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An Agricultural Law Research Article

**Reader Response: Critique of Owen J.  
Furuseh View on Oregon's Rural Land Use**

by

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# reader response

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In his recent articles, Owen J. Furusetth suggests that Oregon's agricultural land use planning program is successful and should be considered for national application.<sup>1</sup> He primarily relies on Census of Agriculture data for Oregon for 1974 and 1978 to illustrate his point.<sup>2</sup> These years were selected because Oregon's statewide agricultural land use planning program began in 1974 and was firmly established by 1978, thus providing a convenient period for analysis.<sup>3</sup> His detailed description of Oregon's statewide agricultural land use planning program needs no further elaboration.<sup>4</sup> The purpose of this evaluation is to determine whether Oregon's agricultural land use planning program results in agricultural trends which are (1) more impressive than observed nationally or (2) more impressive than expected if the program did not exist.

Compared to the nation as a whole, did Oregon's agricultural planning program result in notably improved agricultural trends? Furusetth indicates that Oregon's agricultural planning program was an important reason for increases in farmland, capital investment, and number of farms, and a decline in farm operators' average age between 1974 and 1978.<sup>5</sup> His

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1. See Furusetth, *The Oregon Agricultural Protection Program: A Review and Assessment* 20 NAT. RES. J. 603 (1980), especially at 614, and Furusetth, *Update on Oregon's Agricultural Protection Program: A Land Use Perspective* 21 NAT. RES. J. 57 (1981), especially at 70.

2. Furusetth (1981), *supra* note 1 at 58, note 5, relied on preliminary data. The present evaluation uses final published BUREAU OF THE CENSUS, U.S. DEPT. OF COMMERCE, 1978 CENSUS OF AGRICULTURE, OREGON, UNITED STATES, and WASHINGTON.

3. Furusetth (1981), *supra* note 1 at 58.

4. Furusetth (1980) and (1981), *supra* note 1, both articles, especially (1980).

5. Furusetth (1981), *supra* note 1, at 59. Furusetth relied on some perhaps questionable examples, e.g., using coastal Lincoln County as his example of a rapidly urbanizing county to illustrate his point that "The rate of farmland idling for areas undergoing rapid urbanization has decreased since 1974." Lincoln County grew from 27,300 to 31,200 between 1974-1978 (CENTER FOR POPULATION RESEARCH AND CENSUS, Portland State University, Portland, Oregon), which represents less than 2% of the state's growth—Lincoln County is hardly a surrogate for Oregon's real urbanizing areas.

Second, Furusetth uses the CENSUS OF AGRICULTURE's catch-all term "farmland" too broadly, giving some misimpressions about the nature of Oregon agricultural trends. The term "farmland" includes the more meaningful categories of "cropland," "woodland," and "other land" each of

presentation makes Oregon's agricultural situation appear worthy of national attention because of these gains. How does Oregon really compare with the nation? At first glance, Table 1 indicates that Oregon merely followed national trends: in both Oregon and the nation, farmland, capital investment, and number of farms increased while average farm operator age declined.<sup>6</sup> These trends indicate a growing national preference for rural lifestyles,<sup>7</sup> which may or may not bode well for improving Oregon's agricultural productivity.<sup>8</sup>

On closer inspection important and perhaps disturbing differences are found. For example, average farm size in Oregon fell to a greater extent than observed nationally. This decline is partly explained by a substantial increase in smaller farms, especially farms engaged in cropland harvesting under 20 acres. The number of such farms increased by 40.4% in Oregon and 15.5% nationally. On the other hand, the number of farms larger than 500 acres fell by 1.1% in Oregon but increased by 12.3% nationally. These trends indicate that Oregon's agricultural planning program is not apparently effective at discouraging rural sprawl or preventing the partitioning of larger farms into smaller ones.

Another disturbing difference is the relative average value of farms. Furuseth gives the impression that Oregon's agricultural planning program results in greater capital investment in farms than might be expected otherwise. Table 1 indicates that Oregon's average value of farms, based on 1967 dollars, increased 18.8% between 1974 and 1978. However, the increase nationally was 34.2%. The national capital investment rate be-

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which is more carefully defined. "Cropland" means that which is harvested, in pasture, or in other less intensive uses such as cover, fallow, idle, and even failed. "Woodland" includes less intensive pasture and forests. "Other land" means rangeland, land in house lots, roads, and wasteland. Thus, when Furuseth discusses changes in "farmland" he generally ignores the nature of those changes: that is, whether these changes are of harvested cropland or land in homesites, or both.

