



MEMORANDUM

To: Board of Agriculture
From: Mary Anne Cooper and Samantha Bayer, Oregon Farm Bureau
Date: September 17, 2020

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.

Since submitting comments at the February 2020 Board Meeting, our membership has faced unprecedented challenges associated with COVID-19 response, wildfires, farm labor shortages, and other challenges which have kept them busy on their farms and have create barriers to effective participation in Farm Bureau's grassroots process. As such, we have not been able to meet with our membership since the February 2020 Board Meeting to have the critical conversations we need to have to provide a position on board resolutions that may be controversial within our membership, and specifically on Resolution #310 around agritourism. Many of our members lack the technology to participate remotely and we felt strongly that with an issue that impacts so many of our members so deeply, we owed them the robust participation that can only be achieved at an in person meeting. **As such, we request for the Board of Agriculture not to move forward with its review of this resolution under the COVID-19 crisis has passed and we are able to effectively engage with our membership and other organizations around this critical issue.**

Oregon Farm Bureau offers the following comments on the remaining 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 renew our request to ODA to adopt broad policy supporting reservations in basins where they are needed rather than having several basin specific resolutions around reservations. While we appreciate the broad background that was added to the resolution since the February board meeting, the actual resolution remains basins specific. Instead, 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 the proposed changes to this resolution.

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 interested parties are able to meet in person to discuss this resolution. 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 are planning to work with our committees and our board to develop more concrete direction on agritourism on farmland once we are able to meet in person again. 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 next session would be valuable prior to the Board of Agriculture moving forward with updating its agri-tourism policy. As such, we respectfully request that you pause this resolution until the COVID-19 crisis passes, and then revisit changes that may be needed to Resolution 310.

Please contact Mary Anne Cooper at maryanne@oregonfb.org or Samantha Bayer at samantha@oregonfb.org with any questions