



# Oregon

Tina Kotek, Governor

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March 22, 2023

**TO:** The Honorable Janelle Bynum, Chair  
The Honorable Lily Morgan, Vice-Chair  
The Honorable Daniel Nguyen, Vice-Chair  
House Committee on Economic Development

**FROM:** Alexis Biddle, Legislative and Policy Coordinator

**RE: House Bill 3317**



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Chair Bynum, Vice-Chairs Morgan, and Nguyen, and Members of the Committee:

The Department of Land Conservation and Development takes no position on HB 3317. We write to contextualize this bill within the framework of the Oregon Land Use system.

### Existing Law

Current law states that conversion of lands qualifying for protection as exclusive farm use (EFU) under Goal 3 requires comprehensive plan amendment and exception pursuant to OAR Chapter 660, Divisions 4 and/or 14. Existing statutes require amendments to comprehensive plans, including rezoning land, to be approved by the local hearing during a public process that involves providing notice to the department. OAR Chapter 660, Division 4 requires new rural residential areas to have a minimum parcel size of at least 10 acres. Greater densities may only be allowed by justifying an exception to Goal 14.

### HB 3317

HB3317 would allow up to 50 acres of lands planned and zoned EFU located in Wallowa Rural and Recreational Economic Development Region (exact area unclear) to be rezoned for residential development including single-family, middle-housing, and multi-family, without taking an exception to either Goal 3 or Goal 14. Criteria establish that rezoned lands are within one-half mile of city limits, are served by a well and not located within a critical groundwater area. Criteria also states that the property has not been assessed property taxes for open space, riparian habitat, wildlife habitat or as a conservation easement.

HB 3317 appears contrary to the state's agricultural lands policy at ORS 215.243 and Oregon's land use program:

- (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.*
- (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation*
- (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.*
- (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]*

Enabling additional residential development outside of urban growth boundaries and on land zoned exclusive farm use or forest use is contrary to the state's commitment to reduce conflicts between farm and urban activities. The rezoning that this bill would enable could lead to conflicts related to residential land being developed next to existing farming operations.

Thank you for considering DLCD's comments and please let us know if we can answer any questions or more background.

Thank you,

Alexis Biddle  
Legislative and Policy Coordinator  
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