

III. LAND USE

Preamble to Land Use Policies 3.000

1 It is important to recognize that the protection of land use for
2 agriculture requires a series of policies, and that each of these policies is
3 inter-related.

4 The policies included in this section must be interpreted as pieces of
5 a whole, not applied independently. (00)

Land Use Planning 3.010

1 We support the principle of land use planning for the purpose of
2 protecting the resources and the agricultural environment and
3 infrastructure needed for farmers and ranchers to produce food and fiber
4 for current and future generations in a profitable manner. We are
5 philosophically opposed to efforts to remove economically productive
6 farm and forest land from farm or forest zones.

7 We are in favor of agricultural utilization of land by individual owners
8 who live on or lease their property.

Definition of Agricultural Land 3.015

1 Land that should be protected under Goal 3 includes all parcels of
2 predominantly tillable land, irrigated land, grazing land and rangeland
3 necessary to protect the agricultural environment and infrastructure
4 needed for farmers and ranchers to produce food and fiber in an
5 effective manner, and other land necessary to permit farm practices in
6 the area. These lands should be zoned EFU.

7 OFBF does not support redefining agricultural land and forest lands
8 by counties based on factors other than the statewide criteria identified in
9 Goal 3 and Goal 4. While different regions of the state may have varying
10 levels of non-farm development pressure, a standard definition of
11 agricultural land and forestlands under Goal 3 and Goal 4 is key to
12 maintaining the agricultural land base and to minimizing conflicts from
13 non-farm uses.

14 Local governments should be encouraged to use the Land
15 Evaluation and Site Assessment (LESA) system developed by the Soil
16 Water and Conservation Society, as a tool to determine relative value of
17 parcels of land for agricultural use. (00)

18 Profitability should not be considered for the purposes of defining
19 'agricultural land' subject to the goal. (09), (11)

Land Use Planning Authority 3.020

1 We support state goals and guidelines combined with county zoning.
2 We believe it is the responsibility of local governments to formulate
3 and amend their own land use plan within the state goals and guidelines.

4 We favor community effort with landowner participation to develop an
5 orderly plan of the area and its resources and the use of zoning to
6 implement the plan.
7 LCDC Goals and Guidelines and administrative rules must be
8 subject to legislative authority and must insure that farmers and ranchers
9 can use all accepted farming practices to their best economic advantage
10 on land limited to and protected for farming under Goal 3.
11 We believe all lands, including state and federal lands, should be
12 subject to all provisions of local land use ordinances. (05)

Rural Community Stability Plans 3.022

1 We believe that each county should prepare a twenty-year land plan
2 for sustaining its agricultural economy.
3 The plan should include a statement of resources needed and
4 available to complete the inventories, and a method for reporting on
5 implementation of the plan and enforcement of the plan by the county.
6 (08)

Farmland Oversight Authority 3.024

1 The Oregon Department of Agriculture should be given the authority
2 to oversee any and all actions of agencies or interactions between state
3 agencies that may impact the use of agricultural land, including decisions
4 by the Oregon Department of Land Conservation and Development and
5 county land use planning. (00), (04), (05)

LUBA Appeals 3.025

1 The county government should be required to defend its local land
2 use decisions that are appealed to LUBA.

Right to Farm 3.030

1 Right to Farm is an essential part of farm and forest zoning. Laws
2 protecting all agricultural and forestry producers from legal and/or
3 legislative actions challenging agriculture and forestry activities that are a
4 generally accepted, reasonable and prudent method for the operation of
5 the farm to obtain a profit in resource zones are a necessary provision
6 that must be preserved and strengthened. (06), (08), (16)

Guard Dogs Under Right to Farm 3.031

1 Guard dogs that bark to protect property need to be protected under
2 the Right to Farm laws.

Private Property Rights 3.033

1 Private ownership of real property is the foundation of our economic
2 system. As such, it is in the interest of the people of the State of Oregon
3 to ensure that statutes and regulations are applied to private property in
4 the least restrictive manner possible. It is in the best interest of the State

5 of Oregon to maximize the incentive and cooperative programs in
6 accomplishing statewide land use policies.

7 Before any private land can be considered for public use or benefit,
8 the property owner must be notified by registered letter 60 days prior to
9 the beginning of the study.

