



February 8, 2021



TO: The Honorable Lee Beyer, Chair
Members of Senate Committee on Energy & Environment

FROM: Emma Land, Legislative Coordinator
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RE: Senate Bill 16

Senate Bill 16 departs from the state's long-established policy of limiting development to within the urban growth boundary. While the department is not taking a position, this bill raises important policy issues the committee should consider.

SB 16 would allow lands planned and zoned for exclusive farm use (EFU) located in the Eastern Oregon Border Economic Development Region¹ to be rezoned to residential use without taking an exception to either Goal 3 (Agricultural Lands) or Goal 14 (Urbanization). This effect raises the concern that counties would no longer be required to amend their comprehensive plans when converting EFU land or go through the public process to receive approval to do so. Also, the change in minimum lot size for new residential areas from 10 to two acres creates more opportunities for increased density.

As written, SB 16 bill would allow farmland in northern Malheur County to be converted to more urban uses, which could lead to an increase in conflicts between agricultural operations and the people living nearby. For instance, noise, dust, and farm traffic may be viewed as annoyances by residents, leading to complaints and requests for additional restrictions on agricultural operations.

The department recognizes that SB 16 contains some limits on how conversions might occur, such as rezoning to residential use is not allowed on lands in farm use in the last three years, and rezonings are not allowed where it will force a significant change in accepted farm or forest practices on surrounding lands. However, the criteria provided in this bill are less rigorous than the existing statutory exceptions process, and without these protections, nearby agricultural operations will likely face additional challenges.

¹ OAR 124-001-0020 states the Region consists of the following areas: Within 20 miles of the Oregon border with the State of Idaho, including but not limited to Ontario, Vale and Nyssa, an area in Oregon that is across the Oregon border from Weiser, Idaho; is an area southwest of Vale for a distance of 10 miles; and includes Willow Creek and Brogan.