



**American Farmland Trust**  
**Presentation to Oregon Board of Agriculture**  
**December 2020**

# Who We Are



**OUR MISSION:** To save the land that sustains us by protecting farmland, promoting sound farming practices, and keeping farmers on the land

# FARMS UNDER THREAT: THE STATE OF THE STATES

Julia Freedgood • Mitch Hunter • Jennifer Dempsey • Ann Sorensen

## What is *Farms Under Threat?*

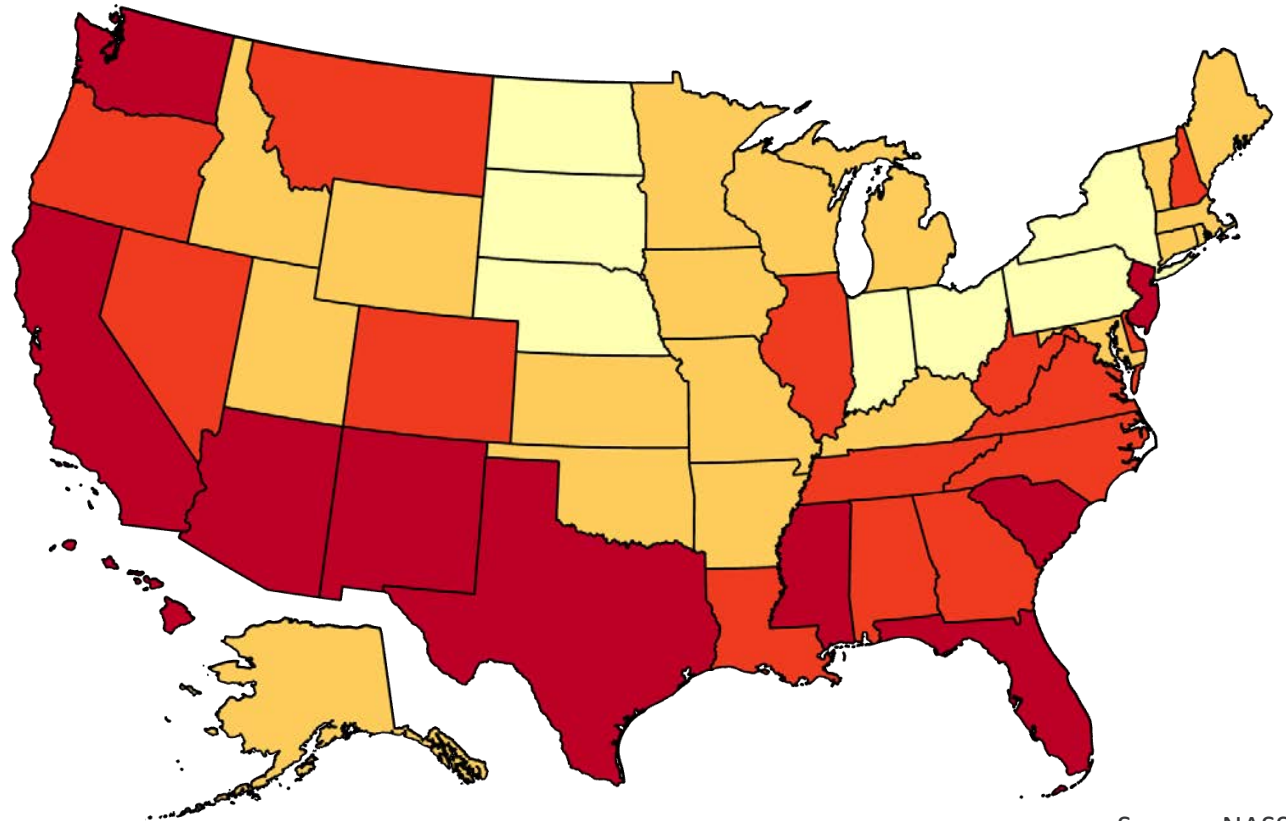
- A multi year, multi-faceted national initiative to:
- Analyze the conversion of farm and ranch lands
- Link findings to policies and solutions
- Predict impacts of future threats



## Leading Drivers of Ag Land Conversion

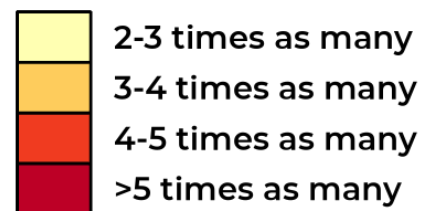
- Development Pressure
- Weak Ag Viability
- Intergenerational Transfer of Land

## Older Farmers Outnumber Younger Farmers



Source: NASS

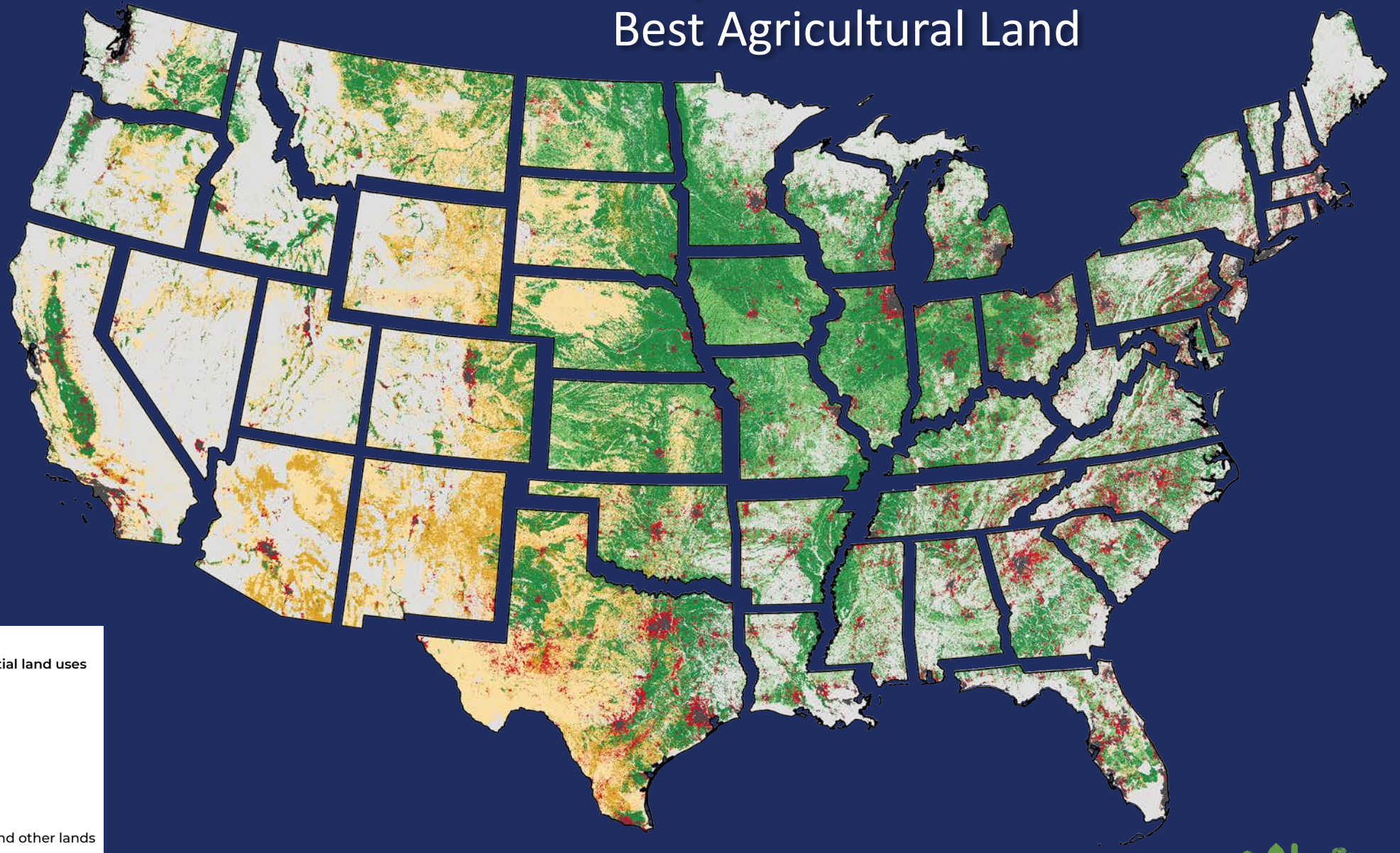
Ratio of producers over 65  
to producers under 35



