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Senate Committee on Judiciary
State Capitol
900 Court Street NE
Salem, OR 97301

February 26, 2015

RE: SB 86 – legislation to allow another non-farm use on farm land¹

Chair Prozanski and members of the committee:

Thank you for this opportunity to present testimony opposing SB 86, legislation to allow yet another non-farm use on exclusive farm use lands. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

Oregon's land use program enjoys strong support across the state. According to the Oregon Values and Beliefs Survey, "[t]wo-thirds of Oregonians (66%) consider protection of productive farm and forest land from development very or somewhat important."² Further, Oregonians support the primary land use tool that we use to protect these important lands. "[T]wo-thirds of Oregonians (66%) favor the statement that new development should occur within existing cities and towns to save farmland and stop sprawl. . . ." Oregonians overwhelmingly support urban growth boundaries and protection of resource lands.³

Perhaps this is because Oregonians have seen firsthand the success of the land use program. It has prevented rural sprawl – between the 2000 census and the 2010 census no net rural housing units were added in Oregon while in Washington rural housing units went up by 6.2% and in Idaho they went up 16.7%. As a result, farmers can keep farming and foresters can keep managing forests without conflict from incompatible uses. In fact, ninety-eight percent of all non-Federal land in Oregon that was in resource land uses in 1974 remained in these uses in 2009.⁴ In short, the land use program has broad support within Oregon and it works.

As a result, agriculture remains Oregon's second largest industry: *1 out of 8 jobs in this state is agriculture-related*, and the industry is directly and indirectly linked to about \$22 billion in sales of goods and services, accounting for 15% of the statewide total of sales involving all industry sectors. *Agriculture is traded-sector* – 80% is sold out of state and 40% is exported out of the

¹ While the bill purports to allow firearms training facilities on farm, forest, and mixed farm and forest lands, they are already allowed on forest and mixed farm and forest lands. OAR 660-006-0025(4)(n).

² The findings are drawn "from three surveys conducted in April and May 2013. Final sample sizes were 3971 respondents for Survey #1, 1958 for Survey #2, and 1865 for Survey #3. The questionnaires and findings are available at www.oregonvaluesproject.org."

³ Farmlands and forest lands are collectively referred to as "resource lands."

⁴ Oregon Department of Forestry, "Land use Change on Non-federal Land in Oregon and Washington" available at http://www.oregon.gov/odf/RESOURCE_PLANNING/land_use_in_OR_WA_web_edited.pdf

country, bringing new dollars into Oregon. And those figures have been increasing almost steadily for two decades. No other Oregon industry can tell that story.

1000 Friends of Oregon believes we should protect this key asset: agricultural land should stay in agricultural use to support Oregon second largest industry and the hundreds of thousands of Oregonians who depend on it. Adding a new non-farm use on farmland does not serve the agricultural community and will result in taking more farmland out of farm use and the loss of farm jobs. There are already over two dozen non-farm uses that are allowed as outright permitted uses on farmland as well as over two dozen non-farm uses that are allowed on farmland as conditional uses. Cumulatively, these non-farm uses take large swaths of agricultural land out of production.

SB 86 will also introduce conflicts to the farm zone. ORS 166.170, ORS 166.171, and ORS 166.176 contain strict state preemption prohibiting local governments from "regulating, restricting or prohibiting the discharge of firearms on a shooting range. . . ." There is a limitation to preemption for ordinances enacted before November 2, 1995. However, the preemption exception does not apply to shooting ranges, so once you have a shooting range, what can be done there is wide open. Under current law, the preemption prevents local governments from placing conditions on shooting ranges and from enforcing other laws, such as noise ordinances or restrictions on the types of weapons that can be fired. Neighbors will be disturbed and possibly place in danger and livestock will be frightened.

Agriculture is an economic engine in Oregon. To protect the agricultural economy in Oregon 1000 Friends of Oregon opposes SB 86.

Respectfully submitted,



Steven D. McCoy
Farm and Forest Staff Attorney