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April 8, 2023

To: Senator Kate Lieber, Chair, and Members
Senate Committee on Rules

From: Mary Kyle McCurdy, Deputy Director

Re: Follow-up information
SB 1087 – Restaurants on Farm Land

At the hearing on SB 1087 on April 6, we heard testimony about how this bill would allow rural “farm cafes” that would serve those traveling through or recreating in rural Oregon; food would be things like pie from local berries or a sandwich.

For this rural “cafe” purpose, SB 1087 would allow “permanent” “restaurants” with the seating area alone being up to 5000 square feet, plus outdoor seating areas, and parking for 25 cars, in Lane County. 1000 Friends testified that this bill would allow restaurants on farmland, not the quaint cafés described.

So, for comparison purposes, just how large is a restaurant of the size defined in SB 1087? It appears they could be at least as large as the standard size for well-known full service casual dining restaurants. Here are some examples; the square footages below are for the entire restaurant – not just the seating area - meaning the SB 1087 restaurants could be even larger.

Applebee's: 4500-5500 sq ft

<https://netleaseadvisor.com/tenant/applebees/>

Outback Steakhouse: 5000-6200 sq ft., including the bar

<https://www.sec.gov/Archives/edgar/data/874691/000095014403013584/g86206ae10vkza.htm#:~:text=A%20typical%20Outback%20Steakhouse%20is,and%20seats%20approximately%2020%20people.>

"A typical Outback Steakhouse is approximately 6,200 square feet and features a dining room and an island, full-service liquor bar. The dining area of a typical Outback Steakhouse consists of 45 to 48 tables and seats approximately 220 people."

<https://www.bloominbrands.com/newsroom/news-releases/news-release/outback-steakhouse-plans-up-to-100-locations-with-next-gen-design>

"The typical Outback Steakhouse is nearly 6,000 square feet, while the new model optimizes kitchen space to reduce its footprint to almost 5,000 square feet. The spacious dining room and bar areas accommodate approximately 187 guests."

Black Bear Diner: 4000-6400 sq. ft.

<https://blackbeardiner.com/qa-with-doug-branigan-vice-president-of-franchise-development-black-bear-diner/#:~:text=DB%3A%20Our%20restaurants%20range%20from,characteristics%20of%20the%20real%20estate>

"Our restaurants range from 4,000 square feet to 6,400 square feet, and each one has its own unique design and layout, depending on the characteristics of the real estate."

Oregon should be *supporting* restaurants in rural communities that serve the traveling and recreating public, not unfairly competing with them by opening up EFU land because the land is cheaper, the regulations fewer, and the oversight less.

We did an informal survey of favorite places to actually get a slice of pie or a bite to eat while traveling and recreating in rural Oregon. Here are just a few of what we heard back, all located inside rural urban growth boundaries or unincorporated communities, and all substantially smaller than 5000 sq ft for the seating area alone, based on tax assessor records : Rosie's Mountain Coffee House, on Hwy 22 in Mill City; Dixie's Café on Hwy 126 in Veneta; Condon Café in Condon; Takodas in Blue River; Austin House Café in Austin Junction/Bates on Hwy 26 in Grant County; Hamblin Eatery in Lafayette; C&D Drive-In in Boardman.

The "sideboards" in SB 1087 are not sufficient, as has been demonstrated through years of similar "sideboards" with other nonfarm uses in the exclusive farm use zone. Counties are unable to enforce them, for many reasons. As you heard in testimony from farmers and orchardists who actually experience these conflicts regularly, who is going to show up at any event when the number of cars is exceeded, the hours of operation are violated, and farm accessways are blocked? There is no official compliance monitoring or enforcement, leaving it to neighboring farmers.

Restaurants belong inside urban growth boundaries and communities, where the land is zoned for them, the infrastructure needed is present, and the business is desired; not in exclusive farm use zones.

