

## HOUSE AMENDMENTS TO HOUSE BILL 4095

By COMMITTEE ON JUDICIARY

February 10

1 On page 1 of the printed bill, line 2, after “money;” delete the rest of the line and insert “and  
2 limiting expenditures.”

3 Delete lines 4 through 25 and delete pages 2 and 3 and insert:

4 **“SECTION 1. Sections 2 and 3 of this 2012 Act are added to and made a part of ORS  
5 chapter 195.**

6 **“SECTION 2. (1) Jackson, Josephine or Douglas County may enter into an intergovern-  
7 mental agreement under ORS 190.030 to 190.130. At least two of the counties must be parties  
8 to the intergovernmental agreement. The parties to the intergovernmental agreement jointly  
9 may:**

10 **“(a) Petition the Land Conservation and Development Commission to establish, by rule,  
11 definitions of the terms ‘agricultural land’ and ‘forestland’ for purposes of land use planning  
12 in the counties; and**

13 **“(b) Apply to the Department of Land Conservation and Development for grant funds  
14 necessary to fund actions taken under section 3 of this 2012 Act.**

15 **“(2) A petition filed with the commission pursuant to this section must:**

16 **“(a) Provide information that allows the commission to address the considerations in  
17 section 3 of this 2012 Act and other information the petitioners deem necessary for the  
18 commission to consider; and**

19 **“(b) Meet, or incorporate an attached petition that meets, the requirements of ORS  
20 183.390 for requesting promulgation, amendment or repeal of a rule.**

21 **“(3) Upon receipt of an application for grant funds under this section, the department  
22 may grant up to \$350,000 to the counties that are parties to the intergovernmental agree-  
23 ment.**

24 **“(4) The act of entering into an intergovernmental agreement pursuant to subsection (1)  
25 of this section and actions taken by the counties to submit the petition described in this  
26 section are not land use decisions.**

27 **“SECTION 3. (1) If the Land Conservation and Development Commission finds that the  
28 petition submitted under section 2 of this 2012 Act is sufficient to initiate rulemaking pro-  
29 ceedings in accordance with ORS 183.335:**

30 **“(a) The commission shall accept the petition and initiate rulemaking proceedings to  
31 consider adoption of a regional definition of ‘agricultural land’ and ‘forestland’; and**

32 **“(b) The Department of Land Conservation and Development, after coordinating with the  
33 State Department of Agriculture, the State Forestry Department, the Water Resources De-  
34 partment, the State Department of Fish and Wildlife, the Department of Transportation and  
35 the cities and counties in the proposed region, shall evaluate the petition pursuant to this**

1 section.

2 “(2) The commission shall base its decision on the proposed regional definitions on:

3 “(a) The characteristics of the land in the proposed region;

4 “(b) Commercial farming and forest practices in the proposed region;

5 “(c) The legislative policies described in ORS 215.243, 215.700 and 527.630; and

6 “(d) Consideration of:

7 “(A) The capability and suitability of the soils in the proposed region for farming or  
8 forestry;

9 “(B) The long-term viability of farm and forest operations in the region;

10 “(C) The availability of water to sustain current and anticipated land uses in the proposed  
11 region;

12 “(D) The land use patterns of commercial farming and forestry in the proposed region  
13 and in nearby lands, including the parcelization, tenure and ownership patterns of resource  
14 land and the location of resource land in relation to land employed for nonfarm and nonforest  
15 uses; and

16 “(E) The sufficiency and stability of the farm and forest infrastructure in the proposed  
17 region.

18 “(3) The commission shall base its decision on the area to which the regional definitions  
19 apply on:

20 “(a) The need to address similar or related lands as one region; and

21 “(b) The need to address similar or related farming practices and products or forest  
22 practices and products in the region in a consistent manner.

23 “(4) In preparing rules authorized by this section, the commission:

24 “(a) Shall hold at least one public hearing in each county of which all or a portion would  
25 be included in the designated region.

26 “(b) Is not bound by the requirements of ORS 197.235 (1)(a), which apply to preparation  
27 of goals and guidelines.

