

Ballot Measure 37: The End of Land Use Planning on Forest Land in Oregon?



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Background



Low Density Urbanization of Forestland



Top 10 Concerns of Oregonians about Forestry-Related Issues

- Water quality
- Fish and wildlife habitat
- Losing forestland to development and other uses – **TOP**
FUTURE
CONCERN
- Wildfire danger
- Relationship between forest industry & environmental groups
- Soil erosion/landslides
- Urban sprawl onto forestland
- Diseased or insect damaged trees
- Pesticide applications
- Amount of forest harvested by clearcutting

Note that employment and other economic issues are not on list that survey participants could choose



Examples of Relevant Benchmarks and Policies

1. Oregon's land use laws passed in 1973
2. Oregon Progress Board Benchmark #81:

Percent of Oregon non-Federal forest land (wildland forest) in 1974 still preserved for forest use

3. Board of Forestry's Forestry Program for Oregon Strategy C.1:

Promote retention and improvement of the forestland base



Ballot Measure 37

- Passed November 2004
- Ballot measure 37 provides compensation for private real property owners whose use of the land is restricted or if the property value is reduced when a land use regulation is enacted
- Exceptions:
 - Commonly and historically recognized public nuisances
 - Public health and safety regulations
 - Regulations required to comply with federal law
 - Regulations restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing

