

Oregon State Board of Agriculture
 September 2024

Written Public Comments

Item	Name	Topic	Date Received
Item 01	Nina Sackett Kronberg & Martin Kronberg	Resolution 314 – Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland	08/28/2024
Item 02	Patrick Fay Hentze Family Farm	Agri-tourism	08/28/2024
Item 03	Michelle Fraedrich	Resolution 314	08/29/2024
Item 04	Patrick Fay Hentze Family Farm	Agri-tourism	09/03/2024
Item 05	Patrick Fay Hentze Family Farm	Meat Inspection	09/03/2024
Item 06	Sue Vanek Jefferson County Farm Bureau	Resolution 314	09/03/2024
Item 07	Mike McCarthy Ag for Oregon	Resolution 314	09/03/2024
Item 08	Mickey Killingsworth	Resolution 314	09/03/2024
Item 09	Kristy Webb	Resolution 314	09/03/2024
Item 10	Tessa Koch TMK Creamery	Land Use	09/05/2024
Item 11	Scottie Jones Leaping Lamb Farm	Resolution 314	09/06/2024
Item 12	Jim Kessinger Plumper Pumpkins	Agri-tourism	09/06/2024
Item 13	Samantha Bayer OR Property Owners Assn	Resolution 314	09/06/2024
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Wednesday, August 28, 2024 at 10:57:02 Pacific Daylight Time

Subject: Written comments for state board of ag meeting 9/10 & 9/11
Date: Wednesday, August 28, 2024 at 10:11:42 AM Pacific Daylight Time
From: Bee Easy Farm LLC
To: VALNESS Karla * ODA

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

Good Morning Karla,

Could you please submit my written comments for consideration at the upcoming board of ag meeting on 9/10 & 9/11?

Members of the Workgroup tasked with reviewing resolution 314 on permitted uses on lands zoned exclusive farm use, I am a farmer on high value farmland zoned EFU in Multnomah County. We currently offer pastured poultry direct to consumer through local farmer's markets.

I would like to draw your attention to the 2022 Census of Agriculture numbers which reflect over a 4% loss of farmland in Oregon, and correlate that with our operating margins. I'm a beginning farmer with great margins - 25% on every \$40 bird sold. I'll let you all do the math there, it's not enough to sustain a living wage.

You know what does pencil out though? Agritourism. Hosting nice events which bring people out to the farm, having a place for them to spend the night and see the stars. Margins on that line of business would be closer to 75%, and could provide just the revenue stream I need to keep this operation afloat. It would also provide exposure & education for Portland area folks to farming practices.

I recently attended an informational session where ODA representatives spent just over 2 hours explaining how a nice farmer such as myself might navigate the maze of governmental agencies and contradictory regulations to stand up a simple agritourism business. The permitting fees alone would eat through the first few years worth of profit, assuming of course that I could figure it out without hiring a lawyer.

If you're serious about reducing the amount of farming land which is lost, then you need to support farmers as they expand and diversify their revenue streams. Otherwise while we argue about onsie twosie acres taken out of EFU for temporary accommodations or farm stands, we'll continue to lose tens of thousands of acres of EFU as farms continue to go out of business.

Sincerely,

Nina Sackett Kronberg.

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Nina Sackett Kronberg & Martin Kronberg
Bee Easy Farm LLC
www.bee-easy-farm

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Thursday, August 29, 2024 at 08:40:26 Pacific Daylight Time

Subject: BOA Public Comment September 2024

Date: Wednesday, August 28, 2024 at 5:11:56 PM Pacific Daylight Time

From: Patrick Fay

To: VALNESS Karla * ODA

I am working on my own public comment for the upcoming meeting.

I did want to share what a local student, and friend of the farm, wrote about us for her class at UO.

https://sciencestory.uoregon.edu/2024-life-in-a-changing-world/2024_hentze_liebersbach_test

I think it's pertinent to the agritourism topic.

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Cheers!

p.

Patrick Fay

HENTZE



hentzefamilyfarm.com

541-203-0496

Thursday, August 29, 2024 at 15:56:44 Pacific Daylight Time

Subject: BOA Public Comment September 2024
Date: Thursday, August 29, 2024 at 3:02:43 PM Pacific Daylight Time
From: Michelle Fraedrich
To: VALNESS Karla * ODA
CC: Chris Fraedrich

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

Esteemed Board,

Thank you for the work you have been doing on Resolution 314, Permitted Uses on EFU land. We own 82 acres of farmland in Sherwood, of which 80 acres is zoned EFU. We have three acres of blueberries, and raise lamb for sale. Our current business plan includes fowl for eggs and meat, and pasture pigs. Our property was previously used for cattle, and most recently there was 35 acres of land under lease for grass seed.

We have been working with OSU Extension, Clackamas County Soil Conservation District, and OPN to find the highest and best uses for various areas of our property while being the best stewards to the land that we can. Unfortunately, due to hay and feed costs rising over the past few years, our margins have shrunk. We are looking at more permanent crops such as olives or grapes for the 35 acres of prior grass field, which would have a lower herbicide impact but would require significant capital input with a long waiting period before we saw a return.

Through our process, we have found that we need to find alternative sources of income to support the farm as a business. There is a growing desire by the public to "live like a farmer" for a few days as a vacation, which has significantly grown the interest in farm stays. We feel that if done carefully, ADUs could be a thriving business under the agritourism side of the agricultural market.

Allowing ADUs on EFU land would allow for us to offer housing on a short term basis to seasonal farm help, which would reduce our labor costs and increase our odds of finding someone seasonally to work on the farm. At our current level, we cannot achieve the income needed for permitted farmworker housing on our land. An ADU could also allow supplementary income to our farming income, allowing us to invest more in the infrastructure and equipment needed as we age on our property and not only need more human help, but more mechanical help.

