

Oregon State Board of Agriculture  
June 2024

Written Public Comments

Item	Name	Topic	Date Received
Item 01	Oregon Climate & Agriculture Network, Megan Kemple	Resolution 274 – Collaboration of the Board of Agriculture and the Department of Agriculture with the Oregon Watershed Enhancement Board	05/29/2024
Item 02	Leaping Lamb Farm, Scottie and Greg Jones	Resolution 314 – Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland	05/31/2024
Item 03	Kristy Webb, Buckland	Resolution 314	05/31/2024
Item 04	Ag Coalition	Resolution 314	05/31/2024
Item 05	Letter from Farmers	Resolution 314	05/31/2024
Item 06	Oregon Property Owners Association, Samantha Bayer	Resolution 314	05/31/2024
Item 07	Tim	Resolution 314	06/02/2024
Item 08	Glen Keener	Resolution 314	06/03/2024
Item 09	Mike McCarthy	Resolution 314	06/04/2024
Item 10	Aileen Kaye	Resolution 314	06/04/2024
Item 11	Thrive Hood River	Resolution 314	06/04/2024
Item 12	Sid Friedman	Resolution 314 & 315	06/04/2024
Item 13	Sam Sweeney Country Heritage Farms	Resolution 314	06/04/2024
Item 14	Jim Gilbert/Lorraine Gardner Northwoods Nursery	Resolution 314	06/04/2024
Item 15	Mickey Killingsworth M.D. Acres	Resolution 314	06/04/2024
Item 16	Friends of Marion County	Resolution 314	06/04/2024
Item 17	Jefferson County Farm Bureau	Resolution 314	06/04/2024
Item 18	Jefferson County Farm Bureau	Resolution 314	06/04/2024
Item 19	Jason Lett The Eyrie Vineyards	Resolution 314	06/04/2024

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Item 20	Pat Dudley Bethel Heights Vineyard	Resolution 314	06/04/2024
Item 21	Bill Sweat Winderiea Vineyard & Winery	Resolution 314	06/04/2024
Item 22	Faun Hosey Save Helvetia	Resolution 314	06/04/2024
Item 23	Ben Williams Friends of French Prairie	Resolution 314	06/04/2024
Item 24	John Paul/Cameron Winery	Resolution 314	06/04/2024
Item 25	Kathy Koball Miller Tukwilla Vineyard	Resolution 314	06/04/2024
Item 26	Anneka Miller Three Marys Cellars, LLC Tukwilla Vineyards	Resolution 314	06/04/2024
Item 27	1000 Friends of Oregon	Resolution 314	06/04/2024
Item 28	Ben Gordon Central Oregon LandWatch	Resolution 314	06/04/2024
Item 29	Peter Kenagy Kenagy Famil Farm Inc	Resolution 314	06/04/2024
Item 30	Friends of Yamhill Co.	Resolution 314	06/04/2024
Item 31	Duyck Family Farms	Resolution 314	06/04/2024
Item 32	Kathryn Jernstedt Jernstedt Century Farm	Resolution 314	06/04/2024
Item 33	Friends of Linn County	Resolution 314	06/04/2024
Item 34	Ayla Hofler	Resolution 314	06/06/2024



Board of Agriculture  
c/o Karla Valness

May 29, 2024

Oregon Board of Agriculture Members and Staff in Workgroup A:

I am writing on behalf of the Oregon Climate and Agriculture Network in regards to the Board of Agriculture's Resolution 274: Collaboration of the Board of Agriculture and the Department of Agriculture (ODA) with the Oregon Watershed Enhancement Board (OWEB), which is currently under review.

I'm pleased to see the formal recognition of the importance of the relationship between ODA and OWEB in the form of a resolution. I don't have concern with any of the proposed language posted in the [June 4<sup>th</sup> Resolution Packet](#), but I do think the language could be broadened to acknowledge the Natural and Working Lands Fund, administered by OWEB, which recently provided a significant amount of funding to ODA via a Natural Climate Solutions Fund.

This language, or something similar, could be added to the background section:  
"The Natural and Working Lands Fund, administered by OWEB, provided a significant amount of funding for ODA's Native Seed Strategy and Invasive Annual Grasses Project via a Natural Climate Solutions Fund for ODA."

A reference to natural climate solutions, or something similar, could be added to one or both of these sections of the resolution text:

The Board of Agriculture recognizes the importance of OWEB funding in supporting conservation and restoration on working lands, including programs and projects that protect farm and ranchlands, enhance water quality, improve habitat for fish and wildlife species, ~~and~~ control noxious weeds, and promote carbon sequestration and climate resilience.

The Board of Agriculture recognizes the importance of local partners, including but not limited to Soil and Water Conservation Districts, to provide technical and financial assistance to agricultural landowners to implement local agricultural water quality management area plans and natural climate solutions.

Thank you so much for considering my public comment in this process.

Sincerely,

A handwritten signature in black ink, which appears to read "Megan Kemple".

Megan Kemple, Executive Director

Oregon Board of Agriculture  
Memorial Building, Harney County Fairgrounds  
69660 S Egan Street  
Burns OR 97720

May 31, 2024

Re: Permitted Uses on Lands Zoned Exclusive Farm Use

Dear Oregon Board of Agriculture Members,

I want to write to express my concern about your board's adoption of Resolution No. 314. I do not feel you have spoken directly with the farming community at large to understand whether Oregon's land use laws truly work to support successful Oregon agricultural businesses. I believe this Resolution should be withdrawn.

Resolution No. 314 suggests that Oregon's land use planning laws need to be made stricter because there are too many "non-farm" uses allowed in farm zones. The resolution implies that these "non-farm" uses are converting farmland to non-agricultural uses. The resolution fails to mention that many "non-farm" uses are in fact essential farm practices or agricultural businesses themselves. It also fails to acknowledge that conversion is happening because it is so difficult to earn a living traditionally farming.

The current agency focus, as expressed by Resolution No. 314, is on preserving acres of land in EFU zoning, and not on promoting the success and livelihood of Oregon's farm families. There's a big difference between protecting farmers and protecting farmland. If we don't have farmers, we don't have farmland. If our laws and regulations are putting farmers out of business, or are preventing them from being successful, we haven't protected anything at all.

We do not engage in these "non-farm" activities because we want to "convert farmland", but because these activities are essential for us to keep farming. In other words, we engage in "nonfarm" activities in order to preserve our farms. I believe that the Department should undertake a comprehensive and unbiased review of whether our planning system is actually working to support Oregon's farm and ranch families.

Please work with us directly to understand our needs. Come out on a FAM tour to see our farm stands, processing facilities, preparation facilities, commercial activities in conjunction with farm use, home occupations, and agritourism or on-farm experiences, so you can see first-hand the value these types of activities bring to Oregon agriculture. Above all, we believe that the Board should commit to supporting and protecting farmers – not just the land beneath our feet.

Sincerely,

Scottie and Greg Jones  
Leaping Lamb Farm  
20368 Honey Grove Rd  
Alsea OR 97324  
541-487-4966

Scottie Jones  
Aug 7 1m



Oregon Board of Agriculture  
Memorial Building  
Harney County Fairgrounds  
69660 S Egan Street  
Burns OR 97720

Re: Permitted Uses on Lands Zoned Exclusive Farm Use

Board Members:

I'm concerned about the Board's adoption of Resolution No. 314, especially regarding small and medium-sized and new farmers. I encourage the Department of Agriculture to talk to small and medium-sized farmers (perhaps hold informational meetings throughout the state) to truly understand whether Oregon's land use laws are encouraging or discouraging our small and medium-sized and new farmers.

I am concerned about the loss of farmland, but I'm also deeply concerned about the loss of farmers, particularly small and medium-sized farmers. Oregon's land use laws can be unnecessary hurdles to farmers that are already struggling to be farmers. Small and medium-sized farms are essential to the health and well-being of our communities and our state.

The current agency focus, as expressed by Resolution No. 314, is on preserving acres of land in EFU zoning, and not on promoting the success and livelihood of Oregon's farm families. This is wrong and harmful. There's a big difference between protecting farmers and protecting farmland. If we don't have farmers, we don't have farmland. If our laws and regulations are putting farmers out of business, or are preventing them from being successful, we haven't protected anything at all. Oregon should not be favoring fallowed fields over successful, and vibrant farms and farming communities.

Oregon needs to encourage and protect her farmers and rural communities with the same enthusiasm and dedication with which she tries to protect her farmland.

Please reconsider the implications of Resolution No. 314 on Oregon's farmers and her farming communities.

Thank you for considering my comments,

Kristy Webb  
Buckland  
Monmouth, Oregon 97361



May 31, 2024

Oregon Board of Agriculture

Re: Permitted Uses in the EFU Zone

Members of the Board,

Thank you for the opportunity to provide comments today on Board adoption of Resolution No. 314. For background, each of our organizations represent a variety of farmers, ranchers, winegrowers, private property owners, and family-run businesses across Oregon. While our organizations and members may have varying opinions on land use policy, we all agree that our planning system should be working to not only support the success of natural resource businesses but to encourage those in natural resource business to engage with the public on their operations in order to promote agriculture as a valuable part of our communities. With this in mind, we are very concerned about the Board adoption of Resolution No. 314 and ODA's involvement in DLCD's Farm and Forest Conservation Program.

**I. The agricultural economy is struggling, which is forcing Oregon farmers to adapt and modernize their operations to stay in business.**

As this Board well knows, the agricultural and timber economy is struggling nationwide, and Oregon's family businesses are under increasing regulatory pressure. From significant record keeping, costly mandates, poor market conditions, and a hyper-litigious environment, it is a full-time job just to stay in compliance, let alone turn a profit. Oregon's land use planning system, while well intentioned to protect Oregon's natural resources, agricultural and forest lands, is not immune from these pitfalls. Moreover, Oregon's agricultural producers are aging, and there is less incentive now more than ever for younger generations to take over the family business. In sum, Oregon's regulatory environment is not supporting our farm families, which is one of the reasons why the number of farms in Oregon decreased by over 5 percent according to the 2022 Ag Census.

Given these economic realities, family farmers are being forced to change how they operate and market their products. Many farmers have turned to integrated activities, commercial activities in conjunction with farm use, co-operative practices, home occupations, agritourism, and "on-farm experiences" to keep the family operation alive. This year, Oregon Farm Bureau had approximately 200 members participate in Oregon's Bounty, our Oregon farmstand guide. Despite the direct connection to agriculture and being essential to preserving family farms and ranches, many of these activities are considered "non-farm uses" under current land use laws, and are subject to greater scrutiny or regulation than traditional farming activities in the EFU zone. Moreover, some of these uses are essential for the health and wellbeing of rural residents, including farmers,

ranchers, and agricultural employees. Some of these “non-farm” activities include, but are not limited to:

- Farm stands and promotional activities for the sale of farm products
- On-farm processing facilities
- Commercial activities in conjunction with farm use
- Farm employee dwellings and other dwellings in conjunction with farm use
- Wineries, farm breweries, and farm cideries
- Home occupations, farm-stays, and other agri-businesses
- Temporary forest product processing facilities
- Landscape contracting businesses in conjunction with growing of nursery stock
- Agritourism events and festivals and on-farm educational experiences (i.e. tours)
- Rural schools, childcare, and senior centers

We support Oregon farmers using their properties in profitable ways to keep them working in agriculture. We believe that despite not currently being included in the definition of “farm use” many of these practices should be protected under Oregon law, and there should be more opportunities for farmers to engage in them, not less. We also strongly support Oregon’s farmers engaging with the public on farms in order to promote agriculture as a valuable part of our communities. By combining fun, exciting, or educational activities with the sale of farm products directly to consumers, farmers are able to gain consumer trust, and generate additional income to keep farming at a commercial scale. By providing agri-services to nearby farms, sharing equipment, or vertically integrating their operations, farmers can make financial decisions to keep their land in production. Ultimately, on-farm experiences encourage the public to support beneficial agricultural policies, something agriculture so desperately needs.

## **II. Resolution No. 314 and DLCD’s rulemaking efforts could make things more difficult for agricultural businesses.**

Our organizations are concerned about Resolution No. 314 because while Oregon’s farmers and ranchers are modernizing what is considered “farming” in the farm zone, Resolution No. 314, could be interpreted to take Oregon agriculture backwards. Resolution No. 314 expresses the general idea that Oregon’s land use planning laws need to be made stricter because there are far too many “non-farm” uses allowed in farm zones. The resolution implies that these “non-farm” uses are causing conversion of farmland out of EFU zoning. The resolution is notably focused on the amount of land retained in EFU zoning, but fails to include any discussion of the well-being of actual agricultural businesses. Moreover, the resolution fails to mention that many “non-farm” uses are in fact essential farm practices or agricultural businesses themselves, that need greater protection and flexibility in law, not less. Resolution No. 314 works off of the assumption that farmland is being converted because of “loopholes” in our planning system, while ignoring the fact that our regulatory system imposes significant limitations and pressures on the economic success of farm operations, which is actually forcing farmers out of business.

We are also concerned about ODA’s involvement in DLCD’s current Farm and Forest Conservation Improvement Program and rulemaking advisory committee. It appears that ODA staff and members of the Board participated in a technical work group with DLCD, and several

land conservation advocates. Unfortunately, no representatives from our organizations were invited to participate on that group, and it appears that no farmers who have any of the aforementioned uses were invited to participate. Additionally, the technical work group report and proposed rules include potential changes that raise similar concerns as Resolution No. 314.

As an example, the technical work group and rulemaking advisory committee propose to codify specific cases. Despite being the jurisprudence of the day, the cases in question are not unanimously viewed as beneficial for agriculture or the planning system as a whole. In reality, these cases are highly controversial, and warrant significant policy discussion about the effects of codifying them into rules. For example, the case law from the *Stop the Dump* case, which discusses the farm impacts test in ORS 215.296, has been identified by land use attorneys as extremely difficult, if not impossible, for anyone to apply under. Several “conditional uses” such as agritourism, or commercial activities in conjunction farm use, are subject to this near impossible and highly burdensome permitting standard. If ODA and DLCD are receiving feedback that the law is not universally accepted as good law, and that it is creating barriers for important agricultural practices and businesses, why would we be advocating for codifying it into a statewide rule? Why are we not discussing ways to remedy these issues? Perhaps rather than put it in rule, we should be setting up a workgroup to draft a legislative concept to fix the issue, as so often happens with unfavorable case law.

As another example, the scope of the RAC has been expanded well outside of technical clarifications and into areas of significant public policy. For example, DLCD is proposing to remove certain activities from the definition of “farm use” in state law by changing what is considered “preparation” versus “processing” on farm. DLCD proposes to do this based on the size of buildings or the amount of product grown on the specific parcel. DLCD has identified no case law, data, or study supporting making such a significant policy change, besides commentary in staff materials that certain agricultural buildings can be too large, or done at such a scale that they are more akin to “manufacturing” than “farming” (in their opinion). It is unclear what authority DLCD has to make such a change, and why they would, when many farmers engage in the sorting, cleaning, packing and preparation of crops grown on site, at nearby locations, or for other nearby farms. Why does it matter how large the building is or if they are preparing products grown down the road at a nearby orchard or field? This change does nothing to protect or support agricultural businesses, who should retain the right to vertically integrate their farm operations, and instead threatens existing agricultural practices and farm structures.

### **III. ODA should engage directly with farmers to learn whether our current system is supporting the success of their businesses and the agricultural economy as a whole.**

For these reasons, we strongly encourage the Board to reopen Resolution No. 314 to reconsider its participation in the Farm and Forest Conservation Improvement Program. ODA and DLCD should be looking at how to make it easier and less expensive for farmers to operate in the farm zone, not advocating for more regulation, strict and expensive record-keeping requirements, and limitations on the economic success of farm families.

Instead, we encourage ODA to constitute its own workgroup, with farmers, ranchers, and agribusinesses at the table, to have a meaningful and inclusive policy discussion. This work group should seek to understand whether the statutes and subsequent interpretations are actually serving the agricultural economy, whether existing standards are burdensome for applicants to apply under,

and whether Oregon's planning system is serving the modern needs of Oregon's family farms. Our shared goal is to keep Oregon's farmers farming and our agricultural lands in production. If the statutes and their current interpretations are in fact not supporting a thriving agricultural economy, and/or are overly burdensome for applicants to apply and remain in compliance under, then ODA should engage in a legislative effort to change the law. Our organizations recognize this is not an easy discussion and that there are varying opinions across the agricultural community, but ODA is well suited to have this conversation with all farming voices and it speaks to the complexity of this issue.

Our organizations are happy to work with the Board, ODA, and DLCD to have a robust policy discussion on these cases, issues, and work towards any legislative or administrative changes that are warranted after that discussion takes place. Thank you for the opportunity to provide these comments today. Please do not hesitate to reach out to our organizations with any questions or concerns.



May 31, 2024

Oregon Board of Agriculture  
Memorial Building  
Harney County Fairgrounds

Re: Permitted Uses on Lands Zoned Exclusive Farm Use

Board Members:

On behalf of the undersigned farmers, ranchers, and agri-businesses we write today to express concern about the Board's adoption of Resolution No. 314 and to encourage the Department of Agriculture to engage directly with farmers to truly understand whether Oregon's land use laws are supporting the success of Oregon's agricultural businesses.

Resolution No. 314 expresses the general idea that Oregon's land use planning laws need to be made stricter because there are too many "non-farm" uses allowed in farm zones. The resolution implies that these "non-farm" uses are converting farmland to non-agricultural uses. Unfortunately, the resolution fails to mention that many "non-farm" uses are in fact essential farm practices or agricultural businesses themselves. It also fails to acknowledge that conversion is happening because it is so difficult to earn a living traditionally farming, and there is little incentive for farmers to stay working in this state, when nearby states offer more opportunity and less regulatory headache.

It is clear from our own personal experiences, and in reading this resolution, that the State's focus when implementing LCDC's Statewide Planning Goal 3 is gravely misplaced and inconsistent with the true intent of both Senate Bill 100 and Senate Bill 101. The current agency focus, as expressed by Resolution No. 314, is on preserving acres of land in EFU zoning, and not on promoting the success and livelihood of Oregon's farm families. This is wrong and harmful.

There's a big difference between protecting farmers and protecting farmland. If we don't have farmers, we don't have farmland. If our laws and regulations are putting farmers out of business, or are preventing them from being successful, we haven't protected anything at all. We do not believe this was the intent of our land use system, but if it was, things must change – we should not be favoring fallowed fields and fear of enforcement actions over busy, successful, and vibrant agricultural businesses.

The Board should recognize that the public is now more critical and skeptical of agriculture than ever before. As such, it is essential for farmers to be able to connect with the public to help explain their practices, earn their trust, and educate consumers. Above all, Oregon's farmers deserve every opportunity to allow the public to support and connect with them. Fostering these types of connections will do more to protect farmland than any regulatory system.

Farmers must also be given the opportunity to diversify their income streams and use their properties in profitable ways so that they can stay in business and stay farming. As this Board knows (and the new Census of Agriculture demonstrates), it is difficult to earn a living traditionally farming, and our agricultural economy is struggling. Each of our businesses utilize some aspect of integrated practices, agricultural education, or on-farm experiences to be profitable.

We do not engage in these “non-farm” activities because we want to “convert farmland”, but because these activities are essential for us to keep farming. In other words, we engage in “non-farm” activities in order to preserve our farms. Unfortunately, our current land use laws do not make it easy to engage in these activities, and do not adequately protect these important practices in the farm zone.

We believe that the Department should engage in a comprehensive and unbiased review of whether our planning system is actually working to support Oregon’s farm and ranch families. We would strongly encourage the Department to work with agricultural producers directly to understand their needs, and to specifically engage with those who have permitted farm stands, processing facilities, preparation facilities, commercial activities in conjunction with farm use, home occupations, and who host agritourism or on-farm experiences, so that the Board can learn first-hand the value these types of activities bring to Oregon agriculture.

Above all, we believe that the Board should commit to supporting and protecting farmers – not just the land beneath our feet.