10 The property owner should be notified by all parties involved
11 including individuals, private groups, organizations, elected officials and
12 government agencies.

13 We support legislation for full restitution to land owners for any loss
14 of the use or taking of their lands for public purpose.

15 No biodiversity or ecosystem shall be altered on private property
16 without the property owner's permission and just compensation as
17 determined by the property owner. (06)

Mandated Public Access 3.040

1 We oppose landowners being forced to allow public access onto
2 their land. However, if a landowner is mandated to allow an agency or
3 the general public the use of his titled and taxed property, he should be
4 fully compensated for that use.

5 Further, should harm occur to the landowner, his
6 friends/family/guests, livestock, structures or appurtenances, crops,
7 vegetation or any other private holdings, the law should require the
8 mandating agency to compensate the landowner in full for such damage,
9 including attorney fees and court costs.

10 Landowners should bear no liability for harm that might occur to the
11 public as a result of mandated access to, or use of, their land. (00), (03),
12 (04)

Liability Exemption for Public Access 3.045

1 We support liability exemptions for landowners who have authorized
2 and/or unauthorized recreation occurring on their land including, but not
3 limited to, hunting, fishing, swimming, boating, camping, picnicking,
4 hiking, outdoor and agricultural educational activities, waterskiing, winter
5 sports, viewing or enjoying historical archaeological, scenic or scientific
6 sites, volunteering for any public purpose project, aviation and
7 agritourism. (14)

**Condemnation or Acquisition of Land by Public or Private Utilities
3.055**

1 Full public hearings should be held before private lands are taken by
2 public entities in order to assess the effect on the local tax base and on
3 the interest of the landholders of the area.

4 Land acquisitions should be approved by the local governing body.
5 Public entities should be required to make payments in lieu of taxes
6 equal to the real and personal taxes paid by the previous owner with

7 future payments based on the value or use of the property at the local
8 tax rates.

9 We are strongly opposed to entities using the eminent domain law to
10 condemn privately owned property for the purpose of transferring
11 ownership for private economic development that will have only minimal
12 incidental benefits to the public. We are not opposed to voluntary sale.

13 When public entities purchase land that is a part of a sponsoring or
14 servicing district, the public entity should continue to pay a share of the
15 capital retirement and the operation and maintenance charges equivalent
16 to that which the landowner would have paid had it remained in private
17 ownership, or the public entity should pay a lump sum equal to the
18 capitalized amount of obligation based on the terms of the district's
19 charter.

20 We support legislation for full restitution to land owners for any loss
21 of the use or taking of their lands for a public purpose.

22 Owners of property subject to damage from action by public entities,
23 utilities or individuals, should be compensated.

24 Upon foreclosure of a farm or ranch, the foreclosed upon party
25 should have the right to repurchase that property in its entirety, without
26 loss of any portion thereof, such as wetland areas or subsurface rights.

27 We believe the power of condemnation by local municipalities,
28 counties, and other government entities, whether it be land or personal
29 property, should not extend beyond their own jurisdictional boundaries.

30 We oppose the purchase of resource lands outside of urban growth
31 boundaries for public ownership.

32 We oppose using the establishment of Urban Renewal Districts as
33 an easier path to eminent domain. The establishment of Urban Renewal
34 Districts should only occur inside the city limits within the Urban Growth
35 Boundary and should be prohibited in all other parts of a city's Urban
36 Growth boundary or urban reserve areas. (05), (06), (07)

DLCD Staffing East of the Cascades 3.105

1 We support the allocation of adequate DLCD staff for Eastern
2 Oregon counties. (03)

LCDC Goals and Guidelines 3.110

1 Agricultural practices conducted on land regulated under Goal 3 or
2 Goal 4 should be deemed to not be a conflict with any other land use
3 goal. Specifically, Goal 5 must not be used to restrict the production
4 activities on land regulated under Goal 3 or 4. We believe that since
5 aggregate is a Goal 5 resource that is consumed as a result of its
6 "protection" under Goal 5, aggregate should be removed from the
7 designation as a Goal 5 resource.

8 Until the time it is removed from Goal 5, aggregate removal should
9 remain a conditional use. (07)

LCDC Commission **3.120**

1 Oregon statute should provide that at least one LCDC commissioner
2 position will be a farmer or retired farmer currently involved in agriculture
3 in some capacity.

