



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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

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

Third Floor/Measure 37 Fax: (503) 378-5318

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

July 25, 2007

TO: Land Conservation and Development Commission

FROM: Bob Rindy, Policy Analyst



SUBJECT: Agenda Item 7; August 9, 2007, LCDC Meeting;

Final Report on 2007 Land Use Legislation

The attached report describes land use related legislation enacted by the 2007 legislature. This report was mailed to local governments, state agencies, and other interested parties on July 9, 2007.

For additional information on this item, please contact Bob Rindy at 503-373-0050 ext. 229, or by email bob.rindy@state.or.us.

Attachment

Final Report on 2007 Land Use Legislation, with cover letter





Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

FAX (503) 378-5518

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

July 6, 2007

TO: Interested Persons, Local Governments and State Agencies

**FROM: Lane Shetterly, Director
Department of Land Conservation and Development (DLCD)**

SUBJECT: 2007 Land Use Legislation

Attached is a report on legislation adopted by the 2007 legislature and that relates to land use planning or related topics such as agency budgets, property law, or city annexations. The list describes legislation that relates to city, county or state land use planning and related matters, and also describes the legislatively referred ballot measure related to land use planning. Not all the bills on this list have necessarily been signed by the governor as of the date of the report. You may also access this list on the DLCD web site at <http://www.lcd.state.or.us/>

The attached list provides only a brief description of each legislative measure. Many of these new laws have other elements in addition to those described in the summary, and many details are not included in this summary. Therefore, it is recommended that you use this document primarily as a reference to new laws that may be of interest to you. If a particular bill does not specify an effective date (usually found at the very end of the bill before the signature lines), the effective date is January 1, 2008.

The attached list includes, for each bill, a hyperlink that can be used to access a "pdf file" of the enrolled version of the bill published on the state's legislative web site. The home page of the legislative web site is <http://www.leg.state.or.us/>.

All legislation considered in the 2007 legislative session, including bills that were not passed, may be obtained at http://www.leg.state.or.us/bills_laws. Print copies of enrolled bills may be ordered by calling the legislative publication office in the state capitol at (503) 986-1180. (This department does not have print copies of legislative measures available for distribution.)

If you have questions or comments about the enclosed report or new legislation, please call Bob Rindy at (503) 373-0050 ext. 229 or email: bob.rindy@state.or.us.

Land Use Legislation Report July 6, 2007

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The following bills that relate to land use or the state land use program have been enacted by the 2007 Oregon Legislature. Not all of these bills have been signed by the Governor at the time of this report. For questions contact Bob Rindy, (503)373-0050 Ext 229; Bob.rindy@state.or.us

Senate Bills

SB 239

Summary: Eliminates certain land use regulations, relating to agricultural quarantines and embargoes, and to animal and plant disease control, from the list of land use regulations that may restrict use and reduce fair market value of private real property and for which a land owner may claim compensation under Measure 37.
<http://www.leg.state.or.us/07reg/measpdf/sb0200.dir/sb0239.enrolled.pdf>

SB 310

Summary: Authorizes sale of county property by private sale if property is unsuited for dwelling under applicable city or county regulations.
<http://www.leg.state.or.us/07reg/measpdf/sb0300.dir/sb0310.enrolled.pdf>

SB 311

Summary: Adds criteria for determining when an application to a county for a discretionary permit or zone change is deemed complete for purposes of the statutory time limit for action by county.
<http://www.leg.state.or.us/07reg/measpdf/sb0300.dir/sb0311.enrolled.pdf>

SB 336

Summary: Defines "large school district" for purposes school facility planning. Modifies statutory provisions regarding school facility planning and extends length of school facility plan to 10 years. Revises required elements of school facility plan and requires that districts and local governments cooperatively identify and provide adequate land for school facilities by adopting appropriate zoning, aggregating parcels in separate ownership, or adding one or more sites designated for school facilities to an urban growth boundary. Removes statutory provision providing that school capacity cannot be sole basis for approval or denial of a residential development application.
<http://www.leg.state.or.us/07reg/measpdf/sb0300.dir/sb0336.en.pdf>

SB 350

Summary: Modifies administrative provisions for economic and community development. Revises economic and community development programs. Eliminates statutory references to Ports Division and International Trade Commission. Establishes Industry Outreach Fund. Continuously appropriates moneys in fund to Economic and Community Development Department for specified purposes. Declares emergency, effective on passage.
<http://www.leg.state.or.us/07reg/measpdf/sb0300.dir/sb0350.en.pdf>

417

Summary: Abolishes the local government boundary commission having jurisdiction over boundary changes in Lane County, and the Lane County Local Government Boundary Commission Fund. Transfers moneys in the fund to Lane County for specified purposes related to changes to boundaries.

