



Oregon

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Department of Land Conservation and Development

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April 9, 2009

TO: Land Conservation and Development Commission
FROM: Bob Rindy and Michael Morrissey, Legislative Coordinators
SUBJECT: Agenda Item 6, April 17, 2009, LCDC Meeting

LEGISLATIVE UPDATE

Under this agenda item, the department will report to the Commission regarding the status of land use legislation, including the department's proposed legislation.

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legislation proposed or tracked by the department changes almost daily, and as such information in this report may be out of date by the time of the Commission meeting. The department will supplement this report with up-to-date information at the meeting. .

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I. DLCD's PROPOSED LEGISLATION

The Governor proposed six bills at the request of the Commission and the Department. Status of these bills is as follows:

HB 2225: Affordable housing pilot program. The House Sustainability and Economic Development Committee held a public hearing on this bill on March 5, but did not act on the bill at that time. While many members of the Commission's Affordable Housing Workgroup testified in support of the bill, and other parties and some cities, there was also opposition to the bill expressed by some workgroup members, including 1000 Friends of Oregon and the Oregon Farm Bureau. The department agreed to propose major changes to the original bill, based on input from the work group and in an attempt to achieve a broader consensus. DLCD presented these amendments to the committee as an "informal revised bill". The committee did not take action on the bill, and at the time of this report the chair (Representative Read) has informed the department that he does not plan to move the bill. There is still some interest in section 6 of the bill, advising LCDC to examine improvements to Goal 10.

HB 2226: Metolius. This bill was printed before LCDC action designating the Metolius as an Area of Critical Statewide Concern (ACSC). As such, DLCD's bill will not be the vehicle for the ACSC, and it is unlikely HB 2226 will be acted on. However, in response to the Commission's recommendation and report to the legislature regarding the ACSC, Representative Clem has submitted HB 3100 to enact the Commission's proposal (see attachment A). That bill had public hearings in the House Land Use Committee on April 7 and 9. The Metolius ACSC was submitted to the chairs of the House Land Use Committee and the Senate Environment and Natural Resources Committee on April 2.

HB 2227: Destination Resorts. The House Land Use Committee forwarded this bill, with amendments, to the House Floor with a "do pass" recommendation on March 31. The amended version of the bill is attachment B of this report. The bill establishes some conditions in statute and allows the Commission and department to undertake a study of designated items within a timeframe that is likely to cross into the 2011-13 biennium.

HB 2228: Transfer of Development Credits Pilot (TDC) Program. HB 2228 was assigned to the House Agriculture Committee, but is unlikely to receive further action by that committee. As such, the essence of this bill is being combined with a similar bill on the same topic, HB 2081 sponsored by an interim House committee (Reps Roblan, Clem and Boquist), and the combined version will be proposed as part of HB 2229 (see below). The revised combined bill will likely reduce the number of TDC pilot projects proposed in HB 2228 from 6 to 3, and other elements could change. Meanwhile, a similar bill, SB 763, sponsored by Senator Schrader, is expected to have a hearing in the Senate Environment Committee on April 7. As such, the chances appear to be good for some sort of TDC legislation passing this session. DLCD, 1000 Friends, Metro, and the bills' sponsors are continuing to negotiate on certain key elements of DLCD's proposed pilot program, and as such (at the time of this report) there is some uncertainty about these elements.

HB 2229: Big Look Recommendations. The department believes this bill will be subject to further hearings (it already had at least three hearings), and will likely move out of committee by April 28. It appears at this point that those elements of the bill carrying a substantial fiscal may not move, or will be run in a separate bill. Those elements that do move forward in HB 2229 will probably consist of elements with less fiscal impact (and that have enough votes), including possible changes to the RPS program, new "overarching principles" for the land use program, and other elements.

HB 2230: State agency coordination and LUCS process. This bill passed the house floor last week on a largely party line vote. It has been suggested that legislators voting against the bill may have been sending a message about unrelated legislation, rather than opposition to the elements of this bill. Currently this bill is assigned to the Senate Environment and Natural Resources Committee and the department anticipates it will move forward.

II. MEASURE 49 LEGISLATION (see also, Measure 49 Report under Item 5)

SB 945: Measure 49. This bill is sponsored by Senator Prozanski and is scheduled for a third hearing and work session in the Senate Judiciary Committee on April 2. The bill has been amended to include elements of SB 946, 947 and 948 (and other amendments are possible), including amendments:

1. Imposing a statutory deadline for DLCD to complete claims (June 30, 2010);
2. Authorizing the director or his designee to consider claims out of order in cases of demonstrated hardship; and allowing claimants who failed to meet statutory deadline to submit their elections additional opportunity for review of their claims.
3. Directing the department to investigate and report to the legislature by the end of this year regarding claims filed only with a county--and not the state, and certain claims filed without a required appraisal.
4. Allowing additional categories of claims under Measure 37 to proceed under Measure 49, including:
 - Claims filed with the state without a local filing,
 - Claims for property split by an urban growth boundary,
 - Claimants who elected vested rights, and
 - Claims for property within a city but not inside a UGB.

