



April 5, 2022

Senate Committee on Rules
Oregon State Capitol
900 Court Street
NE Salem, OR 97301

RE: Opposition to SB 1087

Dear Chair Lieber, Vice-Chair Knopp and Members of the Committee,

Thrive Hood River is Oregon's oldest regional land use organization. We advocate for responsible planning and land use in our iconic landscapes, which include the Columbia River Gorge, the Hood River Valley, and the North Face of Mount Hood.

We support changes to our land use laws that serve the public interest, and we also defend our land use system from bad legislation and non-enforcement.

SB 1087 would deal a historic blow to Oregon's land use system, and I respectfully encourage you to carefully consider the testimony presented from farmers and land use advocates from across the state.

A series of recent developments have placed Oregon's High-Value Farmland under more pressure than ever before. In the Hood River Valley, where Thrive is based, these include, but are not limited to:

1. The rise of remote work, resulting in an influx of affluent cash-buyers seeking countryside homes and hobby farms.
2. High commodity prices following the latest geopolitical turmoil that tighten farmers' margins as the residential real-estate market boomed.
3. A general flight from urban centers like Portland to bucolic settings like the Hood River Valley.
4. Weak county enforcement, leading to a proliferation of unlawful land uses that become accounted for by market speculation and inflate the price of farmland.
5. An increase of lawful non-farm uses approved every year session by the Legislature that inflates land values, hinders the consolidation of large blocks of farmland, encourage fragmentation of farmland.

The normalization of non-farm uses on farmland is already leading to a tectonic shift in patterns of farmland ownership in Oregon. In "Changes in Farmland Ownership, Oregon USA," PSU Professor Megan Horst documented that the majority of the largest purchases

of farmland properties between 2010 to 2015 were made by investment trusts, property management firms, and amenity buyers contributing to “rural gentrification,” without connections to agriculture.

As Horst writes:

“One noteworthy trend among smaller farms is their high prices, especially relative to expected income from farming. The high land prices likely pose a significant barrier for beginning farmers, small-scale farmers, and farmers without financial resources. It may also be problematic overall for farmers if farm net incomes continue to be compressed. Landowners may feel extra pressure to sell to other buyers when land prices are high.

This study shows evidence of ongoing consolidation and nonlocal ownership, issues that other authors have suggested contributes to lower rural populations, declining tax bases, and a loss of social connectivity and trust.”

To visualize the type of rural landscape SB 1087 incentivizes, I encourage committee members to read **the New York Times’ exposé, “How Fairytale Farms Are Ruining Hudson Valley Agriculture”** where farmers’ inability to buy into inflated farmland feels like a “modern-day feudal system.”

Our resource lands were zoned EFU based on soil surveys conducted by the NCRS, which identified Oregon’s farmland as some of the most valuable agricultural resources in the country. Our legislators should invest in the long-term preservation of these lands, and avoid piecemeal bills that dress down protections by creating a byzantine morass of non-farm uses and unenforceable sideboards.

Here is an example of two provisions in this bill that will be exceedingly difficult for county planners to enforce, and will fade away in practice:

(d) Other than parking and outdoor seating areas, is operated *substantially within* one or more dwellings or other buildings normally associated with farm uses that are lawfully established; (e) Is owned by someone who does not have a substantial ownership interest in any other farm cafe.

Those who observe county enforcement on the day-to-day know these provisions are helpless. At best, they lead to litigation at LUBA to further define unclear terms that yield unenforceable case law.

Our land use system should be clear and enforceable. Exclusive Farmland Use should be exclusive. SB 1087 is another step to make EFU anything but “exclusive.” It will further degrade the enforceability of our land use laws. Oregon needs a comprehensive revamp

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of its land use system's enforcement mechanisms, not more incentives to circumvent them.

Thank you for the opportunity to comment.

Nico Salter, Executive Director

A handwritten signature in black ink, appearing to read "Nico Salter". The signature is fluid and cursive, with the first name "Nico" being more prominent than the last name "Salter".

Thrive Hood River