



Oregon

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August 4, 2011

TO: Land Conservation and Development Commission (LCDC)

FROM: Bob Rindy and Michael Morrissey, Legislative Coordinators
Department of Land Conservation and Development (DLCD)

SUBJECT: **Agenda Item 6, August 17-19, 2011, LCDC Meeting**

FINAL 2011 LEGISLATIVE REPORT

This item includes a report to the Land Conservation and Development Commission (LCDC) regarding land use legislation enacted by the 2011 legislature. This is an information item only, and no deliberation or decision is required. The legislative session ended June 30. The department has issued a final report on land use legislation (see Attachment A) and sent it to local governments, state agencies and other stakeholders.

For additional information about this item contact Bob Rindy at (503) 373-0050 ext. 229 or by e-mail at bob.rindy@state.or.us; or Michael Morrissey at (503) 373-0050 ext. 320 or by e-mail at michael.morrissey@state.or.us.

I. SUMMARY

The department tracked over 150 bills related to land use planning, the department, or related topics. Of those bills, at least 25 were enacted into law (see Attachment A). However, a number of other bills were also “close” to passage at the end of the session – the department’s final bill tracking report is attached (Attachment B, showing bills being tracked as “alive” at the end of the session; many of the bills tracked in the report passed but many did not attain final passage).

While all the bills on the list in Attachment A have passed, three are not signed into law at the time of the report. The report describes only those bills the department believes pertain to land use planning or closely related topics. The list does not include many other topics that may be of interest to local governments, and does not include bills tracked by the department that concerned general state agency matters such as public records or employment issues.

The 2011 legislature did not make any sweeping changes to the Oregon land use program. Nevertheless, several new laws represent important revisions to the program, especially industrial permit streamlining and laws regulating wineries and other events and activities on farmland. New legislation requires the commission to amend the transportation planning rule (work already in progress), authorizes exceptions in Metro urban reserves for new roads, and allows some new Measure 49 claims.

II. LCDC REQUIREMENTS IN RESPONSE TO NEW LEGISLATION

Apart from tasks specified described in newly enacted laws, the department and the commission have certain general responsibilities with respect to new legislation. Under ORS 197.646(3)(a), the department must notify local governments when a new statute requires changes to acknowledged plans and/or land use regulations. The department and the commission must establish by rule the time period within which local plans must be in compliance with a new statutory requirement if the legislation does not specify a time period for compliance. The department has notified local governments of new laws that may affect local plans and ordinances (see Attachment A). This notice indicates the effective date of new legislation.

In most cases, new 2011 legislation will operate without local land use changes. Most of the “passed” legislation listed in Attachment A: 1) is intended to be applied on a case by case basis without regard to local plans, 2) affects DLCD or other agencies rather than local governments, or 3) authorizes but does not require certain changes to local requirement plans and ordinances. No piece of 2011 legislation specifically mandates that local land use plans or regulations must be amended to conform to the legislation. Most new laws will apply regardless of whether a local government makes conforming amendments. However, for the same reasons that DLCD typically amends rules to conform to new legislation, local governments would be advised to adjust local ordinances and procedures to reflect new laws applicable to land use so the public does not confront conflicting provisions at the state and local level.

The department does not believe new rules in response to ORS 197.646(3)(a) are necessary in order to establish a time period for compliance with any new 2011 legislation. All the laws reported in Attachment A include an applicability date (except laws not yet signed). We note that, under ORS 197.646, local governments are required to follow the post-acknowledgement plan amendment (PAPA) process when they amend comprehensive plans and implementing ordinances to comply with new statutory requirements – that statute declares that periodic review is not intended as the process to comply with new laws.

III. NEW LAND USE LAWS ENACTED BY THE 2011 LEGISLATURE

A. DLCD Legislation

The Governor proposed four bills at the request of LCDC and the department. All four of these bills passed and are signed by the Governor. They are:

HB 2129 – Improve Post-acknowledgement Plan Amendment (PAPA) Notice Procedures. The department proposed this legislation in order to improve and clarify notice requirements for plan or code amendments. The bill also provides amended notice procedures applicable when a change to a noticed amended is proposed after the initial notice to DLCD. The new law also resolves some technical gaps and ambiguities in current procedural requirements for plan amendments. We note that the department was seeking authority to collect fees for certain notices, but this provision did not move forward.

HB 2130 – Streamline State Review of Periodic Review and UGB Amendments. The department proposed this bill in order to improve and streamline the process for state review of periodic review decisions, and especially UGB and urban reserve decisions reviewed “in the manner of

periodic review.” The bill clarifies requirements for the record, clarifies the scope of review and other standards applicable to LCDC review and especially judicial review of LCDC orders. The initial version of the bill would have expedited Court of Appeals review of LCDC decisions regarding UGB and urban reserve amendments, but that proposal had a large fiscal impact and ultimately had to be removed for the bill to pass. Although expedited judicial review was one of the main purposes of this legislation, the other provisions that did pass are important improvements to periodic review and UGB review procedures.

HB 2131 – Clarify Statutes Regarding Needed Housing. The department proposed this bill in order to resolve growing confusion over the interpretation of “needed housing” statutes. These statutes have been amended so many times over the past 30 years such that they no longer provided clear, unambiguous direction to local governments. The bill consolidated, re-ordered, and otherwise clarified these statutes but did so in a policy neutral manner. The bill had support from both Homebuilders and 1000 Friends of Oregon.

HB 2132 – Adjustments to Transfer of Development Rights (TDR) Pilot Program. The TDR Pilot Program enacted in 2009 has not resulted in any pilot projects at this time, despite almost two years of outreach by the department. DLCD proposed these amendments to the law in order to provide more incentives to use TDRs. The department must report on this program to the 2013 legislature. The new law includes the following changes:

- Additional unincorporated communities are eligible as “receiving areas” for transferred rights, specifically “resort communities” and “rural service centers” containing at least 100 dwellings at the time of the project (other types of rural communities were already authorized to some extent).
- Rights may now be transferred at a ratio of 2 to 1 to urban unincorporated communities and rural communities, provided public facilities are sufficient.
- Removes requirement for public access to land in the sending area. This provision was a major concern to forest land owners and may have deterred participation.
- Requires transfer receiving areas to be at least five units per acre (rather than ten) or 125% of the allowed density, whichever is greater. For exceptions areas next to UGBs, the old ratio requiring 10du/acre was of major concern to counties.
- Addresses potential inter-jurisdictional ad valorem tax impacts, such as when development rights are transferred from one jurisdiction to another.

B. Legislation Concerning “Urban Issues”

Three bills in particular relate to the “urban” policies of the state land use program, especially Goal 9 (Economic Development) and Goal 12 (Transportation):

HB 3225 – Authorizes exceptions to allow transportation facilities in Metro urban reserves. Such exceptions were prohibited by LCDC rules. This bill was originally drafted in order to authorize an exception for one particular road proposal in an area designated by Metro as urban reserve. The proposed road is in Washington County and would connect I-5 and Hwy 99 from Tigard to Wilsonville. Although reserve rules allow local governments to plan for new roads in urban reserves, precise routing and purchase of right of way may require an exception when the road is in an EFU zone. As the bill moved through the Senate, it was amended at the request of Hillsboro out of concern that an exception would also be necessary for the Shute Road

interchange project being planned in urban reserves in Washington County. This increased concern that future road projects not mentioned in the bill (not even proposed) might somehow be prevented under the wording in the bill. In response, and out of a belief that the bill could not be stopped, Metro drafted amendments to allow exceptions for any roads in Metro urban reserves and these replaced the original bill. The bill does not address rural reserves, where such exceptions are still prohibited. *The bill was not signed by the Governor at the time of this report.*

SB 766 – The bill establishes the Economic Recovery Review Council (ERRC), which reports to the Governor and is made up of agency directors including DLCD (it is staffed primarily by OBDD). ERRC is required to designate 5 to 15 regionally significant industrial areas within three years – areas that must have superior access to transportation and freight infrastructure, are located near labor markets, and have site characteristics that provide competitive advantages. The bill requires local governments to protect these areas for industrial use and to offer an expedited land use review process (similar to expedited land use decisions) for review of industrial projects within regionally significant industrial areas. The bill also provides that applicants for certain large industrial developments (developments of “state significance”) may seek consolidated and expedited 120-day review through ERRC to obtain local and state permits (similar to the EFSC process for energy projects). Industrial developments of state significance subject to this process must be in an existing industrial zone but not necessarily within a “regionally significant industrial area” designated by ERRC. Appeals go directly to the Court of Appeals.

SB 795 – This bill requires LCDC to consider amendments to the Transportation Planning Rule before January 1, 2012 for purposes of streamlining, simplifying, and clarifying certain aspects of the rule. The bill specifies certain things the commission must consider in rulemaking, including:

- Requirements placed on zone changes that are consistent with comprehensive plans,
- Analysis required to determine transportation impacts of urban growth boundary changes,
- Thresholds for required analysis of transportation impacts of project proposals, and
- Analysis required to avoid further degradation of transportation facility performance.

This work was already underway by the department and the commission, so the main effect of this bill is to put time limits on completion of the rulemaking, and to specify specific types of considerations for this rulemaking. The bill also requires the Oregon Transportation Commission (OTC) to consider amendments to the mobility standards contained in the Oregon Highway Plan, in the same timeframe, an important outcome of this legislation. Note: this bill was initially drafted in a manner that would have overturned or circumvented the TPR, reflecting continuing concern about certain provisions of these rules. These provisions did not move forward, in large part through efforts by the Governor’s office.

C. Legislation Concerning Farm and Forest Land

HB 3408 – Irrigation reservoirs proposed by special districts on farmland becomes an outright use in EFU under this legislation. Counties may not deny and may not impose any conditions on outright EFU uses. The legislation was proposed by the irrigation districts who, last year, had asked the Department of Agriculture and DLCD to adjust rules to clarify approval of irrigation reservoirs. These interests indicated the bill was in part a response to their concerns about the draft rules issued by the commission’s appointed workgroup. They do not favor allowing county

“conditional use review” (which would result in varying statewide standards) and were opposed to “ESEE” requirements and other proposed limits to reservoirs in the first draft of the rules. The bill was amended late in the session so as to provide that parks and other recreational structures cannot be approved as part of a particular irrigation reservoir permit. However, these provisions do not limit such uses on adjacent land, or even future proposals for such uses on the tract with the reservoir. At its August meeting, LCDC will consider whether to provide rules to clarify the definition and other issues in response to this legislation (see Item 9).

HB 3465 – This bill addresses a single project/land owner, and authorizes the owner of the Silvies Valley Ranch Development Area to develop a 5,000-acre “guest ranch” with up to 575 units of overnight accommodations and commercial uses. It exempts the development from statutes relating to: guest ranches, other specified land use and land division statutes, statewide land use planning goals, and provisions of Grant County’s acknowledged comprehensive plan and land use regulations. Findings related to economic benefits and wildlife protections are required by the county Board before a master plan can be approved.