4 Because of the complexity of land use planning laws, we recommend
5 that all persons appointed to the Land Conservation & Development
6 Commission receive a thorough annual training in agricultural land use
7 planning issues and the state's land use planning history and the laws
8 and rules as they exist. (08)

Restructure of LCDC **3.180**

1 We support restructuring of LCDC so that it better represents all
2 areas of the state and the agriculture industry. Such restructuring may
3 include regionalization. (05)

High Value Farmland **3.200**

1 The definition of High-value farmland in the ORS should be used in
2 conjunction with the provisions for farm dwellings, aggregate removal
3 and Lot of Record.

4 It is our position that there is no need for a definition of high-value
5 farmland for the purpose of general land use planning when the term
6 "agricultural land" is correctly defined (Policy # 3.015). All land in an EFU
7 zone is equally important to the preservation of the agricultural
8 community which makes up the zone. (00)

Minimum Lot Sizes **3.410**

9 Each county comprehensive plan should be required to establish
10 minimum lot sizes appropriate for various areas of that county that would
11 protect the agricultural environment and infrastructure needed for
12 farmers and ranchers.

13 For counties with or considering lower minimum lot sizes in an
14 exclusive farm use or mixed farm-forest zone, analysis for designating
15 lands for non-agricultural use should first consider the impact to existing
16 agricultural operations in the area. (00) (09)

Farm Dwellings **3.500**

1 We support a menu approach using three options to determine when
2 an initial dwelling is provided in conjunction with farm use. Such
3 dwellings should be allowed on any tract or tracts of land under the same
4 ownership and deed restrictions should be imposed on the tract or tracts
5 that were used to qualify the initial farm dwelling. The dwelling applicant
6 must be the owner of the tract or tracts of land. The first option is an
7 acreage test of 320 acres or more of zoned rangeland or 160 acres of
8 other land. A second option is a two year gross annual income history
9 test by the operator of \$80,000 on high value farmland or \$40,000 on any

10 other land. A third option for non-high-value farmland only is a "potential
11 gross sales test" that evaluates the farm size and income of all farm
12 operations that are capable of grossing more than \$10,000 annually,
13 which have parcels located wholly or partially within one mile of the tract
14 of the dwelling applicant.

15 We support a change in the dwelling criteria that would allow, at the
16 time of application, an initial farm dwelling if both the applicant and the
17 parcel can show a farm income history that meets or exceeds the
18 applicable farm dwelling income test.

19 We believe that before a non-farm dwelling can be sited in an EFU
20 zone with a Goal 3 exception zone change, the county must make sure
21 the applicant and county have tried to get the dwelling in conjunction with
22 the farm. (00), (01), (09)

Additional Farm Dwellings 3.510

1 Additional dwellings on the same parcel as the initial dwelling, for
2 persons with significant involvement in the farm or ranch operation,
3 should be allowed as needed.

4 Additional dwellings in the same farm ownership, when located on a
5 noncontiguous parcel that is smaller than the minimum lot size and
6 provided in conjunction with farm use, should be manufactured
7 dwellings. These should be subject to annual review and removal when
8 no longer provided in conjunction with farm use. (00)

Farm Labor Housing 3.515

1 Seasonal, temporary or migrant farm labor housing should be a
2 permitted use in an EFU zone. (07)

Replacement Dwellings 3.545

1 When an existing dwelling in an EFU zone is removed, the owner of
2 the parcel should be eligible for a replacement dwelling permit without an
3 expiration date.

