

B-Engrossed House Bill 2228

Ordered by the Senate June 3
Including House Amendments dated May 7 and Senate Amendments dated
June 3

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Land Conservation and Development)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes establishment of one or two small-scale recreation communities on forestlands. Conditions establishment of communities on transfer of development opportunity from owner of Metolius resort site to owner of proposed site of small-scale recreation community. Specifies standards for establishment of communities.

Establishes pilot program to conserve resource lands by facilitating transfer of residential development rights from farm or forest property to other property.

[Provides that if owner of Skyline Forest and South County Tract transfers forest to land trust and tract to land trust or land management agency under certain circumstances, owner may retain and use 3,000 acres of land for specified uses.]

Authorizes development of Skyline Forest Sustainable Development Area for purpose of sustainably developing area. Makes development of area contingent on satisfaction of certain conditions, including owner of Skyline Forest and Southern Conservation Tract transferring Skyline Conservation Tract and Southern Conservation Tract to land trusts. Creates exception for transference of Southern Conservation Tract. Provides Deschutes Land Trust right of last opportunity to purchase tracts.

Specifies procedures and criteria by which owner of Skyline Forest Sustainable Development Area may develop area.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to transfer of development rights from resource lands; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** The Legislative Assembly finds that:

5 (1) **Providing for rural unemployment reductions and living wage job opportunities brings**
6 **stability to economically distressed rural communities.**

7 (2) **Sections 1 to 9 of this 2009 Act are intended to reduce unemployment and create living**
8 **wage jobs in economically distressed counties.**

9 (3) **Working forests make vital contributions to Oregon by providing jobs, timber, timber**
10 **products, tax base and other social and economic benefits, by helping to maintain soil, air**
11 **and water resources, by reducing levels of carbon dioxide in the atmosphere and by providing**
12 **habitat for wildlife and aquatic life.**

13 (4) **Population growth, escalating land values, increasing risks due to wildfire and**
14 **invasive species, and changes in land ownership and management objectives, with a resulting**
15 **increase in conflict caused by dispersed residential development, require that new methods**
16 **be developed to facilitate continued management of private lands zoned for forest use for**
17 **timber harvest.**

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

1 (5) It is the public policy of the State of Oregon to:

2 (a) Explore alternative methods to encourage the continued management of private
3 forestlands for timber production.

4 (b) Protect water quality, wildlife habitat and other important natural resources by lim-
5 iting location of dispersed residential development on forestlands.

6 (c) Provide for an orderly and efficient transition from rural to urban land uses by es-
7 tablishing locations at which residential development rights or development opportunities
8 transferred from forestlands may be used.

9 (d) Provide for a limited number of demonstration projects for small-scale recreation
10 communities that:

11 (A) Create incentives for economic development in areas that are in need of long-term
12 job creation;

13 (B) Enhance the state's leadership in sustainability and natural resource stewardship;

14 (C) Encourage appropriate public access to and stewardship of recreational resources on
15 public lands consistent with the carrying capacity of the lands and resources; and

16 (D) Provide for additional sources of long-term funding for stewardship of natural re-
17 sources.

18 SECTION 1a. Sections 1 to 9 of this 2009 Act may be cited as the Rural Unemployment
19 Reductions and Living-Wage Job Opportunities Bring Stability Act or the RURAL JOBS Act.

20 SECTION 2. As used in sections 2 to 5 of this 2009 Act:

21 (1) "Management plan" means the management plan for the Metolius River Basin that
22 was recommended to the Legislative Assembly on April 2, 2009, by the Land Conservation
23 and Development Commission.

24 (2) "Metolius resort site" means land mapped as eligible for destination resort siting un-
25 der ORS 197.455 by Jefferson County that has not been developed as a resort.

26 (3) "Overnight lodgings" has the meaning given that term in ORS 197.435.

27 (4) "Tract" has the meaning given that term in ORS 215.010.

28 SECTION 3. (1) Notwithstanding ORS 215.700 to 215.780, one or two small-scale recreation
29 communities may be established on forestlands as specified in sections 2 to 5 of this 2009 Act.

30 (2) If, within 90 days after the effective date of this 2009 Act, the owner of a Metolius
31 resort site notifies the Department of Land Conservation and Development that it has
32 elected to seek approval of a small-scale recreation community, the owner may, within two
33 years after the effective date of this 2009 Act, apply to a county for approval of a small-scale
34 recreation community.

35 (3) A small-scale recreation community authorized under sections 2 to 5 of this 2009 Act
36 may be established only in conjunction with a transfer of development opportunity from a
37 Metolius resort site. A transfer of development opportunity must be carried out through an
38 agreement between the owner of a Metolius resort site and the owner of the site proposed
39 for development of a small-scale recreation community. In the agreement, the owner of the
40 Metolius resort site must:

41 (a) Agree to limit the use of the Metolius resort site, consistent with the management
42 plan in consideration for the opportunity to participate in the development of the small-scale
43 recreation community; and

44 (b) Agree to grant a conservation easement pursuant to ORS 271.715 to 271.795 that:

45 (A) Limits the use of the Metolius resort site to be consistent with the management plan;

1 (B) Allows public access to that portion of the site that is not developed; and

2 (C) Contains other provisions, as required by the Department of Land Conservation and
3 Development, that are necessary to ensure that the conservation easement is enforceable.

4 (4) A small-scale recreation community authorized under sections 2 to 5 of this 2009 Act
5 must be sited on land that is:

6 (a) Planned and zoned for forest use; and

7 (b) Within a county that has a seasonally adjusted average annual unemployment rate
8 over the preceding 10 calendar years that is more than 110 percent of the unemployment rate
9 for the entire state over the same period, as reported by the Employment Department.

10 (5) A small-scale recreation community authorized under sections 2 to 5 of this 2009 Act
11 may not be sited on land that is:

12 (a) Within an area identified as "Area 1" or "Area 2" in the management plan.

13 (b) Within an area described in ORS 197.455 in which destination resorts may not be
14 sited.

15 (c) Within an area protected by or inventoried as a significant resource in an acknowl-
16 edged comprehensive plan provision implementing statewide land use planning goals relating
17 to:

18 (A) Open space, scenic and historic areas and natural resources;

19 (B) Estuarine resources;

20 (C) Coastal shorelands; or

21 (D) Beaches and dunes.

22 (d) Within an area identified as subject to a natural hazard by an acknowledged com-
23 prehensive plan provision implementing a statewide land use planning goal relating to pro-
24 tection from natural hazards.

25 SECTION 4. (1) A small-scale recreation community authorized under sections 2 to 5 of
26 this 2009 Act must meet the following development standards:

27 (a) The community must be located on a tract that contains 200 or fewer acres of land.

28 (b) The community must consist of 240 or fewer units and have as its primary purpose
29 the provision of overnight lodging units.

30 (c) The community may contain one restaurant containing 5,000 or fewer square feet, and
31 accessory uses necessary to the operation of the community, including accessory recre-
32 ational facilities.

33 (d) The owner of the property must spend at least \$1.5 million on off-site resource en-
34 hancement or restoration projects on nearby public lands that will be used by individuals
35 from the community.

36 (e) The community may not include a golf course or related facilities.

37 (f) The community must be developed and operated in a sustainable manner by meeting
38 the following criteria:

39 (A) When fully developed, the community must use reclaimed water as the primary
40 source of water for any irrigation of grounds.

41 (B) Facilities for snowmobiling or other motorized recreational activities are not per-
42 mitted.

43 (C) At least 50 percent of the tract on which the community is located must be dedicated
44 to permanent open space that is contiguous and demonstrates the biological viability of the
45 site as habitat or that provides ecosystem services to the area.

1 (D) Significant natural resource functions and values on the site must be preserved.

2 (E) Impervious surfaces, including rooftops and paved roads, trails and parking areas
3 may not exceed 35 percent of the total site area.

4 (F) Potable water usage must achieve a 20 percent reduction below standard code-built
5 developments. Reclaimed water usage for nonpotable water needs may account for the entire
6 reduction required.

7 (G) Stormwater must be managed on-site. Off-site runoff must be limited to predevelop-
8 ment runoff rates.

9 (H) A restaurant, lodge or other nonresidential building must be designed and con-
10 structed to meet regionally or nationally recognized design standards for sustainable design
11 that are acceptable to the county having land use jurisdiction over the proposed development
12 site.

13 (I) Residential buildings must be designed and constructed to meet regionally or na-
14 tionally recognized design standards for sustainable design that are acceptable to the county
15 having land use jurisdiction over the proposed development site. The developer must achieve
16 certification for all buildings, with at least 50 percent of the buildings achieving a top-tier
17 rating under the rating system selected.

18 (J) Additional housing capable of housing at least 50 percent of the peak season employ-
19 ees must be provided on-site.

20 (2) In addition to the development standards described in subsection (1) of this section,
21 a small-scale recreation community must:

22 (a) Develop an environmental operations manual that describes core practices for oper-
23 ating the small-scale recreation community, including:

24 (A) Waste reduction, recycling and diversion practices.