# Development Threatens Our Best Agricultural Land

2001-2016

- 11 Million Acres Converted
- 4.4 Million were "Nationally Significant"



**Conversion of agricultural land to urban, highly developed, and low-density residential land uses**

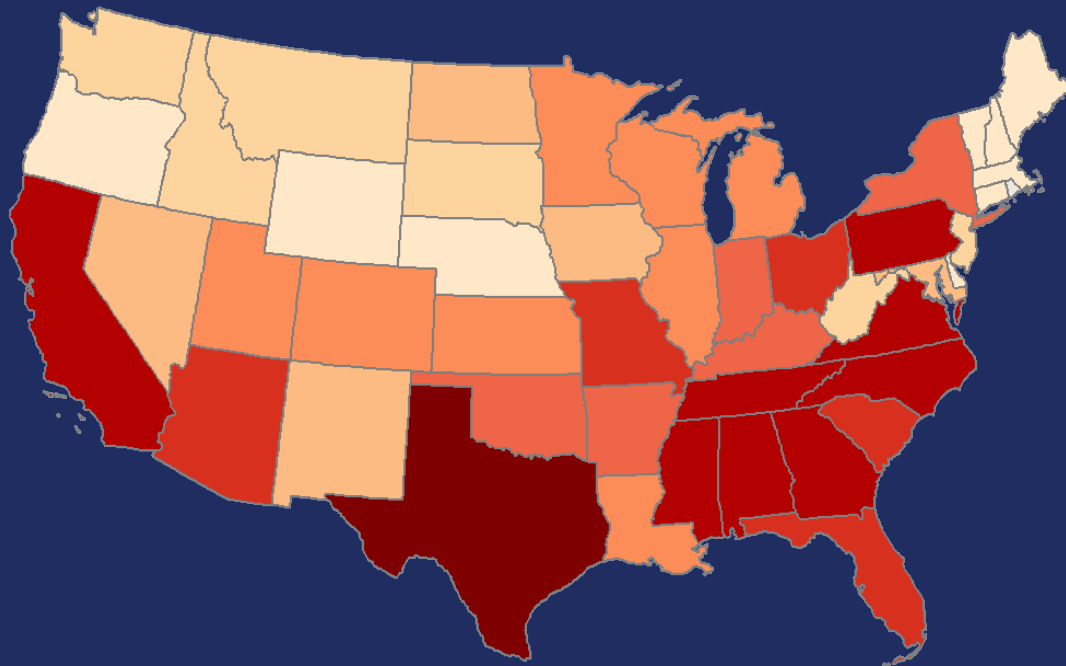
**Above state median PVR** Farmland\* Rangeland  
**Below state median PVR**

**Urban areas** Federal, forest, and other lands

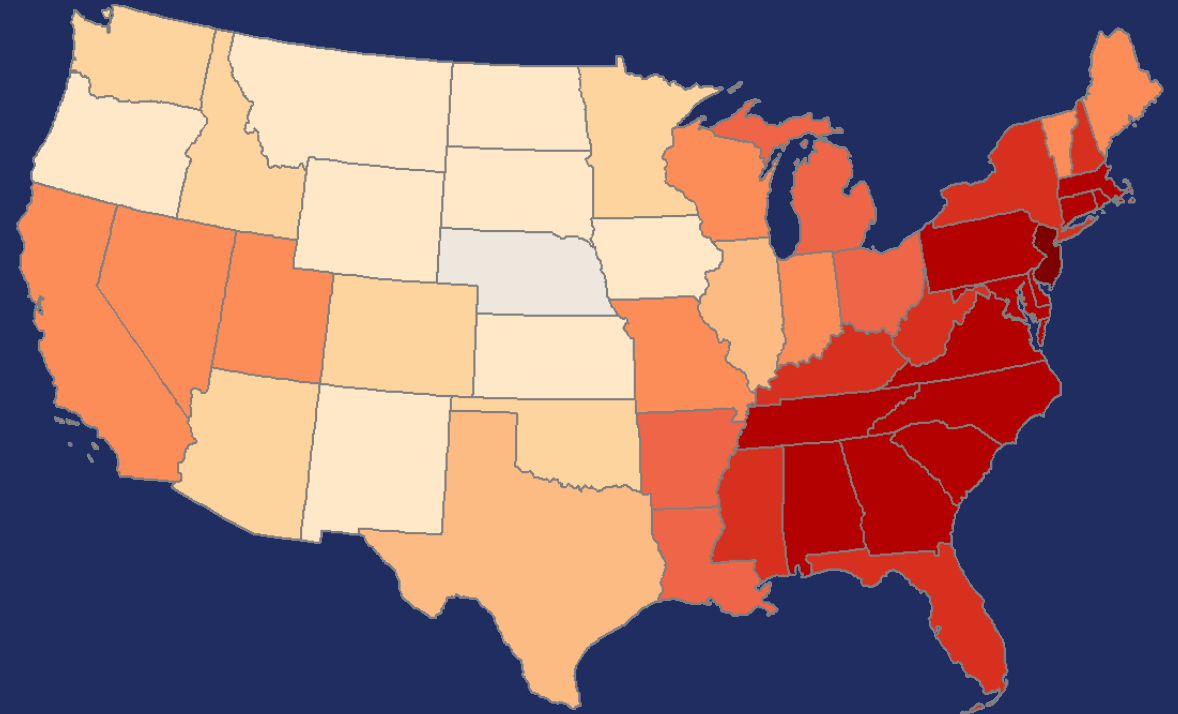
\*Farmland is composed of cropland, pastureland, and woodland

# Threats to Oregon's Farmland 2001-2016

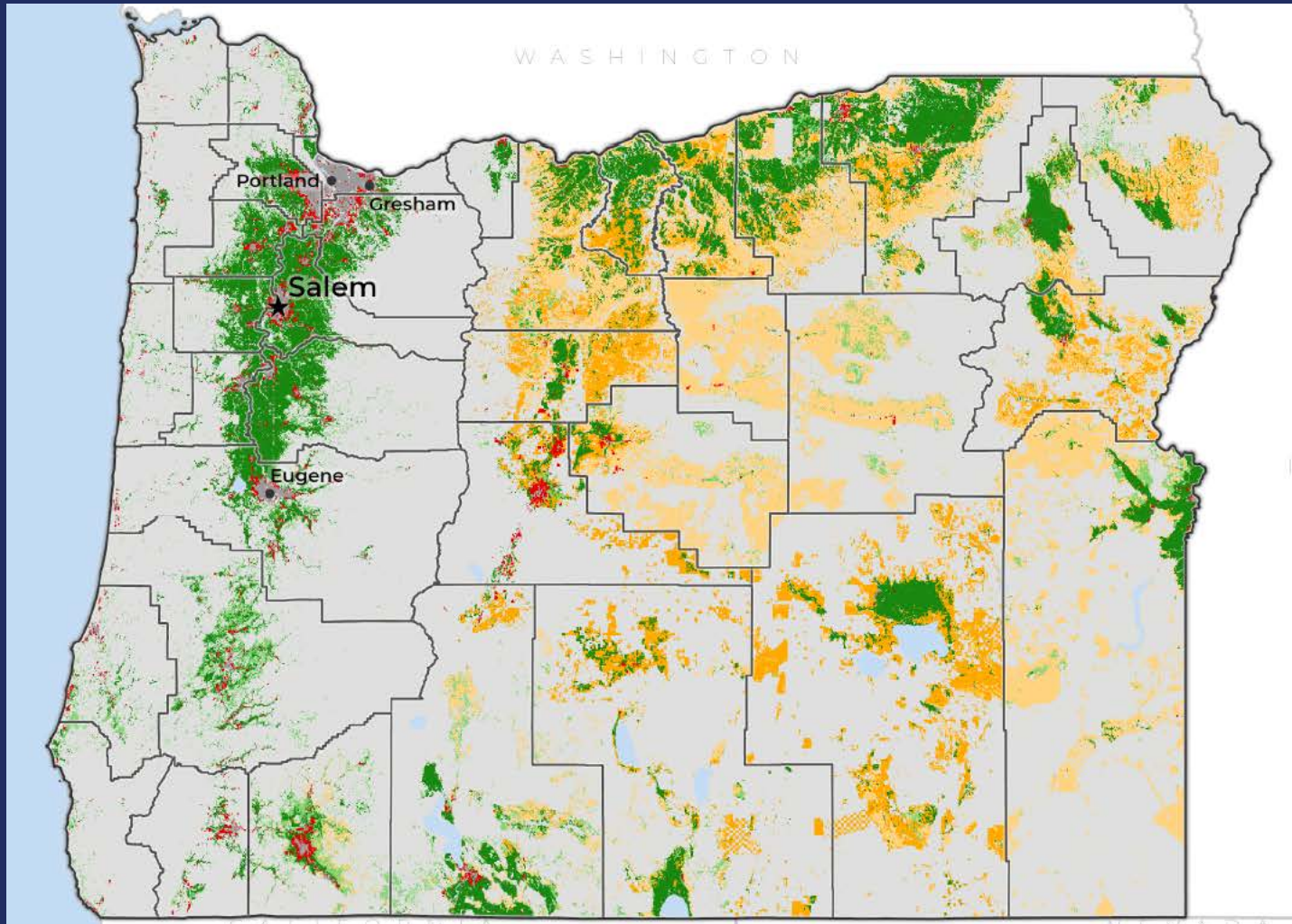
65,800 Acres of Farmland  
Developed and Compromised



