

The background of the slide is a scenic landscape photograph. In the foreground, there is a lush green field. In the middle ground, a red barn with a white roof and a white fence are visible. Behind the barn, there is a dense forest of trees with vibrant autumn foliage in shades of yellow, orange, and red. In the background, there are rolling hills covered in a thick forest of evergreen trees under a clear blue sky with a few wispy clouds. The title text is overlaid on the top left of the image, and the speakers' names and titles are overlaid on the right side.

Oregon's Land Use Program and Farmland Protection

Oregon Board of Agriculture

Oregon Land Conservation and Development Commission

August 20, 2024

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Oregon Department of Land

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Agenda

- Oregon Planning Program Basics
- Oregon Agriculture On The Ground
- Protection of Oregon Agricultural Lands The Components
 - Legislative Policy
 - Inventory: What is Agricultural Land?
 - Protection: The Key Tools
- Questions

Context for the Land Use Planning Program



Year	Milestone
1899	Oregon legislature declares 30 miles of beach as a public highway from Columbia River to south line of Clatsop County.
1913	Legislature amends 1899 law, and declares all beaches as a state highway.
1919	Legislature permits city to zone private land.
1947	Legislature permits counties to zone private land.
1961	Legislature allows special farm tax assessment program
1963	Legislature creates Exclusive Farm Use (EFU) zone (ORS Chapter 215).
1971	Oregon Legislature adopts Senate Bill 10. Most cities and counties do not develop plans.
1973	SB 100 approved creating LCDC and DLCDC. SB101 creates statewide protections for farmland by further amendments to the EFU zone (ORS 215).

What SB 100 Accomplished

- Created the Land Conservation and Development Commission
- Directed creation of Statewide Planning Goals
- Mandated local plans in compliance with the goals

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OREGON LEGISLATIVE ASSEMBLY—1973 REGULAR SESSION

Enrolled
Senate Bill 100

Sponsored by Senators MACPHERSON, HALLOCK

CHAPTER _____

AN ACT

Relating to land use; creating new provisions; amending ORS 215.055, 215.510, 215.515, 215.535 and 453.345; and appropriating money.

Be It Enacted by the People of the State of Oregon:

PART I INTRODUCTION
PREAMBLE

SECTION 1. The Legislative Assembly finds that:

(1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.

(2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with state-wide planning goals and guidelines.

(3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.

(4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.

(5) The impact of proposed development projects, constituting activities of state-wide significance upon the public health, safety and welfare, requires a system of permits reviewed by a state-wide agency to carry out state-wide planning goals and guidelines prescribed for application for activities of state-wide significance throughout this state.

POLICY STATEMENT

SECTION 2. The Legislative Assembly declares that, in order to assure the highest possible level of liveability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

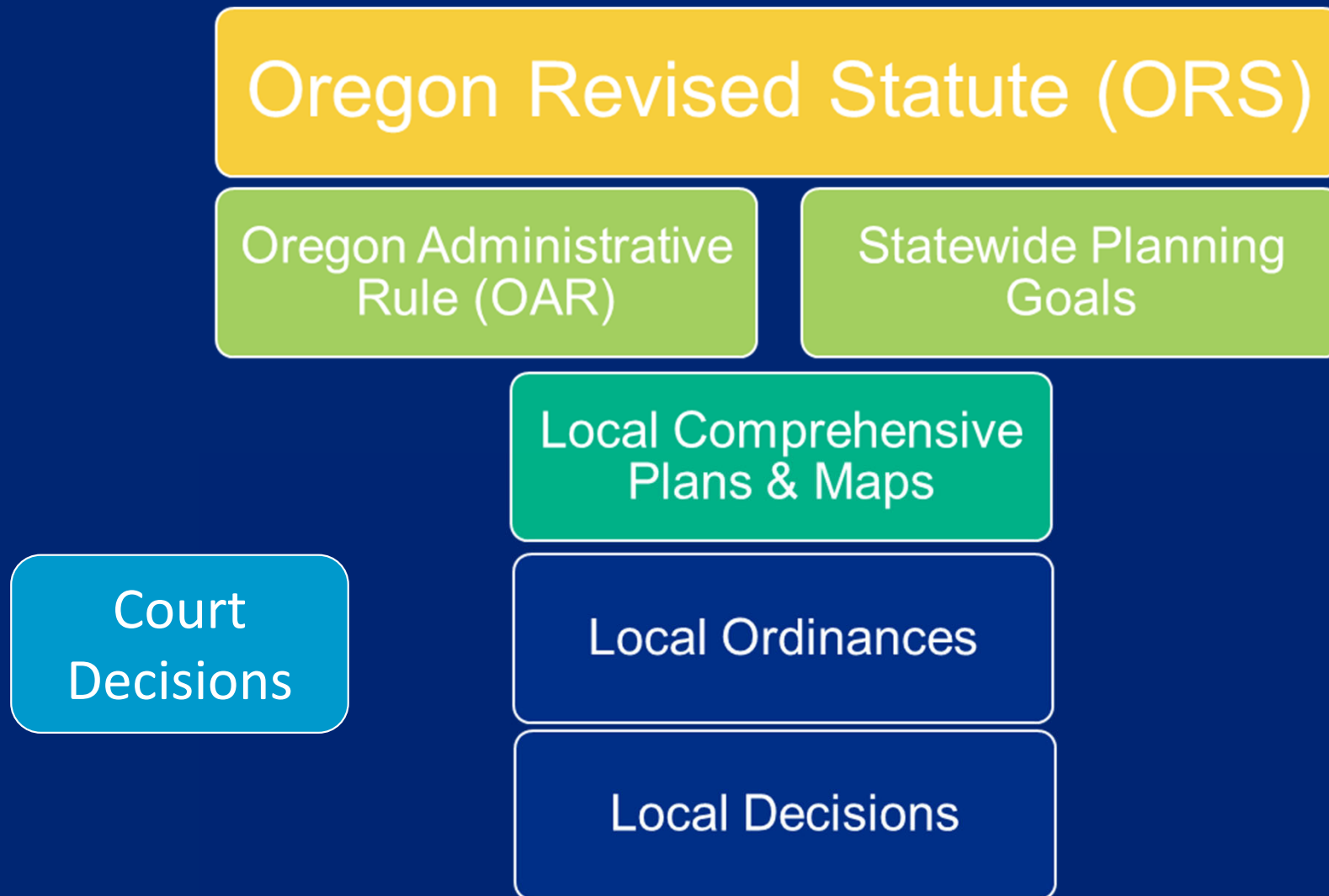
(1) Must be adopted by the appropriate governing body at the local and state levels;

(2) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;

(3) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans;

(4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and

Elements of Statewide Land Use Planning Program



19 Statewide Land Use Planning Goals



Process Goals

- Applies to all land use planning

Public Participation

Making fact based decisions

Evaluating alternatives

Creating implementation measures

Resource Goals

- Applies counties and cities in some cases

Farm and Forest Lands

Natural Hazards

Recreation

Natural Resources

Willamette River Greenway

Urban Goals

- Applies to cities

Economic Development

Housing

Public Facilities

Transportation

Urban Growth Boundaries

Coastal Goals

- A networked partnership of federal and local governments, and tribes

Estuaries

Beaches and Dunes

Ocean Resources

Statewide Planning Goals (Adopted December 1974)

Goal 1: Citizen Involvement

Goal 2: Land Use Planning

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goal 5: Natural Resources, Open Space and Historical Resources

Goal 6: Air, Water, and Land Quality

Goal 7: Natural Hazards

Goal 8: Recreation

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanization

Goal 15: Willamette River Greenway* (December 1975)

Goal 16: Estuarine Resources (December 1976)

