III. LAND USE

Preamble to Land Use Policies 3.000
1. It is important to recognize that the protection of land use for agriculture requires a series of policies, and that each of these policies is inter-related.
2. The policies included in this section must be interpreted as pieces of a whole, not applied independently. (00)

Land Use Planning 3.010
1. We support the principle of land use planning for the purpose of protecting the resources and the agricultural environment and infrastructure needed for farmers and ranchers to produce food and fiber for current and future generations in a profitable manner. We are philosophically opposed to efforts to remove economically productive farm and forest land from farm or forest zones.
2. We are in favor of agricultural utilization of land by individual owners 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 predominantly tillable land, irrigated land, grazing land and rangeland necessary to protect the agricultural environment and infrastructure needed for farmers and ranchers to produce food and fiber in an effective manner, and other land necessary to permit farm practices in the area.
2. These lands should be zoned EFU.
3. OFBF does not support redefining agricultural land and forest lands by counties based on factors other than the statewide criteria identified in Goal 3 and Goal 4. While different regions of the state may have varying levels of non-farm development pressure, a standard definition of agricultural land and forestlands under Goal 3 and Goal 4 is key to maintaining the agricultural land base and to minimizing conflicts from non-farm uses.
4. Local governments should be encouraged to use the Land Evaluation and Site Assessment (LESA) system developed by the Soil Water and Conservation Society, as a tool to determine relative value of parcels of land for agricultural use. (00)
5. Profitability should not be considered for the purposes of defining ‘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 and amend their own land use plan within the state goals and guidelines.
3. We favor community effort with landowner participation to develop an
orderly plan of the area and its resources and the use of zoning to
implement the plan.
LCDC Goals and Guidelines and administrative rules must be subject
to legislative authority and must insure that farmers and ranchers can use
all accepted farming practices to their best economic advantage on land
limited to and protected for farming under Goal 3.
We believe all lands, including state and federal lands, should be
subject to all provisions of local land use ordinances. (05)

**Rural Community Stability Plans**

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. (08)

**Farmland Oversight Authority**

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**

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

**Right to Farm**

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 that
6. must be preserved and strengthened. (06), (08), (16)

**Guard Dogs Under Right to Farm**

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

**Private Property Rights**

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.
Before any private land can be considered for public use or benefit, the property owner must be notified by registered letter 60 days prior to the beginning of the study. The property owner should be notified by all parties involved including individuals, private groups, organizations, elected officials and government agencies. We support legislation for full restitution to land owners for any loss of the use or taking of their lands for public purpose. No biodiversity or ecosystem shall be altered on private property without the property owner's permission and just compensation as determined by the property owner. (06)

**Historic/Cultural Designations 3.034**

We oppose designating as historic districts or traditional cultural properties lands in agriculture & forest zones including irrigation supply and drainage infrastructure in all zones. We believe that owners of buildings or land which have been earmarked for historic designation should continue to have the right to “refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480.”

National and State regulations should, through rulemaking, allow trustees of lands held in “trust” to opt out as owner/owners along with individuals, partnerships, corporations, or public agencies holding fee simple title to property. If an individual wants to designate a specific site on their property as historic, we support their ability to do so as long as it goes through a process ensuring no impacts to neighboring landowners. SHPO should be required to reach out to property owners who are directly affected by any historic designation. We also believe the current 45-day period for recommendation and comment is too short of time frame for outreach and should be expanded to 90 days.

When the National Parks Service receives objections from either the majority of landowners or owners of the majority of the land area of the designated historic district, the historic listing will not proceed.

We support decoupling the historic designation process at the state level with the “Goal 5” resource protection process such that designation of historic properties does not automatically entitle the resource to Goal 5 protections under Oregon’s land use laws. (19)

**Mandated Public Access 3.040**

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

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

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

**Bike/Multi Use Paths in Farm or Forest Zones 3.043**

We oppose the condemnation of farm and forest lands for bike/multi use paths. Any paths sited in farm or forest zones need to meet the farm impacts test and should not be sited within the federal or state application exclusion zones for pesticide use. (See also Rails to Trails 4.420) (19)

**Liability Exemption for Public Access 3.045**

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

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

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

Land acquisitions should be approved by the local governing body. Public entities should be required to make payments in lieu of taxes equal to the real and personal taxes paid by the previous owner with future payments based on the value or use of the property at the local tax rates.

