



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

February 7, 2023

TO: The Honorable Jeff Golden, Chair
Senate Committee on Natural Resources

FROM: Alexis Biddle, Legislative and Policy Coordinator

RE: Senate Bill 70



Our Department is not taking a position on SB 70, but is providing these comments for the Committee's consideration. We recognize the need to balance housing, economic development, and the conservation of farmland in a way that reflects regional differences across Oregon.

SB 16 (codified as Section 2, chapter 671, Oregon Laws 2021) was passed in 2021 to allow residential development on farmland in the Eastern Oregon Border Economic Development Region. It excluded areas of high value farmland as defined by ORS 195.300. SB 70 would amend Section 2, chapter 671, Oregon Laws 2021 to broaden lands eligible for residential development by narrowing the definition of high value farmland to certain soil types described in ORS 215.710 and allowing consideration of lands that are currently defined as high value farmland under ORS 195.300. If adopted, SB 70 would open up these types of farmland for consideration for conversion to residential development.

In effect, the areas in orange on the attached map would become eligible for consideration for development if other criteria are met – compared to existing policy that allows for land in green to be considered for conversion to residential development.

We understand that the reason for this change is based at least in part on the challenge of identifying what land is currently eligible for residential development because it is difficult to determine which lots or parcels are within the boundary of irrigation districts under ORS 195.300(10)(c).

Our Department recommends an alternative approach to make residential development feasible in the region. Rather than change the definition referred to for land eligible for residential development in the EOBEDR (from ORS 195.300 to 215.710), we propose a more surgical approach to modify the definition of ORS 195.300(10)(c)(b) to not include land within irrigation districts for the purpose of residential development within the region.

This approach would eliminate the identified development barrier in more areas within the EOBEDR, but not make available a wider variety of higher quality soils for development – mitigating loss of high-value farmland as a statewide resource.

Please let us know if we can provide any further information to this important policy discussion.

Best,

Alexis Biddle
Legislative and Policy Coordinator
Department of Land Conservation and Development