Matt Cyrus  
Triple C Farms

Timothy E. Winn  
Winn Family Farm

James Ables  
Topaz Farms

Kat Topaz  
Topaz Farms

Tammi Packer  
Packer Orchards

Tessa Koch  
TMK Creamery

Jen Hamaker  
Tumalo Farm

Mathew Lisignoli  
Smith Rock Ranch

Scottie Jones  
Leaping Lamb Farm

Cindy Grossman  
Faith Hope and Charity Winery

Jim Kessinger  
Plumper Pumpkin Patch &  
Tree Farm

Len Updike  
Kimberly Farms

Andy Duyck  
Pandy Acres Farm

James Bayer  
Pheasantbrook Vineyards

Ed Bartholemy  
Trinity Acres Farm

Roger Grossman  
Lower Bridge Farms

Christina Fordyce  
Fordyce Farms

Graham Fordyce  
Queener Farm

Autumn Peterson  
Bellfountain Farm

Shauna Garza  
TMK Creamery

Todd Koch  
TMK Creamery

Marc Koch  
TMK Creamery

Kay Knott  
Knott Farm

Adam McKinley  
Olde Moon Farm

Elizabeth McLellan  
JB Cattle

Hannah Kullberg  
New Moon Flower Farm

Christina Brewer  
Badger Creek Farm

Pamela Miller  
Brokenridge Stables

Michelle Lowe  
Lowe's Lavendar Farm

Terry Koch  
TMK Farm

Casey Roscoe  
Gerking Ranch

Laurel Stone  
Apple Creek Merinos

Trish Kenter Backsen  
Haystack Farm & Feeds

Kerry Backsen  
Haystack Farm & Feeds

John Campbell  
Campbell Farm

Pamela Fournier  
Fournier Training

Mathew Fournier  
Fournier Training

Dave Zalunardo  
Abby Pond

Ed Stuedli  
Sandy Hill Ranch

Patti Adair  
Deschutes County Commissioner

Cydney Diaz  
Taste of Summer Farm

Lisa Diaz  
8D Farm and Ranch

Meg Eden  
Wireswest

Keith Cyrus  
K-C Ranch

Mathew Roloff  
Roloff Farms

Sydney Cyrus  
Smith Rock Ranch

Teagan Milera  
Lee Farms

Patrick Fay  
Hentze Family Farm



## OREGON PROPERTY OWNERS — ASSOCIATION —

May 31, 2024

Oregon Board of Agriculture

Re: Permitted Uses in the EFU Zone

Members of the Board,

Thank you for the opportunity to provide comments today on Resolution No. 314. By way of background, the Oregon Property Owners Association is the state's largest private property owners association and has been on the forefront of every major land use issue for the last 35 years. Our organization represents the private property rights of farmers, ranchers, timber producers, agribusinesses and family-run businesses across the state. With Oregon's rural property owners in mind, we write today to express concerns about the Board's adoption of Resolution No. 314, and encourage the Board to engage with our organization to understand how our planning and permitting system impacts the rights and opportunities of those in the farm zone.

As discussed in the letter submitted on behalf of over fifty farmers from around the state, the agricultural economy is struggling, and Oregon's family businesses need greater support from the state now more than ever. Family farmers are changing how they operate, market, and sell their products. Many farmers have turned to integrated activities, commercial activities in conjunction with farm use, co-operative practices, home occupations, agritourism, and "on-farm experiences" to keep the family operation in business. Despite the direct connection to agriculture and being essential to preserving family farms and ranches, many of these activities are considered "non-farm uses" under current land use laws and are subject to greater scrutiny or regulation than traditional farming activities in the EFU zone. These limitations can put significant strain on farmers and can prevent them from making financial choices that would support their farm operation. **This is why Oregon's farmers are calling for systemic changes to our land use laws, and a greater focus on the preservation of farm businesses, not just the preservation of farmland.**

While Resolution No. 314 is well-intentioned, we are concerned that the language as adopted does not paint a full picture of the current state of agriculture, the needs and wants of farmers, and advocates for changes that could cause significant impacts to existing and future agricultural operations. For the following reasons, we respectfully request that the Board re-open Resolution No. 314 and engage in stakeholder outreach to fully understand the needs of agricultural businesses at this time:

- I. Resolution No. 314 fails to include important information on the current state of farmland preservation in Oregon and existing protections that prevent impacts to agricultural operations from non-farm uses:**

Resolution No. 314 includes a brief narrative about why the resolution is justified. In the background portion, the resolution discusses the rise of non-farm uses being allowed in the farm zone, and states that the increase in many of these uses has serious implications for the future of agriculture. The resolution makes reference to conversion of agricultural land, and the actual resolution calls for major changes to prevent or stop conversion of farmland.

The fear of conversion or “loss of Oregon’s prime farmland” is frequently used to justify greater restrictions on rural residents, including farmers, in the farm zone. Before advocating for greater restrictions, it is important for the Board to understand that Oregon’s land use planning system is extremely (and arguably overly) effective at preserving agricultural land in EFU zoning. Specifically, over 99 percent of all land that was originally zoned EFU has retained EFU zoning, even though the Legislature has allowed “non-farm” uses and dwellings to be sited in the farm zone.

- “By 1985 [...] Counties applied Exclusive Farm Use (EFU) zoning to all inventoried agricultural lands. At that time approximately 16.1 million acres were protected under the EFU zoning designation. Today, 99 percent of that land remains under the EFU zoning designation.” - 2020-2021 DLCD Farm and Forest Report
- “From a base of 16.1 million acres of EFU-zoned land in 1987, a total of 42,977 net acres have been rezoned from EFU to other urban and rural uses through 2022. 99.73 percent of land zoned EFU in 1987 was still zoned EFU in 2022.” – 2023 DLCD Annual Progress Report

Additionally, Resolution No. 314 fails to provide any data, analysis, or studies to support the notion that these non-farm uses are actually resulting in significant harm to or the closing of agricultural businesses. It is likely that the Resolution is relying on DLCD’s most recent Farm and Forest Report. However, that Report also fails to include any data, analysis, or studies to support that actual harm is being caused to agricultural businesses due to the approval of these uses and dwellings in the farm zone. Instead, the Report merely quantifies how many of these uses have been legally approved and implies that because Counties are legally approving these uses, farmland is wrongfully being converted.

Additionally, the Resolution fails to include that there are three important backstops that exist in Oregon law that protect farms from being impacted by non-farm in the farm zone:

- Any “conditional” non-farm use (including aggregate mining, development of wetlands, public and private parks and other recreational uses, schools, energy generation and transmission facilities, landfills, and other urban infrastructure) allowed in the EFU zone must pass the “farm impacts test” of ORS 215.296. This test, as articulated in *Stop the Dump Coalition v. Yamhill County*, is extremely difficult to meet, and applicants must do an analysis, supported by substantial evidence, that the proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use, or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. This analysis must occur on a farm-by-farm and farm-practice-by-farm-practice basis. It is intensive, time consuming, and often requires collaboration between applicants and surrounding farms. If one of these uses has been legally approved, it is because the applicant has shown, and the county has agreed, that the use will not negatively impact surrounding farms.



- Counties may impose conditions of approval on these uses. These conditions can limit the time the use is allowed to operate, require traffic and parking mitigation, or any other clear and objective condition to prevent the use from negatively impacting surrounding farms. These conditions are enforceable, and if a property owner is not in compliance with these conditions, state law makes clear that a farmer may file a complaint with the local government against the property owner.
- Oregon’s “Right to Farm” law (ORS 30.930) shields any farming or forestry practice taking place in the EFU zone from any private right of action or lawsuit based upon nuisance or trespass. If a person brings a nuisance or trespass claim in violation of Right to Farm, the farmer can recover attorneys’ fees from the complainant.

**II. Resolution No. 314 fails to acknowledge that many “non-farm uses” are essential agricultural practices or agricultural businesses themselves. Resolution No. 314 advocates for major changes to how important natural resource uses and rural businesses may be sited:**

ORS 215.203 outlines what is considered a “farm use” and encompasses almost every activity that takes place on a farm prior to the first point of sale of a farm product. Farm uses in the farm zone are allowed outright, and do not require local government approval, and are protected from state and local restrictions under ORS 215.253. At the same time, ORS 215.213 and ORS 215.283 list numerous “non-farm” uses that are allowed in the EFU zone. Uses listed under (1) of each statute generally are allowed “as of right”, which means they are allowed in the farm zone, subject only to any limitations listed in statute, and they may require a local process for approval. Uses listed under (2) of these statutes are considered “conditional uses” and property owner must get a permit to do any of these uses. As mentioned above, these uses must pass the farm impacts test under ORS 215.296, and local governments may impose conditions of approval on these permits. These permits are discretionary, and permit holders can be subjected to enforcement actions for non-compliance.

Resolution No. 314 calls for greater limitations on all non-farm uses (not just conditional uses allowed under (2)) and would call for removal of certain non-farm uses in the farm zone. Additionally, the Resolution calls for all non-farm uses to be required to pass the farm impacts test and presumably become subject to conditions of approval before being sited. This is a major change to how these uses are approved in the farm zone.

Moreover, while Resolution No. 314 calls out a handful of conditional uses, the Resolution fails to acknowledge that many “non-farm uses”, whether allowed under (1) or (2) of the statutes, are in fact essential uses for farms or agricultural businesses themselves. These include, but are not limited to:

- Farm stands and promotional activities for the sale of farm products
- On-farm processing facilities
- Commercial activities in conjunction with farm use
- Farm dwellings, farm employee dwellings, and other dwellings in conjunction with farm use

- Wineries, farm breweries, and farm cideries
- Home occupations, farm-stays, and other agri-businesses
- Temporary forest product processing facilities
- Landscape contracting businesses in conjunction with growing of nursery stock
- Agritourism events and festivals and on-farm educational experiences (farm tours)
- Rural schools, childcare, and senior centers

Oregon's current land use laws already make it difficult for these uses to exist in the farm zone. Increasing regulatory and economic pressures make some requirements nearly impossible to meet. ODA should be examining these issues and working with farmers and other agencies to alleviate these burdens, not imposing stricter siting standards. If anything, Resolution No. 314 should clarify the above stated information, and should include language that the aforementioned uses should be protected.

### **III. ODA should engage with farmers who have permitted “non-farm” uses to learn how these activities are beneficial to agriculture and how the state can create more opportunities for farmers in the farm zone:**

For these reasons, we strongly encourage the Board to reopen Resolution No. 314. ODA and the Board should be looking at how to make it easier and less expensive for farmers to operate in the farm zone, not advocating for more regulation or limitations on the economic success of farm families. Because this is a nuanced and complicated issue, we encourage ODA to engage in a conversation with farmers, ranchers, agri-businesses, and advocates who represent farmers and/or assist farmers in attaining these permits before adopting any resolution on this subject matter.

ODA and the Board should seek to understand whether the statutes and subsequent interpretations are serving the agricultural economy, whether existing standards are burdensome for applicants to apply under, and whether Oregon's planning system is serving the modern needs of Oregon's family farms. Above all we should examine whether our system is truly keeping farmland in active production. If the statutes and their current interpretations are in fact not supporting a thriving agricultural economy, and/or are overly burdensome for applicants to apply and remain in compliance under.

OPOA is happy to work with the ODA and the Board to have a robust policy discussion, and work towards any legislative or administrative changes that are warranted after that discussion takes place. Thank you for the opportunity to provide these comments today. Please do not hesitate to reach out to our organizations with any questions or concerns.

Samantha Bayer  
 General Counsel  
 Oregon Property Owners Association  
[sbayer@oregonpropertyowners.org](mailto:sbayer@oregonpropertyowners.org)

Monday, June 3, 2024 at 08:25:02 Pacific Daylight Time

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**Subject:** Resolution 314  
**Date:** Sunday, June 2, 2024 at 4:46:09 PM Pacific Daylight Time  
**From:** Tim  
**To:** VALNESS Karla \* ODA

You don't often get email from [timothy@jenniferbakerfund.org](mailto:timothy@jenniferbakerfund.org). [Learn why this is important](#)

Board Members: On behalf of the undersigned farmers, ranchers, and agri-businesses we write today to express concern about the Board's adoption of Resolution No. 314 and to encourage the Department of Agriculture to engage directly with farmers to truly understand whether Oregon's land use laws are supporting the success of Oregon's agricultural businesses.

Resolution No. 314 expresses the general idea that Oregon's land use planning laws need to be made stricter because there are too many "non-farm" uses allowed in farm zones. The resolution implies that these "non-farm" uses are converting farmland to non-agricultural uses. Unfortunately, the resolution fails to mention that many "non-farm" uses are in fact essential farm practices or agricultural businesses themselves. It also fails to acknowledge that conversion is happening because it is so difficult to earn a living traditionally farming, and there is little incentive for farmers to stay working in this state, when nearby states offer more opportunity and less regulatory headache.

It is clear from our own personal experiences, and in reading this resolution, that the State's focus when implementing LCDC's Statewide Planning Goal 3 is gravely misplaced and

inconsistent with the true intent of both Senate Bill 100 and Senate Bill 101. The current agency focus, as expressed by Resolution No. 314, is on preserving acres of land in EFU zoning, and not on promoting the success and livelihood of Oregon's farm families. This is wrong and harmful.

There's a big difference between protecting farmers and protecting farmland. If we don't have farmers, we don't have farmland. If our laws and regulations are putting farmers out of business, or are preventing them from being successful, we haven't protected anything at all. We do not believe this was the intent of our land use system, but if it was, things must change – we should not be favoring fallowed fields and fear of enforcement actions over busy, successful, and vibrant agricultural businesses.

The Board should recognize that the public is now more critical and skeptical of agriculture than ever before. As such, it is essential for farmers to be able to connect with the public to help explain their practices, earn their trust, and educate consumers. Above all, Oregon's farmers deserve every opportunity to allow the public to support and connect with them. Fostering these types of connections will do more to protect farmland than any regulatory system. Farmers must also be given the opportunity to diversify their income streams and use their properties in profitable ways so that they can stay in business and stay farming. As this Board knows (and the new Census of Agriculture demonstrates), it is difficult to earn a living traditionally farming, and our agricultural economy is struggling. Each of our businesses utilize some aspect of integrated practices, agricultural education, or on-farm

experiences to be profitable.

We do not engage in these “non-farm” activities because we want to “convert farmland”, but because these activities are essential for us to keep farming. In other words, we engage in “non-farm” activities in order to preserve our farms.

Unfortunately, our current land use laws do not make it easy to engage in these activities, and do not adequately protect these important practices in the farm zone. We believe that the Department should engage in a comprehensive and unbiased review of whether our planning system is actually working to support Oregon’s farm and ranch families.

We would strongly encourage the Department to work with agricultural producers directly to understand their needs, and to specifically engage with those who have permitted farm stands, processing facilities, preparation facilities, commercial activities in conjunction with farm use, home occupations, and who host agritourism or on-farm experiences, so that the Board can learn first-hand the value these types of activities bring to Oregon agriculture. Above all, we believe that the Board should commit to supporting and protecting farmers – not just the land beneath our feet.



Monday, June 3, 2024 at 08:19:25 Pacific Daylight Time

**Subject:** Letter to board**Date:** Monday, June 3, 2024 at 7:15:41 AM Pacific Daylight Time**From:** Glen Keener**To:** VALNESS Karla \* ODA

You don't often get email from [gjkeener@gmail.com](mailto:gjkeener@gmail.com). [Learn why this is important](#)

## Board Members:

On behalf of Oregon farmers, ranchers, and agri-businesses we write today to express concern about the Board's adoption of Resolution No. 314 and to encourage the Department of Agriculture to engage directly with farmers to truly understand whether Oregon's land use laws are supporting the success of Oregon's agricultural businesses. Resolution No. 314 expresses the general idea that Oregon's land use planning laws need to be made stricter because there are too many "non-farm" uses allowed in farm zones. The resolution implies that these "non-farm" uses are converting farmland to non-agricultural uses. Unfortunately, the resolution fails to mention that many "non-farm" uses are in fact essential farm practices or agricultural businesses themselves. It also fails to acknowledge that conversion is happening because it is so difficult to earn a living traditionally farming, and there is little incentive for farmers to stay working in this state, when nearby states offer more opportunity and less regulatory headache. It is clear from our own personal experiences, and in reading this resolution, that the State's focus when implementing LCDC's Statewide Planning Goal 3 is gravely misplaced and inconsistent with the true intent of both Senate Bill 100 and Senate Bill 101. The current agency focus, as expressed by Resolution No. 314, is on preserving acres of land in EFU zoning, and not on promoting the success and livelihood of Oregon's farm families. This is wrong and harmful. There's a big difference between protecting farmers and protecting farmland. If we don't have farmers, we don't have farmland. If our laws and regulations are putting farmers out of business, or are preventing them from being successful, we haven't protected anything at all. We do not believe this was the intent of our land use system, but if it was, things must change – we should not be favoring fallowed fields and fear of enforcement actions over busy, successful, and vibrant agricultural businesses. The Board should recognize that the public is now more critical and skeptical of agriculture than ever before. As such, it is essential for farmers to be able to connect with the public to help explain their practices, earn their trust, and educate consumers. Above all, Oregon's farmers deserve every opportunity to allow the public to support and connect with them. Fostering these types of connections will do more to protect farmland than any regulatory system. Farmers must also be given the opportunity to diversify their income streams and use their properties in profitable ways so that they can stay in business and stay farming. As this Board knows (and the new Census of Agriculture demonstrates), it is difficult to earn a living traditionally farming, and our agricultural economy is struggling. Each of our businesses utilize some aspect of integrated practices, agricultural education, or on-farm experiences to be profitable. We do not engage in these "non-farm" activities because we want to "convert farmland", but because these activities are essential for us to keep farming. In other words, we engage in "non-farm" activities in order to preserve our farms. Unfortunately, our current land use laws do not make it easy to engage in these activities, and do not adequately protect these important practices in the farm zone. We believe that the Department should engage in a

comprehensive and unbiased review of whether our planning system is actually working to support Oregon's farm and ranch families. We would strongly encourage the Department to work with agricultural producers directly to understand their needs, and to specifically engage with those who have permitted farm stands, processing facilities, preparation facilities, commercial activities in conjunction with farm use, home occupations, and who host agritourism or on-farm experiences, so that the Board can learn first-hand the value these types of activities bring to Oregon agriculture. Above all, we believe that the Board should commit to supporting and protecting farmers – not just the land beneath our feet.

Tuesday, June 4, 2024 at 08:41:09 Pacific Daylight Time

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**Subject:** Resolution 314

**Date:** Monday, June 3, 2024 at 6:11:09 PM Pacific Daylight Time

**From:** Mike McCarthy

**To:** VALNESS Karla \* ODA

Oregon Board of Agriculture:

We farm in Parkdale where we grow apples, pears and cherries. We strongly support keeping Resolution 314.

Non farm uses in Hood River County are having significant negative impacts to our operation and others in the area.

Furthermore there are no means to bring them into compliance if the are not meeting their conditions of approval.

Please keep Resolution 314

Mike McCarthy  
McCarthy Family Farm  
Parkdale, Oregon 97041

Tuesday, June 4, 2024 at 08:42:46 Pacific Daylight Time

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**Subject:** Yes on Bd of AG Resolution 314  
**Date:** Monday, June 3, 2024 at 6:39:05 PM Pacific Daylight Time  
**From:** Aileen Kaye  
**To:** VALNESS Karla \* ODA  
**Attachments:** Yes on Bd of Ag Resolution 314 Non Farm Uses on Ag land 6-3-24.docx, OR Ag land selling at fast pace - 5-16-2017.pdf

You don't often get email from [arkaye2@gmail.com](mailto:arkaye2@gmail.com). [Learn why this is important](#)

Dear Board Members,

Please see my attached request that you vote to support Resolution 314 which supports restricting uses unrelated to ag on EFU lands. Attached, also, is a 2017 article I just ran across while cleaning my desk.



Thank you for your consideration.

Aileen Kaye

To: Oregon Board of Agriculture

From: Aileen Kaye, Horse Owner

Date: 6-3-24

Re: **Yes on Resolution 314** Restricting non-farm uses on farmland

Dear Members of the Oregon Board of Agriculture,

Thank you for considering for approval Resolution 314. We need to stop the bleeding specified in the report, "Death by 1000 Cuts" which outlines the ridiculous number of non-farm uses that are being allowed on Oregon farmland that reduce the amount of land available for food and crop production and for pasture for animals not allowed in cities like horses!

Please see the attached article from May 16, **2017** which shows a case in point. Ag land should NOT be used for industrial uses, housing developments, etc.

You might also want to watch the new film, "An Oregon Story" ([www.anoregonstory.com](http://www.anoregonstory.com)) and the 1973 film, "Soylent Green".

Please vote "**Yes**" on Resolution 314.

Thank you for your consideration.

Aileen Kaye  
Horse owner  
PO Box 1113  
Turner, OR 97392



# Oregon agriculture land selling at fast pace

ERIC MORTENSON

CAPITAL PRESS

Diane Daggett remembers the conversation with the woman who had just purchased the Daggett family's 440-acre cattle ranch in Northeast Oregon's Walla Walla County, land that had been in the family for four generations.

The buyer said she had called her husband, who was aboard their yacht in the Cayman Islands, to share the news. "Honey," the woman said she'd told him, "I just bought the most amazing birthday gift for you."

And the land, sold by Daggett's step-mother for what Daggett figures was three times what it could generate as a cattle ranch, slipped from the family's grasp. Now it lies behind a locked gate.

Variations of that story are playing out across Oregon and other states as farm and ranch land changes hands, sometimes by thousands of acres at a time. Some buyers are fellow farmers who are expanding their operations under the mantra of "get big or get out." But other buyers include investment firms, wind energy

developers, conservation organizations, companies that fit the description of "Big Ag" and wealthy individuals looking to establish private hunting reserves or vacation retreats.

The impact is unclear at this point, but the primary worry is about ag land being taken out of production. Jim Johnson, the Oregon Department of Agriculture's land-use and water planning coordinator, said ag land conversion is a concern especially in areas with "amenity values." Daggett's scenic Walla Walla County is an example, "Where the primary reason to live out there is to be there, and the secondary reason is to farm," Johnson said.

Ag property purchased to be a recreational site, he said, inflates land values and makes it more expensive for farmers and ranchers to buy or rent.

