

POLICY BRIEF

Six lessons on farmland preservation from Oregon, USA

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This policy brief describes lessons from Oregon's land use policies and outcomes for farmland in the Willamette Valley which may be relevant in other regions where the pressure of population growth and development threatens loss of high quality agricultural land.

INTRODUCTION: OREGON'S WILLAMETTE VALLEY

Oregon has had notable success in protecting its agricultural lands from development using land use planning, and is often held up as a model in the North American context (Gosnell et al., 2011). Oregon's experience is particularly interesting in the Willamette Valley, a small area which contains some of Oregon's best agricultural land and the majority of its population.

Although it makes up less than 14% of Oregon's land area, the Willamette Valley is home to almost three quarters of Oregon's population – 2.8 million people – and three of its largest cities: Portland, Eugene, and Salem, the state capital (United States Census Bureau, 2016a and 2016b). Despite this density, the Willamette Valley remains intensely agricultural. Along with having a temperate climate and relatively abundant water resources, it is the largest contiguous area of high value and unique farmland in Oregon

(Figure 1) (The Trust for Public Land, 2015). Over 200 different commodities are grown in the region, including many speciality crops which are quite rare in the United States, such as hazelnuts, blackberries, certain grass seeds, sugar beet seeds, and Christmas trees (State Board of Agriculture, 2017).

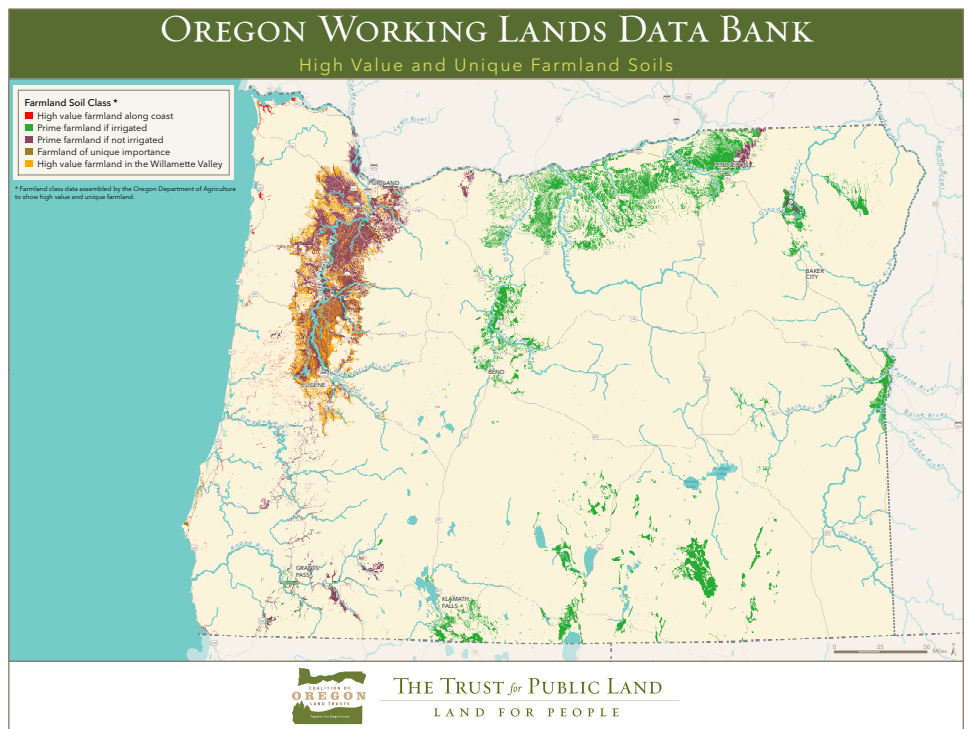


Figure 1: High value and unique farmland in Oregon. The Willamette Valley clearly stands out as the largest contiguous area of such lands in the state, in its northwestern corner. (The Trust for Public Land, 2015, p. 8. Source data provided by Oregon Department of Agriculture. Reprinted with permission.)

