

Owen & Jill Von Flue
5146 Ike Mooney Road NE
Silverton, OR 97381
vonfluelaw@hotmail.com

March 8, 2025

To the Members of the Oregon Senate Committee on Natural Resources and Wildfire
Oregon State Capitol
900 Court St NE
Salem, OR 97301

Re: Opposition to Senate Bill 78 – Unfair Restrictions on Replacement Dwellings

Dear Senators,

Dear Chair Golden, Vice-Chair Nash, and Esteemed Committee Members,

I am writing to express my strong opposition to Senate Bill 78 (SB 78), which proposes restrictive size limitations on replacement dwellings in Oregon's Exclusive Farm Use (EFU) zones. This legislation is unnecessary, lacks evidence to support its claims, and would place an unfair burden on property owners like myself without benefiting Oregon's agricultural community. I respectfully urge you to reject this bill and preserve the current framework for replacement dwellings.

Concerns with Proponents' Claims

Proponents of SB 78 assert that it prevents misuse of replacement dwelling provisions, yet they fail to define or provide concrete examples of such misuse. Without clear evidence, this justification appears weak and insufficient to warrant restrictive changes. Additionally, the claim that larger homes undermine agricultural land use or inflate property costs lacks empirical substantiation, further questioning the bill's necessity and intent.

Having grown up on a small dairy farm near Silverton and resided in this region for 50 years, I have observed that nearly every large farmer, and many smaller farmers, in the Willamette Valley lives in a substantial home on their farm property. This reality directly contradicts the claim that farmland can only support modest dwellings or that larger homes impair agricultural productivity. While farmhouses of past generations were often smaller, reflecting the norms of their time, today's farmers frequently build spacious homes to accommodate their families' needs. The size of a residence does not affect the land's agricultural output—it simply reflects the personal circumstances of the landowner.

Economic Consequences of SB 78

By imposing size limits on replacement dwellings in EFU zones, SB 78 would cause significant economic harm to landowners. These restrictions would reduce the market value of small EFU parcels with existing nonfarm homes, as smaller dwelling sizes diminish their appeal to potential buyers. Rather than supporting farmers or ranchers—the intended stewards of Oregon's agricultural land—this policy would primarily benefit buyers seeking affordable rural properties for personal use, unfairly shifting economic advantages away from current owners.

Personal Impact and Request for a Transition Period

If the legislature moves forward with changes to replacement dwelling rules despite these concerns, I strongly urge you to include a substantial transition period—such as five years—to lessen the impact on landowners like my family. We have made significant investment decisions based on the existing framework, and an abrupt change would disrupt our plans and devalue our property without fair recourse. For instance, my family owns an EFU property in Marion County, where we have a 900-square-foot modern cottage. We have held this land for decades with the goal of building a retirement home. SB 78 would limit us to a 990-square-foot home, which, while we plan to downsize, is simply too small for our large family. This restriction would derail our retirement plans, and a transition period would provide us the time needed to adapt equitably.

Property Specifics and Lack of Impact on Productivity

Our Marion County property has predominantly poor-quality soils, making it unsuitable for significant agricultural use—a reality acknowledged by its tax status. Five years ago, when we built the cottage, the entire parcel was permanently exempted from farm tax deferral, requiring us to pay full property taxes rather than benefiting from any agricultural deferral, despite its EFU zoning. Limiting the size of a replacement dwelling on this land would have no effect on its productivity, as it is not viable for farming. This highlights the arbitrary, unfair and ineffective nature of SB 78's proposed restrictions in cases like ours.

Conclusion

SB 78 is an ill-conceived proposal that would harm property owners without delivering meaningful benefits to Oregon's agricultural sector. I urge you to oppose this bill and maintain the current, balanced approach to EFU replacement dwellings. If changes are deemed necessary, a transition period is critical to ensure fairness for families like mine. Please feel free to contact me if you need further details or clarification.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Owen Von Flue", with a long, sweeping flourish extending to the right.

Owen Von Flue