.04% Percent of Farmland  
Developed and Compromised



# Threats to Oregon's Farmland



2001 - 2016

- 67% of land converted was Oregon's "Best Land"
- 31% of land converted was "nationally significant"

# Two Types of Threats

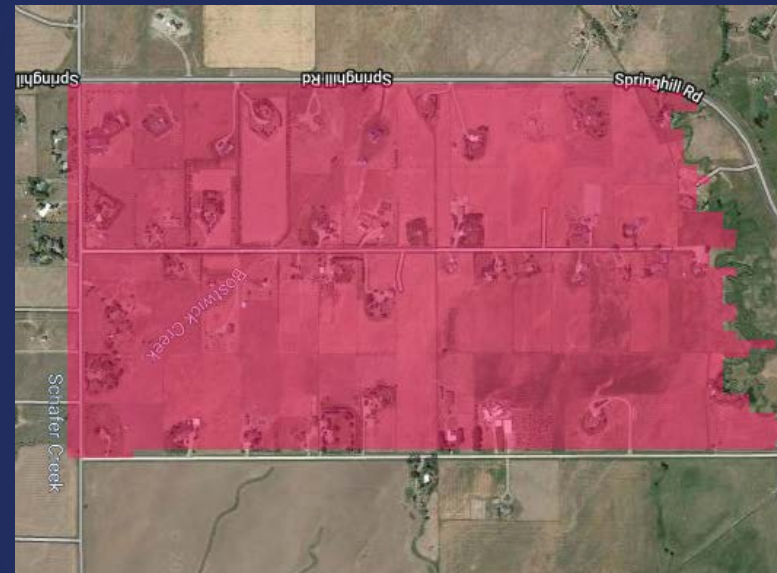
## Urban and Highly-Developed (UHD)

- “Built-up” or developed areas of residential, commercial, industrial and transportation use



## Low-Density Residential (LDR)


- Shows where housing density has increased to the point where agriculture is either displaced or compromised
- 23x more likely to be further developed (avg.)





## Spectrum of Low-Density Residential Land Use

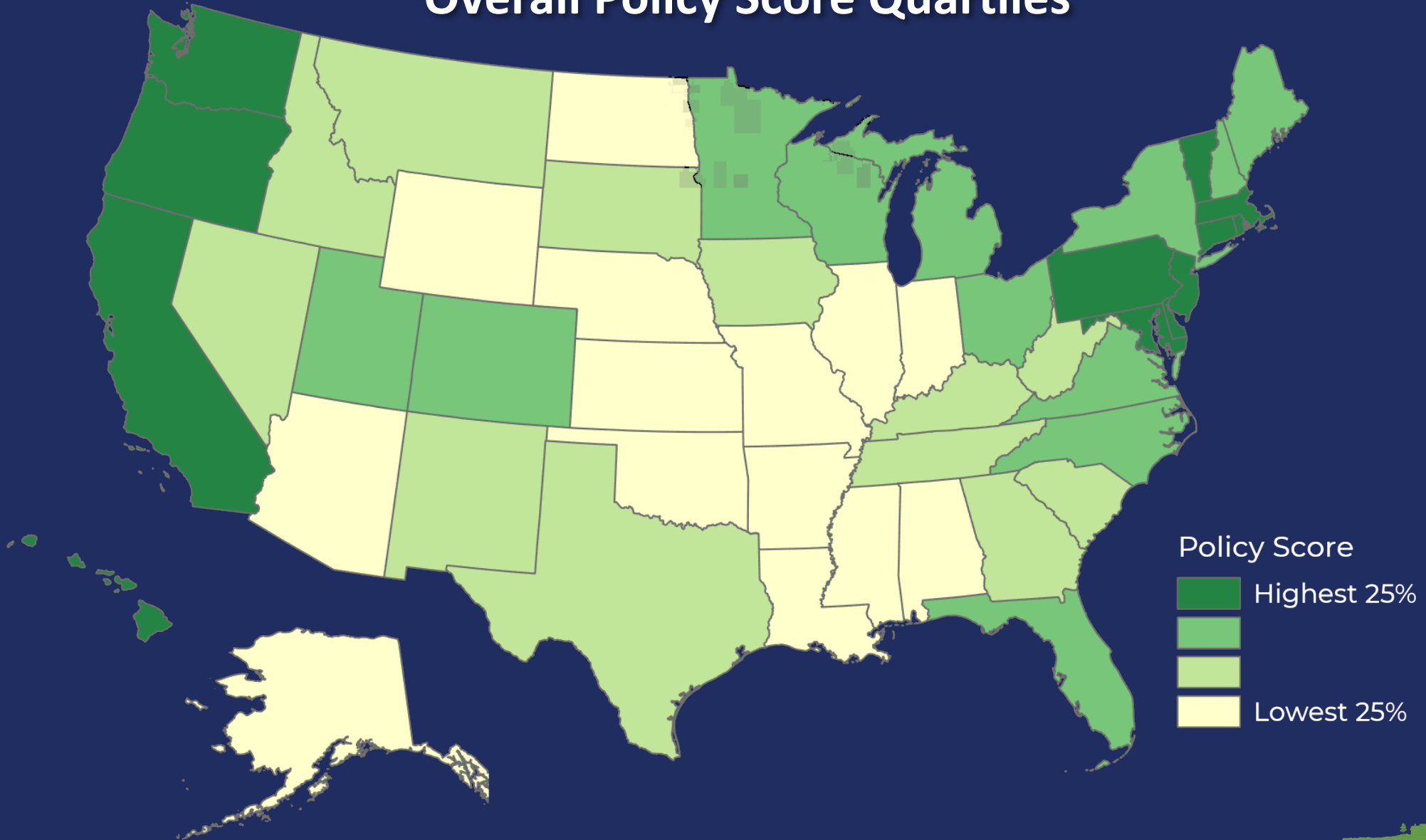


 Land shown in this color was recently converted to low-density residential (LDR) land use (2001-2016)

- 50% of conversion was to Low Density Residential (LDR) land use
- Land in LDR was 95\* times more likely to be further developed

\*National multiplier is 23

# Agricultural Land Protection Scorecard: Overall Policy Score Quartiles



Policy Score

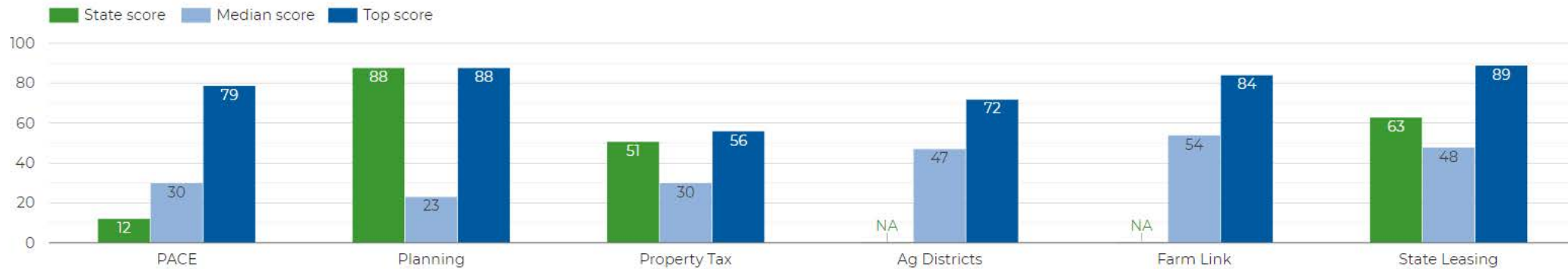
- Highest 25%
- 25th-75th Percentile
- 25th-50th Percentile
- Lowest 25%



# Agricultural Land Protection Scorecard: Oregon

## Oregon Policy Scores [Download Oregon Policy Summary](#)

This bar chart shows the policy scores for compared to the the median and the highest scores achieved by all states that have implemented each policy. Even among high-response states, no state received a perfect score for any individual policy; every state has the potential to do more. Click on the name of a policy to learn more about it and see the detailed scoresheet.



