



American Planning Association  
**Oregon Chapter**

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*Making Great Communities Happen*

March 9, 2017

Representative Brian Clem, Chair  
House Committee on Agriculture and Natural Resources  
Oregon State Legislature  
900 Court Street  
Salem, OR 97301

RE: Oregon Chapter of the American Planning Association testimony to the House Committee on Agriculture and Natural Resources regarding House Bill 2023.

Dear Chair Clem and Committee Members,

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 members that provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change.

Our organization has reviewed House Bill 2023 and opposes the bill as drafted. **We respectfully ask that the Committee not move the Bill to the House for a vote** for the following reasons:

1. The Bill treats one region of the state, the Columbia Valley Area of the American Viticulture Area (AVA), differently than other regions, for no apparent reason. The Bill would establish a precedent showing favoritism for a special interest while potentially compromising protection of farmland. If the reasons are compelling for one region, for example to streamline the land use regulatory process in order to meet the State's Renewable Portfolio Standard (RPS), then we encourage the committee to consider a change to all AVA's, not just the Columbia Valley AVA.
2. If reasons justify a change in the definition of "high value farmland" in one region, we encourage the Committee to determine whether the applicable law merits statewide reconsideration. For example, the committee may want to evaluate whether solar siting standards should have unique definitions of farmland, e.g. related to an AVA, or, whether the siting standards should defer to "high value farmland" standards found elsewhere in ORS 195.300. To that end, the Land Conservation and Development Commission should be the entity to evaluate the Administrative Rules found in OAR 660-033-0130(38).

3. The Bill is intended to allow developers and energy providers (utilities and cooperatives) avoidance of the exception process, a process that is intended to allow a local government to weigh the merits of an individual proposal, on an individual, case-by-case basis. The exception process is the correct mechanism to balance protection of agriculture with impacts from development, with the benefit of limiting the use allowed under an exception to a specific property.
4. As Planners we constantly balance Goal 3, farmland protection, with impacts of non-farm development. We recognize there is a need for energy development and much of that will occur on farmland. This is a matter of premiere importance that we believe the legislature and LCDC should consider holistically, not with a piecemeal approach such as is proposed in this bill.

For the forgoing reasons, OAPA recommends HB 2023 not pass out of committee. Thank you for considering our testimony.

Sincerely,



Jeannine Rustad, JD, President

Oregon Chapter of the American Planning Association