

Date: January 9, 2023
To: State Board of Agriculture members
From: Karla Valness, Senior Policy Advisor
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2023.

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup A--ODA Lead: Isaak Stapleton, Chris Benemann, Jess Paulson Board members: Allen, Lopez, Orem, Santamaria, Zielinski
000	Board of Agriculture Policy and Procedures for Resolutions	
029	Reservation of Columbia River Water for Irrigation Purposes	
124	Trade Policy that Promotes Free and Reciprocal Access	
269	Board of Agriculture Supports Development of Biofuels in Oregon	
275	Cougar Management Plan	
305	The Native Plant Conservation Program	

Proposed action: ACTIVE Resolutions - For review and discussion*

Proposed action: Establish workgroup to review the following active resolutions

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Rusty Rock Board members: Boyer, Harper, Johnson, Miller, Svaty
155	Position on Farm Tax Deferral and Urban Grown Boundaries	
162	Buildable Lands Inside Urban Grown Boundaries	
295	Protection of Oregon Agriculture	
300	Siting of Aggregate Mining Operations in the Willamette Valley	
310	Siting of agri-tourism, entertainment activities and associated activities on agricultural lands	

* The State Board of Agriculture will be accepting public comment on these resolutions during public comment opportunities listed on the board agenda beginning February 2023.

For a list of State Board of Agriculture Resolutions go to: <https://oda.direct/BOAResolutions>

Work sessions are open to the public.

Public Comment

Written comments – All written comments received will be posted on the ODA website and will be provided to the Board in advance of the meeting. Submit your written comments by email to: Karla Valness at karla.valness@oda.oregon.gov by **5:00 PM on Thursday, February 9, 2023**.

Verbal comments – Verbal comments are limited to three minutes and will be heard in the public comment period on Wednesday, February 22, or Thursday, February 23, 2023.

In-person	Remote
<p>To provide verbal comments in-person you must sign-up, prior to the comment period on the agenda, at the meeting and provide your name and organization.</p> <p>If you have written material as part of your public comment, please provide the board assistant with 20 copies prior to your testimony. Comment time is limited to three minutes per person.</p>	<p>To provide verbal comment remotely, you must contact Karla Valness at karla.valness@oda.oregon.gov by 5:00 pm on Thursday, February 9, 2023, and provide the following information:</p> <ul style="list-style-type: none">• Date you plan to provide verbal comments (February 22 or February 23)• Your first and last name• The topic of your comment• The telephone number you will be using when calling the meeting

Oregon State Board of Agriculture Resolution Procedures	
Title: Board of Agriculture Policy and Procedures for Resolutions	Number: 000 Effective Date: updated upon 2023 review
Workgroup: Allen, Lopez, Orem, Santamaria, Zielinski ODA Staff Contact: Karla Valness	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 02/13/2020 Original Resolution Date: 06/07/2018
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

General

- Resolutions are policy statements by the Board of Agriculture.
- All active Board resolutions will be available to the public on ODA's website including an ODA staff point of contact.
- If a Resolution is under review the website will simply state "under Board review," with an ODA staff contact listed. Draft language of Resolutions under review will not be posted as a matter of routine but will be available with Board agendas. Information is provided on how the public may provide comments on resolutions under Board review.
- Inactive Board resolutions are kept in an electronic archive but are not listed on the website and are only available to the public by request to ODA staff, or if the Board decides to re-activate a resolution.
- Resolutions will be reviewed on a routine basis by ODA staff and the Board to determine relevancy and changes if needed.

Resolution Development and Review Process

- Resolutions may be initiated at the request of individual members of the Board, or by ad hoc working groups of Board members who volunteer to address a specific issue, or may be suggested to the Board by ODA staff, or initiated by the Board at the request of an outside party.
- Drafts of Resolutions may be worked on by ad hoc working group members outside of Board meetings without public involvement.
- If it is known prior to a Board meeting that an active or proposed resolution will be brought to the full Board, it is made available on the website to the public with materials provided to the Board for the meeting.
- At the meeting, the Board will be advised by staff of any controversial issues and/or comments received about a proposed resolution, and the public may provide comments at the meeting on the proposed resolution during public comment periods designated on the agenda.