New owners who aren't interested in farming themselves might gain more revenue by enrolling land in the federal Conservation Reserve Program, in which they receive payments for taking it out of production, rather than leasing crop land to other farmers, said Walter Powell, a Condon, Ore., wheat farmer. In that case,

there's a reduction to the farming infrastructure: the seed and fertilizer dealer, the equipment store, local employment and more, Powell said.

Jim Wood, a cattle rancher near Post, in Central Oregon, said the biggest threat to high-desert cattle ranching is the fragmentation of grazing ground. Ranching in his area requires big acreage to be ecologically and economically sustainable, and segmentation or development for other uses cuts into that and increases land prices, Wood said.

"If you overgraze, this landscape is quick to be unforgiving, and you're going to be out of business," he said.

Oregon's land-use laws — adopted to preserve farm and forest land from urban sprawl — generally preclude rapid, wholesale development of agricultural land.

Statewide, counties approved 473 houses on farmland in 2014 and 522 in 2015, the most current figures provided by the Oregon Department of Land Conservation and Development.

Daggett, whose Walla Walla County property was sold, acknowledges an argument could be made that the "highest and best use" of her family land could be as a "view property."

But ownership changes can ripple deep in rural communities.

"This is very personal for me," said Daggett, who was Walla Walla County's planning director in the late 1990s and, ironically, now sells real estate. She said her son had hoped to run cattle on the family land, but now leases land from others. "Like a sharecropper," Daggett said.

The giddy buyer who called her husband in the Caymans has yet to build a dream home on the property. It appears someone is leasing the pastures.

"There's an impact to the historic social fabric, there's this disruption socially," Daggett said.

"It's more than a question of who's buying," she said. "It's who's buying, and then what?"

Some of the listings carried by Whitney Land Co. are breathtaking. The Pendleton, Ore.-based real estate company specializes in farm and ranch properties, especially big ones.

Until the owner took it off the market this spring, one of Whitney Land's offerings was called the Kinzua Ranch, in Wheeler County. More than 39,000 acres with a \$28 million asking price.

The property included much of what used to be the timber holdings and former community of Kinzua.

Tuesday, June 4, 2024 at 08:43:55 Pacific Daylight Time

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**Subject:** Comments in Support of Resolution 314  
**Date:** Monday, June 3, 2024 at 7:18:06 PM Pacific Daylight Time  
**From:** Brittney and Tara Mills  
**To:** VALNESS Karla \* ODA  
**Attachments:** Resolution 314 Letter of Support.pdf

You don't often get email from [mills@thrivehoodriver.org](mailto:mills@thrivehoodriver.org). [Learn why this is important](#)

Attached are our comments in support of Resolution 314.

Thank you,  
Tara and Brittney

Tara & Brittney Mills *Co-Executive Directors*



541 288 4706

[thrivehoodriver.org](http://thrivehoodriver.org)

PO Box 1544 Hood River, OR 97031



June 3rd, 2024

To: Oregon Board of Agriculture  
Memorial Building, Harney County Fairgrounds  
69660 S Egan Street  
Burns OR 97720

Dear Board of Agriculture,

As a non-profit organization committed to protecting the farmland, forests, wild spaces and livability of Hood River County, we support Resolution 314.

Looking into the future, we believe that we must ensure Oregon's agricultural land remains available for food production, habitat protection and climate work, such as carbon sequestration. The allowed uses already provide opportunities in the farm zone for farmers to do business in a variety of ways beyond traditional farming practices. Further expanding non-farm uses can have many negative impacts.

Please keep Resolution 314.

Sincerely,

A handwritten signature in dark ink that reads "Tara &amp; Brittney Mills".

Tara and Brittney Mills  
Co-Executive Directors

Sid Friedman  
14286 NW Old Moores Valley Rd.  
Yamhill, Oregon 97148

June 3, 2024

Oregon Board of Agriculture  
Jim Johnson, Land Use & Water Planning Coordinator  
635 Capitol St NE  
Salem, OR  
97301-2532

Re: Resolutions 314 (non-farm uses) and 315 (easements)

Dear Commissioners and Staff,

My wife and I operate a 170-acre hay and timber ranch west of Yamhill and Carlton. I served two terms on the Yamhill County Planning Commission and have watched with alarm the exponential growth in the number and scope of non-farm uses in our area.

Unfortunately, under our current standards we have seen a destabilizing proliferation of non-farm uses in farm zones. Portions of our county are reaching a tipping point that threaten the continued viability of commercial farming.

I appeared before you as part of a panel on agricultural easements that was organized by Nellie McAdams. At that meeting I presented several examples of problematic non-farm uses in farm zones, including non-farm dwellings, large-scale solar arrays on some of our best soils, boutique hotels masquerading as bed and breakfasts, wedding event centers, and a tavern pretending to be a tasting room.

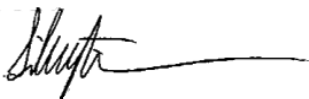
These non-farm uses have little or nothing to do with agriculture. They drive up the price of farmland, create unacceptable conflicts for farmers and neighbors, overburden rural infrastructure, and unfairly compete with in-town businesses which pay for city services and urban infrastructure.

Agricultural land is not vacant land waiting for development. It is already developed industrial land that supports the state's second largest industry- agriculture. Pressure from non-farm uses pushes up the price of farmland, making it more difficult to acquire, more difficult to pencil-out for farming and in many areas its cumulative impacts threaten the overall stability of our rural land base.

For these reasons, I strongly support Resolutions 314 and 315 and I urge you to support them as well.

In closing, I want to acknowledge the vitally important work you are all doing; and doing as volunteers. It is truly appreciated. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sid Friedman', followed by a long horizontal flourish.

Sid Friedman

Tuesday, June 4, 2024 at 08:46:16 Pacific Daylight Time

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**Subject:** Support of Resolution 314

**Date:** Monday, June 3, 2024 at 8:06:43 PM Pacific Daylight Time

**From:** Sam @

**To:** VALNESS Karla \* ODA, Barbara Boyer1, Sid Friedman

You don't often get email from [sweeneyfarm@aol.com](mailto:sweeneyfarm@aol.com). [Learn why this is important](#)

Dear Karla,

I support Resolution 314 that restricts non-ag use in farm zones for the following reasons:

- By allowing non-ag uses in farm zones, it negates bit by bit the integrity of SB 100 that Oregon approved in 1973. SB100 protects farmland for farming which is one of the biggest contributors to Oregon's economy.
- By allowing non-farm uses in farm zones it drives up farmland prices and Oregon farm families are unable to compete for needed expansion.
- By allowing non-ag uses in farm zones, it injects different dynamics that conflicts with agriculture. For example, some rural roadways can be crowded with traffic going to a non-farm event that results in farmers being slowed during critical planting or harvesting times.

To summarize, Oregon farmland is finite and once lost, it can never be regained. By approving nonfarm uses it allows competing uses which conflicts with farming and makes it more expensive for agriculture. According to an Oregon Agriculture Food and Fiber 2021 Economic analysis by Oregon State Universities College of Agricultural Science; Oregon Agriculture's economic impact was \$42 billion dollars and employs more than 531,000 people. The last sentence in that report was: "When we invest in the future of resilient and sustainable agricultural systems, we invest in a vision to make tomorrow better. And that is why we should support Resolution 314 that restricts non-ag uses in farm zones.

Sincerely,

Sam Sweeney - Country Heritage Farms - A farm family farming in Dayton Oregon for 100 years.

Tuesday, June 4, 2024 at 08:48:40 Pacific Daylight Time

**Subject:** Please Support Resolution 314**Date:** Monday, June 3, 2024 at 9:18:41 PM Pacific Daylight Time**From:** Jim Gilbert**To:** VALNESS Karla \* ODA

You don't often get email from [jim@northwoodsnursery.com](mailto:jim@northwoodsnursery.com). [Learn why this is important](#)

Dear Karla Valness and members of the Board of Agriculture, Northwoods Nursery is proud to be a thriving part of Oregon agriculture. We strongly support protecting our productive farm, ranch and forest lands from inappropriate development. As you know, agriculture is the second largest sector of Oregon's economy. It employs many thousands and brings billions of dollars into our state.

Protecting our fertile agricultural land will become more important as climate change threatens food production in other regions. Other benefits of conserving our agricultural and forest lands include providing wildlife habitat, reducing air and water pollution and carbon sequestration. There are already too many uses allowed on agriculture and forest lands. Carrying on normal farming operations is becoming more difficult in areas where non-farm uses, such as wedding venues, wineries and breweries clog the roads and create conflicts with farming activities. In addition to taking farmland out of production, these non-farm uses increased the cost of land and make it more difficult for beginning farmers to purchase or lease the land necessary to carry on Oregon's long farming and ranching tradition.

Northwoods Nursery and its owners, Jim Gilbert and Lorraine Gardner, strongly supports the official policy position of the Oregon Farm Bureau: ***Non-Farm Activities 3.670 Because the limitation of non-farm activities is crucial to the integrity of the exclusive farm use zone, we will vigorously oppose the inclusion of any new non-farm uses on lands properly zoned for the exclusive farm use. Furthermore, we will actively seek reduction of the growing list of permitted and conditional non-farm uses that have been added to the zone since its inception.***

**Please support Resolution 314!**

Jim Gilbert and Lorraine Gardner

Northwoods Nursery  
28696 S. Cramer Rd.  
Molalla, OR 97038  
wk. 503-651-3737  
cell 503-502-6925  
[www.northwoodsnursery.com](http://www.northwoodsnursery.com)

An Oregon Story - Saving Our Beaches, Farmland & More  
Watch & Share the Film: <https://www.anoregonstory.com/oregon-story-film>



June 3, 2024

Chairperson Elin Miller and Commission Members  
Oregon Board of Agriculture  
635 Capitol St. NE  
Salem, Oregon 97301-2532

Dear Chair Miller and Board of Ag Commissioners,

I am writing tonight to express my concerns over the letters that have been sent in as opposition to resolution 314. As a member and officer of Jefferson County Farm Bureau I am aware of the support that my board has given in the past and currently for **support of resolution 314**. I also support this resolution.

I serve as one of two farmers on the rules advisory committee (RAC) for the Department of Land Conservation and Development that is reviewing case law. I find it interesting that there is such an uproar about protecting agriculture's industrial lands. You really should just go and watch the public record of the RAC each time we have met. I doubt that the people signing on too many of these letters even know what is going on with the RAC. They are afraid that any support of protecting the agricultural lands will impact what they want to do in the way of "ag tourism". We are listening to County planners from around the state of Oregon on how to help applicants understand the land use laws. We have been codifying case law. Several of the same people/groups that have sent in opposition to resolution 314 also sent in letters to the Land Conservation and Development Commission (LCDC). When they didn't get what they wanted there then the next thing is to pit the Board of Ag against LCDC/DLCD.

When you farm or ranch where there isn't any conversion or conflicts why worry about those impacts to the stability of agriculture. Stability is key when you farm and/or ranch.

I live with sub-divisions behind my sheep farm. They weren't there when I bought my farm. My original neighbors behind me were cattle ranchers. The water rights were transferred to other ground and soon the dryland became subdivisions. I have neighbors that call about the guard dogs barking, the dogs are doing their job. Right to farm protects me, but if sued, I still have to hire a lawyer and go through the process to win. Yet, right to farm doesn't protect me when those same neighbors' dogs get into my flock and do damage, that is why I have livestock guard dogs. If I shoot their dogs, it is another issue, but so far the guard dogs have taken care of the trespassing dogs. It is the same when a conflict with ag tourism occurs and ag tourism is not protected under the right to farm.

I am hoping that you as members of the Board of Ag will continue to support resolution 314. It is a pretty generic resolution. It isn't nearly as clear as Oregon Farm Bureau policy on **Non-Farm Activities 3.670**.

**Because the limitation of non-farm activities is crucial to the integrity of the exclusive farm use zone, we will vigorously oppose the inclusion of any new non-farm uses on lands properly zoned for exclusive farm use.**

**Furthermore, we will actively seek reduction of the growing list of permitted and conditional non-farm uses that have been added to the zone since its inception.**

You as commissioners are "advocates for the state's agriculture industry in general". You truly must understand the need for stability versus conflicts and conversion pressures. Please continue to support resolution 314.

Sincerely,

***Mickey Killingsworth***

Mickey Killingsworth  
M.D. Acres  
798 SE Dover Lane  
Madras, Oregon 97741



**OFFICERS**

Roger Kaye  
President

Richard van Pelt  
Secretary

Susan Watkins  
Treasurer

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DIRECTORS**

Laurel Hines  
Carla Mikkelson  
Linda Peterson  
Kasia Quillinan

June 3, 2024

*By email: [karla.valness@oda.oregon.gov](mailto:karla.valness@oda.oregon.gov)*

Oregon Board of Agriculture  
Memorial Building  
Harney County Fairgrounds  
69660 S. Eagan St.  
Burns, OR 97720

**Re: YES on Board of Agriculture Resolution 314**

Dear Board Members:

Friends of Marion County (FoMC) is an independent 501(c)(3) farmland protection organization founded in 1998. Our mission is to protect farm and forestland, parks, and open space in Marion County.

The farmland in Marion County consists mostly of High Value Farmland (HVF). Because of this superior farmland Marion County provides some of the most diverse farm products, including grapes for wine making, tree fruits, grass seed and hay, a broad array of vegetable crops, and grazing for cattle and sheep.

FoMC has worked with local farmers to protect their land and their livelihood from adverse affects of development neighboring their farm operations. For example, in 2018 The Bi-Mart Country Musical Festival (Large Mass-Gathering) proposed 30,000 attendees/each day for four days on HVF in the middle of the active planting and harvest season affecting thousands of acres and multiple separate farm operations.

In 2022 a local farmer proposed a hemp receiving and processing facility to convert hemp to CBD and Marijuana (CACFU) which would have resulted in the actual loss of farmland and further impacting hundreds of acres of farmland relying on narrow two-lane roads to process and deliver their agricultural products. As a result of our involvement, the farmer located his hemp facility inside the Eugene urban growth boundary, preventing the unnecessary conversion of extraordinarily valuable agricultural land.



June 3, 2024

Page | 2

Over just this past year, FoMC helped local farmers oppose an application for an alleged commercial activity in conjunction with farm use, that had no demonstrable relationship to the actual farm use of the property, and was actually an RV Park; and a solar facility (Energy Facility) that would have removed 10 acres of high value farmland from crop production; and the conversion of a 250 acre farm comprised of high value farmland to a rural residence for a wealthy family.

These non-farm uses are just a few of the more than 60 that have been allowed in exclusive farm use zones since Senate Bill 100 was adopted in 1973. FoMC raised these same issues at the LCDC Rulemaking Advisory Committee meetings pointing to the reason that Oregon is losing valuable farmland to these non-farm uses. Too often, some Oregon farmers are relying on non-farm uses to claim they cannot support their farms any longer and need additional help. But these non-farm uses merely detract and sacrifice the working lands under which farmers are rewarded by income tax breaks.

**Therefore FoMC urges a YES VOTE on the Board of Agriculture Resolution 314 to support Oregon's working farms.**

Sincerely,

Roger Kaye, Pres.  
Friends of Marion County  
(503)743-4567  
FriendsOFMarionCounty@gmail.com

## ***Jefferson County Farm Bureau***

*798 SE Dover Lane*

*Madras, Oregon 97741*

*Phone 503/250/2460*



June 2, 2024

Chairperson Elin Miller and Commission Members  
Oregon Board of Agriculture  
635 Capitol St. NE  
Salem, Oregon 97301-2532

### **Resolution 314 Support**

Dear Chairperson Miller and Commissioners,

For the past several years Jefferson County Farm Bureau has testified or provided written testimony on various resolutions that the Oregon Department of Agriculture's Board of Agriculture has adopted. Resolution 314 is a resolution that we continue to support. Every piece of tillable farm ground that has water is important to those of us going into our fifth year of drought. The other agricultural lands support our livestock industry which is equally important in a different way.

After looking at some of the comments entered into the public comment on resolution 314 as a board we are wondering if those commenting are not aware of resolution 310 on Ag Tourism.

It is interesting that some of the letters submitted are trying to have ODA enter into land use issues that the Department of Land Use and Development are addressing at this time. When we read the "Key Issues" from the ORS 561.378 State Board of Agriculture Report we feel that it is clear that conversion from "high value and highly productive farmland to non-agricultural uses and development continues to be of great concern." It is a true statement as the latest census has again shown more farmland being lost to conversion. Key to us is the statement in this resolution "and the implications of conflicts created by nonfarm land uses on the short- and long-term ability of surrounding farm and ranches to operate efficiently and effectively." To real farmers and ranchers, this statement addresses what every farmer and/or rancher is concerned about.

Sincerely,

***Sue Vanek***

Sue Vanek  
President  
Jefferson County Farm Bureau

***Home of North Unit Irrigation District***

## ***Jefferson County Farm Bureau***

*798 SE Dover Lane*

*Madras, Oregon 97741*

*Phone 503/250/2460*



June 2, 2024

Chairperson Elin Miller and Commission Members  
Oregon Board of Agriculture  
635 Capitol St. NE  
Salem, Oregon 97301-2532

### **Resolution 314 Support**

Dear Chairperson Miller and Commissioners,

For the past several years Jefferson County Farm Bureau has testified or provided written testimony on various resolutions that the Oregon Department of Agriculture's Board of Agriculture has adopted. Resolution 314 is a resolution that we continue to support. Every piece of tillable farm ground that has water is important to those of us going into our fifth year of drought. The other agricultural lands support our livestock industry which is equally important in a different way.

After looking at some of the comments entered into the public comment on resolution 314 as a board we are wondering if those commenting are not aware of resolution 310 on Ag Tourism.

It is interesting that some of the letters submitted are trying to have ODA enter into land use issues that the Department of Land Use and Development are addressing at this time. When we read the "Key Issues" from the ORS 561.378 State Board of Agriculture Report we feel that it is clear that conversion from "high value and highly productive farmland to non-agricultural uses and development continues to be of great concern." It is a true statement as the latest census has again shown more farmland being lost to conversion. Key to us is the statement in this resolution "and the implications of conflicts created by nonfarm land uses on the short- and long-term ability of surrounding farm and ranches to operate efficiently and effectively." To real farmers and ranchers, this statement addresses what every farmer and/or rancher is concerned about.

Sincerely,

***Sue Vanek***

Sue Vanek  
President  
Jefferson County Farm Bureau

***Home of North Unit Irrigation District***

Tuesday, June 4, 2024 at 08:52:12 Pacific Daylight Time

---

**Subject:** Winegrower in support of Resolution 314

**Date:** Tuesday, June 4, 2024 at 2:29:38 AM Pacific Daylight Time

**From:** Jason Lett

**To:** VALNESS Karla \* ODA

You don't often get email from [jason@eyrievineyards.com](mailto:jason@eyrievineyards.com). [Learn why this is important](#)

Hello,

As an Oregon grape-grower and winemaker, and member of the Oregon Winegrowers Association, I **support** Resolution 314.

Oregon's land-use laws have been an incredible boon to the development of our industry, but non-farm commercial interests have been increasingly exploiting loopholes in the law.

Resolution 314 would enhance the Oregon wine industry by preserving the integrity of our brand and land.

Regards,

Jason Lett  
President  
The Eyrie Vineyards

Tuesday, June 4, 2024 at 08:52:50 Pacific Daylight Time

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**Subject:** I support ODA Resolution 314  
**Date:** Tuesday, June 4, 2024 at 7:58:34 AM Pacific Daylight Time  
**From:** Pat Dudley  
**To:** VALNESS Karla \* ODA, JOHNSON James \* ODA  
**CC:** Barbara Boyer1  
**Attachments:** 36479ee4-74ef-4641-9fcb-00bd1bfd801d.jpg

You don't often get email from [pat@bethelheights.com](mailto:pat@bethelheights.com). [Learn why this is important](#)

As an agricultural producer in Polk County and former member of the Oregon State Board of Agriculture, I support Resolution 314. It is a critical step to insure that the state's landuse goals are achieved, and to preserve the maximum amount of Oregon's limited supply of working agricultural land.

Thank you,

Pat Dudley  
President | Bethel Heights Vineyard  
6060 Bethel Heights Road NW | Salem, OR 97304  
(o) 503-581-2262  
(c) 503-991-6701

*Bethel Heights*  
VINEYARD

Tuesday, June 4, 2024 at 08:53:24 Pacific Daylight Time

**Subject:** Oregon Winegrower in Support of Resolution 314  
**Date:** Tuesday, June 4, 2024 at 8:23:43 AM Pacific Daylight Time  
**From:** Bill Sweat / Winderlea  
**To:** VALNESS Karla \* ODA  
**Attachments:** email\_signature4-01.png

You don't often get email from [bill@winderlea.com](mailto:bill@winderlea.com). [Learn why this is important](#)

Good morning,

As a former chair of the Oregon Wine Board, former president of the Oregon Winegrowers Association (OWA), current OWA member, and active grower and winemaker I **support** Resolution 314.

As the chair of the OWA Land Use Committee during the creation of SB 841 I have been actively engaged in the development of Oregon's land use laws as they relate to vineyards and wineries. Our intent was always to preserve farmland. I have seen their importance in the growth of our industry. Unfortunately, some are taking advantage of the lack of enforcement to expand commercial activities on farmland. This not only hurts agriculture, it weakens our cities and towns as well.

