

# Enrolled Senate Bill 16

Sponsored by Senators FINDLEY, HANSELL; Representative OWENS (Presession filed.)

CHAPTER .....

AN ACT

Relating to Eastern Oregon Border Economic Development Region housing; and prescribing an effective date.

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

**SECTION 1.** Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 215.

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

- (a) The rezoned lands have not been employed for farm use in the prior three years;
- (b) The rezoned lands are not:
  - (A) High-value farmland, as defined in ORS 195.300;
  - (B) Predominantly composed of Class I, II or III soils; or
  - (C) Viable for reasonably obtaining a profit through a farm use;
- (c) Rezoning will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- (d) If the water source for the rezoned lands is a well, the lands are not within a critical ground water area as designated under ORS 537.730 to 537.740 or within an area where ground water withdrawals have been restricted by the Water Resources Commission;
- (e) The property owner agrees as a condition of approval of the rezoning to sign and record in the county deed records an irrevocable deed restriction in the form prescribed by the county acknowledging the protected rights of farm, forest and rangeland practices in the area and prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from any farming, forest or rangeland practices if no claim or action is allowed under ORS 30.936 or 30.937 or otherwise protected by law as a farming, forest or rangeland practice;
- (f) The rezoning complies with all other criteria adopted by the county;
- (g) The approval would not result in a cumulative total of more than 200 acres rezoned by the county under this section;
- (h) The rezoning has received a public hearing and a written opinion from a review board established under section 3 of this 2021 Act; and

(i) In the prior 10 years, the rezoned lands have not been assessed for property tax purposes as:

- (A) Open space land under ORS 308A.300 to 308A.330;
- (B) Riparian habitat under ORS 308A.350 to 308A.383;
- (C) Wildlife habitat under ORS 308A.403 to 308A.430; or
- (D) A conservation easement under ORS 308A.450 to 308A.465.

(2) Upon rezoning lands under this section, the county shall file with the county assessor a statement listing the tax lots to which the change in zoning applies and the applicable date of the change.

**SECTION 3.** (1) A county with lands within the Eastern Oregon Border Economic Development Region, as defined in ORS 284.771, may establish a review board that consists of four members appointed by the governing body of the county.

(2) The members of the review board shall serve terms of no more than four years and may be reappointed by the governing body.

(3) The review board must include:

- (a) One member who represents the interests of the farming community of the county;
- (b) One member who represents the Eastern Oregon Border Economic Development

Board;

- (c) One member who is a member of the governing body of the county; and
- (d) One member who is a member of the planning body for the county.

(4) The review board shall review, and conduct at least one public hearing for, each petition filed under section 2 of this 2021 Act to rezone, and if necessary partition, land and shall provide a written opinion to the county.

(5) The opinion developed by the review board is not a land use decision and is not subject to appeal.

**SECTION 4.** Sections 2 and 3 of this 2021 Act are repealed on January 2, 2030.

**SECTION 5.** The repeal of sections 2 and 3 of this 2021 Act by section 4 of this 2021 Act does not invalidate, or provide any basis for challenging, the rezoning of lands under section 2 of this 2021 Act.

**SECTION 6.** This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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**Passed by Senate March 31, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 22, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2021

**Approved:**

.....M,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2021

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Shemia Fagan, Secretary of State