

**SB 408 B STAFF MEASURE SUMMARY**  
**House Committee On Agriculture and Land Use**

**Carrier:** Rep. Smith G

---

**Action Date:** 05/02/19

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 7-0-0-0

**Yeas:** 7 - Boshart Davis, Clem, Helm, McLain, Post, Smith DB, Williams

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Laura Kentnesse, LPRO Analyst

**Meeting Dates:** 4/16, 5/2

---

**WHAT THE MEASURE DOES:**

Allows a county to approve a proposed division of land in an exclusive farm use (EFU) zone for utility facilities necessary for public service if it finds the parcel for the non-farm use is not larger than the minimum size necessary for the use. Prohibits land divided under this Act from being later rezoned by the county for retail, commercial, industrial, or other non-resource use, except as provided under the statewide planning goals or goal exceptions.

**ISSUES DISCUSSED:**

- Land partition tool for the purpose of balancing needed utility services and farmland protections
- Examples of "utility facilities necessary for public service"
- Current options for utilities to acquire property for service infrastructure
- Clarification that the measure does not expand authority for new uses on EFU land, or allow for rezoning if infrastructure is removed in the future

**EFFECT OF AMENDMENT:**

Revises land division requirement that non-farm dwelling parcels cannot be capable of producing "more than 20 cubic feet per acre per year of wood fiber" to "at least 20 cubic feet per acre per year of wood fiber" in Eastern Oregon.

**BACKGROUND:**

Oregon law establishes that agricultural use is an efficient means of conserving natural resources; that the preservation of land for agricultural use is a priority; and that the expansion of urban development into rural lands is a concern because of conflicts between farm and urban activities, such as noise, dust or odor, and loss of open spaces from such expansion (ORS 215.243). Certain non-farm uses may be allowed on exclusive farm use (EFU) lands.

Senate Bill 408 B would allow a county to approve a proposed division of land in an EFU zone for utility facilities necessary for public service if it finds the parcel for the non-farm use is not larger than the minimum size necessary for the use.