III. OTHER LEGISLATION

A. The following bills of interest to the department have had at least one hearing or are anticipated to have a hearing based on committee schedules as of the date of this report (all bills must have a hearing in the chamber of origin by April 28).

HB 2882: Authorizes weddings and other commercial gatherings that do not involve overnight stay, including siting of associated structures, under conditionally allowable use of land in exclusive farm use zone as private park (similar to SB 325; both bills have had hearings). The department has concerns with unintended consequences regarding the way these bills are drafted. DLCD has participated and met with sponsors, but so far we have no word as to whether these bills will move forward.

HB 2898: Authorizes an agricultural building on land zoned for forest use or mixed farm/forest use, and authorizes forestry-related uses of the building, but exempts such buildings from building codes. Since agricultural buildings are not allowed in forest zones, but residential accessory storage structures or other outbuildings in conjunction with residential use in forest areas are allowed, it appears this bill may be an attempt to exempt such residential accessory structures in forest zones from code review. This bill has had a hearing but no further action is scheduled at this time. The department submitted a letter of concern to the committee.

HB 2946: Directs Land Conservation and Development Commission to amend statewide land use planning goals to require land use planning for public schools. Because ORS 195 already requires school districts to plan for public schools by 2010, in conjunction with local governments, it is not clear why an LCDC Goal amendment to accomplish this same purpose is

necessary or helpful, especially since goal amendments usually take at least a year for adoption, and by law do not go into affect for a year after adoption except in special circumstances.

HB 3043: Annexes territory to Metro as that UGB is expanded, i.e., so territory added to the UGB would automatically be added to Metro's jurisdiction. Exempts territory within Metro UGB annexed by operation of this new law from contested case proceedings. This is Metro's bill; DLCD is neutral.

HB 3099: Uses allowed in EFU zones. This would change or eliminate several uses currently allowed in EFU by ORS 215.213 and 215.283. Many are minor uses, but there is considerable controversy regarding changes to some proposed uses, especially aggregate mining and public parks. Other changes include siting standards for non-farm dwellings, review of hardship dwellings by a county on a regular basis, and allowing schools only if they serve a rural community. The department believes this bill is likely to move in some form, but at the time of this report it is unclear whether or how it may change based on testimony.

SB 372: Modifies priority of lands considered for inclusion in urban growth boundary under ORS 197.298. There has been controversy recently about dual interpretations of the priority statute, especially with regard to the City of Bend UGB amendment. This bill is likely to be amended if it moves out of committee.

SB 566: Requires Metro to treat noncontiguous areas in the Metro UGB as discrete sub-regions when planning to modify the UGB or to change type or intensity of use in the UGB. This bill had a hearing in the Senate Environment Committee March 31. It appeared the bill will be a "gut and stuff" with an amendment proposed to clarify the ORS 197.298 priorities for Metro with regard to adding urban reserve land to the UGB (Metro has a unique set of priorities for identifying urban reserves as a result of SB 1011 in the 2007 session). It appears this bill may move in some form. The March 31 hearing included discussion of a second (dash-2) amendment that would authorize a "subregional analysis" for metro, similar to provisions similar to SB 715. There was opposition to this amendment by Metro and others, including concerns expressed by the department.

SB 715: (see SB 566 above)

SB 763: Authorizes Department of Land Conservation and Development to implement system for buying and selling transferable development credits to encourage landowners to voluntarily protect resource lands. This bill is essentially the same as HB 2081 (see under HB 2228, above). It is scheduled for a hearing April 7, and the amended version will be similar to the combined version being considered in the house as part of the Big Look Bill (HB 2229). The department feels we are advantaged by having two versions of the TDC legislation moving in each chamber, but at some point differences between the two version will need to be resolved.

B. Other bills of concern but that are not scheduled for hearing at the time of this report:

HB 2750: Regarding Goal 11 restrictions on sewers outside UGBs. The department has concerns with this bill since it would nullify LCDC's current Goal 11 restrictions on sewer systems

outside UGBs. The bill was requested by Jackson County and may have been intended primarily for Bear Creek Valley, but as written it applies statewide and other areas are interested. DLCD has met with the bill's sponsors (Representatives Buckley and Esquivel), and has had discussions with DEQ, Jackson County, and other interested parties. It is still unclear whether this bill will have a hearing or will move.

SB 781: Requires that city with population greater than 100,000 include within its urban growth boundary certain tracts of land that are within corporate limits of city. This bill intends to amend the Salem/Keizer UGB to add land currently in the Salem city limits but outside the UGB. This has been proposed the last four sessions, and concerns a large property adjacent to the UGB in West Salem. The bill was proposed by the Senate Rules Committee, at the request of the current property owner (the property was outside the UGB at the time the owner purchased it, so this issue does not arise from any action the city took after the owner's purchase). There are several cities with annexed land outside the UGB, but this bill is intended to apply only to Salem – it is not clear whether that is accomplished by the bill wording, but in either case, the department is concerned. This bill would, for the first time, amend a UGB by legislative action. The Salem/Keizer UGB currently has a generous supply of buildable land, reportedly more than a 20-year supply, although the lion's share of that supply is in Salem rather than Keizer, and this bill would exacerbate that disparity.