I believe that Resolution 314 will strengthen the protection of agricultural land and support our industry.

Regards,

Bill Sweat

**Bill Sweat** | Proprietor / Winegrower | **winderlea vineyard & winery**

c. 503.550.5498 o. 503.554.5900 | [online](#) | [FB](#) | [Instagram](#) | [Twitter](#)  
Dundee Hills, Oregon | Demeter Certified Biodynamic® & B Corp



Tuesday, June 4, 2024 at 08:54:59 Pacific Daylight Time

**Subject:** Resolution 314  
**Date:** Tuesday, June 4, 2024 at 8:43:35 AM Pacific Daylight Time  
**From:** Faun H  
**To:** VALNESS Karla \* ODA  
**Attachments:** R.314\_SH-support .pdf

You don't often get email from [faun11@msn.com](mailto:faun11@msn.com). [Learn why this is important](#)

The text below is also attached to this email. Please see that the Board receives it for their meeting today. THANKS!

-----

Karla Valness  
Oregon Department of Agriculture  
[Karla.VALNESS@oda.oregon.gov](mailto:Karla.VALNESS@oda.oregon.gov)

RE Support for Resolution 314

Ms Valness and the Board of Agriculture,

I write today on behalf of the board of Save Helvetia, as we wish to express our strong support for Resolution 314, an agenda item currently before the Board of Agriculture.

Save Helvetia is a private, non-profit advocacy organization that has been working for longer than a decade to **protect farm and forestlands** against development pressures in Washington County. Many of our board members were active in related efforts for years prior to our formal organization in 2010 during the Metro Urban and Rural Reserves planning process and have continued our work building Save Helvetia as an active stake-holder assuring rules that guard the land will function appropriately.

We understand and defend the essential reality that the business of agriculture must be economically viable. And we see continual attacks against keeping the land whole. It's a never-ending task to protest so many insults to farming – brought by destructive policies, proposals, and profiteering that run rough-shod over existing Goal 3 provisions. It's clear to us that too many holes are wearing through the fence lines – which requires some drastic repairs. The resolution in question, for all conditions recognized, is a much needed patch that must be put into place to restrict uses unrelated to agriculture in exclusive farm use zones, especially on high-value and irrigated lands.

The opposition, called together to allow further weakening of farmland protections, must be stopped. Surely, they, you, and we can all agree that it's essential to keep Oregon, Oregon -- keep sustaining the land we love, keep intact our values, our clean air, water, soils, and beauty forever. Please – no more Californication!

Respectfully,  
Faun Hosey, President  
[Save Helvetia](#)





[SAVE HELVETIA](#)

13260 NW Bishop Rd  
Hillsboro, OR 97124  
June 4, 2024

Karla Valness  
Oregon Department of Agriculture  
[Karla.VALNESS@oda.oregon.gov](mailto:Karla.VALNESS@oda.oregon.gov)

RE Support for Resolution 314

Ms Valness and the Board of Agriculture,

I write today on behalf of the board of Save Helvetia, as we wish to express our strong support for Resolution 314, an agenda item currently before the Board of Agriculture.

Save Helvetia is a private, non-profit advocacy organization that has been working for longer than a decade to **protect farm and forestlands** against development pressures in Washington County. Many of our board members were active in related efforts for years prior to our formal organization in 2010 during the Metro Urban and Rural Reserves planning process and have continued our work building Save Helvetia as an active stake-holder assuring rules that guard the land will function appropriately.

We understand and defend the essential reality that the business of agriculture must be economically viable. And we see continual attacks against keeping the land whole. It's a never-ending task to protest so many insults to farming – brought by destructive policies, proposals, and profiteering that run rough-shod over existing Goal 3 provisions. It's clear to us that too many holes are wearing through the fence lines – which requires some drastic repairs. The resolution in question, for all conditions recognized, is a much needed patch that must be put into place to restrict uses unrelated to agriculture in exclusive farm use zones, especially on high-value and irrigated lands.

The opposition, called together to allow further weakening of farmland protections, must be stopped. Surely, they, you, and we can all agree that it's essential to keep Oregon, Oregon -- keep sustaining the land we love, keep intact our values, our clean air, water, soils, and beauty forever. Please – no more Californication!

Respectfully,  
Faun Hosey, President  
[Save Helvetia](#)

Tuesday, June 4, 2024 at 08:55:15 Pacific Daylight Time

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**Subject:** Support Letter for Resolution 314  
**Date:** Tuesday, June 4, 2024 at 8:45:29 AM Pacific Daylight Time  
**From:** Ben Williams  
**To:** VALNESS Karla \* ODA  
**CC:** JOHNSON James \* ODA  
**Attachments:** ODA Resolution 314 Support Letter\_06-04-24.pdf

Some people who received this message don't often get email from [fofp99@gmail.com](mailto:fofp99@gmail.com). [Learn why this is important](#)

Karla;

Please see attached support letter for Resolution 314 that can hopefully be provided to Board members in advance of this evening's meeting.

Please confirm receipt of this message and that the letter will be placed in the record.

Sincerely

--

Ben Williams  
Friends of French Prairie  
[fofp99@gmail.com](mailto:fofp99@gmail.com)

June 4, 2024

To: Oregon Department of Agriculture  
635 Capitol Street NE, Salem, OR 97301

Re: Resolution Number 314

Dear Oregon Board of Agriculture Members

As the local land use advocacy group in French Prairie, the historic heartland of Oregon agriculture, we write in support of Resolution 314. Our mission is to preserve farming and agricultural lands and we do so by advocating for appropriate growth and facilitating sustainable and prosperous farming.

Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland has become a contentious issue in recent years, with many farmers feeling threatened by restrictions that they fear will limit their ability to be economically viable, while promoters of expansion actually have in view uses well outside either family or corporate farming. This is illustrated in the Background section of the Resolution, which states:

*Whereas conversion of agricultural lands into nonfarm uses such as aggregate mining, development of wetlands, public and private parks and other recreational uses, schools, energy generation and transmission facilities, landfills, and urban infrastructure such as sewer and water treatment facilities has serious implications for the future of Oregon agriculture;*

Likewise, as the resolution points out, since the enactment of Oregon's land use planning system, the number of uses permitted in EFUs has risen from the original five to over fifty.

Friends of French Prairie supports Resolution 314 because while reviewing existing uses and establishing criteria may appear to add restrictions it is more likely to refine and clarify the process, and the ultimate intent of the Resolution is the protection of Oregon's remaining high value farmland. This is an irreplaceable asset.

We urge to Board to consider the most recent example of egregious and illegal violations of Oregon's land use system and environmental laws, namely the creating and opening of a dump site on high value EFU farmland in French Prairie. See attachment.

With no permitting, no land use review and in blatant defiance of environmental laws this site opened on a Century Farm zoned EFU to receive dump loads from vacuum trucks working in utility right-of-ways, and pumping storm drains and catch basins. DEQ is still assessing whether the material dumped in the pit before it was temporarily closed contains toxic liquid or solid waste.

The Board of Agriculture should pass Resolution 314 and related matters rather than do anything that further encourages this type of abuse of one of Oregon's most important resources.

Sincerely

A handwritten signature in blue ink that reads "Benjamin D. Williams". The signature is written in a cursive style and is positioned above a light blue rectangular stamp.

Ben Williams, President

# COMMERCIAL COMPANIES USING THE ILLEGAL GREG WING/ALL-WAYS EXCAVATING & DENISE BURNHAM DUMP SITE

21855 BUTTEVILLE ROAD NE, AURORA, OR 97002

Updated March 30, 2004

## **FINDINGS, ENFORCEMENT & VIOLATIONS TO DATE:**

### **MARION COUNTY CODE ENFORCEMENT & PLANNING**

- ZONE VIOLATION (EFU LAND, NO CONDITIONAL USE PERMIT APPLICATION, NO LAND USE REVIEW, NO BUILDING PERMIT)
- ILLEGAL DUMP SITE – Violation of County Code 8.10.030

### **DEPARTMENT OF ENVIRONMENTAL QUALITY**

- Site testing – DEQ turbidity testing in drainage above Ryan Creek (below illegal dam) was 65 NTU on Wednesday, Jan. 3, 2024. Expected normal range = 10-15 NTU.
- Pre-Enforcement Letter of January 11, 2024:
  - 1) Violation of Oregon Administrative Rule (OAR) 340-340-093-0050(1)  
No person shall establish a solid waste disposal site without a solid waste disposal site permit. Per OAR 340-012-0065(1)(a), this is a Class I violation of environmental law.
  - 2) Operating a wastewater disposal system without first obtaining a permit in violation of Oregon Revised Statute 468B.050. This is a Class I violation per OAR 340-012-0055(1)(d).

3) Causing wastes to be placed in a location where such wastes are likely to reach waters of the state by any means in violation of Oregon Revised Statute 468B.025(a). This is a Class II violation per OAR 340-012-0055(2)(c).

4) Failure to obtain DEQ review and approval of plans and specifications for the construction of a wastewater disposal system as required by ORS 468B.055. This is a Class II violation per OAR 340-012-0055(2)(b).

5) Failure to obtain coverage under the DEQ 1200-C NDPES General Construction Stormwater Permit prior to land disturbing construction activities.

6) Violation of OAR 340-142-0040(1) and 0060 - On January 2, 2024, a vactor truck ruptured a hydraulic line and approximately 5 gallons of hydraulic fluid was released to the soil fill area and the water impoundment.

## **OREGON WATER RESOURCES DEPARTMENT**

Notice of Violation – Case # 2416002NOV issued Feb. 1, 2004

Violation of Oregon Revised Statute (ORS) 537.130(1) and 537.130(2):

“The violation is described as construction of an earthen dam and storage of water without the benefit of a water right, with no known application, permit or certificate of record with the Department.”

- No Application or Permit Received for construction, enlargement or extension of any ditch, canal or other distributing or controlling works, or performing any work in connection with the construction, or proposed appropriation of any of the surface waters of the state;
- No permit to use, store or divert any waters of the state.



## MARION COUNTY SHERIFF'S OFFICE

NICK HUNTER, SHERIFF

November 22, 2023

Denise Burnham  
21855 Butteville Rd NE  
Aurora, OR 97002

RE: Marion County Community Resource Case # 23-000204

Dear Property Owner:

Recently the Marion County Community Resource Unit received a concern regarding your property located **21875 Butteville Rd NE, Aurora, OR.**

The concern reported to our office is that there is an illegal dump site being constructed. There is a very massive hole next to several asphalted lanes for trucks.

Your property is zoned Exclusive Farm Use (EFU) and this zone does allow the operation of some businesses when they meet specific criteria and obtain prior land use approval if necessary. Unfortunately, the dumping of miscellaneous unknown waste material is not one of them.

**Marion County Code 8.10.030** - No person shall store, collect, maintain or display on private property within Marion County solid waste or inoperable vehicles that (A) are offensive or hazardous to the health and safety of the public, (B) create offensive odors, or (C) create a condition of unsightliness. Such accumulation of solid waste or inoperable vehicles in violation of this section shall be considered to be a public nuisance that may be investigated and abated pursuant to MCC 8.10.080 through 8.10.130. Inoperable vehicles are described as any vehicle that cannot be legally driven (no current tags or registration) on the road, does not run, has flat tires and is not registered to any person(s) living on the property.

Solid waste - means all putrescible and nonputrescible wastes including, but not limited to, rubbish; refuse; ashes; waste paper and cardboard; commercial, industrial, demolition, and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semisolid wastes; dead animals; or other wastes.

This letter is intended to notify you of the code regulations. If this continues, you will come under future investigation and enforcement.

If you have any questions or would like to discuss this matter please contact Marion County Code Enforcement at 503-373-4333 or by email at [Enforcement@co.marion.or.us](mailto:Enforcement@co.marion.or.us)



Oregon

Tina Kotek, Governor

Department of Environmental Quality

January 11, 2024

Certified Mail Number 9589 0710 5270 1465 0733 46

Denise Burnham  
c/o Cheyne Fobert  
18899 Fobert Road NE  
Hubbard, OR 97032

RE:

SW 2024-PEN-8913/WQ 2024-PEN-8915  
21855 Butteville Rd NE  
Aurora OR 97002  
Marion County

Dear Denise Burnham,

The Department of Environmental Quality has received several solid waste and water quality complaints regarding your property located at 21855 Butteville Road in Aurora, Oregon. On December 4, 2024, DEQ staff, along with Marion County Code Enforcement performed a site inspection on your property. DEQ staff spoke with the site contract agent Greg Wing and Cheyne Fobert, who stated he was the son of the property owner.

From this conversation, we understand that on a daily basis, vector trucks from multiple companies enter the property to dispose of the contents. We observed a large pit on the property where vector truck waste is dumped and water from rinsing out the vector trucks is discharged. The pit contained soil, sediment, and water. This material is a solid waste and wastewater that may contain petroleum as evidenced by soil staining and sheen on the water as well as potential contaminants common in soil excavations from roadside areas (metals, polyaromatic hydrocarbons, pesticides, etc.); therefore, this notice is to inform you that this activity is a violation of DEQ solid waste and water quality rules.

#### **VIOLATIONS**

Based on DEQ's inspection and information provided by Greg Wing, Cheyne Fobert, and the complainants, DEQ has concluded that you are responsible for the following violations of Oregon environmental law. Class I violations are the most serious violations; Class III violations are the least serious.

- 1) Violation of Oregon Administrative Rule (OAR) 340-340-093-0050(1) No person shall establish a solid waste disposal site without a solid waste disposal site permit. Per OAR 340-012-0065(1)(a), this is a Class I violation of environmental law.



- 2) Operating a wastewater disposal system without first obtaining a permit in violation of Oregon Revised Statute 468B.050. This is a Class I violation per OAR 340-012-0055(1)(d).
- 3) Causing wastes to be placed in a location where such wastes are likely to reach waters of the state by any means in violation of Oregon Revised Statute 468B.025(a). This is a Class II violation per OAR 340-012-0055(2)(c).
- 4) Failure to obtain DEQ review and approval of plans and specifications for the construction of a wastewater disposal system as required by ORS 468B.055. This is a Class II violation per OAR 340-012-0055(2)(b).

### **REQUESTED CORRECTIVE ACTIONS**

DEQ requests the following corrective actions:

- 1) Immediately stop the disposal of vector truck waste on your property until DEQ has determined you are in compliance with solid waste and water quality regulations.
- 2) By February 15, 2024, provide to DEQ records and information regarding the waste disposal practices and operations at your property including but not limited to:
  - a. A description of how waste and what type of wastes were generated
  - b. Records indicating from where waste materials were generated
  - c. Estimated volumes of waste received at your site
  - d. Frequency and duration of disposal practices
  - e. Any other information identifying the source and nature of the waste, including for example contracts, work orders, invoices, samples of the waste, etc.

The above records must be submitted to Cat Rhoades, DEQ Salem Office, 4026 Fairview Industrial Drive SE, Salem OR 97302.

- 3)

You must do one of the following options:

  - a. Demonstrate that the materials previously and currently being dumped on the property are not a solid waste and therefore exempt from the requirement to obtain a solid waste permit for disposal. A request for exemption as clean fill is be made by using the DEQ clean fill determination guidelines, attached with this letter. If you have questions regarding how to perform a clean fill determination, contact Seth Sadofsky with DEQ at [Seth.Sadofsky@deq.oregon.gov](mailto:Seth.Sadofsky@deq.oregon.gov) or 541-687-7329.
  - b. If you select this option, then the following is required:
    - i. By February 15, 2024, submit a proposal work plan to perform a clean fill determination to Seth Sadofsky,
    - ii. By June 30, 2024, submit a copy of the DEQ-approved clean fill determination to Cat Rhoades by June 30, 2024.

Denise Burnham, 18899 Fobert Road, NE, Hubbard, OR 97032

January 11, 2024

Page of .

- c. Begin the removal of this material from your property. All materials must be removed from the property and taken to a DEQ permitted disposal facility. Submit a copy of the DEQ-approved clean fill determination or submit disposal receipts to Cat Rhoades by June 30, 2024.
  - d. By June 30, 2024, apply for a DEQ solid waste disposal permit; submit the application for a solid waste disposal permit to Cat Rhoades.
- 4) You must do one of the following:
- a. To resume this activity without a water quality permit, demonstrate that your activity will not impact groundwater or surface water. Include an assessment of potential the potential to discharge pollutants to groundwater. DEQ will work with you on the deadline and information needed for this demonstration.
  - b. Apply for the appropriate DEQ water quality permit prior to resuming this activity.

Please contact Ranei Nomura, Water Quality Program Manager, at 503-378-5081 or [Ranei.Nomura@deq.oregon.gov](mailto:Ranei.Nomura@deq.oregon.gov) for more information on these requirements.

Due to the serious nature of these violation, this matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, which may include the assessment of civil penalties and/or a DEQ order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this Pre-Enforcement Notice are in error, you may provide information to Cat Rhoades at [Cathie.Rhoades@deq.oregon.gov](mailto:Cathie.Rhoades@deq.oregon.gov). DEQ will consider new information you submit and take appropriate action. DEQ endeavors to assist you in your compliance efforts.

Sincerely,

  
Rebecca Williams, Jan 11, 2024 8:58 PST

Rebecca Williams  
Manager  
Materials Management

  
Ranei Nomura, Jan 11, 2024 8:55 PST

Ranei Nomura  
Manager  
Wastewater Permitting

cc: Denise Burnham, 21855 Butteville Rd NE, Aurora OR 97002 (regular mail)  
cc: Seth Sadofsky, DEQ  
Steve Nichols, DEQ



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

February 1, 2024

CERTIFIED – RETURN RECEIPT REQUESTED  
FIRST CLASS MAIL

### NOTICE OF VIOLATION

Regarding Case# 2416002NOV

Denise S. Burnham  
21855 Butteville Rd. NE  
Aurora, OR 97002

Denise S. Burnham,

This is to notify you that you are in violation of Oregon Revised Statute (ORS) 537.130(1) and 537.130(2), which states:

(1) Except for a use exempted under ORS 537.040, 537.141, 537.142, 537.143 or 537.800 or under the registration system set forth in ORS 537.132, any person intending to acquire the right to the beneficial use of any of the surface waters of this state shall, before beginning construction, enlargement or extension of any ditch, canal or other distributing or controlling works, or performing any work in connection with the construction, or proposed appropriation, make an application to the Water Resources Department for a permit to make the appropriation.

(2) Except for a use exempted under ORS 537.040, 537.141, 537.142, 537.143 or 537.800 or under the registration system set forth in ORS 537.132, a person may not use, store or divert any waters until after the department issues a permit to appropriate the waters.

On January 26, 2024, Watermaster staff confirmed, collected and recorded evidence supporting the violation of ORS 537.130(1) and 537.130(2), which per OAR 690-260-0040 is a "Class I Moderate" violation. The violation is described as construction of an earthen dam and storage of water without the benefit of a water right, with no known application, permit or certificate of record with the Department. The property where the violation is located is identified as 21855 Butteville Rd. NE, Aurora, OR 97002. The property is further identified as Township 4 South, Range 1 West, Section 7, NE 1/4 SE 1/4, Tax Lot 200 in Marion County, and at GPS coordinates 45.235240, -122.849353. According to information provided to the Department, you are the responsible party in this matter.

**You have 2 days from the date of this notice to become compliant and avoid penalty.**

**If the violation is not corrected within the time provided above, you will be subject to (civil penalties for each day of non-compliance) further agency action including the assessment of civil penalties (ORS 536.900).** Each day of continued violation may be considered a separate and distinct violation for the purposes of calculating civil penalties (ORS 536.900(2); OAR 690-260-0060(3)). You may also be liable for the expenses of the Water Resources Department in taking enforcement action related to correcting the violation (ORS 536.930). Such expenses are in addition to any civil penalties that may be assessed.

This Notice of Violation is in effect for three years from the date of service. A similar violation for which a Notice of Violation was issued may be considered a repeat violation for the purpose of calculating civil penalties

**This is a FINAL ORDER other than contested case. This final order is subject to judicial review under ORS 183.484. Any petition for judicial review of the final order must be filed within the time specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.**

(OAR 690-260-0055 through 0070). For more information regarding this notice please contact Compliance Specialist, Kelly Burgess at (503) 586-6184, [kelly.burgess@water.oregon.gov](mailto:kelly.burgess@water.oregon.gov) or contact the District 16 Watermaster, Greg Wacker at (971) 719-6262, [gregory.j.wacker@water.oregon.gov](mailto:gregory.j.wacker@water.oregon.gov).