25 (B) Cleaning and site maintenance practices.

26 (C) Staff education practices.

27 (D) Commitment of the community to environmental stewardship.

28 (b) Establish a conservation stewardship organization, as a separate nonprofit entity
29 funded through income generated by the development, that is charged with:

30 (A) Development of a baseline study that establishes the current level and condition of
31 the local environment. As part of the baseline study, the organization must develop a long-
32 term stewardship plan that targets net creation and rehabilitation of resources, on-site and
33 off-site.

34 (B) Ongoing review, election and management of habitat restoration projects that im-
35 plement the goal of the long-term stewardship plan.

36 (C) Education and outreach on environmental stewardship.

37 (c) Organize and manage volunteers working to conserve local resources.

38 (d) Monitor performance of energy and water usage and site development standards
39 versus actual practice.

40 (e) Audit and publish annually a report of the community's performance result for the
41 preceding year.

42 SECTION 5. (1) An application for a small-scale recreation community under sections 2
43 to 5 of this 2009 Act may be filed only by the owner of a Metolius resort site and the owner
44 of the site on which development of the small-scale recreation community is proposed and
45 must be filed jointly by the owners. The owners shall file a copy of the application with the

1 Department of Land Conservation and Development at the same time that the owners file
2 the application with the county having land use jurisdiction over the proposed development
3 site.

4 (2) A county shall review an application for a small-scale recreation community under
5 sections 2 to 5 of this 2009 Act as a conditional use in a forest zone and as a land division
6 under ORS chapter 92.

7 (3) In addition to the standards set forth in sections 2 to 5 of this 2009 Act, the small-
8 scale recreation community must meet the land division standards and other development
9 standards of the county, including standards for streets, utilities and services, unless the
10 standards conflict with sections 2 to 5 of this 2009 Act. If the development standards of the
11 county are dependent on the zoning of the site, the county shall apply the development
12 standards for an urban residential zone with the highest population density.

13 (4) If more than two applications for a small-scale recreation community are filed under
14 sections 2 to 5 of this 2009 Act and a county has not yet approved an application, the de-
15 partment shall determine which of the applications may proceed, taking into consideration:

16 (a) The time at which each application was filed;

17 (b) The unemployment rate in the counties, if more than one county is involved; and

18 (c) The findings set forth in section 1 of this 2009 Act.

19 (5) When two applications for small-scale recreation communities have been approved,
20 additional applications may not be considered.

21 (6) A county may charge a fee to cover the costs of processing an application.

22 SECTION 6. (1) There is established the Oregon Transfer of Development Rights Pilot
23 Program in the Department of Land Conservation and Development. Working with the State
24 Forestry Department, the State Department of Agriculture and local governments and with
25 other state agencies, as appropriate, the Department of Land Conservation and Development
26 shall implement the pilot program.

27 (2) The Land Conservation and Development Commission shall adopt rules to implement
28 the pilot program. The commission, by rule, may:

29 (a) Establish a maximum ratio of transferable development rights to severed development
30 interests in a sending area for each pilot project. The maximum ratio:

31 (A) Must be calculated to protect lands planned and zoned for forest use and to create
32 incentives for owners of land in the sending area to participate in the pilot project; and

33 (B) May not exceed one transferable development right to one severed development in-
34 terest if the receiving area is outside of an urban growth boundary.

35 (b) Require participating owners of land in a sending area to grant conservation ease-
36 ments pursuant to ORS 271.715 to 271.795, or otherwise obligate themselves, to ensure that
37 additional residential development of their property does not occur.

38 (c) Require participating owners of land in a sending area to allow reasonable public ac-
39 cess to the property.

40 (3) The commission, by rule, shall establish a process for selecting pilot projects from
41 among potential projects nominated by local governments. The process must require local
42 governments to nominate potential projects by submitting a concept plan for each proposed
43 pilot project, including proposed amendments, if any, to the comprehensive plan and land use
44 regulations implementing the plan that are necessary to implement the pilot project.

45 (4) When selecting a pilot project, the commission must find that the pilot project is:

1 (a) Reasonably likely to provide a net benefit to the forest economy or the agricultural
2 economy of this state;

3 (b) Designed to avoid or minimize adverse effects on transportation, natural resources,
4 public facilities and services, nearby urban areas and nearby farm and forest uses; and

5 (c) Designed so that new development authorized in a receiving area does not conflict
6 with a resource or area inventoried under a statewide land use planning goal relating to na-
7 tural resources, scenic and historic areas and open spaces, or with an area identified as a
8 conservation opportunity area in the "Oregon Conservation Strategy," 2006, by the State
9 Department of Fish and Wildlife.

10 (5) The commission may select up to three pilot projects for the transfer of development
11 rights under sections 6 to 8 of this 2009 Act.

12 (6) A sending area for a pilot project under sections 6 to 8 of this 2009 Act:

13 (a) Must be planned and zoned for forest use;

14 (b) May not exceed 10,000 acres; and

15 (c) Must contain four or fewer dwelling units per square mile.

16 (7) The commission may establish additional requirements for sending areas.

17 (8)(a) Except as provided otherwise in paragraph (b) of this subsection, a local govern-
18 ment participating in a pilot project shall select a receiving area for the pilot project based
19 on the following priorities:

20 (A) First priority is lands within an urban growth boundary;

21 (B) Second priority is lands that are adjacent to an urban growth boundary and that are
22 subject to an exception from a statewide land use planning goal relating to agricultural lands
23 or forestlands;

24 (C) Third priority is lands that are within an urban unincorporated community or a rural
25 community in an acknowledged comprehensive plan.

26 (b) The commission may authorize a local government to select lower priority lands over
27 higher priority lands for a receiving area in a pilot project only if the local government has
28 established, to the satisfaction of the commission, that selecting higher priority lands as the
29 receiving area is not likely to result in the severance and transfer of a significant proportion
30 of the development interests in the sending area within five years after the receiving area
31 is established.

32 (c) If lands described in paragraph (a)(B) of this subsection are selected for use as a re-
33 ceiving area in a pilot project, the minimum residential density of development allowed under
34 sections 6 to 8 of this 2009 Act must be at least 10 dwelling units per net acre.

35 (d) A receiving area may not be located within 10 miles of the Portland metropolitan area
36 urban growth boundary.

37 (9) The commission may establish additional requirements for receiving areas.

38 (10) The commission, by rule, may provide a bonus in the form of a higher ratio if a
39 substantial portion of the new development in the receiving area of the pilot project is af-
40 fordable housing within an urban growth boundary.

41 **SECTION 7.** (1) Notwithstanding contrary provisions of statewide land use planning goals
42 relating to public facilities and services and urbanization, and notwithstanding ORS 215.700
43 to 215.780, a local government may change its comprehensive plan and land use regulations
44 implementing the plan to allow residential development in a receiving area consistent with
45 sections 6 to 8 of this 2009 Act if the Land Conservation and Development Commission has

1 approved a concept plan for the pilot project.

2 (2) The local governments having land use jurisdiction over lands included in the sending
3 area and the receiving area for the pilot project shall adopt amendments to their respective
4 comprehensive plans and land use regulations implementing the plans that are consistent
5 with subsection (3) of this section.

6 (3) When the commission has approved a proposed concept plan, the local governments
7 having land use jurisdiction over the affected sending area and affected receiving area shall
8 adopt overlay zone provisions and corresponding amendments to the comprehensive plan and
9 land use regulations implementing the plan that identify the additional residential develop-
10 ment allowed through participation in the pilot project. The Department of Land Conserva-
11 tion and Development shall review the overlay zones and corresponding comprehensive plan
12 amendments in the manner of periodic review under ORS 197.628 to 197.650.

13 (4) Notwithstanding ORS 197.296 and 197.298 and statewide land use planning goals relat-
14 ing to urbanization, a local government may amend its urban growth boundary to include
15 adjacent lands in a receiving area, consistent with an approved concept plan, if the net res-
16 idential density of development authorized in the receiving area is at least 10 dwelling units
17 per acre.

18 (5) Local governments or other entities may establish a development rights bank or other
19 system to facilitate the transfer of development rights.

20 (6) A county shall review an application for a pilot project under sections 6 to 8 of this
21 2009 Act as a comprehensive plan amendment. A county may apply other procedures, in-
22 cluding master plan approval, site plan review or conditional use review as the county finds
23 appropriate to subsequent phases of review of the pilot project.

24 **SECTION 8.** (1) The Department of Land Conservation and Development, the State
25 Forestry Department, a local government participating in the Oregon Transfer of Develop-
26 ment Rights Pilot Program or a third-party holder identified by the Department of Land
27 Conservation and Development may hold, monitor or enforce a conservation easement pur-
28 suant to ORS 271.715 to 271.795 or other property interest to ensure that lands in sending
29 areas do not retain residential development rights transferred under sections 6 to 8 of this
30 2009 Act.

