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Board of Agriculture
Oregon Department of Agriculture 635 Capitol St NE
Salem, OR 97301

September 16, 2020

Re: In Support of Readoption of Resolution 310 (Siting of Agri-tourism)

Dear Chair Myers and Board Members:

Thank you for the opportunity to provide testimony on Policy Resolution 310 (*siting of agri-tourism, entertainment activities and associated activities on agricultural lands*). 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms and forests; and conserve natural areas. Our supporters come from across Oregon, from every county in the state.

We support the adoption of Resolution 310 with the proposed changes prepared by staff. For reference, our comments on the topic submitted to the Board of Agriculture on February 11, 2020 are attached for your convenience.

Thank you,

Jasmine Zimmer-Stucky
Working Lands Engagement Coordinator
1000 Friends of Oregon

February 11, 2020

Board of Agriculture
Oregon Department of Agriculture
635 Capitol St NE
Salem, OR 97301

Re: In Support of Readoption of Resolution 310 (Siting of Agri-tourism)

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Thank you for the opportunity to provide testimony on Policy Resolution 310 (*siting of agri-tourism, entertainment activities and associated activities on agricultural lands*). 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms and forests; and conserve natural areas. Our supporters come from across Oregon, from every county in the state.

A. We support the readoption of Resolution 310.

1000 Friends of Oregon supports the readoption of Resolution 310 because it acknowledges many important points:

- The use of agricultural lands for activities related to entertainment and tourism should only occur in strictly defined circumstances.
- Many tourism activities present compatibility issues with farming practices and create problems for rural infrastructure and services. Compatibility analysis needs to consider the full scope of activities and events.
- Prior to taking any new action, there is a need to analyze the cumulative impacts that existing and proposed activities have on area farm and ranch operations.

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- Complementary and subordinate agritourism that is beneficial to agricultural operators and educates the public about Oregon agriculture can be appropriately sited near farm and ranch operations.
- Food service related to legal agritourism events should be complementary and accessory to the agritourism activity and major farm use.
- There is support for consistent and even application of land use standards applicable to all event-based uses on agricultural land.

1000 Friends urges the Board of Agriculture to continue its reasonable approach on the topic of agritourism. Current laws support direct sales and the ability to diversify income streams for farmers, but in a way that does not compromise the irreplaceable resources of our working lands. In order to ensure that our working lands continue to be productive, it is paramount that the state continue to limit the size and scope of commercial tourism events allowed on farmland.

B. Supporting appropriate sideboards for agritourism uses ensures the integrity of working lands.

Activities permitted under agritourism should be incidental and subordinate to farm use without forcing a significant change in, or significantly increasing the cost of, accepted farming practices on surrounding lands. Bringing large amounts of people out to rural areas can create numerous problems for agricultural operations. Compatibility with adjacent farming operations is essential, and limitations on the scope of any non-farm use needs to exist to ensure that land speculation does not occur, and working lands continue to flourish.

The allowance of tourism on rural lands can create numerous conflicts because rural areas lack urban level services, including necessary police, EMS, fire-fighting service, and transportation infrastructure. The lack of public services and necessary transportation infrastructure can create safety issues, and affect the amount of farmland that stays in production. Large events can block roads including emergency access routes, especially when a site has limited access. Traffic can create dangerous road conditions¹ for farm equipment and force farmers to alter their practices around the events. Not all farmers are willing to take on these risks and challenges, and land bordering areas where traffic and safety becomes an issue may be taken out of production.

¹ According to the Oregon Department of Transportation, in 2017 there were a total of 42 crashes statewide involving farm equipment, resulting in one fatality and 32 non-fatal injuries. This is a significant increase from only four years ago; in 2013, there was a total of 26 crashes involving farm equipment, with no fatalities and 11 non-fatal injuries.

If more commercial uses are allowed on working lands, there is a greater chance that land values increase and speculation will occur. The development of commercial infrastructure that supports agritourism events such as event spaces, commercial kitchens, food services structures, and parking infrastructure take land out of production, and make the land more expensive. When commercial uses can be pursued on working lands, investors make commercial market-based decisions on land acquisition, and this creates speculation and drives up the cost of farm and forest lands. The more Oregon's laws allow non-farm uses on farmland and create speculation, the harder it is for farmers to engage in the production of food and fiber, and acquire new lands for such production.

These issues can be avoided by limiting the scale and scope of commercial tourism on agricultural land, and redirecting tourism-based development to occur within our towns and cities. Rural towns throughout Oregon benefit greatly from farm-to-table restaurants, bakeries, breweries, hotels, and event venues. Towns have the necessary public services to support these facilities. Generally, farms do not, and therefore locating these uses on farmland should be avoided.

C. The resolution aligns with existing state law governing the allowance of events on farmland.

State law currently outlines the permitted allowances for tourism-based uses on farmland, and the resolution appropriately aligns with those laws. The resolution focuses on only supporting the use of agricultural lands for activities related to entertainment and tourism under strictly defined circumstances, and advises that comprehensive analysis is to be performed, including cumulative compatibility analysis with area farm and ranching operations. This approach aligns with the approach that the legislature has approved of. *See e.g.*, ORS 215.283(4) (conditionally allowing agritourism events or activities that are incidental and subordinate to the farm use, requiring compliance with ORS 215.296).² *See also* ORS 215.452(5)-(7) (conditionally allowing winery agritourism or other commercial events, requiring that such use is subordinate and does not create significant adverse impacts on surrounding uses of land). *See also* ORS 215.449 (brewery events, similar requirements as wineries); *and* ORS 215.451 (cidery events, same). The resolution aligns with how the legislature has decided to regulate events on farmland, and therefore, the resolution should be readopted.

² ORS 215.296 requires local governments to only permit conditional uses on farmland when they find that the proposed use does not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use.

D. The resolution adequately addresses the need for stakeholder involvement.

Several commenters raised the issue of stakeholder involvement and the need to further develop policy as a reason why the board should not re-adopt the resolution. The resolution currently addresses this issue, as it “[u]rges the department to work with stakeholder groups to better define the circumstances when commercial activities are appropriate for agricultural lands.” Resolution 310, Section 5 (2017). The resolution goes on to recognize that the development of criteria that best protects agriculture and the public involves many complicated issues, and therefore, comprehensive evaluation and analysis are advised. The existing resolution expressly and adequately addresses the need for stakeholder involvement and further analysis. Accordingly, re-adoption of the resolution is the appropriate step to address commenters’ concerns, rather than not pursuing re-adoption.

E. Conclusion

Based on the foregoing, we request that the board readopt the current resolution without changes. This resolution helps support the protection and maintenance of large blocks of agricultural land, and ensures the integrity of working lands. This integrity includes ensuring the ability for farms to operate with limited conflicts, curtailing speculative land values, and maintaining a critical mass of working land sufficient to leverage the infrastructure needs of the industry.

Thank you,

Scott Hilgenberg
Rural Lands Legislative Attorney
1000 Friends of Oregon