- If no revisions to the resolution are requested by the Board after discussion and hearing public comment, or if revisions are made and accepted by the Board at the meeting, the resolution may be adopted.
- If the Board requests that more work be done on the resolution, the revised resolution will be posted on the website with the Board meeting agenda including the statement “under Board review” and instructions on how to provide public comment.
- A revised draft of the resolution will be brought to the Board at its next meeting, which the Board may adopt, or send through the revision process again. This process may be repeated until the resolution is adopted.
- Resolutions will not be active until the Board votes on the final text of the resolution.

Summary of Public Involvement in Resolutions

- Resolutions are available to the public through the website.
- Drafts of resolutions under review by the Board are posted on the website with the Board meeting agenda.
- The public may provide verbal and/or written comment on the resolutions under consideration by the Board.
- Members of the public can request the Board to consider creating or modifying a resolution.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Reservation of Columbia River Water for Irrigation Purposes	Number: 029 Effective Date: updated upon 2023 review
Workgroup A: Allen, Lopez, Orem, Santamaria, Zielinski ODA Staff Contact: Isaak Stapleton	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 09/23/2020 Original Resolution Date: 12/12/1978
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

Oregon law allows for reservations of water for multipurpose storage of water for future economic development uses, including agricultural use. A reservation is an amount of unappropriated water set aside for future use with a priority date. To use reserved water, a prospective user must successfully apply for a permit to store water and receives a priority date determined by the date of the reservation.

After Senate Bill 140 created reservations for future economic development in 1987, the Oregon Department of Agriculture applied for several reservations. Many of these reservations were granted and have been extended. Other proposed reservations were not adopted into basin plans due to other pending processes. The Columbia River proposed reservation was placed on hold pending completion of recovery plans for threatened and endangered Columbia River fish species.

Recovery plans for threatened and endangered fish species have not yet been finalized for the Columbia due to litigation and re-drafting of the plans, so the Columbia River reservations applied for by ODA remain on hold.

Resolution

Be it resolved that the Board of Agriculture recommends reservation of water in the Columbia River for irrigation and future agricultural needs.

Summary

Recommends reservation of water in the Columbia River for irrigation and future agricultural needs.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution

Title: Trade policy that promotes free and reciprocal access	Number: 124 Effective Date: updated upon 2023 review
Workgroup A: Allen, Lopez, Orem, Santamaria, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 09/23/2020 Original Resolution Date: 02/05/1987
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

WHEREAS Oregon agriculture is highly dependent on trade. An estimated 80% of Oregon's agricultural production leaves the state, of which half is exported.

WHEREAS A robust, open trade system allows the movement of products in and out of the state, to the benefit of Oregon producers and consumers. As the strength of Oregon's agriculture is the diversity of high-quality products farmers, ranchers, and fishers may produce.

WHEREAS Access to a diversity of markets is essential to the function of markets, assuring that Oregon agriculture, food, and beverage producers receive the best possible prices for their products.

Resolution

The Board of Agriculture goes on record as supporting a U.S. Trade Policy that rejects protectionism and promotes fair and reciprocal access to all markets.

Summary

Supports a US trade policy that rejects protectionism and promotes fair and reciprocal access to all markets.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Board of Agriculture Supports Development of Biofuels in Oregon	Number: 269 Effective Date: updated upon 2023 review
Workgroup: Allen, Lopez, Orem, Santamaria, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 12/02/2020 Original Resolution Date: 03/16/2005
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

WHEREAS the use of biofuels provide an alternative to the use of fossil fuels and may assist in reducing greenhouse gas emissions.

WHEREAS biofuels are a renewable source of energy.

WHEREAS the State Board of Agriculture supports building in-state capacity to produce biofuels.

WHEREAS the State Board of Agriculture recognizes the Oregon Renewable Fuel Standard (RFS) that mandates biodiesel and ethanol in Oregon’s motor fuels and requires the Oregon Department of Agriculture (ODA) to study and monitor biodiesel and ethanol fuel production, use, and sales in Oregon and to regulate and enforce the RFS.

WHEREAS the RFS provides exceptions for very specific applications i.e., aircraft, antique vehicles, all-terrain vehicles, watercraft and power tools and exempts premium-unleaded gasoline from the ethanol mandate.

WHEREAS the RFS states all diesel fuel sold or offered for sale in Oregon is required to contain a minimum of 5% by volume biodiesel, creating a B5 biodiesel blend, except for 1) railroad locomotives, 2) marine engines, and 3) home heating applications.