Please consider allowing ADUs in the EFU zoning district. We are not looking to build ADUs all over our farm, but it would be very helpful to our farming opportunities to have some short term housing available to us. The taxes and fees from STRs would be income to the local municipality, and the additional income and opportunity for seasonal help for our business could be significant.

Thank you,

Michelle Fraedrich

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Tuesday, September 3, 2024 at 13:34:54 Pacific Daylight Time

Subject: BOA Public Comment September 2024
Date: Tuesday, September 3, 2024 at 1:06:32 PM Pacific Daylight Time
From: Patrick Fay
To: VALNESS Karla * ODA
Attachments: ShackCoreMenu24.png

To the ODA board,

In a state like Oregon, which is both fiercely proud of and fiercely protective of its agricultural production, heritage and legacy, not much is being done to foster the survival of small family farms.

To wit, the inordinate and myopic approach to Agritourism.

Specifically hospitality on Oregon farmland; Exclusive Farm Use zoned land.

I am trying to start a farm brewery in Lane County. I have been for some seasons now. I am not a land use attorney. The lessons I have learned on this "founder's journey" have been excruciating. The amount of stress and the economic impact of the outright lunacy of the application of Oregon land use law hasn't just been prohibitive, it's been stifling.

Again, I am not a land use attorney. I am a poor recovering waiter from Seattle that married into a century-old Oregon farm family. My wife's family farm was founded in 1902. We are raising the 6th generation to live and work on this farm.

What I want the ODA to examine, and fight to change is:

An incredulous outdoor gathering statute that limits ALL Oregon farmers from *vending* (selling, you know making a living from) alcohol sales on EFU zoned land except for four times per year and 90 days apart: https://oregon.public.law/statutes/ors_433.735

For an outdoor venue such as ours? That means twice a summer, if we're lucky.

The local planning office suggested that we should just apply for an agritourism permit. I agreed and asked to be directed to where I might find an agritourism permit application? It doesn't exist. You must file it under a "General Use Application". I said, "Ok. Are you able to show me any examples?" The planner then shared with me and 162 page general use application that was submitted to do farm weddings. I can only imagine the attorney fees that go along with something like that.

Additionally, the local planning office, Lane County LMD, took over two years to process our Type II Determination to become a farm brewery under ORS 215.449: https://oregon.public.law/statutes/ors_215.449

As I mentioned before, I am not a land use attorney.

It turns out that I should have just built the doggone thing and had the planning department prove that we didn't have the right? I guess? Ask for forgiveness, not permission?

A farm brewery is an outright permitted farm use.

The Lane County planners took a glacial amount of time in our determination. Vaporizing the investment bond I raised. I'll never get that money back.

Hentze Family Farm is comprised of two parcels.

They made us file a variance. This took forever to obtain.

It is adhering to the letter of the law. Absolutely, but in the more than century that the farm has been in operation, these parcels have always operated as one farm.

Next came the determination. Which also took forever. And I was assured we were expedited.

At the nearly 6 month mark after the variance approval, when a possible writ of mandamus could be recourse for our business, the planners circled back to us with questions about our crops.

Specifically they wanted to understand the viability of turning our, generally, 5 acre pumpkin patch into beer. They wanted a feasibility study of sorts. And they requested that we sign an affidavit that we would then not sell pumpkins directly to the public.

I hope you all take time to read that again. And maybe three times for good measure.

A local governing body in our great state officially requested a farmer to do LESS with their harvest.

For the record, Oregon is 7th in the nation in breweries per capita in the USA.

We have a tremendous university here in Oregon up in Corvallis that has whole departments devoted to agriculture and malt beverage production.

Oregon is considered a GLOBAL leader in the craft beverage industry.

Craft beverages bring billions, plural, into our state.

And this local zoning agency does not understand it's mandate or it's purview.

It's incredulous.

I simply, per my Type II land use determination, rattled off ALL of the acreage that would demonstrate compliance with the crop acreage minimum, 15 acres. As when people think of beer, and Oregon, naturally their first thoughts turn to hops. The Farm Brewery Statute clearly states that, "For purposes of this subsection, land planted with other ingredients used in malt beverages produced by the farm brewery counts towards the acreage minimums." So anything that can be turned into a malt beverage counts.

But for some bizarre reason, even though Oregon breweries produce more than 20 different variants of "pumpkin spice ales", this obstinate little corner of our local bureaucracy decided to focus on pumpkins.

There is no production minimum in the Farm Brewery Statute.

Why on earth is LMD allowed to be this inept?

Now? Now is when I need them.

I need their guidance, tutelage, and expertise to make sure I build this little nano-brewery (One (1) barrel system) with the proper fire protection system, the proper electrical system, and with the proper waste water system.

But as far as what can be made into beer? From Oregon harvests?

If they do not know? Why do they get oversight?

Lane County is almost legendary for their zoning agency's quagmire of red tape. If I had a nickel for every time someone related to me, "Well, that sounds like Lane County."? I'd have all my lost working capital back.

I should already be brewing farm craft beverages and creating jobs in rural Oregon.

Allowing our farm to reinvest and update our aging infrastructure. Keeping us viable for another 100 years.

Hospitality on Oregon farmland should not be an anathema.

Hospitality on Oregon farmland should be a celebration of Oregon harvests. We've gotten close to figuring some of this out with the Farm Cafe Bill:

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB1087/Introduced>

It's idiotic that this cause is not championed from every corner of our society.

Farm weddings are a thing.

Farm dinners are a thing.

Farmstands are a thing.

Pumpkin patches are a thing.