SB 960 – Provides procedures and standards for county conditional approval of commercial events or activities on farmland in EFU zones. The bill provides that these must be related to and supportive of agriculture; however, terms are vague and monitoring and enforcement is left largely to counties. This bill resulted from an AOC work group (“task force”) directed by legislators in 2010. Some elements recommended by the AOC work group related to wineries (see HB 3280). SB 960 establishes several tiers of authorized EFU events, ranging from single-event licenses and multiple events up to a maximum of 18 per year. The bill sets standards for the hours of operation, number of attendees, sanitation, and traffic management.

HB 3280 – Relating to wineries. This bill is a result of a long series of meetings by a work group made up primarily of winery interests concerned about existing laws that pertain to activities at wineries, ancillary sales of products, and private “events” (such as weddings). The bill provides for a broader range of activities, events, and sales in addition to wine sales, tasting, and tours, all of which must be “incidental to” the retail sale of the wine and limited to 25 or fewer days in a calendar year. The bill “grandfathers” preexisting county practices for approving certain winery events in those particular counties that did so. Those wineries that had previously received permits to host outdoor concerts may continue to apply for such permits, while other wineries (not previously receiving such permits) are not allowed such activities. The bill creates a new class of “large” wineries, defined as those sited on a tract at least 80 acres of which at least 50 acres is a vineyard, provided the winery has at least an additional 80 acres of planted vineyards and produces at least 150,000 gallons of wine annually. Large wineries are authorized to operate a full-scale commercial restaurant.

D. Other Legislation of Interest

HB 3620 – Allows a person to file a request for reconsideration of a claim under Ballot Measure 49 if the person’s date of acquisition of the property was changed by conveyance of the property. In cases where reacquisition of the property occurred within a 10-day period of the conveyance, the claim may go forward. The department estimates that approximately 7-10 claims will be eligible for additional M49 processing due to this legislation.

HB 3166 – This law provides a new 10-year limit for challenges to local land use decisions that were approved locally but have not been deemed “acknowledged.” Typically, decisions that are not appealed would become “acknowledged” in 21 days, but only if a local government provides required notices to DLCD, neighbors, and/or others. This bill provides a 10-year statute of ultimate repose so land use decisions may be deemed acknowledged in circumstances where a local government was required to give notice to the state (and others) but failed to do so.

HB 3572 – This bill extends the time frame for application for a new destination resort statutorily allowed to the owner of the land previously proposed as a resort in the Metolius River basin. Development of a resort in the basin was prohibited by the 2009 law enacted to protect the Metolius. However, that law allows the owner of the previously designated site to apply to the county, within a specific time frame, to develop a small-scale recreation community at another location outside the basin. It is this time frame that is extended.

IV. SIGNIFICANT LEGISLATION THAT DID NOT PASS

A large number of land use bills were proposed in the 2011 session, similar to the numbers in the five previous sessions. Many did not receive a hearing at all, and many that did have hearings did not move. A few land use bills did pass, as reported above, and most of those represent particular issues that have been prominent during the biennium or had been unresolved for some time; for example the TPR, wineries, and EFU events. However, some issues were the subject of legislation even though they were new (such as concerns about a particular connector road in urban reserves) and even though the commission or the department had not been apprised of concerns (such as the purported coastal goals “imbalance”).

The Governor’s office played an important hands-on role in land use legislation this session, and without a doubt the outcome of many land use bills – those that passed and those that did not – reflected attention by the Governor and his staff. To some extent, the lack of traction on significant land use bills – both “good” and “bad” – is attributable to the evenly divided Oregon House or state budget problems. There was a legislative focus on other pressing matters not related to land use, such as the budget and education. Once again, particular committee chairs in the House and especially the Senate played major roles in the outcome of land use legislation. That is not to discount the affect of the Governor’s office, key interest groups, and particular legislators with respect to their attention to particular measures, both for and against. More important, legislation that had almost any fiscal impact did not move forward, with a few significant exceptions.

Since historically there are a large number of land use bills every session, with recurring themes, it is interesting to take note of bills that, while they failed, did receive considerable attention and partial movement through the legislative process this session. Attachment B indicates the final (July 8) tracking log run by the department. This shows the status of tracked bills on adjournment. The department has yellow shaded those bills that were left in committee on adjournment. This list is a good indication of bills that had traction during the session, but did not pass.¹ The issues in these bills may be of interest to the commission, more so than the many

¹ The bills left in committee at the end of the session shown on the tracking report in Attachment B include only bills in the few committees that did not close previously on April 30 – Ways and Means, Rules, and Revenue committees. Bills in open committees remained ‘alive’ in DLCD tracking logs even though in many cases the bills

bills that did not move. Unfortunately, bills that did not pass also include legislation the department favored, such as HB 2009 regarding Marine Reserves.

The following issues received a great deal of attention by the legislature even though the legislation did not pass (measures in **bold** did pass, but particular provisions were removed and did not pass):

- The desire to increase development outside UGBs on farm and forest land (HB 3615, HB 2595, others);
- Expand UGBs, fewer restrictions on expansion of UGBs, especially for industrial land (HB 2609, HB 2917, HB 3252, SB 771, SB 792);
- Repeal or circumvent the TPR (SB 792, SB 795, HB 3029, **HB 3225**);
- Relax restrictions on destination resorts (HB 3347, HB 3372, **HB 3465**, HB 3467, HB 3572);
- Restrict “standing to appeal,” raise appeal fees, or otherwise make appeals of land use decisions more difficult (HB 2181, HB 2182, HB 2610, HB 2658, HB 3245, SB 186, SB 592);
- Metro reserves: Restrict undesignated land or make sure at least half of Metro reserves are used (for UGB expansion) prior to designation of more reserves (HB 2339, HB 2871);
- Conserve or replace industrial land such that UGBs would need to expand if industrial land is used or lost (HB 2352, HB 2609, **SB 766**);
- Restrictions to cities’ annexation authority (HB 3056, HB 3076, HB 3144, HB 2946, HB 3614).

Below we provide some additional information on particular pieces of major land use legislation that had significant movement through the legislative process but did not pass:

HB 3615 – Would have allowed Jackson, Josephine, and Douglas Counties to petition LCDC to establish regional goal definitions for ‘agricultural land’ and ‘forestland’ (NOTE: The authority to petition for goal amendments already existed in law). If the commission adopted the new definitions, the bill provided that these counties could rezone farm or forest land that no longer meets the amended definition – most likely as ‘nonresource land’ allowing residential and/or other rural development (the authority to rezone based on a new goal definition already exists in law). The standards and process for such approval exist in current statute resulting from passage of HB 2229 (2009). The bill would have appropriated \$600,000 to DLCD, counties, and the

were likely dead much earlier. On the other hand, some bills with considerable traction may have died when a particular policy committee closed on April 30. These bills do not show up on the list even though they may have moved through one or the other chamber (but not both). As such, Attachment B is not a complete list of “bills that did not pass but that had traction.”

Departments of Agriculture, Forestry, and Water Resources. *In full Ways & Means at close of session.*

HB 2009 - The bill would have amended current marine reserve provisions calling for additional rulemaking reporting and public involvement requirements. Efforts to establish protected marine reserves along the Oregon coast will continue despite the Oregon Legislature's failure to vote on a final bill endorsing the work during the 2011 regular legislative session. The legislature did allocate funds to continue the marine reserve process, and ODFW has declared it will go forward and develop the sites under its existing authority. An executive order is also a possibility. *In Ways & Means Natural Resources Subcommittee at the close of session.*

SB 792 - Central Oregon Regional Industrial Areas pilot project. This bill would have allowed regions to designate new areas of large lot "employment land" and add it to UGBs or urban reserves. Amendments to add such land would not require LCDC approval or compliance with Goals 9, 12 (TPR), or 14 (need or location requirements). The bill underwent considerable amendments in response to concerns by the Governor's office, but did not advance due to unwillingness by the sponsors to remove provisions that circumvented TPR and Goal 14 need requirements. *In House Rules at the close of session.*

HB 3467 - This bill would have removed certain restrictions in destination resort law, to the benefit of certain resorts in Central Oregon. The bill primarily pertained to the expansion of a resort near Sunriver, and would have removed requirements for deed restrictions to ensure that only overnight lodging is provided. Various versions of the bill would have provided funding to DEQ to study provision of sewers in the La Pine area of Deschutes County. *In House Rules at the close of session.*

V. ATTACHMENTS

- A. Final DLCD report on legislation
- B. Legislative tracking report July 8, 2011 (showing bills still "alive" at close of session)
- C. HB 3280 and SB 960 comparison
- D. Letter from Representative Richardson regarding HB 3615
- E. Article from Representative Esquivel regarding HB 3615
- F. Article regarding Marine Reserves legislation



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July 12, 2011

TO: Interested Persons, Local Governments and Agencies

FROM: Bob Rindy, Legislative Coordinator
Department of Land Conservation and Development (DLCD)

SUBJECT: 2011 Land Use Legislation

The attached report describes legislation relating to land use planning or similar topics enacted by the 2011 legislature. Note that not all the bills listed here are signed by the governor as of the date of this report. The report is also published on the DLCD web site at:

<http://www.oregon.gov/LCD/docs/legislative/landusebills2011.pdf>

The report provides only a brief summary of each legislative measure. Many of these new laws have elements in addition to those described in the summary, or may include details not apparent in the summary. Therefore, we recommend that you use the report primarily as a reference to new laws that may be of interest. In general, if legislation does not specify an effective date, the effective date of the new law will be January 1, 2012. However, many of the bills enacted in the 2011 session became effective upon passage. The report indicates the effective date of all bills that are signed by the governor at the time of this report.

The report includes hyperlinks for easy reference to a pdf file of the final “enrolled” version of bills published on the state’s legislative web site. The home page of the state’s legislative web site is <http://www.leg.state.or.us/>. All legislation considered in the 2011 legislative session, including a large number of bills that were considered but did not pass, may be accessed at http://www.leg.state.or.us/bills_laws. Printed copies of enacted legislation may be ordered by calling the Legislative Publication Office at the state capitol: (503) 986-1180. DLCD does not have printed copies of legislative measures available for distribution.

If you have questions or comments about the attached report or other legislation, please call DLCD legislative coordinators: Bob Rindy at (503) 373-0050 Ext. 229; email: bob.rindy@state.or.us; or Michael Morrissey, (503)373-0050 Ext. 320; email: michael.morrissey@state.or.us.

Land Use Legislation Report July 8, 2011

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The following bills relating to land use planning or similar topics have passed the 2011 Oregon Legislature. Many but not all of the bills listed here have been signed by the Governor at the time of this report (asterisk * indicates bills not signed by the governor by the date of this report).

For questions about this report, contact Bob Rindy, (503)373-0050 Ext 229, bob.rindy@state.or.us; or Michael Morrissey, (503)373-0050 Ext 320, michael.morrissey@state.or.us.

For information about the Oregon Legislature, call (503) 986-1180.