WHEREAS the ODA’s Motor Fuel Quality (MFQ) Program:

- Ensures that the 2.1 billion gallons of motor vehicle gasoline, diesel and biofuels currently sold in Oregon each year meet national standards and specifications (ASTM) for quality.
- Tests gasoline against its stated octane rating to make sure consumers are receiving the octane they are paying for.
- Enforces Oregon’s RFS.

WHEREAS Oregon’s Clean Fuel Program (CFP) is administered by the Oregon Department of Environmental Quality (ODEQ) pursuant to ORS 468A.275. The CFP will reduce the lifecycle greenhouse gas emissions generated by the use of transportation fuels in the State of Oregon by at least 10% below 2010 baseline levels by the year 2025 in part by providing incentives for the use of low carbon agriculturally derived fuels in Oregon’s transportation fuel market.

Resolution

Be it resolved that the State Board of Agriculture supports tax credits, property tax exemptions, siting assistance and other methods of promotion and use of biofuels, biofuel development, and biofuel processing in Oregon.

Be it further resolved that the Board supports Oregon's CFP. ODA will provide technical guidance and advice as may be necessary to promote the use of nationally recognized consensus-based transportation fuel quality standards in the administration of the CFP. ODA will assist in the development of nationally recognized consensus-based quality standards for new alternative transportation fuels as they become available in the market. ODA will provide transportation fuel quality testing services on a complaint basis as needed to help assess a fuel's eligibility for CFP benefits.

Be it further resolved that the Board feels any increase in resource requirements needed for the Oregon Department of Agriculture (ODA) related to monitoring, evaluating, and testing of biofuels shall be provided through fees paid into the Motor Fuel Quality (MFQ) account within ODA. Biofuel standards adopted by the Oregon Department of Agriculture shall be enforced by analysis on department equipment or through contracted laboratory services, according to established testing protocols.

Summary

Supports tax credits, property tax exemptions, siting assistance, and other methods of promoting the use of biofuels in Oregon. ODA will enforce adopted standards and analyze fuel on agency equipment or through private laboratories.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Cougar Management Plan	Number: 275 Effective Date: updated upon 2023 review
Workgroup: Allen, Lopez, Orem, Santamaria, Zielinski ODA Staff Contact: Isaak Stapleton	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 12/02/2020 Original Resolution Date: 03/02/2006
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

Due to concerns about threats to people and livestock, bounties were offered for cougar in Oregon as early as 1843 and continued until 1961, when the Legislature discontinued the bounty system. Since then, the Oregon cougar population across all age classes has increased to approximately 6,610 in 2019 according to ODFW monitoring and projection data. As cougar populations have increased, so have concerns related to livestock predation and other game animal populations.

To address these concerns, the Oregon Department of Fish and Wildlife (ODFW) developed and adopted the state's first cougar management plan in 1987. Much of the state's first plan involved gathering more information to better understand population densities, movement patterns, and harvest and damage control take rates. The plan also included strategies to allow the state's cougar population to increase while controlling conflicts with people and livestock.

ODFW has adopted revised cougar management plans in 1993, 2006, and 2017. Over time, the management plans have reflected the state's increasing cougar populations, and have included strategies such as managed hunting, maintenance of deer, elk, and cougar habitat, and removing animals causing damage. The plan's objectives remain maintaining viable and healthy cougar populations in Oregon, reducing conflicts with cougars, and managing cougars in a manner compatible with other game mammal species.

Resolution

Whereas the Oregon State Board of Agriculture recognizes the threat that cougar predation poses to the livestock industry in Oregon.

Be it resolved that the Board of Agriculture supports the Cougar Management Plan as adopted in October 2017 by the Oregon Department of Fish and Wildlife.

Summary

Supports a cougar management plan proposed by the Oregon Department of Fish and Wildlife; recognizes that cougar predation poses a threat to the livestock industry in Oregon.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: The Native Plant Conservation Program	Number: 305 Effective Date: updated upon 2023 review
Workgroup: Allen, Lopez, Orem, Santamaria, Zielinski ODA Staff Contact: Chris Benemann	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 12/02/2020 Original Resolution Date: 06/02/2010
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

WHEREAS the Native Plant Conservation Program assists state and local government agencies with the management of state protected plant populations found on their land.