GROWING CITIES, GOOD FARMLAND, AND THE IMPERMANENCE SYNDROME

The Willamette Valley's challenging combination of a dense and growing population and high value agricultural land is shared by many regions, such as those around Toronto, Canada and Sydney, Australia. Growing urban areas put development pressure on surrounding rural lands, because urban uses typically pay more for land than agricultural uses under current economic conditions (Nelson, 1992). High quality agricultural land, however, is a finite resource, and its conversion to urban uses is usually permanent. In an era of climate change, growing populations, and uncertainty about the future availability of low-cost fossil fuels (upon which many Western development patterns and agricultural practices are built), there is a strong argument to be made for farmland preservation close to urban centres.

Growing urban areas can have negative impacts on surrounding farmland even before it is converted. In advance of an expanding urban boundary, farmland prices (and property taxes) can be driven above the financial capacity of agricultural operations. Furthermore, farmers who perceive that their land may be converted in the foreseeable future and that there is no future in farming tend to disinvest in their operation. This may take the form of reduced labour, lack of maintenance or capital investment, and lack of longer-term projects such as orchards and greenhouses. This is known as the *impermanence syndrome* (Nelson, 1992), and can be seen around many North American cities. Walton (2015) argues that a concept of "*landscape permanence*" is fundamental to a successful agricultural community; in its absence, disinvestment and decline are common. The concepts of impermanence syndrome and landscape permanence are important lenses for understanding the experience of North American farmlands near growing urban areas such as those in the Willamette Valley.

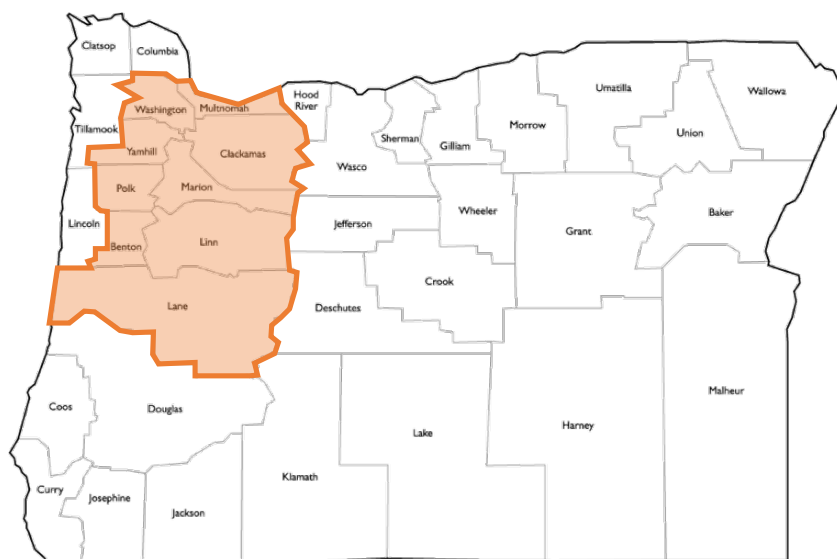


Figure 2: Oregon by county. For data collection purposes in this research, the Willamette Valley is approximated by the nine counties outlined in orange. (Base map source: World Atlas, no date)

FARMLAND PROTECTION: SUCCESS IN THE WILLAMETTE VALLEY

Oregon's modern land use laws were enacted in 1973 and were fully implemented via local governments' comprehensive land use plans by 1986 (Knapp, 1994). One indicator of the success of Oregon's land use policies for farmland is simply the acres of land in farms in the Valley. Figure 3 shows very different trends before 1973 and after 1986: while acres in farmland decreased dramatically in the 1960s, it appears to hold relatively steady during the 1990s and 2000s, fluctuating slightly but declining only moderately. This is despite fairly steady population growth throughout this time period (Rashford et al., 2003).