Attachment C is a list of bills DLCD is tracking, as of the date of this report. This list only includes priority 1 and 2 bills that the department has analyzed and, in some cases intends, to participate in or provide testimony. There are approximately 50 additional bills, not on this list, that the department is tracking that are of lower concern and, in some cases, are only tracked due to their relating clause. The department will bring an updated tracking list on the day of the Commission hearing on this item.

IV. ATTACHMENTS

- A. House Bill 3100 regarding the Metolius
- B. Amended Version of Destination Resorts Bill, House Bill 2227-A
- C. Legislative Tracking Report as of April 9, 2009

75th OREGON LEGISLATIVE ASSEMBLY--2009 Regular Session

House Bill 3100

Sponsored by Representatives CANNON, CLEM; Representatives BAILEY, BARNHART, BOONE, BUCKLEY, GARRETT, GREENLICK, KAHL, READ, RILEY, SCHAUFLEER, J SMITH, TOMEI

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 **as introduced**.

Approves recommendation of Land Conservation and Development Commission by designating area identified by commission recommendation, as amended, as area of critical state concern. Adopts management plan included in recommendation. Directs commission to supplement management plan for area. Prohibits county siting destination resort in area.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to area of critical state concern; and declaring an emergency.

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

SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) "Area of influence" means land within three miles of the boundaries of the Metolius River Basin.

(b) "Metolius River Basin" means the area of land drained by the Metolius River and its tributaries.

(2) Pursuant to ORS 197.405 (4), the Legislative Assembly hereby:

(a) Approves the recommendation of the Land Conservation and Development Commission, submitted to the Legislative Assembly on _____, 2009, that the Metolius River Basin be designated an area of critical state concern; and

(b) Amends the commission's recommendation so that the area designated an area of critical state concern consists of the Metolius River Basin and the area of influence, except land east of the Deschutes River.

(3) The Legislative Assembly approves and adopts the management plan included in the recommendation pursuant to ORS 197.405 (1)(c) and directs the commission, by rule, to supplement the management plan for the area of critical state concern by establishing additional permissible use limitations, as appropriate, and other requirements to ensure that new development in the area will not result in:

(a) Negative impact to the Metolius River, its springs or its tributaries;

(b) Negative impact on fish resources in the area of critical state concern; or

(c) Negative impact on the wildlife resources in the area of critical state concern.

(4) A county may not approve siting a destination resort in the area of critical state concern designated under this section.

SECTION 3. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

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.

HB 3100

1

75th OREGON LEGISLATIVE ASSEMBLY--2009 Regular Session

A-Engrossed House Bill 2227

Ordered by the House April 6
Including House Amendments dated April 6

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.

Modifies provisions for siting destination resorts.

[Directs] **Authorizes** Land Conservation and Development Commission to evaluate destination resort policies and update key requirements.

[Limits legal basis for claiming compensation for regulations restricting use of property by declaring that destination resort is not residential use of private real property.]

A BILL FOR AN ACT

1
2 Relating to destination resorts; creating new provisions; amending ORS 197.440, 197.445, 197.450,
3 197.455, 197.460, 197.462 and 197.825; and repealing ORS 197.435 and 197.465.

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

5 **SECTION 1.** ORS 197.440 is amended to read:

6 197.440. (1) The Legislative Assembly finds that:

7 [(1)] (a) It is the policy of this state to promote Oregon as a vacation destination and to en-
8 courage tourism as a valuable segment of our state's economy[;].

9 [(2)] (b) There is a *[growing]* need to provide year-round destination resort accommodations to
10 attract visitors and encourage them to stay longer. The establishment of destination resorts will
11 provide jobs for Oregonians and contribute to the state's economic development[;].

12 [(3)] *It is a difficult and costly process to site and establish destination resorts in rural areas of this*
13 *state; and]*

14 [(4)] (c) The siting of destination resort facilities is an issue of statewide concern.

15 **(2) The Legislative Assembly further finds that:**

16 **(a) In 1984, the Land Conservation and Development Commission adopted provisions of**
17 **a goal relating to recreational needs that allowed the siting of destination resorts outside**
18 **urban growth boundaries without taking an exception to goals relating to agricultural lands,**
19 **forestlands, public facilities and services or urbanization.**

20 **(b) Because, in 1987, provisions of the goals relating to destination resorts were enacted**
21 **into law:**

22 **(A) The commission has been limited in its authority to:**

23 **(i) Revise and update the goal relating to recreational needs; and**

24 **(ii) Update land use policy relating to destination resorts to account for changing cir-**
25 **cumstances and differing conditions and needs in different regions of this state.**

26 **(B) Several problems have arisen, including:**

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 (i) Destination resorts have become concentrated in close proximity to some Oregon
2 cities and the number of destination resorts continues to increase without adequate assess-
3 ment of the impacts that existing and planned resorts have on nearby urban and rural areas,
4 including areas under the jurisdiction of multiple local governments, transportation and
5 other public facilities, natural resources in the region, including water resources and fish and
6 wildlife habitat, prevention and suppression of wildfires and control or mitigation of other
7 natural hazards.

