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Questions and Answers about Oregon's Land Use Program:

Regional Differences

Q: *Why doesn't the planning program take into account local conditions and regional differences?*

A: *It does, in many ways.*

Land use planning laws that vary with local conditions include standards for houses and land divisions in farm and forest zones, laws guiding urban growth boundary expansions and housing requirements, natural resource laws, and procedures for the review of developments. Additionally, five out of the nineteen planning goals only apply to certain regions, and the Columbia Gorge National Scenic Area laws only apply there.

Q: *How do farmland laws account for varying conditions and soil qualities?*

A: *Laws that govern land divisions, nonfarm dwelling approval, farm dwelling approval and minimum lot sizes in farmland all vary according to local conditions.*

State law defines "high-value farmland" in a way that differentiates between farmland in the Willamette Valley, farmland on the Coast, and farmland in the remainder of the state.¹ For example, on farmland outside the Willamette Valley, people can divide off any part of a preexisting farm parcel unsuitable for farming and create a new parcel for a nonfarm dwelling.² In contrast, nonfarm dwellings can only be built in the Willamette Valley on parcels which are not primarily Soil Conservation Service Class I, II, or III (highest quality).

Under these standards, 153 nonfarm dwellings were approved in Eastern Oregon in 2000, while only 14 were allowed in the populous Willamette Valley. Another example is the \$80,000 income standard for building a farm house that requires more farm sales from high value farmland. Three-quarters of Oregon's farmland is held to a lower standard.³

Q: *How do forest land laws account for varying conditions and forest types?*

A: *The standards for a "lot of record" house are based on forest productivity (less productive lands are easier to develop). Those standards also account for the difference in forest types east and west of the Cascades.*

In forest zones, standards for allowing a house on a "lot-of-record" include a productivity test that varies by region.⁴ East of the Cascades, a lot of record dwelling can be built on a tract if the forest productivity does not exceed 4,000 cubic feet/year, while west of the Cascades, it must not exceed 5,000 cubic feet/year.

Q: *How does the land use planning program take into account differences among cities?*

A: *The planning program distinguishes between small towns, medium sized cities, and the state's six major metropolitan areas. State law requires large cities to do much more planning for public facilities and transportation facilities than small cities. Small cities are exempt from many requirements.*

For example, under the Transportation Planning Rule, only the six metropolitan areas are required to stabilize and reduce per capita vehicles miles traveled. The rule exempts local governments with populations under 25,000 from many provisions while cities with populations of less than 2,500 can be completely exempted.⁵ Requirements for affordable housing efforts vary as well.

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Q: *Shouldn't the planning program recognize that some regions of the state, like Eastern Oregon, aren't growing and therefore don't need the kind of regulations needed in high growth areas? Isn't it true that Eastern Oregon isn't growing?*

A: *It is important to all communities to plan their growth to assure a high quality of life, regardless of the pace of growth. Furthermore, growth can occur suddenly, and there may not be time to update all needed land use regulations once it has accelerated.*

Between 1990 and 2000, the population growth rate in Multnomah, Clackamas, and Washington counties (the core of the Portland metro region) was 20%. This was a lower rate of growth than Jefferson County (36%), Crook County (29%) and Deschutes County (46%). Significant growth took place in Umatilla County (16%) and Malheur County (20%) (which rank third and fourth in agricultural production).

During the early and mid-1980's the Curry County Commissioners argued that they didn't need to be concerned about managing growth in their county because there was no growth. Now Curry County is growing faster than the Portland metropolitan region.

Q: *Shouldn't we be concentrating on protecting the prime farmland in the Willamette Valley, not the worthless land in Eastern Oregon?*

A: *Farm and range land in Eastern Oregon accounts for over one third of the state's total farm sales and produces a wide variety of crops.*

Many important commodities, including four of Oregon's top five commodities, are produced on farmland not defined as "prime" farmland. Examples include grapes, grass seed, cattle, hay, cranberries, and potatoes.

Much of Oregon's farm production comes from lands outside the Willamette Valley. In 1997, 38% of total farm sales came from farmland east of the Cascades, which had 63% of the state's harvested cropland. Vegetable and flower seeds, apples, popcorn, wheat, mint, grass seeds, potatoes, canola, cherries, cantaloupes, garlic, asparagus, watermelons, sugar beets, and lima beans are all grown in Eastern Oregon.⁶ In 1997, Umatilla County ranked third statewide in agricultural sales (\$249,201,000) and Malheur County ranked fourth (\$208,218,000).

Q: *What else is the State doing to help rural communities?*

A: *Among other programs, the State has a Community Solutions Team, which provides grants and technical assistance for rural and distressed communities, and has a Regional Problem Solving program which allows for exceptions to statewide requirements.*

Sources:

¹ ORS 215.710

² ORS 215.284, and House Bill 3326 (2001)

³ OAR 660-033-0130 and 0135

⁴ ORS 215.705 and 215.720.

⁵ ORS 197.712 also exempts smaller cities from having to develop public facilities plans.

⁶ U.S. Department of Commerce, 1997. 1997 Census of Agriculture, Oregon: State and County Data.

Additional fact sheets on other land use planning issues are available from 1000 Friends.

For more information, visit www.friends.org.