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EXHIBIT: D  
LAND CONSERVATION & DEVELOPMENT  
COMMISSION  
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SUBMITTED BY: 1000 Friends

January 16, 2008

Land Conservation and Development  
Commission  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

Re: Administrative Rule on Urban and Rural Reserves - OAR Chapter 660, Division 027

1000 Friends of Oregon participated in the informal work group that helped to craft Senate Bill 1011, and was a member of your administrative rule work group to draft these proposed rules. We support adoption of the January 8 draft rule, with a few clarifications. Generally, those clarifications are consistent with the letter submitted by the City of Portland.

#### General Comments

Before getting to the substance of those clarifications, we would like to make some comments as to why we, and others who care about the future of agriculture in this state, care so deeply about this process on which the Metro region is about to embark.

Oregon is blessed with some of the world's best farm land. This land provides tens of thousands of jobs and is a source of healthy local food, a resource for our energy needs, and an alternative to fuel-intensive shipping of food from thousands of miles away.

It is also a key component of Oregon's economy. Agricultural sales in Oregon continue to set new records each year – now topping about *\$5 billion*. Combined with value-added processing and all other ag-related goods and services, the industry generates about *\$12 billion* in economic activity throughout the state, which is about 10 percent of the state gross product. One in 12 jobs in the state is related to agriculture.

The value of Oregon agriculture has increased in 17 of the past 19 years. *It is unlikely that any other industrial sector has recorded so remarkable a rate of growth.*

Oregon agriculture is equally remarkable for its diversity - our growers produce more than 220 different commodities in all 36 Oregon counties. The Portland metropolitan area is both the major urban area of the state and the heart of much of this agricultural richness. The region's soils and climate produce the largest diversity of crops in the state as well as some of the highest value farm products.

Clackamas and Washington counties are the # 2 and # 3 ag-producing counties in the state in terms of value. Multnomah County, the county with the most population and the least land area, still ranks 14th out the 36 Oregon counties in the total value of agricultural production, and 6th in value of production per square mile.

The region's agricultural economy impacts both sides of the UGB, is key to the health of the agricultural industry in the Willamette Valley, and is inextricably linked to the whole state. Multnomah County is #1 in the state in food processing. At the Port of Portland, agricultural products are the #3 most valuable product exported, and the #1 in volume.

The region's farm land also contributes to a sense of place, providing the landscape background for all who live in this area. Yet, this economic and natural resource does **not** start out on an even playing field with more traditional urban uses, for the following reasons:

- Urban growth boundaries and urban reserves are permanent, rural reserves are not.
- Urban land – whether UGBs or urban reserves - always expands, it never contracts.
- Rural lands always contract, they never expand.

Senate Bill 1011, and these rules, represent a trade-off. Under this, Metro, local governments, and urban land development interests may evaluate lands outside the UGB for urban reserves, based on their inherent urbanization potential. This evaluation is not directed only by the soil capability of the land. In exchange, those lands necessary for a viable agricultural economy are to be protected long term as rural reserves, based on a more comprehensive methodology developed by the Oregon Department of Agriculture. It makes no sense for those concerned about the future of agriculture in Oregon to trade-in the current "hierarchy" in ORS 197.298 that protects the best quality *soils*, without getting a similar level of protection through use of this new methodology.

The Oregon Department of Agriculture methodology has identified those lands considered to be "Foundation" and "Important" to the region's agricultural industry. Its criteria are incorporated into the proposed rule, in OAR 660-027-0060. The rule further states that Foundation Lands can only be designated as urban reserves if Metro makes findings showing that it has evaluated all other non-Foundation lands and that designation of Foundation Land as urban reserve best achieves the rule's purpose.

During the advisory committee meetings, some interests expressed a desire to draft a rule that avoids litigation. Crafting language to avoid litigation is bad policy. Designation of urban and rural reserves is the most important step the region will take to determine the shape of the Metro area for decades. The public will be very involved. The decision-making may well be contentious. It might even result in litigation. That's OK – it shows people care about where they live, work, and play. The advisory committee should craft, and LCDC should look for, the substantive policy it wants, stated as precisely as feasible. There should be standards in the rule by which the Commission can evaluate whether Metro and the counties have done their job right. And if they do not, or the Commission does not, there should be an appeal route. **That's** good policy.

### **Specific Comments**

We agree with the language changes recommended by the city of Portland., as follows:

- **660-027-0005** (page 1, line 2): Change title of this section to "Purpose and Objective," since in other parts of the rule, the substance of this section is referred to as the "Objective." However, we do not see a reason to separate subsection (2) into (2) and (3).
- **660-027-0005(1)** (page 1) and **-0040** (pages 3-4): It is important to use the active voice and consistent verbs, so it is easy to determine what action is expected, and who is expected to do it. We agree with Portland's recommended language.

- **660-027-0020(1)** (page 3, line 2): Delete the word “simultaneously.” This was never discussed, much less agreed to. Insertion of it changes the previous understanding of how this rule would work - that is, if the region chooses to designate urban reserves, it must make a choice as to which law it will proceed under.

Thank you for consideration of our comments.

Sincerely,

Mary Kyle McCurdy  
Senior Staff Attorney  
1000 Friends of Oregon