SB 48

Summary: Limits the types of special districts over which the metropolitan service district exercises jurisdiction for boundary changes. Signed by the Governor, effective January 1, 2012 (Chapter 26, 2011 Laws).

SB 128

Summary: Removes obsolete reporting dates and requires a specified amount of proceeds from Highway User Tax Bonds to be spent on transportation projects. Requires the Department of Transportation to consult with legislative committees before expending certain federal economic stimulus money. Repeals laws requiring development of congestion pricing pilot program. Authorizes parking of up to seven dump trucks and up to seven trailers on lots or parcels of land zoned for forest use or mixed farm and forest use. Signed by the Governor, effective July 6, 2011 (Chapter 629, 2011 Laws).

SB 264

Summary: Exempts county roads from requirements to get a new approach permit for a change of use of a private approach road. Creates access management system under which the Department of Transportation must process applications for approach permits to owners of property abutting highways. Specifies standards for approach permits. Authorizes ODOT and a city to enter into agreement under which jurisdiction and ownership of a segment of a state highway transfers to a city. Includes other provisions. Signed by the Governor, effective June 14, 2011 (Chapter 330, 2011 Laws).

SB 535

Summary: Modifies provisions of law that restrict location of armories to land inside a city; provides that an armory may be constructed outside of city limits (does not modify land use laws that may pertain to location of armories). Signed by the Governor, effective May 19, 2011 (Chapter 87, 2011 Laws).

SB 592

Summary: Declares that statutes authorizing or mandating award of attorney fees to parties in a proceeding such as judicial review or other appellate review, including statutes that authorize or require award of attorney fees in administrative proceedings, shall be construed as authorizing or mandating that award on appeal. Takes effect January 1, 2012; applies only to judicial review proceedings commenced on or after the effective date of act. Signed by the Governor, effective January 1, 2012 (Chapter 513, 2011 Laws).

SB 640

Summary: Authorizes division of land in an exclusive farm use zone in order to create a parcel smaller than the minimum lot or parcel size where the parcel is for establishment of fire service facilities providing rural fire protection services. Signed by the Governor: effective May 24, 2011 (Chapter 135, 2011 Laws).

SB 766

Summary: Establishes the Economic Recovery Review Council as an independent council that reports directly to the Governor and authorizes the council to perform expedited site reviews for proposed industrial development projects that have state significance. Requires the council to designate at least five and not more than fifteen regionally significant industrial areas within three years of the effective date of the act. Authorizes local governments to nominate regionally significant industrial areas for designation by the council and allows expedited permitting of industrial uses in regionally significant industrial areas if the new or expanded use does not require a change to a statewide planning goal, an acknowledged comprehensive plan or a land use regulation. Sets timelines and procedures for local government review of an expedited industrial use permit. Sunsets the council when the annual average unemployment rate for the most recent calendar year in Oregon is less than six percent. Signed by the Governor, effective June 28, 2011 (Chapter 564, 2011 Laws).

SB 795

Summary: Requires Land Conservation and Development Commission to adopt revisions to the transportation planning rules (OAR 660, division 12) to streamline, simplify and clarify certain aspects of the rules before January 1, 2012. Requires the Oregon Transportation Commission to adopt revisions to the Oregon Highway Plan, streamlining, simplifying and clarifying certain aspects of plan before January 1, 2012. Requires report to Legislative Assembly before February 1, 2012. Signed by the Governor, effective June 17, 2011 (Chapter 432, 2011 Laws).

SB 960

Summary: Creates processes by which counties may conditionally approve up to 18 agri-tourism events and other commercial events or activities related to and supportive of agriculture in areas zoned for exclusive farm use (EFU), including events in EFU areas designated as rural or urban reserves. Signed by the Governor, effective June 28, 2011 (Chapter 567, 2011 Laws).

HB 2129

Summary: Modifies and clarifies the process for local government to make post-acknowledgment changes to comprehensive plans and land use regulations, including post-acknowledgement plan amendment notice procedures. Provides for electronic notice. Adjusts notice requirements with respect to a change in a proposed local amendment proposed after the initial notice to DLCD. This legislation was proposed by the Department of Land Conservation and Development. Signed by the governor, effective January 1, 2012 (Chapter 280, 2011 Laws).

HB 2130

Summary: Modifies provisions regulating periodic review of comprehensive plans and regional framework plans, including provisions for LCDC review of urban growth boundaries and urban reserve designations “in the manner of periodic review,” and including provisions regulating judicial review of orders of Land Conservation and Development Commission. Resolves gaps and ambiguities in current procedural requirements and clarifies the record, scope and standards for LCDC review. Ensures concerns are raised and addressed at the local level before being raised at the review level. This legislation was proposed by the Department of Land Conservation and Development. Signed by the Governor, effective June 23, 2011 (Chapter 469, 2011 Laws).

HB 2131

Summary: Modifies criteria for establishment and review of needed housing within urban growth boundaries (UGBs). This legislation consolidates, re-orders, and otherwise clarifies statutes under ORS 197.303-197.307 but is not intended to change the intent of these statutes (these statutes ensure that cities provide sufficient land to accommodate needed housing for the 20-year UGB planning period). This legislation was proposed by the Department of Land Conservation and Development. Signed by the Governor, effective January 1, 2012 (Chapter 354, 2011 Laws).

HB 2132

Summary: Modifies provisions of DLCD pilot program that authorize transfer of development rights between properties in areas designated as sending areas and receiving areas. The 2009 Legislature established a Transfer of Development Rights (TDR) Pilot Program administered by DLCD to test TDRs as a market-based method to conserve forest land for forest use. The 2009 law authorized up to three “pilot projects” to test these TDR ideas on the ground. This bill authorizes additional unincorporated communities as “receiving areas” for transferred rights, and allows higher transfer ratios than the 2009 legislation in certain circumstances. Includes additional incentives. This legislation was proposed by the Department of Land Conservation and Development. Signed by the Governor, effective May 27, 2011 (Chapter 144, 2011 Laws).

HB 2154

Summary: Expands definitions of farmworker and contributor for purposes of farmworker housing tax credits and makes exception to provisions barring credits for dwellings occupied by relatives of owner in case of manufactured dwelling park

nonprofit cooperatives. The expanded definition and exceptions in this legislation do not apply on land zoned exclusive farm use; the existing definitions and other provisions for farmworker housing on EFU land were not modified but were moved by this legislation to ORS 215.277 with related amendments to ORS 215.278. Signed by the Governor, effective September 29, 2011 (Chapter 471, 2011 Laws).

HB 2688

Summary: Corrects statutory references related to review of urban reserve designations. Signed by the Governor, effective January 1, 2012 (Chapter 150, 2011 Laws). NOTE: Due to conflicts between HB 2130 and HB 2688 (which had passed earlier in the session than HB 2130) section 2 of HB 2688 amending ORS 197.626 is repealed by HB 2130 and does not go into effect.

HB 2700

Summary: Allows person proposing removal or fill activity for construction or maintenance of a linear facility, including persons who are not the land owner, to apply for a removal or fill permit. Restricts the use of such permit. Signed by the Governor, effective June 16, 2011 (Chapter 370, 2011 Laws).

HB 2753

Summary: Extends the “sunset”, from 2012 to 2018, for provisions authorizing establishment of guest ranches in EFU areas of eastern Oregon. Prohibits establishment of guest ranches in certain federally designated areas or in an area established by Congress for protection of scenic or ecological resources. Signed by the Governor, effective January 1, 2012 (Chapter 451, 2011 Laws).

HB 3166

Summary: Establishes ultimate time limits for a person to file a request with Land Use Board of Appeals for review of a land use or limited land use decision due to certain procedural or notice errors. The appeal period may not exceed three years after the date of the decision in certain circumstances, and may not exceed 10 years in circumstances where notice is required but has not been provided. Signed by the Governor, effective June 23, 2011 (Chapter 483, 2011 Laws).

HB 3225*

Summary: Authorizes a county to take exception to a statewide planning goal where necessary to allow establishment of transportation facilities in an area designated as urban reserve. Declares emergency, effective on passage.

HB 3280*

Summary: Modifies statutes regulating establishment of wineries and winery sales and services in exclusive farm use zones. Authorizes up to 25 days of events at wineries and also allows counties that have previously permitted events at wineries to continue to do so. Creates a new “large winery” category; allows restaurants and more than 25 days of events for large wineries. Includes other provisions. Declares emergency; includes a sunset for portions of the bill. Effective on passage.

HB 3290

Summary: Makes a minor modification to the farm income standard adopted by Land Conservation and Development Commission for establishing primary and accessory dwellings customarily provided in conjunction with farm use in areas zoned for exclusive farm use. Signed by the Governor, effective January 1, 2012 (Chapter 459, 2011 Laws).

HB 3408

Summary: Modifies provisions and authorizes placement of irrigation reservoirs by certain special districts or corporations as outright permitted uses on land zoned for exclusive farm use. Affects irrigation property of irrigation districts, drainage districts, water improvement districts, water control districts and specified corporations. Signed by the Governor, effective January 1, 2012 Chapter 462, (2011 Laws).

HB 3465*

Summary: Authorizes the expansion of an existing guest ranch in the Silvies Valley area of Grant County to include 575 units of overnight accommodations and commercial uses on a 5,000 acre site. Exempts this development from statutes relating to guest ranches and other specified land use and land division statutes, statewide land use planning goals and provisions of Grant County's acknowledged comprehensive plan and land use regulations. Declares emergency, effective on passage.

HB 3516

Summary: Authorizes installation and use of solar photovoltaic energy systems on residential or commercial structures in zones in which residential or commercial structures are authorized. Requires local government reviewing a permit application for such systems to make ministerial decision approving or denying permits, and prevents local government from collecting fees for applications to install solar photovoltaic energy systems. Limits certain land use reviews of such sites and creates exceptions. Signed by the Governor, effective January 1, 2012 (Chapter 464, 2011 Laws).

HB 3572

Summary: Changes the time frame within which the owner of a destination resort site previously proposed in the Metolius River basin but prohibited by 2009 law may apply to the county to develop a small-scale recreation community at another location. Modifies the application of the seasonally-adjusted unemployment rate for the county as a basis for siting a community authorized by the 2009 law. Signed by the Governor, effective January 1, 2012 (Chapter 404, 2011 Laws).

HB 3620

Summary: Allows a person to file a request for reconsideration of a claim under Ballot Measure 49 (2007) if person's date of acquisition of property was affected by conveyance of the property and the person reacquired the property within 10 days after conveyance (less than ten claims are estimated to be affected by this bill). Signed by the Governor, effective January 1, 2012 (Chapter 612, 2011 Laws).

HB5032

Summary: Appropriates moneys from General Fund to the Department of Land Conservation and Development for certain biennial expenses and provides funds for local planning grants. Limits certain biennial expenditures from fees, moneys or other revenues. Limits biennial expenditures by the department from federal funds. Signed by the Governor, effective July 1, 2011 (Chapter 254, 2011 Laws).