This indicator, using Census of Agriculture data, does not address confounding factors such as changes in economic conditions, industry, demographics, and housing preferences, nor does it track the quality, location, or zoning of farmland lost (Gosnell and Chrostek, 2008). Nevertheless, the starkly different patterns in acreage of farmland before and after implementation of the land use laws does suggest both that farmland use patterns have changed and

that the land use laws are contributing to this change. More robust analyses have been conducted by other researchers, using more accurate data collection methods such as aerial imagery analysis, controlling for some confounding factors, and even using empirical models. These studies have tended to come to the same conclusion: Oregon's land use policies are indeed having a positive effect on protection of Oregon's farmland from development (Gosnell et al., 2011; Lettman et al., 2016).

Agriculture is more than just farmland acres, and there is growing recognition in the planning community that planning for agriculture requires more than farmland protection: a systems-based lens is needed (Walton, 2015). The broader "agricultural system" (Figure 4) in the Willamette Valley also shows many indicators of vitality, including strong agricultural businesses, a strong export market, and bustling vineyards, fruit orchards, and mixed field crop production within an hour's drive of downtown Portland.

LAND USE LAWS OVERVIEW

Oregon's land use program is mandated at the state level but implemented by local governments. Two state-level administrative bodies are primarily responsible for its implementation: the Land Conservation and Development Commission (LCDC), which is made up of seven appointed citizen volunteers and has final control over high-level land use planning decisions in the state, and the Department of Land Conservation and Development (DLCD), the administrative and professional arm which reports to and supports the LCDC. There is also a Land Use Board of Appeals (LUBA), which hears appeals on state and local government planning decisions (Walker and Hurley, 2011).

In its early days, the LCDC developed 19 "goals" for land use, and associated "guidelines" (Box 1). Despite the soft language, these are compulsory for all local governments, although the local governments have discretion over how they are implemented within

each local context. Cities and counties are required to create, enforce, and regularly update comprehensive land use plans within their jurisdictions, which is the primary way the goals are implemented (Walker and Hurley, 2011).

