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March 19, 2023

Senate Committee on Housing and Development  
900 Court St., NE  
Salem, OR, 97301

To: Senate Committee on Housing and Development

**RE: "No" on SB 1051 – 2**

Dear Chair Jama, Vice-Chair Anderson and Members of the Committee

Friends of Marion County (FoMC) is an independent 501(c)(3) farmland protection organization founded in 1998. Our mission is to protect farm and forestland, parks, and open space.

### **FARMLAND UNDER THREAT**

I ask that you vote "No" on SB 1051-2. Our current land use planning system is working. Oregonians appreciate the predictability that our land use system provides.

We must preserve the farm land we have left. With the ending of the Covid-19 pandemic restrictions Marion County has experienced a flood of applications. Since Marion County is considered to have some of the most productive agricultural lands in Oregon, the county has been the focus of conversion of this farmland to non-farm uses. Among the applications are home occupations, non-farm and farm dwellings, conditional use applications for many other uses including temporary hardship dwellings, dog boarding and training facilities, educational experience centers, solar energy facilities, and many others.

Sullivan and Eber's article in the San Joaquin Agricultural Law Review lists the non-farm uses from 1963-2009.<sup>1</sup>

1000 Friends of Oregon in its June 2020 report, Death by 1000 Cuts: A 10-Point Plan to Protect Oregon's Farmland, has outlined conditional uses and other applications which are harmful to the preservation of farmland.<sup>2</sup>

## **SB 1051-2 FURTHER CHALLENGES RESOURCE LANDS**

**SB 1051-2 amends ORS 195.137 to 195.145 as follows:**

**...”the governing body of a city may approve a petition by a landowner to include the landowner’s property within an urban growth boundary.”**

This provision bypasses the work required by cities to justify a need for Workforce Commercial Use as is defined in the bill as follows.

‘Workforce commercial use’ means commercial use, in buildings not larger than 2,000 square feet, that is of a type and scale supportive of nearby households in workforce housing.

Cities must do more to provide justification for an expanded Urban Growth Boundary (UGB) than to merely accept a petition from a landowner. UGBs protect farms from uses belonging within cities. That’s why it’s necessary for cities to go through the land use rules and apply for a UGB expansion. Otherwise there will be a competitive race by all landowners surrounding the city’s UGB to get their property developed for so-called Workforce Commercial uses. And, of course, SB 1051-2 does not restrict the number of landowner petitions the city can accept.

Please vote “NO” to protect our farms. Thanks so much for listening.

Roger Kaye, President  
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1. Summary of Uses Allowed in EFU Zones, Appendix 1, pgs. 63-69, Farmland Protection in Oregon 1961-2009, THE LONG AND WINDING ROAD: FARMLAND PROTECTION IN OREGON 1961 – 2009, SAN JOAQUIN AGRICULTURAL LAW REVIEW, VOLUME 18 2008-2009 NUMBER 1  
The initial non-farm uses provided for in 1963 were public and private schools, churches, public or non-profit group parks, playgrounds or community centers, golf courses, utility facilities, and farm dwellings. Except for the deletion of farm dwellings between 1967 and 1969 there were no changes to the permitted non-farm uses. In 1973 commercial activities in conjunction with farm use, mining activities, private parks, playgrounds, hunting and fishing preserves and campgrounds, commercial power generating facilities and non-farm dwellings were added. From 1975 to 2009 there were 61 additional changes, almost all new uses.

2. Death by 1000 Cuts: A 10-Point Plan to Protect Oregon’s Farmland, June, 2020, Executive Summary <https://friends.org/news/2020/6/death-1000-cuts-10-point-plan-protect-oregons-farmland>