

***NOTE:** This was written for the Yes on 49 website. It was one of dozens of profiles that constituted a gallery of stories about individuals who would be impacted if the measure did not pass. This was written by Shelly Strom.*

Kathy Freeborn: Measure 49 protects the future of agriculture in Oregon

Kathy Freeborn is a poster child for future of agriculture in Oregon.

In her mid-20s, Kathy is the daughter in one of Rickreall's long-time farming families. She grew up working on the farm, which her grandparents started in the 1960s. The Freeborn farm since has expanded to nearly 1,000 acres, where they farm grass seed, grain, hay and raise cattle.

Kathy's experience growing up, coupled with a Masters Degree in Agriculture from Oregon State University, enabled her to take over recently much of the daily operations. In the not-too-distant future, Kathy will be in charge of the entire farm.

But there is another picture that will be the future of Oregon agriculture if Measure 49 does not pass. And it worries Kathy.

"Measure 37 claims for land surrounding our farms have thrown into question our future, as well as those of other farmers," she says.

Kathy supports Measure 49 because it closes loopholes in Measure 37 that allow large-scale development and at the same time enables farmers and other landowners to build a few homes where they otherwise are restricted.

For the time being, however, Kathy is living with the realities of Measure 37.

Voters in 2004 approved Measure 37, which enables landowners who acquired their land prior to most land use regulations to demand that any and all regulations be waived in order to proceed with almost whatever kind of development they choose.

Freeborn says it is likely her family could've filed Measure 37 claims but didn't because they want to stay in the business of farming.

Within four miles of Kathy's farmland, Measure 37 claims propose development of many, many homes.

Although none of the claims on land next to one of Kathy's farms has moved on to the development phase, Kathy says she has no choice but to assume they will come to fruition.

"Once somebody has the right to convert farmland to land that is developable, we have to assume that eventually it will become developed. That means we are less likely to make long-term investment and banks may not even lend to us under this scenario," she says.

And once these projects do get underway, Freeborn says she won't fight to stay in business.

"When any one of these begins the development process, we will flat out shut down operations on our adjacent land."

Most people prefer driving past farms and farmland versus living next to them. They are not compatible neighbors for subdivisions because farms are dirty, dusty, and noisy and operate around-the-clock. When suburbs crop up in the middle of farmland, farmers become vulnerable to lawsuits because the legal protections that they enjoyed as long as they were functioning in a rural environment no longer apply.

The Freeborns aren't alone.

Farmers all around Oregon are facing the prospect of development unforeseen until Measure 37 was implemented in 2005.

Thousands of claims filed under Measure 37 seek waivers to put a collective total of 488,000 acres of Oregon's farm and forestland on track toward development. Of that, 306,000 acres are among the most productive farmland in the state. Measure 37 claims propose subdivisions for 127,000 acres of valuable farmland and 90,000 acres of forestland.

The claims demand rights to build giant residential subdivisions and commercial and industrial development.

This kind of large-scale development is not what would have been expected of Measure 37, based on the way it was advertised to voters.

Measure 37 was presented as a way for long-time property owners to build a few houses on their land, if that is what the law allowed when they acquired their property. Voters heard from people who said they wanted to create a few lots and build homes for their children or to sell in order to have a nest egg for retirement.

Measure 49 allows just that but prevents the unplanned large-scale growth that the flaws of Measure 37 are allowing.

"No one I talked to said that they wanted to open up the door for the kind of development that would create uncertainty for farmers and flat out put us out of business," Kathy says.

The situation is somewhat ironic, she says.

"Under Measure 37, Oregon is on track to minimize and in some locations completely go out of the business of farming at a time when food security is front and center. And don't forget the fact that demand for locally produced food is at an all-time high and growing," she says.

Losing longtime rules that have protected farmers and benefited all Oregonians just doesn't make any sense.

"I think a solid land use system is integral to the success of our state. This may sound a little contrarian coming from a Republican. But without the protections we had prior to Measure 37, Oregon's agricultural industry can't succeed. Most Republicans are in favor of that!" Kathy says.