- Oregon scored in the top 12 states for policy response
- Every state can do more
- Opportunities in Oregon include bolstering PACE (OAHP) and farm transfer, changes to land use planning to address LDR

# Farmland Protection at the Federal Level

## Transition Recommendations to the Biden/Harris Administration

- 1) Develop a National Cover Crop Initiative
- 2) Establish the Commission on Farm Transitions
- 3) Maximize the potential of the Agricultural Conservation Easement Program's Agricultural Land Easements
- 4) Strengthen the Farmland Protection Policy Act
- 5) Create a Debt for Working Lands Initiative



# DEATH BY 1000 CUTS: The Gradual Erosion of Farmland Protection in Oregon

1000  
friends  
of Oregon

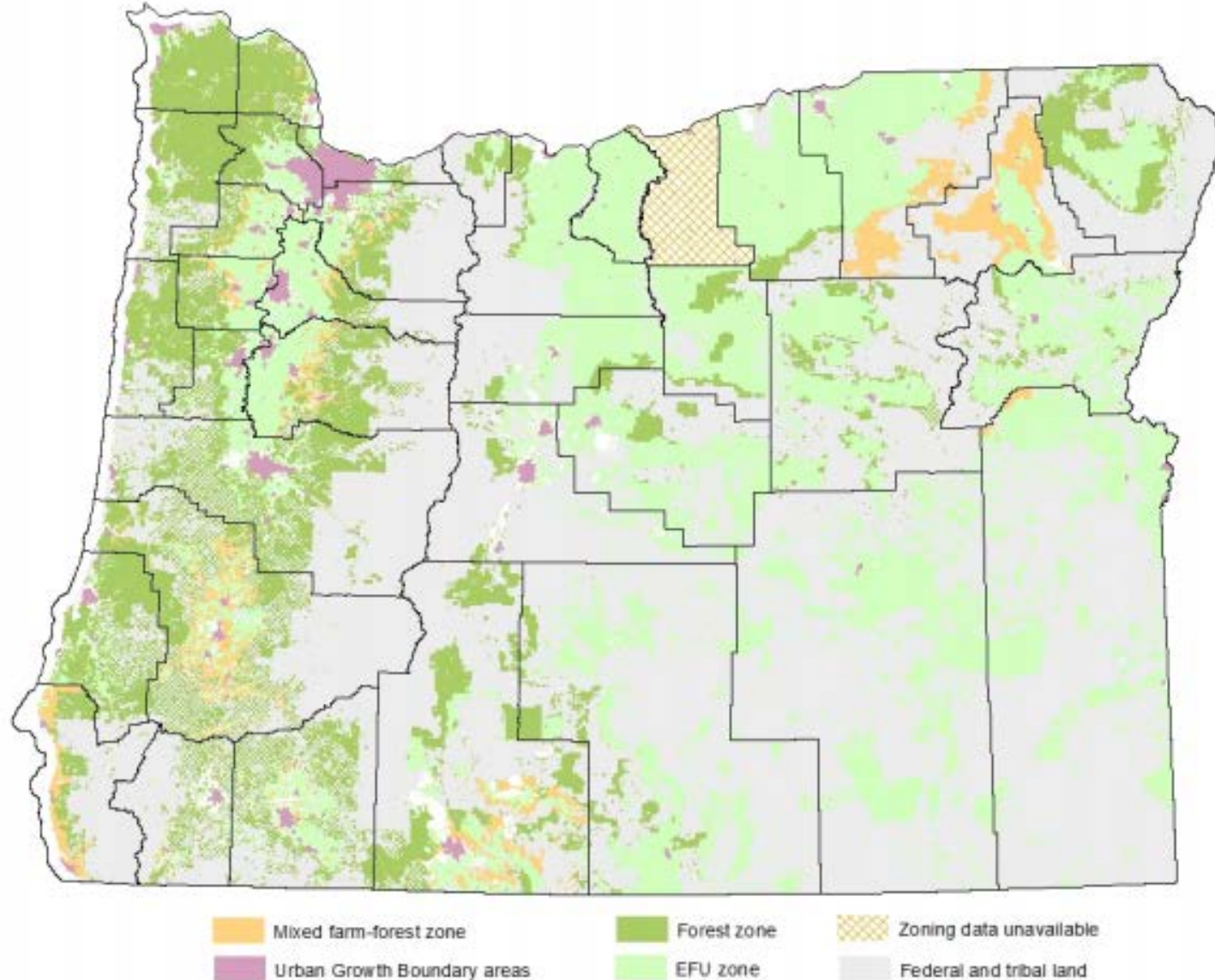
Presented to the Oregon Board of Agriculture  
December 2, 2020



# Protection of Farmland in Oregon

- **1963:** Legislature allows exclusive farm use (EFU) zones, minor allowances for nonfarm uses that support rural communities:
  - **Schools**
  - **Churches**
  - **Recreation facilities**
  - **Utility facilities**
- **1973:** Senate Bills 100 and 101 established requirements for comprehensive plans and urban growth boundaries to protect resource land; enacts agricultural land use policy; clarifies purpose of EFU zoning.

# EFU Statewide



Source: Stephanie  
Campbell, Oregon  
DLCD, *Rural  
Resource Lands  
Research Report*

# Loss of EFU in Oregon

- The adoption of Oregon's land use system slowed annual conversion rate of farmland by more than half.
- On average, annual losses are:
  - 870 acres lost through urbanization
  - a similar amount lost through rezoning for rural industrial and low-density residential development

**But the biggest threat and impacts are due to nonfarm uses and development on property that retains EFU zoning.**



# All Possible Uses in EFU in 2020

Farm use	Home Occupations	Living History Museums
Grandfathered Non-Conforming uses	Landscaping business	Equine Therapy / Dog kennels
Primary or accessory farm dwelling	Winery / Cidery / Brewery	County law enforcement facilities
Replacement dwellings	Personal Use Airport	Public safety training facilities
Relative farm help dwellings	Non-farm related dwellings	Power generation facilities
Farm Stands	Lot of Record Dwellings	Water bottling facilities
Crop / Poultry processing	Bed & Breakfasts	Solid waste disposal
Biofuel production	Guest ranches	Log truck parking
Forest product harvest and primary processing	Residential treatment homes	Aerial fireworks businesses
Irrigation reservoirs	Destination resorts	Filming activities
Applied water or biosolids	Golf Courses / Private parks	Outdoor mass gatherings
Aquatic / Insect species cultivation	Playgrounds	Wetlands
Utilities	Hunting and fishing preserves	Model aircraft landings
Fire service	Campgrounds / Public parks	Goal-excepted uses (physically developed, irrevocably committed, reasons relating to rural residential and rural industrial development.
Railroads	Youth Camps	Unpermitted uses
Roads	Churches / Cemeteries	
Geothermal, oil and gas exploration & production	Community Centers	
Mineral exploration	Schools	
Temporary hardship dwellings	County fairgrounds	

# EFU: Exclusive in Name Only

## Categories of uses:

- **Farm Uses:** production, preparation, and sale of crops and livestock products
- **Farm-Related Uses:** farm stands, irrigation canals
- **Potentially Farm-Related Uses:** support and/or interfere with agriculture depending on circumstances (agritourism, home occupations, and wineries)
- **Locationally Dependent Non-Farm Uses:** located on EFU due to locational dependence (mining) and/or provision of auxiliary services to farms (railroad facilities, utilities)
- **No Relation to Agriculture Uses** nonfarm dwellings, destination resorts, model aircraft facilities ...