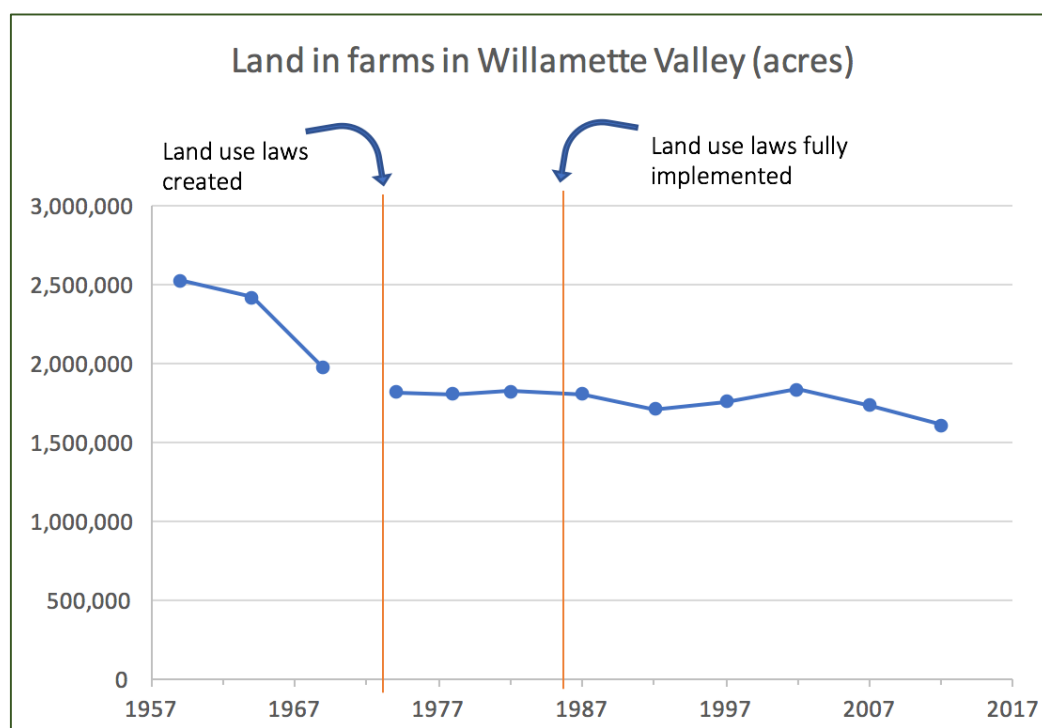


Figure 3: Acres of land in farms in the Willamette Valley (Source data: United States Department of Agriculture, 1967, 1977, 1984, 1989, 1994, 1999, 2004, 2009, 2014a, 2014b) The gap in the trendline reflects a change in the census definition of a farm in 1974.

LESSONS

The Oregon experience suggests the following six lessons on land use planning for farmland conservation:

1. A state-wide approach provides structure and strength to the system and creates consistency across regions.
2. A special designation for the highest value farmland helps to focus protection.
3. Firm, rationally-progressing urban growth boundaries contribute to landscape permanence for near-urban farmland.
4. Citizen engagement and support is critical to sustaining protective, anti-sprawl policies.
5. A watchdog organization can dramatically improve implementation of policies.
6. Good urban planning is an essential complement to protective rural planning.

These are discussed in further detail below.

1. STATE-WIDE APPROACH

Oregon's state-wide approach to land use planning sets it apart from many other states in America; only 13 others had a state-wide planning program in place as of 2011 (Walker and Hurley, 2011). Local pressure to bend established land use rules (and particularly, in this case, to convert farmland) can be incredibly strong, and having state-level rules and structures in place to support and enforce policies has been key to Oregon's success.

Oregon has faced challenges balancing consistency with the need for accommodation of regional differences; for example, the planning context of the remote rangelands used for livestock in the east is very different from that of the intensively farmed rich soils in the densely populated Willamette Valley. Oregon's planning system has adapted over time to better account for these differences. One retired former employee of both state government organizations and a land use-related NGO suggested that by leaving implementation and enforcement to local levels, Oregon's system attempts to strike a balance between local authority and consistent, ambitious state-wide rules.

2. SPECIAL DESIGNATION FOR HIGHEST VALUE FARMLAND

Another critical component of Oregon's planning system is a special designation for the highest quality farmland, called Exclusive Farm Use (EFU) zoning, which is mandated and defined by state-level rules. It affords a higher degree of protection to the highest value agricultural land (including much of the land in the Willamette Valley). EFU zoning brings associated benefits for landowners, such as a beneficial property

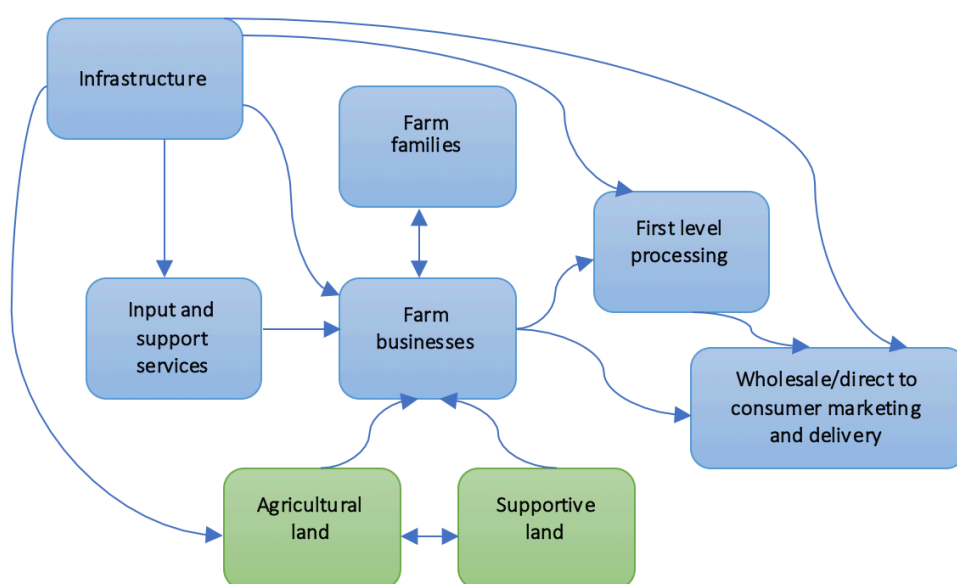


Figure 4: The agricultural system as defined in this research. Although this representation is the author's, it draws heavily on Walton's (2015) definition.

