

Date: June 8, 2020
To: State Board of Agriculture members
From: Karla Valness, Special Assistant to the Director
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2020.

During the February 2020 State Board of Agriculture meeting, the Board requested minor revisions and background statements be added to the following resolutions. To allow additional time for review and public comment these resolutions will be reviewed by the Board during the September 2020 board meeting.

The resolution and the recommendation action is as follows:

Proposed action: ACTIVE Resolutions - For review and discussion*

| | | Workgroup A--ODA Lead: Stephanie Page |
|------------|---|--|
| Resolution | Title | Board members: Johnson, Kitamura, Livingston, Myers, Raymond |
| 029 | Reservation of Columbia River Water for Irrigation Purposes | |
| 124 | Fair Trade | |
| 269 | Board of Agriculture Supports Development of a Biofuel industry in Oregon | |
| 275 | Cougar Management Plan | |
| 305 | The Native Plant Conservation Program | |

Proposed action: ACTIVE Resolutions - For review and discussion*

| | | Workgroup B--ODA Lead: Jim Johnson |
|------------|--|---|
| Resolution | Title | Board members: Boyer, Brentano, Hallock, Harper, Santamaria |
| 155 | Board of Agriculture exposition on Farm Tax Deferral and Urban Growth Boundaries | |
| 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.

All written comments received will be posted on the ODA website and distributed to Board members prior to the meeting. Please submit written public comments prior to 5:00 pm, September 17, 2020 by email to Karla Valness at kvalness@oda.state.or.us

Oregon State Board of Agriculture Resolution

Title: Reservation of Columbia River Water for Irrigation Purposes

Number: 029
Effective Date: 02/17/2017

Sub-Committee: Natural Resources
ODA Staff Contact: Stephanie Page

Next Review Date: 00/00/2020
Date of Last Review/Revision: 02/17/2017
Original Resolution Date: 12/12/1978

Board Chair: Barbara Boyer

Signature on file

Proposed action: Active Resolution for review and discussion

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 for review and discussion

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- This resolution was also discussed in February, 2018 during OWRD Deputy Director Doug Woodcock's presentation to the Board on reservations and minimum perennial streamflows.
- Columbia River reservations are still on hold pending approval of recovery plans for T & E fish species.

| Oregon State Board of Agriculture Resolution | |
|---|---|
| Title: Fair Trade | Number: 124 Effective Date: |
| Workgroup: Kitamura, Johnson, Myers, Livingston, Raymond ODA Staff Contact: Stephanie Page/ Jess Paulson | Next Review Date: 00/00/2023 Date of Last Review/Revision: 02/13/2020 Original Resolution Date: 02/05/1987 |
| Board Chair: | |

Proposed action:Active Resolution for review and discussion

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 for review and discussion

Oregon State Board of Agriculture Resolution

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|--|---|
| Title: Board of Agriculture exposition on Farm Tax Deferral and Urban Growth Boundaries | Number: 155 Effective Date: 02/17/2017 |
| Sub-Committee: Land Use ODA Staff Contact: Jim Johnson | Next Review Date: 02/13/2020 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 12/09/1994 |
| Board Chair: Barbara Boyer | Signature on file |

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 Farm Use Tax Deferral remain available within Urban Growth Boundaries.

It is the position of the **Be it resolved that the** State Board of Agriculture **supports** that due to the location of important components of Oregon’s agricultural industry in and near urban centers, specifically inside Urban

Growth Boundaries, that the Farm Use Special Assessment (Tax Deferral) program should remaining available and being maintained within Urban Growth Boundaries.

~~Elimination of farm property tax deferrals within Urban Growth Boundaries would place legitimate farming operations on land not yet needed for development at a competitive disadvantage. This could lead to the dissolution of these operations and result in premature low density development in conflict with land use planning goals.~~

Be it further resolved that expansion of urban growth boundaries be considered only after desirable urban destinies 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.

Oregon State Board of Agriculture Resolution

Title: Board of Agriculture Supports Development of Biofuels in Oregon

Number: 269
Effective Date: v

Workgroup: Johnson, Kitamura, Livingston, Myers, Raymond

Next Review Date: 00/00/2020

Date of Last Review/Revision: 02/17/2017

ODA Staff Contact: Stephanie Page/Jason Barber

Original Resolution Date: 03/16/2005

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Proposed action: Active Resolution for review and discussion

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.