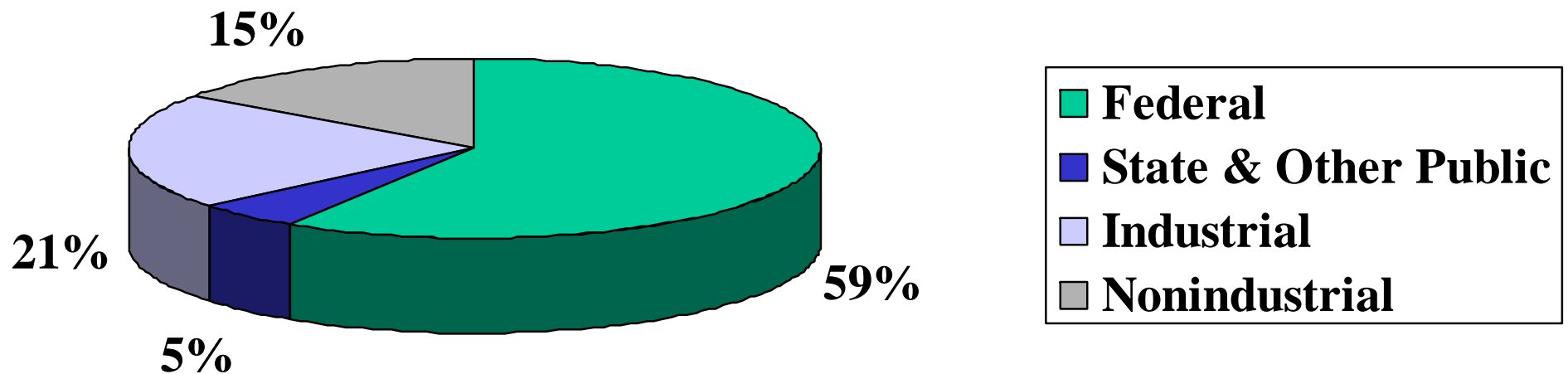


Most of Oregon's Forests Cannot Be Developed

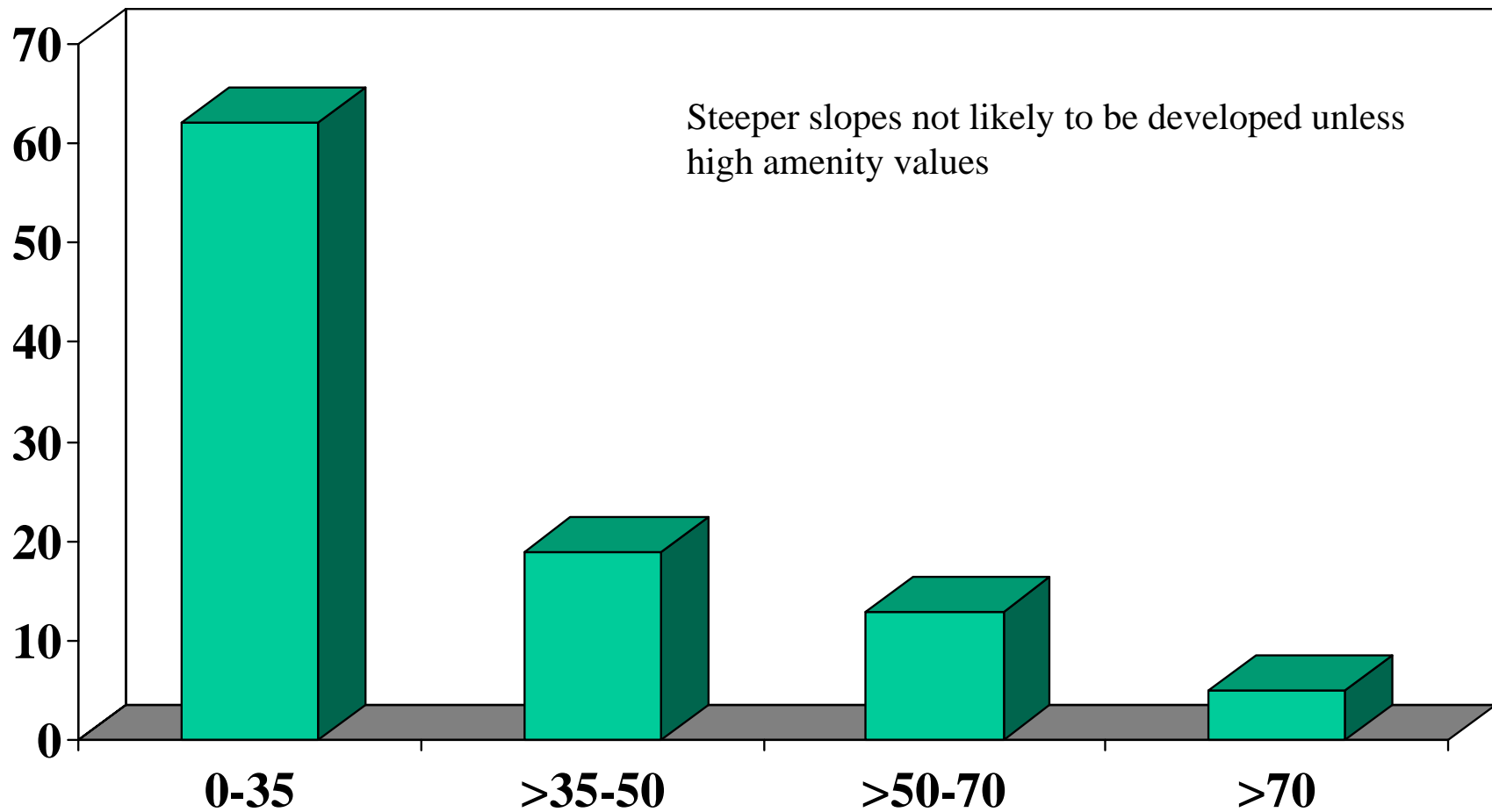


Public Owners = 64% of Forest Land in Oregon

(If you include Native American)



Percent of Private Timberland in w. Oregon by Slope % Class



Legal Constraints Prevent Development, Such As:

- Zoning (With limited exceptions such as Ballot Measure 37)
- High-risk areas
- Water quality standards
- Etc.



