

I am writing to submit my opposition to HB4153

My points in opposition to HB 4153

Oregon has strong land use laws that protect farm and forest land and specify allowed uses in other areas for commercial or manufacturing activities, this proposed bill seeks to undermine these rules. The existing rules are what make Oregon special.

Existing rules and laws outline what is permitted for a farm stand and for agritourism. Farm stands vs agritourism activities are not the same and require different permitting and regulations. The impacts of both types of undertakings can not be greater (traffic, impact to neighbors, noise, visual distractions, reducing available farm or forest lands).

While I understand the present difficulties in running a successful and profitable farm (orchards and cut flowers), especially in a county that has very high tourism, I do not believe we need this new set of rules that will start the downhill slide in allowable uses on farm and mixed-use farm and forest lands.

Per DLCD's website – <https://www.oregon.gov/lcd/FF/Pages/Agritourism.aspx> - here are **existing** allowed uses for farm stands:

Farm stands are structures designed and used for the sale of farm crops or livestock grown on the farm operation or other farm operations in Oregon. Farm stands may also hold some outdoor events and sell incidental items that are not farm products, such as souvenirs.

Types of Allowable Uses

- Direct sales of farm crops and livestock produced on the farm or other farms in Oregon, and retail incidental items.
- Events that help promote the sale of crops or livestock, such as:
 - Small-scale gatherings like a birthday party or picnic
 - Corn mazes
 - School tours
 - Pumpkin patch events
 - Hay rides
 - Farm animal exhibits
 - Farm product food contests
 - Food preparation demonstrations
 - Outdoor farm-to-table dinners

Limitations

- Sale of marijuana or marijuana products is not allowed.
- Sale of incidental items and fees from promotional activities are limited to 25 percent of the total farm stand sales.
- Indoor banquets, public gatherings, and public entertainment are not allowed.

From DLCD's website – <https://www.oregon.gov/lcd/FF/Pages/Agritourism.aspx> - here are the **existing** agritourism rules:

Types of Allowable Uses

The statute is not specific about the types of events and activities that might be allowed, so counties may interpret these uses differently. In general, this use could include activities related to:

- Education
- Hospitality
- Entertainment
- Farm-related outdoor recreation

Limitations and requirements

Income from agritourism can help support existing farm operations. However, unrestricted agritourism events can create conflicts with neighboring farm operations. Examples of possible conflicts include traffic, litter, and demands for agricultural spray practice changes.

Impacts from agritourism events are limited by restrictions on the size and duration of each event. Additional standards for noise, traffic, and sanitation may also apply. Only temporary structures are allowed. Agritourism and other commercial events or activities must be related to and supportive of agriculture and incidental and subordinate to farm use on the property.

There are a variety of permitting options for agritourism events, including:

- Expedited permit for one event with up to 100 attendees
- Permit for one event with up to 500 attendees
- Permit for up to six events per year
- Conditional use permit with public hearing for up to 18 events per year

Except for expedited permits, agritourism events require findings that the event will not significantly change or increase the cost of farm or forest practices on surrounding lands.

HB 4153 proposes: *“Allows counties to approve farm stores”*. This bill does not “allow”, it **FORCES**. It inserts retail stores, events, and commercial kitchens into ORS 215.283(1), where counties **MUST** permit them. The state should not force this laundry list of non-farm uses on land zoned for Exclusive Farm Use without regard to the character, priorities, or needs of individual counties. This bill allows “farm stores” to sell any kind of retail items, removes any limit on the amount of those sales, and allows unlimited entertainment events.

The definition of a farm store is extremely vague, what does it really encompass?

HB 4153 is unfair to rural residential landowners. We have a reasonable expectation that adjoining Exclusive Farm Use zoned land will be used for farming, not for retail stores, commercial kitchens, restaurants, concerts, zoos, and entertainment venues.

We expect and accept the necessary noise and inconvenience that comes with being part of a farming community. But rural residential landowners – and our farming neighbors – should not be forced to deal with non-farm uses that belong in commercial and manufacturing zones.

The overreach in this bill would be devastating for farmers who are simply trying to farm. **Land use law is complicated, and changes of this magnitude should not be rammed through the short session.**

- HB 4153 is unfixable.
- It uses dozens of terms that are not defined.
- It conflicts with existing sections of the statutes which are unresolved.
- The constraints on non-farm sales are illusory.
- The complexity and amount of judgment it requires of county planners and code enforcement staff makes it unenforceable.

Please reject and oppose this bill. Work does need to continue with a rule-making process that involves all parties and is open to public comments over a much longer time period.