Goal 17: Coastal Shorelands “

Goal 18: Beaches and Dunes “

Goal 19: Ocean Resources “

Elements of Statewide Land Use Planning Program

RESOURCE
LAND
PROTECTION

URBAN
GROWTH
BOUNDARIES

STATE
COORDINATION
OF LOCAL
PLANS



Elements of Statewide Land Use Planning Program

RURAL LANDS

Non-Resource
Lands

Resource Lands

Exception
Lands

Unincorporated
Communities

State and Local Responsibilities

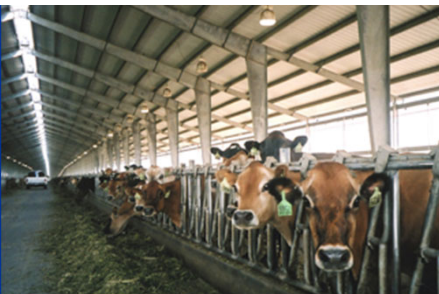
Oregon Statewide Planning Program

State Agencies

ORS 197.180: State agency actions must:

- Comply with statewide planning goals
- Comply with local acknowledged comprehensive plans and land use regulations

State agencies must adopt state agency coordination program with DLCDC



Key Points

- Oregon agriculture is very important to Oregon's economy
- Oregon agriculture is incredibly diverse
- Diversity in crops, production systems, farm sizes, and markets keeps the industry resilient
- Oregon is a leader in protecting agricultural land



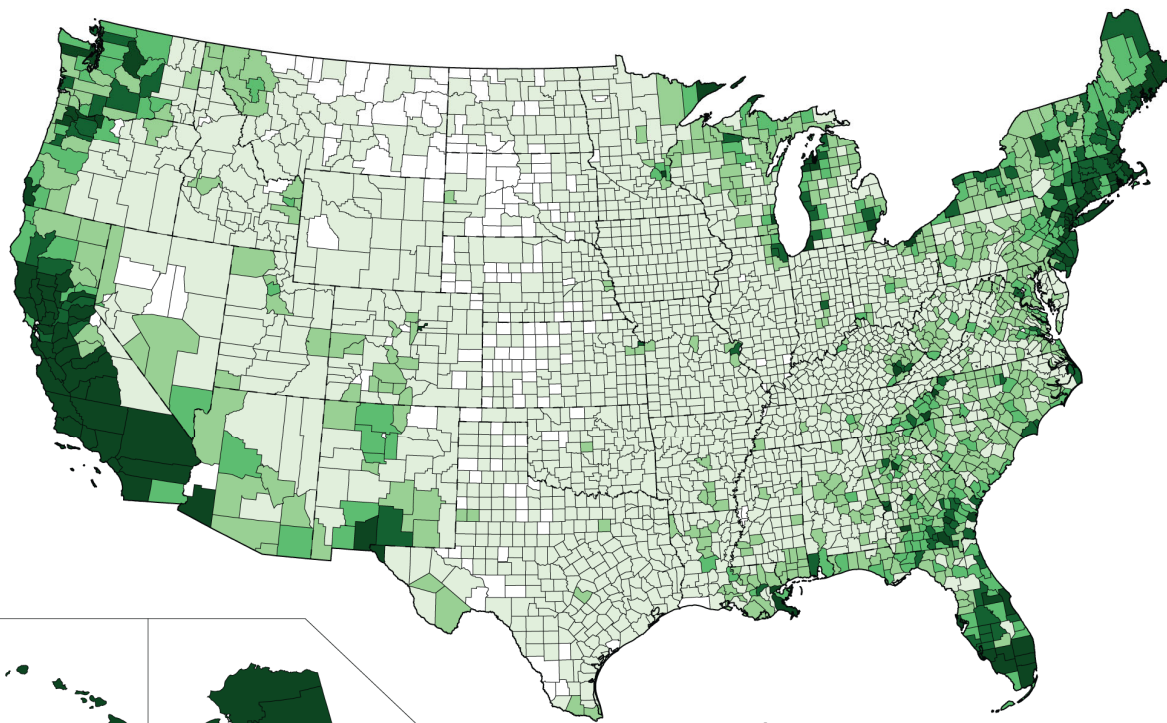
Diversity of Production

- Over 225 commodities produced in Oregon.
- Helps create greater stability throughout the industry over time.
- Varied size of farms and methods of production.
- Most of Oregon's ag products are not federal commodity crops.



Share of farms primarily growing specialty crops, by county, 2022

USDA Economic Research Service
U.S. DEPARTMENT OF AGRICULTURE



- 0 or no data
- Less than 10 percent
- 10-19.9 percent
- 20-29.9 percent
- 30-39.9 percent
- 40 percent or more

2022 CENSUS OF AGRICULTURE

Source: USDA, Economic Research Service using 2022 Census of Agriculture data from USDA, National Agricultural Statistics Service.

CHARTS of NOTE

Specialty crop operations include those that primarily grow vegetables and melons, fruit and tree nuts, and greenhouse, nursery, and floriculture products, and are responsible for \$84 billion in cash receipts (15% of the U.S. total)

Oregon's Top 10 Agricultural Producing Counties, 2022

■ Marion	\$874,627,000
■ Morrow	\$866,052,000
■ Umatilla	\$525,616,000
■ Malheur	\$510,625,000
■ Clackamas	\$510,305,000
■ Yamhill	\$418,319,000
■ Linn	\$342,098,000
■ Washington	\$326,039,000
■ Polk	\$249,678,000
■ Lake	\$175,700,000

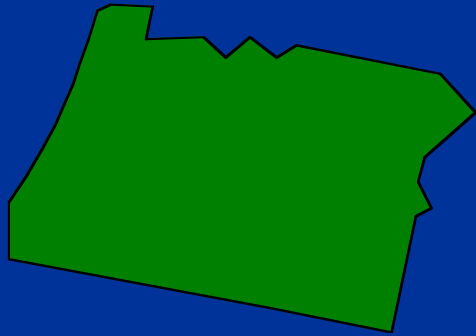


OREGON AGRICULTURE TOP 2024

Based on 2022 data & estimates of value of production from the USDA National Agricultural Statistics Service, Oregon Department of Agriculture, Oregon State University, Oregon Wine Board, and Oregon Department of Fish & Wildlife. This is not a ranking compared to other U.S. states. More stats online: <https://oda.direct/AqStats> info@oda.oregon.gov • Created 6/2024



OREGON
DEPARTMENT OF
AGRICULTURE



Oregon Leads the Nation in the Production of:

- Hazelnuts
- Christmas Trees
- Dungeness Crab
- Sugar beets for seed
- Red clover seed
- Crimson clover
- White clover seed
- Potted Florist Azaleas
- Carrot Seed
- Parsley Seed
- Grass seed, all
- Orchardgrass seed
- Ryegrass seed
- Fescue seed
- Blackberries, all
- Logan berries
- Raspberries, black
- Boysen & Youngberries
- Rhubarb



Oregon Agricultural Land Base Land in Farms

- 15.3 million acres in FARM USE
- 15.5 million acres are ZONED as agricultural land.
- 13.1 million acres receive special farm value assessment as EFU land.
- 2.4 million acres receive farm value assessment based on application.

Total land area of Oregon = 63.018 million acres

Oregon Agricultural Land Base Land in Farms

- 35,547 total farms
- 67% are 49 acres or less in size
- These farms account for 2.3% of the area of land in farms and 8.5% of the production value
- 71.4% of the area of land in farms involves farms that generate \$100,000 or more

Total land area of Oregon = 63.018 million acres

Oregon Agricultural Land Base Soils

- Over 4.6 million acres of *high-value farmland* soils; 40% in the Willamette Valley.
- About 3.4 million acres of those HVF soils are located outside UGBs and zoned for agriculture.
- About 1.2 million acres of *prime farmland*; 78% in the Willamette Valley, nearly 20% in Metro counties.



Oregon Agricultural Land Base

Irrigated Agricultural Lands

- More than 1.6 million acres of irrigated land in Oregon
- Irrigation enables more diversity of crops that can be grown.
- 43% of all Oregon farms do some irrigation.
- Irrigated farms produced 73% of the total value of Oregon's harvested crops.