RECENT LAND USE CHANGES



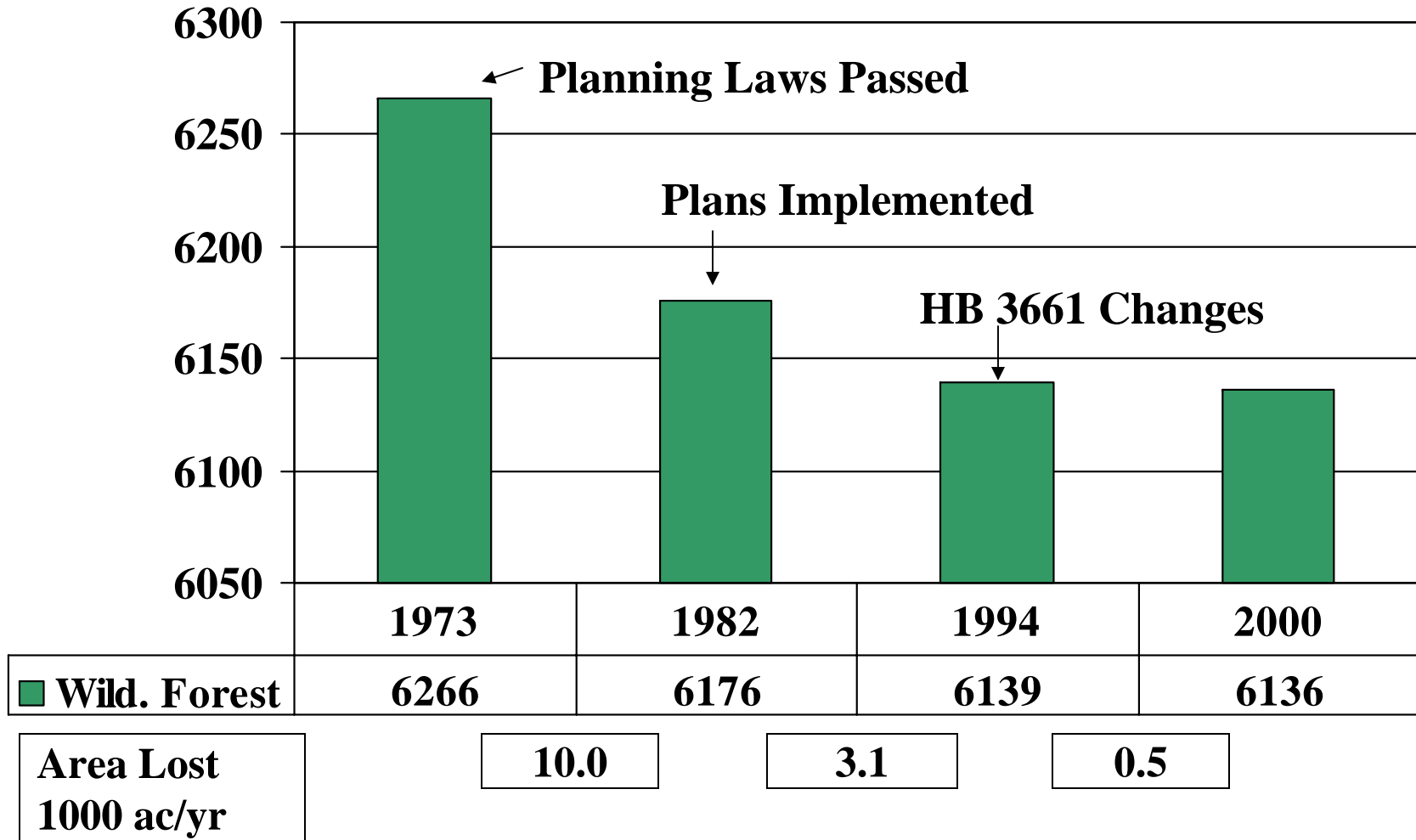
ODF/FIA Land Use Studies: Data collected for 37,000 photo points across nonfederal Oregon

- Dominant land use
- 80 and 640 acre structure count
- Distance to other zones up to 1 mile
- Data collected from:
 - 4 time periods -- 1973, 1982, 1994, and 2000 -- for W. Oregon
 - 3 time periods -- 1975, 1986, and 2001 -- for E. Oregon
- Updating to 2005



Change in Wildland Forest

(1000's Acres of Private Land in W. OR)



Annual Acreage Change by Period, Non-Federal Land in Eastern Oregon by Land Class

	1975-1986	1986-2001
Wildland Forest	-1,902	-1,364
Wildland Range	-13,758	-4,825
Mixed Forest/Ag.	-794	-450
Mixed Range/Ag.	546	972
Intensive Ag.	4,341	-143
Low Density	8,548	4,846
Urban	1,499	1,063

