



Oregon

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RULEMAKING NOTICE

TO: Interested Persons

FROM: Katherine Daniels, Farm and Forest Lands Specialist

SUBJECT: Notice of Proposed Amendments to Rules Regarding the Siting of Irrigation Reservoirs on Farmland, OAR 660-033-0130 and – 0120 Table 1

Dropping groundwater levels around the state are likely to lead to increasing requests for irrigation reservoirs on farmland to meet irrigation needs. Oregon Board of Agriculture members have requested that the Land Conservation and Development Commission (LCDC) clarify the process for approving such facilities. While water impoundments are currently part of the definition of farm use at ORS 215.203(2)(G), they must lie in or adjacent to and in common ownership with farmland, essentially limiting them to on-site farm and stock ponds. Irrigation canals and delivery facilities are permitted at ORS 215.283(1)(t) but do not clearly include impoundments. Irrigation reservoirs on farmland may currently be sited by taking an exception to Goal 3.

The proposed rule amendments are intended to recognize irrigation reservoirs as an essential type of farm infrastructure to be permitted as a utility facility necessary for public service under ORS 215.213(1)(c) and 215.283(1)(c). At the same time, irrigation reservoirs involve the inundation of hundreds of acres of farmland and have the potential to generate adverse impacts, particularly on Goal 5 resources. The rule amendments attempt to create a clear process for review that is not overly burdensome, yet that provides an opportunity for county review and consideration of significant Goal 5 resources. The proposed rule amendments also restrict certain uses around irrigation reservoirs that could potentially conflict with the irrigation function of these facilities. These uses include commercial recreational uses, destination resorts, other public utilities and commercial power generating facilities that might be attracted to the reservoir.

LCDC will hold a public hearing to consider the proposed rule amendments and to receive public testimony regarding the proposed rules at its June 22-23, 2011 meeting at the department address above in the basement hearing room. The meeting will begin at 8:30 a.m. and other agenda items may precede the rule hearing. LCDC will consider a staff recommendation and public testimony and may adopt the proposed rules. The rules would be effective upon filing with the Secretary of State.

The Notice of Proposed Rulemaking and fiscal statement as well as the proposed rule amendments are attached and are posted on DLCD's website at <http://www.lcd.state.or.us/LCD/rulemaking.shtml>. The agenda for LCDC's June 22-23 meeting will be posted on DLCD's website at least 10 days prior to the meeting at <http://www.lcd.state.or.us/>. Interested persons may provide oral or written testimony at the hearing or may send written comments in advance to the Chair of the Land Conservation and Development Commission, care of Casaria Tuttle at the department's address above, or email comments to casaria.r.tuttle@state.or.us. Fax comments to 503-378-5518.

For additional information, please contact Katherine Daniels, Farm and Forest Lands Specialist, at 503-373-0050 ext. 329 or katherine.daniels@state.or.us.