From: Lon Welsh
To: Trant Lindsay
Subject: HB 3368
Date: Sunday, March 22, 2015 1:52:03 PM

Ms. Trant

We are writing to express our opposition to HB 3368, "Modifying authority for conditional use approval to allow home occupation in resource zones to be conducted in outdoor setting on lot or parcel containing dwelling."

Our concerns about HB 3368 are threefold. First, this bill seeks to alter existing land use regulations regarding home occupations by bypassing the traditional process of developing, analyzing and vetting such regulations through multiple layers of stakeholders including local governments and community members. Second, this bill makes no provisions for the variety of home occupation uses which could take place should it pass and the complexities of issues and challenges these occupations may present to local authorities. And finally, this bill does not consider the impacts of such outdoor operations on neighboring properties.

The recent process of the Oregon Associations of Counties' proposal for the DLCD to develop a definition of what constitutes primary processing in a timber zone, and the subsequent RAC committee meetings to discuss that proposal is an excellent example of how difficult it is (and should be) to change land use laws, especially when stakeholders with diverse interests are involved. The RAC committee's decision to not create a definition to propose to the DLCD commissioners illustrated that the narrow land use interests of a very few individuals must be thoroughly examined to ensure those interests are compatible with what is best for the many. HB 3368 bypasses that process.

There are a wide variety of home occupations, but they ultimately should be primarily that, an occupation run out of a home. Allowing home occupation businesses to expand into outdoor operations threatens that basic definition with the potential for the creation of industrial sites, such as log home manufacturing businesses that use a dwelling as a "marker" to meet the "home" part of the definition; and the creation of such sites has the potential for a toxic mix of problems and challenges far beyond the scope of traditional home occupation operations. HB 3368 exacerbates the already controversial question about when is a home occupation truly that or just a "shell" for an outdoor industrial operation.

Since September 2011 our neighborhood has been subjected to the negative impacts of a log home manufacturing business that moved in across the street: industrial level noise, water and air pollution, potential impacts to wildlife and visual blight. And even though a permit to run such an operation has been denied by Clackamas County, and that denial was reaffirmed by LUBA and the State Court of Appeals, the operator continues to pursue some means to continue using the property as an industrial site. HB 3368 is just the loophole such an operation needs to operate in spite of its impacts on the surrounding area.

We understand there is a level of frustration regarding Oregon's land use laws, especially felt by those who would like to do whatever they want on their property, usually under the auspices of helping the economy, no matter the negative impacts. But we feel it remains essential that these laws exist and that any changes to them are part of a comprehensive process, not the creation of a legislator to please a constituent. That is why we oppose HB 3368.

Sincerely,

Lon and Gina Welsh
59980 E. Marmot Rd.
Sandy, OR 97055

503-622-4952