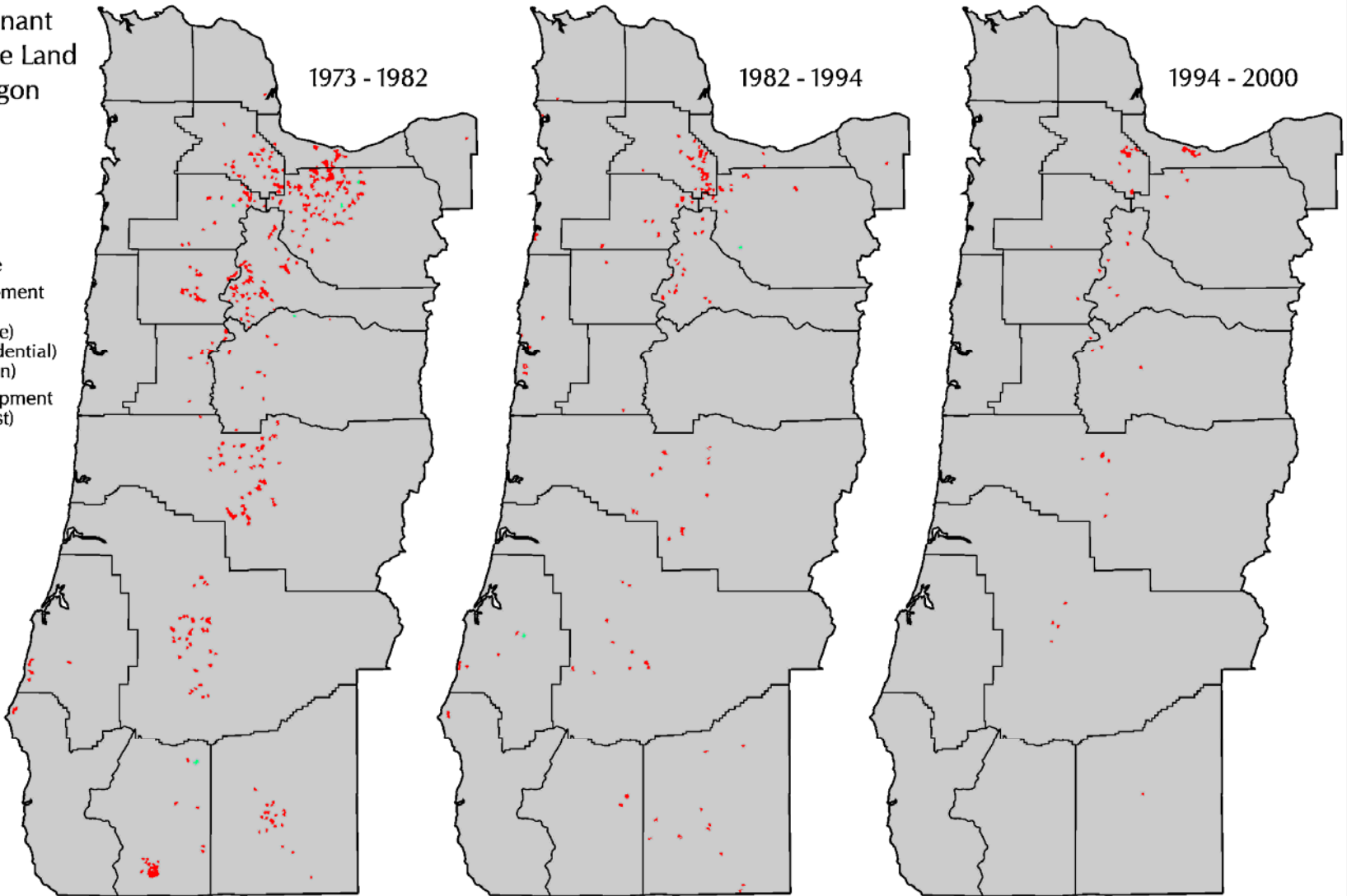
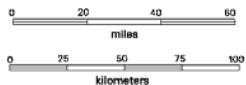
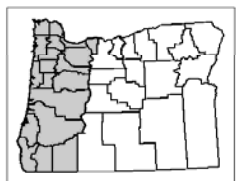
Change in Dominant Land Use on Private Land in Western Oregon