Oregon Ag's ECONOMIC footprint

- \$28.9 billion economic footprint
- \$22.9 billion in sales of goods and services
- 15% of Oregon's economy
- 12% of jobs or 1 in every 8 jobs
- Farm gate value over \$5 billion



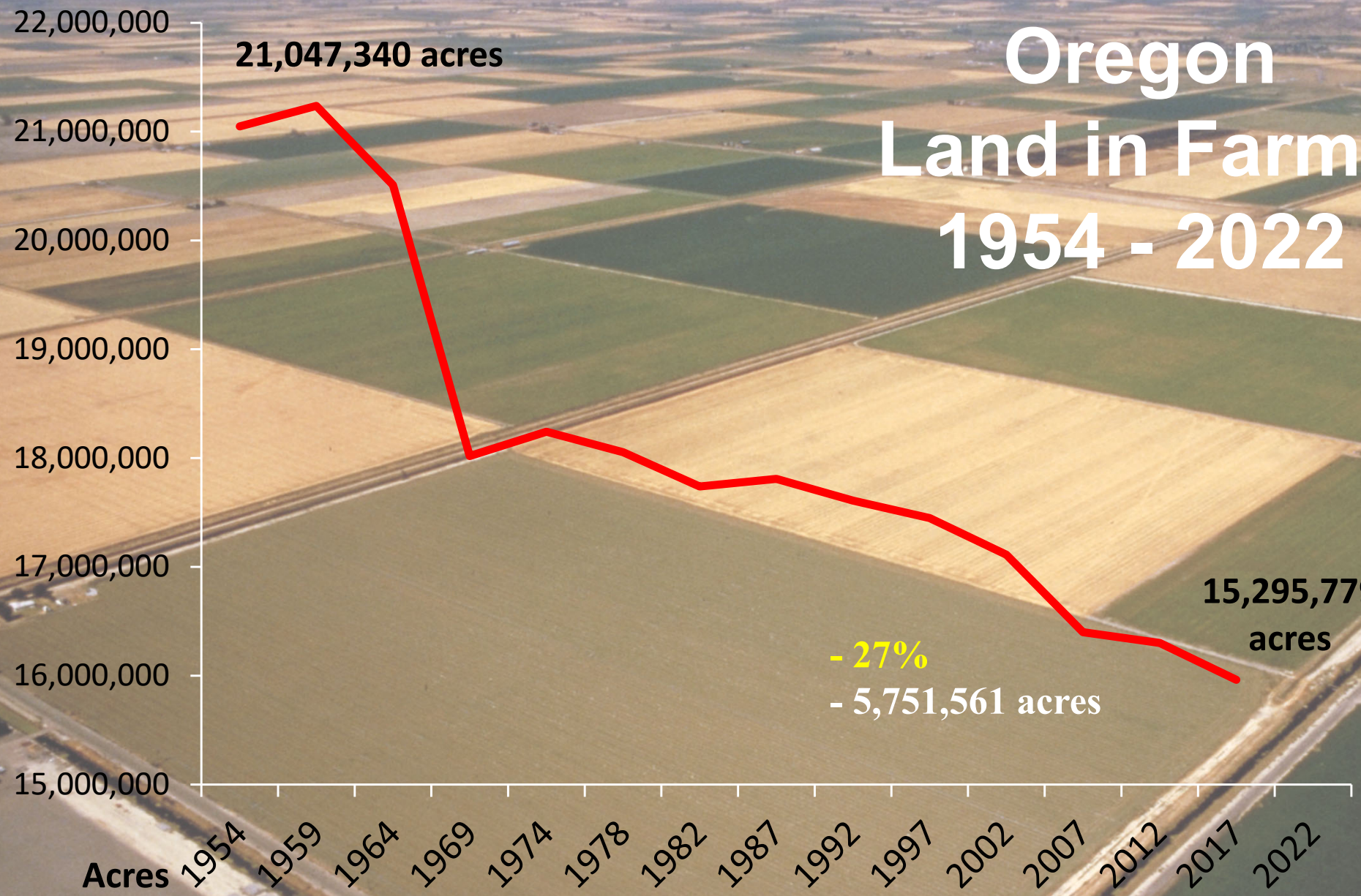
Agricultural exports

- 75-80% of production leaves the state
- 35-40% of production leaves the country
- Largest export sector in terms of volume
- Second largest export sector in terms of value
- 19% of total state exports
- 60% of the Port of Portland's total tonnage of exports



= Traded Sector

Oregon Land in Farms 1954 - 2022



- 27%
- 5,751,561 acres

15,295,779
acres

Acres

Source: U.S. Census of Agriculture, Oregon

Statewide Planning Goal 3

Goal 1: Citizen Involvement

Goal 2: Land Use Planning

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goal 5: Natural Resources, Open Space and Historical Resources

Goal 6: Air, Water, and Land Quality

Goal 7: Natural Hazards

Goal 8: Recreation

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanization

*Goal 15: Willamette River Greenway** (December 1975)

Goal 16: Estuarine Resources (December 1976)

Goal 17: Coastal Shorelands “

Goal 18: Beaches and Dunes “

Goal 19: Ocean Resources “

Components of Oregon Farmland Protection Program

Legislative Policy ORS 215.243(1):

Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social and aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.

Components of Oregon Farmland Protection Program

Legislative Policy ORS 215.243(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.*

Components of Oregon Farmland Protection Program

Legislative Policy ORS 215.243(3):

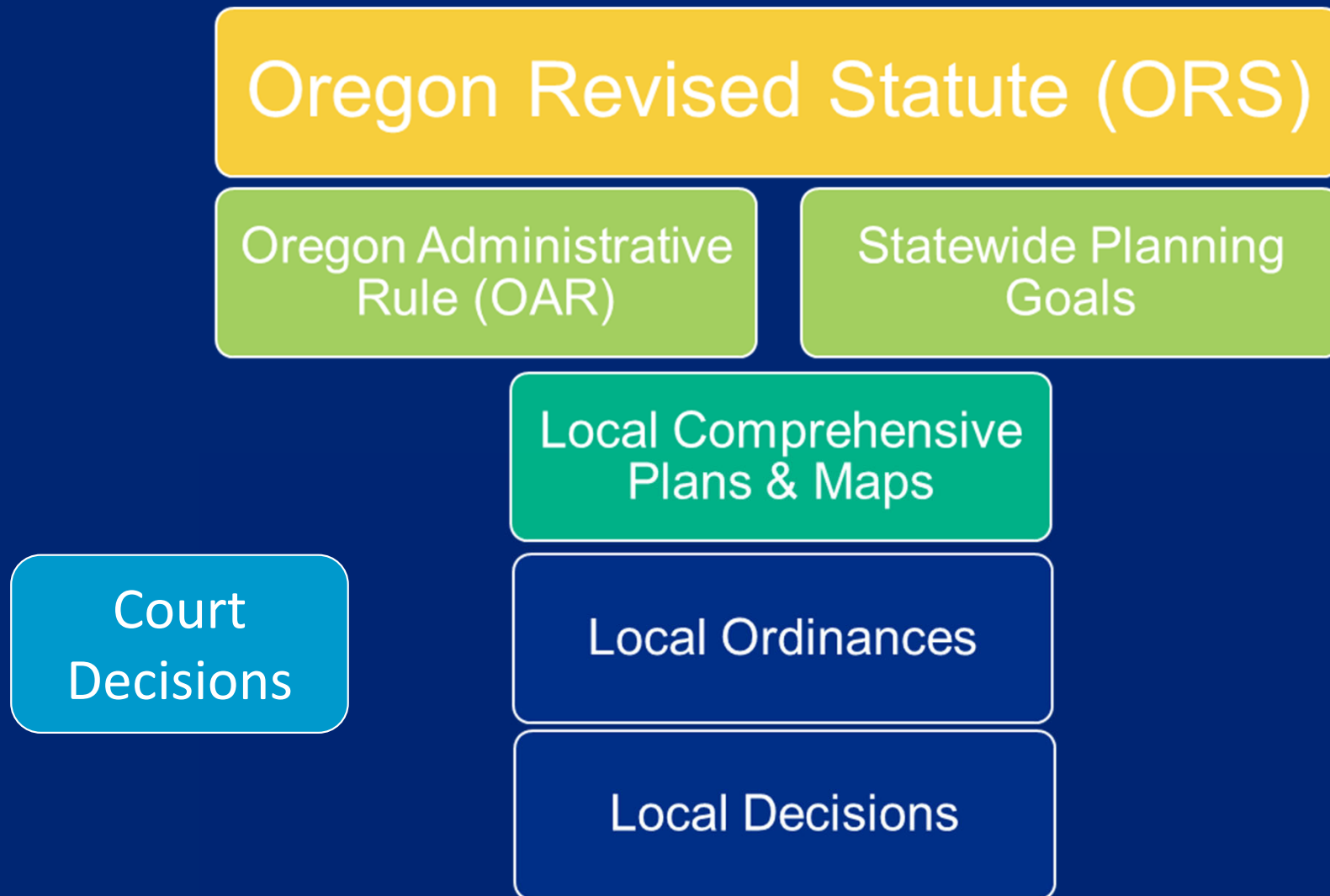
Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and loss of open space and natural beauty around urban centers occurring as a result of such expansion.