4 The holder of this permit should be allowed to replace the dwelling at
5 their discretion without meeting additional land use criteria. A lawfully
6 established dwelling should be defined simply as an existing building
7 with evidence that it was a lawful dwelling intended as a dwelling at the
8 time of its construction so long as property taxes for the dwelling are paid
9 current. (00), (07), (09)

Non Farm Dwellings 3.550

1 We oppose the establishment of more non farm dwellings in EFU
2 zones on agricultural land as defined by OFBF policy. It is our position
3 that because land has been zoned as EFU for the exclusive purpose of
4 agricultural production, all dwellings established in that zone should be
5 farm dwellings. Statutes referring to or providing for non farm dwellings

6 should be repealed. Existing dwellings in EFU zones not provided in
7 conjunction with farm use should be identified as a non conforming use.
8 Non-farm dwellings and associated development such as roads and
9 accessory buildings should be sited on a lot or parcel where it will have
10 the least impact on farming practices. (08), (10)

Lot-of-Record

3.575

1 A sunset date to the lot-of-record provision should not be added. We
2 remain opposed to changing the lot-of-record date of January 1, 1985.
3 We support changes to the law that would clarify that the Lot-of-Record
4 provisions only apply to the person(s), or the legally authorized heirs of
5 such persons, who continuously owned the parcel since January 1,
6 1985. We support a study of the impacts of applying lot-of-record
7 provisions to high value farmland.
8 We believe that "lot-of-record" dwellings that are really non-farm
9 dwellings should lose the farm use assessment if the dwelling is not
10 approved using a farm dwelling standard. The applicable tax penalty for
11 change of use should also be applied. (08)

Farm Related Uses in EFU Zones

3.600

1 We are opposed to state or local government regulation of farm
2 structures or accepted farming practices that occur in farm, forest or
3 farm-forest zones.
4 Game ranching and fee hunting or fishing should be recognized as
5 farm activities which supplement regular farm income. Such activities
6 should not disqualify a farm from farm use assessment. Bed & Breakfast
7 and Dude Ranches should be a permitted use only when provided in
8 conjunction with farm use. We support the following additions to the list
9 of statutory permitted uses in all farm use zones:
10 1. Propagation or harvesting of a forest product; and
11 2. Water impoundments.
12 3. Farm use should include the breeding, management, and sale of
13 breeds of dogs commonly utilized in livestock management and
14 husbandry. (01), (08)

Farm Use

3.620

1 "Farm Use" should be considered a use of right in any zone used for
2 farming. (08)

Land Use Action Notification

3.625

1 Public notice of all land use applications outside the urban growth
2 boundary should be sent to all land owners within one-half mile of the
3 property on which any land use application is made. (07)

Commercial Activities in EFU Zones 3.630

1 We support the right of an agricultural producer to vertically integrate
2 the farm operation and to provide other producers with such services as
3 long as the owner’s product is a significant portion of the product being
4 handled.

5 We support clearly defining the differences between “processing” a
6 crop and “preparing” a crop for market. Such definition would determine
7 to what extent a crop could be processed or prepared and still be
8 classified as a farm use under state standards and therefore permitted
9 on EFU land.

10 Non-production based commercial activities should be accessory
11 and auxiliary to the farm use on the subject farm and not the primary
12 use. (03), (09)

13
14

Application of Byproducts to Agricultural and Forestry Land 3.660

16 Biosolids: We support the use of treated or untreated biosolids and
17 reclaimed water for agricultural purposes that will not lower or degrade
18 the quality of farm land on which it was applied.

19

20 Food and agricultural byproducts: We support the application of food
21 waste, processing water, and other agricultural byproduct to agricultural
22 land at agronomic rates. Land Use Committee (16)

Non-Farm Activities 3.670

1 Because the limitation of non-farm activities is crucial to the integrity
2 of the exclusive farm use zone, we will vigorously oppose the inclusion of
3 any new non-farm uses on lands properly zoned for exclusive farm use.

4 Furthermore, we will actively seek reduction of the growing list of
5 permitted and conditional non-farm uses that have been added to the
6 zone since its inception.

7 Except for necessary utility transmission lines and facilities that serve
8 the rural land owners, public facilities should only be allowed in EFU
9 zones if there is no property outside the EFU zone on which the facility
10 could be physically located.

11 Activities in private parks should be passive and consistent with a
12 rural setting, including consistent with rural farm and forest operations.
13 Parks may not be on high-value farmland without an exception unless
14 they are within the urban growth boundary.

15 Weddings and other events on EFU land must be ancillary and
16 accessory to existing farm use as defined in ORS 215.203 and not a
17 commercial business separate from the farm activity. (00), (01), (06),
18 (08), (09)

Landfills in EFU Zones

3.671

1 We oppose the siting of new or the expansion of existing landfills on
2 high-value EFU land. (09)

Non-Resource Lands Zoning

3.674

1 We believe that a county should authorize new non-resource land
2 zoning by having the determination approved by the county
3 commissioners.