A real "farm to table" experience should not be exclusive to urban centers. It should not be only available to Michelin star type "bougie" places that cater to the affluent.

It doesn't need to be.

This is my menu:



MENU

Pulled Pork Sandwich	
<i>Slow cooked Carlton Farms pork butt, on a buttery bun, dressed with a BBQ Sauce made with Hentze Farm cherry preserves, and topped with jalapeno and jicama coleslaw.</i>	\$9.00 w/fries \$13
Applewood Smoked	\$10.00
Barbecue Chicken Sandwich	w/fries \$14
<i>Pulled Chicken Sando dressed with a Honey Chipotle Barbecue Sauce and Sweet Slaw. Honey is sourced from our beekeepers' harvest.</i>	
Bratwurst	\$9.00
<i>Carlton Farms classic bierwurst with our warm bacon/apple slaw and stone-ground mustard.</i>	w/fries \$13
Hamburger/Cheeseburger	\$9.00
<i>High Desert Grass-fed (OR) beef, grilled medium and topped with lettuce, tomato and onions on a buttery roll, fry sauce.</i>	w/fries \$13
Pølse (Danish Hot Dog)	\$8.00
<i>The Traditional Street Dog of Denmark - Featuring Olympia Provisions Frankfurter, Danish Remoulade, fried onions and pickles</i>	w/fries \$12
Hot Ham and Cheese Sammy	\$7.00
<i>Hill Farms Ham, from Pendleton, Oregon, on Texas Toast with Tillamook Cheddar</i>	w/fries \$11
Berry Lemonade	\$3.00
<i>Seasonal berries, fresh lemons, extra love.</i>	

ALL OREGON ON YOUR PLATE! FARM2FACE

Friday-Sunday 11-6
 +541-203-0496
 30000 Hentze LN, Junction City, OR
 patrick@hentzefamilyfarm.com
 @the_cook_shack

It's just a simple comfort food menu.

It's not a gimmick.

We are the PNW. We have always been at the forefront of the American "farm to table" movement. I worked for Jackie Roberts, of The Pink Door in Seattle, who was the first PNW chef to put a named farm on her menu.

I built my menu instinctively to highlight our harvests. And that of our sister farms of the valley.

That is the draw. That is the marketing.

And it is very easy to put common sense sideboards on hospitality on Oregon farms. I still get some olive oil from Italy. I still get some great stone ground mustard from France, but almost everything is from our state. And as much as I can I am going to source it as close to the farm as possible.

Because that is what makes it special.

I get that urban sprawl is something to always guard against, but the current land use laws only

set up small family farms to get gobbled up by big farms.

Big farms don't have farmstands. Big farms don't engage in agritainment or agritourism. They don't need to.

The current land use laws are being exploited to starve out the small farms. Then they just get added to big farms.

Land right activists? Like 1000 Friends? However well intentioned they are? They are being used to choke out small family farms.

Agritourism kept this farm alive during the Pandemic. Saved it. There are five Hentze households on this land.

Can you imagine five families trying to look for homes? In this economy?

And it's all a bunch of hogwash anyways, there are only two restaurants, brick and mortar restaurants in all of Oregon farmland. King's Estate Vineyards and Willamette Valley Vineyards. And that's because they are "Large Wineries". They have over 50 acres of vineyard planted.

To operate any other food establishment in EFU? It must be mobile.

I encourage to read that Farm Brewery Statute, which is near verbatim to the Winery Statute, and the Cider Business Statute. " Food and beverage services authorized under subsection (3)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a cafe or other dining establishment open to the public."

"may **not** utilize menu options or meal services that cause the kitchen facilities to function as a cafe"

Now contrast that with the language in the Large Winery Statute: " May operate a restaurant, as defined in [ORS 624.010 \(Definitions for ORS 624.010 to 624.121\)](#), in which food is prepared for consumption on the premises of the winery. "

https://oregon.public.law/statutes/ors_215.453

Why? That's why I submit to you that it's ALL horse manure!
They can do whatever they want because they are landed gentry?

These land use laws are outdated.

These land use laws are lazy and dumb. For example, the crop minimums are exactly the same for breweries, cideries and wineries as if those harvests all yield the same amount of beverages. The land use laws are being exploited to choke out small family farms.

And here is why that is bad for all Oregonians: when small farms, specifically those with farmstands can stay viable, our local grocers must compete with those farmstand prices even though they are predominantly stocking their shelves with California and Mexico harvests. So

folks that never get the chance to visit a farmstand still benefit from their existence.

Agritourism accounts for more than a billion dollars every summer in Oregon. And countless jobs. You can read more about it from our good friends at OSU:

<https://extension.oregonstate.edu/catalog/pub/em-9421-initial-economic-impact-estimate-agritourism-oregons-willamette-valley>

Hospitality on Oregon farms is not just a good thing, it's a great thing!

Oregon has lost over 2,069 family FARMS SINCE 2017, and urban sprawl isn't to blame.

Agritourism is pivotal to our agricultural heritage, our bottom line when we're at the supermarket, and our way forward as stewards of this abundant land.

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Cheers!

p.

Patrick Fay

HENTZE

FAMILY FARM



hentzefamilyfarm.com

541-203-0496

Tuesday, September 3, 2024 at 13:38:07 Pacific Daylight Time

Subject: BOA Public Comment September 2024

Date: Tuesday, September 3, 2024 at 1:14:28 PM Pacific Daylight Time

From: Patrick Fay

To: VALNESS Karla * ODA

Please do something about meat inspection.

We are the richest, most powerful nation in the world, and we can't afford meat inspection facilities?

We should have more than we need. And we should have travelling inspectors to help small producers get their products to market.

--

Cheers!

p.