Components of Oregon Farmland Protection Program

Legislative Policy ORS 215.243(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.

Elements of Statewide Land Use Planning Program



Oregon Agricultural Land Protection Program

The Keys

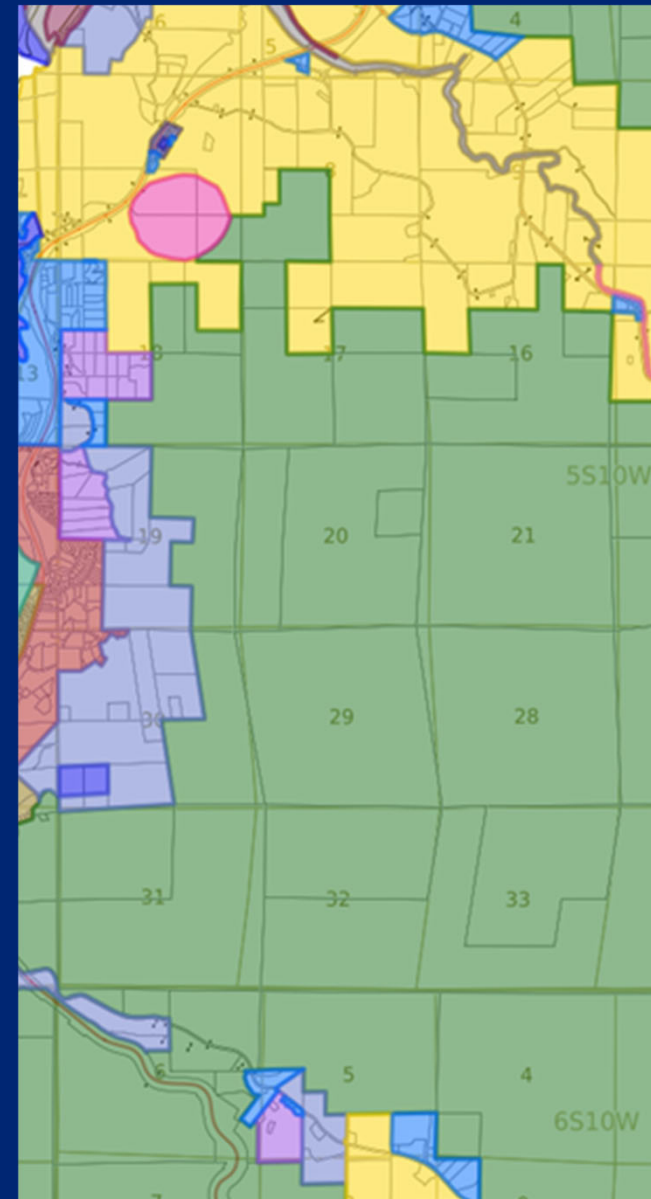
- Inventory Agricultural Land
- Protect Agricultural Land for Farm Use
- Contain Urban Development
- Appropriate Level of Rural Services



Protection: Regulations

Key Tools

- Exclusive Farm Use Zoning
- Urban Growth Boundaries
- Rural Level of Services
- Special Taxation Program
- “Right to Farm” laws
- Easements



Inventory

What is Agricultural Land?

- **Objective Soil Capability**
 - Ag Capability Class I-IV Western OR
 - Ag Capability Class I-VI Eastern OR
 - High-value farmland
 - Recognition of regional differences
- **Actual and historic use**
- **Overall land use pattern, including nonfarm uses (“exception lands”)**
- **The suitability of an area**



Exclusive Farm Use The Land Uses

Farm Use!



Farm Use

means:

- The current employment of land
- For the primary purpose of obtaining a profit in money
- By raising, harvesting and selling of crops or the breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

Farm Use means:

- The current employment of land

Current employment includes:

- Farm related programs
- Land lying fallow for one year (“normal and regular”)
- Orchards, other perennials, prior to maturity
- Wasteland
- Water impoundments
- Woodlots not to exceed 20-acres

Farm Use

- Includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.
- Preparation includes but is not limited to the cleaning, treatment, sorting or packaging of products and by-products. See OAR 660-033-0020(7)(b)(A)
- Raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from farm use of the land.
- Processing is not preparation.

Farm Use

- Also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows.

Farm Use

- Also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by rules adopted by the State Fish and Wildlife Commission
- ORS 215.283(2)(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species

Nonfarm Uses Allowed in EFU Zones

Farm Use

Sub-1 Uses
Farm-related or Compatible
Must allow

Sub-2 Uses
Must Determine no Impacts
May be more restrictive or Not offer

Limited 'Other' Uses
Eg Agri-Tourism Events and Log Truck
Parking

The Farm Impacts Test

ORS 215.296

Requires the local governing body to find that the proposal:

Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use

Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Land Uses: Farm Dwellings

Farm Dwelling Tests	Gist of Test
Primary Farm Dwelling	Occupied by the farm operator. Variety of tests.
Accessory Farm Dwelling	Occupied by a farm worker. Sited on a farm operation that meets the income test (\$80,000 or \$40,000)
Relative Help	Occupied by a relative of the farm operator who whose assistance is required in the management of farm operations.

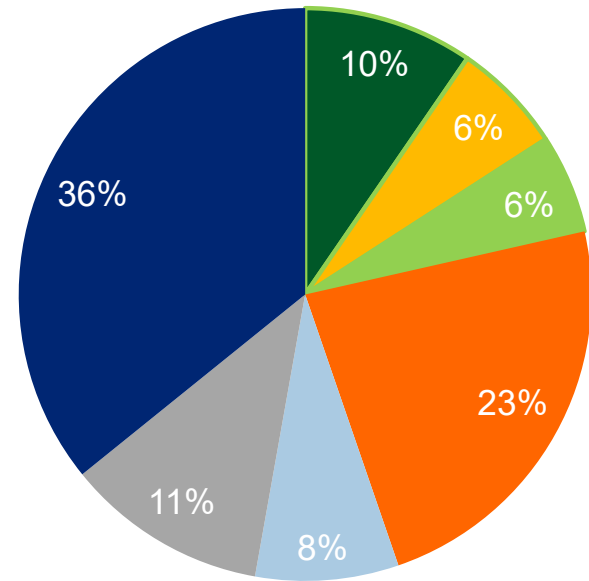
Land Uses: Non-Farm Dwellings

Dwellings Not in Conjunction with Farm Use	Gist of Test
Nonfarm Dwelling	Land not suitable for resource use, will not materially alter the surrounding land use pattern, will not negatively impact surrounding farm and forest practices. May be partitioned.
Lot of Record Dwelling	Located on a parcel owned continuously since 1985 or inherited from someone who owned the parcel continuously since 1985.
Temporary Health Hardship Dwelling	Located on a parcel with an existing dwelling for a caregiver or person suffering a medical hardship.
Replacement Dwelling	Allows the replacement of a legally established dwelling.

