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[HB2893 Chair Clem letter.pdf](#)

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Senator Dembrow,

It has come to our attention that you will consider the –A5 amendments to HB 2031 this afternoon at a work session. We wanted to get you a copy of the multi-agency letter we submitted in the House Agriculture and Natural Resources Committee for the original bill HB 2893. The –A5 is different from HB 2893 as introduced and only applies to soils outside of the Bend UGB. However, the concerns expressed in the letter remain.

Please let me know if we can provide any additional information.

Sincerely,



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# Oregon

Kate Brown, Governor

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April 12, 2017

Representative Brian Clem, Chair  
House Committee on Agriculture and Natural Resources  
900 Court Street NE, H-478  
Salem, Oregon 97301

Dear Chair Clem,

Thank you for the opportunity to provide additional information regarding HB 2893. Our comments address the -6 amendments.

The bill as amended would alter state statute related to the expansion of urban growth boundaries to allow lands that are currently zoned for agricultural use and that contain Class VII and VIII agricultural capability soils to be included within an urban growth boundary ahead of lands currently ear-marked as higher priority (eg. urban reserves, non-resource zones) for inclusion before agricultural lands.

We offer the following comments for your consideration:

1. **Agricultural Productivity:** As drafted, the bill focuses on soils considered to be "poor" as evaluated by the USDA Natural Resources Conservation Service (NRCS). The NRCS (soils) agricultural capability classification system rates or classifies soils based upon a soil's capability for cultivation, that is to say the arability of soils. Agricultural capability is rated from Class I to Class VIII, with Class I soils being the best (few limitations) and Class VIII being the poorest (with severe limitations).

This system does not consider nor rate soils for rangeland and grazing capability. Many soil types that are rated poorly for cultivation can be rated favorably for forage production. This is important to note because the production of cattle and calves is Oregon's number 1 ranked agricultural commodity in terms of production value. SB 2893 does not

consider the grazing capability of agricultural.

2. **Agricultural Infrastructure:** HB 2893 would apply to all lands east of the Cascades. There are several cities on the east side that have poorer soils along with better soils adjacent to their UGB. Some have irrigation and irrigation delivery systems that utilize this “poorer” land. For example, in Bend, one can see there are several irrigation districts that abut the UGB. While the canals run over areas of “poor” soils, they provide water to areas of “higher” productivity.
3. **Agricultural Productivity:** As you may remember, many issues were raised regarding the central Oregon irrigation districts trying to pipe open canals. The bill provides no consideration to the potential implications of new nonfarm or urban development on this important agricultural infrastructure.
4. **Compatibility of Adjacent Agricultural Lands:** HB 2893 does not require any consideration of the impact of future urbanization on agricultural operations located near an expanded urban growth boundary. For example, irregular shaped UGBs that create many edges or protrusion out into agricultural lands can be problematic maintaining viable farming operations located near an UGB.
5. **Fire and Natural Hazards.** The department understands that this bill arises – at least in part – out of concerns from Bend of the increased fire risk from growing to the west. Assuming that is the intent, the department would support analysis and determination of when high fire hazard areas should be avoided. For example, the department amended its rules in 2016 to give cities greater flexibility in avoiding lands with certain natural hazards (i.e., mapped tsunami inundation zones, special flood hazards areas, landslides).
6. **Urban Reserves:** The urban reserve process is an effective tool currently in place to address where cities should grow. Several cities, including the City of Redmond, have effectively used this tool to plan for the cities growth. Urban reserves provide flexibility to determine the best areas for growth and what agricultural lands should be protected. If there are concerns about the urban reserve process, we welcome a discussion about that process; perhaps borrowing some tools from the Metro or other reserve processes from around the state.
7. **Wildlife Habitat:** Most county acknowledged comprehensive plans include protections for natural resources through Statewide Planning Goal 5, which includes resources such as wildlife habitat. However, many of the wildlife standards relied upon by the Oregon Department of Fish and Wildlife (ODFW), such as those for protecting big game winter range, are

linked to the resource zoning for agricultural and forestland, through minimum lot size protections. In general, big game and other wildlife need habitat that provides a combination of food, water and security to survive and reproduce. Abundance, distribution and connectivity of these habitats are critical to species survival and may vary seasonally depending on a specific species dependence on migratory behavior. For example, big game winter range for deer and elk include areas identified as providing essential and limited function and values, such as thermal cover and adequate nutritional quality during winter months. It is important to consider natural resources not only for maintaining habitat connectivity and conservation of those resources for present and future generations, but also to consider the potential for wildlife conflict and public safety associated with increased urban development.

HB 2893 raises important and complex issues. The Departments of Agriculture, Land Conservation and Development, and Fish and Wildlife would welcome an opportunity to work with proponents on the most effective ways to address protection of agricultural lands and eastern Oregon cities' urban growth needs.

Thank you for your consideration. Please do not hesitate to contact us if you have questions or need additional information.

Sincerely,

Lisa Hanson, Deputy Director  
Department of Agriculture



Carrie MacLaren, Deputy Director  
Department of Land Conservation and Development



Shannon Hurn, Deputy Director  
Department of Fish and Wildlife

