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April 7, 2015

Representative Brian Clem, Chair  
Committee Members  
House Committee on Rural Communities, Land Use and Water  
Oregon State Capital  
900 Court Street, NE  
Salem, OR 97301

RE: House Bill 3367

Stahlbush Island Farms, Inc. respectfully submits comments in support of Oregon House Bill 3367, which is currently under review for the 2015 Legislative Session. We thank the House Committee on Rural Communities, Land Use and Water for the opportunity to provide testimony.

Stahlbush Island Farms is a family-owned farm and food processing company based on Stahlbush Island in Corvallis, Oregon. Our farms are third-party certified for meeting the highest standards of sustainability, organic farming and food safety. Bill and Karla Chambers founded the company in 1985, with only 2 employees and 2 crops. In less than 30 years, they have grown the business to include nearly 5,000 acres of farmland and approximately 590 local jobs. The growing business contributes greatly to the local economy. Our business supports a vast network of local vendors, including thousands of acres contracted with local farmers.

House Bill 3367 clarifies that a recreational trail on land zoned for exclusive farm use is not an outright permitted use, and would therefore require a Conditional Use Permit. This important clarification closes a potential loophole in existing law, and ensures due process for the protection of valuable farmland. The loophole exists because of the ambiguity between OAR 660-012-0065 and ORS 215.213, where the former indicates a recreational path could be approved without meeting any review requirements. House Bill 3367 addresses this ambiguity by clearly requiring any recreational trail on EFU lands to receive a Conditional Use Permit.

Recently in Benton County, a recreational trail was proposed between Albany and Corvallis that would go right through high-value farmland, some of the most productive in the country. Because of the ambiguity mentioned above, the County Planning Staff was

initially unsure as to whether the trail required a Conditional Use Permit. However, Staff chose to be conservative and require the Conditional Use Permit and public process.

This decision allowed complete public participation as the permit application was reviewed by the Benton County Planning Commission. 100% of the farmers impacted opposed this proposed trail, and went to great efforts to educate the Planning Commission regarding the impacts to farming and their businesses. After much discussion and deliberation, the Commissioners voted unanimously that the proposed path did not meet any of the land use criteria for EFU lands, and therefore denied the application. In this case, the requirement of a permit ensured that high-value farmlands were protected, as is the intention of Oregon State Law.

If Benton County Planning Staff had not required the Conditional Use Permit, it is possible this recreational path could have been approved without appropriate due process. The County intended to use eminent domain to gain access to the farmland, and showed a complete disregard for the potential impacts on farming and farmland. Clearly, if the permit had not been required, a trail would have been pursued and built that was not in the best interest of the County. This lack of regulatory clarity and control allows the potential for corruption. It is not responsible for the State of Oregon to leave this potential loophole open.

In the case of the Benton County bike path, public process stopped the implementation of a poor proposal before it was too late. This same process improvement needs to be made at several levels in the State government. At all levels, we need to ensure due process and ethics. For example, \$2 million of ConnectOregon funds were awarded to this bike path, in spite of serious flaws and inaccuracies in the application. If a better review process been required and enforced, much time and money would have been saved, and those dollars could have been allocated directly to deserving projects.

Stahlbush Island Farms does NOT oppose biking or multi-use paths. We support improvements that strengthen the health and wellness of communities, including the protection of valuable and irreplaceable farmland. We also support the continuing focus on ethics in government. With the approval of House Bill 3367, proposals will be reviewed for the long-term protection and benefit of Oregon communities. We strongly urge you to support the passing of this bill.