Land Uses: Dwellings

EFU dwelling approvals, 1994-2021

- Primary Farm
- Accessory Farm
- Relative Farm
- NonFarm
- LotOfRecord
- TempHardship
- Replacement



With Farm Use
22%

- 10% Primary Farm/Large Lot
- 6% Farm Help
- 6% Farm Relative Help

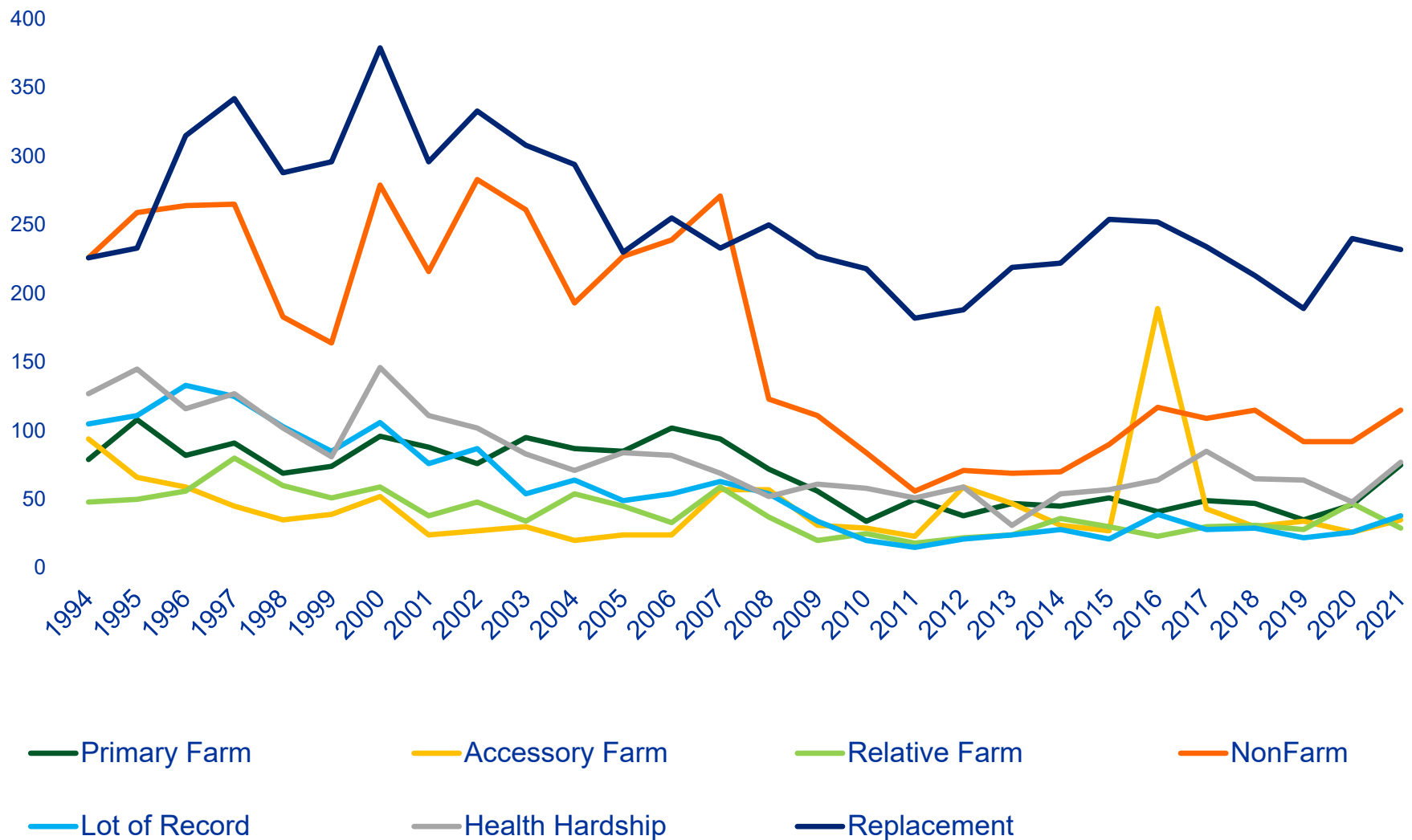
Not in Conjunction with Farm Use
78%

- 36% Replacement
- 23% Non-Farm
- 11% Temporary Hardship
- 8% Lot of Record

Exclusive Farm Use Zoning

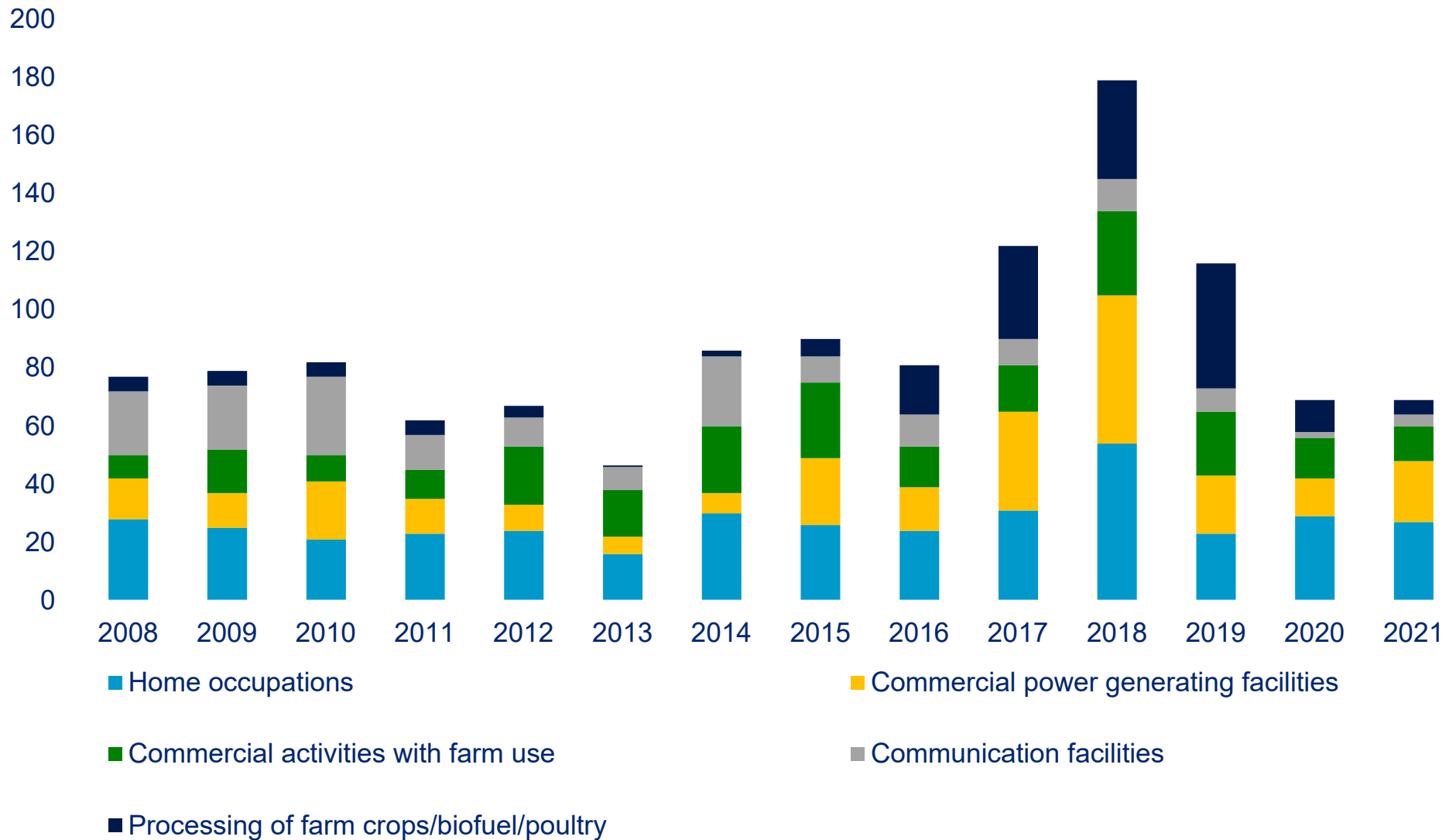
Land Uses: Dwellings

Dwelling approvals on farmland by year, all counties, 1994-2021



Land Uses: Non-Resource Uses

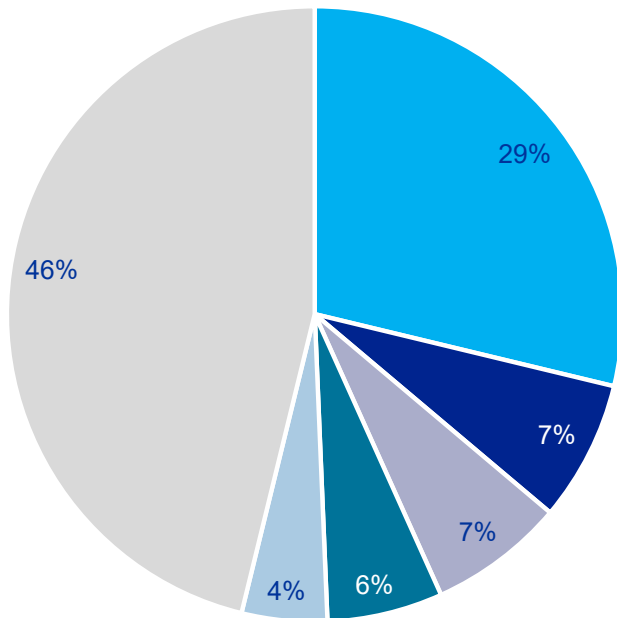
Top 5 NonFarm Uses 2008-2021



Land Uses: Non-Farm Uses

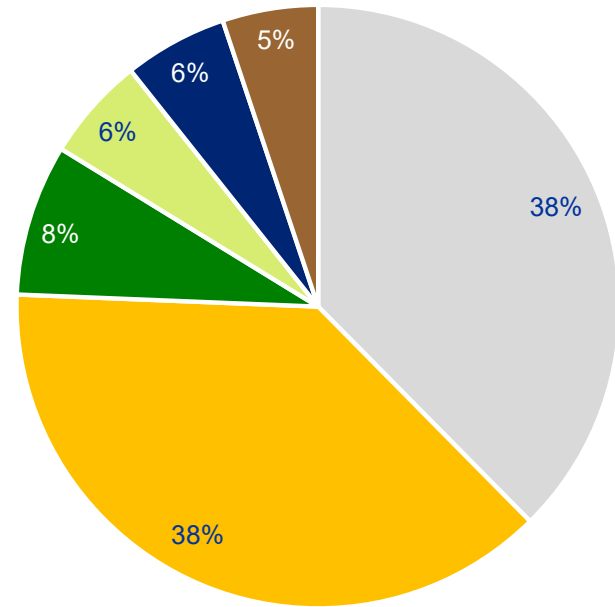
Specific uses are often permitted under the broadly defined CACFU and Home Occupation categories when they do not meet standards for the specific use in statute.

Home Occupation Approvals by Specific Use, 2008-2021



- Lodging
- Food Production
- Construction
- Wineries, Cideries, Breweries
- Firearms
- Other (specific use <4%)

CACFU Approvals by Specific Use, 2008-2021



- Other (specific use <5%)
- Wineries, Cideries, Breweries
- hemp processing
- Ag processing
- Ag transport trucking
- Ag equipment

‘Agri-tourism’ Examples (Non-exhaustive)

No Farm Impacts Test

Type of Agritourism/ Applicable Uses	Farm Use	Dog testing Trials	Farm Stands	Outdoor/ Mass Gathering	Expedited Events Permit	Wineries, Breweries & Cider Businesses
Recreation				Open-ended		
Education	Farm tours, demonstrations		Farm product promotional activities	Open-ended	Farm skills classes	Wine, beer or cider tasting, tours