Third, Furuseth claims that because low density rural subdivisions were allowed to a greater extent in the Southern Oregon region than in the Willamette Valley, "farmland idled" to a greater extent in Southern Oregon than apparently should have been the case if that region would have faithfully complied with statewide agriculture land use planning policies. Furuseth (1981) at 63-66. In fact, "harvested cropland" in Southern Oregon expanded by 6.5% but fell by .7% in the Willamette Valley. See CENSUS OF AGRICULTURE, *supra* note 2, for Southern Oregon and Willamette Valley counties. Despite "Californication," Southern Oregon is experiencing more impressive trends than the Willamette Valley in the more intensive agricultural categories.

6. CENSUS OF AGRICULTURE data indicate that the number of farms 1-9 acres in size engaged in cropland harvesting increased by 55% in Oregon between 1974-1978. These smaller farms are likely occupied by younger families desiring affordable rural lifestyles. See note 7 *infra*. Some suggest that this lifestyle, which results in "hobby-farms" or "ranchettes," is an undesirable form of land use in Oregon. See note 15 *infra*. It is interesting to note that Furuseth partly suggests that the increasing number of smaller farms means Oregon's agricultural land use planning program is successful, while others suggest that the program is successful because it attempts to eliminate smaller farms.

7. R. HEALY and J. SHORT, THE MARKET FOR RURAL LAND: TRENDS, ISSUES, POLICIES (1981).

8. See note 14, *infra*.

TABLE 1  
CENSUS OF AGRICULTURE DATA FOR OREGON, UNITED STATES, WASHINGTON: 1974-1978<sup>a</sup>

Census Category	Unit	Oregon			United States <sup>b</sup>			Washington		
		1974	1978	Change	1974	1978	Change	1974	1978	Change
All Farms	number	26,753	34,642	29.5%	2,287,260 <sup>c</sup>	2,444,000 <sup>c</sup>	7.1%	29,410	37,730	28.3%
Land in Farms	acres	18,241,445	18,414,484	.9%	988,788,912	1,001,280,041	1.3%	16,661,902	17,002,288	2.0%
Average Farm Size	acres	682	532	-22.0%	432	410	-5.1%	567	451	-20.5%
Relative Ave. Farm Value <sup>d</sup>	dollars	115,200 <sup>e</sup>	136,800 <sup>e</sup>	18.8%	99,900 <sup>e</sup>	134,100 <sup>e</sup>	34.2%	134,200 <sup>e</sup>	160,900 <sup>e</sup>	19.9%
Harvested Cropland	acres	3,213,399	3,280,005	2.1%	299,788,550 <sup>e</sup>	317,386,220 <sup>e</sup>	5.9%	4,946,306	5,073,078	2.6%
Farms Harvesting Cropland	number	21,706	25,607	18.0%	1,932,994	2,012,853	4.1%	24,732	28,358	14.7%
1-19 <sup>e</sup>	acres	8,095	11,367	40.4%	473,988	547,425	15.5%	8,447	11,718	38.7%
20-49 <sup>e</sup>	acres	4,791	5,407	12.9%	385,150	399,721	3.8%	5,161	5,523	7.0%
50-99	acres	2,813	2,950	4.9%	312,773	297,985	-4.7%	2,964	2,954	-.4%
100-199	acres	2,214	2,147	-3.0%	313,387	301,084	-3.9%	2,423	2,408	-.6%
200-499	acres	2,195	2,156	-1.8%	316,031	318,801	.9%	2,804	2,845	1.5%
500+ <sup>e</sup>	acres	1,598	1,580	-1.1%	131,665	147,837	12.3%	2,933	2,910	-.8%
Ave. Farm Operator Age	years	52.4	49.8	-2.6 yrs	51.7	50.1	-1.6 yrs	51.7	49.3	-2.4 yrs

<sup>a</sup>BUREAU OF THE CENSUS, U.S. DEPT. OF COMMERCE, CENSUS OF AGRICULTURE, OREGON, UNITED STATES, WASHINGTON, 1978, USGPO, Washington, D.C.

<sup>b</sup>Figures adjusted to exclude Oregon.

<sup>c</sup>Figures rounded.

<sup>d</sup>Figures adjusted to 1967 dollars. See BUREAU OF LABOR STATISTICS, U.S. DEPT. OF LABOR, "Consumer Price Index" for 1978, 1974.

<sup>e</sup>Actual Census categories collapsed to simplify presentation.

tween 1974 and 1978 was nearly 82% higher than Oregon's. This situation has worsened since the period 1969 to 1974 when the nation's capital investment rate was only about 26% higher than Oregon's.<sup>9</sup> The rate of agricultural investment in Oregon appears to be lagging considerably behind the rest of the nation.

Would the nation be better or worse-off under an agricultural planning program patterned after Oregon? Census of Agriculture data indicate that national agricultural trends are more impressive than those found in Oregon for the period between 1974 and 1978. However, because national data include the 49 other states, each with differences in terms of growth and agricultural land use planning, comparisons between Oregon and the balance of the nation are risky.

