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House Committee on Rural Communities, Land Use, and Water
State Capitol
900 Court Street NE
Salem, OR 97301

March 24, 2014

RE: HB 3368 – Legislation to remove protections for farming and forestry

Chair Clem and members of the committee:

Thank you for this opportunity to present testimony opposing HB 3368, legislation to allow new non-farm and non-forest uses on farm and forest 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.

HB 3368 is a bill that breaks the UGB for commercial activities. Any commercial activity that employs 5 or fewer full-time employees and is run by the landowner or by a lessee can be approved as long as it does not “unreasonably” (undefined) interfere with resource uses. So a junkyard, a firing range, a motocross track, a paintball operation, a jetboat track, or any other commercial activity will be allowed by statute on productive farm and forest lands. Resource lands will be taken out of resource uses, even if the activity conflicts with resource uses on surround parcels -- as long as the conflict is not “unreasonable.”

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. The question leading to this result made clear that saying important implied support for some increase or reallocation in tax dollars to improve these protections.”¹ These results were fairly consistent across urban and rural regions. Oregonians see an economic value in protecting our natural resource lands.

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 2009.² In short, the land use program has broad support within Oregon and it works.

¹ 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.”

² 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

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 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 whole host of new non-farm uses on farm lands does not serve the agricultural community and will result in taking more farm lands 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 farm lands as well as over two dozen non-farm uses that are allowed on farm lands as conditional uses. Cumulatively, these non-farm uses take large swaths of agricultural land out of production.

Similarly, forestry remains Oregon's third largest industry accounting for more than 76,000 jobs.³ This is despite a 90% decline in harvest on federal forestlands.⁴ Due, in part, to protection under Oregon's land use program, Oregon's private forest lands have continued to be a productive source of timber and jobs.

We support commercial activities on resource lands to the extent the activities support resource use. However, we oppose commercial activities that make farming and forestry more difficult. There is an inherent tension between large scale or frequent non-resource related activities and agriculture and forestry. Commercial activities in rural areas can clog up roads, compact soils, and be a nuisance to neighbors. Farmers often need to move heavy equipment on rural roads, they need to spray, and they kick up dust. We have heard countless stories of such conflicts - from a wedding party lined up along a fence line throwing rocks at a farmer tilling his field to the fruit growers who have to endure tourist traffic and blocked driveways while they are trying to get their crop to market. Are these conflicts reasonable even though they make farming harder? HB 3368 leaves it up to courts to decide.

Agriculture and forestry are key economic engines for Oregon. To protect the natural resource economy in Oregon 1000 Friends of Oregon opposes HB 3368.

Respectfully submitted,



Steven D. McCoy
Farm and Forest Staff Attorney

³ According to the Oregon Forests Resource Institute *available at* <http://oregonforests.org/content/jobs>

⁴ See <http://oregonforests.org/content/harvest>