



## MEMORANDUM

To: Board of Agriculture  
From: Mary Anne Cooper, Oregon Farm Bureau  
Date: February 10, 2020

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Thank you for the opportunity to comment on the Board of Agriculture's review of board resolutions. We appreciate your hard work over the past several months to review the existing resolutions and improve on the resolutions process.

However, we are writing to express our concerns with the large number of resolutions under review at this meeting. With our organization and many agricultural organizations and members very busy with the February short session and the resolutions not being available for review and comment until January 28, 2020, it was nearly impossible to thoroughly review and provide thorough feedback on the resolutions in the timeframe provided.

We would strongly encourage the Board of Agriculture to allow at least one more comment opportunity on all of these resolutions, and to try to plan fewer resolutions to review in future February meetings as they will always fall during the busiest time of a legislative session, which means both industry partners and our members are likely be consumed with legislative work and unable to participate as effectively in the review process.

Oregon Farm Bureau writes to offer the following comments on the Resolutions under consideration by the Board of Agriculture. We have only commented on resolutions where we have concerns or suggested changes to the resolution.

### **Resolution 029 – Reservation of Columbia River Water for Irrigation Purposes**

We strongly support the use of reservations to ensure water for future agricultural development in basins where ODFW is pursuing instream water rights, including reservations of Columbia River Water. To that end, we commented on Resolution 129 in 2018 regarding instream water rights, and encouraged the Department to add language supporting the use of reservations. However, we cannot recall whether that language was adopted, and I have been unable to locate a full list of all of ODA's existing resolutions on the website.

If it does not already exist, we would encourage ODA to adopt broad policy supporting reservations in basins where they are needed rather than having several basin specific resolutions around reservations. To that end, we recommend adopting a comprehensive reservation policy that states:

**The Board of Agriculture supports the continued use of reservations to ensure that future agricultural needs are accounted for as the state develops new instream water right applications. The State Department of Agriculture should focus its efforts to develop new reservations on basins where there is anticipated to be unmet future agricultural demand and where ODFW has indicated a desire to pursue instream water rights. The State Department of Agriculture should actively pursue reservations in these key basins.**

As additional background for this request, the State of Oregon developed laws providing for instream water rights in the mid-1980s. In order to address future demand in the basins with instream water rights, the legislature also provided for “reservations” of water to ensure that there was water available in key basins for future for economic development, including municipal and agricultural uses. ODA applied for and holds these reservations, with reservation requests still pending in some basins. ODA has not pursued new reservations since the 1990s.

Since the Instream Water Right Act was adopted in 1987, the Oregon Water Resources Department has issued more than 900 state agency-applied instream water rights. The original round of conversions and instream water right applications were pursued in the 1990s, with many protests on those applications remaining unresolved to date.

In the past few years, the Oregon Department of Fish and Wildlife has begun applying for new instream water rights, with applications moving forward in the Hood River and mid-coast basins and plans to apply across the state. However, these applications have been moving forward without an examination of the need for future reservations and without any reservation applications to address future needs in those basins. We strongly support the use of reservations to address future economic needs, and encourage the Board of Agriculture to direct ODA to begin to develop reservations in key basins.

### **Resolution 155 – Board of Agriculture exposition on Farm Tax Deferral and Urban Growth Boundaries**

OFB strongly supports the ability to use the farm tax deferral within urban growth boundaries and supports this resolution as drafted.

### **Resolution 162 –Buildable Lands Inside Urban Growth Boundaries**

We recommend updating the statistics in the opening clauses to reflect current statistics on the value of agriculture. As to the policy itself, OFB policy states that “We believe that UGB expansion is not an automatic right and that there are some situations where expansion has reached its limit because of the surrounding resource land. As such, we believe the 20-year buildable inventory requirement is inappropriate and should be repealed.”

With that said, the resolution’s support for making a buildable land supply optional appears to be a step in the direction of our ultimate goal of not requiring cities to undertake development of a 20-year buildable lands inventory.

### **Resolution 300 – Siting of Aggregate Mining Operations in the Willamette Valley**

We recommend updating the statistics in the opening clauses to reflect current statistics on both aggregate and agriculture. We generally support the content of the resolution as drafted.

### **Resolution 310 – Siting of agri-tourism, entertainment activities and associated activities on agricultural lands.**

We strongly encourage the Board of Agriculture to pause adoption of this resolution until a future meeting. The issue of whether and how agritourism events should be sited on farmland was first addressed by the legislature in SB 960 in 2011. Since that time, we have seen the agritourism industry grow and thrive in Oregon, and we’ve had many members who have had agritourism become an integral part of their operations. At the same time, we have also had members who have expressed concerns about the rate and scale of agritourism growth in Oregon and its compatibility with existing neighboring farm operations.

Presently, OFB policy lacks guidance on agritourism siting. Our current policy around commercial activities in farm zones states:

#### **“Commercial Activities in EFU Zones 3.630**

We support the right of an agricultural producer to vertically integrate the farm operation and to provide other producers with such services as long as the owner’s product is a significant portion of the product being handled.

We support clearly defining the differences between “processing” a crop and “preparing” a crop for market. We agree that preparation should remain a farm use under state standards. We also support allowing small-scale processing of agricultural products grown primarily onsite as an outright permitted use in a farm zone. (17)

Non-production based commercial activities should be accessory and auxiliary to the farm use on the subject farm and not the primary use. We believe on-farm experiences encourage the public to support beneficial policy. We support farmers engaging with the public on farm in order to promote agriculture as a valuable part of our communities. (03), (09), (17)”

We have been asked to be part of a workgroup that will be looking at agritourism siting for the next legislative session, and are planning to work with our committees and our board to develop more concrete direction on agritourism on farmland. At the same time, we know there are several other groups in Oregon grappling with these issues.

We feel this is a very important discussion, and one that is critical to get right. Allowing more time to solicit feedback on this policy, allow stakeholders to develop a position on the policy, and to see where the legislative conversation heads in the interim would be valuable prior to the Board of Agriculture moving forward with updating its agri-tourism policy. As such, we respectfully request that you allow this topic to be discussed again at your next meeting, and then revisit changes that may be needed to Resolution 310.

Please contact Mary Anne Cooper at [maryanne@oregonfb.org](mailto:maryanne@oregonfb.org) with any questions