8 (ii) Extensive areas outside of, but in proximity to, urban growth boundaries are cur-
9 rently mapped and zoned to allow destination resort development, and additional resorts are
10 in the planning or approval process.

11 (iii) Increasingly, destination resorts have taken on the character of residential subdivi-
12 sions, rather than unique developments designed to attract tourism and serve visitors, and
13 have diminished the effect of land use policies intended to concentrate permanent develop-
14 ment in urban growth boundaries and contain urban sprawl and exurban development in
15 Oregon.

16 (iv) Siting criteria designed to ensure that high quality developed recreational amenities
17 anchor destination resorts have not been updated to account for present-day market and
18 inflation factors or revised to encourage recreational amenities that minimize impacts on the
19 availability of water and on farmland, forestland and other natural resources.

20 (v) Amendments to statutory requirements for destination resorts have diminished the
21 effect of safeguards provided in the original goal-based requirements for destination resorts,
22 including modifications to the ratio of permanent housing to overnight lodging and changes
23 that authorize amendments to maps of eligible lands at times other than the periodic review
24 of comprehensive plans.

25 **SECTION 2.** (1) The Land Conservation and Development Commission may:

26 (a) Evaluate the state's destination resort policies and implementation of those policies;
27 and

28 (b) Update key requirements and address issues through special studies and, as neces-
29 sary, through the amendment of statewide land use planning goals or the adoption of ad-
30 ministrative rules.

31 (2) If the commission undertakes an evaluation authorized in subsection (1) of this sec-
32 tion, the issues to be addressed and the key requirements to be updated include, but are not
33 limited to:

34 (a) The adequacy of siting provisions to ensure that destination resorts function, as ori-
35 ginally intended, to attract tourism and serve visitors rather than to establish residential
36 subdivisions or to establish suburban communities that compete with urban areas.

37 (b) The impact of existing and planned destination resorts on nearby urban areas, in-
38 cluding the impact of large amounts of permanent, exurban housing on nearby communities,
39 on facilities and on service providers.

40 (c) The protection of important natural resources impacted by destination resorts, in-
41 cluding farm and forest resources, water resources and natural areas and habitats, and the
42 adequacy of requirements for identifying and evaluating the important natural resources
43 before resort approval.

44 (d) The effects of a concentration of destination resorts in particular regions of this state
45 and whether the number of destination resorts or the number of permanent dwelling units

1 **allowed in resorts should be capped by region or county.**

2 **(e) Provisions to avoid or mitigate transportation and wildlife impacts caused by desti-**
3 **nation resorts.**

4 **(f) Mitigation and control of natural hazards, including prevention and suppression of**
5 **wildfires, that may be exacerbated by destination resort siting.**

6 **(g) The availability of workforce housing and related transportation needs in destination**
7 **resorts and nearby communities.**

8 **(h) The suitability of excluding destination resort development on lands within irrigation**
9 **districts.**

10 **(i) The economic benefits of destination resorts to local economies and the state econ-**
11 **omy.**

12 **SECTION 3.** ORS 197.445 is amended to read:

13 197.445. (1) A destination resort is a self-contained development that provides [*for*] visitor-
14 oriented accommodations and developed recreational facilities in a setting with high natural ameni-
15 ties. To qualify as a destination resort under ORS 30.947, 197.435 to 197.467, 215.213, 215.283 and
16 215.284, a proposed development must [*meet the following standards*]:

17 **(a) Satisfy the requirements of a goal relating to recreational needs and rules imple-**
18 **menting the goal; and**

19 **(b) Have as its primary use the provision of visitor-oriented overnight accommodations**
20 **in permanent structures.**

21 **(2) A county that approves siting of a destination resort shall make findings that the**
22 **primary use of the destination resort meets the standard in subsection (1)(b) of this section.**

23 [*(1) The resort must be located on a site of 160 acres or more except within two miles of the ocean*
24 *shoreline where the site shall be 40 acres or more.*]

25 [*(2) At least 50 percent of the site must be dedicated to permanent open space, excluding streets and*
26 *parking areas.*]

27 [*(3) At least \$7 million must be spent on improvements for on-site developed recreational facilities*
28 *and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads.*
29 *Not less than one-third of this amount must be spent on developed recreational facilities.*]

30 [*(4) Visitor-oriented accommodations including meeting rooms, restaurants with seating for 100*
31 *persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable*
32 *overnight lodging units may be phased in as follows:*]

33 [*(a) On lands not described in paragraph (b) of this subsection:*]

34 [*(A) A total of 150 units of overnight lodging must be provided.*]

35 [*(B) At least 75 units of overnight lodging, not including any individually owned homes, lots or*
36 *units, must be constructed or guaranteed through surety bonding or equivalent financial assurance*
37 *prior to the closure of sale of individual lots or units.*]