4 When a county rezones EFU lands that do not fall within the
5 definition of "agricultural land" under LCDC Goal 3, counties shall
6 establish non-resource zones for these areas, and allow other rural uses
7 to occur. The process to use would include the county obtaining the
8 expertise of a certified professional soil classifier registered and in good
9 standing with the DLCD. That expert's testimony and report to the DLCD
10 becomes public record. (03), (09), (10)

Utility Siting

3.675

1 We favor locating thermo nuclear power plants and other industrial
2 developments in areas that will enhance irrigation developments and not
3 take prime farm and forest land out of production.

4 Power transmission lines should be located to avoid losses of
5 present or potential agricultural and timber production activities need to
6 avoid valuable farm land. We support the principle of establishing utility
7 corridors to minimize avoid the loss of agricultural and timber lands.

8 Underground utility facilities crossing or utilizing farmlands should be
9 buried at a depth and in a manner that will not interfere with normally
10 accepted agricultural practices in the area. All new buried pipelines and
11 utilities in agricultural zones and on private land shall be placed no less
12 than six feet below the surface of the ground. Such facilities include
13 cables for communication and power transmission and pipelines for
14 transmission of water, petroleum products, natural or manufactured gas,
15 or other materials. All utility pipeline installations must be installed as
16 negotiated with the land owner. (14)

17 Farmers should not be held responsible for damage or disruption of
18 service. Utility operators shall be held responsible for repair,
19 maintenance, restoration of any damages or disruption of service the
20 farm operation. The operator shall fairly compensate the land owners, or
21 lease holders for any repair, maintenance or restoration of their property.
22 At the time of significant change of operation, the utility owner shall
23 renegotiate a right-of-way agreement and easement and compensate the
24 land owner or lease holder accordingly.

25 All agricultural tillage of less than 24 inches in depth should be
26 exempt from the requirement to notify any buried pipeline or utility before
27 work begins. (14)

28 All overhead utilities must be maintained at a height so as not to
29 interfere with agricultural activities. (07)

30 We support changing the law to provide that if a land owner does not
31 wish to have a utility on their property, then every effort would be made
32 to avoid the property and/or put the utility line in an existing road right-of-
33 way. No landowner should be required to accept an easement for a utility
34 unless no road right-of-way exists within a five mile corridor. The area
35 receiving the majority of the service should be the area that supplies the
36 utility corridor. If the majority of the service will be used in the urban
37 growth boundary then the utility corridor should be in the urban growth
38 boundary. The Oregon Department of Agriculture should be the agency
39 that oversees the mitigation on agricultural land. The Oregon Department
40 of Forestry should be the agency that oversees the mitigation on forest
41 land.

42 Every quarter mile section should be evaluated for location and
43 availability to any existing road right-of-way. In addition, the utility should
44 be required to:

- 45 1. Post a sufficient bond with the State of Oregon.
- 46 2. Locate its companion facilities in the road right-of-way.
- 47 3. Purchase a lease from a willing landowner for the property of a
48 utility not located in the road right-of-way. The utility and/or
49 companion facilities must be along the edge of the agricultural or
50 forest land next to the road right-of-way and the fee/rate should
51 be established based on commercial/industrial property rental
52 rates within the urban area receiving the majority of the service.
- 53 4. Have an annual fee with the landowner(s) that is adjusted at
54 least once every five years for inflation. The mitigation
55 agreement should be reviewed by the Oregon Department of
56 Agriculture upon request of the landowner at the time of the
57 Renewal of the lease.
- 58 5. Pay the mitigation costs including the lease, the costs to the
59 landowner for the life of the use, the cost of changing
60 management practices and the actual loss in value of the crop,
61 timber and/or livestock. Mitigation should include the entire area
62 of production affected by the utility facility or pipeline and not just
63 the footprint. (08)
- 64 6. To establish the route for a utility facility that is a linear utility
65 facility, the utility provider shall establish, in a land use
66 application seeking approval of the linear utility facility, that each
67 segment of the linear utility facility must be sited in an exclusive
68 farm use zone to provide the service. If the criteria in subsections
69 (3) and (4) of this section are met for a utility facility that is a
70 linear utility facility, the utility provider shall locate the segments
71 of the linear utility facility, to the extent possible, along tract
72 boundaries and maximize the stability of the remainder of the