1973 - 1982

1982 - 1994

1994 - 2000

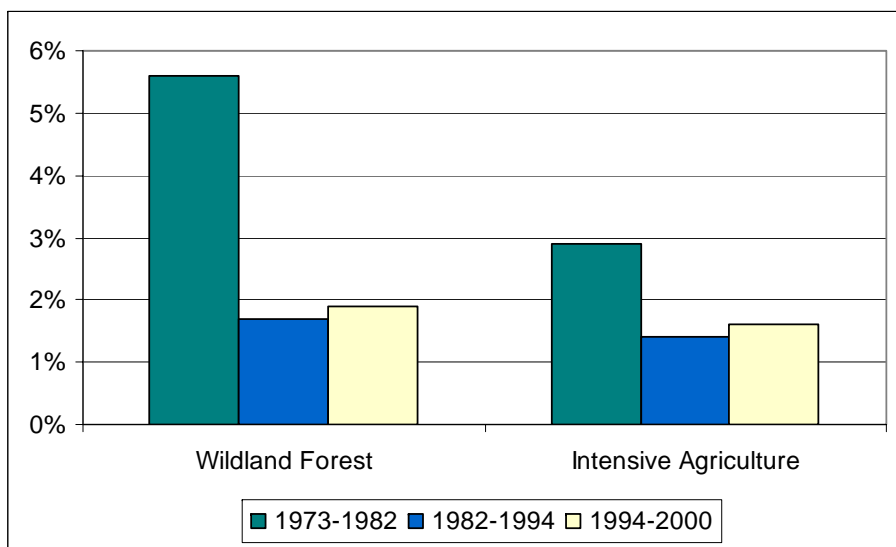
- No Change in Dominant Land Use
- Increase in Development (Forest to Mixed) (Forest to Agriculture) (Residential to Urban)
- Decrease in Development (Agriculture to Forest)



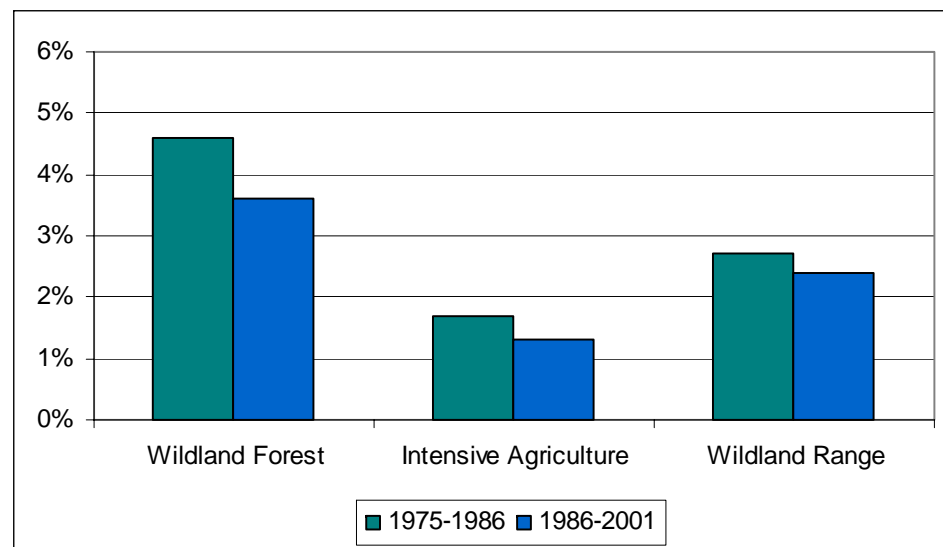
2005? Future Changes?

% Annual Change in Structure Count per Square Mile for Western and Eastern Oregon

