



Community Development Department

Planning Division • Building Safety Division • Environmental Soils Division

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April 16, 2013

TO: Senator Arnie Roblan, Chair
Senate Committee On Rural Communities and Economic Development

FROM: Nick Lelack AICP, Deschutes County Interim Community Development Director

RE: **Senate Bill 538**

Deschutes County Testimony on SB 538

Thank you for the opportunity to testify over the telephone this afternoon in support of SB 538.

Deschutes County has implemented Statewide Planning Goal 3 Ag twice, by adopting EFU zones and land use regulations, first in 1979, and later, during periodic review, in 1992. In both instances, several challenges were identified with local commercial farming. The challenges include:

- a. Poor soil quality and depth,
- b. Limited water due to:
 1. Low rainfall (less than 12 inches per year),
 2. Limited water rights for irrigation (laws of prior appropriation; surface water rights fully allocated; new groundwater uses require mitigation),
 3. Increased demands of irrigated water for non-agricultural uses (urban and rural development, river);
- c. High elevation (2700-4000 feet) which contribute to a short growing season (88-100 days, the fewest frost free days in Oregon, and the possibility of frost every month of the year), and
- d. Distance to major markets, among others.

However, Goal 3 only uses soil as the EFU determining factor. All other factors identified above need to be a part of the regional definition of agriculture.

These challenges continue to impact farming in Deschutes County today. Farm income is negative for Deschutes County according to the United States Department of Agriculture, National Agricultural Statistics Service 2007 Census of Agriculture.

Deschutes County updated its Comprehensive Plan for the first time in over 30 years in 2010. One of the main issues raised throughout the multi-year process was the need for the county to update its agricultural land definitions based on regional characteristics to ensure they accurately identify viable farm land.

Over the past 4 years, Deschutes County has supported and participated in legislative discussions and hearings to pass measures or participate in programs to re-evaluate agricultural land designations. Specifically, we have:

- a. Supported HB 2229 in 2009, the Big Look Bill, and asked DLCD to work with us to re-evaluate resource land designations and correct errors. DLCD was on the verge of embarking on this effort last year when Executive Order 12-07 was issued to initiate the Southern Oregon Pilot Program. Please know we support this effort, are closely monitoring it, and understand it is requiring significant state and local resources.
- b. Supported HB 3615 in 2011 and HB 4095 in 2012 to provide an opportunity for Deschutes County to work with at least one adjacent county to establish a regional definition of agricultural land, and then to apply that new definition throughout applicable areas of the county and/or region. While we recognized these bills were aimed at authorizing the Southern Oregon Pilot Program, Deschutes County's interest was in gaining certainty that we would eventually be able to initiate our own program in the future.
- c. Adopted a project on our Planning Division work plan to create a Non-Resource Lands Program, which evaluates resource land designations based on current definitions.

We recognize the Southern Oregon Pilot Program is underway and state agencies participating in this effort do not have additional resources to commit to another regional effort. Our request is simple. Please adopt SB 538. It provides a guarantee that two or more counties may work together and petition LCDC in the future to initiate a collaborate process with several state agencies, cities, and our citizens to consider the adoption of regional definitions of farm and forest lands. If necessary, make it mandatory that such petitions may only be submitted to LCDC after the Southern Oregon Pilot Program is completed. But, please provide certainty that future regional resource land definition efforts will be legally allowed. We can then plan ahead for such efforts and budget accordingly.

If SB 538 is enacted and Deschutes County initiates such a program, an extensive evaluation of land characteristics, land use patterns, commercial farming and forestry practices, water availability, among other factors would be conducted in the preparation of the definitions. Accurately designated resource lands would retain their Comprehensive Plan and Zoning Map designations. Lands proposed for re-designation would be limited to rural non-resource land uses consistent with the Statewide Planning Program.

Thank you for the opportunity to provide comments in support of SB 538.

Sincerely,



Nick Lelack, AICP
Interim Community Development Director, Planning Director

cc: Deschutes County Board of Commissioners
Alan Unger, Chair
Tammy Baney, Vice Chair
Anthony DeBone, Commissioner
Tom Anderson, County Administrator