



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>



March 14, 2017

**TO: The Honorable Brian Clem, Chair
House Committee on Agriculture and Natural Resources**

RE: House Bill 2893

Thank you for the opportunity to provide written testimony on House Bill 2893. The bill, as introduced, reprioritizes exclusive farm use (EFU) zoned lands with Class VI, VII, and VIII soils to make them first priority for being added to an urban growth boundary (UGB), along with lands that are planned for future urban development (“urban reserves”), are planned for rural development (“exception” areas), or are designated by the county as “non-resource” lands (i.e., not capable of productive farm or forest use). Such soils would also be prioritized as being among the first priority for being added as urban reserves. This bill would codify both reprioritizations in statute.

For UGBs, the current prioritization of lands is outlined in statute at ORS 197A.320, and further defined in administrative rules. The Land Conservation and Development Commission (LCDC) has adopted administrative rules that set forth such a “priority” system, with urban reserves, “exception” lands, and “non-resource” lands being given higher priority than farm and forest lands, and lower productive farm and forest lands being given higher priority than more productive farm and forest lands. This recent adoption of these priorities was part of the UGB amendments from 2013 (HB 2254¹).

For urban reserves, the current prioritization of lands is in administrative rule. LCDC has adopted a similar prioritization scheme as described above, with “exception” lands and “non-resource” lands being given higher priority than farm and forest lands, and lower productive farm and forest lands being given higher priority than more productive farm and forest lands. The bill would require amendments to existing administrative rules regarding OAR chapter 660, division 21 (urban reserves), and divisions 24 and 38 (urban growth boundaries).

A decision to allow these lands into a UGB or urban reserve with equal priority to lands that are not suited for farming undermines the protection of productive agricultural lands. Class VI soils are used extensively for farming and ranching, irrigated or not. Class VII and VIII soils are

¹ HB 2254 (2013) directed LCDC to adopt rules for a simplified UGB process and also directed LCDC to adopt rules related to the prioritization of lands to be added to UGBs for both the new simplified process as well as the traditional process. Note that HB 2254 applied only to cities outside Metro.

generally not irrigated and are used as rangeland and not for cultivated agriculture, but they do contribute in a significant way to the ranch economy.

There is an existing process for determining whether such lands are unsuitable for agricultural production, which is for a county to adopt a non-resource land designation; several central and eastern Oregon counties have adopted such designations. In defining non-resource lands, a county will consider other factors contributing to whether land is viable for agriculture than simply the soil class.

Effect of the-1 Amendment

The proposed -1 amendment to HB 2893 reduces the negative effects significantly by removing reference to Class VI soils and limiting the scope of the bill to urban reserves through a rulemaking process.

The department believes that amending the administrative rule on urban reserves, as the -1 amendments do, is preferable to putting urban reserve priorities in statute, as the introduced bill does. There is currently no statutory provision regarding urban reserves priorities outside the Metro area.

Despite this proposed amendment, the department maintains that the proper policy for considering these lands already exists: for counties to identify non-resource lands.

Thank you for this opportunity to provide you with information about HB 2893. If committee members have questions about this testimony, please contact Ellen Miller at 503-934-0020 or through email at ellen.l.miller@state.or.us.

Copy: Lauri Aunan, Governor's Office
Greg Macpherson, LCDC Chair