tax rate (Sullivan and Eber, 2010). This special zoning allows for prioritized protection of the most valuable farmland. It takes a more holistic, strategic approach to land protection and helps to channel development to lower quality lands.

3. FIRMER, RATIONAL URBAN GROWTH BOUNDARIES

Perhaps the component of Oregon's land use system for which it is best known is the designation of Urban Growth Boundaries (UGBs). Every city in Oregon is required to establish a UGB which encompasses sufficient land to accommodate 20 years of projected urban growth of housing, commercial and industrial lands, and infrastructure. The UGB is evaluated every five years to determine whether expansion is required, promoting efficient use of urban lands to prevent sprawl and support livable communities (Sullivan and Eber, 2010). As UGBs are expanded, state law requires prioritization of the lands added to them, with the best agricultural and forest lands placed at the bottom of the list and thus the least available for non-agricultural uses (Metro, 2016).

These UGBs are critical to curbing the impermanence syndrome discussed earlier. If farmers know that their land will remain in agriculture for the foreseeable future, they are better able to make investments in their business which may take decades to pay off, and young people are more likely to start farming in the region (Walton, 2016). This is noticeable in the Willamette Valley, where vital agricultural regions exist within an easy drive of downtown Portland, and even the counties immediately surrounding the largest cities are significant – in some cases leading – contributors to the state's agricultural output and economy (ODA, 2007).

In 2007, Metro Portland adopted a more complex growth management strategy for the expansion of its UGB. Rather than simply using soil quality to direct urban expansion, Metro's approach now considers a range of other factors, from protecting areas showing broad evidence of robust "agricultural systems" to

feasibility and costs of developing new areas. This approach has also afforded longer-term landscape certainty (up to 50 years) to selected agricultural areas around Metro Portland (Metro, 2016). This is perhaps the strongest evidence of taking an agricultural systems approach to land use planning in Oregon. It is relatively new, but other jurisdictions with the challenging combination of urban growth and high-value agricultural land would do well to track Metro's experience and determine whether it is a model that could be adapted elsewhere.

4. CITIZEN ENGAGEMENT AND SUPPORT

Citizen engagement and support has been critical to the creation and success of Oregon's land use planning program. In the early days of its development, the Land Conservation and Development Commission conducted extensive public consultations across the state, incorporating citizen feedback into the 19 goals it developed and building significant public support in the process (Walker and Hurley, 2011). Relatively strong and broad public support is required for the longevity and success of any land use planning program, as land use patterns change slowly on a political time scale. This is particularly true in Oregon, where the land use planning program is entirely a creature of policy. As Sullivan and Eber (2010, p. 3) put it: "Legally, it is sound; on the ground, it is effective. Politically, it is constantly being challenged and has been continuously updated to address changing conditions, situations, and public sentiment."

5. A WATCHDOG ORGANIZATION

It is impossible to tell the story of Oregon's planning system without discussing the non-profit group 1000 Friends of Oregon. 1000 Friends was founded in 1975, as the planning system was just getting established, and has been a critical player in its development, implementation, and success (Walker and Hurley, 2011). In its early years, 1000 Friends played a largely legal role, making presentations about the new planning system to city and county councils, but also taking them to court for non-

compliance with the new state rules. 1000 Friends developed a reputation for winning the vast majority of its cases, according to both past and current 1000 Friends employees. It played a significant role in shaping the system by choosing its battles and forcing certain legal precedents which helped to refine the details of the program. A key staff member at 1000 Friends of Oregon said there is a noticeable difference in the clarity and enforcement of goals that the organization litigated on in the early years (e.g. Goal 3: Agricultural Lands) compared to those on which they did not (e.g. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces).