31 (2) An entity that is eligible to be a holder of a conservation easement may acquire, from
32 a willing seller in the manner provided by ORS 271.715 to 271.795, the right to carry out a
33 use of land authorized under rules of the Land Conservation and Development Commission
34 implementing the pilot program.

35 **SECTION 9.** (1) As used in this section:

36 (a) "Community forestlands" has the meaning given that term in ORS 530.600.

37 (b) "Skyline Forest" means that certain real property consisting of approximately 33,000
38 contiguous acres in Deschutes County owned on June 1, 2009, by Cascade Timberlands
39 (Oregon) LLC and located within sections 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30,
40 31, 32, 33, 34, 35 and 36, township 16 south, range 10 east; sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11,
41 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 35 and 36, township 17 south, range 10 east; and sections
42 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, 32 and 33, township 17 south, range 11 east.

43 (c) "Skyline Forest Sustainable Development Area" means a portion of up to 3,000 con-
44 tiguous acres of the tract known as the Skyline Forest that is located in township 16 south,
45 range 10 east, Deschutes County: portions of the northwest quarter, southwest quarter,

1 southeast quarter, northeast quarter of section 7; portions of the northwest quarter, south-
2 west quarter, southeast quarter of section 8; portions of the southwest quarter of section
3 16; portions of the northwest quarter, southwest quarter, southeast quarter, northeast
4 quarter of section 17; portions of the northwest quarter, southwest quarter, southeast
5 quarter, northeast quarter of section 18; section 19; portions of the northwest quarter,
6 southwest quarter, northeast quarter of section 20; portions of the northwest quarter of
7 section 21; portions of the northwest quarter of section 29; and portions of the north half
8 of section 30.

9 (d) "Skyline Conservation Tract" means the portion of the Skyline Forest consisting of
10 approximately 30,000 contiguous acres that is not included within the Skyline Forest
11 Sustainable Development Area.

12 (e) "Southern Conservation Tract" means that certain real property consisting of ap-
13 proximately 34,700 contiguous acres in Deschutes and Klamath Counties owned on June 1,
14 2009, by Cascade Timberlands (Oregon) LLC and located within one of the following areas:

15 (A) "Area one" consists of approximately 14,000 acres of land located within sections 1,
16 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34 and 35 of township 22 south,
17 range 9 east, Deschutes County; sections 5, 6, 7, 8, 17, 18, 30 and 31 of township 22 south,
18 range 10 east, Deschutes County;

19 (B) "Area two" consists of approximately 9,700 acres of land located within sections 2,
20 3, 4, 5, 9, 10, 11, 14, 15, 17, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33 and 34 of township 23
21 south, range 9 east, Klamath County and the portion of Parcel 3, Partition Plat No. 34-08
22 located in township 23 south, range 9 east, Klamath County; and

23 (C) "Area three" consists of approximately 11,000 acres of land located within sections
24 14, 23, 24, 25, 26, 34 and 35 of township 23 south, range 9 east; sections 3, 4 and 9 of township
25 24 south, range 9 east; section 1 of township 25 south, range 7 east; sections 1, 2, 3, 4, 9, 10,
26 12, 13, 14, 15, 16 and 17 of township 25 south, range 8 east; Parcel 1, Partition Plat No. 34-08
27 located in township 24 south, ranges 7 and 8 east, Klamath County; the portion of Parcel 3,
28 Partition Plat No. 34-08 located in township 24 south, ranges 8 and 9 east, Klamath County
29 and the land lying west of U.S. Route 97.

30 (f) "Land trust" means the Deschutes Land Trust, an Oregon nonprofit corporation or
31 another nonprofit conservation organization that is either accredited by the Land Trust Ac-
32 creditation Commission or is nationally recognized as a land conservation organization, the
33 primary mission of which is land conservation.

34 (2) Contingent upon satisfaction of the requirements of subsection (3) of this section, the
35 Skyline Forest Sustainable Development Area may be developed and used for the following
36 purposes:

37 (a) The Skyline Forest Sustainable Development Area may contain up to 282 residential
38 units, a caretaker's residence, a restaurant, a small community store, a small-scale com-
39 munity conference center, an equestrian facility, small-scale recreational, commercial and
40 basic service uses, and all utility, maintenance and security facilities necessary to support
41 the development. The residential units may be permanent residences, rental units or lodging
42 units. The specific number of residential units allowed within the Skyline Forest Sustainable
43 Development Area, up to a maximum of 282, is dependent upon the number of acres of the
44 Skyline Conservation Tract and the Southern Conservation Tract conveyed to a land trust
45 or a federal or state agency pursuant to this section. Up to:

1 (A) 137 residential units shall be allowed within the Skyline Forest Sustainable Develop-
2 ment Area in exchange for the conveyance of the Skyline Conservation Tract to a land trust;

3 (B) 183 residential units shall be allowed within the Skyline Forest Sustainable Develop-
4 ment Area in exchange for the conveyance of the Skyline Conservation Tract and area one
5 of the Southern Conservation Tract to a land trust or to a federal or state agency;

6 (C) 224 residential units shall be allowed within the Skyline Forest Sustainable Develop-
7 ment Area in exchange for the conveyance of the Skyline Conservation Tract, area one and
8 area two of the Southern Conservation Tract to a land trust or to a federal or state agency;
9 or

10 (D) 282 residential units shall be allowed within the Skyline Forest Sustainable Develop-
11 ment Area in exchange for the conveyance of the Skyline Conservation Tract, area one, area
12 two and area three of the Southern Conservation Tract to a land trust or to a federal or
13 state agency.

14 (b) The Skyline Forest Sustainable Development Area may not contain a golf course or
15 golf-related facilities.

16 (c) All development, not including access roads and utility lines to the Skyline Forest
17 Sustainable Development Area and up to five acres for maintenance and security facilities,
18 shall be located on 1,200 contiguous acres within the Skyline Forest Sustainable Development
19 Area. The owner shall use the remaining undeveloped 1,800 acres of the Skyline Forest
20 Sustainable Development Area for the primary purposes of minimizing the risk of wildfire
21 and maintaining wildlife habitat value. However, an equestrian facility may be located within
22 the otherwise undeveloped 1,800 acres if the facility is located on no more than 40 acres
23 contiguous to the developed portion of the Skyline Forest Sustainable Development Area. The
24 owner shall cause a conservation easement pursuant to ORS 271.715 to 271.795 to be recorded
25 on the entirety of the undeveloped 1,800 acres prohibiting partitions and development, but
26 allowing recreational uses, such as picnic grounds, trails and restrooms. The equestrian fa-
27 cility permitted by this section shall also be allowed within the conservation easement. The
28 conservation easement must be held by a land trust and shall contain terms agreed to by the
29 State Department of Fish and Wildlife and the State Forestry Department.

30 (d) Roads, utility corridors and all utility facilities necessary to serve the Skyline Forest
31 Sustainable Development Area shall be allowed as outright permitted uses within the Skyline
32 Forest Sustainable Development Area, the Skyline Forest and on nearby lands regardless of
33 the comprehensive plan or zoning designation of the lands.

34 (e) The uses allowed by this subsection shall be allowed only upon approval of a master
35 plan as provided by subsection (5) of this section. The master plan shall contain design cri-
36 teria and standards to ensure that sustainability principles will be incorporated into the de-
37 velopment and operation uses within the Skyline Forest Sustainable Development Area. The
38 design criteria and standards shall promote sustainable building design, water conservation
39 and energy conservation.

40 (f) The master plan described in subsection (5) of this section shall incorporate design
41 criteria and standards to ensure that there will be negligible visual impacts under normal
42 daylight viewing conditions from Awbrey Butte and the Plainview scenic turnout located on
43 the McKenzie-Bend Highway No. 17, also known as U.S. Route 20, near milepost 9. The design
44 criteria and standards shall also require all outdoor lighting to be downward facing, to the
45 extent practicable.

1 (g) The Skyline Forest Sustainable Development Area shall be served by one primary
2 access route and by one or more emergency and secondary access routes that use existing
3 roads as much as practicable. The access routes may be private or public roads, including
4 roads managed by the United States Forest Service. The primary access route shall intersect
5 the McKenzie-Bend Highway No. 17, also known as U.S. Route 20, between mileposts 3 and
6 6 to provide access from the eastern boundary of the Skyline Forest Sustainable Develop-
7 ment Area to the referenced highway.

8 (h) The Skyline Forest Sustainable Development Area, including all access roads, must
9 be developed in consultation with the State Department of Fish and Wildlife to minimize
10 impacts on wildlife, particularly deer and elk populations.

11 (i) The Skyline Forest Sustainable Development Area, including all access roads, must
12 be developed in consultation with the State Forestry Department and the United States
13 Forest Service to minimize wildfire risks.

14 (j) The owner of the Skyline Forest Sustainable Development Area shall provide adequate
15 firefighting facilities and services to address the needs of the development. All structures
16 shall be designed and maintained consistent with the default wildfire safety standards of the
17 Oregon Forestland-Urban Interface Fire Protection Act of 1997, as set forth in administrative
18 rules of the State Forestry Department.