Agri-tainment	Horse training clinics and schooling shows	Dog Trials	Corn mazes, hay rides, harvest festivals, petting zoos, etc.	Open-ended	Seasonal festivals & farm-related events	Open-ended: concerts, dances, etc. up to 18 days at small winery, up to 25 days large winery
Food Service			Farm-to-fork dinners	Catered food	Farm-to-fork dinners	Some food service for events and tasting rooms. 2 meals for B&B guests
Lodging						B&B
Sales	U-picks, CSAs		Raw & processed farm products			Wine, beer or cider and incidentals
Celebratory Events			Farm-themed birthdays	Concerts, festivals, etc.		Weddings, retreats, etc.

‘Agri-tourism’ Examples (Non-exhaustive)

Farm Impacts Test

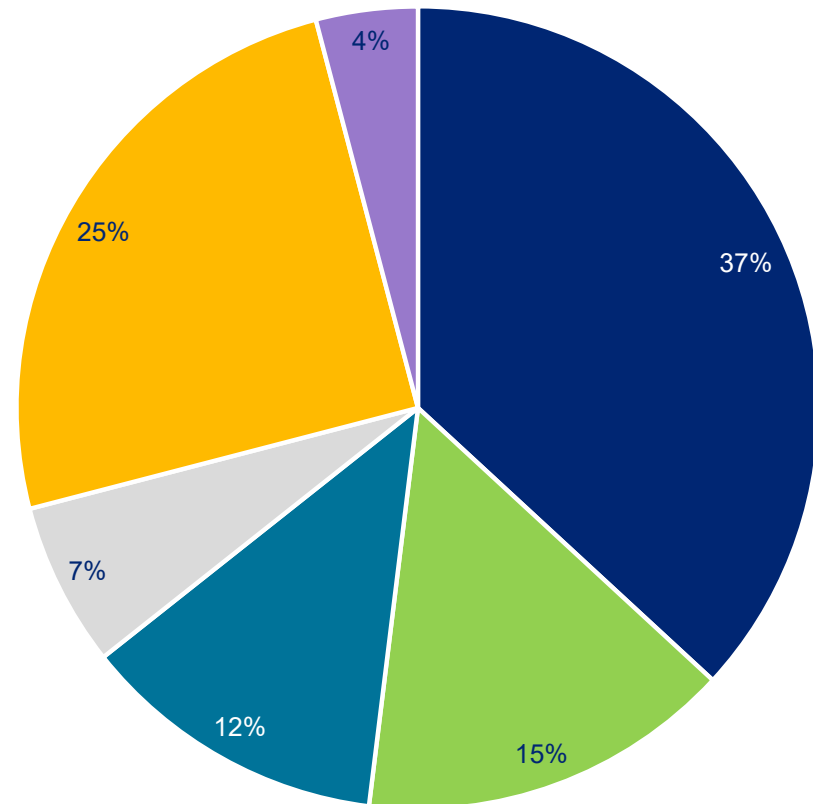
Type of Agritourism/ Applicable Uses	CACFU	Home Occupation	Room & Board	Private Park/Campground	Guest Ranch	Events Permit: one to eighteen 72-hour events	Large Winery Restaurants or Large Winery Events	
Recreation	Essential products & services that support the agricultural community			Low-intensity uses (trails, etc.)	Fishing, hunting, etc.			
Education		Farm skills classes, cooking classes			Farm skills classes	Farm skills classes	Wine, beer or cider tasting, tours	
Agri-tainment		Farm crafts, cooking classes, etc.				Seasonal festivals & farm-related events	Open-ended: concerts, dances, etc More than 25 days of events	
Food Service		Food processing, Breakfast for B&B	Breakfast for B&B			Meals for guests	Farm-to-fork dinners	Food service for events & tasting rooms, B&B meals, restaurant at large wineries open more than 25 days
Lodging		B&B	B&B to 5 rooms	Camping in tents, yurts	Up to 25 units		B&B	
Sales							Wine, beer or cider and incidentals	
Celebratory Events							Weddings, retreats, etc.	