DLCD Legislative Tracking Report

Report Date: July 8, 2011

Bill #	Relating To Clause	Summary	At the Request of	First 2 Sponsors	Bill Location	Bill Assigned to Committee	Prty	Last Three Actions
HB2009	Relating to ocean resources; appropriating money; declaring an emergency.	Modifies provisions related to marine reserves. Requires certain reporting regarding marine reserves work plan. Requires certain reporting regarding funding. Establishes Ocean Resources Fund. Continuously appropriates moneys in fund to State Department of Fish and Wildlife. Specifies uses of moneys. Declares emergency, effective on passage.	Oregon Coastal Caucus	Jean Cowan Jeff Kruse	In House Committee on Adjournment	Ways and Means	1	05/18/11 - Public Hearing held. 05/03/11 - Assigned to Subcommittee On Natural Resources. 04/22/11 - Referred to Ways and Means by order of Speaker.
HB2129A	Relating to procedure for post-acknowledgment change to local land use plans.	Modifies process for local government to make post-acknowledgment changes to comprehensive plans and land use regulations.	Governor John A. Kitzhaber for Department of Land Conservation and Development	Pre-session filed.	Chapter Number Assigned		1	06/09/11 - Chapter 280, (2011 Laws): Effective date January 1, 2012. 06/09/11 - Governor signed. 06/03/11 - President signed.
HB2130B	Relating to periodic review of land use planning; and declaring an emergency.	Modifies provisions regulating periodic review of comprehensive plans and regional framework plans. Modifies provisions regulating judicial review of orders of Land Conservation and Development Commission. Declares emergency, effective on passage.	Governor John A. Kitzhaber for Department of Land Conservation and Development	Pre-session filed.	Chapter Number Assigned		1	06/23/11 - Chapter 469, (2011 Laws): Effective date June 23, 2011. 06/23/11 - Governor signed. 06/20/11 - President signed.
HB2131A	Relating to land use planning for needed housing.	Modifies criteria for establishment and review of needed housing within urban growth boundaries.	Governor John A. Kitzhaber for Department of Land Conservation and Development	Pre-session filed.	Chapter Number Assigned		1	06/16/11 - Chapter 354, (2011 Laws): Effective date January 1, 2012. 06/16/11 - Governor signed. 06/09/11 - President signed.
HB2132	Relating to transfer of development pilot program; and declaring an emergency.	Modifies provisions of pilot program that authorizes transfer of development rights between properties in areas designated as sending areas and receiving areas. Declares emergency, effective on passage.	Governor John A. Kitzhaber for Department of Land Conservation and Development	Pre-session filed.	Chapter Number Assigned		1	05/27/11 - Chapter 144, (2011 Laws): Effective date May 27, 2011. 05/27/11 - Governor signed. 05/20/11 - President signed.
HB2154B	Relating to tax credits for	Expands definitions of farmworker and contributor for	Governor John A.	Pre-session	Chapter		1	06/23/11 - Chapter 471,

		<i>housing projects.] Applies to tax years beginning on or after January 1, 2008, and to applications for farmworker housing credit approval filed on or after effective date of Act. Takes effect on 91st day following adjournment sine die.</i>						
HB2208A	Relating to energy; prescribing an effective date.	<i>Modifies provisions related to single energy facilities. Requires review of certain applications by Energy Facility Siting Council.] Declares emergency, effective on passage.] Creates income and corporate excise tax credit for renewable energy production systems, defined as systems using biomass, solar, geothermal, hydroelectric or wave, tidal or ocean thermal energy technology to produce energy. Bases amount of tax credit on projected first year energy yield of system. Restricts availability of tax credits to projects with total system cost not in excess of \$20 million. Limits total tax credits available to all taxpayers to \$150 million for 12-month period beginning July 1, 2012. Reserves up to \$15 million of total tax credits for projects recommended by Oregon Innovation Council. Provides for certification of eligible systems by State Department of Energy. Directs department to establish eligibility standards and standards for allocating available credit amounts. Applies to applications for preliminary certification submitted after July 1, 2012, and to tax years beginning on or after January 1, 2012. Takes effect on 91st day following adjournment sine die.</i>	House Interim Committee on Sustainability and Economic Development	Presession filed.	In House Committee on Adjournment	Revenue	1	04/26/11 - Referred to Revenue then to Tax Credits by order of the Co-Speakers. 04/26/11 - Without recommendation as to passage, with amendments, be printed A-Engrossed, and be referred to Revenue, then Tax Credits. 04/18/11 - Work Session held.
HB2688A	Relating to review of land reserve designations.	Adjusts statutory references related to review of local government land reserve designations.	House Interim Committee on Judiciary for Oregon State Bar Real Estate and Land Use Section	Presession filed.	Chapter Number Assigned		1	05/27/11 - Chapter 150, (2011 Laws): Effective date January 1, 2012. 05/27/11 - Governor signed. 05/20/11 - President signed.
HB2753A	Relating to guest ranches.	Prohibits establishment of guest ranches in certain federally designated areas or in area established by Congress for protection of scenic or ecological resources. Extends sunset from 2012 to 2018 for provisions authorizing establishment of guest ranches.		Brian Clem Presession filed.	Chapter Number Assigned		1	06/21/11 - Chapter 451, (2011 Laws): Effective date January 1, 2012. 06/21/11 - Governor signed. 06/15/11 - President signed.
HB3029	Relating to transportation planning.	Prohibits Department of Land Conservation and Development from requiring area within urban growth boundary with population of 10,000 or less to have transportation financing program.		John Huffman Cliff Bentz	In Senate Committee on Adjournment	Environment and Natural Resources	1	06/30/11 - In committee upon adjournment. 04/12/11 - Referred to Environment and Natural Resources. 04/06/11 - First reading. Referred to Presidents desk.

HB3109A	Relating to ecosystem services; declaring an emergency.	Expands state policy relating to ecosystems. Adds ecosystem services to principles guiding state <i>land use program</i> water quality program and state fill-removal program . Directs Governors office to facilitate review of state conservation plans. Directs Institute for Natural Resources to provide information to <i>local governments, state agencies, federal agencies and conservation organizations</i> specified entities in order to assist in development of integrated ecosystem services methodologies. Authorizes state agencies and local governments to allow use of credits for ecosystems services as compensatory mitigation. Specifies circumstances under which state agency may purchase or receive credits for ecosystem services. Declares emergency, effective on passage.		Chris Garrett Vic Gilliam	In House Committee on Adjournment	Ways and Means	1 1	04/21/11 - Referred to Ways and Means by order of Speaker. 04/21/11 - Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means. 04/14/11 - Work Session held.
HB3127A	Relating to use of land zoned for forest use.	Authorizes parking of up to 10] seven dump trucks and up to 10] seven trailers on lot or parcel of land zoned for forest use or mixed farm and forest use.	Jim Althausser	Vic Gilliam Fred Girod	In Senate Committee on Adjournment	Environment and Natural Resources	1	06/30/11 - In committee upon adjournment. 05/31/11 - Public Hearing held. 05/05/11 - Referred to Environment and Natural Resources.
HB3225B	Relating to development in urban reserves; and declaring an emergency.	<i>Specifies conditions under which city street or county road may be constructed or extended on land designated as urban reserve by metropolitan service district.]</i> Authorizes county to take exception to statewide planning goal to allow establishment of transportation facility in area designated as urban reserve. Declares emergency, effective on passage.	South Metro Business Alliance	Julie Parrish Matt Wingard	Senate Presidents Desk - Awaiting Signature		1	06/24/11 - President signed. 06/23/11 - Co-Speakers signed. 06/16/11 - Senate adopted Conference Committee Report and repassed bill.
HB3280B	Relating to wineries in exclusive farm use zones; and declaring an emergency.	Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone. <i>Modifies authority for conditional approval for establishment of winery in exclusive farm use zone.]</i> Declares emergency, effective on passage.		Paul Holvey Phil Barnhart	Governors Office - Awaiting Signature	HB 3280	1	06/30/11 - President signed. 06/30/11 - Co-Speakers signed. 06/27/11 - Senate adopted Conference Committee Report and repassed bill.
HB3290A	Relating to farm income standard for dwellings.	Modifies application of farm income standard adopted by Land Conservation and Development Commission for establishing primary and accessory dwellings customarily provided in conjunction with farm use in areas zoned for exclusive farm use.		Jim Thompson Deborah Boone	Chapter Number Assigned		1	06/21/11 - Chapter 459, (2011 Laws): Effective date January 1, 2012. 06/21/11 - Governor signed. 06/15/11 - President signed.
HB3386A	Relating to transfer of property noted on plat.	Modifies provisions authorizing dedication, conveyance or grant of property in subdivision or partition process.	Oregon Association of County Engineers and Surveyors	Bill Kennemer	In Senate Committee on Adjournment	Environment and Natural Resources	1	06/30/11 - In committee upon adjournment. 04/12/11 - Referred to Environment and Natural Resources. 04/05/11 - First reading. Referred to Presidents desk.

HB3408A	Relating to irrigation property.	Modifies provision authorizing placement of irrigation property by certain special districts or corporations as outright permitted use on land zoned for exclusive farm use. Affects irrigation property of irrigation districts, drainage districts, water improvement districts, water control districts and specified corporations.		Judiciary (H)	Chapter Number Assigned	1	06/21/11 - Chapter 462, (2011 Laws): Effective date January 1, 2012. 06/21/11 - Governor signed. 06/15/11 - President signed.	
HB3465B	Relating to guest ranches; and declaring an emergency.	<i>Directs Department of Land Conservation and Development to establish Oregon Guest Ranch Pilot Program for two pilot projects for development of guest ranches in eastern Oregon. Sunsets pilot program on January 2, 2018.</i>] Authorizes owner of <i>Silvies Valley Ranch Development Area to expand expansion of</i> existing guest ranch to include 575 units of overnight accommodations and commercial uses. Exempts development from statutes relating to guest ranches and other specified land use and land division statutes, statewide land use planning goals and provisions of Grant Countys acknowledged comprehensive plan and land use regulations. <i>Adjusts sunset date for provisions relating to guest ranches.</i>] Declares emergency, effective on passage.		Agriculture and Natural Resources (H)	Governors Office - Awaiting Signature	1	06/29/11 - President signed. 06/29/11 - Co-Speakers signed. 06/23/11 - Vote explanation(s) filed by Smith J.	
HB3467	Relating to destination resorts.	Modifies requirements for siting of destination resorts and for facilities or amenities that may be included in destination resorts.		Gene Whisnant	In House Committee on Adjournment	Rules	1	04/25/11 - Referred to Rules by order of Speaker. 04/25/11 - Without recommendation as to passage and be referred to Rules. 04/20/11 - Work Session held.
HB3572	Relating to small-scale recreation communities.	Changes time frame within which owner of Metolius resort site may apply to county to develop small-scale recreation community. Modifies application of seasonally adjusted unemployment rate for county as basis for siting community.	Jim Kean	Brian Clem Ben Cannon	Chapter Number Assigned	1	06/17/11 - Chapter 404, (2011 Laws): Effective date January 1, 2012. 06/17/11 - Governor signed. 06/10/11 - President signed.	
HB3595A	Relating to solar energy generation.	Authorizes local government to conditionally approve siting of solar energy generation facilities when siting is within jurisdiction of local government and on farmland that is not high-value farmland but is within area zoned for exclusive farm use.		John Huffman Gene Whisnant	In House Committee on Adjournment	Ways and Means	1	05/17/11 - Public Hearing held. 05/06/11 - Assigned to Subcommittee On Natural Resources. 04/27/11 - Referred to Ways and Means by order of Speaker.
HB3609	Relating to the free exercise of religion.	Prohibits public body from burdening persons free exercise of religion even if burden results from application of rule of general applicability. Allows public body to burden persons free exercise of religion if public body demonstrates that application of burden is essential to further compelling governmental interest and is least restrictive means of furthering that compelling governmental interest. Prohibits public body from imposing or implementing land use regulation in manner that imposes unreasonable		Shawn Lindsay	In House Committee on Adjournment	Rules	1	06/01/11 - Public Hearing held. 04/04/11 - Referred to Rules. 03/30/11 - First reading. Referred to the desks of the Co-Speakers.

