

# House Bill 3615

Sponsored by Representatives GARRARD, ESQUIVEL; Representatives FREEMAN, HANNA, HICKS, KRIEGER, SCHAUFLER

## 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**.

Authorizes establishment of regional definitions of "agricultural land" and "forest land" for purposes of land use goal setting.

Appropriates moneys to Department of Land Conservation and Development to make grants to Jackson, Josephine and Douglas Counties to pursue regional definitions of "agricultural land" and "forest land."

## A BILL FOR AN ACT

Relating to regionalized land use planning; and appropriating money.

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

**SECTION 1. Sections 2 to 4 of this 2011 Act are added to and made a part of ORS chapter 195.**

**SECTION 2. (1) Two or more adjacent counties in which farmlands, forestlands and farm and forest practices are similar may petition the Land Conservation and Development Commission to establish regional definitions of the terms "agricultural land" or "forest land" for purposes of statewide land use planning goals.**

**(2) If a petition is filed with the commission, the commission shall:**

**(a) Identify the region to which the definitions apply, taking into consideration:**

**(A) The content of the petition;**

**(B) The need to address similar and related lands as one region; and**

**(C) The need to address similar and related farm or forest practices and products in a region in a consistent manner.**

**(b) Coordinate with all local governments in the affected region.**

**(3) The commission is not subject to ORS 197.235 (1)(a) for the purpose of establishing regional definitions under sections 2 to 4 of this 2011 Act. However, the commission shall hold at least one public hearing in each county in which the regional definitions would apply.**

**(4) The commission shall base regional definitions established under sections 2 to 4 of this 2011 Act on the characteristics of the land, on commercial farm or forest practices in the region and on consideration of the following factors:**

**(a) ORS 215.243 and 215.700;**

**(b) The capability and suitability of the soil for commercial farming or forestry;**

**(c) The long-term viability of current and potential future commercial farm or forest operations on the land;**

**(d) The availability of water needed to sustain current or anticipated commercial farm operations on the land;**

**(e) The commercial farm or forest land use pattern, including parcelization, tenure and**

**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 ownership patterns of the land and nearby lands;

2 (f) Opportunities for alternative economic uses of the land that would enhance the em-  
3 ployment base of the counties and provide jobs to the region, as identified by the counties  
4 filing the petition; and

5 (g) The current and projected growth trends for the region and the necessity of zoning  
6 land as agricultural land or forest land to protect land from loss due to rapid growth in the  
7 region.

8 **SECTION 3.** (1) If the Land Conservation and Development Commission establishes re-  
9 gional definitions for a region under sections 2 to 4 of this 2011 Act, a county in the region  
10 may elect to:

11 (a) Review and amend its comprehensive plan and zoning map designations for farmlands  
12 or forestlands; and

13 (b) Redesignate as other rural lands those farmlands and forestlands that do not fit in  
14 the regional definition of "agricultural land" or "forest land."

15 (2) A county that elects to amend its comprehensive plan and zoning map designations  
16 under this section:

17 (a) Shall submit the proposed amendment to the commission for review in the manner  
18 provided for periodic review under ORS 197.628 to 197.650.

19 (b) Shall, as part of the process of adopting the proposed amendment:

20 (A) Adopt, as a part of the comprehensive plan, a map that:

21 (i) Identifies the farmlands and forestlands under review that contain ecologically sig-  
22 nificant natural areas or resources;

23 (ii) Establishes a priority for protection from conflicting development; and

24 (iii) Determines which of the lands have the highest priority for protection from con-  
25 flicting development.

26 (B) Establish appropriate limitations on the uses allowed on lands designated as other  
27 rural lands. For purposes of this subsection, the amount, type, location and pattern of de-  
28 velopment on lands that are redesignated as other rural lands:

29 (i) Must be rural in character and may not interfere with orderly and efficient develop-  
30 ment of urban areas in the vicinity of the other rural lands; and

31 (ii) May not lead to significant adverse effects on water quality, the availability or cost  
32 of water supply, or state transportation facilities.

33 (c) Shall examine alternative, nonregulatory methods to protect lands that contain  
34 ecologically significant natural resources or areas.

35 **SECTION 4.** The Land Conservation and Development Commission may adopt rules to  
36 implement sections 2 to 4 of this 2011 Act. The rules:

37 (1) Must reflect the differing conditions in different regions of the state;

38 (2) May not contain new regulatory restrictions on the use of lands identified as con-  
39 taining ecologically significant natural resources or areas to protect those resources or  
40 areas; and

41 (3) May provide for the purchase, lease or transfer of development rights to protect the  
42 resources or areas.

43 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-  
44 ated to the Department of Land Conservation and Development, for the biennium beginning  
45 July 1, 2011, out of the General Fund, the amount of \$250,000, which may be distributed in

1 the form of grants to Jackson, Josephine and Douglas Counties to assist the counties to take  
2 action under sections 2 to 4 of this 2011 Act.

3 **SECTION 6.** (1) The Department of Land Conservation and Development shall make grant  
4 moneys appropriated to the department by section 5 of this 2011 Act available to Jackson,  
5 Josephine and Douglas Counties after the counties have entered into an intergovernmental  
6 agreement pursuant to ORS 195.025 (2).

7 (2) Upon entering into the intergovernmental agreement, Jackson, Josephine and Douglas  
8 Counties may proceed immediately under sections 2 to 4 of this 2011 Act.

9 **SECTION 7.** Except as provided otherwise in section 6 of this 2011 Act, sections 2, 3 and  
10 4 of this 2011 Act become operative on \_\_\_\_\_, 2013.

11 \_\_\_\_\_