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February 8, 2021

Sent Via Electronic Mail

Senator Lee Beyer
Senator Lynn Findley
Senator Michael Dembrow
Senator Art Robinson
Senator Kathleen Taylor

Re: Testimony in Opposition to SB 16

Chair Beyer and Members of the Committee:

The following testimony is provided for the public hearing on Senate Bill 16 set for the Committee's meeting of February 9, 2021.

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 where the meeting was held and host an open-invitation roundtable discussion of land use issues with members of the community.

One of the LCDC meetings I presided over as Chair was in Ontario. A focus of that meeting was a proposal to convert a large amount of farmland on the edge of Ontario to industrial use. The chief argument in favor of the proposal was to enhance economic development. But we learned at the meeting that Ontario's urban growth boundary had recently been expanded by a substantial amount and most of the industrial land in the expansion had not developed. The proposal to convert even more farmland did not move forward because there was no demonstrated need for more industrial land.

In our tour during the Ontario LCDC meeting we saw the fertile lands that make northern Malheur County such a productive part of the state. We also saw the agricultural processing facilities and equipment dealers in Ontario, Nyssa, and Vale that serve the farmers of the area. In the roundtable discussion we heard from local people, including farmers. 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.

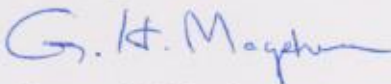
Senate Bill 16 would result in encroachment of residential development on farmland in northern Malheur County. The bill includes provisions that attempt to limit the impact of that encroachment. For example, it requires purchasers of the residential lots to officially sign away the right to object to farming practices. But the inability to formally object does not eliminate the frictions that arise between neighbors. Thus, notwithstanding those provisions of the bill the simple reality is that any new non-farm residences outside urban growth boundaries will make it more difficult to farm.

Furthermore, if Senate Bill 16 is enacted it could do serious damage 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. It was this principle that the proposal to add industrial land to Ontario's UGB a few years ago violated. Similarly, SB 16's addition of up to 100 two-acre rural residences in northern Malheur County is not 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 the bill permits.

Passage of SB 16 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 16 forward through the legislative process.

Sincerely,



Gregory H. Macpherson

cc: Oregon Legislative Information System (OLIS) testimony portal