

**Gregory H Macpherson
29626 Church Drive SW
Albany, Oregon 97321**

February 7, 2023

Sent Via Electronic Mail

Senator Jeff Golden
Senator Fred Girod
Senator Floyd Prozanski
Senator David Brock Smith
Senator Kathleen Taylor

Re: Testimony in Opposition to SB 70

Chair Golden and Members of the Committee:

The following testimony is provided for the public hearing on Senate Bill 70 set for the Committee's meeting tomorrow.

Following several terms in the Oregon House of Representatives I served from 2009 to 2017 on the Land Conservation and Development Commission, including as Chair for the last three of those years. Our Commission held many of its meetings around the state in order to learn about the needs and concerns of local communities impacted by the statewide land use planning program. In addition to the official business on the meeting agenda we would tour the area in and around the city and meet with members of the community.

One of the LCDC meetings I presided over as Chair was in Ontario. In our tour of the area we saw the fertile lands that make northern Malheur County such a productive part of the state and met with farmers. We also saw the agricultural processing facilities and equipment dealers in Ontario, Nyssa, and Vale that serve the farmers of the area. From that experience we learned that agriculture is the lifeblood of northern Malheur County

I am now settled on the farm in Linn County that has been in my family for four generations. In 2019 I planted a hazelnut orchard there, immersing me in a refresher course on what successful agriculture requires. Farming necessarily involves equipment noise, dust, chemical spray, and odors. New residents do not realize this when they decide to move to the country and are often irritated by normal ag practices. Tractors moving at 15 mph on country roads designed for that speed are put at risk by vehicles traveling over 60. The more residential development encroaches on farmland the harder it is to maintain a viable agricultural economy.

The 2021 session passed Senate Bill 16 by a very narrow margin in both chambers to permit an encroachment of residential development on farmland in northern Malheur County. Among the talking points by those promoting SB 16 was the exception in the bill preventing the new development from occurring on "high-value farmland as defined in ORS 195.300". The purpose of this exception was to offer protection for lands with good productive capability. Now the promoters of development on Malheur County farmland have come forward with Senate Bill 70

to get more acreage by changing the definition of "high-value farmland". It's like the proverbial camel whose nose is under the edge of the tent and keeps pushing forward.

In the face of this brazen attempt to capture more farmland, it is useful to be reminded of the damage it does to Oregon's statewide land use planning program that has operated so effectively for nearly 50 years. A fundamental principle of the program is that new residential, commercial, and industrial uses, with limited exceptions, must be located within an urban growth boundary and that the conversion of farm and forest lands to such urban uses can occur only through a deliberative process of expanding the UGB based on demonstrated need. There has been no showing that the UGBs of Ontario, Nyssa, and Vale cannot accommodate the housing that would be sited on the lots SB 70 would permit.

Passage of SB 70 would invite anyone who wants to develop on farm or forest land anywhere in the state to pursue legislation to accomplish it. The cumulative effect of such efforts would be to turn the legislature into a super planning commission for all of Oregon. The state is far better served by maintaining the integrity of a system under which decisions are made based on sound planning principles and not raw political muscle.

Therefore, I urge the Committee not to move SB 70 forward through the legislative process.

Sincerely,



Gregory H. Macpherson

cc: Oregon Legislative Information System (OLIS) testimony portal