Patrick Fay

HENTZE

FAMILY FARM



hentzefamilyfarm.com

541-203-0496



Jefferson County Farm Bureau

798 SE Dover Lane
Madras, Oregon 97741
Phone 503/250/2460

September 2, 2024

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

Resolution 314 Support with updated facts from the August 20, 2024 webinar

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 (ODA) Board of Agriculture has adopted. Resolution 314 is a resolution that we continue to support. We had board of directors from Jefferson County Farm Bureau (JCFB) watch the August 20, 2024 webinar hosted by ODA and Department of Land Use and Development (DLCD). It is our recommendation that the resolution is updated to support the new statistics that were shared at the webinar.

We try to stress that 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. It is also, very important to realize that most farmers in our county started out small or in the past referred to as "beginning farmers". You need to have affordable ground to lease and/or buy to become an economic viable farming operation. Farming isn't any different than starting up any other type of business. The key that we want to stress is **that to most of us farming is a business and not a quick rich venture or hobby.**

After looking at some of the comments entered into the public comment record on resolution 314 from this board's June meeting, we as a board (JCFB) are wondering if those commenting are not aware of resolution 310 on Ag Tourism.

Once again, we will state that we find it is interesting that some of the letters submitted are trying to have ODA enter into land use issues that LCDC and DLCD 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

Date: Sept 3, 2024

To: Oregon Board of Agriculture

From: Mike McCarthy, Ag for Oregon

Re: Improving Farm Land Protection through Resolution 314

Ag for Oregon is a group of farmers, ranchers and forest land owners from all areas of the state who support strong resource land protection.

Oregon's economic success going forward will depend on strong protections of all of our farmland. Many states and countries are losing farmland at an alarming rate from drought, conversion by development, aquifer drawn down and climate issues. Oregon will be a bread basket for the US to maintain food security through US grown crops. Or we can squander that by inadequate farmland protections.

Support stronger protections of Oregon farmland. Erosion of our farmland base is occurring through many allowed uses that have been added since the Land Use Program was started and through ignoring the laws. The impacts to farm production are many. From increasing the price of farmland so that farms will not be used for food production to converting land to uses totally not related to farm use.

Because of the demographics of farmland ownership, a large number of parcels, large and small will come on the market over the next 10 years. This will be an opportunity for new farmers of all ages and backgrounds to come onto the land. Oregon can maintain these lands for food and plant production and for climate benefits or create excuses to cover these lands with tourist venues, non farm dwellings, hotels and restaurants. We can not use the excuse that all land owners need to make a complete living from even a small farm. This has historically not been the case. Many farms, large and small have required off farm income to make the farm viable.

The answer to farm success in Oregon lies in creating a competitive economic environment for the whole farm economy not letting a few benefit from converting the farm zone to non farm uses to the detriment of real food producers. Please consider the long term harm adding non farm use is having on the farm zone.

September 2, 2024

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

Resolution 314 Support see my recommendations in blue

Dear Chairperson Miller and Commissioners,

Here are my comments to Resolution 314 (in blue):

Background

Whereas in 1973 Oregon's unique land use planning law was enacted to protect farm land by establishing exclusive farm use zones (EFUs)

Whereas since the law was enacted, the number of land uses permitted in EFUs has risen from the original five established by state law to over fifty; **Update that number.**

Whereas an increasing number of nonfarm land uses and related activities present compatibility issues with farming practices and have implications for rural infrastructure and services, and such nonfarm uses are being permitted on lands zoned EFU and approved without adequate consideration of compatibility with surrounding farm practices; **This statement is so correct.**

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; **Farm ground is disappearing at an alarming rate. You can add solar to this list.**

Whereas litigation is increasingly being used to define otherwise undefined land uses within EFU's; **Right to farm does not protect agriculture and is still costly to enforce or defend yourself on a farming practice.**

Whereas high-value agricultural soils compose less than 8% of Oregon's total lands and less than 6% of the lands located outside of urban growth boundaries that are designated for agricultural use under state land use planning goals;

Whereas the total area of irrigated, harvested cropland in the state comprises 10.4% of the total land in farms yet accounts for 39.3% of the total market value of agricultural products sold; **These figures need updated.**

Whereas irrigation and the necessary delivery infrastructure is key to maintaining and growing the state's agricultural industry; **North Unit Irrigation District can attest to that, being one of the most efficient irrigation districts in the USA.**

Whereas no comprehensive statewide policy guidance has been provided regarding the increasing amount of nonfarm development within exclusive farm use zones (EFUs) on agricultural lands:

Be it resolved, the Oregon State Board of Agriculture supports siting of nonfarm uses on high value agricultural land only upon a determination that the proposed nonfarm use does not adversely impact or can be mitigated to not adversely impact farming operations in the area;

Continued my comments to Resolution 314 (in blue):

Be it resolved that the Board recommends that a comprehensive analysis of the impacts of nonfarm development within the exclusive farm use zone on agricultural lands be conducted to include:

1. A reexamination of land uses currently permitted within EFUs with the goal of reducing those permitted uses, and determining which land uses should be permitted outright versus those that should be permitted subject to land use review;
2. Establishing review criteria to evaluate the compatibility of nonfarm land uses with farm uses in surrounding areas;
3. Better definition of what nonfarm land uses include;
4. Establishing land use regulations that provide for the recognition of high value agricultural areas, potentially including areas that currently are not considered to be high-value farmland under Oregon land use law and establishing requirements that provide a greater degree of protection for identified areas;
5. include an analysis of the cumulative impact of the approval and location of all nonfarm uses on lands zoned exclusive farm use. Such an evaluation should include analysis related to the conversion of agricultural lands, 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.

The “be it resolved” is great, but is it getting done is the question at hand. Do not weaken this resolution.

