



February 5, 2020

Chair Senator Shemia Fagan
Senate Committee on Housing and Development
State Capitol
900 Court Street NE
Salem, OR 97301

Re: Opposition to Senate Bill 1555 (Non-Farm Dwellings for Religious Officials)

Dear Senator Fagan and Committee Members:

Thank you for the opportunity to provide testimony on SB 1555. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice. Our supporters come from across Oregon, from every county in the state.

1000 Friends of Oregon opposes SB 1555 because it forces counties to allow a non-farm dwelling on farmland, and treats religious officials differently than other landowners. For the first time since the adoption of the modern land use system, this bill would *require* local governments to unconditionally allow non-farm dwellings on farmland. This mandatory dwelling allowance would only be available to a limited class of persons, and requires no analysis of impacts to adjacent farming operations. SB 1555 threatens the feasibility of agriculture, and create the threat of litigation against farmers and local governments.

A. Non-farm dwellings in the farm zone impact the feasibility of farming.

In 1987, the Oregon Court of Appeals explained that the Exclusive Farm Use zone is designed to preserve the state's limited amount of agricultural land to the maximum extent, and that the legislature intended non-farm dwellings to be the exception, with approval for them to be difficult to obtain.¹ This bill would allow just the opposite: a mandatory non-farm dwelling allowance in the farm zone. The bill allows for construction of new dwellings on all farming soils including high-value soils, has no requirements to analyze impacts on adjacent farmland or avoid siting near active agricultural operations, and will create conflict and the threat of lawsuits against farmers.

¹ *Cherry Lane, Inc. v. Jackson County*, 733 P2d 488, 490 n 3, 84 Or App 196 (1987).

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The legislature should not allow any more non-farm dwellings on farmland because such uses collectively make it more difficult to engage in farming. The development of non-farm dwellings on farmland can result in complaints and retaliation from non-farm residents against farmers for simply engaging in regular farming practices. Many non-farmers do not realize that farming practices occur throughout the year, and include around-the-clock operations that create noise, dust, smells, and burning. Many non-farmers move to the area expecting a quiet bucolic life, but become upset when they realize what farming actually entails. In these circumstances, farmers often have to spend time and money defending their farm practices (sometimes, even in court) or change those practices to accommodate the non-farmer's expectations. All of this can result in a significant burden of lost time and costs for the farmer.

Proliferation of non-farm dwellings can also harm the agricultural industry by increasing traffic. This bill would incentivize the development of more non-farm dwellings, resulting in more non-farmers driving on rural roads. This can create difficulty and dangerous conditions for farmers who move their equipment between fields and haul their crops on rural roads. Non-farm residents create safety hazards, including an increase of pedestrians, joggers, and bicyclists on rural roads that lack shoulders necessary to accommodate such foot and bicycle traffic. The presence of more cars in rural areas, particularly during dry summers, can also increase the risk of wildfire in farm communities.

B. SB 1555 would result in unequal treatment of religious officials and other landowners.

Currently, applications for dwellings on farmland are not evaluated based on whether the applicant is affiliated with a religion. Under SB 1555, a local government would be required to evaluate whether an applicant is a "religious official" in order to approve a dwelling on farmland. SB 1555 would require local governments to treat religious officials differently than other landowners when issuing permits for dwellings on farmland.

This bill is unnecessary and will create the threat of lawsuits against local governments because the bill would force governments to evaluate the validity of an applicant's statement that they are a "religious official," for purposes of building a dwelling on farmland. The bill would result in unequal treatment between religious officials and other landowners, and should not become law.

Thank you,

Scott Hilgenberg
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