19 (k) Any wells used to provide water for uses within the Skyline Forest Sustainable De-
20 velopment Area shall be sited to minimize impacts of groundwater use on Whychus Creek
21 and Melvin Springs.

22 (3) The land uses described in subsection (2) of this section shall be allowed within the
23 Skyline Forest Sustainable Development Area upon the satisfaction of the following condi-
24 tions:

25 (a) The owner of the Skyline Forest and the Southern Conservation Tract transfers:

26 (A) The Skyline Conservation Tract to a land trust for the purpose of creating commu-
27 nity forestlands; and

28 (B) The Southern Conservation Tract, whether to a single buyer or multiple buyers, to
29 a land trust for the purpose of creating community forestlands or to a federal or state
30 agency. However, the owner may choose to retain all or a portion of the Southern Conser-
31 vation Tract, in which case the number of residential units allowed within the Skyline Forest
32 Sustainable Development Area shall be limited as set forth in subsection (2)(a) of this sec-
33 tion.

34 (b) The consideration for any transfer does not exceed the fair market value of the
35 property as established by an appraisal based on the hypothetical condition or assumption
36 that all development rights on the properties, whether actual or potential, have been extin-
37 guished as contemplated by subsection (6) of this section. The appraisal must comply with
38 the Uniform Standards of Professional Appraisal Practice. The appraisal shall comply with
39 the Uniform Appraisal Standards for Federal Land Acquisitions if:

40 (A) The land trust or state agency proposes, in part or in whole, to use federal funds to
41 purchase the property and has demonstrated a reasonable likelihood that federal funds will
42 be secured for the purchase; or

43 (B) The property is being conveyed to a federal agency.

44 (c) The Skyline Conservation Tract and the Southern Conservation Tract will be managed
45 so that wildlife and recreational values are safeguarded and the overall forest health, in-

1 cluding sustainable timber production and wildfire prevention, is maintained over the long
2 term.

3 (d) The owner of the Skyline Forest Sustainable Development Area obtains the land use
4 approvals required by subsection (5) of this section.

5 (4) The uses authorized by subsection (2) of this section shall be allowed as outright
6 permitted uses by Deschutes County, following approval of the master plan required by sub-
7 section (5) of this section by Deschutes County. The uses allowed by subsection (2) of this
8 section are allowed notwithstanding those provisions of ORS 215.700 to 215.780 relating to lot
9 size and dwelling standards on forestlands, those statewide land use planning goals relating
10 to agricultural lands, forestlands, public facilities and services, transportation and
11 urbanization and those provisions of Deschutes County's comprehensive plan and land use
12 regulations limiting uses of forestlands. Approval of the master plan and land division appli-
13 cations required by subsection (5) of this section for the development and use of the Skyline
14 Forest Sustainable Development Area and all associated road and utility corridors may not
15 require exceptions to any statewide planning goal or amendment of any local comprehensive
16 plan or land use regulation. Deschutes County shall apply only the provisions of this section
17 as standards and criteria for an application for, or amendment to, a master plan or land di-
18 vision application or other development permit applications submitted pursuant to this sec-
19 tion.

20 (5) The owner of the Skyline Forest Sustainable Development Area may submit an ap-
21 plication to Deschutes County for approval of a master plan for the development and use of
22 the area. The application must be submitted within five years after the effective date of this
23 2009 Act, subject to the following:

24 (a) The master plan shall demonstrate compliance with subsection (2) of this section and
25 include a tentative land division application to create the lots within the Skyline Forest
26 Sustainable Development Area.

27 (b) Deschutes County shall process the master plan and all land division applications
28 pursuant to the procedural review provisions of its local land use regulations. However,
29 Deschutes County shall approve the master plan and any tentative or final land division ap-
30 plications if the applications are consistent with subsections (2) and (3) of this section. No
31 additional land use or land division standards shall apply to the approval and development
32 of the Skyline Forest Sustainable Development Area.

33 (c) Deschutes County shall condition final approval of the master plan and land division
34 applications on the execution of an agreement to record a conservation easement in accord-
35 ance with subsection (2)(c) of this section, an agreement to transfer the Skyline Conserva-
36 tion Tract to a land trust for the purpose of creating community forestlands and, if
37 applicable, an agreement to transfer all or a portion of the Southern Conservation Tract ei-
38 ther to a land trust for the purpose of creating community forestland or to a federal or state
39 agency. The agreements shall specify that recordation of the conservation easement, trans-
40 fer of the Skyline Conservation Tract and transfer of all or a portion of the Southern Con-
41 servation Tract shall be contingent upon the following terms:

42 (A) The owner of the Skyline Forest Sustainable Development Area shall obtain all fed-
43 eral, state and local licenses, permits, rights and other entitlements necessary for develop-
44 ment of the Skyline Forest Sustainable Development Area, each of which shall be final and
45 no longer subject to appeal;

1 (B) The land trust or the federal or state agencies, as applicable, shall obtain adequate
2 funding to purchase the Skyline Conservation Tract or the Southern Conservation Tract, as
3 applicable, in accordance with subsection (3)(b) of this section; and

4 (C) The land trust or the federal or state agencies shall develop and implement manage-
5 ment standards that provide reasonable assurance to the owner of the Skyline Forest
6 Sustainable Development Area that the Skyline Conservation Tract and the Southern Con-
7 servation Tract will be managed to establish forest health, manage wildfire risk and maintain
8 compatibility with the Skyline Forest Sustainable Development Area.

9 (d) The master plan and all associated land division plans shall govern development of the
10 Skyline Forest Sustainable Development Area in perpetuity and shall not expire. Regulations
11 requiring the submittal of final plats within a specified time period following tentative plan
12 approval shall not apply to the Skyline Forest Sustainable Development Area. The master
13 plan may be amended at any time following an administrative review by Deschutes County.
14 Deschutes County shall approve the amendments if the amended master plan remains con-
15 sistent with subsections (2) and (3) of this section.

16 (6) The Deschutes Land Trust, an Oregon nonprofit corporation, shall have a right of last
17 opportunity to purchase the Skyline Conservation Tract and the Southern Conservation
18 Tract, and any purchase agreement shall provide a minimum of three years for the
19 Deschutes Land Trust to obtain funding for any purchase. If at any time after two years
20 from the date of any purchase agreement or the date of filing of a master plan under sub-
21 section (5) of this section, whichever is later, the Deschutes Land Trust has failed to dem-
22 onstrate a reasonable likelihood it will be able to obtain the funds necessary to complete the
23 purchase, the owner of the Skyline Conservation Tract and the Southern Conservation Tract
24 may seek alternative buyers for any property that is the subject of a purchase agreement
25 under this subsection. The Deschutes Land Trust will in good faith notify the owner of the
26 Skyline Conservation Tract and the Southern Conservation Tract if at any time during the
27 period of any purchase agreement the Deschutes Land Trust concludes it does not wish to
28 complete the purchase or will be unable to obtain the necessary funding to complete the
29 purchase.

30 (7) Development and construction uses within the Skyline Forest Sustainable Develop-
31 ment Area may proceed according to the approved master plan once the transfer of fee title
32 of the Skyline Conservation Tract and, as applicable, all or a portion of the Southern Con-
33 servation Tract, is complete. Following transfer of fee title of the Skyline Conservation Tract
34 and, as applicable, all or a portion of the Southern Conservation Tract, all development
35 rights on the conveyed lands are extinguished and the conveyed lands shall be thereafter
36 managed as community forestlands or as federal or state forestlands.

37 (8) At any time within five years after the effective date of this 2009 Act, the owner of
38 the Skyline Forest Sustainable Development Area may either file an application for a master
39 plan pursuant to subsection (5) of this section, or submit written notice to Deschutes County
40 and the Deschutes Land Trust stating the owner's intent to relinquish the development op-
41 portunities authorized by this section. Until the owner of the Skyline Forest Sustainable
42 Development Area files a master plan application or submits a notice of relinquishment un-
43 der this subsection, the owner may not divide, develop, obtain a lot of record determination
44 or prohibit public access to any portion of the Skyline Forest. If the owner of the Skyline
45 Forest Sustainable Development Area submits a notice of relinquishment under this sub-

1 section, or the owner allows the five-year time period to elapse without taking any action
2 under this subsection, the development opportunities authorized by this section shall expire
3 and the owner may divide, develop and prohibit public access to any portion of Skyline Forest
4 pursuant to the laws in effect at that time.

5 (9) If the owner of the Skyline Forest Sustainable Development Area does not file a
6 master plan within five years of the effective date of this 2009 Act or if Deschutes County
7 does not approve a master plan as provided in subsection (5) of this section within 15 years
8 of the effective date of this 2009 Act, then the provisions of subsection (2) of this section
9 shall cease to have any force or effect.