I have served on the Department of Land Conservation Development RAC work group that has been reviewing case law and working on how to improve protections for farm and forest lands and keep farmers farming and not competing for the ground that they need to farm whether by lease or ownership. The most interesting things that I have learned are what the County planners from throughout Oregon have told the work group about the problems that they have in trying to enforce the current land use laws to protect agriculture and forests. Then you have the individuals that represent groups that want more uses allowed to make farming profitable, yet they never look at the cumulative impact on the whole. Then you have the two farmers that just want no conflicts and agriculture protected for many generations to come. It has been an eye-opening experience for me as a farmer.

I also, serve on the board of directors for Jefferson County Farm Bureau and we discuss how fragile agriculture is in Oregon. Once a certain amount of farm ground is converted and gone then the support base also leaves (equipment dealers, fertilizer plants, labor supply (which is already short and very expensive) etc. It is the economies of scale in farming as a business as it is in any other business. Please just update this resolution and do something with it proactive.

Sincerely,

Mickey Killingworth

Madras, Oregon
Jefferson County
503.250.2460

Tuesday, September 3, 2024 at 16:57:40 Pacific Daylight Time

Subject: BOA Public Comment September 2024

Date: Tuesday, September 3, 2024 at 4:50:59 PM Pacific Daylight Time

From: Kristy Webb

To: VALNESS Karla * ODA

Dear Members of the Oregon Board of Agriculture,

I'd like to address Resolution #314.

It is appropriate to provide additional scrutiny to Short Term Rentals in agricultural lands provided that the definition of "short term rental" is limited to only those types of short term rentals that actually undermine the goals of the Land Use Planning Laws and threaten affordable housing. It should not include things like people renting out a spare bedroom to make ends meet. The ability to rent an extra room can make it possible for a small farmer to continue to farm and keep their land in productive agricultural use. It serves rather than undermines the goals of Oregon's Land Use Planning Laws.

I also want to encourage the Oregon Department of Agriculture and the Oregon Land Conservation and Development Commission to look at Land Use Planning through the lens of food and nutritional security. The Oregon Department of Agriculture and the Land Conservation and Development Commission should use Land Use Planning to ensure access to healthy, affordable and nutritious food for all of the people of Oregon. Oregon's unique Land Use Planning Laws have done great things for preserving Oregon's agricultural lands. Imagine what we could accomplish if a similar effort were focused on food and nutritional security for all Oregonians.

Thank you for your time.

Sincerely,
Kristy Webb
Monmouth, Oregon

Thursday, September 5, 2024 at 14:31:06 Pacific Daylight Time

Subject: Board of Ag Mtg next week- public comments regarding land use legislation

Date: Thursday, September 5, 2024 at 1:00:23 PM Pacific Daylight Time

From: Tessa Koch

To: VALNESS Karla * ODA

- Members of the Board,
- I am a farmer in both Clackamas and Klamath Counties. I have a dairy farm, beef ranch, and hay farm; I utilize both traditional farming practices and on-farm experiences to generate trust with my end consumer to purchase our products that are raised and made at our farms. On our farm we offer public tours of the farm to explain the process we go through in order to raise beef, milk, and dairy products from our on farm creamery. We, also, upcycle our waste product from the creamery into a distilled spirit called Cowcohol and give the end consumer a first hand look at this process. We want the public to see the farm, feel the connection, and trust our process.
- I would like to remind the Board that times are tough right now in farming. For small and medium sized farms, like ours, the open market is not profitable because you have to large in scale to sell enough product to cash flow or be profitable. We don't want to be a big farm!
- Engaging the end consumer i.e. the public on our farm gives us the opportunity to sell the our products directly to them. Have the conversation with them about where their food comes from and then engage them in that farming process through tours.
- on-farm experiences help educate the public and encourages them to support local agriculture. At our farm we have a bench mark of offering free tours to 10,000-13,000 school and college age students. We have hit this mark for the last four years. Farms like our are vital to our community in order to offer a resource to the public for education and experience.
-
- I am asking the Board to:
- Adopt a resolution that is supportive of agritourism and that breaks down barriers in our planning system for farmers to obtain agritourism permits, farmstand permits, and earn income from on-farm experiences.
 - - Engage directly with farmers who utilize agritourism and who host on-farm experiences to learn how they can support those farmers.
- Thank them for the consideration.

Tessa Koch
TMK Creamery
Canby, OR
503-887-9286

Friday, September 6, 2024 at 08:34:25 Pacific Daylight Time

Subject: Resolution 314 comments since tabling
Date: Thursday, September 5, 2024 at 7:57:58 PM Pacific Daylight Time
From: sjones@leapinglambfarm.com
To: VALNESS Karla * ODA
CC: scottiebrownjones@gmail.com

Dear Members of the Board,

We have written before to you but do so again. Leaping Lamb Farm is a diversified small farm forest property of 67 acres, 20 of which is pasture. Our primary production is locker lamb that we sell retail because our experience with wholesale didn't even come close to covering our livestock expenses. Because of this, back in 2007/8 we were permitted with a Conditional Use permit Home Occupation to offer a farm stay (overnight lodging). This has honestly been a life saver to keep us in production. We can afford to fix the tractor and with the growth of our clientele (and the fact we are now part of the 65+ demographic for farmers 14 years later), we have a full-time farm hand to help us maintain the property and the sheep business.

When we offered our farm stay to start, we weren't actually sure how successful we would be but we were desperate for additional income on-farm rather than relying on the off-farm jobs we had. It took off immediately and we found a niche to not only offer a diversified income stream for our farm but also to introduce and educate a largely disconnected urban guests. They not only enjoyed the countryside but also learned what it took to produce food. We were happy to return them home with a far better understanding not only of where their food came from but of the people who produced it. There was huge reward on both sides and all these years later we continue to see and be friends with a number of these guests whose children have grown up with the same appreciation.