'Agri-tourism' Examples (Non-exhaustive)

Land Uses: Non-Farm Uses

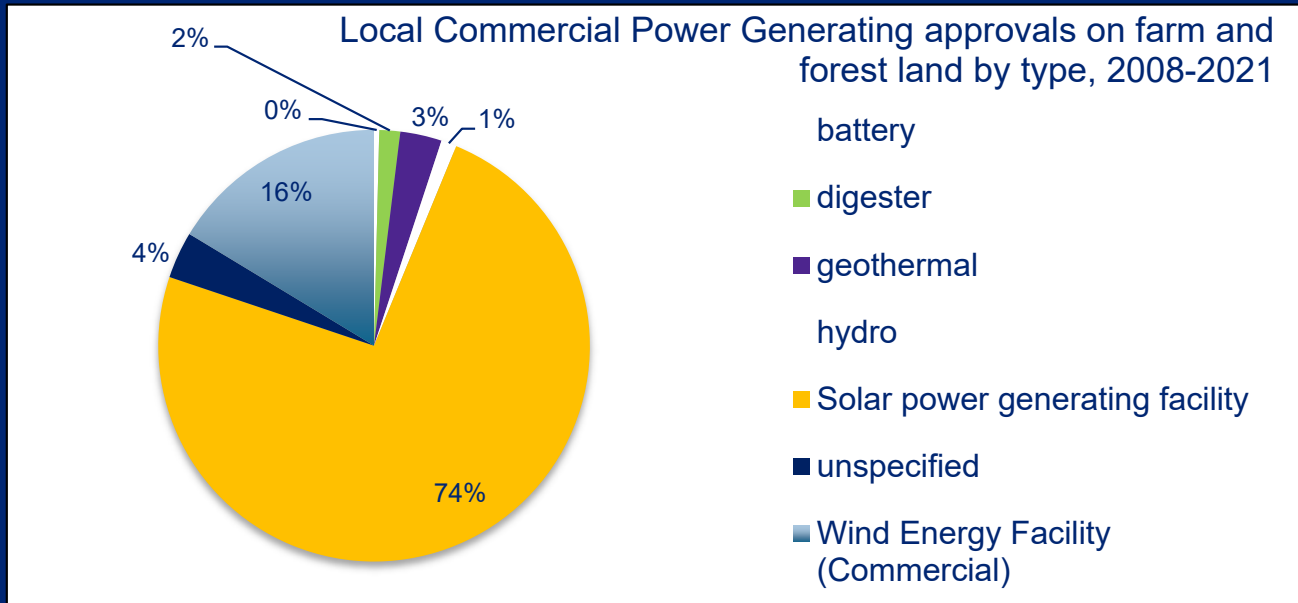
Tourism Uses Permitted 1994-2023

- Alcohol (Wineries, Cideries, Breweries, CACFU, HO)
- Events (AT Events, HO, CACFU, Parks, Dog Trials)
- Farm Stand (inc CACFU, HO)
- Hunting Preserve
- Lodging & Camping (HO, CACFU, Parks, Guest Ranch)
- Private Parks



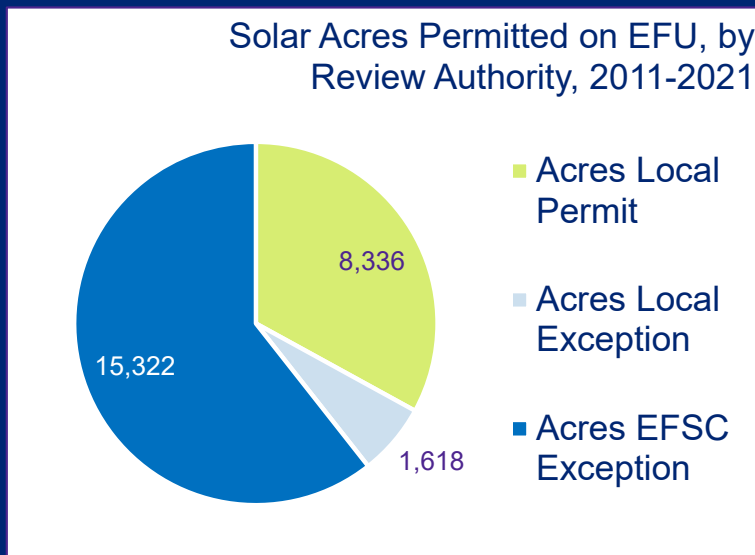
This set of uses represent just under 30% of all non-residential uses permitted in Farm Zones

Land Uses: Power Generating Facilities



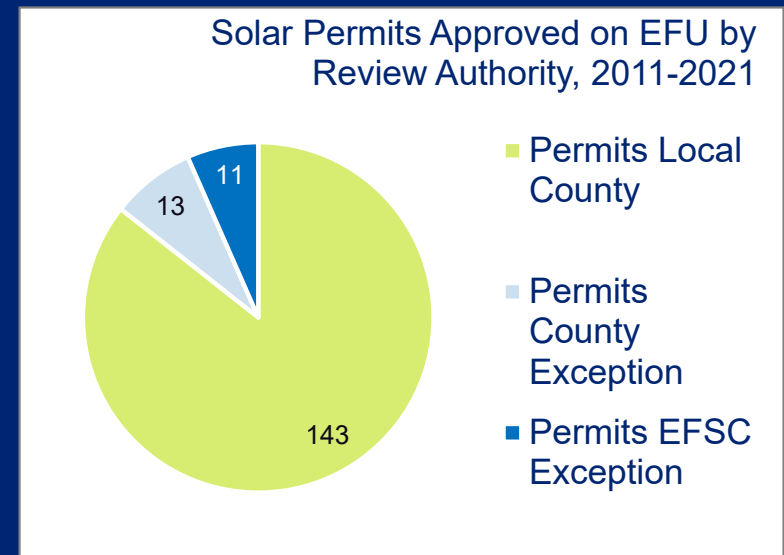
Since 2008, the majority of power generators approved on farmland have been solar projects.

