

Date: November 18, 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*

Resolution	Title	Workgroup A--ODA Lead: Isaak Stapleton, Chris Benemann, Lindsay Eng Board members: Allen, Lopez, Norris, Zielinski
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*

Resolution	Title	Workgroup B--ODA Lead: Jonathan Sandau, Rusty Rock Board members: Boyer, Kliewer, Miller, Orem
314	Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland	

* 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.

Proposed New Resolution

Resolution	Title	Board members: Allen, Miller, Norris, Zielinski
NEW	Agricultural Overtime	

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 Wednesday, November 27, 2024**.

Verbal comments – Verbal comments are limited to three minutes and will be heard in the public comment period on Wednesday, December 18, or Thursday, December 19, 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 Wednesday, November 27, 2024, and provide the following information:</p> <ul style="list-style-type: none"> • Date you plan to provide verbal comments (Dec 18 or Dec 19) • 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~~6.7 billion dollars;

Whereas, Oregon agriculture is ~~the third~~one of the largest economic sectors 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~~15.4 percent of Oregon’s total sales; ~~agriculture is 3.2% of Oregon’s GDP~~20.3 percent of jobs, and 12.9 percent of value-added processing for food and fiber.

Whereas Oregon agriculture’s farmgate value is over ~~\$5~~6.7 billion;

Whereas ~~13.8~~20.3 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: Agricultural Overtime	Number: PROPOSED NEW RESOLUTION Effective Date:
Workgroup: Allen, Miller, Norris, Zielinski ODA Staff Contact: Lindsay Eng	Next Review Date: Date of Last Review/Revision: Original Resolution Date: DRAFT-November 2024
Board Chair:	

Proposed action: New Resolution under review

Background

Whereas, Oregon agriculture’s farmgate value is \$6.7 billion dollars based on the 2022 USDA NASS data;

Whereas, Oregon agriculture is one of the largest economic sector in the state, Constituting 15.4% of the state’s economy, and 20.3% of the workforce, and 12.9% of value-added processing is linked in some way to the agriculture food and fiber industry;

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

Whereas, Oregon agriculture and food products must remain competitive in the local, regional, and global marketplaces;

Whereas, Oregon’s diverse agriculture and food products require hand labor during seasonal harvest periods to preserve the quality of perishable goods;

Whereas, Oregon agriculture producers may have challenges improving workforce efficiencies and may transition to less labor-intensive agriculture and food products;

Whereas, historically agriculture has had overtime exemptions for labor in recognition of the irregular hours dictated by weather, seasonal harvests, and the life cycles of crops and livestock;

Whereas, the in 2023 the Oregon State Legislature passed a phased-in agricultural overtime law at 40 hours of work by 2026;

Whereas, Washington and California have passed similar laws that have impacted the available hours of work for agricultural workers and constrained production capacity of agricultural and food producers.

Whereas, relevant economic studies to examine the financial implications and impacts on Oregon farm workers and agriculture and food businesses should be considered.

Resolution

Be it resolved that the State Board of Agriculture supports the fair compensation of agricultural workers while also recognizing the need to maintain economic stability for Oregon’s agriculture and food producers. The

Board strongly recommends a collaborative approach to amending the 2023 legislation that provides equitable compensation to workers, respects the unique demands of peak harvest seasons, and sustains the economic vitality of Oregon’s agricultural communities. The Board encourages an open dialogue among all to address challenges constructively and develop solutions that supports the sustainability of Oregon agricultural.

Proposed action: New Resolution under review

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