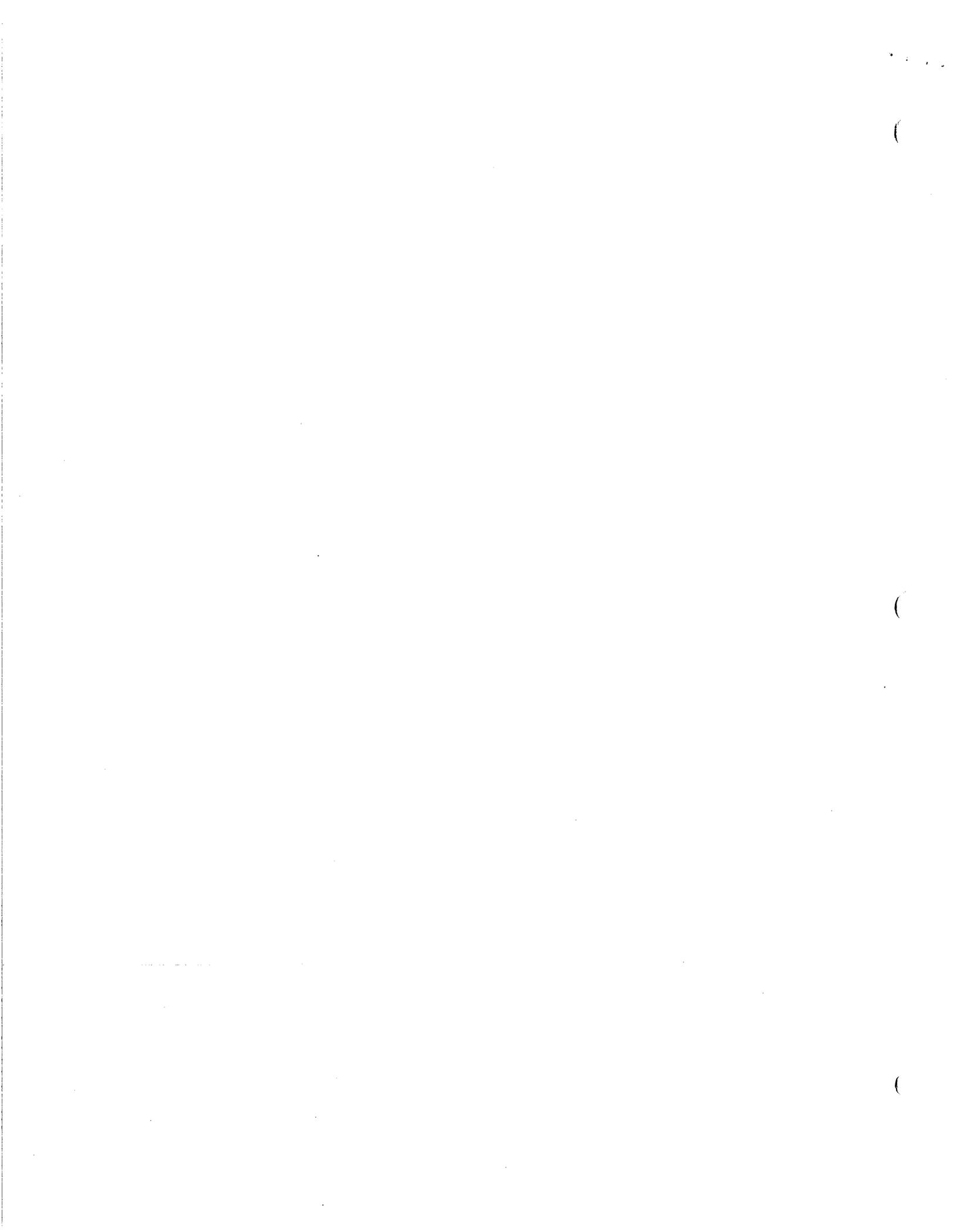
10 (10) The development opportunities provided by this section are fully transferable and
11 will run with the land in the event of a change of ownership of the Skyline Forest or all or
12 a portion of the Southern Conservation Tract.

13 SECTION 10. On or before February 1, 2013, the Department of Land Conservation and
14 Development shall make a report to the Seventy-seventh Legislative Assembly, in the man-
15 ner described in ORS 192.245:

16 (1) Evaluating the Oregon Transfer of Development Rights Pilot Program established in
17 sections 6 to 8 of this 2009 Act; and

18 (2) Recommending whether the pilot program should be continued, modified, expanded
19 or terminated.

20 SECTION 11. This 2009 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
22 on its passage.
23





Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor Fax: (503) 378-5318

<http://www.oregon.gov/LCD>

EXHIBIT: 18 AGENDA ITEM: 8
LAND CONSERVATION & DEVELOPMENT
COMMISSION
DATE: 6-4-09
PAGES: 4
SUBMITTED BY: DLCD Staff

May 21, 2009

TO: Land Conservation and Development Commission (LCDC)

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

SUBJECT: **Agenda Item 8, June 4-5, 2009, LCDC Meeting**

LEGISLATIVE UPDATE

Updated June 4, 2009

Under this agenda item, the department will report to the commission regarding the status of land use legislation, including the department's proposed legislation and other legislation that effects land use policy or the department.

The status of legislation proposed or tracked by the department changes almost daily, and as such information in this report may be out of date by the time the commission meets. The department will supplement this report with updated information at the meeting. **This report supplements the previous report with information in bold.**

For additional information, contact either 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.

The following bills were voted out of the full Joint Ways and Means Committee on June 2:

- 1. SB 5531 Department of Land Conservation and Development budget**
- 2. SB 5532 Department of Land Conservation and Development fee bill**
- 3. HB 3225 A Relating to Ballot Measure 49 (2007) claims (see below)**

In addition, HB 228 and a bill (HB 3298) carrying the Commission's Area of Critical Statewide Concern recommendation regarding the Metolius River Basin were voted out of Senate rules to the Senate floor on June 3 (see below).

I. OVERVIEW

April 28 was the deadline for bills to move out of their “committee of origin” (except Rules, Ways and Means, and Revenue committees). As such, the list of “live bills” that DLCD is tracking has been substantially reduced – a large percentage of the roughly 200 bills DLCD was tracking are “dead.” Attachment A to this report shows the live bills DLCD is currently tracking as of the date of the report (this list includes only “priority 1, 2, and 3” bills – it does not include other tracked bills that affect agencies, including DLCD, but that do not affect land use policy).

II. PROPOSED DLCD LEGISLATION

At the start of the 2009 session, the Governor proposed six bills at the request of LCDC and the department:

HB 2225: Affordable housing pilot program. As the department reported at the commission’s April meeting, the chair of the House Sustainability and Economic Development Committee informed the department that he does not intend to take further action on this bill. DEAD

HB 2226: Protect the Metolius River Basin. The commission’s proposal for the Metolius Area of Critical Statewide Concern (ACSC) was submitted to the legislature on April 2, 2009, several months after a previous proposal regarding the Metolius, HB 2226, was filed by the Governor’s Office. As such, the ACSC is in a different bill, HB 3100 (Attachment B). That bill was the subject of hearings in the House Land Use Committee on April 7 and 9, and the bill was forwarded to the House Rules Committee on April 21. Action on this bill is not scheduled at the time of this report. SB 741 is also a live bill and is very similar to HB 3100. The similar bill, SB 741, passed the Senate Environment and Natural Resources Committee and has been referred to Senate Rules, where it currently resides. DEAD

HB 2227: Destination Resorts. The House Land Use Committee forwarded the department’s general bill regarding destination resort law, with amendments, to the house floor with a “do pass” recommendation on March 31. The amended version of the bill (Attachment C) passed on the house floor on April 13. The bill primarily removes detailed resort provisions (phase in standards) from statute, but leaves similar provisions in LCDC’s Goal 8 to maintain destination resort policy. The bill allows the commission and department to undertake a study of destination resort issues within a timeframe that is likely to cross into the 2011-13 biennium. **Update: This bill was filed with the Secretary of the Senate on June 2, along with a “minority report” that, if passed, would amend the bill to allow a county to approve a destination resort within an area of critical state concern provided the site for the resort was included on the county’s map of lands eligible for resorts before the Area of Critical State Concern (ACSC) was designated by the legislature. The bill and the minority report have not yet been scheduled for a second or third reading on the Senate floor at the time of this report. If passed, the bill would need to return to the House for concurrence.**

HB 2228: Transfer of Development Credits (TDC) Pilot Program. The department’s bill was amended substantially in committee, has passed the house, **passed** the Senate Environment Committee to **Senate Rules with a do pass recommendation, and has now passed to the Senate floor with a due pass recommendation.** The bill establishes a pilot program to conserve

forest lands by facilitating a transfer of residential development credits, but the amended version includes two new elements unrelated to the original TDC bill. One amendment authorizes a “transfer of development opportunity” from an owner of a previously mapped resort site in the Metolius Basin to other limited areas in the state. The other new element provides that the owner of the “Skyline Forest” and “South Country Tract” in Deschutes County may transfer this forest land to a trust or land management agency and in return, may retain 3,000 acres of the land for certain residential uses, including development on 320 acres. Additional amendments to the bill (Attachment D) were under discussion at the time of this report. **This bill was voted to the senate floor from the Senate Rules Committee yesterday (June 3).**