WHEREAS the program issues permits for scientific research and habitat restoration projects involving listed plants.

WHEREAS the program conducts research to enhance protected plant species recovery efforts.

Resolution

Be it resolved that the Oregon Board of Agriculture: recognizes the statutorily mandated responsibilities of the ODA's Native Plant Conservation Program.

It is further recognized that an adequately funded Native Plant Conservation Program implements projects specifically related to conservation of threatened and endangered plants, improving watershed health and wildlife habitat, and responds to consultation and permit requests.

Summary

Recognizes the statutorily mandated responsibilities of the Native Plant Conservation Program.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Position on Farm Tax Deferral and Urban Growth Boundaries	Number: 155 Effective Date: updated upon 2023 review
Workgroup B: Boyer, Harper, Johnson, Miller, Svaty ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 09/23/2020 Original Resolution Date: 12/09/1994
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

Whereas the State Board of Agriculture recognizes that it is not uncommon to find commercial farming operations located inside of many urban growth boundaries throughout Oregon;

Whereas, while awaiting future urbanization, many “vacant” urban lands are rented and leased by farmers and ranchers and put into production;

Whereas farm use special assessment is currently available for all lands in Oregon regardless of zoning designation;

Whereas, lands not zoned for exclusive farm use (EFU) must meet the same requirements as those zoned EFU and meet minimum income requirements established in ORS 308A.056.;

Whereas, unlike EFU lands which qualify automatically when they meet the definition of “farm use,” non-EFU lands may qualify only after justification through application;

Whereas regardless of tax status, all lands located within an urban growth boundary (UGB) are considered to be urban land and must be considered in any evaluation of available “buildable land” before justification of an expansion of any UGB and upon a “change of use,” the subject land is disqualified from farm value assessment;

Whereas, elimination of farm property tax deferrals within Urban Growth Boundaries could place legitimate farming operations on land not yet needed for development at a competitive disadvantage potentially leading to the dissolution of these operations and resulting in premature low-density development in conflict with land use planning goals;

Whereas the location of many important components of Oregon’s agricultural industry are found in and near urban areas and specifically, inside urban growth boundaries.

Resolution

Be it resolved that the State Board of Agriculture supports the Farm Use Special Assessment (Tax Deferral) program remaining available and being maintained within Urban Growth Boundaries.

Be it further resolved that expansion of urban growth boundaries be considered only after desirable urban densities have been reached on lands within existing boundaries.

Summary

Asserts the farm-use tax deferral should be maintained within urban growth boundaries. Expansion of urban growth boundaries should only be considered after urban density has been reached on land within existing boundaries.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: The Supply of Buildable Lands Inside Urban Growth Boundaries	Number: 162 Effective Date: updated upon 2023 review
Workgroup B: Boyer, Harper, Johnson, Miller, Svaty ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 02/13/2020 Original Resolution Date: 12/11/1998
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

Whereas Oregon agriculture produces a farm gate value in excess of \$5 billion dollars annually.

Whereas the Willamette Valley produces approximately one-half of Oregon’s \$5 billion-dollar market value production.

Whereas Oregon’s population growth is projected to increase by 1.3 million people in the next 30 years, primarily in the Willamette Valley.

Whereas Oregon cities are required by state law to maintain a 20-year supply of buildable lands within their established urban growth boundaries.

Resolution

Be it resolved that the State Board of Agriculture finds that mandating a 20-year supply of buildable lands inside the urban growth boundaries is incompatible with the conservation of farmland for future generations.

Be it further resolved the Board of Agriculture supports the concept of cities and counties regaining local control by making the 20-year supply of buildable lands inside the urban growth boundary optional.