28 “(5) If the commission adopts rules establishing regional definitions of ‘agricultural  
29 land’ and ‘forestland’ under this section, a county, all or a portion of which is in the desig-  
30 nated region, may elect to:

31 “(a) Review and amend its comprehensive plan map designations and zoning map desig-  
32 nations for land in the designated region that is planned for farm use, forest use or mixed  
33 farm and forest use; and

34 “(b) Redesignate as nonresource land the land that does not satisfy the definition of  
35 ‘agricultural land’ or ‘forestland.’

36 “(6) A county that elects under subsection (5) of this section to review and amend its  
37 comprehensive plan map designations and zoning map designations:

38 “(a) Shall prepare the comprehensive plan map designations and zoning map designations  
39 using the procedures in ORS 215.788 (2).

40 “(b) Shall provide an opportunity for review of all land within the portion of the region  
41 subject to the rule that is planned for farm use, forest use or mixed farm and forest use.

42 “(c) Shall plan and zone land reviewed under this subsection:

43 “(A) For farm use if the land meets the regional definition of ‘agricultural land’;

44 “(B) For forest use if the land meets the regional definition of ‘forestland’;

45 “(C) For farm use, forest use or mixed farm and forest use if the land meets both defi-

1 nitions; and

2 “(D) For rural nonresource use if the land does not meet either definition.

3 “(d) May consider the current land use pattern on nearby lands in determining whether  
4 land meets the definition of ‘agricultural land’ or ‘forestland.’

5 “(e) Shall plan and zone land for rural nonresource use in compliance with the require-  
6 ments of ORS 215.791 and administrative rules implementing ORS 215.791.

7 “(f) Shall submit the adopted comprehensive plan map and zoning map designations to  
8 the Department of Land Conservation and Development under ORS 215.794.

9 “SECTION 4. Not later than the date of the convening of the 2015 regular session of the  
10 Legislative Assembly as specified in ORS 171.010, the Department of Land Conservation and  
11 Development shall report to the Legislative Assembly on the status and results of actions  
12 taken by the counties and the department under sections 2 and 3 of this 2012 Act.

13 “SECTION 5. The Regional Resource Land Program Fund is established in the State  
14 Treasury separate and distinct from the General Fund. The Regional Resource Land Program  
15 Fund consists of moneys appropriated for deposit into the fund. Moneys in the fund are  
16 continuously appropriated to the Department of Land Conservation and Development to  
17 carry out the provisions of sections 2 to 4 of this 2012 Act.

18 “SECTION 6. (1) In addition to and not in lieu of any other appropriation, there is ap-  
19 propriated to the Department of Land Conservation and Development, for the biennium be-  
20 ginning July 1, 2011, out of the General Fund, the amount of \$600,000 for deposit in the  
21 Regional Resource Land Program Fund established in section 5 of this 2012 Act.

22 “(2) On June 30, 2013, the State Treasurer shall deposit the appropriated moneys into the  
23 fund. The appropriation is available continuously until expended as follows:

24 “(a) The department shall grant \$350,000 to those of the counties that enter into an  
25 intergovernmental agreement under section 1 of this 2012 Act and submit a petition to the  
26 Land Conservation and Development Commission under section 2 of this 2012 Act, for the  
27 purpose of defraying all or part of the costs to the counties to take action under sections 2  
28 and 3 of this 2012 Act; and

29 “(b) The Department of Land Conservation and Development may use up to \$250,000 to  
30 defray costs of the department, the State Department of Agriculture, the State Forestry  
31 Department and the Water Resources Department to carry out the requirements of sections  
32 3 and 4 of this 2012 Act.

33 “SECTION 7. Notwithstanding any other law limiting expenditures, the amount of \$1 is  
34 established for the biennium beginning July 1, 2011, as the maximum limit for payment of  
35 expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but ex-  
36 cluding lottery funds and federal funds, deposited into the Regional Resource Land Program  
37 Fund established in section 5 of this 2012 Act.

38 “SECTION 8. Section 3 of this 2012 Act becomes operative on July 1, 2013.”.