



*Protecting Our Natural Heritage
From the Coast to the Cascades*

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March 6, 2023

TO: Senate Committee on Housing & Development

FROM: LandWatch Lane County

SUBJECT: SB 648-1

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

LandWatch Lane County (LWLC) is a 501 C-3 established in 1997. Our mission is to protect farm and forest land for farm and forest uses, and to protect open space, natural areas, and wildlife from unlawful uses and development.

LandWatch Lane County is opposed to SB 648-1 and respectfully urges you to oppose this bill.

The Staff Measure Summary of the -1 amendment to this bill states:

“EFFECT OF AMENDMENT: -1 Replaces measure. Removes requirement counties obtain approval of governing body or designate to allow establishment of home

occupation and parking of vehicles in any zone. Requires counties allow use of residential structures as vacation occupancy on lands zoned for exclusive farm and/or forest use, subject to conditions of approval.

Allows vacation occupancies in areas zoned for exclusive farm use in counties without marginal lands provisions, and on exclusive farm use land subject to approval standards in counties with marginal lands provisions.” (emphasis added)

It appears the introduced version of the bill was merely a placeholder and that the actual intent of the sponsor has not been made public until the Friday afternoon prior to Monday’s 8 AM public hearing. Is this really the way the legislative process is meant to operate? If so, it only works for a few entitled insiders.

The substantive problems with the bill include the following:

- It allows yet another non-farm use in the EFU zone that cannot and will not be enforced
- It overturns a Court of Appeals decision (1000 Friends of Oregon v. Clackamas County., 320 Or App 444, 459 (2022)) that ruled in part: “***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.”
- It is more permissive than what the struck down Clackamas County Code amendment proposed, allowing short term rentals pursuant to ORS 90.100, Definitions:

(51) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

- (a) The occupant rents the unit for vacation purposes only, not as a principal residence;**
- (b) The occupant has a principal residence other than at the unit; and**

(c) The period of authorized occupancy does not exceed 45 days.¹

- It allows the use of farmworker housing for short term vacation rentals, putting pressure on the legislative body to allow even more dwellings on farm land
- The bill directly conflicts with the state's agricultural land use policy found in ORS 215.243

¹ The struck down CC code provision allowed vacation occupancy for up to 30 days