<http://www.leg.state.or.us/07reg/measpdf/sb0400.dir/sb0417.en.pdf>

SB 420

Summary: Creates the Environmental Justice Task Force and specifies its duties and responsibilities. Requires natural resource agencies to create a citizen advocate position that is responsible for encouraging public participation and ensuring the agency considers environmental justice issues and considers the effects of agency actions on environmental justice issues. Lists "natural resource agencies" affected by the bill, including the Department of Land Conservation and Development.

<http://www.leg.state.or.us/07reg/measpdf/sb0400.dir/sb0420.en.pdf>

SB 514

Summary: Establishes property tax special assessment program for land subject to conservation easements. Allows land presently subject to farm use or forestland special assessment to be transferred to conservation easement special assessment without payment of additional tax.

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0514.en.pdf>

SB 615

Summary: Grants metropolitan service district (Metro) jurisdiction over boundary changes within Metro district boundaries. Eliminates the current process for contested boundary changes, including the three-person commission established by Metro for contested boundary changes. Requires that Metro establish new criteria for boundary changes and boundary change hearings, and create a notification process and an uncontested boundary change process.

<http://www.leg.state.or.us/07reg/measpdf/sb0600.dir/sb0615.en.pdf>

SB 625

Summary: Modifies the value of county land eligible to be sold by private sale. Governing body of a county may authorize the sale of county land by private sale if land has a real market value of less than \$15,000 on the assessment roll and is unsuited for the construction or placement of a dwelling under current zoning ordinances and building codes of the county.

<http://www.leg.state.or.us/07reg/measpdf/sb0600.dir/sb0625.en.pdf>

SB 665

Summary: Expands previously granted statutory authorization for a professional high-speed auto speedway and related uses in a specified area of Morrow County, notwithstanding requirements of Statewide Planning Goals 3, 11, and 14. Authorizes other related development in addition to development previously allowed in conjunction with the speedway, including commercial and industrial uses and a "speedway destination resort" consisting of a marina, golf course, RV park and resort

housing, through a master planning process, provided the speedway is used for sanctioned professional racing. Allows sewer and water systems to serve the speedway and related development. Declares emergency, effective on passage.
<http://www.leg.state.or.us/07reg/measpdf/sb0600.dir/sb0665.en.pdf>

SB 722

Summary: Modifies standard for review by metropolitan service district of comprehensive plans and land use regulations of cities and counties within district to determine whether comprehensive plans and land use regulations substantially comply with regional framework plan and functional plans. Establishes requirements for enforcement process.

<http://www.leg.state.or.us/07reg/measpdf/sb0700.dir/sb0722.enrolled.pdf>

SB 773

Summary: Eliminates reference to metropolitan service district in certain statutory provisions applicable to districts that conflict with or are superseded by more specific provisions applicable to metropolitan service districts.

<http://www.leg.state.or.us/07reg/measpdf/sb0700.dir/sb0773.en.pdf>

SB 967

Summary: Eliminates certain inactive legislative committees created by statute, and repeals statutes relating to the committees, including the Joint Legislative Committees on Water Policy, Oregon Plan, Transportation, Trade and Economic Development and Land Use.

<http://www.leg.state.or.us/07reg/measpdf/sb0900.dir/sb0967.en.pdf>

SB 1011

Summary: Authorizes counties and metropolitan service districts to create a process to designate rural reserves on land not included in urban growth boundaries or rural communities. Modifies the process for designating urban reserves in Metro area. Declares emergency, effective on passage.

<http://www.leg.state.or.us/07reg/measpdf/sb1000.dir/sb1011.en.pdf>

SB 1036

Summary: Restricts local government power to impose construction excise taxes. Authorizes school districts to impose construction taxes. Dedicates revenues from such taxes to capital construction. Authorizes school district to pledge construction taxes to payment of obligations issued to finance or refinance capital improvements. Declares emergency, effective on passage.

<http://www.leg.state.or.us/07reg/measpdf/sb1000.dir/sb1036.en.pdf>

SB 1042

Summary: Prohibits siting of casino in incorporated city without approval of electors of city and cities adjacent to city. Requires city to submit question of siting of casino to electors of city before city can approve siting of casino in city. Exempts tribal casinos. Declares emergency, effective on passage.