# How Does This Happen?

## Permitted Outright vs. Conditional Uses

Generally, uses on farmland are either:

- **Uses permitted outright**
  - Some subject to state standards
  - no stricter county requirements
- **Conditional Uses**
  - county can limit the use
  - Must meet state standards including farm impacts test (ORS 215.296)

# How Does This Happen?

## Lack of Enforcement of Regs and Permit Conditions

**Counties are responsible for enforcement but:**

- Lack capacity
- Largely complaint-driven
- Complaints create animosity
- Uncertainty whether resolution will occur
- Significant legal and financial hurdles to pursue enforcement actions in court

**Failure to enforce existing regulations and permit conditions leads to unchecked nonfarm uses and forces changes to farm uses**

# Immediate Results of Nonfarm Activity

## Neighboring non-farm uses cause costly onsite disruptions for farmers:

- Trespass and damaged crops
- Vandalism and theft
- Traffic and dangerous road conditions
- Poaching and unpermitted hunting
- Roaming dogs
- Invasive plant species
- Noise
- Neighboring complaints
- Lawsuits



# Long-term Results of Nonfarm Activity

**Cumulative effects from nonfarm uses on farmland include community-wide impacts:**

- Land Fragmentation
- Land Value Inflation
- Shadow Conversion
- Impermanence Syndrome
- Threats to Critical Mass
- Breakdown of Community



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# Recommendations

## What can we do?

1. Reduce or eliminate non-farm related uses on EFU land
2. Enforce existing regulations and permit conditions
3. Support additional tools for protecting farmland for the long-haul, including such things as funding the Oregon Agricultural Heritage Program

Learn more at <https://friends.org/news/2020/6/death-1000-cuts-10-point-plan-protect-oregons-farmland>





**Questions?  
Comments?**



**Thank you**

**[greg@friends.org](mailto:greg@friends.org)**

**Black Oregon Land Trust**

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# Black Oregon Land Trust

In honor of the resilience and strength of our ancestors who persevered and held onto their agricultural roots, we are launching the Black Oregon Land Trust.

**Black Oregon Land Trust will acquire land for Black farmers to steward in perpetuity.**

**These efforts will preserve Black agricultural practices, enable Black farmers to provide fresh, healthy food for their families and communities, and build generational wealth and equity.**



# Why are there so few Black farmers in Oregon? Why do so few Black farmers own land?

The broken promise of 40 acres and a mule, for 40,000 Black people freed from enslavement.

Systematic racism from USDA and other government agencies, private lenders, and the legal system leading to land loss, land theft, and dislocation.

Oregon's founding Constitution and Exclusion Laws, which prohibited Black people from owning land...or even living in the state.

# The Problem and the Opportunity

Black farmers account for only 1.4% of the country's 3.4 million food producers. Black-owned farms account for 0.5% of total farmland in the U.S.

.1% of farmland in Oregon is Black owned.

The average age of Oregon farmers is now 60 and has been on the rise for four decades. In the coming two decades, a huge generational shift will result in almost two-thirds of Oregon's agricultural land changing hands.

With the growing momentum for racial justice, more and more farmland owners are interested in pursuing a transfer of ownership to the next generation of Black farmers.



## VISION

Black farmers in Oregon own their own land. Permanently, securely, forever. With the land assured, they build their soil, their health, their wealth, and their communities for generations to come.

## The launch of the Black Oregon Land Trust will be completed over a 2-year period, and comprised of five phases:

1

Create organizational governance structure

2

Establish BOLT as an Oregon-based land trust

3

Acquire land through purchases, donations and working land easements

4

Transfer stewardship to Black farmers

5

Collaborate with the Black Food Fund to provide ongoing support to farmers through mentoring, technical assistance, and operating capital



# Ways to Support

Funding

Technical Assistance

Advocacy

Connections to Resources

Awareness Building

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Contact: [BlackOregonLandTrust@gmail.com](mailto:BlackOregonLandTrust@gmail.com)

# Oregon Land Trusts & Agricultural Land Conservation

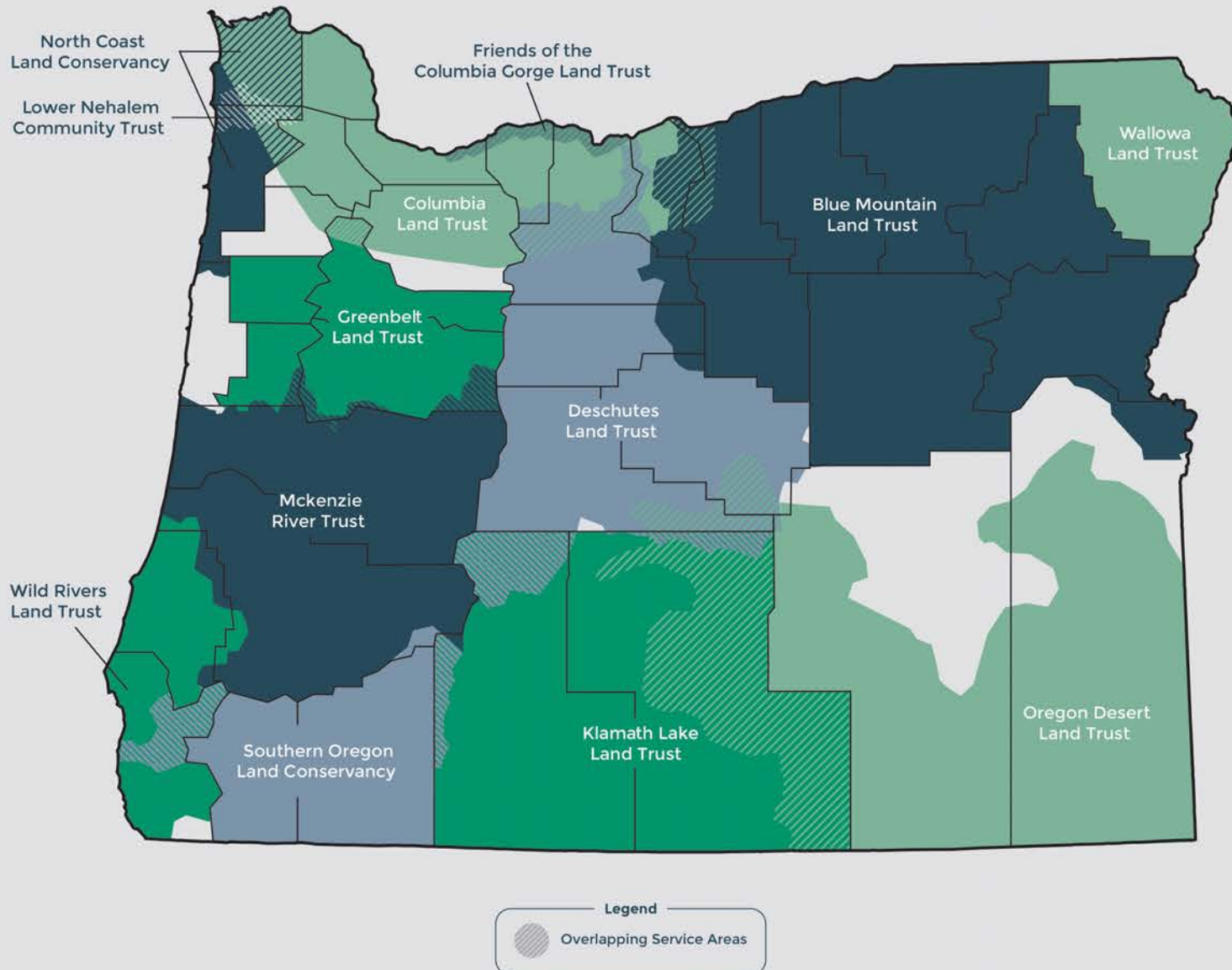


Torey Mill | Program Manager  
Coalition of Oregon Land Trusts



Leon Werdinger Photo

# COALITION OF OREGON LAND TRUSTS



## MEMBER ORGANIZATIONS

### STATEWIDE WORK

- Center for Natural Lands Management
- Ducks Unlimited
- Northwest Rangeland Trust
- Pacific Forest Trust
- The Conservation Fund
- The Nature Conservancy in Oregon
- The Trust for Public Land
- The Wetlands Conservancy

### REGIONAL WORK (see map)

- Blue Mountain Land Trust
- Columbia Land Trust
- Deschutes Land Trust
- Friends of the Columbia Gorge Land Trust
- Greenbelt Land Trust
- Klamath Lake Land Trust
- Lower Nehalem Community Trust
- McKenzie River Trust
- North Coast Land Conservancy
- Oregon Desert Land Trust
- Southern Oregon Land Conservancy
- Wallowa Land Trust
- Wild Rivers Land Trust

### ASSOCIATE MEMBERS

- Clackamas SWCD
- East Multnomah SWCD
- Forest Park Conservancy
- Helvetia Community Association
- Oregon Agricultural Trust
- Tualatin SWCD
- Western Rivers Conservancy
- Yamhill SWCD

# COALITION OF OREGON LAND TRUSTS





COALITION OF  
**OREGON**  
LAND TRUSTS

Building connections and advocating for policies  
that protect our natural world  
for all people, forever.