HB 2229: Big Look Task Force Recommendations. This bill was amended and has passed both the House Land Use Committee and the house floor, almost unanimously. The bill **passed** the Senate Environment Committee **on May 28 with a do pass recommendation to the Senate floor.** The amended bill (Attachment E) allows counties to conduct a legislative review of agricultural or forest lands to determine consistency with current Goal definitions, and to correct mapping errors or update these designations. The bill also amends and clarifies requirements in the “regional problem-solving process” statutes, and directs a policy-neutral review and audit of the land use system to reduce complexity. **The department expects this bill to come up for final vote on the Senate floor later this week or early next week.**

HB 2230: State Agency Coordination and modification of Land Use Compatibility Statement (LUCS) requirements. This bill passed the house floor and the amended bill (Attachment F) was **passed** the Senate Environment and Natural Resources Committee **on May 28 with a do pass recommendation to the Senate Floor. The bill is scheduled for a final vote on the Senate Floor today (June 4). Since the bill was amended in the Senate it would have to return to the house for concurrence.**

II. MEASURE 49 LEGISLATION (see also, Measure 49 Report under Item 6)

HB 3225: Measure 49. Imposes a statutory deadline for DLCD to complete claims (June 30, 2010); authorizes prioritizing no more than 100 claims in cases of demonstrated hardship, and allows approximately 400 claimants who failed to meet statutory deadlines, had property split by a UGB, or whose property is within a city but outside a UGB (Damascus) an additional opportunity for review of their claims. The bill also directs the department to investigate and report to the legislature by the end of this year the approximately 900 claims filed only with a county but not with the state, and certain claims filed without a required appraisal. Declares emergency, effective on passage. **On June 3 this bill was voted out of the full Ways and Means Committee to the floor(s) with a do pass recommendation.**

SB 945: Measure 49. This bill, sponsored by Senator Prozanski, is identical to HB 3225. It has passed the Senate Judiciary Committee and is in the Ways and Means Committee. Not expected to receive further action (unless HB 3225 does not pass).

SB 691: Modifies provisions for claiming compensation for specified land use regulations that regulate forest practices on private real property. Allows forest practices claims by owner on the

portion of the property affected by the regulation and not the entire parcel. **Has passed the Senate and the House to the Governor's desk.**

III. OTHER LEGISLATION OF INTEREST

Several other land use related bills were still "alive" at the time of this report and may be of interest to the commission:

HB 2761: Changes process for a landowner who requests an independent soil capability assessment. Requires DLCD to establish a list of qualified contractors for such assessment, and to collect a fee to cover costs of administering this program. **The bill is in the Natural Resources Subcommittee of the Ways and Means Committee at the time of this report.**

HB 3043: Annexes territory to Metro as that UGB is expanded so that territory added to the UGB would automatically be added to Metro's jurisdiction (this is Metro's bill). **This bill is on the governor's desk for signature.**

HB 3099: This bill, which has been substantially amended from the original version, would change or eliminate some uses currently allowed in exclusive farm use (EFU) zones by statute. The amended bill has passed the house and **was referred to the Senate Business and Transportation Committee. On April 28 the Senate Business Committee passed the bill to the Senate Floor with several additional amendments.**

HB 3298: This bill has been amended more than once, As of June 3, it provided that once counties and metropolitan service districts have designated land as urban reserve, they may not designate additional land as urban reserve until at least 50 percent of the previously designated urban reserves have been included within the Metro urban growth boundary. **On June 3, the Senate Rules Committee amended this bill to remove the provisions described above and replace them with provisions regarding the Metolius ACC, i.e., to make the bill identical to HB 3100. The bill then passed to the Senate floor. Since 3298 has passed the house already, it would need to return for a concurrence vote, but would not necessarily go to a house committee.**

SB 566: Excuses Metro from considering the "priority of land" statute when adding land in an urban reserve to its UGB. Since Metro's UR process under LCDC rules uses a different "priority of land" to designate urban reserves, this bill would ensure that UR land is always first priority regardless of its soil or other status. **This bill has passed the House and Senate and is on the Governor's desk.**

SB 763: This bill, **which has passed the Senate and House, is also on its way to the Governor's desk,** The bill establishes a broad system for buying and selling transferable development credits (TDCs) to encourage landowners to voluntarily protect resource lands. The department has participated in a work group regarding this bill, beginning in the Fall of 2008. TDCs have been used effectively in other states; this bill integrates this market-based planning and conservation tool into the Oregon land use system.

DLCD Tracked Bills Report

Report Date: Tues, June 2, 2009

Searched on: Session Year=2009; Priority=1,2,3; Location=Live HB - All Locations; Live SB - All Locations; Sort By=Bill Number;

Bill #	Relating To Clause	Summary	At the Request of	Sponsors	Prty	Next Hearing	Last Three Actions
HB2001B	Relating to transportation; appropriating money; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.	Directs interim House and Senate committees related to transportation and Oregon Transportation Commission to develop pilot programs to implement congestion pricing in Portland metropolitan area and develop least-cost planning model. Requires metropolitan service districts to develop land use and transportation scenarios to reduce greenhouse gas emissions.	Governor Theodore R. Kulongoski	E. Terry Beyer Vicki Berger	1	Governor's desk	05/29/09 - Passed house and senate, sent to Governor's desk. Signed into law.
HB2003	Relating to use of land.	Extends landowner immunity for public recreational use of land for recreational purposes, gardening, woodcutting and harvest of special forest products to paths, trails, roads, watercourses and other rights of way that are used to reach land for such purposes.		Judy Stiegler	3	Date: Fri, May 29, 3:00 PM Loc: HR 50 Com: Rules (H)	05/29/09 - Public Hearing and Work Session. 05/20/09 - Referred to Rules.
HB2098A	Relating to Oregon territorial sea mapping project; declaring an emergency.	Limits biennial expenditures from fees, moneys or other revenues received by Department of State Lands to pay costs of Oregon territorial sea mapping project. Declares emergency, effective July 1, 2009.	House Interim Committee on Emergency Preparedness and Ocean Policy		1	No hearings scheduled at this time.	05/12/09 - Public Hearing held. 03/17/09 - Referred to Ways and Means. Assigned to Subcommittee On Natural Resources.
HB2216A	Relating to the State Board of Forestry authorization to acquire lands; appropriating money; declaring an emergency.	Modifies certain provisions related to ability of State Board of Forestry to acquire lands. Establishes State Forest Acquisition Fund. Continuously appropriates moneys in fund to board for purpose of acquiring parcels in Gilchrist area of Klamath County for use as state forestland.	Governor Theodore R. Kulongoski for State Forestry Department		1	No hearings scheduled at this time.	05/27/09 - Public Hearing. 05/07/09 - Assigned to Subcommittee On Natural Resources. 05/05/09 - Referred to Ways and Means then to Revenue.
HB2227A	Relating to destination resorts.	Modifies provisions for siting destination resorts. Authorizes Land Conservation and Development Commission to evaluate destination resort policies and update key requirements.	Governor Kulongoski for Department of Land Conservation and Dev		1	No hearings scheduled at this time.	05/26/09 - Do Pass from Senate Environment committee to Senate floor with a do pass recommendation
HB2228A	Relating to transfer of development rights from resource lands; declaring an emergency.	Authorizes establishment of one or two small-scale recreation communities on forestlands. Conditions establishment of communities on transfer of development opportunity from owner of Metolius resort site to owner of proposed site of small-scale recreation community. Establishes pilot program to conserve resource lands by facilitating transfer of residential development rights from farm or forest property to other property. Provides that if owner of Skyline Forest and South Country Tract transfers forest to land trust and tract to land trust or land management agency under certain circumstances, owner may retain and use 3,000 acres of land for specified uses. Declares emergency, effective on passage.	Governor Theodore R. Kulongoski for Department of Land Conservation and Development		1	No hearings scheduled at this time.	06/3/09 - Amended and do Pass recommendation adopted. 05/28/09 - Possible Work Session scheduled. 05/26/09 - Public Hearing held. 05/14/09 - Referred to Environment and Natural Resources.

EXHIBIT: 7 AGENDA ITEM: 8
 LAND CONSERVATION & DEVELOPMENT
 COMMISSION
 DATE: 6-4-09
 PAGES: 7
 SUBMITTED BY: DLCD Staff

HB2229A Relating to recommendations of Oregon Task Force on Land Use Planning; declaring an emergency.

Governor Theodore R. Kulongoski for Department of Land Conservation and Development

1 Pre-session filed.

05/28/09 - Work Session - passed to Senate floor with a do pass recommendation
05/19/09 - Public Hearing held.
05/12/09 - Referred to Environment and Natural Resources.