Summary

Supports local control (by cities and counties) to optional development on 20-year land supplies within urban growth boundaries.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Protection of Oregon Agriculture	Number: 295 Effective Date: updated upon 2023 review
Workgroup B: Boyer, Harper, Johnson, Miller, Svaty ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 02/13/2020 Original Resolution Date: 02/13/2009
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

WHEREAS, the State Board of Agriculture is committed to supporting viable operations of agriculture throughout Oregon;

WHEREAS, the establishment of Exclusive Farm Use Zones (EFU) have supported the viable operation of farming in Oregon;

WHEREAS, waivers and exemptions of the land use laws developed to protect agricultural lands will most likely lead to location of large scale developments, new subdivisions and other nonfarm uses in and amongst ongoing farm and ranch operations; and

WHEREAS, deliberations regarding designation and treatment of agricultural lands under the statewide land use planning program have included the consideration of actions that could designate or treat differently many lands currently zoned exclusive farm use based on soil quality without accounting for land important to the state’s livestock, dairy and winegrape industries;

WHEREAS, the USDA NRCS agricultural capability classification system (Class I-VII) does not always adequately address the special and unique needs of certain high-value crops such as vineyards and orchards and is not designed to provide analysis on the value of range and pasturelands; and

WHEREAS many provisions currently found in state law provide opportunities to re-evaluate land use designations, and “rezone” lands when determined to be appropriate, and

WHEREAS irrigation is key element in maintaining the viability of the state’s agricultural industry.

WHEREAS decisions involving urban growth, the development of transportation and other infrastructure can impact the long-term viability of agriculture, and

WHEREAS the state land use system can be complex and difficult to understand in many areas.

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Reaffirms its commitment to protect viable farming operations in Oregon as a valuable natural and economic resource for our state.

2. Urges that waivers and exemptions to land use regulations not be granted without giving due consideration to need and reasonable alternatives to impacting agricultural lands and operations.
3. Urges that programs dealing with compensation for land use limitations, such as the use of conservation easements, purchase of development rights and transfer of development rights, be developed to compliment the state land use program.
4. Supports protection of the state's viable grazing and vineyard lands and urges their continued protection as exclusive farm use lands and consideration as high-value farmland;
5. Urges consideration of other factors in addition to soils capability classification, when determining the value of land for high-value and specialty crops and range and pasture forage production.
6. Urges consideration of the impacts of nonresource related development on adjacent agricultural lands, including the sustainability of existing water rights in, any deliberations related to the definition, inventory and designation of agricultural lands.
7. Supports the evaluation, through the periodic review process, of the adequacy of county agricultural lands inventories and agricultural land zoning.
8. Supports the development of a state strategic plan that integrates land use, transportation and economic development priorities.

Summary

Reaffirms commitment to protect viable farming operations in Oregon as a valuable natural and economic resource for the state.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Siting of Aggregate Mining Operations in the Willamette Valley	Number: 300 Effective Date: updated upon 2023 review
Workgroup B: Boyer, Harper, Johnson, Miller, Svaty ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 02/13/2020 Original Resolution Date: 03/10/2011
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

Whereas 45% of the total value of Oregon’s gross farm and ranch sales is produced in the Willamette Valley;

Whereas 49% of Oregon’s high-value farmland soils and 80% of the state’s prime farmland is located within the Willamette Valley;

Whereas prime farmland soils compose less than three percent of Oregon’s lands;

Whereas aggregate sand and gravel mines are consuming about 350 acres of largely high-value farmland soils a year in the Willamette Valley;

Whereas viable aggregate resources can be and are currently found on lands deemed less valuable to agriculture and other natural resources such as from “hard rock” quarries that are often located on soils less valuable to agriculture and other lands containing poorer quality agricultural soils;

Whereas farming poor soil is not an option for agriculture because agriculture is both land and soil dependent;

Whereas according to Oregon land use law it is only within the Willamette Valley that exceptions are provided to mine Class I and II agricultural lands;

Whereas state law permits reclamation of mining operations on lands zoned for exclusive farm use to either wildlife habitat or agricultural land;

Whereas most typical reclamation of mining operations is to wildlife habitat or “farm use” in the form of open ponds (for irrigation purpose) instead of to useable agricultural ground;

Whereas it is recognized that aggregate resources are important to many aspects of Oregon’s economy.

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Does not support, in the Willamette Valley, the use and conversion of Class I, II prime or unique agricultural soils (as defined by the USDA Natural Resources Conversation Service) on lands zoned for exclusive farm use for the mining of aggregate unless it is shown that no reasonable alternative lands exist:

- (a) On land that is identified in an acknowledged comprehensive plans as an exception area or as non-resource land;
 - (b) On resource land that is determine to be irrevocably committed to non-resource uses;
 - (c) In an urban growth boundary; or
 - (d) On resource land or lower capability for agricultural production as classified by USDA Natural Resources Conservation Service.
2. When reasonable alternatives do not exist and Willamette Valley Class I, II prime and unique soils are required for needed aggregate production, the Board supports aggregate mining on agricultural land only upon a determination that the proposed mining and associated operations do not or can be mitigated to not adversely impact other farming operations in the area; and
 3. When it is determined that mining operations are appropriate for siting on Willamette Valley Class I, II prime and unique soils, the Board supports requiring the reclamation of the subject lands back to farmland at the same quality as existed prior to mining activities.