Western Oregon



Eastern Oregon

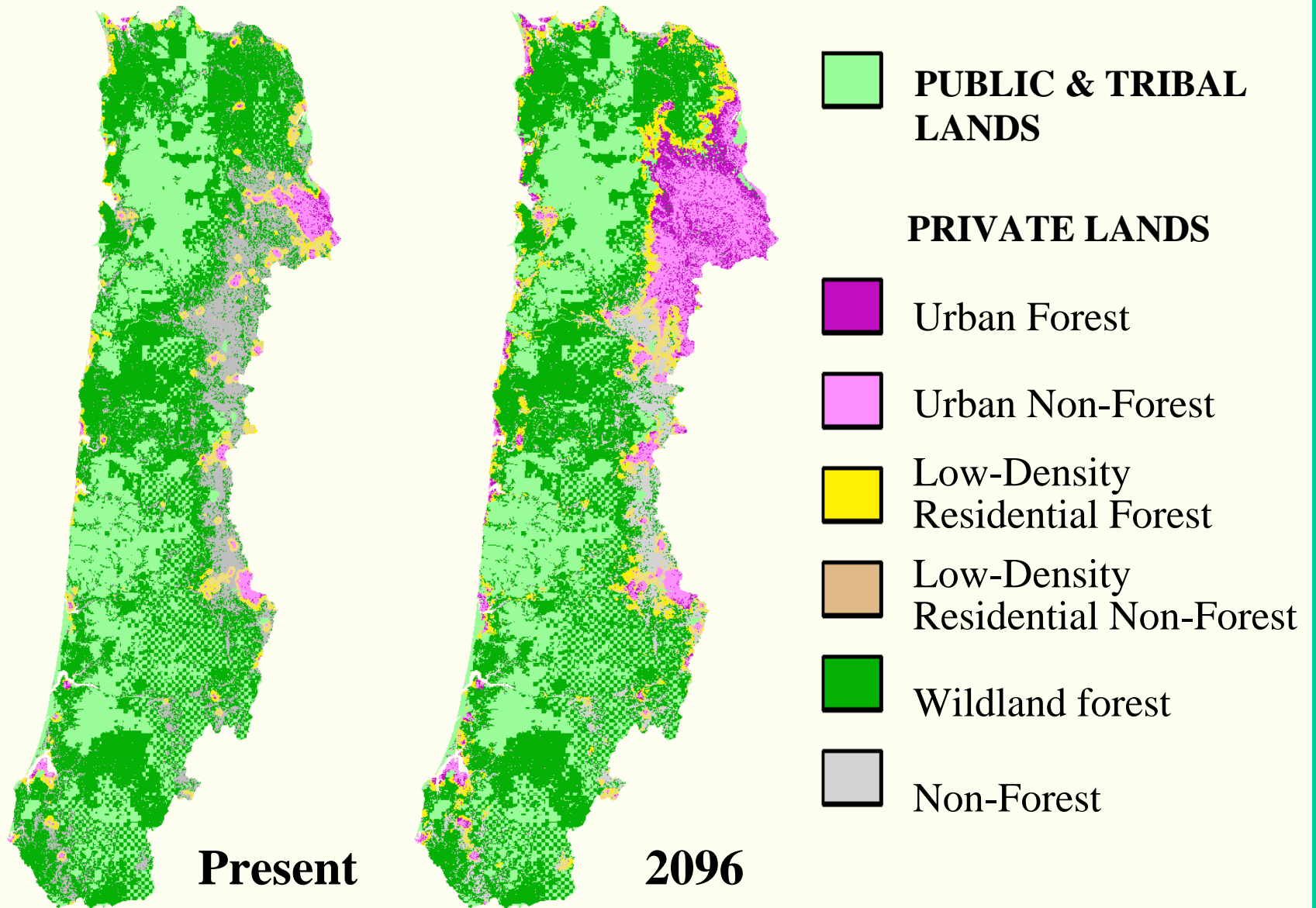


Land Use Program Is Slowing Conversion in of Forest Land in Oregon

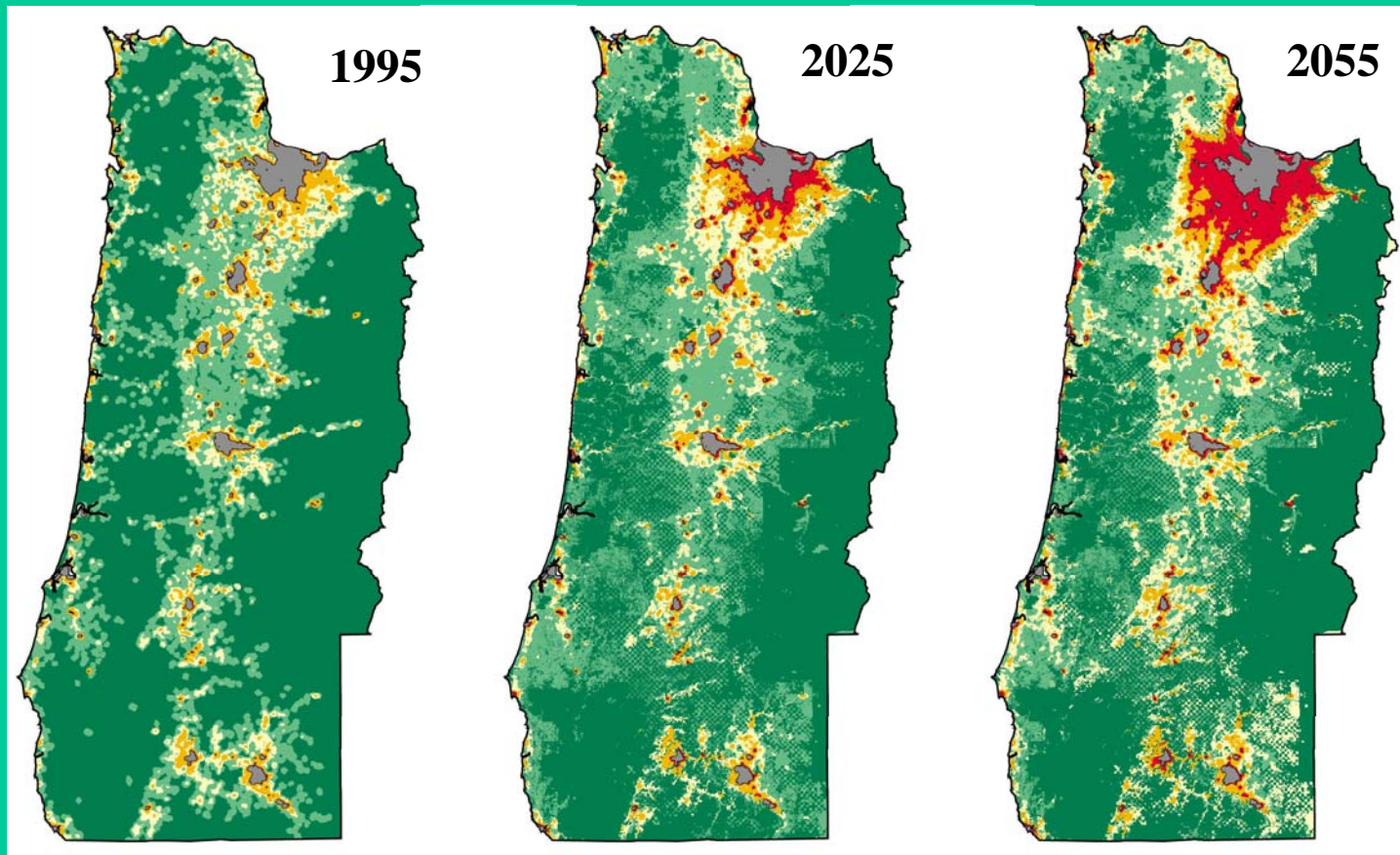
- Forestland conversion compared with nearby states
 - Washington: 1982 - 1997 lost 262,800 (Best, 2002)
 - California: 1982 -1997 lost 564,600 (Best, 2002)
 - Oregon: 1982-2000 lost 60,000 (Lettman, 2002)
- Vast majority of urban density development is occurring within planned areas - UGBs and rural residential areas
- Slowing, but ongoing dwelling density increase
- Projections for the future?



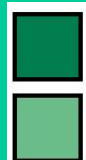
Land Development



Projected Building Density Classes



Buildings per
square kilometer



0

1-7



8 - 24

25 - 250 (low density)

> 250 (urban)

BM 37 IMPACTS TO-DATE



Ballot Measure 37 Potpourri

- 1,558 claims filed with state (more local)
- 3.2 billion compensation requested
- +66,000 acres
- % of claims

- Exclusive Farm Use 75%
- Forest 12%
- Mixed forest/farm 2%
- Rural residential 10%
- Other 1%

89% Resource Lands



More Ballot Measure 37

- 25 claims cite multiple statutes, including Forest Practices Act
- 1 claim specific to the Forest Practices Act
- All small acreages (<1,000 acres)
- Nothing in Forest Practice Rules preventing conversion of forest to other uses



BM 37 Questions & Challenges

- Did injunction extend 2-year filing period?
- Impact of some ownership changes on eligibility for BM 37 claims? E.g., family to family LLC.
- Transferability?



FUTURE BM 37 IMPACTS?



As We Update Our Land Use Studies, We Need to Consider

- Factors that might speed up the rate of forest land development:
 - Ballot Measure 37, but in concert with
 - Minimum lot size
 - Template test
 - Ownership changes
 - 80 acre minimum parcel size



- Maintaining the forest landbase?
 - Less conversion than other states
 - Rate of urban and residential development has slowed
 - Most conversion is within planned areas (i.e., UGBs, rural residential areas)
 - However, dwelling density in farms and forests continues to increase, probably where BM 37 will have its greatest impact

