

RE-NW
Planning - Oregon
LR - LC (Zoning)

April 29, 1936

TO MEMBERS OF THE RURAL-ZONING COMMITTEE OF THE
OREGON STATE PLANNING BOARD

(Messrs. Biggs, Buck, Finley, Potter, Schoenfeld, Yeon, and Stanbery)

Pursuant to the April 16 request of the special rural-zoning committee of the Oregon State Planning Board, I have prepared in tentative form for purposes of committee discussion the following: A, an itemized statement of uses that may be regulated under a rural-zoning law by either encouragement or restriction, arranged in order of present desirability and feasibility; and B, a statement supplementing A.

A. Items that may be regulated under a rural-zoning law by either encouragement or restriction in the order of their present desirability and feasibility.

1. The general use of land for single and multiple forest, grazing and other "wild land" purposes, with special provision where exclusive use is needed for watershed protection, including erosion control, municipal watershed and similar purposes.

2. The general use of land for recreational purposes not covered in forest, grazing and other "wild land".

3. The general use of land for agricultural purposes in areas not zoned for forest, grazing, other "wild land" and recreation uses.

4. The general use of land for community center purposes, including residential, trade, manufacturing and other community uses.

5. The subdivision of land and laying out of roads for public use without official approval.

6. Specific breakdown of uses within any of the foregoing.

7. The general construction, use and location of buildings and other structures with respect to air, light, proximity to public roads, and to health, morals and general welfare.

Note: I consider item 1 is the most feasible and practicable to undertake at present; items 2, 3 and 4 next and concurrently with one another; item 5 as one for further study; item 6 as undesirable and not feasible now; item 7 as undesirable and not feasible under a zoning law except as to proximity to public roads. As to item 7: General construction and use of buildings and other structures with respect to air and light, and to health, morals and general welfare possibly could be handled when needed under a state building code better than under zoning law (although Michigan includes these in zoning); building and other structure location with respect to proximity to inter-county or other major highways is a most important item but is placed in low priority in this list because another rural-zoning committee of the State Planning Board is giving it special consideration; building and other structure location with respect to proximity to secondary or other roads not being considered by the other committee may be undesirable and not feasible at this time; however, the

scope and plans of the other rural-zoning committee of the State Planning Board should be made known to our committee so as to avoid conflicts and omissions.

B. Supplementary statement of items that may be regulated under a rural-zoning law by either encouragement or restriction.

1. The uses of land for -

a. Single or multiple forest purposes in districts where the lands are suited chiefly to growing a woody vegetative cover under present economic conditions. These lands would occur usually in contiguous tracts large enough in extent to form a management unit as distinguished from small tracts in farms. Forest uses would be permitted and encouraged; new non-forest uses would be forbidden and old ones discouraged. Among the conforming uses of forest premises are: production of forest crops, forest industries, grazing, harvesting of wild crops other than trees, recreation camps and resorts, private summer cottages and service buildings, private and public parks, playgrounds, camp grounds and golf grounds, hunting and fishing cabins, trappers' cabins, boat liveries, mines, quarries, gravel pits, watershed protection, soil conservation, hydro-electric dams, power plants, flowage areas, transmission lines and substations. The non-conforming forest uses are all other uses including dwellings and other buildings incidental thereto, such as family dwellings and promiscuous settlement for farm purposes, but excepting buildings needed for forest purposes.

However restrictive use for purely watershed protection purposes is permissible to the extent that a private owner is not deprived of the use of his land without consideration and it may be necessary when dealing with municipal watersheds, areas of serious erosion, etc., even though other forest uses ordinarily would be conforming; but in most cases restrictive uses such as these would come under regulations set up by the owner.

b. Single or multiple grazing purposes in districts where the lands are suited chiefly to growing a grassy vegetative cover under present economic conditions as distinguished from intensive agricultural use and where not covered under forest uses in forest districts. These lands would occur usually in contiguous tracts large enough in extent to form a management unit as distinguished from the usually smaller pastures adjacent to and forming parts of operating farms. Grazing uses would be permitted and encouraged; non-grazing uses forbidden and discouraged. The conforming and non-conforming uses of grazing premises are items almost identical with the forest under 1-a. (Grazing districts and forest districts need not be separated from one another for zoning purposes, for these two uses may be regulated by the owners of land lying within them.)

c. Recreation, in districts not covered by forest or grazing districts, in which all buildings, lands or premises may be

used for any of the purposes permitted in a forest or grazing district, and in addition, family dwellings are permitted. All other uses including farms would be prohibited.

d. Single or multiple agricultural (farm) purposes in districts where the lands are suited chiefly to growing arable agricultural crops under present economic conditions. These lands would occur usually in contiguous tracts large enough in extent to form part of a self-sustaining agricultural community. Agricultural (farm) uses would be permitted and encouraged; non-agricultural (non-farm) uses forbidden or discouraged. Among the conforming agricultural uses would be any of the uses under a, b, and c above (excepting forest manufacturing plants, lumber and wood yards) and also plowed crop orchard, nursery, pasture, farm woodland, other woodland, other pasturing, the buildings necessary for carrying on a farm enterprise and other residential buildings. Among the non-conforming uses would be factories, shops, stores, stands, warehouses, advertising signs, junk and second-hand auto yards, refuse dumps, etc., not necessary to farm enterprise. (Buildings, signs, etc., may be restricted as to location with respect to highways.)

e. Industrial purposes in districts not zoned for forest, grazing, recreation or agricultural purposes, however preserving sites contiguous to such districts when industrial purposes may complement these other uses to their advantage. Industrial

purposes would be factories, shops, stores, warehouses, junk and second-hand auto yards, lumber yards, fuel yards, etc. These usually would be located in rural community centers.

f. Rural community centers in districts not zoned for forest, grazing, recreation or agricultural purposes, however preserving sites contiguous to such districts when such centers would complement these other uses to their advantage. Community center purposes would include all of those listed under (e) and in addition churches, schools, cemeteries and residences, but these additional purposes may be segregated from industrial.

2. Highway purposes for beautification and safety. This type of zoning largely would be restrictive--regulating possibly the treatment of land abutting the highway, the display of advertising, the type of structures on the land, the distance of buildings from the highway, the location of service roads leading from the highway, etc. This may be covered under a law separate from the general county zoning law because of the inter-county character of highway zoning and the necessity for this being handled on a state-wide rather than on a county unit basis.
3. The structures erected upon the land as to suitability for family or other use. This type of zoning largely would be restrictive--providing minimum requirements needed for health, morals and general welfare. I mention this item because it can be included in a rural zoning law but believe such provision

in such a law would be virtually ineffective because of the costs and other complications that would be met in administration.

4. Numerous subdivisions of 1, 2, and 3 that in all probability would be impractical at this stage of our local development.

Respectfully submitted,

Sinclair A. Wilson

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