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January 23, 2008

Testimony Before the
Land Conservation and Development
Commission

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

Chair VanLandingham and members of the Commission, I am Don Schellenberg,
Associate Director of Governmental Affairs for the Oregon Farm Bureau.

The Oregon Farm Bureau (OFB) did not take a position on SB 1011 during the
2007 Legislative Session and thus did not serve on your administrative rule work
group. Farm Bureau did, however follow the proceedings. The reason for our
non-involvement as I stated at your last meeting, is that the law does not ultimately
protect one acre of farmland from conversion to an urban use. Simply because of
its population size, the future of agriculture production in the metro area is affected
by urbanization in no other region in Oregon the way it is in the metro counties.

Comments provided to you by 1000 Friends dated January 16, 2008 provide an
accurate and comprehensive description of the environmental and economic impact
of the agriculture industry in the metro region so I will not repeat it. What I can
say is that SB 1011 and the proposed rules will not ensure the continuation of those
benefits to Metro residents in particular or Oregonians in general.

There are two reasons I can say that. First, the decision to identify Urban Reserve
land under this process is a permanent designation while the identification of Rural
Reserve land is not permanent. Thus rural land can be changed to urban land at
anytime in the future. Second, every acre that is removed from agriculture
production weakens the agriculture infrastructure that is necessary for continued
success of the agriculture industry in the area. Neither the statute or these rules
remedy those concerns.

It is clear to us that LCDC must be diligent in adopting rules that meet the purpose and objectives of SB 1011. You must be sure that the criteria and factors adopted provide for the analysis and conclusions that will protect quality farmland. This is important because it is likely that some decisions identifying Urban and Rural Reserves will be appealed right back here to LCDC. Correct analysis and conclusions are doubly important because although this process only applies to the metro region, programs and methods have a way of migrating to other parts of the state.

On a specific issue, we agree with the comments of the city of Portland, 1000 Friends and others that the addition of the word "simultaneously" in 0021(1) is not appropriate. If the region decides to identify urban reserves it must decide whether to make the designation based on the current hierarchy of soil types or this proposed designation based on a consideration of lands for their inherent urbanization potential and a methodology of evaluating agriculture land that evaluates soils as well as the suitability for agriculture production in the area.

Having said that, the Oregon Farm Bureau is today providing general support for the adoption of the proposed Administrative Rule. That support is based primarily on the language change in 0040(11) which recognizes the importance to the metro counties of Foundation Agriculture Land and requires a level of scrutiny that argues for an alternatives analysis before the best farmland can be urbanized.

While other industries are location dependent, agriculture is soil dependent. That is, you can't just pick up an agriculture operation and move it to just any other location, you have to have the right kind of soil. In addition the person owning and managing that operation has an investment and an expertise that has been developed and maybe even handed down for generations. While there may be other land to which a displaced family may move their operation that doesn't necessarily translate into business success. You can't put a western Oregon Blueberry grower on an eastern Oregon cattle ranch and expect the same results. First you can't grow Blueberries there, second he won't have the right equipment and third he won't know how to raise cattle.

The key ingredient to the continued success of the agriculture industry is long range certainty. Perhaps the primary benefit of the bill and these rules is that they will provide for some long range certainty for some agriculture producers in the metro region.

Thank you for the opportunity to comment today.