Implements ORS 215.283(1) (d) and OAR 660-033-0130(9)]*

- Secondary (accessory) dwelling located on same lot or parcel as the farm operator dwelling & occupied by a relative of the farm operator if relative's assistance is required in management of the farm use.

39.4225(C) - Primary Farm Dwelling. Subject to 39.4265(B). Six dwelling options. *[Implements ORS 215.283(1)(e) and associated OARs outlined below]*

- Option 1 (MCC 39.4265(B)(1)): High-value farmland soils, \$80,000 farm income. *[Implements OAR 660-033-0135(4)]*
- Option 2 (MCC 39.4265(B)(2)): Not high-value farmland soils, 160-acres. *[Implements OAR 660-033-0135(1)]*

- Option 3 (MCC 39.4265(B)(3)): Not high-value farmland soils, capable of producing median level of annual gross sales of county indicator crops. [Implements OAR 660-033-0135(2)]
 - Option 4 (MCC 39.4265(B)(4)): Not high-value farmland soils, \$40,000 farm income or mid-point of median income range. [Implements OAR 660-033-0135(3)]
 - Option 5 (MCC 39.4265(B)(5)): Commercial dairy farm. \$40,000-\$80,000 farm income requirement depending on soils, or median income range of certain farms in Multnomah County. [Implements OAR 660-033-0135(7)]
 - Option 6 (MCC 39.4265(B)(6)): Relocating dwelling to another farm. Certain income and farm size requirements. [Implements (combines) various sections of OAR 660-033-0135 related to primary farm dwelling allowance]
- 39.4225(D) - Accessory Farm Dwelling. Subject to 39.4265(C)** [Implements ORS 215.283(1)(e) and OAR 660-033-0130(24)]
- Secondary (accessory) dwelling occupied by person principally engaged in farming and on the same tract as the primary farm dwelling. Certain income requirements based on soils.
- 39.4225(E) - Primary Heritage Tract Dwelling. Subject to 39.4265(D)** [Implements ORS 215.705]
- Tract is non-high value farmland soils, vacant, and not in a big game habitat area.
 - Deed demonstrating current ownership back to at least January 1, 1985.

Oregon counties are not required to provide for the farm dwelling use in MCC 39.4265(B)(3) (Option 3 above) and staff understand that few Oregon counties have adopted these optional provisions due to the resource burden placed on counties to conduct the required median level annual gross sales study.



RETURN SERVICE REQUESTED

In addition, the data required to conduct that study is no longer produced by the state and federal sources cited in the state administrative rules, making it difficult for the county to implement this provision. Removal of 39.4265(B)(3) will not affect a property owner's ability to apply for a permit under the other EFU dwelling provisions.

The proposed ordinance can be viewed online **after May 28, 2021** at <https://multco.us/landuse/planning-commission>. The proposed ordinance is also available for inspection, and at a cost of \$0.35/page a copy is available for purchase. The Multnomah County land use planning office is closed to the public until further notice due to the COVID-19 pandemic. Please contact staff at the contact information below for an appointment to inspect the ordinance, or request a copy. **An opportunity for public comment will be provided at the Planning Commission hearing. Please contact Heidi Konopnicki, Senior Office Assistant, prior to the day of the meeting, if you would like to register to provide public comment during the Planning Commission hearing (heidi.konopnicki@multco.us / 503.988.0187).** If you have technical questions about the proposal after reviewing the ordinance, please contact Adam Barber, Deputy Planning Director, at the Multnomah County Land Use Planning Division (adam.t.barber@multco.us / 503.988.0168).

FORWARDING SERVICE REQUESTED

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
 ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE
 FORWARDED TO THE PURCHASER.**