

To Karla Valness to be submitted as testimony for Oregon Board of Agriculture in support of Resolution 310, from Linda de Boer

February 6, 2020

To the Oregon State Board of Agriculture:

Supportive marketing opportunities are available state wide for a farmstead or a winery, and hopefully these activities can provide additional income to help sustain some agricultural endeavors. However, agritourism can bring many more problems for an area's agriculture business than it provides benefits for the short term. Our rural area has been experiencing these very problems for about 15 years now due to the impact of commercial events on an EFU property. Although the worst of the commercial events and weddings have dwindled due to our diligent efforts with Washington County, we still have unlawful activity; and we have never fully recovered from what we experienced in and around 2010.

The major event venue in our area began holding large weddings with party receptions around 2005, and they applied with Washington County for a land use change to a "winery" in 2010, in hopes of making the events lawful. Tired of the traffic and noise and agricultural disruption from forty weddings that season (along with some music events and movie nights), a great majority of the neighbors banded together to create Keep Helvetia Livable and Safe. With wide-spread testimony on negative effects on agriculture and neighborhood well-being caused by the years of events, the application to become a winery was denied by a Washington County Hearings officer (10-196-SU/D). That decision was appealed to LUBA where KHLS signed on as respondents and ended up providing the legal defense at that hearing. The decision was upheld by LUBA (LUBA No.2011-007). As if those were not enough legal expenses, we also helped provide legal help for the "winery" application of a nearby sister wedding venue that was also denied (10-242-SU/D). When the first winery application was denied, the proprietors moved an empty shed near the villa that was the wedding site, and declared that they were a "farmstand" and could hold events as such. KHLS objected to that, and the court remanded the case to LUBA (Keith v Washington County). While LUBA also ruled in our favor at that hearing, expenses were mounting (even with a generous attorney's discount), and frustration was growing. Then the proprietors applied with the County for a "Private Park" as cover for events. (12-383-SU/M). After yet another hearing, that application was also denied. (I believe that eventually a later LUBA decision declared that a Deschutes County Private Park could not hold private wedding events using that status, but that had not yet been ruled.) Although KHLS was successful at every hearing, it took a lot of cooperative work and time.

Our neighborhood has often complained that the burden put on us to maintain the rural integrity of our area has been too heavy. But we all agree that the threat to agriculture and rural lands is too great.

In order to impart a full picture of the threat to this area of forest and farm, I would have to include the many testimonies from the Washington County Hearings. One forest land owner had just finished an ambitious reforestation and was worried about fire - especially after one advertisement from the venue featured two young adults smoking in a field. Forest and farm weave together here in a very Oregon manner. Farmers, both large and small, were impacted by the traffic from not only 200 wedding attendees, but also the enormous entourage of event suppliers from caterers to bands to florists and port-a-potties. Many farmers need to use our rural roads to access sections of their property, or travel to neighbors' smaller farms who have hired them to work a small plot. In 2010, we had two horse stables in the area that could use

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our rural dead-end roads to access trails. One has closed, and the other has advised her clients to use only the arena. Not only is there so much more traffic, but non-rural drivers on their way to an event are often not versed in how to yield to horses and other animals. For years two neighbors shared their sheep business with pasture and day shelter on one side of the road, but the barn, necessary for nighttime protection, was on the other side. Transferring the sheep across the road in the evening with weekend wedding rush hour traffic became impossible.

We were often annoyed with Washington County's lack of enforcement. They explained that they did not have staff on the weekends and could not go on to private property. This left the neighbors with the task of documenting weddings, and sometimes through a combination of internet coverage of a wedding and our countless pictures of cars along with data from our two purchased counting cables to tally traffic, we could gather what the County found to be enough evidence. For our scores of efforts there were eventually 11 violations prosecuted with fines totaling \$55,000, however the County only collected \$24,000 of the total.

By 2014, when Washington County was considering adoption of Senate Bill 960 on agritourism, we had all learned a lot. Commissioner Malinowski was especially aware of our efforts to protect rural land. There were some astute planners in the DLUT who began to understand. One had told us early on that they had seen small infractions, but could never have imagined something on this large of a scale. Fortunately, Washington County did not adopt SB 960.

So, our neighborhood serves as a cautionary tale that commercial event centers can look to take advantage of event allowances originally granted in the name of agriculture. Scofflaws will always exist, and county land use officials are not prepared to deal with them. Neither are counties prepared to monitor complicated schedules of allowances which often happen on weekends. And even when events are lawful, their sum total can serve as a threat to agricultural practice. Some rural neighborhoods like ours will make great sacrifices of time and money to defend what they value so highly. Others will be deer in the headlights.

I strongly support the Oregon State Board of Agriculture Resolution 310. These issues must be addressed in order to provide justice for neighborhoods like ours, but mostly to preserve agriculture in Oregon! The resolution also begins to address some other problems that we have had since the land use denials including picnics for sale and barbecues held on site. Corporate break out sessions are still held at the venue by companies who have plenty of Washington County real estate not in the EFU or EFC! We need to begin to set some better boundaries, and Resolution 310 looks like a good beginning!

Thank you for working to preserve our agricultural lands and heritage!

Sincerely and respectfully submitted,

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