		burden on persons exercise of religion, regardless of compelling governmental interest. Specifies exemptions.						
HB3615A	Relating to regionalized land use planning; appropriating money.	<i>Authorizes establishment of regional definitions of agricultural land and forest land for purposes of land use goal setting.] Allows Jackson, Josephine and Douglas Counties to petition Land Conservation and Development Commission to establish regional definitions for agricultural land and forestland for purposes of statewide land use planning. Authorizes, for biennium beginning July 1, 2013, receipt by commission of one or two such petitions filed by other adjoining counties.</i> Appropriates moneys to Department of Land Conservation and Development to make grants to Jackson, Josephine and Douglas Counties to <i>pursue</i> petition for regional definitions of agricultural land and forestland.		Bill Garrard Sal Esquivel	In House Committee on Adjournment	Ways and Means	1	05/16/11 - Public Hearing held. 05/06/11 - Assigned to Subcommittee On Natural Resources. 04/27/11 - Referred to Ways and Means by prior reference.
HB3620	Relating to Ballot Measure 49 (2007) claims.	Allows person to file request for reconsideration of claim under Ballot Measure 49 (2007) if persons date of acquisition of property was affected by conveyance of property and person reacquired property within 10 days after conveyance.		John Huffman	Chapter Number Assigned		1	07/06/11 - Chapter 612, (2011 Laws): Effective date January 1, 2012. 07/06/11 - Governor signed.
HB3621	Relating to Ballot Measure 49 (2007) claims; declaring an emergency.	Allows person that received waiver pursuant to Ballot Measure 37 (2005) claim to develop or use property pursuant to waiver if person expended more than \$400,000 completing or continuing use described by waiver. Declaring emergency, effective on passage.		Vic Gilliam	In House Committee on Adjournment	Rules	1	05/02/11 - Public Hearing held. 04/18/11 - Public Hearing held. 04/06/11 - Referred to Rules.
HB3624	Relating to wineries; declaring an emergency.	Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone and on other agricultural land. Declares emergency, effective on passage.		Paul Holvey Phil Barnhart	In House Committee on Adjournment	Rules	1	04/08/11 - Referred to Rules. 04/07/11 - First reading.
HB3653	Relating to dog training on land zoned for exclusive farm use; declaring an emergency.	Expands definition of farm use to include facilities for training dogs in canine skills on land zoned for exclusive farm use. Declares emergency, effective on passage.		Mike Schauffer Jim Weidner	In House Committee on Adjournment	Rules	1	06/01/11 - Work Session 05/16/11 - Public Hearing held. 04/27/11 - Referred to Rules.
HB3654	Relating to uses of resource land in conjunction with agricultural production; declaring an emergency.	Modifies criteria for siting winery in exclusive farm use zone. Authorizes siting of winery in forest zones and mixed farm and forest zones. Modifies authorized activity of winery sited in resource zone. Authorizes conditional approval of events or activities on tract of resource land that are incidental and subordinate to farm use of, or production of wine on, tract. Declares emergency, effective on passage.		Jim Thompson Brian Boquist	In House Committee on Adjournment	Rules	1	05/19/11 - Public Hearing held. 04/29/11 - Referred to Rules. 04/27/11 - First reading.
HB5032A	Relating to the financial administration of the Department of Land Conservation and Development; appropriating money; and declaring an emergency.	Appropriates moneys from General Fund to Department of Land Conservation and Development for certain biennial expenses. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department. Limits biennial expenditures by department from federal funds. Declares emergency, effective July 1, 2011.	Budget and Management Division, Oregon Department of Administrative Services	Presession filed.	Chapter Number Assigned		1	06/07/11 - Chapter 254, (2011 Laws): Effective date July 1, 2011. 06/07/11 - Governor signed. 06/02/11 - President signed.

SB128B	Relating to transportation; and declaring an emergency.	Removes obsolete reporting dates for Road User Fee Task Force. Requires specified amount of proceeds from Highway User Tax Bonds to be spent on transportation projects. Requires Department of Transportation to consult with legislative committees related to transportation before expending certain federal general economic stimulus moneys. Requires department to participate in meetings held by cooperating committee created pursuant to Multistate Highway Transportation Agreement. <i>Specifies that ordinances by county with population of 350,000 or more may impose, until July 1, 2013, registration fees only for purpose of replacing Sellwood Bridge. Restricts use of bridge until July 1, 2013. Suspends, until July 1, 2013, certain provisions related to imposition of registration fees.</i> Authorizes parking of up to seven dump trucks and up to seven trailers on lot or parcel of land zoned for forest use or mixed farm and forest use. Repeals laws requiring development of congestion pricing pilot program. Declares emergency, effective on passage.	Governor John A. Kitzhaber for Department of Transportation	Presession filed.	Chapter Number Assigned	1 3	07/06/11 - Effective date, July 6, 2011. 07/06/11 - Chapter 629, 2011 Laws. 07/06/11 - Governor signed.	
SB449	Relating to the Legislative Ombudsman; appropriating money.	Creates position of Legislative Ombudsman within legislative department of state government. Establishes process for selecting ombudsman. Defines duties and authority of ombudsman. Requires certain state agencies to cooperate with ombudsman. Appropriates moneys to Legislative Assembly for ombudsman. Abolishes Office of Childrens Advocate, Compensation and Conservation Ombudsman, office of Corrections Ombudsman, Oregon Health Authority positions for providing ombudsman services, Office of Manufactured Dwelling Park Community Relations and offices of ombudsman for injured workers and ombudsman for small business in Department of Consumer and Business Services. Transfers ombudsmen rights and obligations to Legislative Ombudsman.	Tori Klein	Floyd Prozanski Jackie Winters	In Senate Committee on Adjournment	Rules	1 1 1	06/30/11 - In committee upon adjournment. 03/31/11 - Public Hearing held. 01/18/11 - Referred to Rules.
SB452	Relating to fees for appeal of local land use decisions.	Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application. Requires city or county to refund appeals fee and transcript fee when appellate authority of city or county declines to hear review. Prohibits city or county from charging fee for appeal of final decision of county to Land Use Board of Appeals.	Central Oregon LandWatch	Floyd Prozanski	In Senate Committee on Adjournment	Finance and Revenue	1 1	06/30/11 - In committee upon adjournment. 03/02/11 - Public Hearing held. 01/18/11 - Referred to Finance and Revenue.
SB554A	Relating to renewable energy resource development areas; appropriating money; declaring an emergency.	Creates Task Force on Renewable Resource Generation and Transmission Development Areas. Sunsets task force on date of convening of 2013 <i>legislative session</i> regular session of Legislative Assembly. Continuously appropriates to task force moneys contributed by United States Government or other source for task force. Declares emergency, effective on passage.		Chris Edwards Tobias Read	In Senate Committee on Adjournment	Ways and Means	1	06/30/11 - In committee upon adjournment. 04/15/11 - Referred to Ways and Means by order of the President. 04/15/11 - Recommendation: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng)

SB640	Relating to division of land for fire service facilities; and declaring an emergency.	Authorizes division of land in exclusive farm use zone to create parcel smaller than minimum lot or parcel size on which to establish fire service facilities that provide rural fire protection services. Declares emergency, effective on passage.	Fred Girod Vic Gilliam	Chapter Number Assigned	1	05/24/11 - Effective date, May 24, 2011. 05/24/11 - Chapter 135, 2011 Laws. 05/24/11 - Governor signed.
SB766B	Relating to siting of industrial uses; appropriating money; and declaring an emergency.	Requires designation of at least five and not more than 15 regionally significant industrial areas. Allows for expedited permitting of industrial uses in regionally significant industrial areas. Establishes Economic Recovery Review Council. Authorizes council to perform expedited site reviews for proposed industrial development projects that have state significance. Establishes Economic Recovery Review Council Fund and continuously appropriates moneys in fund to council for purposes of performing expedited site reviews. Sunsets council, fund and authority for expedited site reviews for proposed industrial development projects of state significance on January 2 of first even-numbered year after notification that annual average unemployment rate for most recent calendar year in Oregon is less than six percent. Increases limitation on specified biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Department of Land Conservation and Development and, for specified purposes, Oregon Business Development Department. Declares emergency, effective on passage.	Richard Devlin Brian Clem	Chapter Number Assigned	1	06/30/11 - Effective date, June 28, 2011. 06/30/11 - Chapter 564, 2011 Laws. 06/29/11 - Governor signed.
SB792A	Relating to planning use of land for development of employment opportunities; declaring an emergency.	<i>Authorizes local governments to enter into cooperative agreements to plan for regional economic development and designate sites that are suitable for development of employment opportunities.]</i> Authorizes Crook, Deschutes and Jefferson Counties to plan and designate high-value employment sites pursuant to qualifying regional economic opportunity plan. Directs Department of Land Conservation and Development to amend statewide land use planning goals and rules within one year to enable local governments, when authorized by law, to plan and designate high-value employment sites pursuant to qualifying regional economic opportunity plans. Declares emergency, effective on passage.	Chris Telfer Gene Whisnant	In Senate Committee on Adjournment	Rules 1	06/30/11 - In committee upon adjournment. 04/28/11 - Referred to Rules by order of the President. 04/28/11 - Recommendation: Do pass with amendments and be referred to Rules. (Printed A-Eng)
SB795A	Relating to transportation planning; and declaring an emergency.	<i>Prohibits adoption or enforcement by Land Conservation and Development Commission of transportation planning rule with specified function.] Sunsets provision January 2, 2017.]</i> Requires Land Conservation and Development Commission to adopt revisions to transportation planning rule for purposes of streamlining, simplifying and clarifying certain aspects of rule before January 1, 2012. Requires Oregon Transportation	Chris Telfer Ted Ferrioli	Chapter Number Assigned	1	06/22/11 - Effective date, June 17, 2011. 06/22/11 - Chapter 432, 2011 Laws. 06/17/11 - Governor signed.