Acres of Farmland Impacted

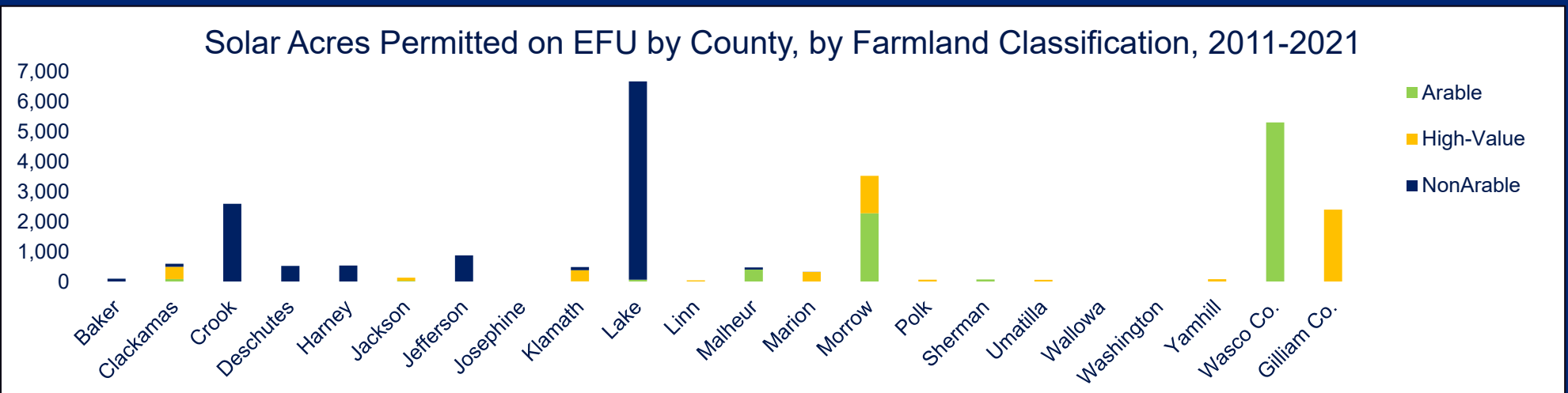
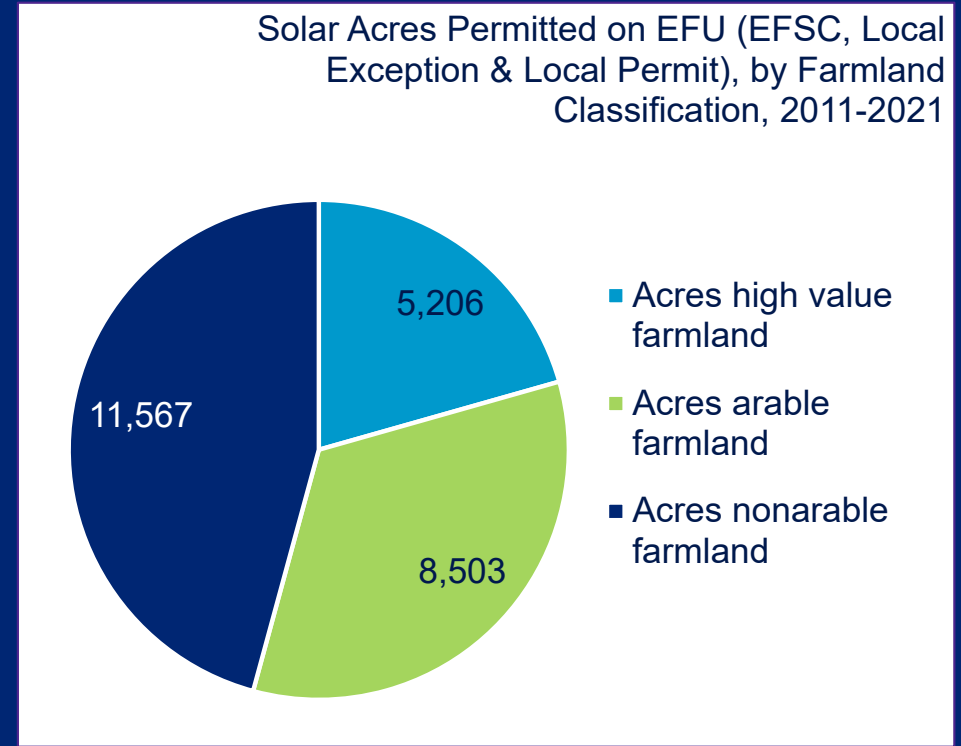
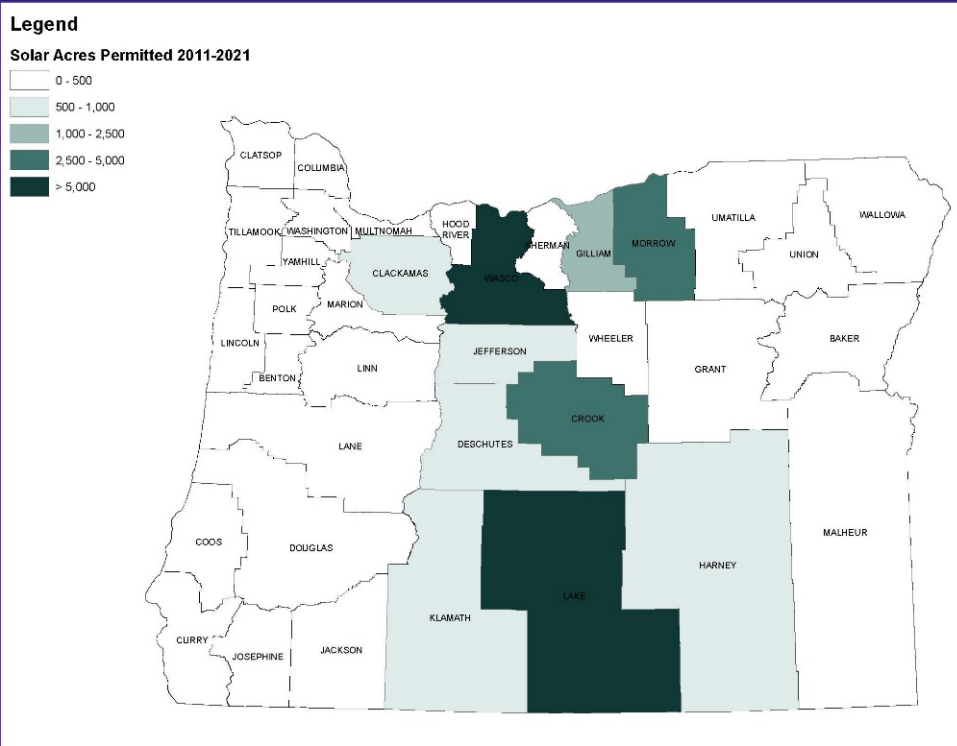


Since 2011, solar permits have been issued on **25,276 acres** of farmland (~40 square miles).

of Permits Approved



Land Uses: Solar

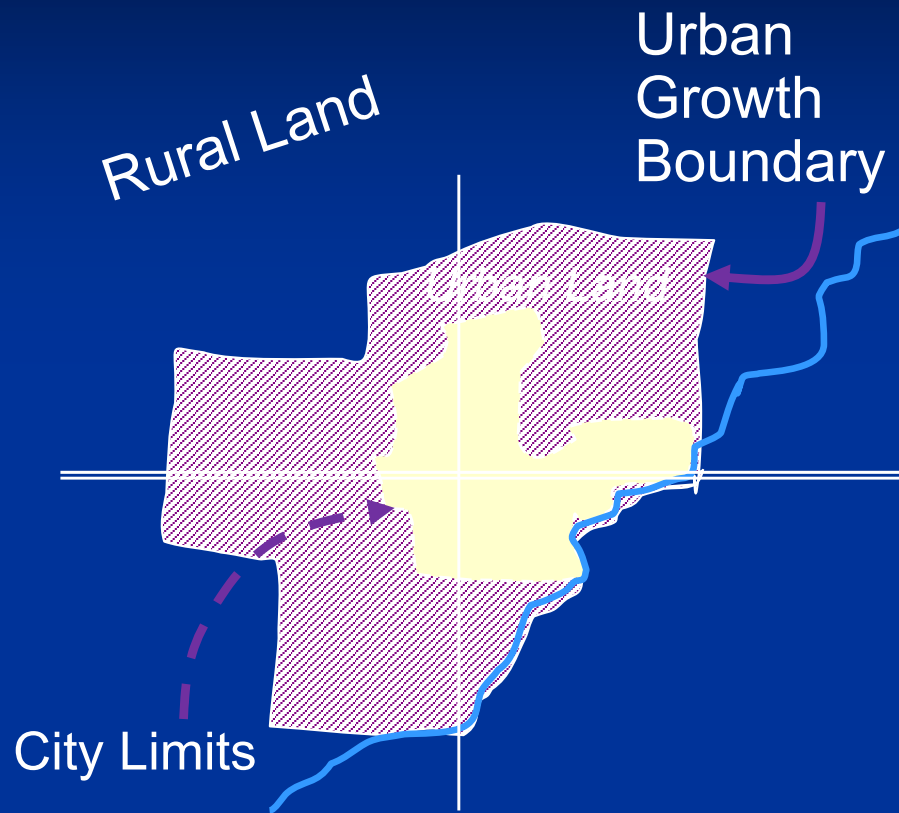


Land Division Standards

ORS 215 & OAR 660 division 33

- Large minimum *parcel* sizes (80/160/320)
- “Go-below” parcel sizes possible
- No subdivisions
- Farm use partitions subject to MPS
- Land Use approval standards separate
- Partitions permitted for ORS 215.283(2) uses & farm & nonfarm dwellings.
- Remainders must normally meet the minimum parcel size
- Up to two new parcels may be created for NF dwellings if predominantly unsuitable soils





Urban Growth Boundaries

UGBs “provide an orderly transition from rural to urban use.”

UGBs promote:

- Livability
- Sustainability
- Resource protection
- Efficient provision of services

UGB 20-year land supply:

- Population growth
- Employment growth
- Public Infrastructure



Components of Oregon Farmland Protection

Tax Policies: Farm Value Assessment

- Farm Value Assessment (valued at \$3.8 Billion to farmers between 1974 and 2004)
- Linked to exclusive farm use zoning

“Right to Farm”

- Nuisance or trespass, not compatibility
- Precludes local jurisdictions from adopting or enforcing laws that declare agricultural practices a nuisance or trespass.
- Provides “immunity” from lawsuits.
- Provides for judgment for payment of reasonable attorney fees and court costs to prevailing party.
- Important tool especially in regard to pre-existing, nonresource development.



Not a “Blank Check”

- “Farm use” must be commercial
- Practice must be determined to be “generally accepted, reasonable and prudent method in conjunction with farm use
- Complies with applicable laws

Right to Farm Issues

- Does not prevent a suit from being filed.
- Does not preclude a jurisdiction from regulating farm use.
- Involves interpretation.
- Does not protect from off-site conflicts.
- Legality?



RTF Does not...

- Protect from off-site conflicts.
- Preclude a jurisdiction from regulating farm use from land use perspective.
- Recognize competing “primary” land uses in transitional/edge areas.

These are land use issues.

Easements

- **Oregon Agricultural Heritage Program (OAHP)**
- **Compliments land use planning, cannot replace**
- **Good strategic tool**
- **Great tool for farm succession planning**

QUESTIONS?



*Mt. Hood and the
Hood River Valley*

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