

**Land Conservation and Development Commission Public Hearing
Testimony of Wilsonville Mayor Charlotte Lehan
Gresham, Oregon
January 23, 2008**

EXHIBIT: _____
LAND CONSERVATION & DEVELOPMENT
COMMISSION
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SUBMITTED BY: Mayor Lehan

Chair VanLandingham and Commission Members;

Thank you for the opportunity to speak to you today regarding SB 1011 and the role of Foundation Agricultural Lands, Industrial Reserves, and Regional Decision-making.

As one of Oregon's fastest growing cities with more than a third of our land zoned industrial, Wilsonville is not opposed to growth and economic development. But we have consistently supported agriculture as an essential part of the Oregon economy and because we sit on the edge between the Portland Metro region and the vast agricultural lands of the Willamette Valley, we take seriously our responsibility to protect Oregon agriculture as an industry with similar needs for access to resources, markets, and transportation as any other industry.

Foundation Agricultural Lands

Part of the intention of SB 1011 was to develop protection criteria for Oregon's prime agricultural lands that took into consideration more factors than just the hierarchy of soils in determining which agricultural lands are the "best of the best". We support the 2007 Oregon Department of Agriculture technical report that identified multiple levels of priority for agricultural lands based on a broad range of factors. The highest level, Foundation Agricultural Land, was found to be the most important for the "viability and vitality of the agricultural industry".

We strongly support the addition of the draft language in OAR 660-027-0040(11) (below) that was approved by the Urban/Rural Reserves Working Group to require a higher level of scrutiny and alternatives analysis prior to considering converting any Foundation Agricultural Land to urban uses.

(11) Because the January 2007 Oregon Department of Agriculture report entitled "*Identification and Assessment of the Long-Term Commercial viability of Metro Region Agricultural Lands*" indicates that Foundation Agricultural Land is the most important land for the viability and vitality of the agricultural industry, if Metro designates such land as urban reserves, the findings and statement of reasons shall explain, by reference to the factors in OAR 660-027-0050 and 660-027-0060(2), why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this rule.

If the rules under SB 1011 do not offer at least the same level of protection for Foundation Agricultural Lands as we had under the hierarchy of soils criteria, then we are probably better off with the established EFU system which at least protects the best agricultural soils.

Industrial Reserves Designation

The designation of "industrial reserves" as suggested last session by SB 186 was thoroughly considered and soundly opposed by a broad cross section of urban and rural stakeholders. The concept did not move forward after the Senate committee hearing and should not be resurrected in the rules for SB 1011.

Regional Decision-making

Under the January 8, 2008 proposed rule, page 4, 660-027-0040 (10), designation of Urban and Rural Reserves:

(10) Metro and those counties with which Metro has an agreement under this division shall identify, consider, evaluate and designate proposed urban and rural reserves concurrently and in coordination with one another. **These local governments shall adopt a single, joint set of findings and statement of reasons that demonstrates how they applied the factors in OAR 660-027-0050 and OAR 660-027-0060 when identifying, considering, evaluating and comparing areas for designation.** The findings and statement of reasons shall explain why the local governments selected the areas designated as urban and rural reserves and how the designated reserves achieve the objective set forth in OAR 660-027-0005(2).

The notion that one single decision must be made between all three counties and Metro appears to go far beyond what was intended in SB 1011. What the Legislature agreed to and what is in the statute is:

(2) An agreement between a county and a metropolitan service district to establish rural reserves pursuant to section 3 of this 2007 Act and urban reserves pursuant to ORS 195.145 (1)(b) must provide for a coordinated and concurrent process for adoption by the county of comprehensive plan provisions and by the district of regional framework plan provisions to implement the agreement. A district may not designate urban reserves pursuant to ORS 195.145 (1)(b) in a county until the county and the district have entered into an agreement pursuant to ORS 195.145 (1)(b) that identifies the land to be designated by the district in the district's regional framework plan as urban reserves. A county may not designate rural reserves pursuant to section 3 of this 2007 Act until the county and the district have entered into an agreement pursuant to section 3 of this 2007 Act that identifies the land to be designated as rural reserves by the county in the county's comprehensive plan.

(3) A county and a metropolitan service district may not enter into an intergovernmental agreement to designate urban reserves in the county pursuant to ORS 195.145 (1)(b) unless the county and the district also agree to designate rural reserves in the county.

(emphasis added)

As written, this rule would require that instead of a county and the district reaching a decision on what lands to designate as reserves, all would have to agree. This requirement could make any decision far more contentious than necessary and may encourage political deal-making and trade offs which this legislation was intended to help alleviate.

I am raising this as an issue for your consideration and to bring this concern into the record.

Thank you.