73 tract for farm use. "Segment" means the portion of a linear utility
74 facility sited in an exclusive farm use zone that is on lands that
75 share a similar site and situation geographically. (09), (10),
76 (Referred to AFBF, 10)

Utility Access 3.676

1 We believe that access to public utilities for the agriculture industry
2 for all agricultural purposes should be no less than equal to the services
3 provided to other users. (09)

4
5 **Solar Siting in EFU 3.678** We oppose
6 siting of non-agricultural solar panel facilities on high-value soils when
7 alternative sites are available. We support a legal requirement to ensure
8 that future solar sites when retired are reclaimed back to farmland with
9 comparable characteristics to the original farmland (See Green Power at
10 12.305)(16)

Agriculture Working Lands Conservation Easements 3.680

1 OFB supports agriculture working lands conservation easements for
2 the primary purpose of protecting farmland for continued agriculture use,
3 while providing wildlife habitat and environmental benefits. Conservation
4 easements shall not impact neighboring agriculture operations. If a
5 conservation easement negatively impacts a neighboring agriculture
6 operation, the neighboring agriculture operation should have an
7 appropriate available remedy. (14)

Management of Public Lands 3.685

1 All public agencies that own, manage, or otherwise control real
2 property must continuously actively manage its land to best achieve the
3 purpose of the public land and to prevent negative impacts to
4 surrounding private lands and landowners. Negative impacts include, but
5 are not limited to the spread of noxious weeds, trespasses onto private
6 property, increased wildlife burden, and other land use and resource
7 conflicts. (14)

1 Policy 3.680, Agricultural Conservation Easements, was deleted in 2007

Removal of Acreage from Production 3.687

2 As producers of the highest quality agriculture products in the world,
3 we oppose the permanent removal of acreage from agriculture
4 production through any government or private program. (02)

Loss of Private Property 3.688

1 We support adoption of a governmental policy of no net loss of
2 private ownership of agricultural and forest lands in Oregon.

3 Any consideration for land ownership transfer from private to government
4 ownerships shall require a public hearing process including hearings in
5 the local area. After such public hearing process, the agency or entity
6 must get approval from the local governing body of the county. Only then
7 can the federal or state agency seek funding for such land ownership
8 transfer. (13)

Government Ownership of Farm or Forest Land 3.689

1 State and local government should be required to prove and
2 guarantee that the purchase of land by a state or local government will
3 not violate Goal 3 as expressed in ORS 215.243 (1) and (2), namely the
4 preservation and maintenance of farmland for farm use. (00)

5 We support State management of federal lands in their jurisdiction.
6 (13)

7 We oppose allowing foreign governments to own land within our
8 state." Rights of land ownership by foreign nations should be equal to the
9 right of ownership by US citizens in foreign nations to create a reciprocal
10 effect. (13)

11

Road Development 3.690

1 During the design phase on road development, consideration should
2 be given to impacts on existing agriculture practices. Road development
3 should encourage the continuance of farm use.

4 When establishing expressways in EFU zones, the Oregon
5 Department of Transportation should be required to provide access to
6 farms and ranches and construct overpasses at county roads. (00)

Wetlands in EFU 3.691

1 Permanent wetlands, vernal pools, or mitigated wetlands should not
2 be located in an EFU zone if the land has been used for agriculture
3 purposes or government money is used to develop a wetland project. We
4 would not oppose a wetland project providing the project is funded by the
5 landowner and meets the state's conditional use requirements. (11)

Road Rights of Way 3.692

1 Before a government entity can get approval for a road improvement
2 project that would result in the right-of-way increasing in size, all property
3 owners with land bordering the project should be informed by the
4 government entity as to where all the existing property boundaries are
5 and how much more land would be acquired.

6 All disputes should be settled and a compensation rate agreed upon
7 for the taking of the property before the widening project can be
8 approved.

9 If the road improvement project is for the benefit of the urban
10 population, the extra land acquired should be valued as if inside the
11 Urban Growth Boundary.

