

Date: April 20, 2021
To: State Board of Agriculture Board members
From: Karla Valness, Special Assistant to the Director
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2021.

Board of Agriculture Workgroup B held a public work session on Wednesday, March 24 at 5:30 pm to continue the review and discussion on the resolutions listed below. Attached is the existing resolution, proposed edits by the workgroup and a clean copy for your review. This packet is posted on the Board of Agriculture website for public comment.

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Isaak Stapleton, Jess Paulson Board members: Boyer, Hallock, Johnson, Zielinski
266	Collective Bargaining for Agricultural Workers and Employers	
314	Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land	

* The State Board of Agriculture will be accepting public comment on these resolutions during public comment opportunities listed on the board agenda for the meeting in May 2021.

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 kvalness@oda.state.or.us by **5:00 PM on Wednesday, May 12, 2021**.

Verbal comments – Verbal comments may be limited to three minutes and will be heard in the public comment period at approximately 10:30 AM on Wednesday, May 19, 2021. In order to provide verbal comment, you must contact Karla Valness at kvalness@oda.state.or.us by **5:00 pm on Thursday, May 13, 2021** and provide the following information:

- Your first and last name
- The topic of your comment
- The telephone number you will be using when calling the meeting

When preparing to comment, the Board of Agriculture requests public comments address specific issues and propose specific language changes to resolutions under review. For additional guidelines for public comment, see [Guidelines for Public Comments or Presentations to the State Board of Agriculture](#).

Oregon State Board of Agriculture Resolution	
Title: Collective Bargaining for Agricultural Workers and Employers	Number: 266 Effective Date: 09/21/2017
Sub-Committee: Government Relations ODA Staff Contact: Kathryn Walker	Next Review Date: 00/00/2021 Date of Last Review/Revision: 09/21/2017 Original Resolution Date: 03/17/2005
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

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.

WHEREAS, the bargaining process is free of coercion to ensure a fair process for all parties involved.

Resolution

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

Proposed action:Active Resolution for review and discussion

New Draft 3/24/2021

Resolution 266 – Collective Bargaining for Agricultural Workers and Employers

Original Resolution Date: 03/17/2005

Date of Last Review: 09/21/2017

Work group: Barbara Boyer, Stephanie Hallock, Shantae Johnson, Josh Zielinski

ODA Staff Contact: Jess Paulson

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.

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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.

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Resolution

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

New Draft 3/24/2021

Resolution 266 – Collective Bargaining for Agricultural Workers and Employers

Original Resolution Date: 03/17/2005

Date of Last Review: 09/21/2017

Work group: Barbara Boyer, Stephanie Hallock, Shantae Johnson, Josh Zielinski

ODA Staff Contact: Jess Paulson

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.

Oregon State Board of Agriculture Resolution	
Title: Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land	Number: 314 Effective Date: 02/17/2017
Sub-Committee: Land Use ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 12/04/2014
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas over 50 land uses are permitted in the exclusive farm use zone up from 5 land uses that were initially established by state law.

Whereas increasingly there are cases of nonfarm land uses and related activities presenting compatibility issues with farming practices and presenting implications to rural infrastructure and services.

Whereas there is increasing concern being expressed about the cumulative impact of the conversion of agricultural lands by nonfarm land uses such as aggregate mining, wetlands development, public and private parks, other recreation uses, schools, energy generation and transmission facilities and urban services such as landfills.

Whereas many of the nonfarm uses that may be “permitted outright” on lands zoned for exclusive farm use may be approved without any consideration of compatibility with surrounding farming practices.

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 also designated for agricultural use under Statewide planning Goal 3,

Whereas the total area of irrigated, harvested cropland in the state comprises 16% of the total land in farms yet accounts for 36% of the total market value of agricultural products sold,

Whereas irrigation and the necessary delivery infrastructure is key to maintaining the viability of and to growing the state’s agricultural industry,

Whereas the 2013 Legislature will likely directed the State Department of Agriculture and the Department of Land Conservation and Development to analyze and report on the conflict between farm and nonfarm uses and cumulative impact of permitted uses on land zoned for exclusive farm use.

Resolution

Be it resolved, the Oregon State Board of Agriculture does not support the inclusion of additional non-farm, permitted uses on high-value farmland as defined in ORS 195.300(10).

Resolution number: 314

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Resolution title: Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land

The Board recommends:

1. A reexamination of land uses currently permitted within the exclusive farm use zone with the goals of reducing those permitted uses and determining which land uses should be permitted outright opposite to 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. An examination of the need to better define what certain nonfarm land uses include.
4. Establishing land use regulations that provide for the recognition of high value agricultural areas and that establish requirements to provide a higher degree of protection for identified areas with a goal of avoidance. When reasonable alternatives do not exist and high-value agricultural land is determined to be needed for the siting of a nonfarm land use, the Board supports siting on high value agricultural land only upon a determination that the proposed nonfarm use does not or can be mitigated to not adversely impact farming operations in the area.

The Board also recommends that any study designed to evaluate the implications of nonfarm land uses 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:

1. the conversion of agricultural lands; and
2. 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.

Proposed action:Active Resolution for review and discussion

NEW DRAFT – Resolution 314 (3/16/2021)

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, 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 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;

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;

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;

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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.

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Resolution number: 314 → Page 2 of 2¶
Resolution title: Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land
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NEW DRAFT – Resolution 314 (3/16/2021)

Resolution 314 – Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland

Original Resolution Date: 12/04/2014

Date of Last Review: 02/17/2017

Work group: Barbara Boyer, Stephanie Hallock, Shantae Johnson, Josh Zielinski

ODA Staff Contact: Jim Johnson

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, 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 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;

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:

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 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.