Bill Number	Subject	Description	Committee	Staff	Status	Committee	Priority	History
<p>Commission to adopt revisions to Oregon Highway Plan for purposes of streamlining, simplifying and clarifying certain aspects of plan before January 1, 2012. Requires commissions to report to Legislative Assembly before February 1, 2012. Declares emergency, effective on passage.</p>								
SB829A	Relating to wineries; declaring an emergency.	<i>Changes type of restaurant allowed at winery located in exclusive farm use zone. Continues current law allowing winery located in exclusive farm use zone to provide services related to sale and promotion of wine, including private events hosted by winery or winery patrons.]</i> Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone and on other agricultural land. Declares emergency, effective on passage.		Chris Edwards Paul Holvey	In House Committee on Adjournment	Business and Labor	1	06/27/11 - Motion to refer to Business and Labor carried. Referred. 06/23/11 - Rules suspended. Carried over to June 27, 2011 Calendar. 06/22/11 - Rules suspended. Carried over to June 23, 2011 Calendar.
SB960A	Relating to uses on lands zoned for exclusive farm use; and declaring an emergency.	<i>Authorizes conditional approval of temporary promotional events subordinate to agricultural activities on lands zoned for exclusive farm use. Requires periodic review of approved special use permits.]</i> Creates processes by which county may conditionally approve agri-tourism and other commercial events or activities related to and supportive of agriculture in area zoned for exclusive farm use, including area designated as rural reserve or as urban reserve. Declares emergency, effective on passage.	Association of Oregon Counties, Oregon Farm Bureau	Chuck Thomsen	Chapter Number Assigned		1	06/30/11 - Effective date, June 28, 2011. 06/30/11 - Chapter 567, 2011 Laws. 06/29/11 - Governor signed.
SB975	Relating to ocean resources; appropriating money; declaring an emergency.	Modifies provisions related to marine reserves. Requires certain reporting regarding marine reserves work plan. Requires certain reporting regarding funding. Establishes Ocean Resources Fund. Continuously appropriates moneys in fund to State Department of Fish and Wildlife. Specifies uses of moneys. Declares emergency, effective on passage.	Oregon Coastal Caucus	Betsy Johnson	In Senate Committee on Adjournment	Rules	1	06/30/11 - In committee upon adjournment. 04/07/11 - Referred to Rules. 04/07/11 - Introduction and first reading. Referred to Presidents desk.
SB982	Relating to destination resorts.	Modifies authority for siting destination resort and for development as part of destination resort.		Larry George Jason Atkinson	In Senate Committee on Adjournment	Environment and Natural Resources	1	06/30/11 - In committee upon adjournment. 05/02/11 - Referred to Environment and Natural Resources. 04/28/11 - Introduction and first reading. Referred to Presidents desk.
SB5508A	Relating to state financial administration; appropriating money; and declaring an emergency.	Appropriates moneys from General Fund to Emergency Board for allocations during biennium. Appropriates moneys from General Fund to specified state agencies for biennial expenses. Increases and decreases certain biennial appropriations made from General Fund to specified state agencies. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by specified state agencies. Limits biennial expenditures of specified state	Budget and Management Division, Oregon Department of Administrative Services	Pre-session filed.	Chapter Number Assigned		1	06/30/11 - Effective date, June 30, 2011. 06/30/11 - Chapter 600, 2011 Laws. 06/30/11 - Governor signed.

Bill Number	Topic	Description	Author	Staff	Committee	Subcommittee	Priority	Effective Date / Status
		agencies from federal funds and lottery moneys. Increases and decreases limitations on expenditures for certain biennial expenses for specified state agencies. Declares emergency, effective on passage.						
HB2748	Relating to wave energy; and declaring an emergency.	Allows additional types of wave energy projects to qualify for exemption from provisions related to hydroelectric projects. Authorizes Water Resources Commission to adopt rules relating to additional wave energy projects. Sunsets January 2, 2022. Declares emergency, effective on passage.	Deborah Boone Joanne Verger	Chapter Number Assigned			2	05/27/11 - Chapter 152, (2011 Laws): Effective date May 27, 2011. 05/27/11 - Governor signed. 05/20/11 - President signed.
HB3145B	Relating to beverage containers.	Changes definition of beverage and beverage container. Specifies application of laws regulating redemption of beverage containers. Expands application of such laws one year after date on which Oregon Liquor Control Commission determines that at least 60 percent of beverage containers are returned or on January 1, 2018, whichever comes first. Increases refund value for beverage containers <i>beginning on January 1 of calendar year</i> by specified date following determination by commission that, in each of two previous calendar years, less than 80 percent of total number of beverage containers sold in Oregon were returned. <i>Authorizes</i> Requires commission to create one pilot project for establishment of beverage container redemption center.	Vicki Berger Ben Cannon	Chapter Number Assigned			2	06/09/11 - Chapter 277, (2011 Laws): Effective date January 1, 2012. 06/09/11 - Governor signed. 06/03/11 - President signed.
HB3166B	Relating to review of local government decisions related to land use; and declaring an emergency.	Establishes statutory limit of <i>six</i>] 10 years after date of decision for person to file request with Land Use Board of Appeals for review of land use decision or limited land use decision. Declares emergency, effective on passage.	Tim Freeman Jeff Kruse	Chapter Number Assigned			2 2	06/23/11 - Chapter 483, (2011 Laws): Effective date June 23, 2011. 06/23/11 - Governor signed. 06/20/11 - President signed.
HB3531	Relating to affordable housing.	Repeals provision that prevents local governments from imposing conditions on approved permits that effectively establish sales price for residential development or limit purchase to class or group of purchasers.	The Coalition for Affordable and Safe Housing	Jefferson Smith	In House Committee on Adjournment	General Government and Consumer Protection	2	05/24/11 - Public Hearing held. 02/28/11 - Referred to General Government and Consumer Protection. 02/21/11 - First reading. Referred to the desks of the Co-Speakers.
SB535A	Relating to armories; and declaring an emergency.	Provides that armory may be constructed outside of city. Declares emergency, effective on passage.		Brian Boquist Presession filed.	Chapter Number Assigned		2	05/19/11 - Effective date, May 19, 2011. 05/19/11 - Chapter 87, 2011 Laws. 05/19/11 - Governor signed.
HB2166A	Relating to financing for transportation projects; declaring an emergency.	Authorizes issuance of lottery bonds for transportation projects funded from Multimodal Transportation Fund. Specifies allocation of lottery bond proceeds. Declares emergency, effective July 1, 2011.	Governor John A. Kitzhaber for Department of Transportation	Presession filed.	In House Committee on Adjournment	Ways and Means	3	05/26/11 - Public Hearing held. 05/03/11 - Assigned to Subcommittee On Capital Construction. 03/15/11 - Referred to

							Ways and Means by prior reference.	
HB2336A	Relating to agricultural products.	Exempts agricultural producers selling specified agricultural products directly to <i>general public</i>] retail purchasers from state laws regulating produce dealers and food establishments. Creates exception. Allows in-state exempted producer to accept consignments. Exempts sites used by exempted producers from state laws regulating produce dealers and food establishments.	House Interim Committee on Agriculture, Natural Resources and Rural Communities	Presession filed.	Chapter Number Assigned	3	06/09/11 - Chapter 288, (2011 Laws): Effective date January 1, 2012. 06/09/11 - Governor signed. 06/03/11 - President signed.	
HB2700B	Relating to removal-fill permitting program; and declaring an emergency.	<i>Deletes definition of applicant for purposes of removal-fill permitting program.</i>] Allows person that proposes removal or fill activity for construction or maintenance of linear facility to apply for removal or fill permit. Restricts use of permit. Declares emergency, effective on passage.		Mike Schaufler Dave Hunt	Chapter Number Assigned	3	06/16/11 - Chapter 370, (2011 Laws): Effective date June 16, 2011. 06/16/11 - Governor signed. 06/13/11 - President signed.	
HB2859A	Relating to the preservation of Oregon history; and declaring an emergency.	<i>Establishes Task Force on State Historical Resources to develop plans for coordination among agencies and institutions dedicated to preserving Oregon history.</i>] <i>Sunsetts task force on date of convening of 2013 regular legislative session.</i>] Adds Coordinator of State Historical Records Advisory Board or designee to Oregon Heritage Commission as nonvoting member. Specifies that only voting members of commission may be reimbursed for actual and necessary expenses. Adds development of plans for coordination among agencies and organizations dedicated to preserving Oregon historical records to duties of commission. Declares emergency, effective on passage.		Nancy Nathanson Jeff Barker	Chapter Number Assigned	3	06/16/11 - Chapter 372, (2011 Laws): Effective date June 16, 2011. 06/16/11 - Governor signed. 06/09/11 - President signed.	
HB2868	Relating to temporary restaurants.	Provides for licensing of intermittent temporary restaurants and seasonal temporary restaurants. Removes special license provision for temporary restaurant operating on intermittent basis. Removes limit on fee for multiple temporary restaurants operated by same person. Removes limit on number of temporary restaurants operated by benevolent organization. Extends license term for single-event temporary restaurant operated by benevolent organization.		Brian Clem Jules Bailey	Governors Office - Awaiting Signature	3	06/27/11 - President signed. 06/24/11 - Co-Speakers signed. 06/20/11 - Third reading. Carried by Bates. Passed.	
HB2892A	Relating to boundary by agreement.	Allows landowners with common boundary that is uncertain or subject to dispute to locate and fix boundary by agreement.	Professional Land Surveyors of Oregon	Bill Kennemer Presession filed.	In Senate Committee on Adjournment	Judiciary	3	06/30/11 - In committee upon adjournment. 05/03/11 - Referred to Judiciary. 04/26/11 - First reading. Referred to Presidents desk.
HB2945	Relating to consent to annexation for extraterritorial service.	Prohibits city or district from requiring consent by landowner to eventual annexation in exchange for providing extraterritorial service when city or district is providing service on behalf of another local government pursuant to intergovernmental agreement. Declares consent by landowner to		Brian Clem	In House Committee on Adjournment	Rules	3	04/25/11 - Referred to Rules by order of Speaker. 04/25/11 - Without recommendation as to passage and be referred to Rules.

