

Good afternoon Chair Helms, Chair Owens and members of the committee,

My name is Kim Hamblin, I live outside of Sheridan, in rural Yamhill County. I'm a Director at large for Yamhill Soil and Water Conservation District, but I am here in my personal capacity. I am here in opposition of House Bill 4153. Please bear with me, I have a lot of points to make!

I think I have a unique perspective on agritourism and land use as I'm a licensed Realtor specializing in rural farm land and owned a music festival that ran on our farm from 2010-2019. We were the first in our county to use the Agri-tourism Permit and when we exceeded 500 people, we switched to a Mass Gathering Permit.

My husband and I also own a small cidery & tasting room on our farm. To legally do this, we planted 15 acres of apple trees, applied for land use permits, built and permitted our processing facility and tasting room to commercial standards, expanded and engineered our road to our local fire dept regulations and followed OLCC, DEQ, water permitting and ODA rules. We test our water annually and pay fees to OLCC and ODA for oversight and permits.

We currently host summer agri-tourism events on our farm where we sell our farm-based value-added agricultural cider at a summer concert series.

I'm using those words on purpose. Farm based, value-added agricultural products.

We grow the fruit, we make the beverages and host events to sell our products. As per our tasting room rules, we are limited to 300 people

per event and only 25% of our income can come from off-farm product sales.

As defined in ORS 215.203: “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof

Now, to get to the reason why I oppose this bill. I feel like some proponents of this bill are being disingenuous. Most of the farm-related agri-tourism things in this bill are already allowed in the farm use; albeit some of them need permits and have restrictions on size and number of events. What it doesn’t allow is unregulated events that have no connection to farming. There is a difference between farm-related agri-tourism and big events that happen to take place on a farm.

It has no mention of:

1. Cuts out small farms and people who run farm stands with acreage limits and dollar amounts
2. Building regulations for Ag buildings vs commercial, Ag buildings are much cheaper to build and permit and don’t abide by commercial standards. Under current regs, if you want to use an

Ag building for commercial purposes, you need to upgrade it to commercial standards; this bill would bypass those rules

3. Retail restrictions, I could sell just about anything on my farm under this bill. The 25% retail rule WORKS for farms, it doesn't need to change.
4. Non- alcoholic vs alcoholic beverage restrictions and oversight by OLCC; the bill only says beverages, which could potentially bypass OLCC oversight for alcoholic beverages

“(c) The sale of beverages and prepared food items that are cooked or otherwise made ready for immediate consumption;

5. no food or beverage oversight by ODA who is the regulatory oversight on farmland; they are our health department and they have RULES.

“(6) A farm store may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121. Food and beverages prepared under subsection (3)(c) of this section may not be served in a manner that causes the kitchen facilities to function as a cafe or drive-through dining establishment

6. and no real oversight by the county, these pieces seem to be contradicting each other, can the county apply restrictions or not?

“(7)(a) A local government with land use jurisdiction over the site of a farm store may adopt siting standards for farm stores

“(b) A county may not apply siting standards in a manner that prohibits the siting and operation of a farm store under this section.”

7. What happens to Exclusive Farm Deferral? It's deferred specially for *farming*. If I have a 200 acre farm and under this rule I only need to farm 45 acres, why is the other 155 acres still allowed a (greatly reduced) deferral rate? What about a 20 acre farm that only farms 10 acres? Why would they get the rate on that land that is reserved for actual FARMING.

8. What about the potential impact on our wells and water tables?

Commercial activities could take a lot of toilets, handwashing, dishes, cleaning, etc. How does a large venue with 2000+ people/day impact our local water supply?

9. There's no way process for neighbors to weigh in

So, I have questions:

- Can I run a strip club in my ag building?
- Can I build a 5 acre dirt bike track and have events for bikers?
- What about mud drags?
- Can I host 2000 person concerts 4x a week all summer long? Can I serve alcohol with no oversight at my events?
- Can I build a rollercoaster for the kids? What about a water park?
- Can I have a speak-easy?
- Is a motorcycle club ok?
- What about a swingers club that sells lingerie and adult toys?
- Can I host wrestling matches?

Is all of this ok as long as I sell a few bags of grass seed and have a portion of my farm in grass seed? Is this ok even though I live on a single lane dirt road and my neighbors aren't ok with it?

It seems like the answer is YES as long as I refer to them as agri-tourism events. After all, these events certainly would help me raise

money to support my farm, so what makes one type of event different than another?

I think we can see that these examples are NOT what is intended in our Exclusive Farm Use, or even under a traditional farm store; but I think ALL of this would be allowed under this bill as it is currently written.

Keep in mind, we are also getting farm deferred tax status for actually farming, not for events and retail operations that HAPPEN TO BE ON A FARM.

As a small farmer who currently hosts agri-tourism events specifically to sell my **farm-based value-added agricultural products** (there's those words again) I can tell you these rules will likely HURT my farm cider business.

The current rules keep agri-tourism events connected to the **actual farm and farming** unless they are specifically permitted. If everyone can do what we do with very little regulation, I expect a lot more of them will. And my small farm that *actually farms* and sells products that we make on site will have to compete with them.

The current Agri-tourism permitting mostly works for people who are actually farming. I know, because I have used it. I'll admit that it's not perfect and could use a bit of adjustment to work better, so let's do that! The people it doesn't work for are those who want to make most of their money from commercial activities on a farm, not from the actual farming.

As a Realtor specializing in farm properties, I can tell you this bill will absolutely influence the price of farmland. We will get an influx of out

of state investors looking to make a buck on commercial endeavors. This does not help small family farms afford to buy farm land; it'll actually make it more expensive!

The very landscape that makes Oregon unique will change. Our farmland will be peppered with commercial and retail enterprises that have nothing to do with farming. How will that affect our tourism industry? Why would people come here for the same thing they can see in every other state?

This bill is a can of worms- loosely written language, with minimal to no oversight and no path to address potential outcomes for neighbors and communities. I expect if passed, it will have unforeseen consequences to our farm state's precious farm land much like Measure 37 did.

Here's the thing, I like to push boundaries and I prefer to operate in the gray areas which can be difficult in the black and white rules of County Planning and State Land Use rules, OLCC, DEQ, and ODA (especially the ODA!) rules. Just ask them, I am a total pain and have been poking them for years.

I get the frustration and am not opposed to some reasonable adjustments to the farm rules, but this bill is not the answer. I also see how these rules benefit our state and protect our farmland from overreaching development. Food safety, fire and building codes keep people safe. I know the rules are strict, but they are strict for a reason.

Ironically, I am the most likely person in my close knit neighborhood to exploit this, and I am against it and that says something!

HB 4153 is too controversial and loosely written to be pushed through in the short session; at minimum, it should be tabled so more small farmers have a chance to weigh in on the impacts.

Please vote no on this bill; we can and NEED to do better for Oregon farmers.

Thank you,

Kim Hamblin

Art+Science Cider

Yamhill County