



1000 Friends of Oregon

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**Questions and Answers about Oregon's Land Use Program:**

# Farmland Protection

**Q:** *Why should we preserve farmland?*

**A:** *Farmland is the critical resource base for a major industry which generates over \$5.5 billion in annual sales and employs more than 100,000 Oregonians.*

Oregon's agricultural industry is prospering. In 1998, the value of farm production in Oregon totaled \$3.5 billion, according to the Oregon Department of Agriculture. Processors and handlers added approximately \$2.1 billion more in value. In 1996, agriculture represented about 4.5% of Oregon's gross state product.

Agriculture is responsible for over 8% of Oregon's total employment base. Excluding seasonal labor, over 31,000 Oregonians work full-time on farms, ranches, or nurseries. Agricultural operations hire up to an additional 90,000 seasonal workers. Another 62,000 Oregonians work in jobs connected to agriculture, including food processing, equipment and supplies, warehousing, marketing, and transportation.<sup>1</sup>

**Q:** *How do we maintain Oregon's agricultural land base?*

**A:** *Through exclusive farm use zoning, preferential property tax assessment, and urban growth boundaries.*

Exclusive farm use (EFU) zoning relies on basic zoning principles to preserve farmland for agricultural use and to keep uses incompatible with commercial farming, like subdivisions, out of agricultural areas. EFU zones employ minimum parcel sizes with the goal of keeping farmland in parcels large enough to be efficient for commercial production.

Land in farm use in EFU zones is assessed for its value for farming, not development. This helps to limit speculative impacts on land values, which could otherwise make it impossible for farmers to afford farmland, and serves as an incentive for keeping land in farm use. In many counties, preferential farm use assessment tax rates are between one-quarter and one tenth the rate they would be if the land were zoned and taxed as rural residential land.

Every city in Oregon is required to have an urban growth boundary (UGB). UGBs keep urban-level development such as shopping malls, convention centers, sports arenas, and residential subdivisions inside urban areas and off agricultural land.

**Q:** *Why do we need zoning and land use regulations, when we already have right-to-farm laws?*

**A:** *Right-to-farm laws are a supplement, not a substitute, for good land use planning. They do nothing to prevent the conversion of farmland to nonfarm uses. While they may be helpful when farmers are sued by non-farm neighbors, they don't prevent conflicts between farmers and non-farmers from occurring in the first place. They also have been subject to successful legal challenges.*

"Right-to-farm" laws do nothing to address one of the most serious threats to the viability of agriculture in Oregon: the conversion of farmland to residential use and other non-agricultural uses. Nor do they prevent the kinds of conflicts that arise between farmers and non-farm neighbors when residential and recreational development are allowed in industrial farm zones.

Even after conflicts occur, right-to-farm laws address only a narrow set of circumstances: protecting farmers from liability for engaging in normal agricultural activity. They do nothing to help farmers whose operations are damaged by trespass, vandalism, or just plain carelessness of non-farm neighbors based on ignorance of farming practices. Nor do they protect farmers from being sued for damages due to spray drift or other agricultural activities. Moreover, a recent decision by the Iowa Supreme Court has thrown the constitutionality of right-to-farm laws into question.

The best solution to conflicts between farmers and nonfarmers is to prevent them altogether by keeping incompatible land uses separated through zoning.

**Q:** *Is Oregon's land use planning program working to protect farmland?*

**A:** *Yes, though both the laws and their application could be improved.*

Numerous anecdotes attest to the successes of Oregon's planning program at protecting farmland. Without the planning program, the Red Hills of Dundee—heart of Oregon's \$45 million wine industry—would have been developed in acreage homesites; 4,000 acres of prime farmland on Sauvie Island would have been carved into 5-acre parcels; and destination resorts would have been built at the edge of the apple and pear orchards in both the Hood River Valley and the Rogue Valley, as well as next to world-class cropland

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in Jefferson County's North Unit Irrigation District.