Sincerely,

---

Kelly Burgess  
Enforcement Compliance, OWRD

CC:        Matt Day, Enforcement Section Manager, OWRD (Email)  
             Mike McCord, NW Region Manager, OWRD (Email)  
             Greg Wacker, Watermaster District 16, OWRD (Email)  
             Friends of French Prairie (Email)

## CERTIFICATE OF SERVICE

I hereby certify that on 2/1/24, I mailed a true certified copy of the attached **NOTICE OF VIOLATION**, by certified mail and by first class mail, by depositing the same in the US Post Office, with prepaid postage thereon, addressed to the following:

By certified mail to:

Denise S. Burnham  
21855 Butteville Rd. NE  
Aurora, OR 97002

By first class mail to:

Denise S. Burnham  
21855 Butteville Rd. NE  
Aurora, OR 97002

*Tanya Bloomfield*

Printed: Tanya Bloomfield

Oregon Water Resources Department



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Salem Office

4026 Fairview Industrial Dr SE

Salem, OR 97302

(503) 378-8240

FAX (503) 373-7944

TTY 711

March 19, 2024

Certified Mail Number: 9589 0710 5270 1465 0733 60

Denise Burnham  
c/o Cheyne Fobert  
18899 Fobert Road NE  
Hubbard, OR 97032

RE: **Amended Pre-Enforcement Notice**  
SW 2024-PEN-8913/WQ 2024-PEN-8915  
21855 Butteville Rd NE, Aurora OR 97002  
Marion County

Dear Denise Burnham,

The Department of Environmental Quality received the document dated February 14, 2024, submitted on your behalf, by Evren Northwest, Inc. (Response). The Response was submitted to address specific violations and corrective actions identified in DEQ's Pre-Enforcement Notice dated Jan. 11, 2024, regarding your property located at 21855 Butteville Road in Aurora, Oregon. Additionally, DEQ staff met with your representative on the property on March 1, 2024, to assess site conditions.

### **VIOLATIONS**

Based on the information contained in the Response and DEQ's inspection, DEQ has concluded that you are responsible for the following additional violations, noted in numbers 5 and 6, which are added to this Amended Pre-Enforcement Notice. The following are violations of Oregon environmental law. Class I violation are the most serious violations; Class III violations are the least serious.

### ***Original Violations***

- 1) Violation of Oregon Administrative Rule (OAR) 340-340-093-0050(1) No person shall establish a solid waste disposal site without a solid waste disposal site permit. Per OAR 340-012-0065(1)(a), this is a Class I violation of environmental law.
- 2) Operating a wastewater disposal system without first obtaining a permit in violation of Oregon Revised Statute 468B.050. This is a Class I violation per OAR 340-012-0055(1)(d).



- 3) Causing wastes to be placed in a location where such wastes are likely to reach waters of the state by any means in violation of Oregon Revised Statute 468B.025(a). This is a Class II violation per OAR 340-012-0055(2)(c).
- 4) Failure to obtain DEQ review and approval of plans and specifications for the construction of a wastewater disposal system as required by ORS 468B.055. This is a Class II violation per OAR 340-012-0055(2)(b).

### **New Violations**

- 5) Failure to obtain coverage under the DEQ 1200-C NDPES General Construction Stormwater Permit prior to land disturbing construction activities, that disturbed one or more acres of land, which has the potential to discharge pollutants to surface waters of the state. Specifically, clearing and grading more than one acre of land on your property, in proximity to Shutter Creek, prior to applying for permit coverage. This is in violation of ORS 468B.050(1)(d) and is a Class I violation per OAR 340-012-0055(1)(d).
- 6) Violation of OAR 340-142-0040(1) and 0060 - On January 2, 2024, a vector truck ruptured a hydraulic line and approximately 5 gallons of hydraulic fluid was released to the soil fill area and the water impoundment. This spill was not reported to the Oregon Emergency Response System and was not cleaned up immediately. This is a Class I violation.

### **CORRECTIVE ACTIONS**

DEQ reviewed the response and provides comments below in italics. Additionally, DEQ requests the following corrective actions to the additional violations:

- 1) Immediately stop the disposal of vector truck waste on your property until DEQ has determined you are in compliance with solid waste and water quality regulations.

*DEQ: Action Completed*

- 2) By February 15, 2024, provide to DEQ records and information regarding the waste disposal practices and operations at your property including but not limited to:

*DEQ: February 14, 2024 Evren Northwest, Inc submitted a response to DEQ PEN on behalf of Denise Burnham.*

- A description of how waste and what type of wastes were generated

*DEQ: Action Completed*

- Records indicating from where waste materials were generated

*DEQ: The records provided in the Response indicating where the materials dumped at the site were generated are incomplete. Data from the following companies, Cannon Construction, PGE, Provac and Yates is incomplete or missing. Please provide the missing information.*

- Estimated volumes of waste received at your site  
*DEQ: Action Completed*
- Frequency and duration of disposal practices  
*DEQ: Action Completed*
- Any other information identifying the source and nature of the waste, including for example contracts, work orders, invoices, samples of the waste, etc.  
*DEQ: The Response included information regarding a “master agreement” signed by customers that have dumped materials on site, examples were included in Attachment A. DEQ’s review observes the following, however, these records cannot be addressed or revised retroactively:*
  - *Seven different companies dumped material at this site, however, only three agreements were provided.*
  - *The submitted master agreements are not substantiated with corresponding analytical data to evaluate the waste material. Therefore, these agreements did not meet guidelines for clean fill determinations.*
  - *Two of the three agreements provided are not signed by both parties.*
  - *One of the agreements was signed well after the company dumped material at this site.*

The above records that are still needed must be submitted to Cat Rhoades, DEQ Salem Office, 4026 Fairview Industrial Drive SE, Salem OR 97302 by April 30, 2024.

### 3) **Solid Waste Regulation**

You must do one of the following options:

- **Option 1** Demonstrate that the materials previously and currently being dumped on the property are not a solid waste and therefore exempt from the requirement to obtain a solid waste permit for disposal. A request for exemption as clean fill is to be made by using the DEQ clean fill determination guidelines, attached with this letter. If you have questions regarding how to perform a clean fill determination, contact Seth Sadofsky with DEQ at [Seth.Sadofsky@deq.oregon.gov](mailto:Seth.Sadofsky@deq.oregon.gov) or 541-687- 7329.
- If you select this option, then the following is required:
  - i. By February 15, 2024, submit a proposal work plan to perform a clean fill determination to Seth Sadofsky,
  - ii. By June 30, 2024, submit a copy of the DEQ-approved clean fill determination to Cat Rhoades by June 30, 2024.

*DEQ: DEQ received a Work Plan for a Clean Fill Determination prepared by Evren Northwest, Inc on Feb. 14, 2024. DEQ’s approval of this work plan, dated*



*March 8, 2024 is attached to this document for your convenience. EVREN NW submitted a document entitled Focused Soil Removal and Clean Fill Determination Report on March 13, 2024, and DEQ is currently reviewing this document.*

*Since Option 1 has been selected, any future requirements to address Corrective Action number 3 will be based on DEQ's evaluation of the Clean Fill Determination and Work Plan results due to DEQ by April 30, 2024.*

**OR**

- **Option 2** Begin the removal of this material from your property. All materials must be removed from the property and taken to a DEQ permitted disposal facility. Submit a copy of the DEQ-approved clean fill determination or submit disposal receipts to Cat Rhoades by June 30, 2024.

**OR**

- **Option 3** By June 30, 2024, apply for a DEQ solid waste disposal permit; submit the application for a solid waste disposal permit to Cat Rhoades.

**4) Hydraulic Oil Spill**

- **DEQ:** *Corrective Action for Violation 6, the Focused Soil Removal and Clean Fill Determination Report describes steps taken in response to the hydraulic oil spill of January 2, 2024, and the release appears to be remediated. The violation of failure to report to OERS or failure to immediately respond to the release cannot be addressed retroactively. Action Completed.*

**5) Water Quality Regulation**

You must do one of the following:

- To resume this activity without a water quality permit, demonstrate that your activity will not impact groundwater or surface water. Include an assessment of the potential to discharge pollutants to groundwater. DEQ will work with you on the deadline and information needed for this demonstration.

**OR**

- Apply for the appropriate DEQ water quality permit prior to resuming this activity.

Please contact Ranei Nomura, Water Quality Program Manager, at 503-378-5081 or [Ranei.Nomura@deq.oregon.gov](mailto:Ranei.Nomura@deq.oregon.gov) for more information on these requirements.

**DEQ:** *The Response indicated that an analysis would be conducted to determine that a water quality permit is not required. To assist you with making this determination, please review the regulatory requirements listed below. Regardless*

*of whether a water quality permit is needed, please note that engineering plans must be submitted to DEQ for approval because the pit is considered a wastewater disposal system.*

***Regulatory requirements***

- a) *The clean fill requirements from DEQ's solid waste program do not eliminate the need to appropriately permit wastewater discharges into the pit. The definitions used by the water quality program for "pollutant" and "pollution" are provided below.*
- *OAR 340-045-0010(18) defines "pollutant" to mean dredged spoil, solid waste, incinerator residue, sewage, garbage, sewerage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.*
  - *ORS 468B.005(5) defines "pollution" or "water pollution" to mean such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.*
- b) *If there will be no discharge of wastewater to surface waters, you must determine whether there is the potential for pollutants in the pit to impact groundwater. For DEQ's groundwater rules see [OAR 340-040 Groundwater Quality Protection](#).*
- c) *If DEQ determines there is a risk to groundwater, a Water Pollution Control Facility or WPCF permit is required. Prior to issuing a WPCF permit, DEQ must ensure that operations are consistent with local and state land use regulations. Based on correspondence from Marion County in Nov. 2023, this area is zoned as exclusive farm use and dumping is not allowed. As a result, please be aware that a conditional use permit from the county will likely be required to continue this activity with or without a DEQ permit.*

**ADDITIONAL CORRECTIVE ACTIONS**

In addition to the corrective actions provided in the previous notice, this amended notice includes the following additional corrective actions that you must complete.

**6) Erosion and Sediment Control**

Stop the erosion on the exterior side of the pond nearest to Ryan Creek and prevent soils

from entering the drainage to Ryan Creek. Jeff Bachman with DEQ's Office of Compliance and Enforcement informed Greg Wing of this requirement orally during the joint agency visit on March 1, 2024.

*DEQ: Paul Trone with Evren Northwest emailed photographs to DEQ on March 15, 2024, of the erosion and sediment control efforts taken at the site. The stabilization of the east slope appears to be much better, however, DEQ will have to revisit the site to be sure. In the meantime, DEQ recommends that you regular inspect these controls before and after storm events to ensure they are still working.*

**7) Constructed Catch Basin**

By April 18, 2024, prevent drainage to the catch basin that has been constructed in the offloading area from leaving the property and entering Ryan Creek.

For your information, during the joint agency visit on March 1, 2024, the runoff from the hazelnut fields was very turbid. DEQ has relayed this concern to the Oregon Department of Agriculture for follow up.

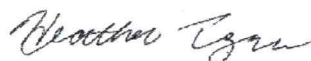
Due to the serious nature of these violation, this matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, which may include the assessment of civil penalties and/or a DEQ order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this Amended Pre-Enforcement Notice are in error, you may provide information to Cat Rhoades at [Cathie.Rhoades@deq.oregon.gov](mailto:Cathie.Rhoades@deq.oregon.gov). DEQ will consider new information you submit and take appropriate action. DEQ endeavors to assist you in your compliance efforts.

Sincerely,

**Becky Williams**

Rebecca Williams  
Manager  
Materials Management



Heather Tugaw  
Manager  
Stormwater Permitting

**Ranei Nomura**

Ranei Nomura  
Manager  
Wastewater Permitting

enc: DEQ response to Soil Characterization Work Plan  
cc: Denise Burnham, 21855 Butteville Rd NE, Aurora OR 97002 (regular mail)  
ec: Seth Sadofsky, DEQ  
Cat Rhoades, DEQ  
Chance Plunk, DEQ





# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

TTY 711

March 8, 2024

Denise Burnham  
c/o Cheyne Fobert  
18899 Fobert Road NE  
Hubbard, OR 97032

Greg Wing  
All-Ways Excavation  
PO Box 238  
Hubbard, OR 97032  
[greg@alwaysx.com](mailto:greg@alwaysx.com)

Re: **Soil Characterization Work Plan**  
21855 Butteville Rd NE  
Aurora, Marion County

Dear Ms. Burnham and Mr. Wing,

The Department of Environmental Quality received the Clean Fill Determination Work Plan submitted on your behalf by Paul Trone of EVREN Northwest Inc. on February 14, 2024. The Work Plan was prepared in response to corrective action number 3(a) which was listed as an available option and described in the Pre-Enforcement Notice issued by DEQ dated Jan. 11, 2024. DEQ reviewed the Work Plan and has the following comments.

### Work Plan

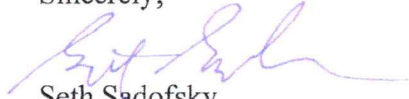
DEQ conditionally approves the Work Plan subject to the following comments:

- DEQ approves the proposed ISM sampling plan and analyte list.
- Please address why the ISM decision units do not include the mapped full extent of soil placement. If sampling can't be extended to this area please explain why and provide any evidence or reasoning to suggest that the planned decision units are representative of the full extent.
- In addition to Figure 3, please provide information on the depth of soil placed in the pit. Ideally providing some sort of cross section or isopach map.

Please note, these comments respond solely to the Work Plan and do not represent DEQ's response to the document also dated Feb. 14, 2024 and prepared by EVREN, titled "Response to Oregon Pre-Enforcement Notice".

Please provide DEQ with the results of the Work Plan by April 30, 2024. DEQ appreciates your continued cooperation to resolve this matter.

Sincerely,



Seth Sadofsky  
DEQ Western Region Materials Management

Ec: Becky Williams, DEQ [becky.williams@deq.oregon.gov](mailto:becky.williams@deq.oregon.gov)  
Cathie Rhoades, DEQ [cathie.rhoades@deq.oregon.gov](mailto:cathie.rhoades@deq.oregon.gov)  
Ranei Nomura, DEQ [ranei.nomura@deq.oregon.gov](mailto:ranei.nomura@deq.oregon.gov)  
Paul Trone, EVREN NW [pault@EVREN-nw.com](mailto:pault@EVREN-nw.com)  
Chad Goffin, Marion Co. [cgoffin@co.marion.or.us](mailto:cgoffin@co.marion.or.us)

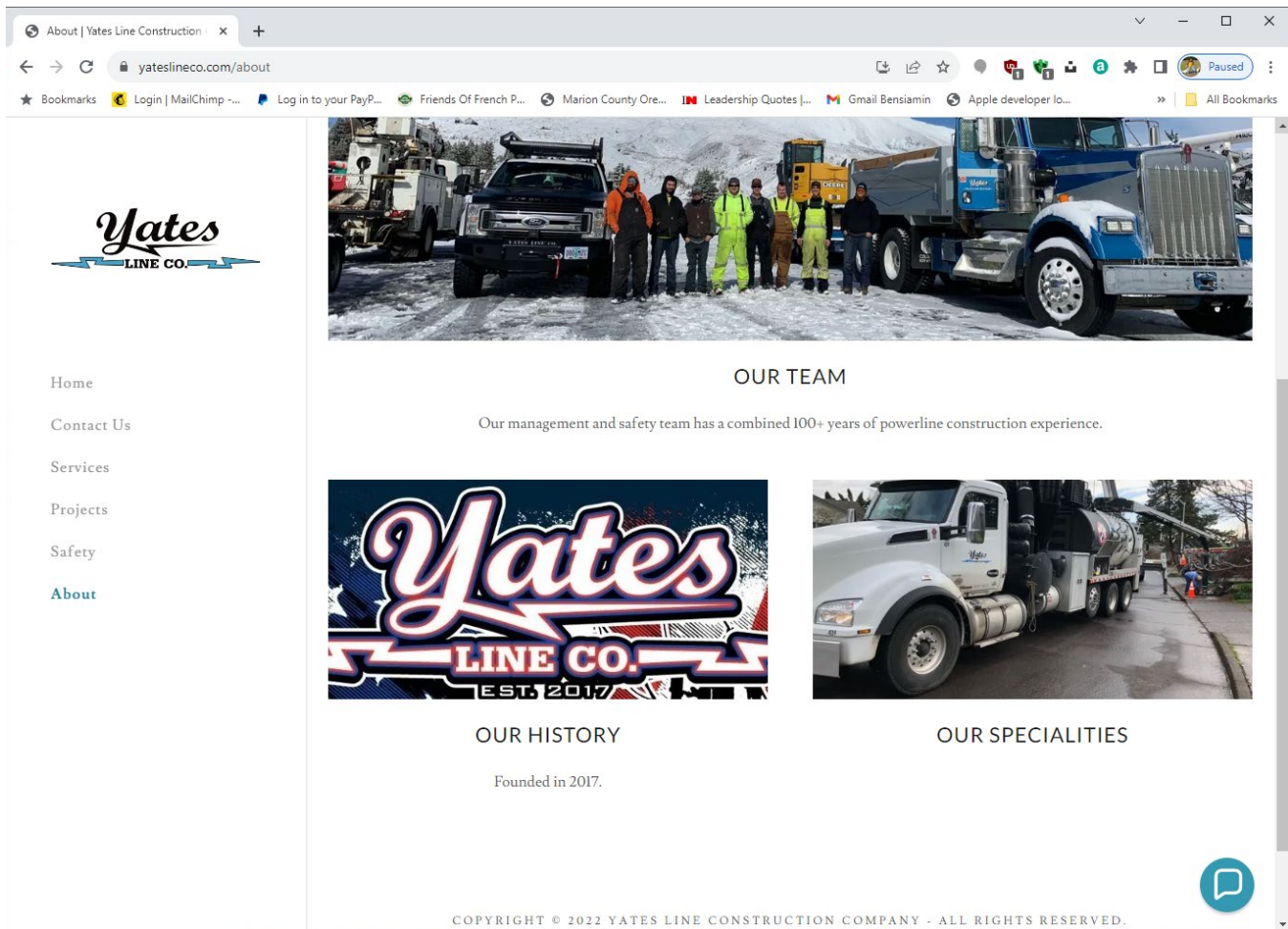
**Signature:** Becky Williams  
Becky Williams (Mar 18, 2024 15:33 PDT)

**Email:** [becky.williams@deq.oregon.gov](mailto:becky.williams@deq.oregon.gov)

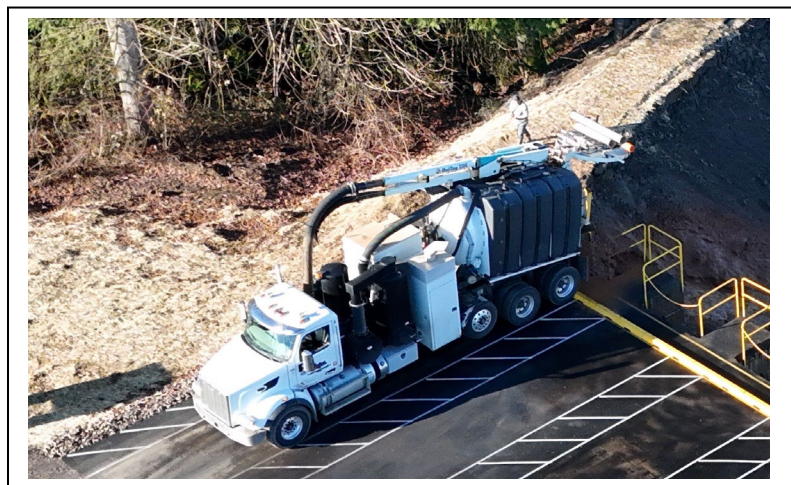
**Signature:** Ranei Nomura  
Ranei Nomura (Mar 18, 2024 15:54 PDT)

