



133 SW Second Ave., Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org  
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389  
Willamette Valley Office • 220 East 11<sup>th</sup> Avenue, Suite 5 • Eugene, OR 97401 • (541) 520-3763 • fax (503) 575-2416  
Central Oregon Office • 115 NW Oregon Ave #21 • Bend, OR 97701 • (541) 719-8221 • fax (866) 394-3089

March 14, 2013

To: House Committee on Land Use  
State Capitol  
900 Court Street NE  
Salem, OR 97301

Re: HB 3040

Dear Chair Clem and Members of the Committee:

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms and forests, and provide transportation and housing choice.

Thank you for this opportunity to testify on HB3040, which features a tale of two land uses: farming and solid waste disposal sites.

**This bill protects Exclusive Farm Use Land (EFU) and agriculture, a growing industry with a growing need for land, from solid waste disposal sites, an industry which has not demonstrated a need for land with Class 1 or 2 soils or EFU land.**

In 1963 in the early days of the zoning and deferential tax treatment of farmland, EFU zoning contained only six uses other than farm use. That list of non-farm uses allowed on EFU land has grown in almost every legislative session. Today, the list of nonfarm uses allowed in exclusive farm use zones approaches 50.

The list has expanded over the years to be responsive to changing needs. While some uses, such as farm stands and some wineries, may be allowed outright by counties, other uses require a conditional use approach or a county finding that the proposed use will not have significant adverse impacts on nearby farmland.

The most common non-farm uses approved by counties include “commercial activities in conjunction with farm use” (for example, seed cleaning, fertilizer sales, and berry processing), “home occupations” (home-based businesses with no more than five employees) and “utility facilities necessary for public service” (such as wastewater treatment, cell towers and electrical substations).

Examples of other potential uses of farmland include: mining of mineral and aggregate resources, solid waste disposal sites, rural transportation facilities and private and public parks, although some of these and other uses are restricted in “high value” farm areas as described at ORS Chapter 215.710, or within three miles of UGBs as described at OAR 660-033-0120 Table 1 and -0130(2). Solid waste disposal sites, buildings, and facilities associated with them are referred to as a sub 2 use, or a conditional use.

Farming is a critical industry in Oregon, and EFU land is the basis of this industry.

- The issue this bill addresses is the consumption of our best farmlands

- Agriculture is the #2 economic sector in the state and in the WV
- It is 15% of the state's economy
- 1 in 8 jobs in the state is related to agriculture
- The current hotspot when you talk about job creation is traded sector because traded sector industries bring in dollars from out of state, growing the state's economy
- Agriculture is traded sector – 80% is shipped out of state and 40% out of the country, all of which brings fresh dollars into the state to grow our economy
- Agricultural sales have grown relatively steadily over time, something no other industry sector can say. Those sales rely on a growing agricultural land base.
- Class I and II soils are critical to this economic engine
  - The dizzying array of produce that we grow in the WV is due to these lands
  - The high-value crops and seeds we are able to grow are due to these lands
  - We must protect and have had policies in place to protect these high-quality lands.

Not only that, farming is a growing industry in Oregon. The past two years have shown a return to strength in Oregon agriculture with year over year growth in farm sales. ODA has identified in its 2011 State of Agriculture Report to the legislature the need to strengthen land use laws protecting farmland, stating: “Other pressures on ag lands include energy facility siting and transmission, rural residential developments, aggregate mining, parks, and other non-farm uses. We urge the strong support by policy makers of agriculture land preservation for agriculture use.”

By contrast, solid waste disposal does not currently have the need to grow on to farmland. The Department of Environmental Quality has reported in its 2011-2012 report to the Legislature that there is sufficient landfill capacity.

Oregon has 27 operating municipal solid waste landfills and one municipal solid waste energy recovery facility. Ninety landfills have closed in the past two decades, as environmental requirements of landfills have evolved to require lining and as the industry has evolved.

“Many landfills that remain open are larger facilities that accept waste from regional rather than local areas. **Some of these landfills are among the nation's largest, providing Oregon with sufficient disposal capacity for many years to come**”

Oregon continues to receive a significant amount of landfill bound waste generated outside of Oregon. In 2011, about 36 percent of the waste disposed of in Oregon's municipal solid waste facilities was from outside the state. Per capita solid waste production has actually been decreasing since 2007. As technology, recycling, and composting have increased the generation of landfill bound waste has decreased.

Solid waste facilities other than solid waste landfills are conditional uses under 215.213 (2)(j) as well, and some 40-55 compost facilities, 140 transfer stations, and a handful of sludge lagoons and other facilities meet the definition of solid waste facilities.

According to my conversation with DEQ staff, DEQ does not specifically track the underlying zoning of solid waste facilities, so there is no easy database of the number or acreage of EFU under solid waste sites. My cursory review of DEQ permits associated with the 27 municipal

solid waste landfills and a subset of 66 solid waste disposal sites would indicate that roughly half were sited on EFU land.

Eliminating solid waste landfills as a conditional use on EFU land will not eliminate solid waste landfills. Existing capacity and other land use zones can accommodate the industry.

Thank you for consideration of our testimony.

Sincerely,  
Jason Miner  
Executive Director