Comparing Oregon's agricultural trends with those of another state with similar regional traits and growth rates, but having no statewide agricultural land use planning effort, may provide better insights into the effectiveness of Oregon's agricultural planning program. Such a comparison can be made between Oregon and Washington because (1) Washington is situated within the same region as Oregon, (2) Washington grew by 9.5% between 1974 and 1978 while Oregon grew by 9.1%<sup>10</sup>, and (3) Washington does not have a statewide agricultural land use planning program.<sup>11</sup> Because Washington has about 50%<sup>12</sup> more people and about 30% less land area than Oregon, the lack of a statewide agricultural land use planning program in Washington should result in that state realizing less impressive agricultural trends than compared to Oregon, according to Furuseth's general point. Table 1 reports Census of Agriculture figures for Washington.

Despite having no statewide agricultural land use planning program, Washington's agricultural trends were quite similar to those of Oregon between 1974 and 1978. Farms increased by 28.3% in Washington and 29.5% in Oregon. Average farm size fell by 20.5% in Washington and 22% in Oregon. Relative average farm value increased by 19.9% in Washington and 18.8% in Oregon. The number of farms engaged in cropland harvesting less than 20 acres in size increased by 38.7% in Washington and 40.4% in Oregon. The number of such farms over 500 acres in size decreased by 0.8% in Washington and 1.1% in Oregon. Average farm operator age fell by 2.4 years in Washington and 2.6 years

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9. See note 2, *supra*, CENSUS OF AGRICULTURE, UNITED STATES, OREGON. United States' figures calculated to exclude Oregon.

10. Estimates provided by CENTER FOR POPULATION RESEARCH AND CENSUS, Portland State University, Portland, Oregon.

11. H. and J. PATTON, *Harbingers of State Growth Policies* in MANAGEMENT AND CONTROL OF GROWTH, Vol. III, 318-327 (1975) and updated by telephone conversation with personnel at the Washington Department of Ecology, Olympia, Washington.

12. See note 10, *supra*.

in Oregon. In fact, despite experiencing greater urbanization pressures relative to Oregon,<sup>13</sup> Washington appears to have enjoyed slightly more impressive agricultural trends than Oregon between 1974–1978.

From these comparisons it appears that Furuseth is premature to suggest that Oregon's statewide agricultural land use planning program is any more effective at improving agricultural trends than the lack of such a program altogether. This finding may be accounted for by discussing the way in which Oregon's statewide agricultural land use planning program is implemented locally. A recent survey of county decisions on dwelling requests in "exclusive farm use" ("EFU") zones—a special zone established by state statute but administered locally—indicated that a majority of decisions in Willamette Valley counties between 1978 and mid-1980 may have been improper and might not have been upheld if appealed to the Oregon Land Use Board of Appeals.<sup>14</sup> The breaking up of land down to and below the minimum lot size has been allowed in EFU zones, and farm- and nonfarm-related dwellings have been readily granted often without sufficient findings.<sup>15</sup> Oregon's EFU statutes appear to have been even less rigidly administered outside of the Willamette Valley during the period 1978–1980.<sup>16</sup> It is also quite apparent that EFU statutes were considerably less rigidly administered statewide between 1974 and 1978 than in later years.<sup>17</sup>

Oregon's agricultural land use planning program cannot be properly evaluated during the period 1974–1978. Overall, Oregon's agricultural land use trends appear to follow national and regional trends and cannot be attributed to its agricultural policies. Only after extended periods of analysis, and only after the policies themselves are more uniformly and rigidly implemented, can the effectiveness of Oregon's agricultural land use planning program be properly evaluated and reported.

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13. Washington grew by 326,000 while Oregon grew by 206,000. One might conclude that, owing to differences in population and land size between the states, Washington's urbanization pressure was actually more than twice that of Oregon.

14. 1000 FRIENDS OF OREGON, Portland, Oregon, discussed in Gustafson, Daniels, and Shirack, *The Oregon Land Use Act: Implications for Farmland and Open Space Protection* 48 J. AMER. PLAN. ASSOC. 365.

15. See *supra* note 14, at 369.

16. Report given by Scott Parker, Clackamas County Legal Counsel, to Oregon Joint Legislative Committee on Land Use, March 25, 1982.

17. LAND CONSERVATION AND DEVELOPMENT COMMISSION ("LCDC"), STATEWIDE PLANNING GOALS AND GUIDELINES were not completely adopted until late 1975. Various court cases have emerged which further specify the nature of local decision-making standards applicable to granting parcelizations and building permits in rural areas. For a review see, e.g., Schell, *Comment*, 18 WILLAMETTE L. REV. 49 (1982).