Establishes main principles for state land use system. Expands authorities for regional land use planning. Provides that county may conduct legislative review of county lands to determine whether lands planned and zoned are consistent with definitions of agricultural lands or forest lands for purposes of correcting mapping errors and updating designations of farmlands and forestlands. Requires county to submit decisions on planning and rezoning designations to Department of Land Conservation and Development for review. Specifies procedures for review. Provides that local governments may enter into collaborative regional problem-solving process with certain public bodies. Requires county to submit proposed work scope and participant list to Land Conservation and Development Commission for approval. Requires participants to submit changes to comprehensive plans and land use regulations made pursuant to process to commission for review. Directs Land Conservation and Development Commission to carry out policy-neutral review and audit of land use system to reduce complexity. Declares emergency, effective on passage.

HB2230 Relating to coordination of land use decision-making between state agencies and local governments.

Governor Theodore R. Kulongoski for Department of Land Conservation and Development

1 Pre-session filed.

05/26/09 - Work Session held. Do Pass to floor
05/07/09 - Public Hearing held.
03/18/09 - Referred to Environment and Natural Resources.

Excludes from definition of land use decision local government decision that state agency permit is consistent with statewide land use planning goals and compatible with acknowledged comprehensive plan when local government decision is based on prior local approval of permit for substantially same action. Directs Land Conservation and Development Commission to update and improve coordination of land use decision-making between state agencies and local governments.

HB2375A Relating to fireworks business in exclusive farm use zone.

House Interim Committee on Consumer Protection

2 Pre-session filed.

05/28/09 - Public Hearing and Possible Work Session scheduled.
03/03/09 - Referred to Business and Transportation.

Limits use of aerial fireworks display business in exclusive farm use zones to current business owners. Requires discontinuance of aerial fireworks display business upon expiration of current permit. Provides that permit expires upon occurrence of sale or transfer of business and certain other circumstances.

HB2761 Relating to soil information.

Brian Clem Arnie Robian

1 No hearings scheduled at this time.

06/02/09 - Assigned to Subcommittee On Natural Resources.

Allows landowner to request independent soil capability assessment.

HB2904 Relating to property taxation; prescribing an effective date.

Fazio Farms

1 No hearings scheduled at this time.

06/02/09 - Work Session held.
05/18/09 - Public Hearing and Work Session held.
04/30/09 - Referred to Revenue by prior reference.

Includes implementation of plan to mitigate severe adverse conditions on farm parcel as eligible farm use for purposes of special assessment for property taxation. Prohibits application of farm income requirements to property during period that plan is implemented. Applies to tax years beginning on or after July 1, 2007. Takes effect on 91st day following adjournment sine die.

HB3013A	Relating to ocean resources; declaring an emergency.	Directs certain state agencies to implement specified recommendations of Ocean Policy Advisory Council regarding marine reserves. Directs State Department of Fish and Wildlife to develop work plan for implementing recommendations, report on results of work plan to appropriate interim legislative committee before November 30, 2010. Directs Department of State Lands to transfer moneys to State Department of Fish and Wildlife for purpose of implementing recommendations. Specifies that designation of marine reserve must include commitment to pursue long-term funding for marine reserve. Declares emergency, effective July 1, 2009.	Rules (H)	2	No hearings scheduled at this time.	06/01/09 - referred to rules 05/28/09 - Third reading. Carried by Roblan. Passed. 05/27/09 - Rules suspended. Carried over to May 28, 2009 Calendar. 05/26/09 - Second reading.
HB3043A	Relating to boundary changes under jurisdiction of metropolitan service district.	Annexes territory within urban growth boundary to metropolitan service district by operation of law. Exempts territory within urban growth boundary annexed by operation of law from contested case proceedings.	Mitch Greenlick	2	Governor signed	05/26/09 - President signed. 05/26/09 - Speaker signed. 05/18/09 - Third reading. Carried by Dingfelder. Passed.
HB3099A	Relating to use of land zoned for exclusive farm use.	Modifies conditional and outright permitted uses of land zoned for exclusive farm use. Modifies criteria for uses.	Oregon Farm Bureau Brian Clem	1	06/04/09 - Scheduled for vote on Senate Floor	06/02/09 - Recommendation: Do pass with amendments 05/13/09 - Referred to Business and Transportation.
HB3100A	Relating to area of critical state concern; declaring an emergency.	Approves recommendation of Land Conservation and Development Commission by designating area identified by commission recommendation as area of critical state concern. Approves management plan included in recommendation. Prohibits new developments that result in specified negative impacts. Prohibits county siting destination resort in area. Declares emergency, effective on passage.	Ben Cannon Brian Clem	1	No hearings scheduled at this time.	05/29/09 - Work Session scheduled. 04/29/09 - Referred to Rules by prior reference. 04/29/09 -
HB3106A	Relating to nearshore research; declaring an emergency.	Creates Task Force on Nearshore Research for purpose of making recommendations to ensure protection and utilization of Oregon's nearshore resources. Directs Department of State Lands to transfer certain moneys, for biennium beginning July 1, 2009, to Department of Higher Education for purposes of Task Force on Nearshore Research. Sunsets January 2, 2012. Declares emergency, effective July 1, 2009.	Arnie Roblan Deborah Boone	2	No hearings scheduled at this time.	05/19/09 - Public Hearing held. 05/04/09 - Assigned to Subcommittee On Natural Resources. 04/30/09 - Referred to Ways and Means by prior reference.
HB3153B	Relating to utility facilities.	Requires utility provider to consult with owners of high-value farmland for purpose of locating and constructing transmission line in manner that minimizes impact on farming operations.	Brian Clem Deborah Boone	2	No hearings scheduled at this time.	06/02/09 - Referred to Rules. 06/01/09 - First reading. Referred to Presidents desk. 05/27/09 - Recommendation: Do pass with amendments
HB3225A	Relating to Ballot Measure 49 (2007) claims; declaring an emergency.	Specifies that certain claimants under Ballot Measure 49 (2007) are eligible to receive relief under Act. Specifies that claimant is not eligible to receive relief if claimant has common law vested right. Allows claimant that did not comply with previous filing requirements, including requirement that claim be filed with	Land Use (H)	1		06/02/09 - Full Ways and Means committee recommended do pass 05/29/09 - Recommendation: Do pass with amendments referred to full W&M Comm. 05/29/09 - Work Session scheduled.

05/13/09 - Public Hearing held.
 05/05/09 - Assigned to Subcommittee On Natural Resources.

public entity that enacted regulation, to pursue relief under Act if claimant satisfies specified criteria. Allows claimant with majority of property located outside urban growth boundary to pursue relief under Act. Specifies that development of land established pursuant to grant of relief must be located on portion of property outside urban growth boundary. Allows claimant that filed claim only with state and not with both county and state to pursue relief under Act. Directs Land Conservation and Development Commission to establish procedure for processing eligible claims under Act. Requires Department of Land Conservation and Development to issue final order on or before specified dates. Directs department to investigate certain improperly filed claims. Requires fee of \$175 for processing of certain claims. Authorizes Director of Department of Land Conservation and Development to prioritize processing of specified number of claims that demonstrate hardship. Declares emergency, effective on passage.

HB3298A Relating to land reserves.

Provides that once counties and metropolitan service districts have designated land as urban reserve, they may not designate additional land as urban reserve until at least 50 percent of previously designated urban reserves have been included within urban growth boundary of district. Amended to include recommendation regarding Metolius ACSC.

Brian Clem

1

06/02/09 - Amended and referred to Senate floor
 05/28/09 - Possible Work Session scheduled.
 05/26/09 - Public Hearing held.
 05/13/09 - Referred to Environment and Natural Resources.

HB3313 Relating to land use.

Provides counties with alternative land use procedure for siting one single-family dwelling on lot, parcel or tract located within farm, forest or mixed-use zone.

Bruce Hanna

1

04/23/09 - Without recommendation as to passage and be referred to Rules.
 04/21/09 - Work Session held.

No hearings scheduled at this time.

HB3379A Relating to transportation; declaring an emergency.

Allows local governments that are unable to meet funding requirements of transportation planning rule adopted by Land Conservation and Development Commission to apply for extensions, submit alternative plans for funding or apply to adjust various traffic performance measures. Limits number of extensions and plans that may be approved. Declares emergency, effective on passage.

David Edwards
 John Huffman

2

05/28/09 - Work Session scheduled.
 05/27/09 - Work Session held.
 05/18/09 - Public Hearing and Work Session held.

Date: Thu, May 28, 2009
 Time: 1:00 PM
 Loc: HR B
 Com: Business and Transportation (S)

HB3491 Relating to use of land zoned for forest use.

Authorizes parking of up to 10 dump trucks and up to 10 trailers on lot or parcel of land zoned for forest use or mixed farm and forest use.

Vic Gilliam
 Fred Girod

1

05/07/09 - Referred to Rules.
 05/07/09 - First reading.
 Referred to Speaker

No hearings scheduled at this time.

HB3492 Relating to liquefied natural gas; declaring an emergency.