38 [*(C) The remaining overnight lodging units must be provided as individually owned lots or units*
39 *subject to deed restrictions that limit their use to use as overnight lodging units. The deed restrictions*
40 *may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required*
41 *by this subsection.*]

42 [*(D) The number of units approved for residential sale may not be more than two units for each*
43 *unit of permanent overnight lodging provided under this paragraph.*]

44 [*(E) The development approval must provide for the construction of other required overnight lodg-*
45 *ing units within five years of the initial lot sales.*]

- 1 ***[(b) On lands in eastern Oregon, as defined in ORS 321.805:]***
2 ***[(A) A total of 150 units of overnight lodging must be provided.]***
3 ***[(B) At least 50 units of overnight lodging must be constructed prior to the closure of sale of in-***
4 ***dividual lots or units.]***
5 ***[(C) At least 50 of the remaining 100 required overnight lodging units must be constructed or***
6 ***guaranteed through surety bonding or equivalent financial assurance within five years of the initial lot***
7 ***sales.]***
8 ***[(D) The remaining required overnight lodging units must be constructed or guaranteed through***
9 ***surety bonding or equivalent financial assurances within 10 years of the initial lot sales.]***
10 ***[(E) The number of units approved for residential sale may not be more than 2-1/2 units for each***
11 ***unit of permanent overnight lodging provided under this paragraph.]***
12 ***[(F) If the developer of a resort guarantees the overnight lodging units required under subpara-***
13 ***graphs (C) and (D) of this paragraph through surety bonding or other equivalent financial assurance,***
14 ***the overnight lodging units must be constructed within four years of the date of execution of the surety***
15 ***bond or other equivalent financial assurance.]***
16 ***[(5) Commercial uses allowed are limited to types and levels of use necessary to meet the needs of***
17 ***visitors to the development. Industrial uses of any kind are not permitted.]***
18 ***[(6) In lieu of the standards in subsections (1), (3) and (4) of this section, the standards set forth***
19 ***in subsection (7) of this section apply to a destination resort:]***
20 ***[(a) On land that is not defined as agricultural or forest land under any statewide planning***
21 ***goal;]***
22 ***[(b) On land where there has been an exception to any statewide planning goal on agricultural***
23 ***lands, forestlands, public facilities and services and urbanization; or]***
24 ***[(c) On such secondary lands as the Land Conservation and Development Commission deems ap-***
25 ***propriate.]***
26 ***[(7) The following standards apply to the provisions of subsection (6) of this section:]***
27 ***[(a) The resort must be located on a site of 20 acres or more.]***
28 ***[(b) At least \$2 million must be spent on improvements for on-site developed recreational facilities***
29 ***and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads.***
30 ***Not less than one-third of this amount must be spent on developed recreational facilities.]***
31 ***[(c) At least 25 units, but not more than 75 units, of overnight lodging must be provided.]***
32 ***[(d) Restaurant and meeting room with at least one seat for each unit of overnight lodging must***
33 ***be provided.]***
34 ***[(e) Residential uses must be limited to those necessary for the staff and management of the***
35 ***resort.]***
36 ***[(f) The governing body of the county or its designee has reviewed the resort proposed under this***
37 ***subsection and has determined that the primary purpose of the resort is to provide lodging and other***
38 ***services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such***
39 ***recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.]***
40 ***[(g) The resort must be constructed and located so that it is not designed to attract highway traffic.***
41 ***Resorts may not use any manner of outdoor advertising signing except:]***
42 ***[(A) Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and]***
43 ***[(B) On-site identification and directional signs.]***
44 ***[(8) Spending required under subsections (3) and (7) of this section is stated in 1993 dollars. The***
45 ***spending required shall be adjusted to the year in which calculations are made in accordance with the***

1 *United States Consumer Price Index.]*

2 *[(9) When making a land use decision authorizing construction of a destination resort in eastern*
3 *Oregon, as defined in ORS 321.805, the governing body of the county or its designee shall require the*
4 *resort developer to provide an annual accounting to document compliance with the overnight lodging*
5 *standards of this section. The annual accounting requirement commences one year after the initial lot*
6 *or unit sales. The annual accounting must contain:]*

7 *[(a) Documentation showing that the resort contains a minimum of 150 permanent units of over-*
8 *night lodging or, during the phase-in period, documentation showing the resort is not yet required to*
9 *have constructed 150 units of overnight lodging.]*

10 *[(b) Documentation showing that the resort meets the lodging ratio described in subsection (4) of*
11 *this section.]*

12 *[(c) For a resort counting individually owned units as qualified overnight lodging units, the num-*
13 *ber of weeks that each overnight lodging unit is available for rental to the general public as described*
14 *in ORS 197.435.]*

15 **SECTION 4.** ORS 197.450 is amended to read:

16 197.450. In accordance with the provisions of ORS 30.947, 197.435 to 197.467, 215.213, 215.283 and
17 215.284 **and a goal relating to recreational needs and rules implementing the goal**, a compre-
18 hensive plan may provide for the siting of a destination resort on rural lands without taking an
19 exception to [*statewide planning*] goals relating to agricultural lands, forestlands, public facilities
20 and services or urbanization.