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

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

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

Owners of property subject to damage from action by public entities, utilities or individuals, should be compensated.
Upon foreclosure of a farm or ranch, the foreclosed upon party should have the right to repurchase that property in its entirety, without loss of any portion thereof, such as wetland areas or subsurface rights. We believe the power of condemnation by local municipalities, counties, and other government entities, whether it be land or personal property, should not extend beyond their own jurisdictional boundaries. We oppose the purchase of resource lands outside of urban growth boundaries for public ownership.

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

DLCD Staffing East of the Cascades 3.105

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

LCDC Goals and Guidelines 3.110

Agricultural practices conducted on land regulated under Goal 3 or Goal 4 should be deemed to not be a conflict with any other land use goal. Specifically, Goal 5 must not be used to restrict the production activities on land regulated under Goal 3 or 4. We believe that since aggregate is a Goal 5 resource that is consumed as a result of its “protection” under Goal 5, aggregate should be removed from the designation as a Goal 5 resource. Until the time it is removed from Goal 5, aggregate removal should remain a conditional use. (07)

LCDC Commission 3.120

Oregon statute should provide that at least one LCDC commissioner position will be a farmer or retired farmer currently involved in agriculture in some capacity. Because of the complexity of land use planning laws, we recommend that all persons appointed to the Land Conservation & Development Commission receive a thorough annual training in agricultural land use planning issues and the state's land use planning history and the laws and rules as they exist. (08)

Restructure of LCDC 3.180

We support restructuring of LCDC so that it better represents all areas of the state and the agriculture industry. Such restructuring may include regionalization. (05)
High Value Farmland 3.200

1 The definition of High-value farmland in the ORS should be used in conjunction with the provisions for farm dwellings, aggregate removal and Lot of Record.
2 It is our position that there is no need for a definition of high-value farmland for the purpose of general land use planning when the term “agricultural land” is correctly defined (Policy No. 3.015). All land in an EFU zone is equally important to the preservation of the agricultural community which makes up the zone. (00)

Minimum Lot Sizes 3.410

9 Each county comprehensive plan should be required to establish minimum lot sizes appropriate for various areas of that county that would protect the agricultural environment and infrastructure needed for farmers and ranchers.
10 For counties with or considering lower minimum lot sizes in an exclusive farm use or mixed farm-forest zone, analysis for designating lands for non-agricultural use should first consider the impact to existing agricultural operations in the area. (00) (09)

Farm Dwellings 3.500

1 We support a menu approach using three options to determine when an initial dwelling is provided in conjunction with farm use. Such dwellings should be allowed on any tract or tracts of land under the same ownership and deed restrictions should be imposed on the tract or tracts that were used to qualify the initial farm dwelling. The dwelling applicant must be the owner of the tract or tracts of land. The first option is an acreage test of 320 acres or more of zoned rangeland or 160 acres of other land. A second option is a two-year gross annual income history test by the operator of $80,000 on high value farmland or $40,000 on any other land. A third option for non-high-value farmland only is a "potential gross sales test" that evaluates the farm size and income of all farm operations that are capable of grossing more than $10,000 annually, which have parcels located wholly or partially within one mile of the tract of the dwelling applicant.
2 We support a change in the dwelling criteria that would allow, at the time of application, an initial farm dwelling if both the applicant and the parcel can show a farm income history that meets or exceeds the applicable farm dwelling income test.
3 We believe that before a non-farm dwelling can be sited in an EFU zone with a Goal 3 exception zone change, the county must make sure the applicant and county have tried to get the dwelling in conjunction with 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, should
3 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 dwellings.
7 These should be subject to annual review and removal when no longer
8 provided in conjunction with farm use. (00)
9 Additional dwellings located on farm parcels in an EFU zone should
10 contain a deed restriction that the dwelling is not allowed to be partitioned
11 from the parent parcel. (17)