Agritourism (we wish there was a better word to explain what we offer!) has allowed us to stay in production. With the price of feed and weather beyond our control, it has been a hard row to hoe for making money on lamb, as tasty as it might be. Our coast range soils leave our sheep hungry by the end of summer and we have started to supplement with hay as early as July. We are sure you hear stories like this all the time so it is nothing new but it certainly affects the balance sheet no matter what we try.

We would urge the board to adopt a resolution that supports agritourism as a way to keep more farms in production for their local communities while connecting urbanites with the essence of farming that they see driving through rural communities and even down I-5. Those same urbanites vote on measures that affect our lives and livelihoods and they need to understand what we do and why it is important to our

communities and our state. We are vital to the fabric of the Oregon countryside and need to be protected as much as our farm land needs to stay in production.

We would be happy to host you on our farm for a tour to see what we do and how we do it. We think engaging directly with a number of us offering agritourism opportunities might clear up some of the misunderstandings about our intentions, our impact on local services, and our reasons for opening our doors to the public. You need to help us not only survive but thrive and there are limited options these days to do that. Agritourism around the world has seen huge benefits to both farmers and their communities. We are still real farmers; we just need to be able to compete in a world where economies of scale are not in our favor...but what we do is still vitally important. We educate. We hire local. We are part of the rural economic fabric. And most importantly, we feed people!

Thank you for your consideration.

Sincerely,

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

Friday, September 6, 2024 at 08:39:21 Pacific Daylight Time

Subject: Comments for Board of Ag meeting
Date: Thursday, September 5, 2024 at 6:02:28 PM Pacific Daylight Time
From: Jim Kessinger
To: VALNESS Karla * ODA

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

Dear Members of the Board,

I am a farmer in Multnomah County managing 65 acres of pumpkins, Christmas trees, and hay on land zoned EFU. Since 1998, I have operated a pumpkin patch for the October season and sold Christmas trees for the holiday season. This year marks our 27th season. In addition to crops, I also raise a few animals, generating supplementary revenue. I sell directly to customers rather than wholesale, believing this approach yields greater returns and fosters a connection between consumers and farm life. Families visit for a wholesome experience, bonding with each other and enjoying a slice of country life.

I employ standard farming practices for my pumpkins and Christmas trees, using minimal irrigation and employing dry-land farming techniques. Portions of my land are too steep for row crops, so I use these areas for Christmas trees, hay, and pastures.

My business also supports numerous other farms. I source additional pumpkins, cider products, straw, Christmas trees, wreaths, honey, and apples from various local farms. Thus, while I manage 65 acres, I contribute to the agricultural economy across many more acres of Oregon farms. Additionally, we purchase numerous products from local agribusinesses.

Our farm hosts various activities, such as hayrides, a corn maze, slides, animal viewing, pig racing, and apple and pumpkin cannons. We charge admission for these activities and also offer school field trips where students interact with animals, learn about honeybees, and experience farm operations. During the October season, we charge for shooting apples and pumpkins from cannons.

These activities are crucial to our farm's success, especially given the rising costs of equipment, labor, fertilizer, fuel, insurance, and utilities. With growing demand for alternatives to big-box store pumpkins, our revenue from admissions and food sales is vital. This revenue significantly supports local farmers and agribusinesses.

I am passionate about providing a genuine farm experience and believe it benefits Oregon agriculture by educating the public about farming. Our team includes about 7 full-time employees year-round, expanding to 70 seasonal workers during October. Many of these young seasonal employees gain invaluable experiences, some of which have inspired them to start their own businesses.

This year, my son Peter is beginning a five-year process to take over the business. To ensure a successful transition, it is essential that we continue to generate agritourism revenue. I urge you to consider legislation and rules that support agritourism, which is vital for the future of our farm and the broader agricultural community.

Thank you for your consideration.

Sincerely,

Jim Kessinger (Jim@plumperpumpkins.com)

11435 NW Old Cornelius Pass Rd. Portland, OR 97231

Peter Kessinger (Peter@plumperpumpkins.com)

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OREGON PROPERTY OWNERS
— ASSOCIATION —

September 6, 2024

Oregon Board of Agriculture

Members of the Board,

Thank you for the opportunity to provide comments on Resolution No. 314. By way of background, the Oregon Property Owners Association is the state's largest property owners association. Our mission is to protect the right of private property owners to make use of their properties.

Over the past year, our organization has been working with farmers from across the state on policy solutions to support the economic success and wellbeing of farm and ranch families. As a part of this process, we helped launch the Keep Oregon Farming campaign— a grassroots initiative aimed at helping farmers diversify their income streams, maintain profitability, and share the value of agriculture during this challenging economic period. We encourage the Board to learn more about the campaign at www.KeepOregonFarming.com.

According to the last Census of Agriculture, Oregon has lost over 2,069 farms since 2017, and over 660,000 acres of farmland are sitting idle, unable to earn at least \$1,000 in farm income. While the number of family-operated farms plummets, the size of farms is increasing. The writing on the wall is clear – Oregon is becoming a state where only the biggest farms can survive.

Despite common misconception, housing development, urban sprawl, and the permitting of non-farm uses are not the causes of Oregon's loss of farms. In fact, over 98% of land that was zoned for Exclusive Farm Use (EFU) at the inception of our planning system is still zoned for farm use today. Moreover, less than one percent of Oregon land is planned for residential use inside urban growth boundaries. There is also no data, evidence, or analysis showing that the lawful permitting of non-farm uses allowed by the Legislature on EFU zoned land is causing the loss of working farms and ranches.

