

75th OREGON LEGISLATIVE ASSEMBLY - 2009 Regular Session
STAFF MEASURE SUMMARY
Senate Committee on Business and Transportation

MEASURE: HB 3099 B
CARRIER: Sen. Metsger

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure (Print B-Eng.)

Vote: 3 - 2 - 0

Yeas: Schrader, Verger, Metsger

Nays: George, Starr

Exc.: -

Prepared By: Jim Stembridge, Administrator

Meeting Dates: 5/21, 5/27, 5/28

WHAT THE MEASURE DOES: Modifies exclusive farm use (EFU) exceptions in Oregon land-use regulation. Removes outright exceptions for schools and greyhound kennels. Modifies exception for model aircraft uses to allow landowners to charge fees. Adds conditional exception for public schools that primarily serve the rural area where sited. Modifies the conditional exception for golf courses by prohibiting golf courses on high value farmland. Removes conditional exception for aerial fireworks display businesses. Deletes disposal of solid waste from EFU exceptions. Requires construction of approved replacement dwellings to begin by January 2, 2020. Allows expansion of existing public schools, private schools, or aerial fireworks display businesses on EFU lands that become nonconforming uses, notwithstanding change in zoning ordinance. Provides exception to notice otherwise required from the Department of Land Conservation and Development. Authorizes counties to amend land use regulations by December 31, 2010 to conform to the bill without public hearing and adoption of findings.

ISSUES DISCUSSED:

- Process of developing the measure and its amendments as an EFU “clean-up”
- Siting of schools outside urban growth boundaries, especially in areas of high population growth
- Example of complaint about an orchard near a school, when orchard was there long before the school
- Creation of new golf courses in the Willamette Valley
- Conditional use vs. exceptions process, and county land-use regulation revision process
- Non-conforming uses and fireworks business

EFFECT OF COMMITTEE AMENDMENT: Deletes disposal of solid waste from EFU exceptions. Allows expansion of existing public schools, private schools, or aerial fireworks display businesses on EFU lands that become nonconforming uses, notwithstanding change in zoning ordinance. Authorizes counties to amend land use regulations by December 31, 2010 to conform to the bill without public hearing and adoption of findings. Requires construction of approved replacement dwellings to begin by January 2, 2020.

BACKGROUND: Oregon’s land use program places major emphasis on maintaining commercial agriculture. Exclusive farm use (EFU) zoning limits development that could conflict with farming practices. The EFU designation is also intended to keep farmland from being divided into parcels too small for commercial agriculture. EFU lands are eligible for lower property taxes based on the land being farmed. All 36 counties in Oregon have applied EFU zoning to their agricultural land. Current law allows numerous exceptions, both outright and conditional, for uses of land that is EFU-zoned. House Bill 3099-B is the result of work group efforts to minimize the amount of farmland being put toward other uses.

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This summary has not been adopted or officially endorsed by action of the committee.