<http://www.leg.state.or.us/07reg/measpdf/sb1000.dir/sb1042.enrolled.pdf>

SB 1044

Summary: Modifies ratio of "units for residential sale to units of overnight lodging" in destination resorts in Eastern Oregon (This modification corrects a scrivener's error in the destination resort statutes so as to re-establish the amended ratio intended by 2003 legislation).

<http://www.leg.state.or.us/07reg/measpdf/sb1000.dir/sb1044.enrolled.pdf>

SB 5549

Summary: Adjusts appropriations from General Fund to various agencies for specified purposes. Increases the appropriation to DLCD for Measure 37 claims administration and significantly reduces funding for the Big Look task force.

<http://www.leg.state.or.us/07reg/measpdf/sb5500.dir/sb5549.en.pdf>

House Bills

HB 2051

Summary: Postpones, from December 1, 2007 to a date not later than December 31, 2009, Metro's requirement to complete its inventory, determination and analysis of housing capacity and land need within the Metro area urban growth boundary.

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2051.en.pdf>

HB 2095

Summary: Allows housing authority to own mixed income housing projects, and to form, finance, have nonstock interest in and manage or operate partnerships, nonprofit corporations and limited liability companies to further purposes of housing authority. Revises definitions for affordable housing and for persons meeting housing authority income criteria. Defines "property of a housing authority" for tax and special assessment purposes.

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2095.en.pdf>

HB 2096

Summary: Authorizes formation of manufactured dwelling park nonprofit cooperatives. Allows manufactured dwelling park nonprofit cooperatives to qualify for housing loans and technical assistance programs. Requires report to 2009 legislature from the Land Conservation and Development Commission regarding streamlining of UGB requirements regarding manufactured housing.

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2096.en.pdf>

HB 2122

Summary: Authorizes agencies to delegate authority to enter a final order in a proceeding, or class of proceedings, to an officer or employee of the agency or to a class of officers or employees of the agency.

<http://www.leg.state.or.us/07reg/measpdf/hb2100.dir/hb2122.en.pdf>

HB 2210

Summary: Creates tax credits and other provisions relating to biofuel. Amends ORS 215 regarding exclusive farm use (EFU) zones to allow the on-farm processing of farm crops into biofuel.

<http://www.leg.state.or.us/07reg/measpdf/hb2200.dir/hb2210.en.pdf>

HB 2640

Summary: Establishes election dates, procedures, ballot titles and explanatory statements for legislatively referred measures, including the measure to amend Ballot Measure 37 (see HB 3540) to be voted on in the November 2007 election. Appropriates moneys from General Fund to Secretary of State for expenses incurred in submitting specified measures to the people. Declares emergency, effective on passage.

<http://www.leg.state.or.us/07reg/measpdf/hb2600.dir/hb2640.en.pdf>

HB 2713

Summary: Authorizes utility easements for private utility infrastructure. Prohibits placement of public or private utility infrastructure within one foot of a survey monument on subdivision or partition plat.

<http://www.leg.state.or.us/07reg/measpdf/hb2700.dir/hb2713.en.pdf>

HB 2723

Summary: Provides authority, and establishes a process, for a county or city to validate an unlawfully created unit of land created on or before January 1, 2007. Allows existing use to continue on unlawful units of land. Requires specific documentation that a new lot or parcel is lawful to be included in deed by the seller of the new lot or parcel created after the effective date of this Act. Defines "lawfully established unit of land." Adds new warnings to buyers advising them to check on the lawfulness of a unit of land when considering purchase. Requires seller of property to disclose whether unit of land being transferred was unlawfully established.

<http://www.leg.state.or.us/07reg/measpdf/hb2700.dir/hb2723.en.pdf>

HB 2735

Summary: Prohibits local government from enforcing local laws regulating manufactured dwelling park closures or partial closures adopted or amended by a local government after July 1, 2007. Allows amendment of a local law after effective date of the Act if the amendment increases rights of manufactured dwelling park tenants to be equal to or greater than rights established by this Act. Modifies provisions relating to local restrictions on placement of manufactured dwelling due solely to its age. Establishes payment obligation for a manufactured dwelling park landlord closing a manufactured park or portion of a park. Allows tax credit to owners of manufactured dwelling as primary residence who end tenancy as result of the manufactured dwelling park closure. Establishes a payment obligation for a marina landlord closing a marina or portion of marina.

