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March 6, 2023

Senate Committee on Housing and Development
900 Court St., NE
Salem, OR 97301

To: Senate Committee on Housing and Development

RE: "No" on SB 648-1 - Relating to vacation occupancies on resource lands

Dear Chair Jama, Vice-Chair Anderson and Members of the Committee

Friends of Marion County (FoMC) is an independent 501(c)(3) farmland protection organization founded in 1998. Our mission is to protect farm and forestland, parks, and open space in Marion County.

FARMLAND UNDER THREAT

With the ending of the Covid-19 pandemic restrictions Marion County has experienced a flood of applications. Since Marion County is considered to have some of the most productive agricultural lands in Oregon, the county has been the focus of conversion of this farmland to non-farm uses. Among the applications are home occupations, non-farm and farm dwellings, and conditional use applications for many other uses including temporary hardship dwellings, dog boarding and training facilities, educational experience centers, solar energy facilities, and many others.

Sullivan and Eber's article in the San Joaquin Agricultural Law Review lists the non-farm uses from 1963-2009.¹

1000 Friends of Oregon in its June 2020 report, Death by 1000 Cuts: A 10-Point Plan to Protect Oregon's Farmland, has outlined conditional uses and other applications which are harmful to the preservation of farmland.²

SB 648-1 FURTHER CHALLENGES RESOURCE LANDS

SB 648 -1 amends ORS 215.213, 215.283, & 215.448 as follows:

“(2) On lands zoned for exclusive farm use, forest use or a mixed farm and forest use, a county may not prohibit the use of a residential structure as a vacation occupancy, as defined in ORS 90.10”

When a vacation rental is permitted on resource lands the use will endanger the farming practices on the rental location and farming practices on adjacent farmland. These rentals will probably occur during the Spring planting, Summer spraying, and Fall harvest seasons. Marion County attempted to use the home occupation statute to permit large events during these same intense periods of farming activity. LUBA said no to this idea. (LUBA 2022 085/086). The impacts of numerous rental properties surrounding active farm operations will have the same effect.

Please vote “NO” to protect our farms. Thanks so much for listening.

Roger Kaye, President
503-743-4567
rkaye2@gmail.com

1. Summary of Uses Allowed in EFU Zones, Appendix 1, pgs. 63-69, Farmland Protection in Oregon 1961-2009, THE LONG AND WINDING ROAD: FARMLAND PROTECTION IN OREGON 1961 – 2009, SAN JOAQUIN AGRICULTURAL LAW REVIEW, VOLUME 18 2008-2009 NUMBER 1
The initial non-farm uses provided for in 1963 were public and private schools, churches, public or non-profit group parks, playgrounds or community centers, golf courses, utility facilities, and farm dwellings. Except for the deletion of farm dwellings between 1967 and 1969 there were no changes to the permitted non-farm uses. In 1973 commercial activities in conjunction with farm use, mining activities, private parks, playgrounds, hunting and fishing preserves and campgrounds, commercial power generating facilities and non-farm dwellings were added. From 1975 to 2009 there were 61 additional changes, almost all new uses.

2. Death by 1000 Cuts: A 10-Point Plan to Protect Oregon's Farmland, June, 2020, Executive Summary
<https://friends.org/news/2020/6/death-1000-cuts-10-point-plan-protect-oregons-farmland>