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 with
7 evidence that it was a lawful dwelling intended as a dwelling at the time of
8 its construction so long as property taxes for the dwelling are paid current.
9 (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 that
3 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. We
3 support changes to the law that would clarify that the Lot-of-Record
provisions only apply to the person(s), or the legally authorized heirs of such persons, who continuously owned the parcel since January 1, 1985. We support a study of the impacts of applying lot-of-record provisions to high value farmland. We believe that “lot-of-record” dwellings that are really non-farm dwellings should lose the farm use assessment if the dwelling is not approved using a farm dwelling standard. The applicable tax penalty for 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 structures or accepted farming practices that occur in farm, forest or farm-forest zones.
2 Game ranching and fee hunting or fishing should be recognized as farm activities which supplement regular farm income. Such activities should not disqualify a farm from farm use assessment. Bed & Breakfast and Dude Ranches should be a permitted use only when provided in conjunction with farm use. We support the following additions to the list of statutory permitted uses in all farm use zones:
3 1. Propagation or harvesting of a forest product; and
4 2. Water impoundments.
5 3. Farm use should include the breeding, management, and sale of breeds of dogs commonly utilized in livestock management and husbandry. (01), (08)

Farm Use 3.620

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

Land Use Action Notification 3.625

1 Public notice of all land use applications outside the urban growth boundary should be sent to all land owners within one-half mile of the 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 the farm operation and to provide other producers with such services as long as the owner’s product is a significant portion of the product being handled.
2 We support clearly defining the differences between “processing” a crop and “preparing” a crop for market. We agree that preparation should remain a farm use under state standards. We also support allowing small-scale processing of agricultural products grown primarily onsite as an outright permitted use in a farm zone. (17)
3 Non-production based commercial activities should be accessory and auxiliary to the farm use on the subject farm and not the primary use. We
believe on-farm experiences encourage the public to support beneficial policy. We support farmers engaging with the public on farm in order to promote agriculture as a valuable part of our communities. (03), (09), (17)

**Application of Byproducts to Agricultural and Forestry Land 3.660**

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

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

**Non-Farm Activities 3.670**

Because the limitation of non-farm activities is crucial to the integrity of the exclusive farm use zone, we will vigorously oppose the inclusion of any new non-farm uses on lands properly zoned for exclusive farm use. Furthermore, we will actively seek reduction of the growing list of permitted and conditional non-farm uses that have been added to the zone since its inception.

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

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

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

We support the state adopting conditions for siting and permitting short term vacation rentals in exclusive farm use zones that ensure such rentals are economically ancillary to the existing farm and that the farm owner is the farm operator and a full-time resident of said county. (17)

We oppose wildlife overlay zones in land use planning. When wildlife overlay zones are designated, a management plan that involves and is supported by the landowners, neighboring landowners and producers that are impacted by the overlay zone will be developed with the wildlife management agencies whether state or federal or both to manage the wildlife in that zone. (17)

**Landfills in EFU Zones 3.671**

We oppose the siting of new or the expansion of existing landfills on high-value EFU land. (09)
Non-Resource Lands Zoning 3.674
1 We believe that a county should authorize new non-resource land zoning by having the determination approved by the county commissioners.
2 When a county rezones EFU lands that do not fall within the definition of "agricultural land" under LCDC Goal 3, counties shall establish non-resource zones for these areas, and allow other rural uses to occur. The process to use would include the county obtaining the expertise of a certified professional soil classifier registered and in good standing with the DLCD. That expert's testimony and report to the DLCD becomes public record. (03), (09), (10)

