

Date: August 19, 2024
To: State Board of Agriculture members
From: Karla Valness, Senior Policy Advisor
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2024.

Proposed action: Active Resolutions under review and discussion in 2024*

Workgroup A--ODA Lead: Isaak Stapleton, Chris Benemann
 Board members: Allen, Lopez, Norris, Santamaria, Zielinski

Resolution	Title
169	Need for Documented Agricultural Work Force
266	Collective Bargaining for Agricultural Workers and Employers
316	Federal Minimum Wage Parity

Proposed action: Active Resolutions under review and discussion in 2024*

Workgroup B--ODA Lead: Jim Johnson, Rusty Rock
 Board members: Boyer, Harper, Kliewer, Miller, Orem

Resolution	Title
314	Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland
315	Working Lands Conservation Easements

* The State Board of Agriculture will be accepting public comment on these resolutions during public comment opportunities listed on the board agenda beginning January 2024.

For a list of State Board of Agriculture Resolutions go to: <https://oda.direct/BOAResolutions>

Public Comment

Written comments – All written comments received will be posted on the ODA website and will be provided to the Board in advance of the meeting. Submit your written comments by email to: Karla Valness at karla.valness@oda.oregon.gov by **5:00 PM on Tuesday, September 3, 2024**

Verbal comments – Verbal comments are limited to three minutes and will be heard in the public comment period on Wednesday, September 11, or Thursday, September 12, 2024.

In-person	Remote
<p>To provide verbal comments in-person you must sign-up, prior to the comment period on the agenda, at the meeting and provide your name and organization.</p> <p>If you have written material as part of your public comment, please provide the board assistant with 20 copies prior to your testimony. Comment time is limited to three minutes per person.</p>	<p>To provide verbal comment remotely, you must contact Karla Valness at karla.valness@oda.oregon.gov by 5:00 pm on Tuesday, September 3, 2024 and provide the following information:</p> <ul style="list-style-type: none"> • Date you plan to provide verbal comments (Sept 11 or Sept 12) • Your first and last name • The topic of your comment • The telephone number you will be using when calling the meeting

Oregon State Board of Agriculture Resolution	
Title: Need for Documented Agricultural Work Force	Number: 169 Effective Date: 01/20/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 05/21/1999
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas, Oregon agriculture’s farmgate value is over \$5 billion dollars;

Whereas, Oregon agriculture is the third largest economic sector in the state;

Whereas Oregon farmers, ranchers, fishermen and processors need a reliable, qualified, and legal workforce to raise, harvest, and process over 225 different agricultural commodities produced in Oregon;

Whereas foreign-born workers comprise a significant portion of the Oregon agriculture and food processing workforce;

Whereas finding skilled, qualified agricultural labor is a growing challenge for Oregon’s farmers, ranchers, fishermen and food processors, as well as nationwide;

Whereas when domestic workers are not available, agriculturalists should have access to a guest farmworker program to ensure the continued production of locally grown, harvested and processed Oregon agricultural commodities.

Resolution

Be it resolved that the State Board of Agriculture supports the introduction of immigration laws that create a path forward for existing agricultural workers in the United States to obtain legal documentation. Be it further resolved that the Board strongly recommends to Congress that modifications be made to existing laws, particularly the H-2A Temporary Agricultural Workers Program, so all agricultural sectors have the opportunity to secure a qualified workforce.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Collective Bargaining for Agricultural Workers and Employers	Number: 266 Effective Date: 05/19/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 05/19/2021 Original Resolution Date: 03/17/2005
Board Chair: Bryan Harper, Vice-Chair	Signature on file

Proposed action: Active Resolution under review

Background

WHEREAS, employees’ rights to form or join a union should continue to be protected by federal and state laws;

WHEREAS, neither federal nor state law provide for collective bargaining rules and regulations for Oregon farm workers and Oregon farm employers;

WHEREAS, the Oregon State Board of Agriculture does not believe that this represents a free and fair process to determine whether or not a majority of workers support forming a union;

WHEREAS, Oregon agricultural employers have for many years supported the establishment of Oregon law that would enable equitable rules and regulations to control collective bargaining for Oregon farm workers and their employers;

WHEREAS, it is in the best interest of Oregon agriculture to ensure a fair process for collective bargaining including the rights of employers to communicate freely with employees about the effects of unionization in the workplace.

WHEREAS, the bargaining process is free of coercion to ensure a fair process for all parties involved, such as the use of secret ballot elections as the means to determine whether employees want to be represented by a union.

