

February 4, 2020

Chairman Senator Shemia Fagan
Senate Committee on Housing and Development

RE: Opposition to SB1555

Dear Senator Fagan and Committee Members:

Thank you for allowing me to comment on SB1555. My name is Shelley Wetherell. My husband and I farm a little less than 500 acres on three different properties. We currently raise about 200 head of sheep. We have about 50 acres in wine grapes and my youngest son has planted 10 acres of cider apples. We also are growing timber. We live on a property that is close to 300 acres in Umpqua, east of Sutherlin. The property was purchased by my parents sometime in the 1960's and we have lived and worked on this property since 1974, purchasing it in the late 1970's. Our farm is 60 feet from that of a small church property and we are concerned with the proposed new nonfarm use that would be allowed under SB1555.

Over the years we have been able to engage in agricultural practices around the schedule of the small community church nearby. We respectfully did not schedule and work in that field on Sunday mornings or on other occasions when church activities were taking place. With the prospect of a parsonage, this limited use church property will likely become a full time residence with the usual accompanying family activities. Siting a nonfarm residence adjacent to an active farm operation is problematic.

As we have witnessed over the years, the pastors for a church come and go and neighbors come in all kinds. While one family may be totally okay with our farm practices the next may not. It only takes one neighbor that does not like what you are doing to make your life very difficult.

What looks like an idyllic place to live may in reality be something very different. Specifically we have a ten acre vineyard directly across from this church. We engage in farming operations that are not compatible with a residence, and we would never have planted certain crops in this field if we knew that someone was going to reside in such close proximity.

In addition to the vine maintenance and harvest done by our employees, during a typical growing season, we will spray herbicides for weed control within the rows followed by tilling which creates plumes of dust between the rows. There is usually a dormant spray of something like sulphur that is very odorous and corrosive. That is followed by spraying

with an air blast sprayer for powdery mildew and bunch rot every few weeks once the vines have leafed out until within a few weeks of harvest. For our own protection we use a tractor with a cab and/or appropriate respiratory gear to keep away from these chemicals and dust.

Even though spray is contained within our own property it can be an alarming concern for those nonfarmers living close by that can see and smell these chemicals. With some chemicals there is an application exclusion zone (AEZ) which applies to within 100 feet of the spraying. Application cannot begin if anyone is inside the AEZ and if anyone enters the AEZ during the application, **on or off our farm**, the application must be suspended. If those living in the church nearby object to chemical spraying, they merely could be present in the churchyard to totally shut down any application. This can create a significant constraint on performing the necessary farm application.

Farming is noisy. Farmers wear ear plugs or ear muffs when running machinery for a reason. It is loud and continuous.

Noise is used to keep birds from eating the crop. We have found that bird alarms that emit sounds of different raptors and that come on at sunup and go off at dusk work best for us. Apparently even these devices are not to the liking of neighbors as this year when we retrieved the bird alarm from the field in front of the church we found that someone had trespassed into the middle of the field and cut the wires to the battery even though they could have just flipped the on/off switch.

Noise is not limited to the daylight hours. We are challenged by elk in the vineyard. Not only do the elk actually eat the fruit and leaves, their size enables them to tear out trellising when alarmed. In an effort to keep the 30 plus elk in the herd from decimating things we use a propane air cannon which mimics a shotgun noise. This noise can be very irritating at close range and nighttime hours.

The crops we grow may require the use of loud machinery such as a frost control wind machine. Use of these technologies is very important to make sure we are a profitable farm operation. One fan does about 10 acres. Even though they have catalytic converters and mufflers they still produce about 40 decibels of noise at 200 yards. Not only is the noise a factor, these machines will rattle the windows of any nearby structure. Some neighbors of air machines have equated them to a hovering helicopter. There is no way to predict how often or how long these machines will be running. Other growers have used them up to 20 nights during April and May, usually coming on around midnight and running until around seven in the morning. They may also be used if there is a chance of frost in the fall and full ripening has not taken place.

With dwellings come pets and over the years we have had numerous catastrophes with dogs that have gotten lose and found entertainment in chasing our sheep. There is nothing more disconcerting that going out to find dead and maimed ewes that have to be put down. Dog interference affects the productivity of the livestock which in turn impacts the bottom line.

By introducing a new method to place a nonfarm dwelling on farmland the impacts on the nearby operations must be considered if farmers are to profit and stay in business. I can attest to the fact that conflicts which may seem as only a remote possibility to those not involved in agriculture, are real everyday concerns.

In addition to the impacts of new nonfarm dwellings, I have some concerns about the lack of specifics in the bill to adding parsonage outright on farmland.

The bill does not direct how counties will evaluate applications and what criteria will be used to determine if an individual is a "religious official". Without pertinent criteria for evaluation, nonfunctional churches and/or those posing as a "religious official" could qualify for a dwelling.

The bill would allow the establishment of a dwelling based on a person's affiliation with a religion, but does not specify what happens when the dwelling is no longer needed to be used by a religious official. Dwellings that are built for a particular reason can often turn into rentals that no longer serve the purpose that they were constructed for. There is also nothing that prevents these dwellings from being rented to another individual.

This bill is counterproductive to the intent of preserving the state's limited agricultural land. The costs to farmers must be considered before any nonfarm dwelling is approved in order that nearby farmers are not unduly prevented from using accepted farm practices to engage in making their operations viable. There is no real need to change state statutes that have worked for many years and helped protect farmers from the conflicts of nonfarm dwellings.

I hope you will take my concerns into consideration when contemplating this bill and not move it forward.

Thank you.



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