Requires applicant seeking to construct liquefied natural gas terminal or pipeline directly related to terminal to enter into certain written agreement with state. Declares emergency, effective on passage. (See SB 877; likely replaces this bill)

Tobias Read
 Vicki Walker

1

05/22/09 - Public Hearing held.
 05/13/09 - Referred to Rules.

No hearings scheduled at this time.

SB80A	Relating to greenhouse gas emissions; declaring an emergency.	Requires Department of Transportation, Public Utility Commission and Department of Environmental Quality to develop and implement plans to meet 2020 greenhouse gas emissions reduction goal or, if meeting goal is not technologically or economically feasible, to develop and implement alternative greenhouse gas emissions reduction strategy. Specifies duties and powers of state agencies in developing plans. Establishes Climate Policy Advisory Council for purpose of coordinating actions of state agencies to achieve reduction goal.	Governor Theodore R. Kulongoski	Presession filed. 2	No hearings scheduled at this time.	05/27/09 - Public Hearing held. 05/11/09 - Assigned to Subcommittee On Natural Resources. 05/06/09 - Referred to Ways and Means by order of the President.
SB170A	Relating to rural airports.	Expands number of rural airports eligible to participate in pilot project encouraging economic development. <i>Authorizes industrial development of participant airport property.</i>]	Governor Theodore R. Kulongoski for Oregon Department of Aviation	Presession filed. 1	No hearings scheduled at this time.	05/20/09 - Work Session held. 03/06/09 - Referred to Transportation.
SB193A	Relating to state water resources strategy.	<i>Directs</i>] Authorizes Water Resources Department to develop integrated state water resources strategy. Directs department to report to legislature regarding strategy. <i>Directs Water Resources Commission to give Environmental Quality Commission notice of strategy. Directs Water Resources Commission to review and update strategy every five years.</i>	Governor Theodore R. Kulongoski for Water Resources Department	Presession filed. 2	No hearings scheduled at this time.	05/14/09 - Public Hearing held. 04/09/09 - Assigned to Subcommittee On Natural Resources. 04/07/09 - Referred to Ways and Means by prior reference.
SB195	Relating to wave energy; declaring an emergency.	Adds exemption for wave energy projects from provisions related to hydroelectric projects. Authorizes Water Resources Commission to adopt rules relating to wave energy projects. Sunsets January 1, 2010. Declares emergency, effective on passage.	Governor Theodore R. Kulongoski for Water Resources Department	Presession filed. 2		06/01/09 - Passed House 05/14/09 - passed senate
SB566A	Relating to urban growth boundary management in metropolitan service district; prescribing an effective date.	Provides that metropolitan service district is not required to consider certain information when including land designated as urban reserve within urban growth boundary. Takes effect December 1, 2009.	Bruce Starr	1	House Floor third reading May 29	06/02/09 - Passed 05/26/09 - Recommendation: Do pass. 05/21/09 - Work Session .
SB634A	Relating to priority of land for inclusion within urban growth boundary.	Modifies priority of land for inclusion within urban growth boundary. Makes in lieu state lands zoned EFU and adjacent to UGB higher priority than private EFU land for purposes of UGB amendment.	Chris Teifer Vicki Walker	1	No hearings scheduled at this time.	05/28/09 - Work Session cancelled. 05/11/09 - Referred to Land Use.
SB691A	Relating to compensation for the loss of value of private forestland resulting from regulation of forest practices.	Modifies provisions for claiming compensation specified land use regulations that restrict forest practices on private real property. Allows claim by owner based on land use regulation restricting forest practices and enacted before owner acquired property. Allows claim by person who owns property subsequent to owner who filed claim. Allows owner to prove reduction in fair market value by appraisals that show value of land and harvestable timber. Allows owner to make separate claims, based on same regulation of forest practice for different lawfully established units of land.	Oregon Forest Industries Council Betsy Johnson	1		06/03/09 - Passed House 05/27/09 - Recommendation: Do pass to House floor 05/26/09 - Work Session held. 05/21/09 - Public Hearing held.

SB741A	Relating to protection of Metolius River Basin; declaring an emergency.	<p>Declares Metolius River Basin and area of influence to be] Approves recommendation of Land Conservation and Development Commission that Metolius River Basin be designated area of critical state concern. Directs Department of Land Conservation and Development to review land in area and recommend management plan.] Approves management plan included in commissions recommendation. Makes certain changes to plan. Restricts new developments in Metolius River Basin. Restricts siting of destination resort in Metolius River Basin. Declares emergency, effective on passage.</p>	Environment and Natural Resources (S)	1	No hearings scheduled at this time.	05/05/09 - Referred to Rules by order of the President. 05/05/09 - Recommendation: Do pass with amendments and be referred to Rules. (Printed A-Eng) 04/28/09 - Work Session held.
SB763A	Relating to transferable development credits; declaring an emergency.	<p>Authorizes cities, counties, metropolitan service districts and certain state agencies to establish transferable development credit system for purpose of allowing specified persons to transfer developmental interests from one government unit to another. Requires participating governmental units to enter into intergovernmental agreement with each other and, for purpose of administering process, with Department of Land Conservation and Development. Requires department to report on transferable development credit systems to Seventy-seventh Legislative Assembly. Declares emergency, effective on passage.</p>	Martha Schrader Mary Nolan	1	Sent to Governor	06/02/09 - Passed 05/27/09 - Recommendation: Do pass. 05/26/09 - Work Session held. 05/21/09 - Public Hearing held.
SB944B	Relating to Lane County Area Commission on Transportation.	<p>Directs Lane County to develop proposed charter for formation of area commission on transportation on or before September 30, 2010. Directs county to report on development of area commission to interim committees of Legislative Assembly on or before October 31, 2010.</p>	Floyd Prozanski Paul Holvey	3		06/03/09 - Rules suspended. Carried over to June 4, 2009 Calendar. 06/02/09 - Second reading. 05/29/09 - Recommendation: Do pass with amendments and be printed B-Engrossed.
SB945A	Relating to Ballot Measure 49 (2007) claims; declaring an emergency.	<p>Corrects erroneous reference in Ballot Measure 49 (2007).] Specifies requirements for eligibility of certain claims filed pursuant to Ballot Measure 49 (2007). Describes procedures by which claimants may pursue relief. Directs Department of Land Conservation and Development to review claims. Directs department to issue final order for claims on or before specified dates. Directs department to investigate certain matters related to filing of claims. Directs department to report findings to interim committee of Legislative Assembly on or before December 31, 2009. Declares emergency, effective on passage.</p>	Floyd Prozanski	1		06/02/09 - Work session 05/13/09 - Public Hearing held. Do Pass recommendation 04/28/09 - Assigned to Subcommittee On Natural Resources. 04/23/09 - Referred to Ways and Means by order of the President.
SB977	Relating to costs incurred by state agencies in connection with energy facilities; appropriating money; declaring an emergency.	<p>Requires applicants seeking to construct certain energy facilities to enter into written agreement with state in which applicant agrees to compensate state for costs associated with state agency review and evaluation of certain permits, authorizations and certifications before applicant may be granted permit, authorization or certification. Continuously appropriates moneys in fund to Oregon Department of Administrative Services. Declares emergency.</p>	Vicki Walker Tobias Read	1	No hearings scheduled at this time.	05/27/09 - Referred to Ways and Means. 05/26/09 - Introduction and first reading. Referred to Presidents desk.

SB5531 Relating to financial administration of the Department of Land Conservation and Development; appropriating money; 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, 2009.

Budget and Management Division, Oregon Department of Administrative Services

Prerevision filed. 1

06/02/09 - Full committee Do pass recommendation
05/29/09 - Work Session held - Recommendation: Do pass, referred to full committee.
03/10/09 - Public Hearing held.
03/09/09 - Public Hearing held.

SB5532 Relating to financial administration of the Department of Land Conservation and Development; declaring an emergency.

Approves certain new or increased fees adopted by Department of Land Conservation and Development. Declares emergency, effective July 1, 2009.

Budget and Management Division, Oregon Department of Administrative Services

Prerevision filed. 1

06/02/09 - Full committee Do pass recommendation
05/29/09 - Work Session scheduled. Recommendation: Do pass, referred to full committee.
03/10/09 - Public Hearing held.
03/09/09 - Public Hearing held.

Date: Fri, May 29, 2009
Time: 1:00 PM
Loc: H-170
Com: Natural Resources (1)

SB5548 Relating to financial administration of the Department of Transportation; appropriating money; declaring an emergency.

Appropriates moneys from General Fund to Department of Transportation for rail programs. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and certain federal funds, but excluding lottery funds and other federal funds, collected or received by department. Limits biennial expenditures by department from federal funds. Limits certain biennial expenditures by department from lottery moneys. Authorizes specified nonlimited expenditures. Declares emergency, effective July 1, 2009.

Budget and Management Division, Oregon Department of Administrative Services

Prerevision filed. 3

05/21/09 - Public Hearing held.
04/28/09 - Public Hearing held.
04/27/09 - Public Hearing held.

No hearings scheduled at this time.