The reality is that rising supply costs, lack of available workforce, increasingly thin margins, and unprecedented weather conditions have all squeezed Oregon's farmers to the point where many of them are not profitable. Additionally, Oregon continues to add layers of costly regulation and taxes to the backs of our farm families, without providing them any incentives or financial support. In short, the costs of doing business in Oregon are forcing working farms to close.

To make matters worse, our land use planning system imposes extraordinary restrictions on farmers' ability to utilize their properties in ways that allows them to earn additional income during these challenging times. This includes restrictions on the following non-farm uses that help provide additional income and core services to rural property owners:

- 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 used 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
- Rural schools, childcare, and senior centers

This census is a wakeup call for everyone who loves and supports agriculture. Unlike other states, Oregon is famous for growing diverse specialty crops, having a vibrant food and beverage sector, and our agricultural industry is comprised of primarily family-run businesses. We are at a pivotal moment. If we want to preserve Oregon's family-farms, we must abandon the status quo and find new ways to support farmers and ranchers.

We ask you today to please heed the advice of United States Agriculture Secretary Tom Vilsack in the attached press release, and help Oregon deliver policies that create multiple streams of income and new, more competitive models for small- and mid-sized farms. Further, we ask that you stand with Oregon's family farms and take the following actions:

- Work with farmers who engage in non-traditional farming activities like agritourism to understand the value these activities bring to their farm and our communities;
- Identify barriers in state and local land use laws that may impede a farmer's ability to diversify their income streams and utilize their land to earn additional income;
- Support policies that uplift farm and ranch families, and create more opportunities for more farmers across the state; and
- Adopt the attached redline of Resolution No. 314, which provides a complete, accurate, and balanced representation of our land use system, and recognizes that certain non-farm activities are essential for the success of farms and ranches.

Thank you for your consideration. Through the leadership of this Board and the Oregon Department of Agriculture, we have the opportunity to create a more expansive, newer model of agriculture that creates more opportunity for more farmers statewide.

Sincerely,

Samantha Bayer
General Counsel
Oregon Property Owners Association
sbayer@oregonpropertyowners.org
www.oregonpropertyowners.org



Agriculture Secretary Vilsack Statement on the Release of the 2022 Census of Agriculture

Statement

Release No. 0028.24

Contact: USDA Press

Email: press@usda.gov

WASHINGTON, Feb. 13, 2024 – Agriculture Secretary Tom Vilsack offered the following statement today, following the release of the [2022 Census of Agriculture](#).

“Today’s Census of Agriculture Report underscores it’s imperative that we continue to deliver agriculture policies that create multiple streams of income and new, more competitive models for small- and mid-sized farms. A combination of trade wars, the pandemic and policies that furthered a ‘get big or get out’ mentality pushed more people out of farming in the five years since the last Census, than in any other Census period this century. America, and especially our rural communities, cannot afford this trajectory toward larger, but fewer, farms.

“In response to those challenges, the Biden-Harris Administration has undertaken historic efforts to grow independent meat and poultry processing capacity in nearly every state, to bolster local and regional food systems so that farmers can sell directly to customers within their communities, and to create new revenue streams through renewable energy and ecosystem markets, the impacts of which are not yet captured in today’s report. All of these actions are enabling America’s farmers to be less reliant on a few large, consolidated monopolies, making farming more viable for the next generation, and making our food system more resilient for everyone who eats.

“There are some early signs that this approach is working: over the first three years of the Biden-Harris Administration, the United States experienced the highest net farm income on record, and we’ve also seen growth in the rural population for the first time in a decade. There is more work to do to ensure we maintain strong momentum in terms of farm income, and to make sure that income is equitably distributed among farms of all sizes so more can stay in business and contribute to their local economies. Today’s report is a wake-up call to everyone who plays a role in agriculture policy or who shares an interest in preserving a thriving rural America – we are at a pivotal moment, in which we have the opportunity to hold tight to the status quo and shrink our nation’s agriculture sector further, or we can choose a more expansive, newer model that creates more opportunity, for more farmers.”

#

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OPOA's Suggested Amendments to Resolution 314 (Blue Text)

Background

Whereas Oregon's land use planning system is designed to encourage responsible growth and balance competing community needs including but not limited to public involvement, the protection of resource lands, economic opportunities, safe and reliable housing, and public services.

Whereas in 1963, the Oregon Legislature ~~Oregon's unique land use planning law was enacted to protect farm land by establishing~~ allowed, but did not require, counties to ~~established~~ exclusive farm use zones (EFUs) to preserve agricultural lands;

Whereas the Counties were not required to adopt EFU zones, but if they did, the uses allowed in the EFU were limited to five uses;

Whereas since the 1963 law was enacted, the number of land uses permitted in ~~EFUs on~~ EFU zoned land by the Legislature has risen from the original five established by the Legislature in 1963 ~~state law~~ to over fifty, including many new uses authorized by the Oregon legislature in 1973 under Oregon's unique land use planning law, which acknowledged that certain non-farm uses should be allowed in the farm zone.

Whereas the following non-farm uses are allowed in EFU zones and can be essential for the economic success and wellbeing of farmers, their families, employees, and rural communities:

- 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 used 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
- Rural schools, childcare, and senior centers

Whereas ~~an increasing number of~~ certain nonfarm land uses and related activities can present compatibility issues with farming practices and have implications for rural infrastructure and services. ~~and such nonfarm uses are being permitted on lands zoned EFU and approved without adequate consideration of compatibility with surrounding farm practices;~~

Whereas to mitigate against these issues, state law requires applicants for non-farm uses in the EFU zone to go through a permitting process, requiring certain uses to pass a farm impacts test and satisfy conditions of approval that regulate issues like traffic, hours of operation, or other issues that may impact rural infrastructure.

