



**TESTIMONY**  
**Oregon Farm Bureau**

**HB 3367**

**House Committee on Rural Communities, Land Use, and Water**

**April 7, 2015**

Chair Clem and Members of the Committee:

Oregon Farm Bureau urges you to support HB 3367. HB 3367 would require recreational trails to go through the conditional land use permitting process, ensuring that local farmers have a forum through which to address any impacts the proposed recreational trail would have on their operations.

By way of background, the Oregon Farm Bureau is a voluntary, grassroots, nonprofit agricultural organization representing Oregon's farmers and ranchers in the public and policymaking arena. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry as a whole. Today, Oregon Farm Bureau represents over 7,000 member families professionally engaged in the industry and has a total membership of over 60,000 families.

HB 3367 closes a significant loophole in existing land use law. Under current law, it is not clear whether recreational trails are permitted outright in farm use zones, or whether they must have a permit from the local governing body before they are constructed. HB 3367 clarifies that recreational trails require a land use permit. The permit process gives neighboring landowners a forum to provide evidence on impacts to their farming operations from the project, and requires the local governing body to make a finding that the project will not significantly increase the cost of farming practices or force a significant change in farming practices in the area impacted by the project.

Under ORS 215.283(1)(i), reconstruction or modification of public roads or highways is permitted outright in EFU lands. ORS 215.283(3) applies to other types of transportation development, and requires local land use approval. Through rule making, DLCDC has authorized "bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road" to proceed without a goal exception. See OAR [660-012-0065](#)(3)(h). This provision has created confusion as to whether construction of bikeways, footpaths, and recreational trails requires local land use approval. HB 3667 clarifies that development of new recreational trails, even within existing roads or rights of way, are required to go through the conditional use process.

Oregon Farm Bureau believes it is appropriate to require recreational trails within existing roads and rights of way to go through the conditional use process. In the last several years, we have seen a movement toward using the “rails to trails” concept to transition old railroad rights of way to recreational trails. The difference between railroad use through farmland and recreational trail use through farmland is significant.

In areas devoted to agricultural use, farming uses include irrigation, tilling, spraying, and harvesting crops. Putting a recreation trail through the middle of these operations creates a host of concerns and issues that are not present with railroad or motor vehicle use. Recreation areas are typically viewed by the public as places of solitude, set apart from any activities that require intensive land management. People travel either by foot or bicycle on recreational trails, putting them in much closer contact with the farming operations than the railroad or motor vehicle use, and creating a much higher likelihood of conflict. Recreational trails also create a much larger risk for trespass onto private farmland. This bill is designed to ensure that all new recreational trails on EFU land, regardless of the previous use of the land, are subject to the conditional use process, so that farmers can raise any concerns about conflicts and compatibility before the trail is constructed.

Thank you for the opportunity to provide testimony on this important issue. Please contact Mary Anne Nash with any questions about this testimony.