Utility Siting 3.675
1 We favor locating thermonuclear power plants and other industrial developments in areas that will enhance irrigation developments and not take prime farm and forest land out of production.
2 Power transmission lines should be located to avoid losses of present or potential agricultural and timber production activities need to avoid valuable farm land. We support the principle of establishing utility corridors to minimize avoid the loss of agricultural and timber lands.
3 Underground utility facilities crossing or utilizing farmlands should be buried at a depth and in a manner that will not interfere with normally accepted agricultural practices in the area. All new buried pipelines and utilities in agricultural zones and on private land shall be placed no less than six feet below the surface of the ground. Such facilities include cables for communication and power transmission and pipelines for transmission of water, petroleum products, natural or manufactured gas, or other materials. All utility pipeline installations must be installed as negotiated with the land owner. (14)
4 Farmers should not be held responsible for damage or disruption of service. Utility operators shall be held responsible for repair, maintenance, restoration of any damages or disruption of service the farm operation. The operator shall fairly compensate the land owners, or lease holders for any repair, maintenance or restoration of their property. At the time of significant change of operation, the utility owner shall renegotiate a right-of-way agreement and easement and compensate the land owner or lease holder accordingly.
5 All agricultural tillage of less than 24 inches in depth should be exempt from the requirement to notify any buried pipeline or utility before work begins. (14)
6 All overhead utilities must be maintained at a height so as not to interfere with agricultural activities. (07)
7 We support changing the law to provide that if a land owner does not wish to have a utility on their property, then every effort would be made to avoid the property and/or put the utility line in an existing road right-of-way.
No landowner should be required to accept an easement for a utility unless no road right-of-way exists within a five-mile corridor. The area receiving the majority of the service should be the area that supplies the utility corridor. If the majority of the service will be used in the urban growth boundary then the utility corridor should be in the urban growth boundary. The Oregon Department of Agriculture should be the agency that oversees the mitigation on agricultural land. The Oregon Department of Forestry should be the agency that oversees the mitigation on forest land.

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

1. Post a sufficient bond with the State of Oregon.
2. Locate its companion facilities in the road right-of-way.
3. Purchase a lease from a willing landowner for the property of a utility not located in the road right-of-way. The utility and/or companion facilities must be along the edge of the agricultural or forest land next to the road right-of-way and the fee/rate should be established based on commercial/industrial property rental rates within the urban area receiving the majority of the service.
4. Have an annual fee with the landowner(s) that is adjusted at least once every five years for inflation. The mitigation agreement should be reviewed by the Oregon Department of Agriculture upon request of the landowner at the time of the Renewal of the lease.
5. Pay the mitigation costs including the lease, the costs to the landowner for the life of the use, the cost of changing management practices and the actual loss in value of the crop, timber and/or livestock. Mitigation should include the entire area of production affected by the utility facility or pipeline and not just the footprint. (08)
6. To establish the route for a utility facility that is a linear utility facility, the utility provider shall establish, in a land use application seeking approval of the linear utility facility, that each segment of the linear utility facility must be sited in an exclusive farm use zone to provide the service. If the criteria in subsections (3) and (4) of this section are met for a utility facility that is a linear utility facility, the utility provider shall locate the segments of the linear utility facility, to the extent possible, along tract boundaries and maximize the stability of the remainder of the tract for farm use. “Segment” means the portion of a linear utility facility sited in an exclusive farm use zone that is on lands that share a similar site and situation geographically. (09), (10), (Referred to AFBF, 2010)

Utility Access 3.676
1 We believe that access to public utilities for the agriculture industry for all agricultural purposes should be no less than equal to the services provided to other users. (09)
Solar Siting in EFU 3.678
1 We oppose siting of non-agricultural solar panel facilities on productive agricultural lands when alternative sites are available. We define productive agricultural lands as lands that are locally significant for the agricultural economy, have high productive value for that region, or have other qualities that make them valuable for that region. This analysis may be done on a county or regional basis, and can account for factors such as presence of irrigation or drainage infrastructure, soil class, large tracts of intact farmland, or other regionally relevant factors. Counties should be allowed to exclude non-agricultural solar panel facilities in the EFU zone on productive agricultural lands. Counties should not authorize projects that could result in forfeiture of irrigation rights or loss of agricultural wetland exemptions. (18) We support bonding and a legal requirement to ensure that future solar sites when decommissioned are reclaimed back to farmland with comparable characteristics to the original farmland. Solar facilities should be required to perform weed control. (See Green Power at 12.305), (16) (19)
17 We oppose referring to solar facilities as “solar farms.” (19)

