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March 5, 2023

Senate Committee on Housing and Development  
Oregon State Capitol  
900 Court Street NE  
Salem, Oregon 97301

***Re: SB 648 and -1 amendment – Oppose***

Chair Jama, Vice-Chair Anderson, and members of the committee,

Central Oregon LandWatch (“LandWatch”) is a conservation organization that, for more than 35 years, has protected Central Oregon’s forests and high desert, rivers and springs, fish and wildlife, and its vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

The recently submitted -1 amendments would overturn an Oregon Court of Appeals decision. That important decision clarified that short-term rentals are not an allowed use in farm and forest zones protected by Oregon statewide land use planning Goals 3 and 4. The Court of Appeals concluded their analysis of whether short-term rentals are allowed on resource lands with a clear answer:

“Having reviewed the statutory scheme as it relates to the use of resource land, we conclude that regardless of whether the question is whether the short-term rental use of dwellings is implicitly included in the allowance of ‘dwellings’ or ‘residences’ on that land or, instead, whether state law expressly allows the short-term rental use of dwellings on land zoned for resource uses, the answer is the same: It does not.” *1000 Friends of Oregon v. Clackamas County.*, 320 Or App 444, 459 (2022).

Uses allowed on farm and forest lands are strictly regulated by statute at ORS 215.283. Short-term rental uses are not among that statute’s list of allowed uses on these lands. This policy and the Court’s holding should remain intact, as commercial vacation rental use of Oregon’s farm and forest land directly conflicts with farm and forest activities. *Passing this bill would impose on Oregon’s farm operations many conflicts brought on by short-term rental use*, including traffic on rural farm roads, late-night noise and parties, and new incentives to convert our limited supply of farm and forest lands with commercial structures and uses. Note that the agricultural land use policy of the State of Oregon is to preserve the “maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources and the preservation of such land in large blocks is necessary in maintaining the



WE DEFEND AND PLAN FOR CENTRAL OREGON’S LIVABLE FUTURE



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agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.” ORS 215.243.

It appeared that the original intent of this bill was to *prevent* rural Accessory Dwelling Units (ADUs) and other rural structures from being used as short-term rentals. While we support that intent, we have concerns with the very narrow conditions under which the bill as introduced would limit short-term rentals. Those conditions should be expanded to be consistent with protecting farm and forest lands and directing commercial uses inside urban growth boundaries.

With the -1 amendments, it now appears that the introduced version of this bill was possibly not the actual intent. The -1 amendments would add “vacation occupancies” to the list of allowed uses on agricultural lands at ORS 215.283.

Central Oregon LandWatch strongly opposes SB 648 and the -1 amendments which would open up our state’s rural resource lands to disruptive short-term rental use. The bill directly conflicts with the state’s agricultural land use policy at ORS 215.243 and the recent, well-reasoned decision of the Oregon Court of Appeals.

Thank you for considering this request to broaden the scope of the bill to limit all Rural ADU’s from being used as short-term rentals.

Respectfully submitted,

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Rural Lands Program Manager & Staff Attorney  
Central Oregon LandWatch



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