Resolution

Be it resolved that the Oregon State Board of Agriculture supports extending collective bargaining protections to Oregon agriculture.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Federal Minimum Wage Parity	Number: 316 Effective Date: 01/20/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 12/17/2015
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas 75 to 80 percent of the agricultural commodities produced in Oregon are sold outside of the state’s borders;

Whereas Oregon agriculture is an important industry for the state’s economy, comprising 13.2 percent of Oregon’s total sales; agriculture is 3.2% of Oregon’s GDP

Whereas Oregon agriculture’s farmgate value is over \$5 billion;

Whereas 13.8 percent of Oregon jobs are related to agriculture;

Whereas an increase in minimum wage makes it difficult to hire and support individuals seeking to gain experience in the agricultural industry when more experienced workers are also seeking employment;

Whereas an increase in minimum wage causes farmers and ranchers to increase the wage for all employees, ultimately increasing the costs of agricultural goods and services;

Whereas Oregon farmers and ranchers are in competition with other agricultural producers from across the country to sell their goods;

Whereas states with a lower minimum wage can produce agricultural goods with a lower cost of labor than Oregon farmers and ranchers thus reducing in-state and out-of-state market opportunities for Oregon’s farmers and ranchers.

Resolution

Be it resolved, that the Oregon State Board of Agriculture supports a federal minimum wage parity to enable Oregon’s farmers and ranchers to be competitive with their out-of-state counterparts as they grow, process, and harvest agricultural goods for the local, domestic, and international markets.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution

Title: Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland

Number: 314
Effective Date: 05/19/2021

Work group B: Boyer, ~~Hallock, Johnson, Zielinski~~ Harper, Miller, Orem
ODA Staff Contact: Jim Johnson

Next Review Date: 00/00/2024
Date of Last Review/Revision: 05/19/2021
Original Resolution Date: 12/04/2014

Board Chair: Bryan Harper, Vice-Chair

Signature on file

Proposed action: Active Resolution under review

8/14/2024 - proposed edits

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;

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;

Whereas conversion of agricultural lands into 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 serious implications for the future of Oregon agriculture;

Whereas litigation is increasingly being used to define otherwise undefined land uses within EFU's;

Whereas the 2022 Census of Agriculture shows that Oregon lost 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 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, 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.

Resolution

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;

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, 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 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.
- ~~5.6.~~ Include long-term monitoring and an evaluation of the effectiveness of the land use laws established to implement Goal 3, Agricultural Lands.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Working Lands Conservation Easements	Number: 315 Effective Date: 01/20/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 04/30/2015
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas, agricultural land is a finite natural resource that is threatened in Oregon by increasing urban expansion and by the cumulative conversion by nonfarm land uses.

Whereas, Oregon’s Statewide Planning Program has provided substantial protection to agricultural lands from development since its establishment in 1973 yet according to Oregon Department of Forestry data, between 1984 and 2009, approximately 147,000 acres of farm and rangeland was converted to nonfarm development. Continued threats to the conversion of agricultural land include expansion of urban growth areas and the cumulative impacts to agricultural lands from nonfarm uses authorized by exclusive farm use zoning.

Whereas, there is increasing interest from farmers, ranchers, land trusts and soil and water conservation districts in the use of working lands easements to *compliment* the statewide planning program to protect working agricultural lands from conversion.

Whereas, there is increasing concern about the succession of farmland to the next generation of farmers and ranchers and working lands easements can provide a tool that can help facilitate effective land succession.

Whereas, the use of working lands easements is voluntary, keeps land in private ownership and on the tax rolls.

Whereas, working lands easements can provide landowners with various financial incentives such as federal and state tax deductions, estate tax benefits and purchase of easement values.

Whereas, the U.S. Department of Agriculture has established a working lands easement program known as the Agricultural Conservation Easement Program (ACEP) that provides funding to states for acquisition for working lands easements. The ACEP program requires matching funds from a local source.

Whereas, there still is concern expressed by many farmers and ranchers as to who would be the best holder of an easement involving working agricultural lands. Entities with a history of working with farmers and ranchers to maintain viable agricultural operations are preferable in many cases. This has led several soil and water conservation districts to become active in promoting the use of easements either by the district itself or by another agency or nonprofit organization with funding support from the subject district. There is increasing interest in examining the ability of the Department of Agriculture to become an active player in the attainment and holding of agricultural lands easements.

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Recognizes that the protection and conservation of active agricultural operations and the land base and associated infrastructure needed to support them is a benefit to Oregon's social, ecological and economic health.
2. Supports a focused use of conservation easements that protect working agricultural lands and complement the Oregon Statewide Planning Program. Easements should protect lands that afford the following assets:
 - a) Are or may become highly productive agricultural lands.
 - b) Are significant to a region's agricultural industry
 - c) Have the ability to conduct long-term viable commercial agricultural operations.
 - d) Are under threat of conversion from agricultural use by urban and/or other nonfarm development.
 - e) As a complement to primary protection of working agricultural lands, help facilitate the protection of other natural resources such as water quality, fish and wildlife habitat and other natural areas.
3. Encourages state government, including the Department of Agriculture, to play a more active role in understanding and protecting agricultural lands through the use of working lands conservation easements.
4. Supports the establishment of a fund in state government that could be utilized to help maintain working agricultural lands through the attainment of conservation easements.

Proposed action: Active Resolution under review