**Email:** [ranei.nomura@deq.oregon.gov](mailto:ranei.nomura@deq.oregon.gov)

## YATES LINE CO., CANBY, OR



Dec. 5, 2023, at +/- 10:00 am



Dec. 12 at 1:33 PM



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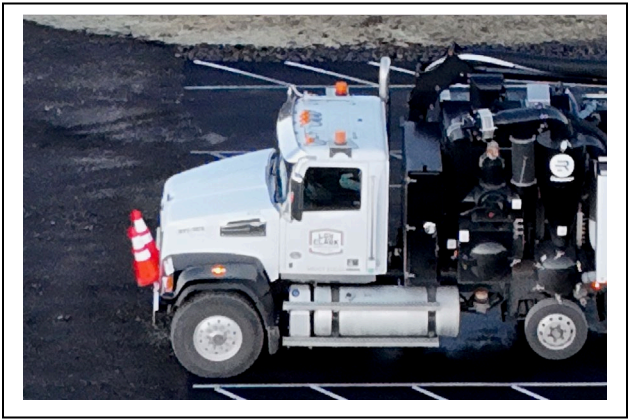
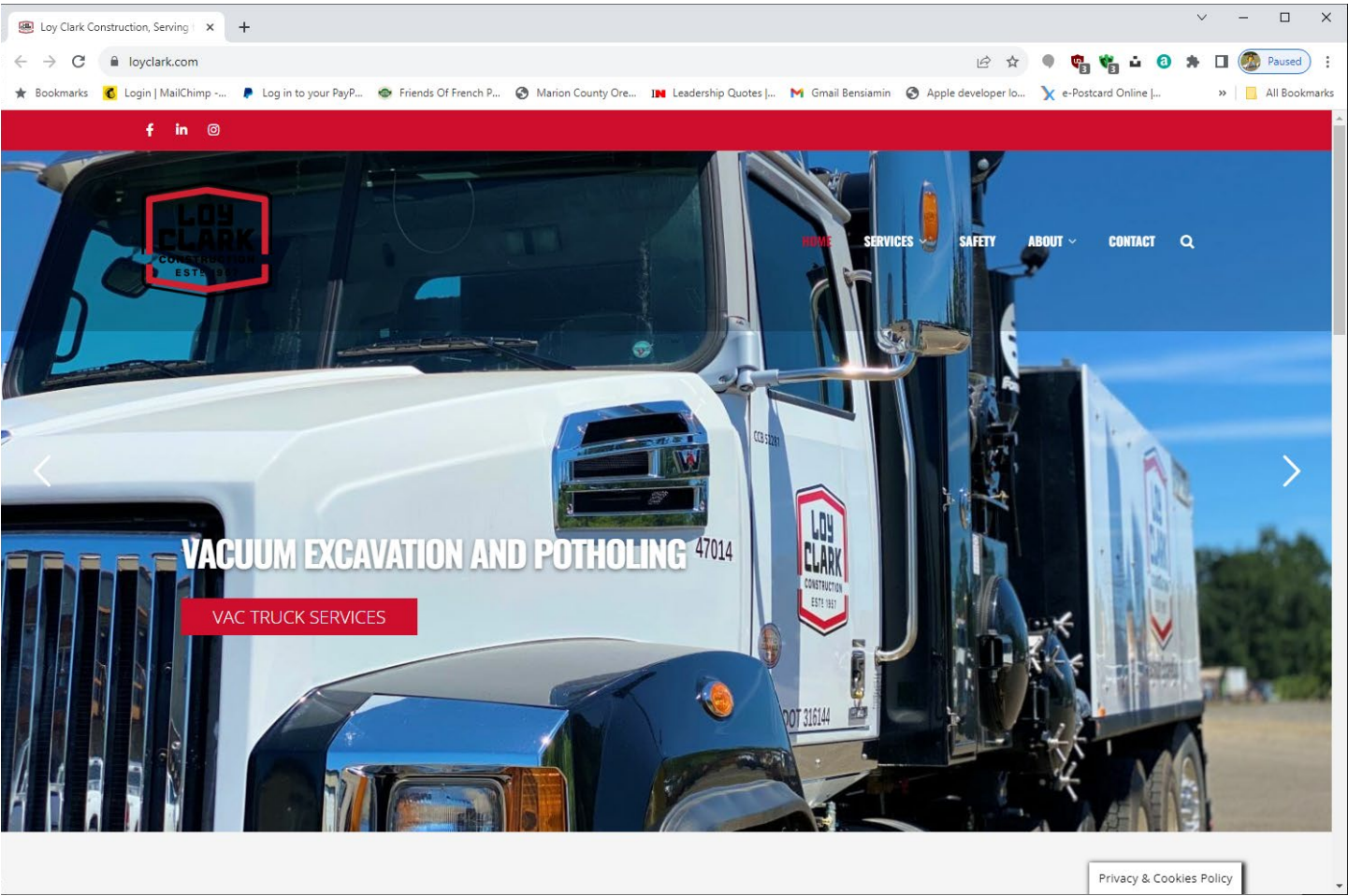
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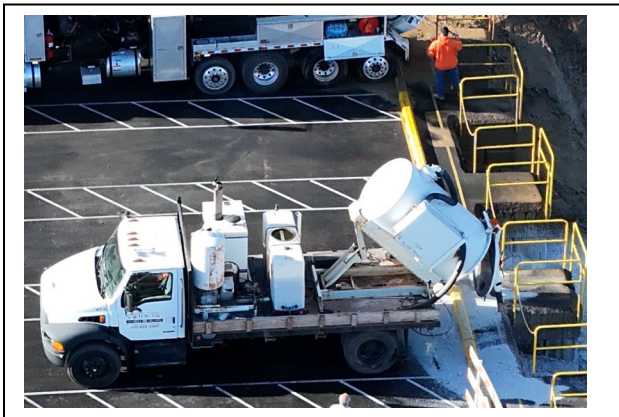
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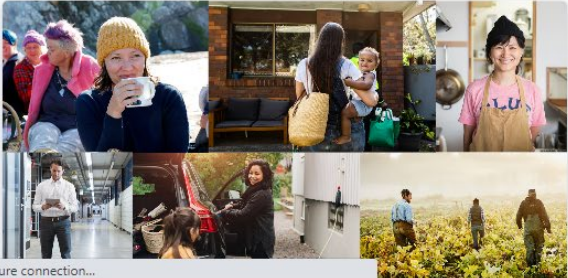
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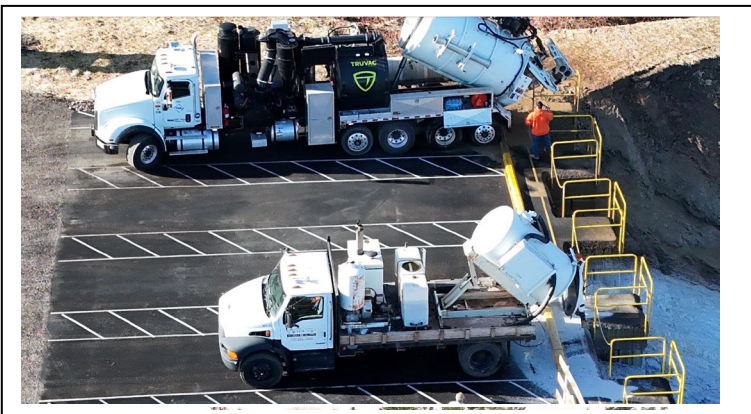


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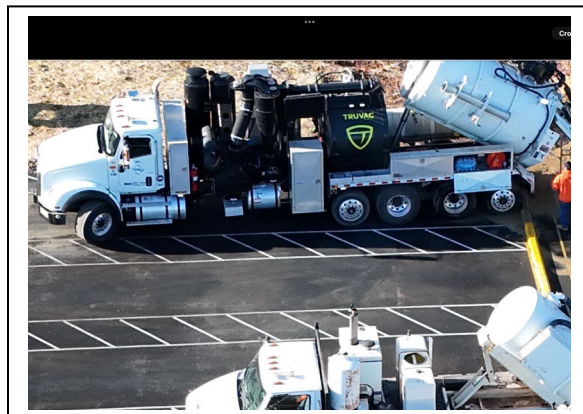
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**DOCUMENTED DUMPING ACTIVITY AT THE ILLEGAL GREG WING/ALL-  
WAYS EXCAVATING & MICHAEL BURNHAM DUMP SITE  
21855 BUTTEVILLE ROAD NE, AURORA, OR 97002**

DATE RANGE	COMPANY	DUMPS	TOTAL
12/13/23 – 12/17/23	Loy Clark Construction	15	
	Potelco	2	
	Yates and Company	12	29
12/19/23 – 12/25/23	Loy Clark Construction	14	
	Yates and Company	13	
	Potelco	7	
	PGE	1	
	PNW Marble & Granite	1	
	Unidentified	6	42
12/27/23 – 01/01/24	Loy Clark Construction	18	
	Potelco	1	
	Yates and Company	11	
	PGE	3	
	Unidentified	3	36
1/2/24 – 1/5/24	Loy Clark Construction	11	
	Yates and Company	10	
	Potelco	2	
	PGE	2	
	PNW Marble & Granite	3	
	ProVac	9	37

**TABLE 1**  
**Vacuum Excavated Soil and Water**  
**Operators, Loads, and Source Locations**

Date	Vector Truck Operators	Loads	Material Type	Contaminated	Location Address	Location City	Type Excavation	Soil		Water	
								cubic yards	(cy)	gal	
12/26/2023 11/20/2023	Cannon Construction	1	Soil & Water	No	---	---	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	Highway 99E and S Pine St	Canby, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	1405 N MANZANITA ST	Canby, OR	Dry utility trenching	1.5	2	150	500
12/4/2023	Loy Clark	15	Soil & Water	No	NE 21ST ST & NE QUAY PL	Lincoln City, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	8	Soil & Water	No	6920 SW BOECKMAN RD	Wilsonville, OR	Dry utility trenching	22.5	30	2250	7500
	Loy Clark	8	Soil & Water	No	SW PACIFIC HWY & SE PFAFFLE ST	Portland, OR	Dry utility trenching	12.0	16	1200	4000
12/11/2023	Loy Clark	1	Soil & Water	No	475 21ST ST SE	Salem, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	6920 SW BOECKMAN RD	Wilsonville, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	6920 SW BOECKMAN RD	Wilsonville, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	1	Soil & Water	No	33080 RED BRIDGE RD SE	Albany, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	2440 26TH AVE	Forest Grove, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	3290 NE JACKSON SCHOOL RD	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
12/18/2023	Loy Clark	1	Soil & Water	No	SW PACIFIC HWY & SE PFAFFLE ST	Portland, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	3	Soil & Water	No	5740 PERRIN ST	West Linn, OR	Dry utility trenching	4.5	6	450	1500
	Loy Clark	1	Soil & Water	No	WATERCREST RD & THATCHER RD	Forest Grove, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	VIEWCREST DR & RIVER RD	Salem, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	1	Soil & Water	No	PRINGLE ST SE & MICHILCHRIST ST	Salem, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	3	Soil & Water	No	6920 SW BOECKMAN RD	Wilsonville, OR	Dry utility trenching	4.5	6	450	1500
	Loy Clark	2	Soil & Water	No	6920 SW BOECKMAN RD	Wilsonville, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	1	Soil & Water	No	33080 RED BRIDGE RD SE	Albany, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	2440 26TH AVE	Forest Grove, OR	Dry utility trenching	1.5	2	150	500
12/26/2023	Loy Clark	1	Soil & Water	No	14140 SW GALBREATH DRIVE	Sherwood, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	4	Soil & Water	No	27355 NW DAIRY CREEK RD	North Plains, OR	Dry utility trenching	6.0	8	600	2000
	Loy Clark	1	Soil & Water	No	SW OLSEN RD & SW ALOMA WAY	Portland, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	15700 NW NORWICH S	Beaverton, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	6920 SW BOECKMAN RD	Wilsonville Or	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	6750 SW BOECKMAN RD	Wilsonville Or	Dry utility trenching	3.0	4	300	1000
	Loy Clark	1	Soil & Water	No	33080 RED BRIDGE RD SE	Albany, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	1	Soil & Water	No	2229 26TH AVE	Forest Grove, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	2311 26TH AVE	Forest Grove, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	3	Soil & Water	No	SE 82ND & CORNWELL	Portland, OR	Dry utility trenching	4.5	6	450	1500
	Loy Clark	1	Soil & Water	No	14140 SW GALBREATH DRIVE	Sherwood, LB	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	27712 NE 28TH ST	Camas, WA	Dry utility trenching	3.0	4	300	1000
1/1/2024	Loy Clark	1	Soil & Water	No	JOHNSON RD & SW STAFFORD RD	Lake Oswego, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	3873 GALLOWAY ST S	Salem, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	11275 SW 90TH AVE	Tigard, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	WEST 5TH ST & EAST 5TH ST	Vancouver, WA	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	19020 SW CIPPOLE RD	Tualatin, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	15700 NW NORWICH ST	Beaverton, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	20495 BUTTEVILLE RD NE	Hubbard, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	33080 RED BRIDGE RD SE	Albany, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	19005 BEDFORD DRIVE	Oregon City, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	1	Soil & Water	No	155 CANEMAH WAY	Oregon City, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	2	Soil & Water	No	BURN RD & NEHALEM HWY	Mist, OR	Dry utility trenching	3.0	4	300	1000
	Loy Clark	2	Soil & Water	No	21600 SW OREGON ST	Sherwood, OR	Dry utility trenching	3.0	4	300	1000
1/8/2024	Loy Clark	3	Soil & Water	No	20495 BUTTEVILLE RD NE	Hubbard, OR	Dry utility trenching	4.5	6	450	1500
	Loy Clark	3	Soil & Water	No	33080 RED BRIDGE RD SE	Albany, OR	Dry utility trenching	4.5	6	450	1500
	Loy Clark	1	Soil & Water	No	1843 S RADCLIFFE CT	Portland, OR	Dry utility trenching	1.5	2	150	500



**TABLE 1**  
**Vacuum Excavated Soil and Water**  
**Operators, Loads, and Source Locations**

Date	Vector Truck Operators	Loads	Material Type	Contaminated	Location Address	Location City	Type Excavation	Soil		Water	
								cubic yards	(cy)	gal	
	Loy Clark	1	Soil & Water	No	20688 PACIFIC HWY NE	Aurora, OR	Dry utility trenching	1.5	2	150	500
	Loy Clark	1	Soil & Water	No	21600 SW OREGON ST	Sherwood, OR	Dry utility trenching	1.5	2	150	500
11/20/2023	Pacific Marble	2	Water	No	2840 Industrial Ave	Hubbard, OR	Marble and granite sl	3.0	4	300	1000
12/4/2023	Pacific Marble	2	Water	No	2841 Industrial Ave	Hubbard, OR	Marble and granite sl	3.0	4	300	1000
12/18/2023	Pacific Marble	2	Water	No	2842 Industrial Ave	Hubbard, OR	Marble and granite sl	3.0	4	300	1000
12/26/2023	Pacific Marble	1	Water	No	2843 Industrial Ave	Hubbard, OR	Marble and granite sl	1.5	2	150	500
12/11/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	2319 NE Kane Dr	Gresham, OR	Dry utility trenching	1.5	2	150	500
12/11/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	9249 SW 80th Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/11/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	9249 SW 80th Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/11/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	7748 SW Barnes Rd	Portland, OR	Dry utility trenching	1.5	2	150	500
12/18/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	19014 SW Roy Rogers Rd	Sherwood, OR	Dry utility trenching	1.5	2	150	500
12/18/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	--	Salem, OR	Dry utility trenching	1.5	2	150	500
12/18/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	16998 Greentree Ave	Lake Oswego, OR	Dry utility trenching	1.5	2	150	500
12/26/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	--	Wilsonville, OR	Dry utility trenching	1.5	2	150	500
12/26/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	--	Wilsonville, OR	Dry utility trenching	1.5	2	150	500
12/26/2023	PGE	1	Soil & Water	No <sup>(a)</sup>	--	Wilsonville, OR	Dry utility trenching	1.5	2	150	500
11/12/2024	PGE	1	Soil & Water	No <sup>(a)</sup>	26285 NW Evergreen Rd	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
11/12/2024	PGE	1	Soil & Water	No <sup>(a)</sup>	7809 SW Florence Ln	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
1/8/2024	PGE	1	Soil & Water	No <sup>(a)</sup>	665 S Pershing St	Mount Angel, OR	Dry utility trenching	1.5	2	150	500
1/8/2024	PGE	1	Soil & Water	No <sup>(a)</sup>	7809 SW Florence Ln	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
1/8/2024	PGE	1	Soil & Water	No <sup>(a)</sup>	13275 SW 2nd St	Beaverton, OR	Dry utility trenching	1.5	2	150	500
1/8/2024	PGE	1	Soil & Water	No <sup>(a)</sup>	7809 SW Florence Ln	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
11/13/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	8207 SE Cypress Ave	Milwaukie, OR	Dry utility trenching	1.5	2	150	500
11/13/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	13017 NE Pacific	Portland, OR	Dry utility trenching	1.5	2	150	500
11/13/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	42970 SE Music Camp RD	Sandy, OR	Dry utility trenching	1.5	2	150	500
11/14/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	37589 Wilhoit Rd	Molalla, OR	Dry utility trenching	1.5	2	150	500
11/15/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	2943 SE Alder Street	Portland, OR	Dry utility trenching	1.5	2	150	500
11/15/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	4630 NW Woodside Terrace	Portland, OR	Dry utility trenching	1.5	2	150	500
11/16/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	4110 SE Ogden	Portland, OR	Dry utility trenching	1.5	2	150	500
11/16/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	1601 SE Oakshore Ln	Portland, OR	Dry utility trenching	1.5	2	150	500
11/16/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	13625 S Maple Grove Rd	Molalla, OR	Dry utility trenching	1.5	2	150	500
11/17/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	13960 S William Gamble LN	Molino, OR	Dry utility trenching	1.5	2	150	500
11/17/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	Wilhoit Rd	Molalla, OR	Dry utility trenching	1.5	2	150	500
11/17/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	5600 SW Wilbard, St	Portland, OR	Dry utility trenching	1.5	2	150	500
11/20/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	43405 SE Pagh Rd	Sandy, OR	Dry utility trenching	1.5	2	150	500
11/20/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	4010 Blanchet Ave	St Paul, OR	Dry utility trenching	1.5	2	150	500
11/22/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	24212 SE 472nd Ave	Sandy, OR	Dry utility trenching	1.5	2	150	500
11/27/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	25700 Valley View Ln	Sheridan, OR	Dry utility trenching	1.5	2	150	500
11/27/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	4700 SE Rhodessa St	Milwaukie, OR	Dry utility trenching	1.5	2	150	500
12/1/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	NW Springfield & NW 173rd Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/4/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	38408 S Bird RD	Molalla, OR	Dry utility trenching	1.5	2	150	500
12/4/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	1330 S Woodbine Rd	West Linn, OR	Dry utility trenching	1.5	2	150	500
12/4/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	570 Madison St NE	Salem, OR	Dry utility trenching	1.5	2	150	500
12/5/2023	Potelco	1	Soil & Water	No <sup>(a)</sup>	13066 SE Briggs St	Milwaukie, OR	Dry utility trenching	1.5	2	150	500

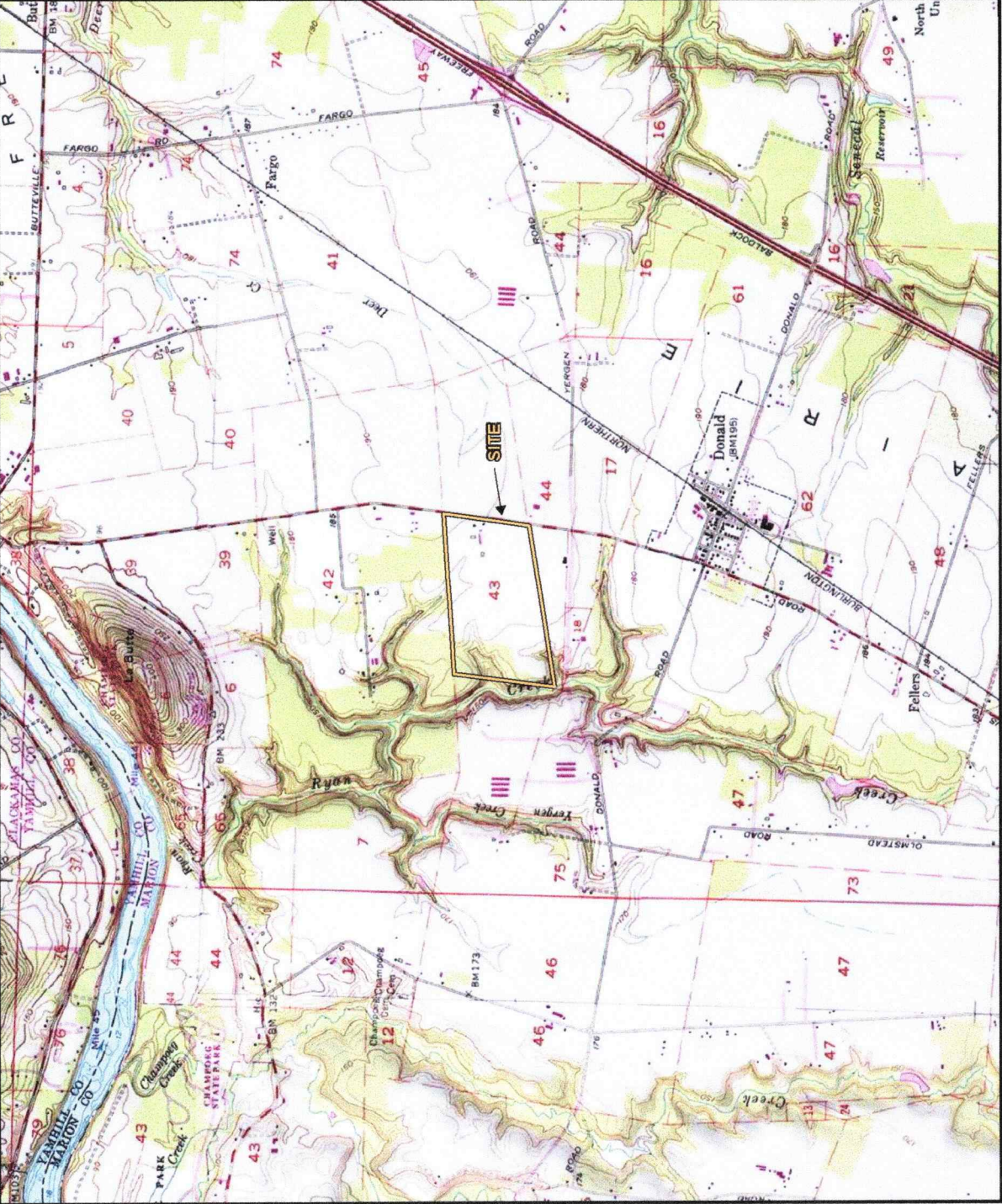
**TABLE 1**  
**Vacuum Excavated Soil and Water**  
**Operators, Loads, and Source Locations**