		annexation obtained by city or district prior to effective date of Act void if consent was demanded for service provided outside boundaries of city or district on behalf of another local government pursuant to intergovernmental agreement. Clarifies language authorizing city or district to require consent to eventual annexation in exchange for providing extraterritorial service to landowner.					04/20/11 - Work Session held.	
HB2946	Relating to annexations.	Requires that, in election proposing annexation, votes from city and territory to be annexed be counted separately to determine separate majorities if acreage to be annexed is 20 acres or more. Requires that votes from city and territory be combined to determine single majority if acreage to be annexed is less than 20 acres.		Brian Clem Dave Hunt	In House Committee on Adjournment	Rules	3	04/13/11 - Work Session held. 03/09/11 - Public Hearing held. 01/21/11 - Referred to Rules.
HB3056	Relating to annexations.	Requires that, in election proposing annexation, votes from city and territory to be annexed be counted separately to determine separate majorities if acreage to be annexed is 20 acres or more. Requires that votes from city and territory be combined to determine single majority if acreage to be annexed is less than 20 acres.		Dave Hunt Val Hoyle	In House Committee on Adjournment	Rules	3	03/09/11 - Public Hearing held. 02/07/11 - Referred to Rules. 02/01/11 - First reading. Referred to the desks of the Co-Speakers.
HB3183	Relating to local rent control of spaces in facilities.	Creates exception to statewide policy prohibiting local rent control. Allows cities or counties to establish limits on rental rates or increases in rental rates for spaces in manufactured dwelling parks, mobile home parks and marinas.	Hayden Island Livability Project	Tina Kotek Peter Buckley	In House Committee on Adjournment	General Government and Consumer Protection	3	05/24/11 - Public Hearing held. 02/16/11 - Referred to General Government and Consumer Protection. 02/09/11 - First reading. Referred to the desks of the Co-Speakers.
HB3516B	Relating to solar energy generation by retail electricity consumers.	Authorizes installation and use of solar photovoltaic energy system on residential or commercial structure in zones in which residential or commercial structures are authorized. Requires local government reviewing permit application to make ministerial decision approving or denying permit. Prevents local government from collecting land use permit application fee for application to install solar photovoltaic energy system. Limits certain land use reviews of site. Creates exceptions.		Ben Cannon Jules Bailey	Chapter Number Assigned		3	06/21/11 - Chapter 464, (2011 Laws): Effective date January 1, 2012. 06/21/11 - Governor signed. 06/15/11 - President signed.
HB3538A	Relating to greenhouse gas emissions of facilities; and declaring an emergency.	<i>Requires certain energy facilities and any related or supporting facilities to meet greenhouse gas emissions standards.]</i> Requires Energy Facility Siting Council to establish global warming potential of certain greenhouse gases for purposes of determining net carbon dioxide emissions. Declares emergency, effective on passage.		Chris Harker Jules Bailey	Chapter Number Assigned		3	06/09/11 - Chapter 298, (2011 Laws): Effective date June 9, 2011. 06/09/11 - Governor signed. 06/03/11 - President signed.
HB3614	Relating to consent to annexation for extraterritorial service; declaring an emergency.	Prohibits city or district from requiring landowner to consent to eventual annexation in exchange for continuation of extraterritorial service originally provided to landowner or predecessor in interest of landowner without requiring consent to annexation. Declares emergency, effective on passage.		Jim Weidner Tim Freeman	In House Committee on Adjournment	Rules	3	05/02/11 - Public Hearing held. 04/06/11 - Referred to Rules. 04/04/11 - First reading. Referred to the desks of the Co-Speakers.

HB3626	Relating to property taxation; prescribing an effective date.	Allows person to claim special assessment for farmland used in farming less than five years if person makes sufficient farming-related investments in property. Applies to property tax years beginning on or after July 1, 2012. Takes effect on 91st day following adjournment sine die.		Peter Buckley	In House Committee on Adjournment	Revenue	3	05/04/11 - Public Hearing held. 04/22/11 - Referred to Revenue by order of Speaker. 04/22/11 - Recommendation: Do pass and be referred to Revenue.
HB5034A	Relating to the financial administration of the Land Use Board of Appeals; appropriating money; and declaring an emergency.	Appropriates moneys from General Fund to Land Use Board of Appeals for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by board. Declares emergency, effective July 1, 2011.	Budget and Management Division, Oregon Department of Administrative Services	Pre-session filed.	Chapter Number Assigned		3	06/01/11 - Chapter 211, (2011 Laws): Effective date July 1, 2011. 06/01/11 - Governor signed. 05/25/11 - President signed.
SB48A	Relating to boundary changes within metropolitan service districts.	Limits types of special districts within metropolitan service district over which metropolitan service district exercises jurisdiction for boundary changes.		Pre-session filed. Jackie Dingfelder	Chapter Number Assigned		3	05/16/11 - Effective date, January 1, 2012. 05/16/11 - Chapter 26, 2011 Laws. 05/16/11 - Governor signed.
SB128B	Relating to transportation; and declaring an emergency.	Removes obsolete reporting dates for Road User Fee Task Force. Requires specified amount of proceeds from Highway User Tax Bonds to be spent on transportation projects. Requires Department of Transportation to consult with legislative committees related to transportation before expending certain federal general economic stimulus moneys. Requires department to participate in meetings held by cooperating committee created pursuant to Multistate Highway Transportation Agreement. <i>Specifies that ordinances by county with population of 350,000 or more may impose, until July 1, 2013, registration fees only for purpose of replacing Sellwood Bridge. Restricts use of bridge until July 1, 2013. Suspends, until July 1, 2013, certain provisions related to imposition of registration fees.]</i> Authorizes parking of up to seven dump trucks and up to seven trailers on lot or parcel of land zoned for forest use or mixed farm and forest use. Repeals laws requiring development of congestion pricing pilot program. Declares emergency, effective on passage.	Governor John A. Kitzhaber for Department of Transportation	Pre-session filed.	Chapter Number Assigned		1 3	07/06/11 - Effective date, July 6, 2011. 07/06/11 - Chapter 629, 2011 Laws. 07/06/11 - Governor signed.
SB195	Relating to the Space Age Industrial Park.	Repeals statutes related to Space Age Industrial Park.	Morrow County Commissioners	Pre-session filed. David Nelson	Chapter Number Assigned		3	05/16/11 - Effective date, January 1, 2012. 05/16/11 - Chapter 34, 2011 Laws. 05/16/11 - Governor signed.
SB264A	Relating to access management; declaring an emergency.	Exempts county roads from requirement to get new approach permit for change of use of private approach road. Creates access management system under which Department of Transportation must process applications for approach permits to owners of property abutting highways. Specifies	Senate Interim Committee on Business and Transportation	Pre-session filed.	Chapter Number Assigned		3	06/22/11 - Effective date, June 14, 2011. 06/21/11 - Chapter 330, 2011 Laws. 06/14/11 - Governor signed.

standards for approach permits. Creates appeals process for denial of permit and Access Management Dispute Review Board to review appeals. Creates Access Management Oversight Task Force to monitor implementation of system. Sunsets task force on January 2, 2016. Authorizes department and city to enter into agreement under which jurisdiction and ownership of segment of state highway transfer to city. Declares emergency, effective on passage.

SB592B	Relating to attorney fees.	Modifies law that requires that statutes authorizing or mandating award of attorney fees to parties in civil proceeding be construed as authorizing or mandating that award on appeal. Includes denial of petition for review by Supreme Court and mandamus proceeding arising out of original proceeding. Extends law to statutes that authorize or require award of attorney fees in administrative proceedings.	Jason Atkinson Chris Garrett	Chapter Number Assigned	3 3	06/24/11 - Effective date, January 1, 2012. 06/24/11 - Chapter 513, 2011 Laws. 06/23/11 - Governor signed.
SB752	Relating to facilities districts in metropolitan service districts.	Authorizes metropolitan service district to form facilities district in same manner allowed for other service districts for purposes of acquisition, construction, maintenance and operation of facilities for publicly owned natural areas, open space, trails and regional parks. Provides that governing body of metropolitan service district is governing body of facilities district. Authorizes facilities district to finance acquisition, construction, maintenance and operation of facilities with taxes, assessments, service or user charges or proceeds from bonds.	Finance and Revenue (S)	In Senate Committee on Adjournment	Finance and Revenue	3 06/30/11 - In committee upon adjournment. 02/23/11 - Referred to Finance and Revenue. 02/17/11 - Introduction and first reading. Referred to Presidents desk.
SB921	Relating to economic analysis; declaring an emergency.	Moves Office of Economic Analysis from Oregon Department of Administrative Services to Portland State University. Transfers statutory responsibilities for forecasting from Oregon Department of Administrative Services to Office of Economic Analysis. Transfers responsibility for analysis of amount of motor vehicle fuel used for motor boats from Oregon Department of Administrative Services to Department of Transportation. Declares emergency, effective on passage.	Betsy Johnson	In Senate Committee on Adjournment	Finance and Revenue	3 06/30/11 - In committee upon adjournment. 03/09/11 - Public Hearing held. 02/28/11 - Referred to Finance and Revenue.
SB988	Relating to regulation of businesses; declaring an emergency.	Creates Task Force on Oregon Business Regulations. Sunsets task force on June 30, 2012. Declares emergency, effective on passage.	Chris Telfer Jason Atkinson	In Senate Committee on Adjournment	Business, Transportation and Economic Development	3 06/30/11 - In committee upon adjournment. 05/31/11 - Public Hearing held. 05/16/11 - Referred to Business, Transportation and Economic Development.

SB 960 Events & HB 3280 Wineries Comparison

	Non-Winery	Winery < 15 acres	Winery > 15 acres	Winery over 150K gallons
SB 960 Events— Counties may allow up to 18 days of six 72 hr. “agritourism and other commercial” events & 18 additional events as conditional use under ORS 215.213 and 283 (Section 2(4))	Yes, but no permanent structure	Probably	May use on top of 25 days of private events allowed in HB 3280 Sect. 2 (c), or may use HB 3280 Sect 2 (8) concerts & celebratory events as a conditional use, but not both.	May use on top of 25 days of private events allowed in HB 3280 Sect. 2 (c), or may use HB 3280 Sect 2 (8) concerts & celebratory events as a conditional use, but not both.
SB 960 Mass Gatherings (Section 2(6)(c))	Eliminates the options of using “outdoor mass gatherings” and “other gatherings” provisions of ORS 197.015(10)(d) to allow agritourism or other commercial events and activities.			
HB 3280—provisions under ORS 215.452 ↓				
Market & sell wine as an outright use--_Sect 2 (2)(a) <ul style="list-style-type: none"> • Wine tours • Wine tasting in tasting rooms or other location • Wine clubs • “Similar activities” 	Maybe sell wine as a farm stand under existing statute.	Some uses	Yes-no limit on these activities. No limit to size of tasting room.	Yes-no limit on these activities. No limit to size of tasting room
Market & sell items--Sect 2(2)(b)	Farm stands can do under current statute. Limited to 25%	No	Yes—Income from items & services limited to 25% of retail wine sold on site for all activities	Yes—Income from items & services limited to 25% of retail wine sold on site for all activities
Provide services, including private events, 25 days or fewer—Sect. 2 (2)(c). (sunsets in 2014 along with 25% limitation)	Maybe, under SB 960	No	Yes—Income from items & services limited to 25% of retail wine sold on site for all activities	Yes—Income from items & services limited to 25% of retail wine sold on site for all activities
Outdoor concerts, facility rentals, celebratory events, as a conditional use—Sect. 2(8)	Yes, 18 events or under, under SB 960.	No	If already permitted by county prior to effective date of act, may continue, or county may issue permit for new activity.	If already permitted by county prior to effective day of act, may continue, or county may issue permit for new activity
Restaurant—Section 5(5)	No	No	No	Yes. Permit needed if restaurant is open to public more than 25 days in calendar year or if it provides food for private events more than 25 days in calendar year. *
More than 25 private events as a conditional use. Sect. 5(5)(a)(b)(c)	No	No	No	Yes-permit must be reviewed every five years. *
Market & sell wines not produced in conjunction with the winery.—Sect (5)(2)(b)	Some farm stand ability currently	No	No	Yes *
Items and services allowed as a commercial activity in conjunction with farm use as a conditional use—Sect. 5(10).	Potentially	Potentially	If the county allowed it before.	Yes *
Grandfathers uses and structures, & activities even if over 25%--Sect. 6.	No	yes	yes	yes



