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March 14, 2017

House Committee on Human Services and Housing  
State Capitol  
900 Court Street NE  
Salem, OR 97301

RE: HB 2937 and HB 2938

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Dear Chair Keny-Guyer and Committee Members:

Thank you for the opportunity to provide testimony on these two bills, which would allow additional houses in rural and farming areas. 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.

1000 Friends Oregon opposes HB 2937 and HB 2938. HB 2937 allows "accessory dwelling units" on the same lot as the original house as an outright use in rural residential areas and as a conditional use on lands zoned for exclusive farm use. HB 2938 does the same for recreational vehicles for "residential purposes." While we appreciate that for some of those promoting these bills, this is an attempt to provide more affordable housing, we believe these bills will not accomplish that and might be counter-productive, and will cause unintended but significant adverse consequences for farming areas. Our reasons:

- Although HB 2937 states it is about "accessory dwelling units," the definition is *not* of an actual accessory dwelling unit. Rather, it is of a stand-alone house. Typical ADU definitions require the ADU to be smaller in size than the "host" house; the owner must live in one or the other of the two dwellings; many cities require the ADU to be inside an existing home, and not a separate structure; and may prohibit short term vacation rentals. This bill has none of those restrictions.
- Therefore, HB 2937 and HB 2938, simply allow another dwelling in exclusive farm use zones. Oregon's land use laws already permit various types of farm and non-farm dwellings in the EFU zone. In fact, the agricultural community would like to see those opportunities restricted, not increased, due to the conflicts that occur when city folk live in the countryside. According to the Department of Land Conservation and Development's recent *Farm and Forest Report*,<sup>1</sup> 522 dwellings were approved by counties on EFU lands in 2014-15. This was on top of 457 approved in 2012-13. Between 1986 and 2015, approximately **22,778 dwellings** of all types were approved on farmland across Oregon. Many of these dwellings were not associated with farm use. Two charts prepared by DLCD show all the houses built on farm land since 1986, by the types of dwellings approved by year, and county-by-county.<sup>2</sup> *And this is just on farm land.*

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<sup>1</sup> [http://www.oregon.gov/LCD/docs/rural/2014-2015\\_Farm\\_Forest\\_Report.pdf](http://www.oregon.gov/LCD/docs/rural/2014-2015_Farm_Forest_Report.pdf)

<sup>2</sup> [http://www.oregon.gov/LCD/docs/rural/2014-2015\\_Farm\\_Forest\\_Report.pdf](http://www.oregon.gov/LCD/docs/rural/2014-2015_Farm_Forest_Report.pdf), pp. 13 and 14.

- Oregon also has 708,000 acres of land outside urban growth boundaries, zoned for rural residential use. That is slightly less than the total amount of land that is inside UGBs (that is about 825,000 acres).
- Rural residential areas are quite variable in size and zoning. Some allow 1 dwelling per 5 or even fewer acres and others 1 dwelling per 20 acres. The allowed density depends on several factors, including the surrounding agricultural and forest operations, groundwater and septic capacity constraints, wildfire risks, and wildlife habitat and migration routes. To uniformly allow another dwelling on every lot across these vastly different areas, if it increases the zoned density, is too broad a brush – especially when the dwellings allowed by these bills are not required to be “accessory.”
- Conflicts between farm and forest operations and non-farm uses and non-farmer residents is already posing significant problems in many parts of Oregon’s working landscape. These include trespass, theft, too many cars driving too fast on country roads, wildfires, complaints about common farm practices, competition for groundwater resources, and more.
- Agriculture is Oregon’s #2 industry. It is traded sector. In 2015, Oregon’s agricultural sector produced a farm gate value of \$5.7 billion, or approximately 11 percent of the net state product. Agriculture is linked economically to 13% of all Oregon sales and 11% of the state’s economy.<sup>3</sup> We would not dream of permitting conflicting uses on the land zoned for other industrial uses – like high tech.

We respect the concern for affordable housing that has motivated some of the proponents of these bills. However:

- The bills do not require that the housing be affordable or provided only to those of a certain income level.
- The bills do not prohibit the housing from being used as short term vacation rentals, which is happening across Oregon’s farm land right now. Not only does this cause the conflicts with farming described above, but it drives up the cost and limits the availability of existing rental housing in rural Oregon, as more of the existing and new housing is converted to short-term rentals. *This is actually creating an affordability problem in rural Oregon.*
- Oregon law already provides many options for farm and non-farm dwellings for those who need to live on a farm in order to participate in farming. And, there are already hundreds of thousands of acres in rural residential areas that are zoned for housing.
- Most Oregonians of any income level, and particularly those of lower income, need housing inside towns and cities, near existing employment centers. A bill that would address *this* need would allow accessory dwelling units in all single-family zones inside UGBs. Metro required this in all cities in its region over 15 years ago, and it is working well.

Respectfully submitted,



Mary Kyle McCurdy  
Deputy Director

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<sup>3</sup> Sorte & Rahe, 2015; cited in *2014-15 Oregon Farm and Forest Report*.