21 **SECTION 5.** ORS 197.455 is amended to read:

22 197.455. (1) A destination resort [*must*] **may** be sited **only** on lands mapped as eligible for des-
23 tination resort siting by the affected county. The county may not [*allow destination resorts approved*
24 *pursuant to ORS 197.435 to 197.467 to be sited in any of the following areas*] **map lands as eligible**
25 **for destination resort siting or approve siting a destination resort if the lands are:**

26 *[(a) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or*
27 *more unless residential uses are limited to those necessary for the staff and management of the*
28 *resort.]*

29 *[(b)(A) On a site with 50 or more contiguous acres of unique or prime farmland identified and*
30 *mapped by the United States Natural Resources Conservation Service, or its predecessor agency.]*

31 *[(B) On a site within three miles of a high value crop area unless the resort complies with the re-*
32 *quirements of ORS 197.445 (6) in which case the resort may not be closer to a high value crop area*
33 *than one-half mile for each 25 units of overnight lodging or fraction thereof.]*

34 *[(c) On predominantly Cubic Foot Site Class 1 or 2 forestlands as determined by the State Forestry*
35 *Department, which are not subject to an approved goal exception.]*

36 *[(d) In the Columbia River Gorge National Scenic Area as defined by the Columbia River Gorge*
37 *National Scenic Act, P.L. 99-663.]*

38 *[(e) In an especially sensitive big game habitat area as determined by the State Department of Fish*
39 *and Wildlife in July 1984 or as designated in an acknowledged comprehensive plan.]*

40 *[(2) In carrying out subsection (1) of this section, a county shall adopt, as part of its comprehensive*
41 *plan, a map consisting of eligible lands within the county. The map must be based on reasonably*
42 *available information and may be amended pursuant to ORS 197.610 to 197.625, but not more fre-*
43 *quently than once every 30 months. The county shall develop a process for collecting and processing*
44 *concurrently all map amendments made within a 30-month planning period. A map adopted pursuant*
45 *to this section shall be the sole basis for determining whether tracts of land are eligible for destination*

1 resort siting pursuant to ORS 197.435 to 197.467.]

2 (a) Within 24 air miles of an urban growth boundary with a population of 100,000 or more;

3 (b) On a site that is within three miles of a high value crop area;

4 (c) On a site that is within an irrigation district organized under ORS chapter 545;

5 (d) On a site in which the lands are predominantly classified as being in fire regime
6 condition class 3, unless the county prepares a community wildfire protection plan that
7 demonstrates the site can be developed without being at a high overall risk;

8 (e) Forestlands that are not subject to an approved exception to a goal relating to agri-
9 cultural lands or forestlands and that are determined by the State Forestry Department to
10 be predominantly Cubic Foot Site Class 1 or 2 forestlands;

11 (f) In the Columbia River Gorge National Scenic Area as defined by the Columbia River
12 Gorge National Scenic Area Act, P.L. 99-663; or

13 (g) In an area of especially sensitive big game habitat.

14 (2) As used in this section, "high value crop area" means an area in which there is a
15 concentration of commercial farms capable of producing crops or products with a minimum
16 gross value of \$1,000 per acre per year.

17 **SECTION 6.** ORS 197.460 is amended to read:

18 197.460. A county shall [*insure*] **ensure** that a destination resort is compatible with the site and
19 adjacent land uses [*through the following measures*]. **The county shall require that:**

20 (1) Important natural features **within the destination resort**, including habitat of threatened
21 or endangered species, streams, rivers and significant wetlands [*shall be*], **will be** retained.

22 (2) Riparian vegetation within 100 feet of streams, rivers and significant wetlands [*shall be*]
23 **within the destination resort will be** retained. **A county may allow** alteration of important na-
24 tural features, including placement of structures [*which*] **that** maintain the overall values of the
25 feature [*may be allowed*].

26 [(2)] (3) Improvements and activities [*shall be*] **will be** located and designed to avoid or
27 [*minimize*] **mitigate** adverse effects of the resort on uses on surrounding lands, particularly effects
28 on [*intensive*] farming operations in the area. At a minimum, measures to accomplish this shall in-
29 clude:

30 (a) Establishment and maintenance of buffers between the resort and adjacent land uses, in-
31 cluding natural vegetation and where appropriate, fences, berms, landscaped areas and other similar
32 types of buffers.

33 (b) Setbacks of structures and other improvements from adjacent land uses.

34 (4) **A destination resort:**

35 (a) **Avoid or mitigate direct and indirect adverse effects on state highways, county roads**
36 **and city streets.**

37 (b) **Provide for adequate fire-fighting facilities and services.**

38 (c) **Provide for workforce housing, on-site or off-site, for individuals working at the re-**
39 **sort.**

40 **SECTION 7. ORS 197.435 and 197.465 are repealed.**

41 **SECTION 8.** ORS 197.462 is amended to read:

42 197.462. A portion of a tract that is excluded from the site of a destination resort [*pursuant to*
43 *ORS 197.435 (7)*] shall not be used or operated in conjunction with the resort. Subject to this limi-
44 tation, the use of the excluded property shall be governed by otherwise applicable law.

