

Enrolled Senate Bill 70

Sponsored by Senator FINDLEY, Representative OWENS; Representative HIEB (Pre-session filed.)

CHAPTER

AN ACT

Relating to residential land use in Eastern Oregon Border Economic Development Region; amending section 2, chapter 671, Oregon Laws 2021.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2, chapter 671, Oregon Laws 2021, is amended to read:

Sec. 2. (1) Notwithstanding any land use planning goal related to urbanization or agricultural lands, a county that has established a review board described in section 3, **chapter 671, Oregon Laws 2021**, [of this 2021 Act] may rezone, and if necessary [partition] **divide**, lands that are zoned for exclusive farm use and within the Eastern Oregon Border Economic Development Region, as defined in ORS 284.771, for the development of one residential unit per lot or parcel of two acres or more, provided that:

(a) The rezoned lands have not been employed for farm use in the prior three years;

(b) The rezoned lands are not:

(A) High-value farmland, as [defined] **described** in ORS 195.300 (10), **excluding lands described in ORS 195.300 (10)(c)(B) and (10)(f)(E)**;

(B) Predominantly composed of Class I, II or III soils; or

(C) Viable for reasonably obtaining a profit through a farm use;

(c) Rezoning will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

(d) If the water source for the rezoned lands is a well, the lands are not within a critical ground water area as designated under ORS 537.730 to 537.740 or within an area where ground water withdrawals have been restricted by the Water Resources Commission;

(e) The property owner agrees as a condition of approval of the rezoning to sign and record in the county deed records an irrevocable deed restriction in the form prescribed by the county acknowledging the protected rights of farm, forest and rangeland practices in the area and prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from any farming, forest or rangeland practices if no claim or action is allowed under ORS 30.936 or 30.937 or otherwise protected by law as a farming, forest or rangeland practice;

[f) *The rezoning complies with all other criteria adopted by the county;*]

(f) The rezoning and division, if necessary, comply with all substantive rezoning and land division criteria and standards adopted by the county;

(g) The approval would not result in a cumulative total of more than 200 acres rezoned by the county under this section;

(h) The rezoning has received a public hearing and a written opinion from a review board established under section 3, **chapter 671, Oregon Laws 2021**; [of this 2021 Act; and]

- (i) In the prior 10 years, the rezoned lands have not been assessed for property tax purposes as:
 - (A) Open space land under ORS 308A.300 to 308A.330;
 - (B) Riparian habitat under ORS 308A.350 to 308A.383;
 - (C) Wildlife habitat under ORS 308A.403 to 308A.430; or
 - (D) A conservation easement under ORS 308A.450 to 308A.465[.];

(j) The rezoned lands are within a rural fire protection district established under ORS 478.010 to ORS 478.100 and subject to ORS 478.115, 478.120, 478.130, 478.140, 478.150, 478.155 and 478.160 and comply with all applicable fire prevention code requirements under ORS 478.910 to 478.940; and

(k) The rezoned lands are not within an area designated as a 100-year floodplain on a current map of the Federal Emergency Management Agency.

(2) Upon rezoning lands under this section, the county shall file with the county assessor a statement listing the tax lots to which the change in zoning applies and the applicable date of the change.

Passed by Senate June 21, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 25, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State