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To: The Oregon Senate

To Whom It May Concern:

This document is written to be admitted as testimony intended for the Oregon Senate that is for passage of **“Proposed Amendments to Senate Bill 85”, or SB 85-1.**

I am Eric Urstadt. I am the owner of Aspen Rural Land Consulting, a small business in Oregon that specializes in projects involving engineering, surveying, permitting, water rights, land use planning and forestry in rural areas. I am a licensed Professional Geotechnical Engineer and Logging Engineer, a Professional Land Surveyor, and a Certified Water Rights Examiner. In the past I was the lead logging and geotechnical engineer, land surveyor, and water right person managing member of a 4-office engineering, surveying, and forestry firm with about 35 employees in Oregon. I sold that business and started my own business to concentrate on problem solving instead of business management. Because of that experience, I am very familiar with agricultural, forestry, and land development issues in the rural areas of Oregon.

SB 85-1 pertains to Confined Animal Feeding Operations (CAFO’s). Put simply, it would be wise for Oregon to pass the proposed legislation so that studies can be done to assist the regulatory agencies to protect rural Oregonians and their communities from adverse effects from certain CAFO’s.

I am not an expert on all CAFO’s or what should constitute a CAFO. Also, I typically stand for less government legislation and more private property rights; but in this instance, the various regulatory agencies need some time to catch up with the quickly changing animal “farming” operations. The spread of CAFO’s on farmland has become a problem.

Oregon Land Use regulations are intended to protect farm and forest lands from residential and industrial development, and keep them for farming and timber production. I believe this is “Goal 1” of the Land Use rules. It is goal 1 for a reason. This is one of the most significant goals for land use planning in Oregon. Oregon saw that farm and forestry lands were changing quickly to residential and industrial, and Oregon went down the path of having the government take that private right away from landowners and instead, for the benefit of the public, regulate and discourage changes in uses from farming and forestry to residential and industrial.

CAFO’s are “Confined” Animal Feeding Operations. It is clear the intent of the confinement of the animals is to produce animals faster. If animals cannot move and are fed the same, they grow bigger and faster because they do not burn calories. CAFO’s are highly intensive operations that are intended to grow the greatest number of animals in the shortest period of time. I am not against growing animals for food quickly; however, CAFO’s are not the “farming” that was envisioned by the land use code when land use regulations were created.

I have seen both chicken and cattle CAFO's, and found them quite disgusting to see. As a result, I do not eat much meat from stores anymore, and I'm certain that many people would find the animal treatment barbaric, but that is not the subject of this document. The point is that CAFO's are not really "farming" operations. The farming that was intended by the land use regulations did not envision large buildings, roads, and machines covering the farmland. Farmland was intended to be left in a semi-natural state, where plants grew. CAFO's are different in that they can grow their "farm" animals inside a large building before processing the animals into food products. Would paper mills be considered a "forestry operation" if they could fast grow their fiber sources inside large buildings? I don't think so. It is the same with CAFO's; CAFO's are industrial operations that use animals. CAFO's are industrialized agriculture.

Similarly, forest land was not to be changed to sawmill operations. Although sawmill operations have timber products in them, they are much different than forestland growing trees. Allowing a sawmill on a forestland would hugely change in the land use and rural character of the area. It is the same for CAFO's.

Land Use regulations in general have residential, commercial/industrial zones, and farm and forestry zones. Zones are locations that are areas where a limited type of business or development is allowed by the government. Zone with similar uses were placed and grouped together thereby minimizing adverse effects from uses that do not fit well together. So an industrial use cannot be created in a residential zone, and a residential use cannot be developed in a farm zone. In general, these zones are created such that uses of one type are located grouped in certain areas to avoid adverse effects on other zones, and to make efficient use of utilities and transportation systems (such as, ships, train, airplane, and trucks).

If you look at most CAFO's you will see that they typically require

- many employees,
- require much electrical or other power source,
- utilize lots of fresh water,
- expel contaminated water that needs to be treated,
- expel foul odors and air pollution,
- need parking and good transportation systems
- have loud noises, and
- need lighting.

These are also attributes of most industrial operations. These attributes are problematic to rural areas and communities and do not fit well with the normal farming uses that were expected by "farm" use zones.

Are CAFO's really farming operations that should be allowed in farm zones? I say no.

Farming and timber land zones were expected to mainly use the native soil, vegetation, and water of the land to produce a product using native, soil, and water on the lands. Equipment, seed, and fertilizer was expected to be brought onsite to aid the site to grow the crop (the product), but not envisioned to be a major factor. Contrarily, industrial uses typically import most, if not all, raw materials to the site, and the native soil or vegetation has no real impact on the industry. For example, many factories have raw materials coming in via rail, truck, or ships. Then the factory converts the raw materials into a product.

An industrial area is composed mainly of buildings, storage areas, and transportation facilities and parking for employees. This is basically what many CAFO's are. They are industrial operations that just happen to utilize a "farm animal" as a raw material.

The typical farming and forestry uses that were envisioned in the farm/forest zones of Oregon blend in with the rural environment. The zoning rules were written to prevent intensive development of these zones for industrial or commercial uses. Some uses are for logging and timber productions, some are for raising goats, some are for growing flowers, and some are for raising livestock, but they all typically blend together and have little impact on nearby farm uses and the rural community as a whole. Some farm uses have large machinery from time to time, but the impacts are intermittent, and changing over time.

CAFO's and farming areas and communities just do not go along well together, which is the reason for this legislation.

Rural farming and forestry areas do not have usually have services, utilities, and a transportation system adequate for an industrial operation.

- Typically, shipping, rail, air, and highways are NOT in the rural areas and/or are not designed to access the rural areas. If an industrial operation is allowed in a rural area, the existing rural transportation development system may not perform adequately and will often cause problems.
- Rural areas typically DO NOT have access to the utilities needed by CAFO's such as municipal water supplies, large electrical connections, water treatment (sewer) connections, natural gas connections.
- Rural areas typically DO NOT have fire departments that are equipped and personnel are not trained to handle fires in industrial operations.

Rural farming and forestry communities near CAFO's will be significantly and adversely effected by the noise, light, increased heavy traffic, pollutants, and odors of an industrial operation in the area.

- CAFO's will likely have large lighting that can be seen miles way.
- Some CAFO's and other industrial uses produce very unpleasant odors that can be smelled miles away. These unpleasant odors are very offensive and lower or ruin the values of nearby lands. A rural church, school, or park would be devastated by these odors.
- CAFO's and other industrial operations can have vibrations and noises that are 24 hours a day.

It is clear that not all rural areas are the same, and that not all CAFO's are the same, but there are some CAFO's that cab create significant large problems within an area – especially as regulated today. Please pass SB 85-1 and give Oregon time to determine proper adjustments to land use regulations and other regulations to prevent further damage to rural areas.

Sincerely,

Eric Urstadt, PE, PLS, CWRE