

# Senate Bill 538

Sponsored by Senator CLOSE

## 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**.

Allows two or more counties to petition Land Conservation and Development Commission to establish by rule regional definitions for "agricultural land" and "forestland" for purposes of land use planning in proposed region.

## A BILL FOR AN ACT

1  
2 Relating to regionalized land use planning for resource lands.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 195.**

5 **SECTION 2. (1) Two or more counties that enter into an intergovernmental agreement**  
6 **under ORS 190.003 to 190.130 may jointly petition the Land Conservation and Development**  
7 **Commission to adopt rules that establish definitions of the terms "agricultural land" or**  
8 **"forestland" for land use planning on all lands within those counties or in a specific region**  
9 **within those counties.**

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

11 **(a) Provide information that allows the commission to address the considerations in**  
12 **subsections (5) and (6) of this section and other information the petitioning counties deem**  
13 **necessary for the commission to consider; and**

14 **(b) Meet, or incorporate materials attached with the petition that meet, the requirements**  
15 **of ORS 183.390 for requesting promulgation, amendment or repeal of a rule.**

16 **(3) The act of entering into an intergovernmental agreement pursuant to this section and**  
17 **actions taken by the counties to submit the petition described in this section are not land**  
18 **use decisions.**

19 **(4) If the commission finds that the petition submitted under this section is sufficient to**  
20 **initiate rulemaking proceedings in accordance with ORS 183.335:**

21 **(a) The commission shall accept the petition and initiate rulemaking proceedings to**  
22 **consider adopting the proposed definitions of "agricultural land" or "forestland"; and**

23 **(b) The Department of Land Conservation and Development, in consultation with the**  
24 **State Department of Agriculture, the State Forestry Department, the Water Resources De-**  
25 **partment, the State Department of Fish and Wildlife, the Department of Transportation and**  
26 **the cities and counties in the proposed region, shall evaluate the petition pursuant to sub-**  
27 **sections (5) and (6) of this section.**

28 **(5) The commission shall base its decision on the proposed definitions on:**

29 **(a) The characteristics of the land in the proposed region;**

30 **(b) Commercial farming and forest practices in the proposed region;**

31 **(c) The policies described in ORS 215.243, 215.700 and 527.630; 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       **(d) Consideration of:**  
2       **(A) The capability and suitability of the soils in the proposed region for farm uses or for**  
3 **forest uses;**  
4       **(B) The long-term viability of farm and forest operations in the region;**  
5       **(C) The availability of water to sustain current and anticipated land uses in the proposed**  
6 **region;**  
7       **(D) The land use patterns of commercial farming and forestry in the proposed region and**  
8 **in nearby lands, including the parcelization, tenure and ownership patterns of resource lands**  
9 **and the location of resource lands in relation to lands employed for nonfarm and nonforest**  
10 **uses; and**  
11       **(E) The sufficiency and stability of the farm and forest infrastructure in the proposed**  
12 **region.**  
13       **(6) The commission shall base its decision on the region to which the proposed definitions**  
14 **apply on:**  
15       **(a) The need to address similar or related lands as one region; and**  
16       **(b) The need to address similar or related farming practices and products, or similar or**  
17 **related forest practices and products, in the proposed region in a consistent manner.**  
18       **(7) In adopting rules authorized by this section, the commission shall hold at least one**  
19 **public hearing in each county that would be wholly or partially included in the proposed re-**  
20 **gion.**

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