[oregonlandtrusts.org](http://oregonlandtrusts.org)

PHOTO: Williamson River Delta by Rick McEwan/The Nature Conservancy in Oregon



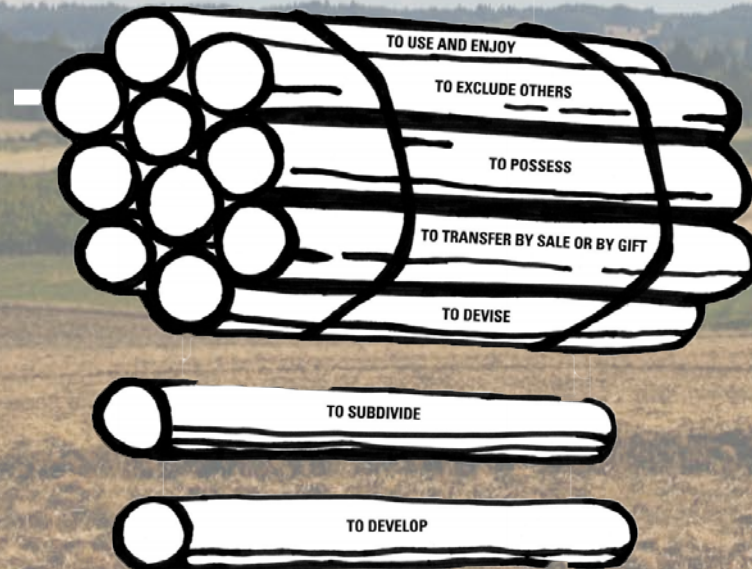
# Why Ag Lands?

- **Economic** driver in Oregon - \$8.2 billion revenue and 18% of jobs
- Cornerstone of Oregon's **rural communities**
- Agricultural lands support valuable **fish and wildlife habitat** and enhances other **natural resources**
- Oregon's land use **laws are not enough** to protect farms and ranches from fragmentation



# Working Land Easements 101

- Voluntary legal agreement between landowner and “holder” that limits uses on the subject property in perpetuity, while still retaining private ownership of the land
  - The landowner retires some of the bundle of rights with an easement



# ORS 271.715 – 271.795

## ORS 271.715<sup>1</sup>

### Definitions for ORS 271.715 to 271.795

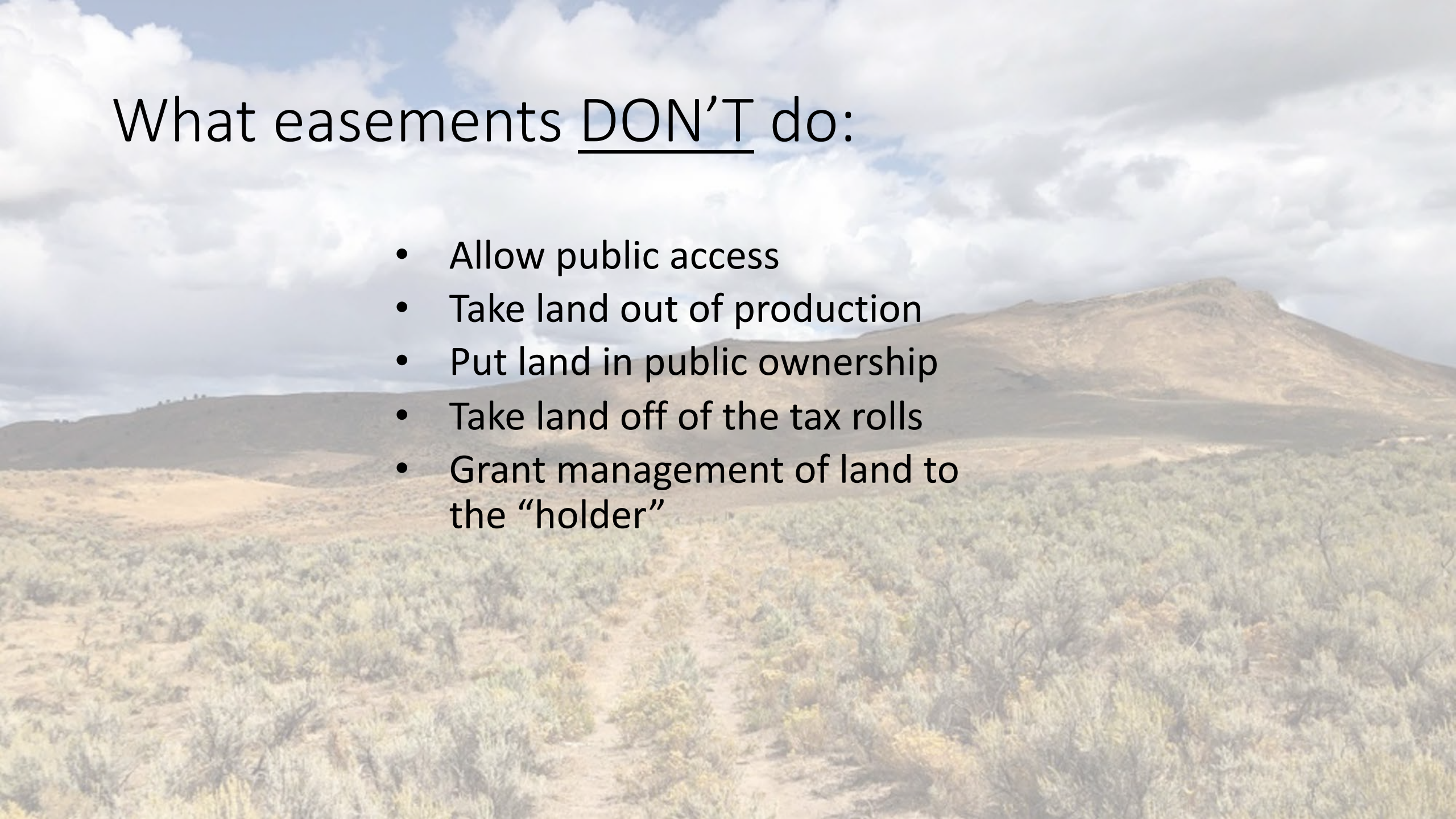
[Text](#) [News](#) [Annotations](#) [Related Statutes](#)

As used in ORS [271.715 \(Definitions for ORS 271.715 to 271.795\)](#) to [271.795 \(Construction of Act\)](#), unless the context otherwise requires:

- (1) "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, **ensuring its availability for agricultural**, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
- (2) "Highway scenic preservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of property.
- (3) "Holder" means:
  - (a) **The state, any county, metropolitan service district, soil and water conservation district**, city or park and recreation district or a county service district established under ORS [451.410 \(Definitions for ORS 451.410 to 451.610\)](#) to [451.610 \(Advisory committee for emergency communications system\)](#) to construct, maintain and operate service facilities in Washington or Clackamas Counties for the purposes specified in ORS [451.010 \(Authorization to establish master plans and service districts\)](#) (1)(a) and (b) and in Washington County for the purpose specified in ORS [451.010 \(Authorization to establish master plans and service districts\)](#) (5) acting alone or in cooperation with any federal or state agency, public corporation or political subdivision;
  - (b) **A charitable corporation, charitable association, charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural**, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property; **or**
  - (c) An Indian tribe as defined in ORS [97.740 \(Definitions for ORS 97.740 to 97.760\)](#).