Agriculture Working Lands Conservation Easements 3.680
1 We support agriculture working lands conservation easements for the primary purpose of protecting farmland for continued agriculture use, while providing wildlife habitat and environmental benefits. Conservation easements shall not impact neighboring agriculture operations. If a conservation easement negatively impacts a neighboring agriculture operation, the neighboring agriculture operation should have an appropriate available remedy. (14)

Management of Public Lands 3.685
1 All public agencies that own, manage, or otherwise control real property must continuously actively manage its land to best achieve the purpose of the public land and to prevent negative impacts to surrounding private lands and landowners. Negative impacts include, but are not limited to the spread of noxious weeds, trespasses onto private property, increased wildlife burden, and other land use and resource conflicts. (14)

Policy 3.680, Agricultural Conservation Easements, was deleted in 2007

Removal of Acreage from Production 3.687
1 As producers of the highest quality agriculture products in the world, we oppose the permanent removal of acreage from agriculture production through any government or private program. (02)
Loss of Private Property

1. We support adoption of a governmental policy of no net loss of private ownership of agricultural and forest lands in Oregon.
2. Any consideration for land ownership transfer from private to government ownerships shall require a public hearing process including hearings in the local area. After such public hearing process, the agency or entity must get approval from the local governing body of the county. Only then can the federal or state agency seek funding for such land ownership transfer. (13)

Government Ownership of Farm or Forest Land

1. State and local government should be required to prove and guarantee that the purchase of land by a state or local government will not violate Goal 3 as expressed in ORS 215.243 (1) and (2), namely the preservation and maintenance of farmland for farm use. (00)
2. We support State management of federal lands in their jurisdiction. (13)
3. We oppose allowing foreign governments to own land within our state." Rights of land ownership by foreign nations should be equal to the right of ownership by US citizens in foreign nations to create a reciprocal effect. (13)

Road Development

1. During the design phase on road development, consideration should be given to impacts on existing agriculture practices. Road development should encourage the continuance of farm use.
2. When establishing expressways in EFU zones, the Oregon Department of Transportation should be required to provide access to farms and ranches and construct overpasses at county roads. (00)

Wetlands in EFU

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

Road Rights of Way

1. Before a government entity can get approval for a road improvement project that would result in the right-of-way increasing in size, all property owners with land bordering the project should be informed by the government entity as to where all the existing property boundaries are and how much more land would be acquired.
2. All disputes should be settled and a compensation rate agreed upon for the taking of the property before the widening project can be approved.
If the road improvement project is for the benefit of the urban population, the extra land acquired should be valued as if inside the Urban Growth Boundary.

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

**Traffic Impacts Due to EFU Land Conversions** 3.693

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

**Surveyor's Access** 3.695

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

**Deed Recording** 3.696

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

**Aggregate** 3.700

We support requiring an “alternatives analysis and a needs analysis” as part of the aggregate permitting process when applying to mine high-value farmland soils in EFU zones. We support requiring the use of a permitting process with public hearings before allowing new or expanded commercial aggregate mining operations in the EFU zone. We support state and local governments using a higher percentage of quarry rock and a lower percentage of alluvial gravel mined from under high-value farmland soils in the Willamette Valley. We support prohibiting the mining of rock when it is under high-value farmland soils or if the mining activities meet or exceed the depth of surrounding irrigation or domestic water wells within the boundaries of an aquifer.

Before an application can be approved for a proposed aggregate removal operation that is located on high-value farmland, the Department of Agriculture and the Department of Water Resources should be required to examine the application and both sign off that the proposed
mining/removal operation will not negatively impact agricultural operations and water rights on surrounding farms. We believe facilities and structures including batch plants should be prohibited when surrounded by EFU land. We support the removal of river rock from dry gravel bars. (01), (04), (07), (08)

At a minimum, counties should have the authority to require that there be a demonstration that there are no reasonable alternatives to siting an aggregate facility on Class I, Class II, prime or unique soils in Oregon. We support the requirement that future aggregate mining sited on Class I, Class II, prime, or unique soils in the Willamette Valley to be reclaimed back to farmland with comparable characteristics to the original farmland. (09)