45 **SECTION 9.** ORS 197.825 is amended to read:

1 197.825. (1) Except as provided in ORS 197.320 and subsections (2) and (3) of this section, the
2 Land Use Board of Appeals shall have exclusive jurisdiction to review any land use decision or
3 limited land use decision of a local government, special district or a state agency in the manner
4 provided in ORS 197.830 to 197.845.

5 (2) The jurisdiction of the board:

6 (a) Is limited to those cases in which the petitioner has exhausted all remedies available by right
7 before petitioning the board for review;

8 (b) Is subject to the provisions of ORS 197.850 relating to judicial review by the Court of Ap-
9 peals;

10 (c) Does not include a local government decision that is:

11 (A) Submitted to the Department of Land Conservation and Development for acknowledgment
12 under ORS 197.251, 197.626 or 197.628 to 197.650 or a matter arising out of a local government de-
13 cision submitted to the department for acknowledgment, unless the Director of the Department of
14 Land Conservation and Development, in the director's sole discretion, transfers the matter to the
15 board; or

16 (B) Subject to the review authority of the department under ORS 197.430[, 197.445, 197.450 or
17 197.455] **or 197.435 to 197.467** or a matter related to a local government decision subject to the re-
18 view authority of the department under ORS 197.430[, 197.445, 197.450 or 197.455] **or 197.435 to**
19 **197.467**;

20 (d) Does not include those land use decisions of a state agency over which the Court of Appeals
21 has jurisdiction for initial judicial review under ORS 183.400, 183.482 or other statutory provisions;

22 (e) Does not include any rules, programs, decisions, determinations or activities carried out un-
23 der ORS 527.610 to 527.770, 527.990 (1) and 527.992;

24 (f) Is subject to ORS 196.115 for any county land use decision that may be reviewed by the
25 Columbia River Gorge Commission pursuant to sections 10(c) or 15(a)(2) of the Columbia River
26 Gorge National Scenic Area Act, P.L. 99-663; and

27 (g) Does not include review of expedited land divisions under ORS 197.360.

28 (3) Notwithstanding subsection (1) of this section, the circuit courts of this state retain juris-
29 diction:

30 (a) To grant declaratory, injunctive or mandatory relief in proceedings arising from decisions
31 described in ORS 197.015 (10)(b) or proceedings brought to enforce the provisions of an adopted
32 comprehensive plan or land use regulations; and

33 (b) To enforce orders of the board in appropriate proceedings brought by the board or a party
34 to the board proceeding resulting in the order.

35 **SECTION 10. Section 2 of this 2009 Act, the amendments to ORS 197.440, 197.445, 197.450,**
36 **197.455, 197.460, 197.462 and 197.825 by sections 1, 3 to 6, 8 and 9 of this 2009 Act and the re-**
37 **peal of ORS 197.435 and 197.465 by section 7 of this 2009 Act apply to an application for ap-**
38 **proval of the siting of a destination resort first submitted under ORS 215.427 (3) on or after**
39 **the effective date of this 2009 Act.**

40

LCDC**Report Date: Thu, Apr 9, 2009****Searched on: Session Year=2009; Session Type=Session; Tracked=Tracked Active; Bill Version=Current;****Priority=1,2; Sort By=Bill Number;**

