

Senate Bill 70

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Amends definition of high-value farmlands for residential rezoning of lands within Eastern Oregon Border Economic Development Region.

A BILL FOR AN ACT

1
2 Relating to residential land use in Eastern Oregon Border Economic Development Region; amending
3 section 2, chapter 671, Oregon Laws 2021.

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

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

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

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

13 (b) The rezoned lands are not:

14 (A) High-value farmland, as [defined] **described** in ORS [195.300] **215.710**;

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

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

17 (c) Rezoning will not force a significant change in accepted farm or forest practices on sur-
18 rounding lands devoted to farm or forest use;

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

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

28 (f) The rezoning complies with all other criteria adopted by the county;

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

31 (h) The rezoning has received a public hearing and a written opinion from a review board es-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in **boldfaced** type.

1 tablished under section 3, **chapter 671, Oregon Laws 2021** [*of this 2021 Act*]; and
2 (i) In the prior 10 years, the rezoned lands have not been assessed for property tax purposes as:
3 (A) Open space land under ORS 308A.300 to 308A.330;
4 (B) Riparian habitat under ORS 308A.350 to 308A.383;
5 (C) Wildlife habitat under ORS 308A.403 to 308A.430; or
6 (D) A conservation easement under ORS 308A.450 to 308A.465.
7 (2) Upon rezoning lands under this section, the county shall file with the county assessor a
8 statement listing the tax lots to which the change in zoning applies and the applicable date of the
9 change.
10 _____