We support long-range planning to identify appropriate places for developing aggregate resources. (18)

Mitigation for Aggregate Projects

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

Supersiting

We oppose the supersiting of any non-farm activity that would subtract from, or adversely affect, the surrounding agricultural industry and resource base. We oppose the 2005 FERC law relating to the supersiting of pipelines and support the reintroduction of state and local oversight. (Referred to AFBF, 2008), (08), (16)

Urban Growth Boundaries

We support the use of Urban Growth Boundaries (UGB) as a means of dividing agriculture land from urban land. The purpose of designating land within UGBs under land use planning should be to provide space for all urban needs, including, but not limited to: housing, commercial and industrial, utilities, parks & recreation, schools and to manage the growth of a city in such a way that these needs and services can be efficiently provided within the UGB. We oppose any effort to remove farm use assessment from actively farmed land inside a UGB, without land owner consent. We believe that UGB expansion is not an automatic right and that there are some situations where expansion has reached its limit because of the surrounding resource land. As such, we believe the 20-year buildable inventory requirement is inappropriate and should be repealed. Any boundary expansion on land protected under Goal 3 must not impair the agricultural environment and infrastructure needed to produce food
and fiber for current and future generations. The expansion of a UGB should not occur on land(s):

1. That is predominantly irrigated or non irrigated soil classes I, II and irrigated class III and IV soils in western Oregon;
2. Parcels of land that are predominantly irrigated or non irrigated soil classes I, II and irrigated class III through V soils in eastern Oregon;
3. Parcels that are predominantly soils that, if irrigated, are capable of producing the average of other irrigated land in the area;
4. Any parcels that are predominantly soils capable of producing the average non irrigated wheat yield for the county; and
5. Any soils that the county determines to be necessary to support the agricultural community.

Exceptions should include parcels that are smaller than the applicable minimum lot size and at least 75% of its perimeter is contiguous to:

1. An Urban Growth Boundary, or
2. Land designated as urban reserve, or
3. An exception area, or
4. Soils not listed in ORS 215.710 (definition of high-value farmland).

System Development Charges 3.801
1 See tax section 2.330. (18)

Periodic Review 3.805
1 In order to provide a reasonable level of land ownership certainty for agriculture producers near urban growth boundaries, no jurisdiction should be required to evaluate their need to conduct a periodic review of their comprehensive land use plan more frequently than every 10 years. (04)

Population Allocation 3.810
1 The population growth allocations among cities within a county should be under the county’s jurisdiction and not the individual cities. (03)

Urban Rural Reserves 3.820
1 In the Rural/Urban Reserves process, (Beginning after the 20-year UGB planning horizon), local governments should use the 20-year land supply criteria as the maximum determining application tool and should not use vague factors when designating reserves. Class I, II, Prime, Unique, or other regionally significant agricultural lands should be excluded from the urban reserves inventory and preserved for agricultural use.
2 We only recognize two classifications of lands: (1) urban lands and (2) rural lands. We do not recognize or support the term “undesignated lands” as a classification in the Rural/urban reserve process.
The urban rural reserves process allowed by the legislature for the Metro regional government, and Clackamas, Multnomah, and Washington Counties needs to have hearings by the legislature prior to being finalized by Metro to make sure that the agricultural and forestry lands have maximum protection. These lands are agriculture’s and forestry’s industrial lands and need to be available for production with a 100 year supply. These lands are nature’s natural filters for the greenhouse gases that the urban areas expel and need to be recognized for this purpose as well as the economic benefits that they bring to Oregon’s economy. Cities that elect to have Urban Reserves shall be contained within the reserve until substantially depleted. (08), (09), (11)

**Destination Resorts**

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

1. The resort will not result in the loss of land being intensively farmed;
2. The improvements and activities at the resort will be located and designed to avoid adverse effects of the resort on farm uses on surrounding farmlands; and
3. The property deed contains a provision that prohibits the owner, employees or customers from taking legal action to restrict or change the farming practices of agricultural producers in these surrounding areas.

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

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

**Measure 37 and Measure 49 Right to Farm**

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

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