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August 23, 2010

Land Conservation and Development Commission
635 Capitol St. NE, Suite 150
Salem 97301-2540

Dear Commissioners,

Thank you for this opportunity to comment on the Department's "proposed permanent rules for private campgrounds on lands planned and zoned for exclusive farm use." 1000 Friends of Oregon is a statewide charitable nonprofit organization that works with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas.

While we do not object to the intent of the proposed campground rule, 1000 Friends of Oregon is concerned that the proposed rule will open land zoned EFU to virtually urban uses with insufficient built-in protections. There is no longer a rush to adopt rules for the 2010 construction season since the temporary rules passed in June will be in place for 180 days, unless they are repealed. We therefore encourage you to study this issue and pass appropriately tailored rules to protect agriculture in the state.

These campgrounds, as allowed in the proposed rule, can become residential uses on farm lands for extended periods of time. Residential encroachment into traditional farming areas sets off a series of negative effects for agriculture. Conflicts increase and the resulting instability creates an "impermanence syndrome" among farmers. When farmers lose confidence that they can farm free from conflicts they begin to divest their holdings and, ultimately, move on. This eventually leads to the dissolution of the farm economy. A 1991 Farm and Forest Study by DLCD found Willamette Valley farms faced conflict generated costs of \$11.75 per acre.¹ For a commercial farm of 500 acres, that means more than \$5,000 every year. Because of high conflict costs, moving residential uses into farming areas is not the answer unless it is absolutely necessary and allowed only for a limited time.

Additionally, Oregon's rural communities are struggling. The proposed rule would allow an energy developer to establish a temporary campground on land zoned EFU even if there was a town nearby that could accommodate the influx of temporary workers. In a time of high unemployment, failing businesses, and empty motel rooms and campgrounds within rural communities, the rule, bereft of locational limitations, seems like an anachronism from the go-go '90s.

Strangely, the proposed rule for temporary campgrounds allows more intensive development and fewer siting restrictions than the rule for permanent campgrounds. At the very least, except for the maximum stay restriction, the rules applicable to private campgrounds on EFU should apply. Permanent private campgrounds are expressly not allowed within 3 miles of a UGB and individual

¹ Oregon Department of Land Conservation and Development, *DLCD Analysis and Recommendation of the Results and Conclusion of the Farm and Forest Research Project*, 1991.



RV hookups are not allowed. Both provisions are important in the context of Oregon's land use program. The 3-mile limit in the existing private campground rule helps prevent construction of campgrounds that take business away from accommodations within the UGB and to prevent residential use of private campgrounds. The restriction on individual RV hook-ups also helps prevent private campgrounds from becoming residential and prevents intensive development of private campgrounds to the detriment of nearby farmland and nearby communities. We urge you to adopt these commonsense constraints in the permanent rule.

We also feel the limit on proximity to a UGB should be enhanced for the proposed temporary campgrounds. If these campgrounds are needed when construction projects are taking place in remote areas, it does not follow that they are needed when a construction project is near a medium to large city that can accommodate temporary workers. For example, the Cascade Crossing powerline that PGE is currently proposing will terminate at the Market Substation in Salem. The proposed rule would allow a temporary private campground near Salem even if one was not necessary due to the services available in Salem. There are also potential issues with health and safety that might be better addressed at established campgrounds and competition issues with permanent campgrounds. A demonstration of need for the campground along with a constraint that these temporary campgrounds cannot be built within 30 miles of a UGB with 10,000 or more residents would help prevent conflicts, would help struggling local communities, and would prevent new campgrounds on farm lands when there are already alternative places to stay.

We are also concerned that the requirement to remove the campground when construction of the facility is complete does not reflect the reality of the construction of linear facilities like pipelines and transmission lines. While a linear facility may stretch across the state and not be completed for years, a particular section will be completed, the construction crew will move on, and the "temporary" campground will remain open under the rule. This part of the rule would benefit from a locational requirement. We propose that the campsite be removed when project construction within a 30-mile radius of the camping facility is complete or abandoned.

The temporary campground is intended for use as workforce housing for utility construction workers, however, the proposed rule does not restrict who can stay in the temporary campground. This is a major loophole in the rule and could be fixed by restricting use of the campground to employees, contractors, and their immediate families.

We are also concerned that these campgrounds can be built on high-value farmland – taking Oregon's best agricultural resources out of production. There should be a constraint in the rule that does not allow campgrounds authorized by the temporary rule on high-value farmland as defined in ORS 195.300(10). This will help protect Oregon's best farm lands.

As an aid to understanding, here is a summary of our suggested additional elements:

- **A demonstration of need**
- **Must be at least 30 miles from a UGB with a population of 10,000 or more**
- **Must be at least 3 miles from any UGB**
- **May not be constructed on high-value farmland**
- **Removal or conversion of campground required when project construction within a 30-mile radius of the camping facility is complete or abandoned**
- **Restricted to the sole use of the temporary workforce and their families**
- **Separate sewer, water, or electric service hook-ups not allowed**
- **All services must be temporary in nature**

We propose you adopt the following language, with the type of utility facility inserted as appropriate, instead of the language in the proposed rule for each of the subsections changed by the proposed rule:

“Upon demonstration of need [a utility facility] may include on-site and off-site camping facilities for temporary workforce housing for the construction of [the utility facility]. Such camping facilities will be removed or converted to an allowed use under OAR 660-033-0130(19) when project construction within a 30-mile radius of the camping facility is complete or abandoned. Such camping facilities shall be restricted to the sole use of the temporary workforce and their families and may not be constructed on high-value farmland as defined in ORS 195.300. Off-site camping facilities are subject to OAR 660-033-0130(5) and may not be within 3 miles of any UGB or within 30 miles of a UGB with a population of 10,000 or more. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites and all services must be temporary in nature. Camping facilities not included in the initial applicant proposal may be considered through² a minor amendment request filed after a local decision to approve a utility facility necessary for public service. A minor amendment request shall have no effect on the original local approval.”

We respectfully request that you adopt language such as that above that is appropriately protective of EFU and Oregon’s land use program. Renewable energy development is critical to the state’s economy and welfare. There is already a backlash against such development in many parts of the state due to inadequate protections for affected parties. We feel that these minimum sideboards will prevent similar issues with regards to resource lands. Thank you for your attention to these views.

Sincerely,



Steven D. McCoy
Farm and Forest Staff Attorney

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AND DEVELOPMENT**

² Note that there is a scrivener’s error in the proposed rule and “through” is spelled as “though” each time it is used.