Summary

Relates to aggregate mining on Class I & II soils in the Willamette Valley.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Siting of Agri-tourism, Entertainment Activities and associated activities on Agricultural Lands	Number: 310 Effective Date: updated upon 2023 review
Workgroup B: Boyer, Harper, Johnson, Miller, Svaty ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2023 – Under Review Date of Last Review/Revision: 09/23/2020 Original Resolution Date: 09/19/2012
Board Chair: Updated upon 2023 review	Signature on file

Proposed action: Active Resolution under review

Background

Whereas the appropriate siting of commercial activities associated with farm use can be beneficial to operators and help to educate the public about Oregon agriculture;

Whereas there is increasing interest in the development of rural tourism and entertainment activities, many times in relation to agriculture;

Whereas increasingly there are many cases of such activities presenting compatibility issues with farming practices and presenting implications to rural infrastructure and services

Whereas issues have been raised relating to the uneven application of the laws dealing with the siting of agri-tourism, rural entertainment and commercial facilities related to farm use which may provide unfair competitive advantages to like operations;

Whereas the 2011 Legislature established land use laws dealing with some of these issues including SB 960 [[ORS 215.213\(11\), \(12\) and \(13\)](#) and [215.283\(4\), \(5\) and \(6\)](#)] , and HB 3280 [[ORS 215.452, 215.213\(1\)\(p\) and 215.283\(1\)\(n\)](#)] issues remain relating to uneven application, definition and context of specific land uses and the continued use of laws that are set to sunset:

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Supports the use of agricultural lands for activities related to entertainment and tourism and other events only under strictly defined circumstances.
2. When defining circumstances, the Board supports the following considerations:
 - a. The proposed agri-tourism use is determined to be directly related to commercial farm use or processing activities occurring on the subject farm or ranch operation;
 - b. The proposed agri-tourism use is determined to be subordinate to the farm use of the subject operation. An activity should be considered to be subordinate if found to be accessory to, supplement or be adjunct to the farm use (as defined in state statute) of the subject farm operation and if it supports farm use. Such a determination should be made on the basis of standards established that are similar to those enacted by the Legislature in SB 960 (2012)

codified in ORS 215.213(4) and 215.283(4) and “defined by the Oregon Court of Appeals in *Friends of Yamhill County v. Yamhill County*, 301 Or App 726 (2020).

- c. The proposed agri-tourism use is determined to be compatible or can be made compatible with other area farming and ranch operations. Compatibility evaluation should include all activities and events, including those that are not considered a “land use” under Oregon law. Such an evaluation needs to recognize the diversity of Oregon agriculture and the associated agricultural practices that are or may become common to area farms and ranches. Compatibility should also be based on an analysis of the cumulative impacts that existing and proposed activities could have on area farm and ranch operations.
3. Supports better definition of what comprises certain land uses established by law in the exclusive farm use zone that are currently being used to authorized agri-tourism related activities. Examples include “winery,” “commercial use in conjunction with farm use,” “private parks” and “mass gatherings.”
4. Supports land use standards that assure that any food service related to bonafide, regular and ongoing agri-tourism events compliment and are accessory to the agri-tourism activity and associated farm use.
5. Urges the department to work with stakeholder groups to better define the circumstances when commercial activities are appropriate on agricultural lands. The board recognizes that the development of criteria that best protects agriculture and the general public involves many complicated issues. The board advises a comprehensive evaluation and analysis, including an analysis of the cumulative impacts to agricultural operation, before any proposed actions are taken.
6. Supports consistent and even application of land use standards relating to agri-tourism to and for all types of agricultural operations, similar to what was enacted by the Legislature in SB 960.
7. This action repeals and replaces Resolution No. 304.

Summary

Siting of agri-tourism, entertainment activities and associated activities on agricultural lands.

Proposed action: Active Resolution under review