EAST MULTNOMAH SOIL AND WATER CONSERVATION DISTRICT

LAND CONSERVATION LEGACY PROGRAM

PROJECT AREA REPORT

*From the Resolution passed June 3, 1013 authorizing the Land Conservation Legacy Program:*

**Program Strategies (p.12)**

“The Land Conservation Committee may identify and propose for Board approval particular areas of focus. These may be geographic areas or others (such as Measure 49 claims) and may change from time to time. This focus shall not preclude pursuit of unusual opportunities should they arise, such as the donation of important lands or easements.”

**PRIORITY LANDS & PUBLIC BENEFITS (p.12)**

“The Program recognizes three general categories of lands for funding: Agricultural, Natural and Access to Nature, with the acknowledgement that there may be overlap between these designations. Most agricultural lands projects will occur outside of the Urban Growth Boundary (UGB), natural lands projects may occur throughout the District and most access to nature projects within the UGB in densely populated areas.”

**PROJECT AREA OVERVIEW**

The Land Conservation Legacy Program is a District-wide program to permanently protect critical land and water resources. The Program must serve the entire District equably while utilizing limited staff and financial resources. The Program strategically selects and funds projects that will have the most conservation impact over the longest term for the greatest good.

Project area criteria are not only geographically based but are also heavily dependent on the type of land protection strategy most appropriate for the land under consideration. For example, the Program will consider fee land and conservation easement donations to EMSWCD anywhere in the District, but will usually not consider purchasing conservation easements on agricultural land that is far from other cropland and agricultural centers. The land protection strategy and the geographic location are closely linked.

The Resolution has specific project ranking criteria that influence project location. The site selection criteria tables for agricultural lands and natural and access to nature lands in the Resolution will provide guidance for parcel selection.

PROJECT AREA RECOMMENDATIONS FOR AGRICULTURAL LANDS

**Background Information**

Even though Oregon’s land use laws are recognized as some of the most effective in the country for slowing and preventing the conversion of agricultural lands to development, the state still loses farmland. The NRCS’s 2010 Natural Resources Inventory Oregon Summary Report, concludes that Oregon lost about 840,000 acres of irrigated and non-irrigated cropland between 1982 and 2010 including 218,000 acres of prime farmland. Allowable non-farm uses in the Exclusive Farm Use (EFU) zone are in constant flux and diminish useable land for crops. The Oregon Legislature can make these changes at any time and there continue to be legal challenges to the land use system. Agricultural lands throughout the District are susceptible to development

even if the horizon for such conversions can be as much as fifty years as in the case of the lands in the Rural Reserve.

The types of land protection strategies authorized in the Resolution: accepting land or easement donations, purchase of conservation easements, and purchase in fee influence where and how agricultural, natural and access to nature lands are protected. These strategies are designated for each type of land in the following sections. In addition, all properties would be evaluated by the parcel ranking criteria that were included in the June 2013 Resolution.

**Program Strategies for Agricultural Lands**

***Land and Conservation Easement Donations***

Donations of ownership interests in agricultural lands are to be considered throughout the District since land is a valuable asset. The properties must meet the conservation goals of the LCLP. Proper due diligence practices including a thorough analysis of long-term holding costs and exit strategies are to be conducted.

Project Area

* Throughout the District.

Fee Land Donations

* Land donations may be accepted by the District.
* The environmental, legal and regulatory conditions of the property must be fully vetted.
* The District should determine the landowner’s motivations for donating the land.
* It should be determined if the donor has any stipulations for near-term or long-term holding of the land by the District. For example, would the donor permit the lands to be given to a non-profit organization if permanently protected?

Conservation Easement Donations

* Conservation easement donations may be accepted by the District.
* The environmental, legal and regulatory conditions of the property must be fully vetted.
* Whether the District and/or another qualified organization holds or co-holds the easement is an important consideration. The landowner may only want the District to hold the easement. All of the long-term costs and liabilities of holding an easement must be weighed by the District for each proposed conservation easement donation.