Date	Vector Truck Operators	Loads	Material Type	Contaminated	Location Address	Location City	Type Excavation	Soil cubic yards (cy)		Water gal	
12/5/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	13066 SE Briggs St	Milwaukie, OR	Dry utility trenching	1.5	2	150	500
12/5/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	930 SW Gibbs St	Portland, OR	Dry utility trenching	1.5	2	150	500
12/5/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	6367 Cascade Hwy NE	Silverton, OR	Dry utility trenching	1.5	2	150	500
12/5/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	2899 NW Thurman St	Portland, OR	Dry utility trenching	1.5	2	150	500
12/5/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	1575 N Willis Blvd	Portland, OR	Dry utility trenching	1.5	2	150	500
12/6/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	8281 S Lone Elder Rd	Canby, OR	Dry utility trenching	1.5	2	150	500
12/6/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	176 Churchdale Ave NE	Keizer, OR	Dry utility trenching	1.5	2	150	500
12/6/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	599 S Settlementer Ave	Woodburn, OR	Dry utility trenching	1.5	2	150	500
12/6/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	22221 S Upper Highland Rd	Beavercreek, OR	Dry utility trenching	1.5	2	150	500
12/7/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	NW Springville & NW 173rd Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/7/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	NW Springville & NW 173rd Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/8/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	41881 SE Coleman Rd	Sandy, OR	Dry utility trenching	1.5	2	150	500
12/8/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	5802 SE Belmont St	Portland, OR	Dry utility trenching	1.5	2	150	500
12/11/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	4666 N Denver Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/11/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	10660 SW North Dakota St	Portland, OR	Dry utility trenching	1.5	2	150	500
12/12/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	12231 SW 175th Ave	Beaverton, OR	Dry utility trenching	1.5	2	150	500
12/12/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	NW Springville & NW 173rd Ave	Portland, OR	Dry utility trenching	1.5	2	150	500
12/13/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	2640 E Burnside St	Portland, OR	Dry utility trenching	1.5	2	150	500
12/14/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	8968 SE 139th	Happy Valley	Dry utility trenching	1.5	2	150	500
12/18/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	Shute Substation	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
12/19/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	4726 Jean CT NE	Salem, OR	Dry utility trenching	1.5	2	150	500
12/20/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	12030 NW Dumar Ln	Portland, OR	Dry utility trenching	1.5	2	150	500
12/20/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	21550 NE McCormick Hill Rd	Hillsboro, OR	Dry utility trenching	1.5	2	150	500
12/21/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	209 HWY 99 W	Dayton, OR	Dry utility trenching	1.5	2	150	500
12/22/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	22705 Business 18/20341 SW Rock Creek	Williamina / Sheridan, OR	Dry utility trenching	1.5	2	150	500
12/28/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	6725 Skyline RD	Salem, OR	Dry utility trenching	1.5	2	150	500
12/28/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	4068 April Ct NE	Salem, OR	Dry utility trenching	1.5	2	150	500
12/28/2023	Potelo	1	Soil & Water	No <sup>(a)</sup>	16335 SW 126th Terrace	Tigard, OR	Dry utility trenching	1.5	2	150	500
1/2/2024	Potelo	1	Soil & Water	No <sup>(a)</sup>	Stubb Rd & Parr Rd	Portland, OR	Dry utility trenching	1.5	2	150	500
1/3/2024	Potelo	1	Soil & Water	No <sup>(a)</sup>	2489 NW 21st Ave	Gervais, OR	Dry utility trenching	1.5	2	150	500
1/8/2024	Pro-Vac	6	Soil & Water	No <sup>(a)</sup>	---	---	Dry utility trenching	9.0	12	900	3000
11/20/2023	Yates	13	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	19.5	26	1950	6500
11/27/2023	Yates	14	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	21.0	28	2100	7000
12/4/2023	Yates	15	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	22.5	30	2250	7500
12/11/2023	Yates	18	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	27.0	36	2700	9000
12/18/2023	Yates	19	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	28.5	38	2850	9500
12/26/2023	Yates	18	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	27.0	36	2700	9000
1/1/2024	Yates	13	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	19.5	26	1950	6500
1/8/2024	Yates	14	Soil & Water	No <sup>(a)</sup>	Address not available	City not available	Dry utility trenching	21.0	28	2100	7000
<b>Load Total</b>		<b>299</b>					<b>Volume Totals</b>	<b>448.5</b>	<b>598</b>	<b>44850</b>	<b>149500</b>

Notes:  
[a] = PCE certifies every load of vacuum-excavated soil received from one of its contracted sites to be clean.



DRAWN BY	H. ROMER	2/5/2024
CHECKED BY	P. TRONE	2/5/2024
APPROVED BY	L. GREEN	2/5/2024
DRAWING NUMBER	1906-24001(V01)	



**LEGEND:**  
 SUBJECT PROPERTY BOUNDARY

**NOTES:**

1. BASE MAP DEVELOPED BY THE USGS (1:24000, 2013)



**FIGURE 1**  
**SITE VICINITY MAP**  
**VACTOR SPOILS FILL SITE**  
**FARM PROPERTY**  
**21875 BUTTEVILLE RD NE**  
**AURORA, OREGON**



DRAWING NUMBER	1906-24001(V01)
APPROVED BY	L. GREEN 2/12/2024
CHECKED BY	P. TRONE 2/12/2024
DRAWN BY	H. ROMER 2/12/2024

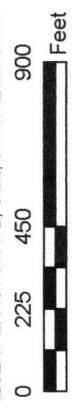


**LEGEND:**

- SUBJECT PROPERTY BOUNDARY
- APPROXIMATE VACTOR SPOILS FILL SITE
- VACTOR TRUCK OFF-LOADING PAD
- GRAVEL ACCESS ROAD
- STREAM

**NOTES:**

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2023 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION



**FIGURE 2**

**SITE PLAN**

**VACTOR SPOILS FILL SITE  
FARM PROPERTY  
21875 BUTTEVILLE RD NE  
AURORA, OREGON**

Tuesday, June 4, 2024 at 08:56:37 Pacific Daylight Time

---

**Subject:** Resolution 314

**Date:** Tuesday, June 4, 2024 at 8:45:38 AM Pacific Daylight Time

**From:** John Paul

**To:** VALNESS Karla \* ODA

You don't often get email from [cameronwinery@gmail.com](mailto:cameronwinery@gmail.com). [Learn why this is important](#)

Dear ODA,

There seems to be some confusion regarding support for Resolution 314. For small farmers and vineyardists it is quite clear that supporting 314 is tantamount to our survival. If we continue to dilute protection of our farmland it and the small farms who are most protected by our land use laws will soon disappear. Please convey the support of small winery organizations such as the Deep Roots Coalition for this resolution.

Sincerely,

John Paul/Cameron Winery

Tuesday, June 4, 2024 at 08:57:16 Pacific Daylight Time

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**Subject:** Fwd: Winegrower in Support of Resolution 314  
**Date:** Tuesday, June 4, 2024 at 8:53:36 AM Pacific Daylight Time  
**From:** tukwilla vineyard  
**To:** VALNESS Karla \* ODA

You don't often get email from [tukwilla.vineyard@gmail.com](mailto:tukwilla.vineyard@gmail.com). [Learn why this is important](#)

----- Forwarded message -----

From: **tukwilla vineyard** <[tukwilla.vineyard@gmail.com](mailto:tukwilla.vineyard@gmail.com)>  
Date: Tue, Jun 4, 2024 at 8:51AM  
Subject: Winegrower in Support of Resolution 314  
To: <[karla.valness@oda.gov](mailto:karla.valness@oda.gov)>

Good Morning,

My family has grown grapes in Yamhill County since 1990. I have been a member of the Oregon Winegrowers Association for many years and I very much support Resolution 314.

It is a critical step to insure that Oregon's land use goals are achieved and the maximum amount of our limited supply of working agricultural land is preserved.

Thank you,

Kathy Koball Miller  
Tukwilla Vineyard

Wednesday, June 5, 2024 at 13:00:34 Pacific Daylight Time

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**Subject:** Grape-grower, winemaker in support of Resolution 314  
**Date:** Tuesday, June 4, 2024 at 9:11:30 AM Pacific Daylight Time  
**From:** Three Marys Cellars  
**To:** VALNESS Karla \* ODA

You don't often get email from [3maryscellars@gmail.com](mailto:3maryscellars@gmail.com). [Learn why this is important](#)

Hello,

As a second-generation Oregon grape-grower and winemaker, and member of the Oregon Winegrowers Association (OWA), I **support** Resolution 314.

Oregon's land use laws have been an incredible boon to the development of the Oregon wine industry, but non-farming commercial interests have been increasingly exploiting loopholes in the law.

Resolution 314 would enhance and preserve what makes the Oregon wine industry unique in the world. It would protect the integrity of our brand and the land that our industry relies on. Resolution 314 would ensure that I can keep farming and that a third-generation of my family could farm in the future.

Best,

Anneka Miller  
Owner, Manager  
Three Marys Cellars, LLC  
Tukwilla Vineyards





Main Office • 340 SE 6th Ave • Portland, OR 97214  
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528

June 4, 2024

Via e-mail: [karla.valness@oda.oregon.gov](mailto:karla.valness@oda.oregon.gov)

Oregon Board of Agriculture  
c/o Karla Valness  
635 Capitol St NE  
Salem, OR 97301

Re: Support for Resolution No. 314

Dear Chair Miller and Commissioners:

Thank you for the opportunity to testify in support of Resolution No. 314, with its focus on limiting the negative impacts of nonfarm uses on agricultural land within Oregon's exclusive farm use zones.

We have attached for your consideration a report on the cumulative impacts of nonfarm uses on Oregon's agricultural land: *Death by 1000 Cuts*. The report describes how the cumulative impacts of nonfarm uses—including houses—negatively affects farming by converting productive land to a non-agricultural use, creating expensive and time-consuming conflicts for farmers, and driving up the cost of agricultural land, making it even more difficult for beginning farmers to lease or purchase the land necessary to farm.

1000 Friends of Oregon represents family farmers and ranchers throughout the state, whose ag operations range from three acres of nursery stock, to thirty-five acres of organic produce, to fifty acres of vineyard land, to a few hundred acres of orchard or diversified crops, to thousands of acres of rangeland. Most of these commercial operators started out leasing a single parcel and living off-farm. As their earnings grew, they purchased one parcel and then another, while continuing to lease as well as purchase additional ground to comprise their total operation.

Many of these farmers and ranchers—both small and large operations—have supplemented their farm income with off-farm work for all or a portion of their successful careers in farming. Having one or more family members work off-farm is a long-standing custom in Oregon, as many farm families need or desire more income than what is produced through agriculture. But whether they are a small farm, or a large operation, they do not convert their land to a nonfarm commercial enterprise to generate that additional income. They protect and use the land for producing crops and livestock. They generate their nonfarm income off the farm.

Oregon currently allows agritourism in exclusive farm use zones, but it requires that agritourism be secondary to the agricultural use of the land and to serve the agricultural use, which is to

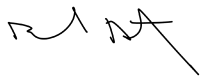
remain primary. Oregon law does not allow hotels, restaurants, bars or taverns under the provisions for agritourism. Yet these nonfarm commercial uses are being allowed on valuable land under the guise of home occupations and commercial activities in conjunction with farm use. *See attached PowerPoint slides.*

LCDC's current rulemaking process is directed at clarifying the language for home occupations, commercial activities in conjunction with farm use and agritourism to prevent the continuing use of these provisions to authorize ever more nonfarm commercial uses in exclusive farm use zones—uses that neither the legislature nor LCDC ever intended to authorize. LCDC is codifying case law that clarifies these provisions, as well as the case law explaining the proper application of the “farm impacts” test for approving nonfarm uses in exclusive farm use zones. We hope these clarifications will assist counties in the proper interpretation and application of existing law.

We appreciate the Board of Agriculture's interest in Oregon land use policy with its emphasis on protecting the maximum amount of our state's limited supply of agricultural land for agricultural use. We urge the Board to adopt Resolution 314 as consistent with that policy.

Thank you for the opportunity to comment. Please let me know if you have any questions, or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blair Batson', with a stylized flourish at the end.

Blair Batson

Attachments: *Death by 1000 Cuts*

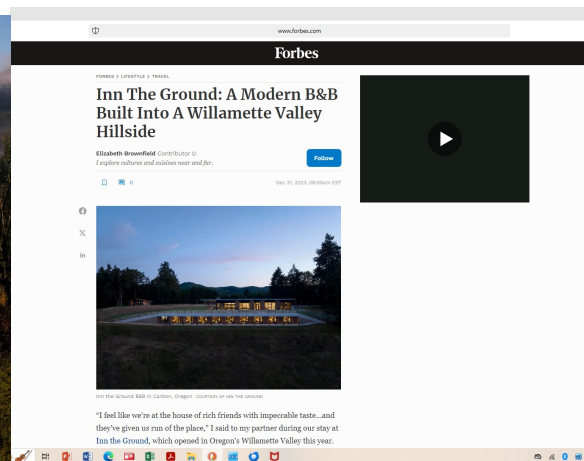
PowerPoint

# HOME OCCUPATIONS

## EXAMPLES


1

Home Occupation approved in a replacement dwelling for a primary farm dwelling operating 9-bedroom B&B



2


## Another Home Occupation approved in a 26,000 sq ft primary farm dwelling.



Welcome to Del Mar Villa, a 26,000+ sq ft luxury 'Italian Chateau inspired' Villa on 46 acres in the heart of Oregon Wine County (less than 1 hour southwest of Portland, Oregon). Sprawling out behind hundreds of acres of hazelnut and blueberry groves, Del Mar Villa encompasses acres of impeccably maintained lawn, patio areas, sports courts, walking paths, an arbor, and much more. Perched above the Willamette River, the Villa features 11 bedrooms (8 luxury suites and a 3-bedroom family suite), 10+ bathrooms, private and gathering spaces, ballroom, chefs' kitchen, 3 kitchenettes, pool table with entertainment area, 3+ dining spaces and endless outdoor spaces! Del Mar Villa is available for Vacation Rental stays year-round, and on occasion, Bed & Breakfast stays.

3

## Home Occupation approved in a 26,000 sq ft farm dwelling-- (cont'd)

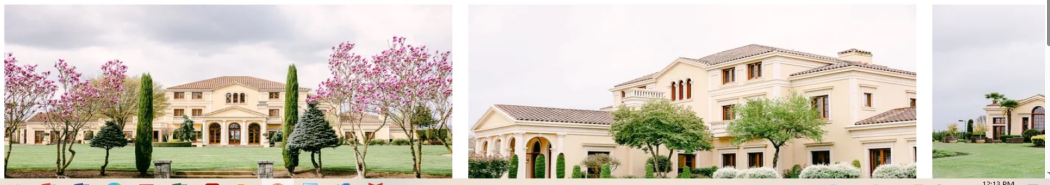


Vacation rental rates vary from \$1,995 - \$5,595+ per night.

*Low Season: January - March*  
*Mid Season: April - May + Nov - Dec*  
*High Season: June - October*

- 3 night minimum.
- No pets allowed.
- Maximum 30 overnight guests (additional daytime guests allowed on a case by case basis).

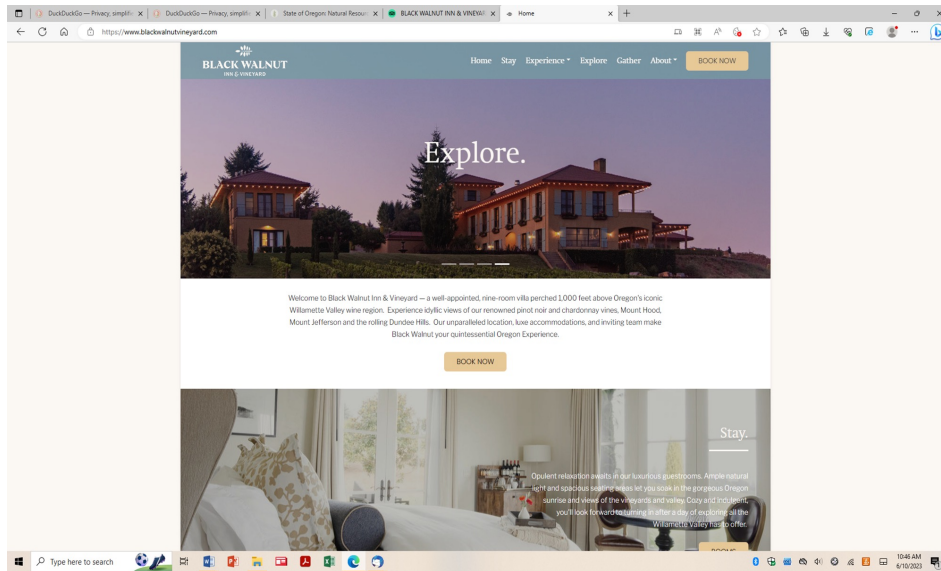
[FIND OUT MORE](#)



4

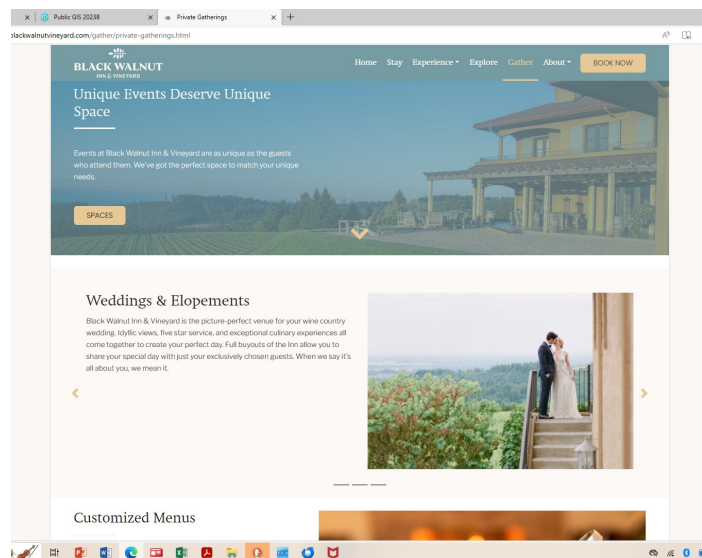


## Another 9-room “B & B” approved as a Home Occupation in a primary farm dwelling.



5

## They also do weddings under a separate agritourism approval



6

# REPLACEMENT DWELLINGS EXAMPLES

7

## Rural Gentrification and Displacement

### DESCHUTES COUNTY REPLACEMENT DWELLING



**REPLACEMENT DWELLING ON 123 ACRES IN EXCLUSIVE FARM USE ZONE**

- 8,358 sq ft home built in 2008 to replace previous owner's manufactured home
- Sold for \$12,000,000 in 2020
- 6BR | 7.5 baths | 10-car garage
- Listed as "equestrian lifestyle at a level Oregon has not seen"



8

## Rural Gentrification & Displacement

WALLA WALLA COUNTY REPLACEMENT DWELLING



### REPLACEMENT DWELLING ON 235 ACRES IN EXCLUSIVE FARM USE ZONE

- 17,088 sq ft home built in 2008 to replace former home
- Listed for sale at **\$13,777,000**
- Listed as “Executive home fit for a celebrity”
- Agent says owner does not live there—has other homes
- Listing says property last sold in 2006 for \$788,183 before former dwelling was replaced



9

## Rural Gentrification and Displacement

FORMER 1,960 SQ FT HOUSE IN WASHINGTON




- 1,960 sq ft home on 50 acres in exclusive farm use zone acquired in 2021 for \$1,035,000
- Demolished in 2022 for replacement dwelling (next slide)



10

# Rural Gentrification and Displacement


## WASHINGTON COUNTY REPLACEMENT DWELLING



**REPLACEMENT DWELLING ADVERTISED AS 7,300 SQUARE FOOT “ESTATE” ON 50 ACRES OF COUNTY’S PRIMARY EXCLUSIVE FARM USE ZONE**

- **Listed at \$5,275,000**
- Replaced existing 1,960 sq ft home in previous slide.

Listing states: “Offers a rare opportunity to experience the pinnacle of refined living amidst the beauty of nature.”



11

© 2006

**Comfortable country home w-12x36 covered rear deck**



12



# Rural Gentrification and Displacement

## REPLACEMENT DWELLING IN EXCLUSIVE FOREST CONSERVATION ZONE

© 2022



### REPLACEMENT DWELLING "ESTATE" ON 72 ACRES IN WASHINGTON COUNTY EXCLUSIVE FOREST CONSERVATION ZONE

- Listed for sale at \$4,500,000
- Listing: "This **estate** is a dream come true\*\*\*private creek fed lake\*\*\*72 acres of timberland offers miles of horse, hiking and ATV trails\*\*\*custom home will take your breath away\*\*\*loafing sheds, a custom pool & pool house, two zip lines, yurt dock, bocce ball arena\*\*\*"
- 6,200 sq ft blimp hangar with a workshop and full bar!