<http://www.leg.state.or.us/07reg/measpdf/hb2700.dir/hb2735.en.pdf>

HB 2760

Summary: Modifies requirements and procedures for a city to annex territory surrounded by the city. Allows no more than 25 percent of the perimeter of a city boundary to consist of public right of way for purposes of an "island annexation". Provides definition of creek and river when used to define city boundaries for purposes of an "island annexation", and allows Interstate Highway 5 to be included as part of a city boundary for such purpose. Requires the annexation date take effect at least three years and not more than ten years after proclamation of island annexation unless property is sold, in which case, annexation takes effect immediately upon property transfer. Specifies deadlines for city recorder to notify county clerk of approved delayed annexation. Declares an emergency, effective on passage.

<http://www.leg.state.or.us/07reg/measpdf/hb2700.dir/hb2760.en.pdf>

HB 2992

Summary: Allows division of lot or parcel in forest zone or mixed farm and forest zone into two parcels if one parcel is to be sold to provider of public parks or open space, or not-for-profit land conservation organization, and remaining parcel is large enough to support dwelling.

<http://www.leg.state.or.us/07reg/measpdf/hb2900.dir/hb2992.en.pdf>

HB 3013

Summary: Prohibits city or district from commencing annexation proceedings for part of area included within boundaries of area proposed for incorporation in petition for incorporation.

<http://www.leg.state.or.us/07reg/measpdf/hb3000.dir/hb3013.en.pdf>

HB 3025

Summary: Modifies definition of "land use decision" and "limited land use decision" to exclude decision of local government that approves or denies final plat or that determines whether final plat substantially conforms to tentative subdivision or partition plan.

<http://www.leg.state.or.us/07reg/measpdf/hb3000.dir/hb3025.en.pdf>

HB 3303

Summary: Requires city to allow electors, if any, in surrounded territory proposed to be annexed to vote if city charter, ordinance or resolution requires city to hold election in city. Requires that votes from city and territory be combined to determine single majority in election.

<http://www.leg.state.or.us/07reg/measpdf/hb3300.dir/hb3303.en.pdf>

HB 3337

Summary: Separates Eugene/Springfield urban growth boundary into two boundaries and requires each city, within two years, to demonstrate that the UGB provides sufficient buildable lands for 20-year housing needs.

<http://www.leg.state.or.us/07reg/measpdf/hb3300.dir/hb3337.en.pdf>

HB 3436

Summary: Modifies requirements for population forecasting for maintaining and updating comprehensive plans, including requirements currently adopted as LCDC rules (OAR 660-024-0030).

<http://www.leg.state.or.us/07reg/measpdf/hb3400.dir/hb3436.en.pdf>

HB 3485

Summary: Authorizes creation of affordable housing covenant restricting price, rental rate or occupancy to encourage development or ensure continued availability of rental and owner-occupied affordable housing for low or moderate income households or moderate income individuals

<http://www.leg.state.or.us/07reg/measpdf/hb3400.dir/hb3485.en.pdf>

HB 3540

Summary: Revises laws (ORS 197.352 enacted by 2004 Ballot Measure 37) relating to compensation of property owners for land use regulations. Continuously appropriates moneys in Compensation and Conservation Fund to Department of Land Conservation and Development to pay expenses incurred to review Measure 37 claims. Refers the revised law to the people for their approval or rejection at a special election to be held in November 2007, as specified and summarized in House Bill HB 2640.

<http://www.leg.state.or.us/07reg/measpdf/hb3500.dir/hb3540.en.pdf>

HB 3546

Summary: Allows public entities an additional 360 days to review and act on certain Measure 37 claims before the property owner is entitled to file civil action for compensation. Appropriates moneys from General Fund to the Department of Land Conservation and Development for costs of reviewing Measure 37 claims during the extended review period. Declares emergency, effective on passage.

<http://www.leg.state.or.us/07reg/measpdf/hb3500.dir/hb3546.en.pdf>

HB 5033

Summary: DLCD Budget. Appropriates moneys from General Fund to Department of Land Conservation and Development for biennial expenses. Limits certain biennial expenditures from fees, moneys or other revenues. Limits biennial expenditures by department from federal funds. Declares emergency, effect July 1, 2007

<http://www.leg.state.or.us/07reg/measpdf/hb5000.dir/hb5033.en.pdf>