Whereas lawful accepted farm practices are protected from nuisance suits under Oregon's Right to Farm law.

Whereas conversion of agricultural lands into **certain** nonfarm uses such as aggregate mining, development of wetlands, public and private parks and other recreational uses, short-term rental housing (STRs), schools, energy generation and transmission facilities, landfills, and urban infrastructure such as sewer and water treatment facilities ~~has~~ **can have** serious implications for ~~the future of Oregon agriculture~~ nearby farming operations if sited without permits or without conditions that mitigate against those impacts;

Whereas the rural uses listed in the preceding paragraph will almost assuredly be sited on land zoned EFU or forest, given that nearly 97 percent of privately owned rural land in Oregon is zoned EFU or forest;

Whereas the Board recognizes that a landfill is not likely to be sited in an urban area and an aggregate mine is required to be sited on land containing a significant aggregate resource, regardless of the zoning of the land;

Whereas litigation is increasingly being used to define otherwise undefined land uses within EFU's and is being used against farmers and rural property owners in the EFU zone who are applying for or who hold permits for non-farm uses;

Whereas the 2022 Census of Agriculture shows that Oregon lost 2,069 farms and 4.17% (666,543 acres) of land in farms since 2017, for the first time a higher percentage than every western state except Washington state;

Whereas over 98% of land originally zoned for Exclusive Farm Use is still zoned for Exclusive Farm Use today;

Whereas high-value agricultural soils compose less than 8% of Oregon's total lands and less than 6% of the lands located outside of urban growth boundaries that are designated for agricultural use under state land use planning goals, **yet the state requires many parcels with significant percentages of soils not considered to be high-value agricultural soils to retain EFU zoning;**

Whereas only approximately 395,320 acres out of Oregon's 63,000,000 acres is zoned for residential use inside urban growth boundaries;

Whereas the total area of irrigated, **agricultural land harvested cropland** in the state comprises 10.3% ~~10.4%~~ of the total land in farms yet accounts for ~~39.3%~~ 74.3% of the total market value of agricultural products sold;

Whereas irrigation and the necessary delivery infrastructure is key to maintaining and growing the state's agricultural industry;

Whereas no comprehensive statewide policy guidance has been provided regarding the increasing amount of nonfarm development within exclusive farm use zones (EFUs) on agricultural lands:

Whereas the Oregon Land Conservation and Development Commission (LCDC) has initiated a multi-year effort to review the effectiveness of existing laws designed to protect agricultural lands and implement Exclusive Farm Use (EFU) zoning with a focus on improving consistency of application of standards and criteria to land use decisions across the state, reducing unnecessary appeals and identifying any policy improvements needed to achieve the objectives of Statewide Planning Goal 3 and ORS 215.243.

Whereas LCDC has not yet directed the Department of Land Conservation and Development to examine whether Statewide Planning Goal 3 and ORS 215.243 is being implemented in a way that creates barriers to the economic success and wellbeing of farm and ranch families, and has not audited the Statewide Planning System to determine whether it is inhibiting new farmers and ranchers from owning land and operating a successful agricultural operation.

Resolution

Be it resolved, the Oregon State Board of Agriculture supports siting of nonfarm uses on high value agricultural land if the applicant completes a thorough land use application in accordance with state law. If the non-farm use is a conditional use under ORS 215.213(2) or ORS 215.283(2), the applicant must show with substantial evidence that the non-farm use will not cause a significant change to or increase the cost of accepted farm practices on the adjacent properties, or show that any impacts can be mitigated with clear and objective conditions of approval. ~~only upon a determination that the proposed nonfarm use does not adversely impact or~~

Be it resolved that the Board recommends that a comprehensive analysis of the implementation of Statewide Planning Goal 3 to determine whether certain land use laws are negatively impacting the economic success of farm families, and the impacts of nonfarm development within the exclusive farm use zone. ~~on agricultural lands be conducted to include:~~

This comprehensive analysis should include, but be not limited to:

1. ~~A reexamination~~ An examination of land uses currently permitted within EFUs ~~with the goal of reducing those permitted uses, and determining,~~ including which land uses ~~should be~~ are permitted outright versus those that ~~should be~~ are permitted subject to land use review;
2. ~~Establishing~~ A review of existing criteria ~~to~~ that evaluates the compatibility of nonfarm land uses with farm uses in surrounding areas;
3. ~~Better definition of what nonfarm land uses include;~~ A recognition that certain “non-farm uses” are essential to the livelihood, success, and wellbeing of farmers, ranchers, their employees, and rural communities.

4. ~~Establishing~~ A review of land use regulations that provide for the recognition of high value agricultural areas, potentially including areas, such as productive rangelands, that currently are not considered to be high-value farmland under Oregon land use law ~~and establishing requirements that provide a greater degree of protection for identified areas;~~

5. ~~include an~~ An analysis of the cumulative impact of the approval and location of all nonfarm uses on lands zoned exclusive farm use. Such an evaluation should include analysis related to the conversion of agricultural lands, 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. Such analysis should include the collection of data and information showing:

- Whether properties are earning at least \$1,000 in farm income prior to the approval of a non-farm uses on the properties;
- Whether the approval of the non-farm uses resulted in the loss of farm income on the properties;
- Whether any approval of non-farm uses created a net-benefit to working farms on the properties;
- Whether the approval of non-farm uses had a net benefit to surrounding rural areas, including but not limited to an increase of jobs, opportunities to sell agricultural crops, or essential services for nearby farmers or ranchers.

6. Include long-term monitoring and an evaluation of the effectiveness of the land use laws established to implement Goal 3, Agricultural Lands, and the impact those laws have on the success of farmers and ranchers.