12 In the event of road abandonment, the state or county will notify
13 property owners in writing. And, will consider the economic impact of the
14 road abandonment in addition, public meetings should be held on the
15 issue. (02), (12)

Traffic Impacts Due to EFU Land Conversions 3.693

1 We support retaining LCDDC Administrative Rules requiring the long-
2 term assessment of the transportation impacts resulting from the
3 establishment or enlargement of non-agricultural commercial businesses
4 at the state and county level. The burden of any cost of infrastructure
5 improvements should be paid for by the developer and not the general
6 public. (11)

Surveyor's Access 3.695

1 We support requiring all surveyors, their employees, or agents, to
2 obtain permission before entering upon private land for the purpose of
3 surveying and/or setting monuments without permission of the
4 landowner. Further, surveyors should compensate the landowner for any
5 and all damages and time lost caused by their entry on private property.
6 (08)

Deed Recording 3.696

1 We support requiring county planning departments and county
2 recorders or city recorders to verify that a newly created parcel is legal
3 and in compliance with the county comprehensive plan before the deed
4 is recorded. (03), (07), (08)

Aggregate 3.700

1 We support requiring an "alternatives analysis and a needs analysis"
2 as part of the aggregate permitting process when applying to mine high-
3 value farmland soils in EFU zones. We support requiring the use of a
4 permitting process with public hearings before allowing new or expanded
5 commercial aggregate mining operations in the EFU zone.

6 We support state and local governments using a higher percentage
7 of quarry rock and a lower percentage of alluvial gravel mined from
8 under high-value farmland soils in the Willamette Valley.

9 We support prohibiting the mining of rock when it is under high-value
10 farmland soils or if the mining activities meet or exceed the depth of
11 surrounding irrigation or domestic water wells within the boundaries of an
12 aquifer.

13 Before an application can be approved for a proposed aggregate
14 removal operation that is located on high-value farmland, the Department
15 of Agriculture and the Department of Water Resources should be
16 required to examine the application and both sign off that the proposed
17 mining/removal operation will not negatively impact agricultural
18 operations and water rights on surrounding farms.

19 We believe facilities and structures including batch plants should be
20 prohibited when surrounded by EFU land.

21 We support the removal of river rock from dry gravel bars. (01), (04),
22 (07), (08)

23 At a minimum, counties should have the authority to require that
24 there be a demonstration that there are no reasonable alternatives to
25 siting an aggregate facility on Class I, Class II, prime or unique soils in
26 Oregon.

27 We support the requirement that future aggregate mining sited on
28 Class I, Class II, prime, or unique soils in the Willamette Valley to be
29 reclaimed back to farmland with comparable characteristics to the
30 original farmland. (09)

Mitigation for Aggregate Projects 3.720

1 When an application is submitted to site an aggregate operation, we
2 support requiring counties to impose and enforce mandatory conditions
3 designed to reduce the impacts of the operation on neighboring farms
4 and ranches.

Supersiting 3.790

1 We oppose the supersiting of any non-farm activity that would
2 subtract from, or adversely affect, the surrounding agricultural industry
3 and resource base.

4 We oppose the 2005 FERC law relating to the supersiting of
5 pipelines and support the reintroduction of state and local oversight. (08)
6 (Referred to AFBF, 08) (16).

Urban Growth Boundaries 3.800

1 We support the use of Urban Growth Boundaries (UGB) as a means
2 of dividing agriculture land from urban land. The purpose of designating
3 land within UGBs under land use planning should be to provide space for
4 all urban needs, including, but not limited to: housing, commercial and
5 industrial, utilities, parks & recreation, schools and to manage the growth
6 of a city in such a way that these needs and services can be efficiently
7 provided within the UGB. We oppose any effort to remove farm use
8 assessment from actively farmed land inside a UGB, without land owner
9 consent.