1000 Friends of Oregon has also evolved to play an important role in public education and advocacy over the years, combining hard courtroom tactics with “soft diplomacy” that built alliances between Republicans, Democrats, developers, industry representatives, farmers, and others (Walker and Hurley, 2011, p. 70).

The importance of 1000 Friends has been borne out over the past 45 years. As one particularly knowledgeable interviewee, with experience both within and outside 1000 Friends, stated: “It takes a government, it takes the citizens, and it takes a watchdog group to make sure it really works”.

Box 1: Oregon's 19 Statewide Planning Goals

Oregon's Statewide Planning Goals

1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. Forest Lands
5. Natural Resources, Scenic and Historic Areas, and Open Spaces
6. Air, Water and Land Resources Quality
7. Areas Subject to Natural Hazards
8. Recreational Needs
9. Economic Development
10. Housing
11. Public Facilities and Services
12. Transportation
13. Energy Conservation
14. Urbanization
15. Willamette River Greenway
16. Estuarine Resources
17. Coastal Shorelands
18. Beaches and Dunes
19. Ocean Resources

(DLCD, 2010)

6. GOOD URBAN PLANNING

Strong urban planning and strong rural planning are mutually dependent. Many people cite the comprehensiveness of Oregon's planning system as one of its greatest strengths. Good urban planning is critical to rural land protection because it allows cities to grow and densify in predictable, effective, liveable ways rather than sprawling and wasting land inside the urban growth boundary. Similarly, as argued by an employee of the Oregon Department of Agriculture, good rural land use planning preserves rural lands for rural uses rather than allowing inappropriate development to spill out from urban areas. Researchers, policymakers and NGO employees interviewed commented on the density and vitality that the downtowns of Oregon's cities – and Portland in particular – have, which cities in other states with less stringent planning rules and a tendency towards urban sprawl lack. Even to a casual observer, downtown Portland, a city of some 500,000 people, feels vital, pedestrian- and cyclist-friendly, economically active, and innovative. Developing cities that are attractive to people who might otherwise seek housing in sprawling, low density suburbs is a critical element of protecting the surrounding hinterlands.

CONCLUSION

Oregon's success in farmland conservation holds valuable lessons, particularly for regions with the Willamette Valley's combination of high value agricultural land and a growing, dense population such as the Greater Golden Horseshoe region around Toronto, the region surrounding Sydney, Australia, and British Columbia's Lower Mainland. Oregon's state-wide approach provides a degree of strength and consistency to its system that could not be achieved by local or regional governments alone. Its notably firm and logically-progressing urban boundaries give a sense of landscape permanence that supports thriving agriculture close to urban areas (and urban markets). Widespread citizen engagement and support, particularly in the early days of the program, helped a policy-based system to establish and persevere for four decades and counting. The watchdog organization 1000 Friends of Oregon has been critical throughout the development, implementation, and evolution of the planning system, with one researcher identifying the

organization as "crucial" to the planning system's continued existence. Finally, good urban planning to support liveable, vibrant urban communities is an essential counterpart to strongly protective rural land policies.

Oregon's land use planning program is not without its flaws and not above sensitivities to local and regional politics. Nor can policy be transferred from one jurisdiction to another without significant consideration to context; in Oregon, a strong public identification with farming and forestry and an associated ethic of land and resource protection – stronger than that likely found around larger urban centres with a relatively smaller economic stake in local resources – has certainly supported its strong land use policies over the years. Nevertheless, Oregon is a leading example of farmland protection in North America, and seems poised to continue as such: its most recent endeavour to use a more agricultural systems-based approach to expanding Metro Portland's Urban Growth Area will be particularly worth following in coming years.

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