***Purchase of Conservation Easements for Agricultural Lands***

For the near term, the purchase of conservation easements may be the most effective strategy for permanently protecting certain types of priority lands, particularly, agricultural lands. Land values in the District are heavily influenced by the proximity to Portland and land owners may require a direct financial return for placing their lands under permanent easements.

Conservation Easement Purchase Project Areas for Agricultural Lands

* From the Sandy River west to the Urban Growth Boundary (UGB).
* Priority given to lands in close proximity to the UGB.
* Priority given to lands most likely to be developed in the near term: Measure 49 Claims, Rural Reserve zoned lands, lands with lots of record, and others.

***Fee Acquisition of Agricultural Lands***

To have greater control over the amount of agricultural land that is permanently protected in the District, the fee purchase of priority lands is an important strategy. Select lands would be purchased by the District and usually resold with a permanent conservation easement in place.

Fee Acquisition Purchase Project Areas for Agricultural Lands

* From the Sandy River west to the Urban Growth Boundary (UGB).
* Priority given to lands in close proximity to the UGB.
* Priority given to lands most likely to be developed in the near term: Measure 49 Claims, Rural Reserve zoned lands, lands with lots of record, and others.
* Other areas in the District if EMSWCD is not the primary funder.

PROJECT AREA RECOMMENDATIONS FOR NATURAL AND ACCESS TO NATURE LANDS

**Background Information**

EMSWCD can play an important role in supporting the permanent protection of critical natural and access to nature lands in the District. It can act as a funder, co-funder, leverage needed financial and community support, and provide other resources to complete projects. The LCLP can fill programmatic gaps among other agencies to protect important habitats and species.

**Program Strategies for Natural and Access to Nature Lands**

***Land and Conservation Easement Donations***

Donations of ownership interests in natural and access to nature lands are to be considered throughout the District since land is a valuable asset. The properties must meet the conservation goals of the LCLP. Proper due diligence practices including a thorough analysis of long-term holding costs and exit strategies are to be conducted.

Project selection data such as species richness, salmon value, and watershed value that may be available from government or non-profit organizations will be utilized whenever available.

Project Area

Throughout the District.

Natural and Access to Nature Fee Land Donations

* Land donations may be accepted by the District.
* The environmental, legal and regulatory conditions of the property must be fully vetted.
* The District should determine the landowner’s motivations for donating the land to the District.
* It should be determined if the donor has any stipulations for near-term or long-term holding of the land by the District. For example, would the donor permit the lands to be given to a non-profit organization if permanently protected?

Natural and Access to Nature Lands Conservation Easement Donations

* Conservation easement donations may be accepted by the District.

* The environmental, legal and regulatory conditions of the property must be fully vetted.
* Whether the District and/or another qualified organization holds or co-holds the easement is an important consideration. The landowner may only want the District to hold the easement. All of the long-term costs and liabilities of holding an easement must be weighed by the District for each proposed conservation easement donation.
* For access to nature lands within a densely populated portion of the urban area, more consideration should be given before a conservation easement donation is accepted. These types of properties often require more management and enforcement than more isolated locations.

***Purchase of Fee and Conservation Easements for Natural and Access to Nature Lands***

**Project Areas**

Conservation Easement Purchase Project Areas for Natural and Access to Nature Lands

* Priority given to lands most likely to be developed in the near term: Measure 49 Claims, Rural Reserve zoned lands, lands with lots of record.
* Lands anywhere within the District that meet selection criteria.
* Lands that would provide underserved populations with enhanced access to nature opportunities.

Fee Acquisition Purchase Project Areas for Natural and Access to Nature Lands

* Priority given to lands most likely to be developed in the near term: Measure 49 Claims, Rural Reserve zoned lands, lands with lots of record, etc.
* Lands anywhere within the District that meet selection criteria.
* Lands that would provide underserved populations with enhanced access to nature opportunities.