10 We believe that UGB expansion is not an automatic right and that
11 there are some situations where expansion has reached its limit because
12 of the surrounding resource land. As such, we believe the 20 year
13 buildable inventory requirement is inappropriate and should be repealed.
14 Any boundary expansion on land protected under Goal 3 must not impair
15 the agricultural environment and infrastructure needed to produce food
16 and fiber for current and future generations. The expansion of a UGB
17 should not occur on land(s):

- 18 1. That is predominantly irrigated or non irrigated soil classes I, II
- 19 and irrigated class III and IV soils in western Oregon;
- 20 2. Parcels of land that are predominantly irrigated or non irrigated
- 21 soil classes I, II and irrigated class III through V soils in eastern
- 22 Oregon;
- 23 3. Parcels that are predominantly soils that, if irrigated, are capable
- 24 of producing the average of other irrigated land in the area;
- 25 4. Any parcels that are predominantly soils capable of producing
- 26 the average non irrigated wheat yield for the county; and
- 27 5. Any soils that the county determines to be necessary to support
- 28 the agricultural community.
- 29 Exceptions should include parcels that are smaller than the applicable
- 30 minimum lot size and at least 75% of its perimeter is contiguous to:
 - 31 1. An Urban Growth Boundary, or
 - 32 2. Land designated as urban reserve, or
 - 33 3. An exception area, or
 - 34 4. Soils not listed in ORS 215.710 (definition of high-value
 - 35 farmland). (02)

System Development Charges 3.801

- 1 We support the use of system development charges as an important
- 2 tool for sharing the cost of applicable infrastructure. (07)

Periodic Review 3.805

- 1 In order to provide a reasonable level of land ownership certainty for
- 2 agriculture producers near urban growth boundaries, no jurisdiction
- 3 should be required to evaluate their need to conduct a periodic review of
- 4 their comprehensive land use plan more frequently than every 10 years.
- 5 (04)

Population Allocation 3.810

- 1 The population growth allocations among cities within a county
- 2 should be under the county's jurisdiction and not the individual cities.
- 3 (03)

Metro and the RCVOG Urban Rural Reserves 3.820

- 1 The Rural/Urban Reserves process can only be supported using the
- 2 20-year land supply criteria as a minimum determining application tool
- 3 and not using the consideration of vague factors that has been used.
- 4 We only recognize two classifications of lands: (1) urban lands and
- 5 (2) rural lands. We do not recognize or support the term "undesignated
- 6 lands" as a classification in the Rural/urban reserve process.
- 7 The urban rural reserves process allowed by the legislature for the
- 8 Metro regional government, and Clackamas, Multnomah, and
- 9 Washington Counties needs to have hearings by the legislature prior to

10 being finalized by Metro to make sure that the agricultural and forestry
11 lands have maximum protection.

12 These lands are agriculture's and forestry's industrial lands and need
13 to be available for production with a 100 year supply.

14 These lands are nature's natural filters for the greenhouse gases that
15 the urban areas expel and need to be recognized for this purpose as well
16 as the economic benefits that they bring to Oregon's economy.

17 Cities that elect to have Urban Reserves shall be contained within
18 the reserve until substantially depleted. (08), (09), (11)

Destination Resorts

3.900

1 Destination Resorts should not be sited on high value cropland or
2 near intensive crop producing areas unless it can be demonstrated that:

3 1. The resort will not result in the loss of land being intensively
4 farmed;

5 2. The improvements and activities at the resort will be located and
6 designed to avoid adverse effects of the resort on farm uses on
7 surrounding farmlands; and

8 3. The property deed contains a provision that prohibits the owner,
9 employees or customers from taking legal action to restrict or
10 change the farming practices of agricultural producers in these
11 surrounding areas.

12 Destination resorts should not be allowed to incorporate as a city or
13 as a municipality if doing so would adversely impact the surrounding
14 agricultural industry.

15 Destination resorts should not be sited on irrigated land or within an
16 irrigation district and such irrigated land should not be included as land
17 eligible for a destination resort in a county's destination resort map.
18 However, irrigation districts should be allowed to opt out. (09)

Measure 37 and Measure 49 Right to Farm 3.920

1 Counties should be required as a condition of approval for any single
2 family dwelling or non-farm use approved pursuant to a Measure 37 or
3 Measure 49 claim to sign and record for the deed records a document
4 binding the new land owner and the land owner's successors in interest.
5 The deed should also prohibit them from pursuing a claim or cause of
6 action alleging injury from a farming or forest practice protected under
7 Oregon's Right to Farm Laws. (06), (08)

Policy No. 3.940, Measure 37 Counter Claims, was deleted in 2008