# What easements DON'T do:

- Allow public access
- Take land out of production
- Put land in public ownership
- Take land off of the tax rolls
- Grant management of land to the “holder”



# What Easements DO do:

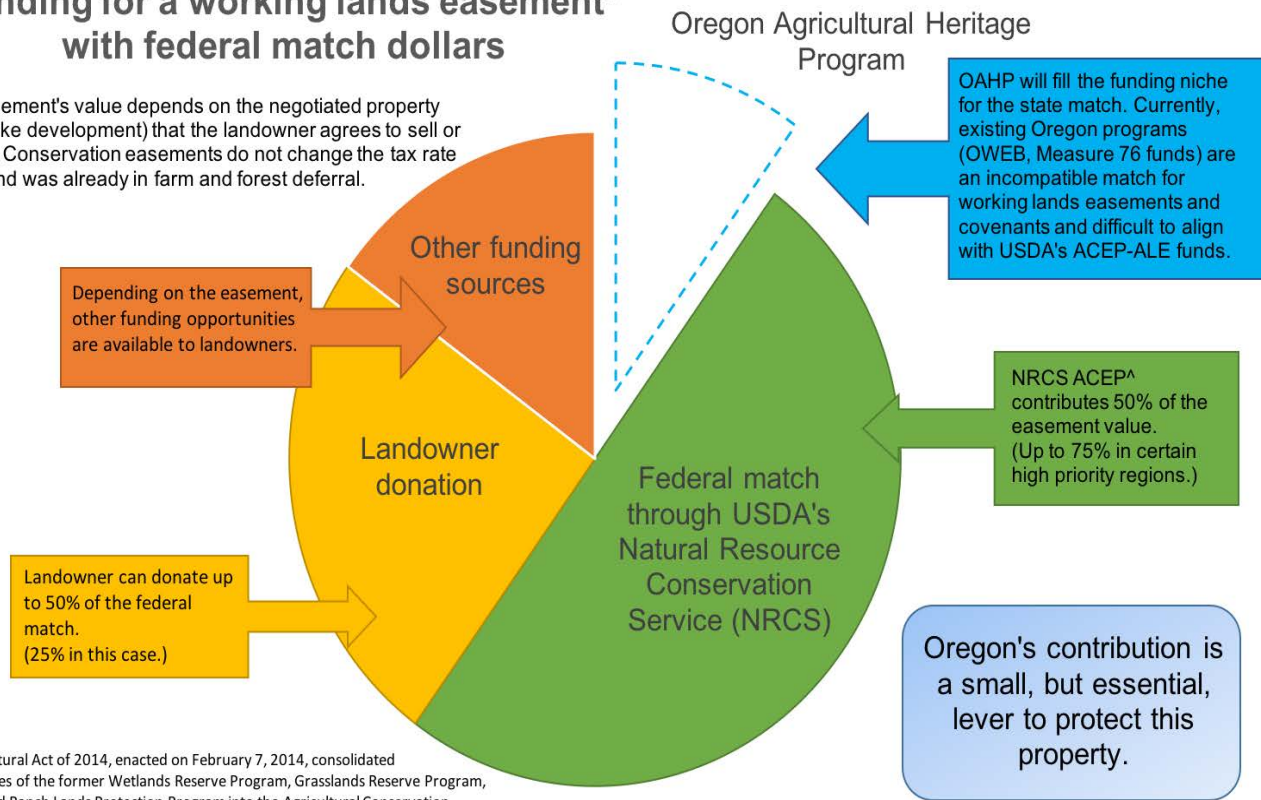
- Protect a family's legacy
- Help with succession planning
- Help maintain ag and forest base
- Compliments Oregon's land use system
- Protect restoration efforts
- Provide incentives to landowners
  - Federal and state tax deduction
  - Estate tax benefits
  - Purchase of the easement value

# Working Lands Protection Programs in Oregon

- NRCS Agricultural Conservation Easement Program (ACEP-ALE)
  - Funded at \$450 million annually
  - Oregon has used 0.43% of ACEP funds distributed nationally since 1996
- 28 states with state match for NRCS ACEP-ALE — **NOT Oregon**
  - OWEB's Acquisition program = fish and wildlife habitat
  - Oregon Agricultural Heritage Program (OAHP) passed legislature in 2017, remains unfunded

## Funding for a working lands easement\* with federal match dollars

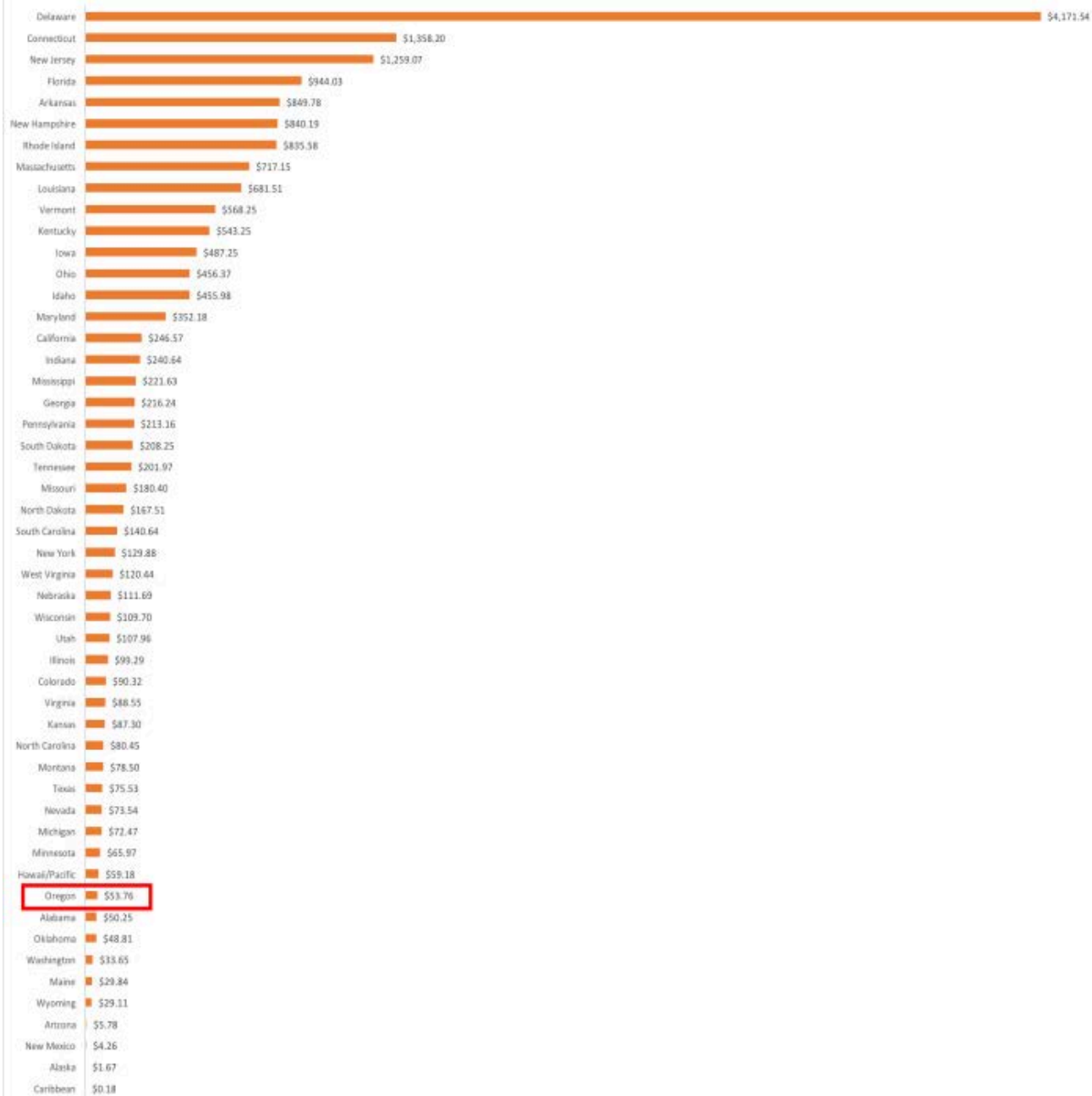
\*An easement's value depends on the negotiated property rights (like development) that the landowner agrees to sell or donate. Conservation easements do not change the tax rate if the land was already in farm and forest deferral.