Resolution

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

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

Resolution number: 269

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Resolution title: Board of Agriculture Supports Development of a Biofuel Industry in Oregon

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 private laboratories, according to established screening 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 for review and discussion

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Oregon State Board of Agriculture Resolution

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| Title: Cougar Management Plan | Number: 275 Effective Date: 02/17/2017 |
| Sub-Committee: Government Relations ODA Staff Contact: Kathryn Walker | Next Review Date: 00/00/2020 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 03/02/2006 |
| Board Chair: Barbara Boyer | Signature on file |

Proposed action: Active Resolution for review and discussion

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 has increased to approximately 6,400 in 2017 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 an overpopulation of cougars 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.

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Summary

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

Proposed action: Active Resolution for review and discussion

Resolution number: 275
Resolution title: Cougar Management Plan

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Oregon State Board of Agriculture Resolution

| | |
|--|--|
| Title: The Native Plant Conservation Program | Number: 305 Effective Date: |
| Workgroup: Kitamura, Johnson, Myers, Livingston, Raymond | Next Review Date: Date of Last Review/Revision: |
| ODA Staff Contact: Stephanie Page/ Helmuth Rogg | Original Resolution Date: 06/02/2010 |
| Board Chair: | |

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Proposed action: Active Resolution for review and discussion

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: supports ~~funding the recommendation of~~ the Native Plant Conservation Program with state funds in order to perform consultation and permit activities required by ORS 564.105. Review Panel to redesign ODA's Native Plant Conservation Program.

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The board recommends ~~changing the program's focus from~~ continues performing statutorily required conservation work within ODA ~~to one that~~ and partners with public and private entities via a grant-awarding system.

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It is further recommended that OWEB Lottery Funds be redirected through the Native Plant Conservation Program and used on projects specifically related to conservation of threatened and endangered plants, and improving watershed health and wildlife habitat.

Summary

Recommends Oregon Watershed Enhancement Board (OWEB) Lottery Funds be directed through the Native Plant Conservation Program. Recommends a program overhaul of perusing public and private funds from grant awards.

Proposed action: Active Resolution for review and discussion

Resolution number: 305

Resolution title: The Native Plant Conservation Program

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MEMORANDUM

Date: April 7, 2020

To: Interested Stakeholders

From: Marty Myers, Chair
Oregon Board of Agriculture

Subject: Oregon Board of Agriculture action related to Resolution #310; Siting of Agri-tourism, entertainment activities and associated activities on agricultural lands

At the February 11-13 Oregon Board of Agriculture meeting, the Board conducted a routine review of several of their active resolutions to determine ongoing relevancy and need for any changes. Among the resolutions reviewed by the Board was Resolution #310, Siting of Agri-tourism, entertainment activities and associated activities on agricultural lands. Because you provided either written or oral testimony, you are receiving information about the action taken by the board and information about the opportunity to provide further comment.

After consideration of changes recommended by a board work group and the comments received, the board decided to keep the current resolution active. The Board also decided to move an amended version of the resolution as proposed by the board work group out for public review and comment. The proposed revisions to Resolution #310 are attached. The draft revisions will also be posted on the Oregon Department of Agriculture website.

You are invited to provide further comment. Please note that the Board of Agriculture is asking for comments that address specific issues and propose specific language changes to Resolution #310. You may provide comments either in writing or provide them in writing and/or orally at a future board meeting.

Should you have any questions, please feel free to contact Jim Johnson at 503-986-4706 or jjohnson@oda.state.or.us.

Please submit your written public comments to Karla Valness before May 22, 2020 for consideration at a future board meeting. The next board meeting is scheduled for June 17-19, 2020. The meeting details and agenda will be posted on our website at <https://oda.direct/BoardAgriculture>

To submit public comment email kvalness@oda.state.or.us or by regular mail to Karla Valness, Oregon Department of Agriculture, 635 Capitol St NE, Salem, OR 97301.



Oregon State Board of Agriculture Resolution

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|---|---|
| Title: Siting of Agri-tourism, Entertainment Activities and associated activities on Agricultural Lands. | Number: 310 Effective Date: 02/17/2017 |
| Sub-Committee: Land Use ODA Staff Contact: Jim Johnson | Next Review Date: 02/13/2020 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 09/19/2012 |
| Board Chair: Barbara Boyer | Signature on file |

Background

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

Whereas the 2011 Legislature established land use laws dealing with some of these issues including SB 960, HB 1055 and HB 3280, 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. Does not support the use of agricultural lands for activities related to entertainment and tourism and other events except 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) and

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.