

Dear Representative Clem:

I understand these bills are being consolidated and coming before your committee. As a Sauvie Island resident and a retired land use attorney who represented commercial farmers many times over my 38-year legal career, I am very concerned by these bills. Previously I submitted written comments to the House Committee on Human Services and Housing regarding these bills, but I want to write you directly because, unlike the folks on that committee, you have an understanding of land use and of the importance of protecting our agricultural economy.

As I understand it, the purported purpose of HB 2937 and 2938 is to provide greater opportunity for housing for homeless people. That intention is fine, but from a practical standpoint, such opportunity needs to be provided **inside** urban growth boundaries where public transportation, convenient shopping, and social, medical, emergency and other services are readily available. In rural areas like mine, one can be many miles from public transportation, and there is no convenient shopping. We must drive 7-8 miles to get to a supermarket, and most people on our island have to drive even farther. In emergencies, help can take a while to arrive, both due to distance and reliance on volunteers. Consequently, any bill permitting accessory dwelling units should limit them to urban areas.

Second, increased density is not compatible with farm use. Our land use laws have recognized this for 40 years. Daytime visitors driving to a farm stand are fine, and they help the business, but overnight vacationers often lack any understanding of farming practices and engage in behavior that creates conflicts. We raise sheep and have a native plant nursery, and last year some people visiting our immediate neighbors (who want to have vacation rentals on their five acres) trespassed onto our property and stood at the gate to the sheep pasture. Had they opened the gate, our sheep likely would have gotten out onto a busy road, or our ram could have seriously injured them. We don't need this kind of interference with our agricultural practices in our farming area.

Third, in rural areas like mine, without services, people with accessory structures would not use them to house homeless people - the purported purpose of these bills — but would instead use them as vacation rentals through Airbnb or similar services. This makes money (\$100-\$200/night/room) for people with 5 or fewer acres, most of whom do not farm. It creates headaches and potential liability for folks like us who do. Protecting the agriculture resource for farming is far more important than helping non-farmers bring more people into a farming area. We don't need to turn farming areas (EFU and mixed agriculture) into vacation destinations. Those facilities belong inside urban areas or, at worst, in rural centers.

Fourth, increasing population and density in rural areas leads to increased traffic and more demands for public services. Former Governor Tom McCall realized this when he fought for our current land use planning program in 1973. The legislature has helped protect our farm lands since then. These bills greatly weaken the protection.

Fifth, if legislation does allow ADUs in rural areas, it should be discretionary with the counties, not mandatory (as proposed in Senate Bill 1024). In Multnomah County, for instance, some folks in East County (near Gresham) testified that they wanted these uses. But the vast majority of

people residing on Sauvie Island and in the Skyline community north of Portland opposed this. The County should have the flexibility to decide whether, and where, to allow such uses. In other counties, additional residents in rural lands may harm limited groundwater resources.

Finally, ADUs have no place in EFU zones or in larger lot mixed farm/residential zones, like our Mixed Use Agriculture-20 (20 acre minimum lot size) zone, where the lands are expressly recognized as "agricultural" and appropriate for part-time farming, and where new housing is limited to existing lots of record. On Sauvie Island, properties zoned MUA-20 often border EFU-zoned land on one or more sides, and farm vehicles routinely drive through areas so zoned. In Washington County, 20-acre lots are considered EFU zones. Areas like these do not need more conflicts or interference from additional density in the area. That owners of some very small properties in farming areas think ADUs would be a good idea does not justify them. The legislature should be looking out for and prioritizing the needs and interests of those who farm the larger properties that feed our citizens, rather than the folks who own small properties, work in town, and have no allegiance to protecting our farm lands.

I think these bills are bad policy and ask that they be rejected. Otherwise, I ask that they be limited only to those rural residential areas (1) that are truly rural residential, not mixed resource/residential; (2) where the minimum lot size is 5 acres or less in size, (3) that are located within one mile (by road) of an urban growth boundary, and (4) that are not located in critical groundwater areas. Further, elected county commissioners must be given discretion to determine which areas are appropriate for ADUs and which are not. They should not be required to allow them in all rural zones.

Thank you for this opportunity to comment. Please enter this correspondence into the hearing record.

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