<sup>^</sup>The Agricultural Act of 2014, enacted on February 7, 2014, consolidated the authorities of the former Wetlands Reserve Program, Grasslands Reserve Program, and Farm and Ranch Lands Protection Program into the Agricultural Conservation Easement Program (ACEP). ACEP provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits.

## Comparison of ACEP Total Assistance Relative to Landmass

Total ACEP funds received area adjusted (per square mile, combined total from 2014 and 2015)





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[oregonlandtrusts.org](http://oregonlandtrusts.org)







**OREGON  
AGRICULTURAL  
TRUST**

## Mission

We partner with farmers and ranchers to protect agricultural lands for the benefit of Oregon's economy, communities, and landscapes.

# What Does OAT Do?

**Protect** agricultural land – easements and fee title

Provide **technical assistance** to other working land easement holders

**Educate** farmers, ranchers and service providers about easements and farm succession

**Advocate** alongside state and national leaders for programs and funding to protect ag land

A large-scale pumpkin harvest scene. In the foreground and middle ground, rows of bright orange pumpkins are laid out on the ground. Several green combine harvesters with conveyor belts are positioned across the field, actively harvesting the pumpkins. The background shows a rolling landscape with green fields, scattered trees, and a clear sky under bright sunlight.

# Who is OAT?

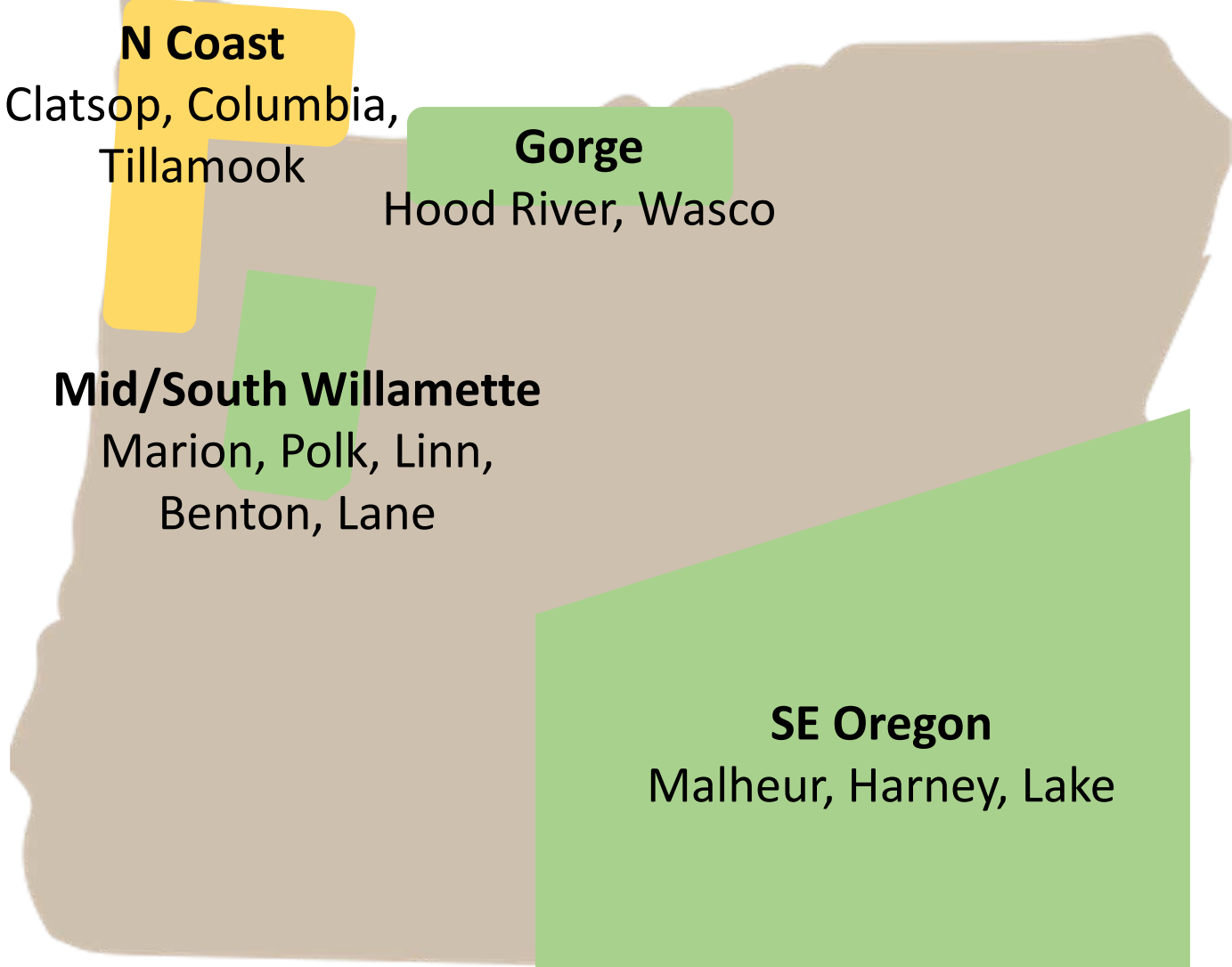
Informed by 100s of ag & conservation  
leaders: feasibility, business, strategic plan

**Staff** of 3 (soon to be 5)

**Board** of 6 and growing

**Office** in Salem. Statewide presence

# Geographic Priority Areas



# Funding Sources

## Oregon Agricultural Heritage Program (OAHP)

- Up to 75% match
- Designed to integrate with ACEP-ALE
- **UNFUNDED**
- 28 states with funded match programs have leveraged 3.7 times more federal dollars than those without



# OAHHP in 2021 Budget

- POP 230 would allow OWEB to receive and expend as grants up to \$5M of non-state public and private sources in support of OAHHP.
- No direct funding request from the governor or legislature
- The statute authorizes acceptance of non-state funds; however, donations are not tax deductible



# ACEP-ALE in 2023 Farm Bill



# ACEP-ALE in 2023 Farm Bill

1. Increase funding from \$450M/year to \$1.3B to match demand
2. Increase federal match from 50% in most cases to 80%
3. Allow ACEP-ALE fund to be used for project costs (staff, appraisals, legal fees, etc.)
4. And more!





**OREGON  
AGRICULTURAL  
TRUST**

[www.oregonagtrust.org](http://www.oregonagtrust.org)

Facebook: OregonAgTrust

nellie@oregonagtrust.org

**Online Virtual Auction Nov. 30 – Dec. 4**

# Oregon Board of Agriculture Land Use Resolutions

- #155 - Position on Farm Tax Deferral and Urban Growth Boundaries
- #162 – The Supply of Buildable Lands Inside UGBs
- #295 – Protection of Oregon Agriculture
- #300 – Siting of Aggregate Mining Operations in the Willamette Valley
- #310 – Siting of agri-tourism, entertainment activities and associated activities on agricultural lands



# Oregon Board of Agriculture Land Use Resolutions

- #314 – Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land
- #315 – Working Lands Conservation Easements
- #318 – Siting of energy transmission and generation facilities on agricultural lands
  
- All resolutions available at:  
<https://www.oregon.gov/oda/AboutUs/Pages/BoardAgriculture.aspx>

# Ag Land Conservation Panel

Wednesday, December 2, 2020

**Addie Candib**, American Farmland Trust: [acandib@farmland.org](mailto:acandib@farmland.org)

**Greg Holmes**, 1000 Friends of Oregon: [greg@friends.org](mailto:greg@friends.org)

**Shantae Johnson**, Black Oregon Land Trust: [blackoregonland@gmail.com](mailto:blackoregonland@gmail.com)

**Torey Mill**, Coalition of Oregon Land Trusts: [torey@oregonlandtrusts.org](mailto:torey@oregonlandtrusts.org)

**Nellie McAdams**, Oregon Agricultural Trust: [nellie@oregonagtrust.org](mailto:nellie@oregonagtrust.org)

**Jim Johnson**, Oregon Department of Agriculture: [jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us)