Oregon Legislative Assembly

DENNIS RICHARDSON
STATE REPRESENTATIVE

CO-CHAIR OF JOINT
SENATE-HOUSE
WAYS & MEANS
COMMITTEE

LEGISLATIVE
ADMINISTRATION

July 26, 2011

Land Conservation and Development Commission
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540
ATTN: John VanLandingham

Re: Regionalized Definitions of Agricultural Land and Forestland

Dear Chair VanLandingham:

I was very disappointed by the failure of the legislature to approve House Bill 3615, a bill which was a priority for many legislators, including myself. The bill was a continuation of our efforts to strike a better balance between the roles of LCDC and county governments in Oregon rural land use planning. To see a worthy bill fail despite having broad bipartisan majorities in both the Oregon House and Senate and the support of Governor Kitzhaber is distressing, and a reminder to me of how resistant some are to any change in our land use laws, no matter how reasonable.

Having represented residents of Jackson County for five sessions, and having served on the House Land Use committee in the Capitol, I am aware of areas both within my district and in other parts of Oregon where the designation of “land” falls within the broad definition of “agricultural land” under Goal 3, or “forestland” under Goal 4, yet does not realistically qualify under either designation—this has occurred as a result of a variety of factors.

I am also aware that LCDC has not altered the definition of “agricultural land” or “forestland” under Goals 3 and 4 since they were originally adopted in 1975. As you are aware, much has changed in the past 36 years, and the need for local government to respond quickly to potential employment opportunities is great.

Unfortunately, there is a current imbalance of authority between LCDC and county government, particularly in the area of rural planning. County governments are hamstrung by the Goal 3 and Goal 4 definitions, and lack the ability to adapt to changing employment conditions and needs of their constituents in all sectors, including the natural resources sector.

House Bill 3615 was a small step toward curing a big problem for my home county. You are no doubt aware that Jackson County has been forced to zone land as farmland or

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forestland when such zoning designations are unwarranted. The Jackson County Commission has been frustrated by this lack of accurate land-use planning for years, and has made efforts to rectify the problem. The Jackson County Farm Bureau has also played a key role in working toward more rational Jackson County land designations. To date, their efforts have been fruitless.

To help in the quest for breaking this land use “log-jam,” the Jackson County Commissioners voted unanimously to support House Bill 3615. The Jackson County Farm Bureau (as well as the Oregon Farm Bureau) were supportive as well. Oregon is a big state, with diverse economies, growth patterns, natural resource practices, politics, and lifestyles. What works for flat, well drained Marion County bottomland (that has been in commercial agricultural production for over a century), does not necessarily work for a gently sloped parcel of scrub oak in east Jackson County (that has not and cannot economically sustain either commercial farm or forest use).

LCDC can assist local governments in having a bigger role in rural planning to reflect regional geographic diversities—either by working with them individually or as part of a smaller geographic region.

I am aware, both from past experience on the House Land Use Committee as well as from the testimony given by Jerry Lidz on House Bill 3615, that LCDC has the authority to implement the provisions of the bill under its existing broad grant of authority. I urge you and LCDC to undertake this critical task, and I pledge my support to help secure funding in the 2012 legislative session to enable you to carry out the tasks which House Bill 3615 would have required. Doing nothing merely prolongs rural Oregon’s economic malaise and should no longer be an acceptable land use strategy.

As I indicated above, House Bill 3615 had majority support in both chambers and would have been signed by Governor Kitzhaber, but was prevented from receiving a public hearing by one legislator, who effectively overrode the will of the legislative majority. Such intransigence should not be an excuse for LCDC to put off a resolution to this critical issue.

During the upcoming February session, I will seek a follow up meeting with you on the status of this request, and trust that you will have good news to report. Until such time, please feel free to contact me and let me know what I can do to assist you in carrying out this important and long overdue work.

Sincerely,



Dennis Richardson
State Representative
House District 4

Southern Oregon *Mail Tribune*

A missed opportunity for Southern Oregon

By Rep. Sal Esquivel
July 10, 2011 2:00 AM

The 2011 session was productive in many ways. With the Oregon House evenly divided between the parties, the Legislature approved a balanced state budget with no tax increases, passed a new redistricting plan for the next 10 years and sent major education reforms to the governor's desk.

Unfortunately, the Legislature was not as productive in promoting private sector job creation. In particular, it failed to pass a bill that would have significantly improved economic development in Southern Oregon.

In the final months of the 2011 session, Republicans in the Southern Oregon delegation worked hard to advance House Bill 3615. This bill would have allowed Jackson, Josephine and Douglas counties to petition the state Land Conservation and Development Commission to establish regional definitions for agricultural land and forestland. Simply put, HB 3615 would have given these counties more flexibility to attract and retain job-creating businesses.

The Oregon Legislature established the statewide land-use system in 1973, when the state's economy was smaller and less diverse than it is today. The resulting land-use laws, regulations and bureaucratic red tape gave state government extraordinary power to dictate where development can and cannot occur. While our land-use system is commonly hailed by some, it should be noted that no other state has chosen to follow Oregon's lead.

The big problem with our "one-size-fits-all" system is that statewide land-use regulations never can be fairly and accurately applied to Oregon's diverse communities and topography. After all, Southern Oregon's land-use needs are different from Central and Eastern Oregon and are far different from the needs of Portland and the Willamette Valley.

Under our land-use laws, Southern Oregon's local governments generally can't permit residential, commercial and industrial development on state-designated agricultural land and forestland. However, much of this land is not well-suited for either agriculture or forestry. As a result, Southern Oregon has wide swaths of land that can't be developed for anything, regardless of whether a project is good for our citizens or our economy.

HB 3615 would have established a process through which Jackson, Josephine and Douglas counties could re-designate agricultural land and forestland by amending comprehensive land-use plans and zoning maps. Through re-designation, our local officials could attract new businesses in our area and help existing businesses expand in

our region. These developments would have created desperately needed jobs, while protecting legitimate farm and forestlands. Finally, the bill would have allowed additional Southern Oregon counties to participate in regionalized land use planning in the future.

The bill did not pass this session because it did not have adequate support among Democratic leadership in the Senate. Special-interest groups in downtown Portland also rallied to defeat this bill that would have created new opportunities for people in Southern Oregon. That means we're stuck with a system that gives too much power and control to politicians and bureaucrats in Salem.

As Southern Oregon continues to suffer from high unemployment, I look forward to reintroducing this bill when the Legislature reconvenes in February. We can't afford missing yet another opportunity to boost job creation in our communities.

Rep. Sal Esquivel, R-Medford, is a state representative from Medford.

Cannon Beach Gazette

Marine reserve efforts to continue despite lack of legislative support

Patrick Alexander | Posted: Tuesday, July 12, 2011 9:15 am

Efforts to establish protected marine reserves along the Oregon coast will continue despite the Oregon Legislature's failure to vote on a final bill endorsing the work during the 2011 regular legislative session.

Last year, community groups spent nine months hammering out the boundaries of three proposed sites - Cape Falcon, Cascade Head and Cape Perpetua - and several members of the Oregon Coastal Caucus sponsored a concurrent bill that would have specifically instructed state agencies including the Oregon Department of Fish and Wildlife to proceed with steps to create the reserves.

However, Cristen Don of the ODFW Marine Reserves Program said legislators did allocate funds to continue the marine reserve process, and she says her department will go forward and develop the sites under its existing authority.

Don said ODFW will begin collecting baseline data for the three sites, which were recommended by community teams of fishermen, conservationists and scientists in Lincoln and Tillamook counties last November.

Those sites were later endorsed by the Ocean Policy Advisory Committee, which advises the governor on ocean issues, including marine reserves.

Don said her department, along with the Department of State Lands and the Oregon Parks and Recreation Department, has the authority to embark on administrative rule-making procedures that would implement the fishing restrictions proposed by the community teams.

She said it is not yet clear when ODFW would begin its rule-making procedures but stressed that the process would be open to the public.

Don said prohibitions would not go into effect for any of the three new sites for at least two years in order to allow the department time to collect baseline data.

OPAC member Onno Husing said the lack of a final bill from the Legislature is not an impediment to the process.

Husing said coastal legislators have helped move the marine reserves discussion forward, notably through their approval of a 2009 bill that set up and funded the community teams that went on to recommend the sites.

"But," he said, "the reality has been all along that you don't need a statute."

Husing said this year's Legislature was able to secure funding in the ODFW budget to allow the department to move forward with the creation of reserve sites.

"It's really quite an accomplishment that, given the dire economic circumstances Oregon is in, that these dollars still have been allocated to continue this process," he said. "The state of Oregon is moving forward."

Fellow OPAC member Robin Hartmann said she felt coastal legislators, conservationists and fishermen all "played honorably" during the session.

"It doesn't feel good when a bill dies that we care about," she said. "But in the process of that happening, I think that we were all able to preserve the OPAC recommendations."

Hartmann said she is grateful that legislators allocated \$1.6 million to ODFW and OPRD to continue work on the proposed reserve sites.

"I don't think there was anything lost by going through the process," she said, "and talking about the OPAC recommendations and getting more people to understand this and getting it out in the open."

Rep. Jean Cowan (D-Newport), who chairs the Oregon Coastal Caucus, said the bill proposed by her group would have smoothed the process of shifting from evaluation of potential sites to implementation of the sites recommended by OPAC.

"Unfortunately," she said, "the bill got tangled in political maneuvering at the end of the session, which was very disappointing to me."

Cowan said the marine reserves bill itself was not controversial among legislators but got paired with a hot-button land-use bill, with the result that neither bill moved forward.

"It was a very frustrating end to the session," she said.

Cowan said she is scheduled to meet with Richard Whitman, the governor's natural resources advisor, to discuss what marine reserve steps can move forward under current statutes and what, if any, action might be needed by the 2012 Legislature or the governor to complete the process.

She said continued progress on marine reserves should be enough to head off any efforts by environmental groups to launch an initiative petition that could impose a more widespread network of reserves than that recommended by OPAC.

"The governor is involved in working with the groups that would be supportive of an initiative," she said. "I don't think that's likely to happen."