



**OREGON  
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AGRICULTURE**

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June 29, 2023

**Via Email**

Multnomah County Hearings Officer  
Multnomah County Community Services, Land Use Planning  
1600 SE 190th Avenue  
Portland OR 97233-5910

Dear Hearings Officer:

The Oregon Department of Agriculture (ODA) offers the following comments for your consideration in the matter related to proposal by the City of Portland Water Bureau to develop and operate a drinking water filtration facility, communications tower and related transmission pipelines on lands zoned for agricultural use (Case File T3-2022-16220). The filtration plant would be located at the eastern end of SE Carpenter Road with transmission facilities extending through agricultural lands connecting to the Bull Run system.

**Background**

The proposed facilities would be located amongst and upon lands that are highly suitable for agriculture and have been in agricultural production for decades. Most of the soils contain prime or other high-value agricultural soils. Much of the immediate area contains Class II soils, some of the best agricultural soils in the United States. It is important to note that these capability ratings are regardless of irrigation. The area soils are high quality with or without irrigation.

This area is dominated by the production of nursery/greenhouse products. In terms of production value, nursery and greenhouse production is ranked first amongst all Oregon crops, producing just over \$1.32 billion in 2022. This accounts for about 22% of all Oregon agricultural production value. It is telling that Multnomah County, the most urban county in Oregon, is also the smallest county in land area yet it is ranked as the 5<sup>th</sup> most productive county in terms of nursery production in the state. Multnomah County maintains all the key elements, including a critical mass of farms, to maintain a viable, thriving nursery and greenhouse industry.

## Study Area and Compatibility

When conducting an analysis of the impacts to agriculture on lands zoned for farm use, Oregon land use requirements require that the proposed nonfarm land use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Analysis also requires that the cumulative impacts of the proposed development on area farm or practices be considered.

This is commonly known as the “Farm Impacts Test.”

Before any analysis of the impacts of the proposed development on agriculture on surrounding lands can be conducted, a study area needs to be identified. Recognizing the dominate role that the nursery and greenhouse industry plays in the larger area, we believe that the study area used by the applicant is not adequate. The local nursery and greenhouse industry region, including the subject land, works together in many ways to support the needed critical mass required for the industry to remain viable.

For example, this industry is highly dependent on the movement (shipping and receiving) of their products by tractor-trailer trucks. Most area nursery and greenhouse products are moved to and from area farms towards Interstate Highway 84 and U.S. Highway 26. It is common practice for farmers to share loads with other operators. Two (or more) farms may have product that needs to be shipped to the east coast, but each separately would fill only half a load. Together, the two farms can fill a truck. Without the ability to move product efficiently between farms and ultimately to the major area highways, area farms would face significant increase in costs and decrease the availability of acquiring timely transport.

We would suggest that the “cooperating nature” of the industry and the critical mass needed to support agricultural infrastructure needs requires analysis of a larger area. The study area used by the applicant extends only one-mile to the north and south of the plant site, approximately one and one-half miles to the west and approximately 2-miles to the east. This study area does not recognize the character of nursery and greenhouse operations in the area and their dependance on each other. We believe that a larger area that recognizes the transportation requirements of the industry is needed. An area that includes lands north to I-84, west to the Metro urban growth boundary and south to line the generally runs from Damascus to Sandy would better reflect the transportation needs of area nursery and greenhouse operations.



Perhaps the single largest impact to area agricultural operations will result from the impacts of increased traffic on area roads related to the proposed development. The analysis provided by the applicant focuses on “after construction” impacts. There is no analysis or data provided that relates to impacts created by increased traffic created during the lengthy construction process for a project of this size. Without information related to time-period of construction, the impacts to agriculture in the region cannot be adequately determined. The applicant has not provided the needed information nor met the burden of proof required to address the farm impacts test.

We would also like to address a statement made in the applicant’s farm impacts analysis. In response to area farmers stated concerns about potential impacts to their ability to use farm chemicals, the applicant responds that they will “comply with right to farm laws” and allow farmers to continue to use farm chemicals. It is important to note that Oregon “Right to Farm” (RTF) laws relate to nuisance and trespass situations and the ability of local government to regulate farming practices. RTF does not regulate the lawful application of pesticides. Any analysis of potential impacts to the utilization of chemicals would need to evaluate the common chemicals and application practices utilized by area farmers and the requirements for the use of the identified pesticides established on the label of the subject pesticides. Moreover, putting the burden on farmers to show that RTF laws have been violated creates conflicts among neighbors and creates costs on farmers that the farm impacts test is designed to prevent. The appropriate question should be would the location and operation of the proposed nonfarm land use impose limitations or impact area farm operations related to lawful pesticide use?

Thank you for the opportunity to provide these comments for your consideration. Please enter our comments into the record of this case.

Respectfully,



James W. Johnson  
Land Use and Water Planning Coordinator

CC: Lisa Estrin, Multnomah County Planning  
Brenda Bateman, DLCD  
Hilary Foote, DLCD  
Gordon Howard, DLCD  
Laura Kelly, DLCD  
Lauren Henderson, ODA





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## Comment Letter, Case File T3-202-16220

1 message

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**JOHNSON James \* ODA** <James.JOHNSON@oda.oregon.gov>

Thu, Jun 29, 2023 at 11:13 AM

To: "LUP-Comments@multco.us" <LUP-Comments@multco.us>

Cc: Lisa Estrin <lisa.m.estrin@multco.us>



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Please accept and enter into the record the attached comments from the Oregon Department of Agriculture related to the above referenced Case File.

Thank you.

Jim Johnson, Land Use and Water Planning Coordinator  
**Oregon Department of Agriculture – Natural Resource Programs**  
635 Capitol St NE, Salem, OR 97301-2532  
503.986.4706 | [Oregon.gov/ODA](https://Oregon.gov/ODA)

**Please note my new email address: [james.johnson@oda.oregon.gov](mailto:james.johnson@oda.oregon.gov)**



**ODA Letter PWB Filtration Plant.pdf**

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