Of the 2 million acres in farm zones in the Willamette Valley, only 4,070 acres, or 2/10 of 1%, was lost between 1987 and 1999, either by being added to urban growth boundaries or by being rezoned from farm use to rural development. During the same period, the population of the valley increased by nearly 23%, to 2,268,200. (For comparison purposes, California's Central Valley is losing 15,000 acres of farmland every year.) The establishment of the planning program meant that over 300,000 acres in the Willamette Valley were rezoned in 1973 from rural homesites to agriculture.<sup>2</sup>

Yet every year, Oregon counties continue to approve the construction of over 1000 houses on farmland, in addition to dozens of other nonfarm uses.<sup>3</sup> And every legislative session brings more efforts to allow more nonfarm uses on land zoned for farming; in 1999 alone, legislators passed bills to allow composting facilities, animal shelters, living history museums, urban schools, and massive urban church facilities outside urban growth boundaries on the state's best agricultural land.<sup>4</sup> There are now 47 uses allowed in EFU zones, most of which are not farm-related.<sup>5</sup>

Moreover, a 1995 law (HB 2709) that requires many Oregon cities to include a 20-year supply of residential land within their urban growth boundaries is increasing pressure to rezone farmland for urban development.

**Q:** *What about farmland inside urban growth boundaries?*

**A:** *The land use planning program is not intended to protect agricultural land inside UGBs.*

Oregon's land use planning program promotes compact urban development contained within urban growth boundaries. Land inside UGBs is set aside for eventual urban development, both residential and employment-related, while land outside UGBs is reserved for non-urban uses, including agriculture. Critics of the planning program point to the "loss" of farmland inside UGBs as an indication that the program is failing. In fact, the program is successfully directing development where urban services can be provided most efficiently and away from protected farmland outside the boundaries.

*Separate fact sheets on secondary lands, the income standard for farm dwellings, and other land use planning issues are available from 1000 Friends.*

*For more information, visit [www.friends.org](http://www.friends.org).*

**Q:** *Wasn't SB 100 intended to protect only prime farmland in the Willamette Valley, not the so-called "worthless" land in Eastern Oregon?*

**A:** *No. The 1973 Legislature adopted a policy to preserve "the maximum amount of the limited supply of agricultural land." This includes the farmland in Eastern Oregon, which accounts for over one third of the state's total farm sales.*

Oregon's current agricultural lands policy has remained unchanged since it was adopted in 1973. It says nothing about protecting only prime farmland: "The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state..."<sup>6</sup>

"Prime farmland" is a highly technical definition used by the U.S. Natural Resources Conservation Service. Only about 13% of Oregon's farmland (1.9 million acres) qualifies as "prime."<sup>7</sup> Many important commodities, from grapes to grass seed and cattle to cranberries, are produced on non-prime lands.

Much of Oregon's farm production comes from lands outside the Willamette Valley. In 1998, 36.2% of the state's gross farm and ranch sales came from east of the Cascades.<sup>8</sup> 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.

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#### **Sources:**

<sup>1</sup> "Oregon Agricultural Facts," Oregon Department of Agriculture fact sheet, 1999.

<sup>2</sup> Richard Benner, Director, Oregon Department of Land Conservation and Development "The State of the Statewide Planning Program" (speech to the Portland City Club), April 30, 1999.

<sup>3</sup> Exclusive Farm Use Report, Department of Land Conservation and Development, December 11, 1998.

<sup>4</sup> Some of these bills were vetoed, and the composting bill only passed one house. Legislation allowing animal shelters and living history museums on farmland was signed into law.

<sup>5</sup> ORS 215.283.

<sup>6</sup> ORS 215.243.

<sup>7</sup> U.S. Natural Resources Conservation Service Soil Maps.

<sup>8</sup> Oregon Agricultural Statistics Service and Oregon State University Extension Service, "Oregon Agriculture: Facts and Figures" (pamphlet), October, 1999.