June 4, 2024

*via email*

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

**Re: Resolution 314**

Dear Board Members,

Central Oregon LandWatch strongly supports Resolution 314. Resolution 314 will help ensure clarity in the definition of nonfarm uses as nonfarm development threatens to price Oregon's farmlands ever further out of reach for working farmers. Adoption of Resolution 314 will help the Department of Agriculture to achieve its core mission of ensuring a healthy agricultural economy for all Oregonians.

In first enacting the state's agricultural land use policy, the legislature called for the preservation of a maximum amount of Oregon's limited supply of agricultural land, to protect the state's economic resources and to assure adequate, healthful and nutritious food for the people of the state and the nation. ORS 215.243.

Over the past fifty years the number of nonfarm uses permitted on Oregon's agricultural lands has increased from a handful to over 60 nonfarm uses, many of which are not related to farming. The lack of clarity in the rules governing these uses has led to valuable farmland being permanently taken out of production and has directly resulted in increases in the price of farmland way beyond what working farmers can afford.

The future of agriculture in Oregon is directly threatened by the lack of clear standards regarding nonfarm development of agricultural land.





2843 NW Lolo Drive., Ste. 200 | Bend, OR 97703  
Phone (541) 647-2930  
[www.colw.org](http://www.colw.org)

The state's agricultural sector cannot function without a working agricultural land base. Resolution 314 is a clear and measured statement of support that will help ensure Oregon's working farmers are not adversely impacted by nonfarm uses.

For the above reasons, we urge you to adopt Resolution 314.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Gordon". The signature is fluid and cursive, with a large, stylized "B" and "G".

Ben Gordon  
Executive Director  
Central Oregon LandWatch



**We defend and plan for Central Oregon's livable future**

Wednesday, June 5, 2024 at 12:58:31 Pacific Daylight Time

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**Subject:** Board of Ag resolution 314

**Date:** Tuesday, June 4, 2024 at 11:16:51 AM Pacific Daylight Time

**From:** Tina Springer & Peter Kenagy

**To:** VALNESS Karla \* ODA

[You don't often get email from [kenagy@proaxis.com](mailto:kenagy@proaxis.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

June 4 ,2024

To: Oregon Board Of Agriculture

I am strongly in support of the sentiment and intent of resolution 314. As a small full-time farmer in the Willamette valley who has and continues to make his living solely from agriculture . I am keenly aware of the negative impacts that non farm uses in our ag zones have on those of us who actually make our livings from farming. It is critically important for our long term future that additional non conforming uses in our agricultural zones are vetted closely. One of the most critical things for the long term viability of farms is a land base that is not unduly impacted by non farm uses.

Thank you for your consideration.

Peter Kenagy  
Kenagy Family Farm Inc  
Albany OR





P.O. Box 1083  
McMinnville, Oregon 97128

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County

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June 4, 2024

Oregon Dept of Agriculture  
Jim Johnson, Land Use & Water Planning Coordinator  
635 Capitol St NE  
Salem, Oregon 97301

Re: Board Resolution 314

Dear Commissioners and Staff,

Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents.

FYC and members have participated in previous discussions around non-farm uses and strongly oppose any weakening of the protections of high value farmland for farm uses. In 2020 we proposed using the phrase “incidental and subordinate” rather than simply “subordinate” based on an Oregon Court of Appeals Opinion and Order identifying it as a term of art in the land-use context <sup>1</sup>. We continue to see inconsistent application of rule language to non-farm activities like home occupations, transient lodging, wedding venues, restaurants, and event centers. We have seen a destabilizing proliferation of commercial activities, not related to agriculture, under the guise of agri-tourism. Portions of our county are reaching a tipping point that threaten the continued viability of commercial farming.

Agritourism can be valuable in promoting Oregon and educating consumers on how their food is produced. However, scale matters. Lodging, entertainment, and restaurants overshadow working the land. Rural communities could see much needed revitalization if these non-farm businesses located in towns. Water intensive activities, traffic, bonfires, balloon releases, and demands on emergency services have impacted farming families in Yamhill County.

We strongly support Resolution 314 and encourage any language that strengthens protection of high value farmland for farm use. Thank you for your consideration and efforts on these issues.

Sincerely,

*Kathryn Jernstedt*

Kathryn Jernstedt  
President

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<sup>1</sup> Friends of Yamhill County v. Yamhill County, 301 Or App 726(2020)

Duyck Family Farm LLC  
11220 NW Roy Road  
Banks, OR 97106



June 4, 2024

Chairperson Elin Miller and Commission Members  
Oregon Board of Agriculture  
635 Capitol St. NE  
Salem, Oregon 97301-2532

**Resolution 314 Support**

Dear Chairperson Miller and Commissioners,

I am writing today on behalf of Duyck Family Farm LLC. It is imperative that the Board of Agriculture continues to not weaken resolution 314. As a farmer who took part in the Farm & Forest Workgroup, I was impressed and hopeful through the process, as it ended with shared desire from all for clarity. If the Oregon Department of Agriculture weakens support for farmers and ranchers to thrive, farmers like me will not be able to provide food and fiber for Oregonians and beyond.

Citizens of North Plains and Friends of North Plains Smart Growth just won a hard-fought battle on the North Plains UGB proposal that is now in the courts. The big money didn't win – the desire for SMART growth and not wasting our best farmland DID! Oregonians want to save, preserve and protect our finite resources! It is critical to maintain an agricultural base so the industry is viable with equipment dealers, processors, labor force, etc. It is the total impacts of other uses in the agriculture zone that creates the conflicts and additional pressures for development.

We have the highest-class soils in the world and we need all of the help that we can get to protect what is left, dwindling at a rapid rate. When the Oregon Department of Agriculture weakens support for the ability for farmers and ranchers to make a living farming and/or ranching knowing the continued conversion of those lands is constantly occurring, then you also weaken the support for having a department of agriculture.

Duyck Family Farm is among the many care takers for generation after generation. We need our industrial lands (agricultural lands) for farmers and ranchers to pass down to feed families and be nature's filters for greenhouse gases for now and in the future. Once these lands are too heavily impacted with non-farm activities and businesses then the stability to continue to farm and/or ranch is gone. Agriculture is the second largest revenue generating economic driver for the state of Oregon.

If there is no farmland, there is no farming or farmer. If the problem is truly earning a living for so many, let's start a statewide conversation about being paid above the cost of production for all of our grown commodities. Thank you for being a steward of Oregon's finite resources with me!

Sincerely,

Jacques Duyck Jones  
Duyck Family Farm LLC

June 4, 2024

Oregon Board of Agriculture  
James Johnson  
636 Capitol St NE  
Salem, Oregon 97301

Re: Resolutions 314 & 315

Dear Commissioners and Staff,

I am writing from the perspective of the Jernstedt Century Farm and the Jernstedt Daughters Farm. We are not in this for short-term profits but seek to preserve and extend the continued practice of farming on our Exclusive Farm Use zoned land and in Oregon as a whole. Our operation is intertwined with activities on adjacent properties and the larger community. My father, Ernest Jernstedt Jr, served on the State Board of Agriculture, appointed in 1958 by Gov. Mark Hatfield and reappointed by Gov. Tom McCall. He credited Oregon's Land Use system with making it possible to hold the farm intact in the face of generational change. I hope that it is still doing that for the 5<sup>th</sup> and 6<sup>th</sup> generations that follow me.

There have been innumerable highs and lows in agriculture since my great grandparents set about farming in Yamhill County in the 1880's. Crops fall in and out of favor and profitability. Processing facilities come and go based on market conditions. Families struggle through or give it up and move. Undergirding it all is that agriculture is a business which operates with a long-term perspective. As such it needs to be adequately capitalized and the business plan needs to be based on the realities of soil, water, and market conditions.

What I have observed is a marked influx of buyers who are drawn to the picturesque image of agriculture without understanding the complexities of it as a business. Or completing their due diligence. Not every soil type or topography works for every crop. We have done dryland farming, mostly profitably for over 100 years by adjusting crops and expectations accordingly. A specific property may not grow the crop envisioned by a new buyer but that does not mean it does not have high value for the appropriate crop. Non-farm uses are NOT dependent on soil types and land modified for non-farm uses rarely goes back. The price inflation and conditions have an impact even if the venture fails. Compaction can be the work of months but years to repair.

I do not presume to know which buyers thought they could make a go of farming and only turning to tourism to stave off financial ruin. But there are clearly growing numbers of investor groups buying up land always planning to leverage the tourism aspect. What I do know is that the proliferation of non-farm uses on EFU land is creating conflicts with those who are committed to employing the land for farm use, as envisioned and defined

in ORS 215.203(2). Agricultural land is not vacant land waiting for development. It is industrial land that supports Oregon's second largest economic sector. Fields that are not producing for local consumption are producing commodities for export around the world. Depending on the crops and farm practices they can make environmental contributions like carbon sequestration, erosion control, provide habitat.

B&Bs and farm stands were included in farm uses to help bridge the lean years for active farming operations. They were not envisioned as hotels, event centers, lifestyle retreats, restaurants, wine bars, taverns. Wineries have morphed into tasting rooms without production facilities, selling wine and spirits produced under a multitude of labels owned by the investor group, including food and entertainment, serving as event venues. Our cities and towns could benefit enormously from the investment in access to local produce, dining, lodging, and other entertainment venues inside their Urban Growth Boundaries.

Conflict (accidents, road rage) between passenger vehicles and farm equipment are getting worse and impacted farm operations in our EFU zoned area. Balloon releases, bonfires, amplified music, and fireworks may be prohibited by conditions but there are no resources for enforcement.

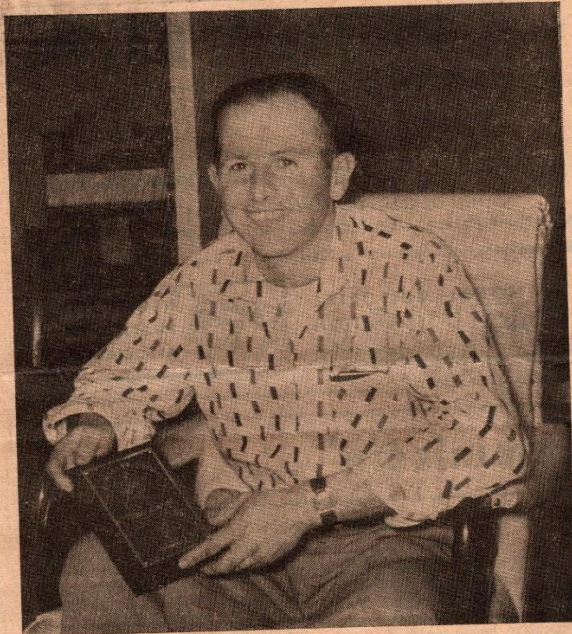
Please do support Resolutions 314 and 315. We must not weaken the protection of agriculture in EFU zones as envisioned in Oregon's 1973 Senate Bill 100. Thank you for the opportunity to comment. And for your service on what has always been considered an august body within our family.

Sincerely,



Kathryn Jernstedt  
Jernstedt Century Farm  
Jernstedt Daughters Farm LLC  
8160 NE Mineral Springs Road  
PO Box 911  
Carlton, Oregon





ERNEST JERNSTEDT

—Review photo

## Ernest Jernstedt Is Outstanding Farmer In McMinnville Jaycees Annual Contest

Carlton can claim the outstanding Young Farmer of the Year this week, as Ernest Jernstedt was selected for this honor by the McMinnville chapter of the Junior Chamber of Commerce at their Distinguished Service Awards banquet last Friday night.

Jernstedt is known around Carlton and Yamhill county for his active interest in the Farm Bureau and most recently was chairman of the county-wide membership drive. He is also active in church work and his four small daughters require much of his time.

Jernstedt is 34 years old and a 1947 graduate of Oregon State college. He began his farming career by working as a hired farm hand for a year and a half following graduation. He jointly operated a farm with his uncle for over two years and in 1951 formed a partnership with his mother. Since then he has assumed the responsibility of the family farm east of Carlton.

As a farmer, Jernstedt is interested in practicing new and better farming methods including weed controls, rotation of crops, soil conservation, better use of pasture and livestock breeding.

His crops include wheat, barley, oats, crimson clover, hairy vetch and pea seeds.

Jernstedt served with the naval reserve from 1943 to 1946. He was discharged as a lieutenant junior grade. His activities as a member of the Carlton First Baptist church include being moderator, a five-year member of the board of trustees, two years as chairman, a choir member and a member of the Town and Country commission of the Oregon Baptist convention.

Other positions he holds include president of the Oregon Seed Growers league for 1958, a member of local and county Farm Bureau groups, and a regional member of the state Farm Bureau field crops committee.

His family consists of his wife, Emily; and daughters, Judy, 6; Karen, 5; Kathy, 2½ and Joanie, 10 months.

A humble recipient of the title and fame which goes with it, Jernstedt will represent this area in district and state competition. He was presented the plaque by Paul Fritz, last year's winner of the annual Jaycee contest. Others nominated were Frank Maynard of McMinnville and Victor Scoggan of Dayton.

ego.

1958

## Ernest Jernstedt To Be Sworn in on Tuesday As Ag Board Member

Director of Agriculture Frank McKennon reports that the state board of agriculture will meet in Salem Tuesday, June 16, at the state department of agriculture headquarters.

Two new board members, Joe Saito of Ontario and Ernest Jernstedt of Carlton, will be sworn in by Governor Mark Hatfield in early morning ceremonies in the statehouse.

Ralph G. Witcher, Junction City dairyman, is chairman of the board.

## Ernest Jernstedt Named Chairman Of State Ag Board

New chairman of the Oregon state board of agriculture is Ernest Jernstedt, Carlton farmer.

The board, meeting last Thursday in Salem, named Jernstedt to head the group to which he was appointed only last June.

Jernstedt has been active in Farm Bureau activities on the local, county and state levels.

Early in 1958 he was named outstanding Young Farmer of the Year by the McMinnville chapter of the Junior Chamber of Commerce.

The state board suggested to commodity commissions that they take the lead in relieving the governor of appointing their members. The board last week expressed the desire to see a change in the appointive power because it said the governor is burdened with about 700 appointments.



June 4, 2024

To: Oregon Board of Agriculture

From: P.A. Harcombe, Friends of Linn County  
30680 Horseshoe Drive SW  
Albany, OR 97321

Subject: Board Resolution 314

Friends of Linn County is an independent affiliate of 1000 Friends of Oregon, dedicated to protection of farm and forest land in Linn County. We wish to express our appreciation of the Board of Agriculture for considering Resolution 314, and we strongly urge its adoption. Those of us out in the counties who monitor local land use decisions are painfully aware of the need for comprehensive review and revision of Oregon's land use rules. Indeed, we are reminded of it almost daily.

There are important benefits of upgrading and clarifying the Rules, including

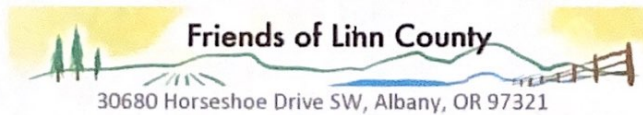
- A significant reduction in the burden on county planners
- Reduced uncertainty for developers
- Lowered overall conflict, with a concomitant acceleration in the permitting process overall.
- A reduction in the amount of litigation that follows from vague definitions and standards.

Again, Oregon's land use rules are seriously in need of upgrading.

In this regard, we applaud the efforts of the LCDC Technical Working Group, as described in the Farm and Forest Conservation Program Improvement Scoping Report, and we strongly support their recommendations, which are consistent with Resolution 314. Among these are:

1. **Reduce the number of allowable outright and conditional uses of EFU land** to prevent conversion to golf courses, private parks, and many of the other 50 or so uses that have been added since 1974.
2. **Place limits on replacement dwellings to reduce rural gentrification** that drives up real estate price. Rural gentrification makes it harder for farmers to acquire land, and ag support workers to find accommodations near farms.
3. **Limit case-by-case rezoning of agricultural and forest land as non-resource land.** This does not adequately address the broader landscape considerations. In our experience, it is a major contributor to the proliferation of non-farm dwellings in parts of Linn county with robust agriculture or forestry. Case-by-case rezoning increasingly fragments the landscape and thereby significantly reduces the viability of farming and forestry in these zones, not to mention significantly increasing wildfire risk.





4. **Clarify income standards for new farm dwellings** to make it clear that the gross income test must be met by products that have been actually grown on the land prior to application for the dwelling. In addition, it only makes sense to explicitly tie the income standard to an inflationary index.
5. **Clarify by rule elements of Commercial Activities, Home Occupations, and Agritourism** to prevent egregious attempts to insert non-agricultural uses. Into productive farm landscapes. Clarified rules *would reduce conflict between farmers and their neighbors, and would reduce the loss of productive land.*
6. **Clarify by rule prohibitions on non-farm dwellings** in designated critical groundwater areas, high risk wildfire areas, and in important and irreplaceable wildlife habitat.

With regard to the LCDC's Rules Advisory Committee, we recently attended an LCDC meeting in which some groups, especially in the wine and hospitality industries, claim not to have been heard in the process of developing the RAC recommendations, in spite of the fact that some of them were actually represented on the RAC. They were looking out for their own economic benefits, and not for the economic benefit that commercial farms, both large and small, provides to all of Oregon. We believe that there has been ample time and scope for discussion, and that now is the time to move forward.

Again, we urge adoption of Board Resolution 314.

Sincerely,

P.A. Harcombe, President, Friends of Linn County



Friday, June 7, 2024 at 10:05:22 Pacific Daylight Time

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**Subject:** Letter of Protest**Date:** Thursday, June 6, 2024 at 6:50:36 PM Pacific Daylight Time**From:** Ayla Hofer**To:** VALNESS Karla \* ODA**CC:** Jenhamaker1@gmail.com, Matt Newman, Dave Hunnicutt, Linda Galas-Merten

[ You don't often get email from [aylahofer@gmail.com](mailto:aylahofer@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Board Members: On behalf of the undersigned farmers, ranchers, and agri-businesses I write today to express concern about the Board's adoption of Resolution No. 314 and to encourage the Department of Agriculture to engage directly with farmers to truly understand whether Oregon's land use laws are supporting the success of Oregon's agricultural businesses.

Resolution No. 314 expresses the general idea that Oregon's land use planning laws need to be made stricter because there are too many "non-farm" uses allowed in farm zones. The resolution implies that these "non-farm" uses are converting farmland to non-agricultural uses. Unfortunately, the resolution fails to mention that many "non-farm" uses are in fact essential farm practices or agricultural businesses themselves. It also fails to acknowledge that conversion is happening because it is so difficult to earn a living traditionally farming, and there is little incentive for farmers to stay working in this state, when nearby states offer more opportunity and less regulatory headache.

It is clear from our own personal experiences, and in reading this resolution, that the State's focus when implementing LCDC's Statewide Planning Goal 3 is gravely misplaced and inconsistent with the true intent of both Senate Bill 100 and Senate Bill 101. The current agency focus, as expressed by Resolution No. 314, is on preserving acres of land in EFU zoning, and not on promoting the success and livelihood of Oregon's farm families. This is wrong and harmful.

There's a big difference between protecting farmers and protecting farmland. If we don't have farmers, we don't have farmland. If our laws and regulations are putting farmers out of business, or are preventing them from being successful, we haven't protected anything at all. We do not believe this was the intent of our land use system, but if it was, things must change – we should not be favoring fallowed fields and fear of enforcement actions over busy, successful, and vibrant agricultural businesses.

The Board should recognize that the public is now more critical and skeptical of agriculture than ever before. As such, it is essential for farmers to be able to connect with the public to help explain their practices, earn their trust, and educate consumers. Above all, Oregon's farmers deserve every opportunity to allow the public to support and connect with them. Fostering these types of connections will do more to protect farmland than any regulatory system. Farmers must also be given the opportunity to diversify their income streams and use their properties in profitable ways so that they can stay in business and stay farming. As this Board knows (and the new Census of Agriculture demonstrates), it is difficult to earn a living traditionally farming, and our agricultural economy is struggling. Each of our businesses utilize some aspect of integrated practices, agricultural education, or on-farm experiences to be profitable.

We do not engage in these "non-farm" activities because we want to "convert farmland", but because these activities are essential for us to keep farming. In other words, we engage in "non-farm" activities in order to preserve our farms. Unfortunately, our current land use laws do not make it easy to engage in these activities, and do not adequately protect these important practices in the farm zone. We believe that

the Department should engage in a comprehensive and unbiased review of whether our planning system is actually working to support Oregon's farm and ranch families.

We would strongly encourage the Department to work with agricultural producers directly to understand their needs, and to specifically engage with those who have permitted farm stands, processing facilities, preparation facilities, commercial activities in conjunction with farm use, home occupations, and who host agritourism or on-farm experiences, so that the Board can learn first-hand the value these types of activities bring to Oregon agriculture. Above all, we believe that the Board should commit to supporting and protecting farmers – not just the land beneath our feet.

Oregon Property Owners Letter that I fully support!

This putting it nicely. My two cents more is:

You are going to have a civil war right here in Oregon if you don't stop killing the humans who live on the land, take our food, jobs, homes with BLM fires, jack our home insurance up, take our water, destroy our coast with Chinese wind towers!!!

Do think we are so stupid to keep taking these beatings???

Back OFF!

Ayla Hofler, Farmer, Logger, Chair CPO 14, PCP district 301, Sec. Banks Historical Society, land use consultant for real people.