Bill #	Relating To Clause	Summary	At the Request of	First 2 Sponsors	Next Hearing	Last Three Actions
HB2015	Relating to liquefied natural gas.	Establishes certain requirements before applicant seeking to construct liquefied natural gas terminal or related pipeline may be issued specified permits and authorizations. Requires that liquefied natural gas terminal facilities may not adversely affect beneficial use of waters surrounding facilities. Prohibits Department of Environmental Quality from waiving rights under federal law regarding certification, or authority to issue federal pollution control permits, regarding liquefied natural gas terminals. Requires Environmental Quality Commission to review certain water quality standards and establish new standards. Requires Department of Environmental Quality to submit new standards at next regularly scheduled review of states water quality standards.	Columbia River Business Alliance, NW Property Rights Coalition, David and Doris Cruickshank, Lolita Carl	Chuck Riley Floyd Prozanski	No hearings scheduled at this time.	03/16/09 - Referred to Sustainability and Economic Development with subsequent referral to Ways and Means. 03/11/09 - First reading. Referred to Speakers desk.
HB2081	Relating to transferable development credits.	Authorizes governmental units to implement systems for buying and selling transferable development credits to encourage landowners to voluntarily protect resource lands.	House Interim Committee on Agriculture and Natural Resources	Presession filed.	No hearings scheduled at this time.	03/05/09 - Work Session held. 01/15/09 - Referred to Agriculture, Natural Resources and Rural Communities. 01/12/09 - First reading. Referred to Speakers desk.
HB2082A	Relating to conservation districts.	Revises provisions governing formation, consolidation and dissolution of soil and water conservation districts and inclusion or withdrawal of land within soil and water conservation districts. Eliminates provisions regarding imposition of land use regulations within district and provisions regarding payment of county extension agent employed by district.	House Interim Committee on Agriculture and Natural Resources	Presession filed.	No hearings scheduled at this time.	04/02/09 - First reading. Referred to Presidents desk. 04/01/09 - Third reading. Carried by Krieger. Passed. 03/31/09 - Second reading.
HB2098A	Relating to Oregon territorial sea mapping project; declaring an emergency.	<i>Appropriates moneys from General Fund to State Department of Geology and Mineral Industries for Oregon territorial sea mapping project at Oregon State University.] Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Department of State Lands to pay costs of Oregon territorial sea mapping project. Declares emergency, effective July 1, 2009.</i>	House Interim Committee on Emergency Preparedness and Ocean Policy	Presession filed.	No hearings scheduled at this time.	03/20/09 - Assigned to Subcommittee On Natural Resources. 03/17/09 - Referred to Ways and Means by prior reference. 03/17/09 - Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.
HB2106	Relating to bonds for schools; declaring an emergency.	Allows school district to select site for large construction project that is different from site proposed prior to bond election if safety improvement evaluation is made for new site before bonds are issued for project. Declares emergency, effective on passage.	State Treasurer Randall Edwards for Municipal Debt Advisory Commission	Presession filed.	No hearings scheduled at this time.	02/24/09 - Referred to Finance and Revenue. 02/23/09 - First reading. Referred to Presidents desk. 02/19/09 - Third reading. Carried by Sprenger. Passed.

HB2120	Relating to transportation; appropriating money; providing for revenue raising that requires approval by a three-fifths majority.	Creates Transportation Utility Commission. Sunsets January 2, 2012. Directs Oregon Transportation Commission to conduct study. Sunsets January 2, 2014. Directs Department of Transportation to develop pilot programs to implement congestion pricing in one or more communities. Sunsets January 2, 2016. Authorizes Department of Transportation to establish pilot programs to test alternatives to motor vehicle fuel tax. Sunsets January 2, 2018. Directs Oregon Transportation Commission to work with stakeholders to review and update criteria used to select projects within Statewide Transportation Improvement Program. Directs Oregon Transportation Commission to determine amount of federal transportation funds available to Department of Transportation that may be used for eligible nonhighway projects. Directs Department of Transportation to develop environmental performance standards for highway projects. Directs department to develop least-cost planning model. Authorizes state agencies to provide electricity for plug-in electric vehicles. Authorizes issuance of lottery bonds for purchase of passenger railroad equipment. Authorizes issuance of lottery bonds for transportation projects funded from Multimodal Transportation Fund. Specifies allocation of lottery bond proceeds. Defines medium-speed electric vehicle. Creates offense of unlawfully operating medium-speed electric vehicle on highway. Punishes by maximum fine of \$360. Directs Department of Transportation to adopt safety standards for low-speed vehicles and medium-speed electric vehicles. Directs department to include specific request for capital construction funding for sharing offices and other facilities with local government in budget request prepared for Oregon Department of Administrative Services. Increases vehicle title fees. Imposes fee for issuance of first certificate of title. Increases vehicle registration fees. Increases fuel tax and motor carrier taxes. Creates Timber Counties Safety Net Account within State Highway Fund. Permits mass transit district to increase payroll tax for district. Authorizes transportation districts and mass transit districts to use certain forms of financing without first obtaining voter approval. Increases allocation of State Highway Fund moneys for footpaths and bicycle trails. Expands special county allotment program to provide counties with minimum level of funding from State Highway Fund. Authorizes issuance of Highway User Tax Bonds in aggregate principal amount sufficient to produce net proceeds of not more than \$600 million. Specifies bond revenue to be used to finance projects selected by Oregon Transportation Commission that meet specified criteria. Provides for allocation of bond proceeds. Eliminates requirement that county ordinance establishing vehicle registration fees be submitted to electors of county for approval. Authorizes Department of Transportation to set registration plate manufacturing fee. Increases customized registration plate fee. Increases certain vehicle dealer fees. Extends credit against corporate excise or corporate income tax for corporation that provides motor vehicle insurance issued under mile-based or time-based rating plan.	Governor Theodore R. Kulongoski	Presession filed.	Page 2 of 16 hearings scheduled at this time.	03/06/09 - Public Hearing held. 03/02/09 - Public Hearing held. 01/21/09 - Referred to Transportation with subsequent referral to Revenue, then Ways and Means.
HB2216	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 Forest Development Revenue Bond Fund. Continuously appropriates moneys in fund to State Board of Forestry for purposes of paying certain bond-related costs. Establishes State Forestry General Obligation Bond Fund. Continuously appropriates moneys in fund to State Forestry Department for purposes of paying certain bond-related costs. Declares emergency, effective on passage.	Governor Theodore R. Kulongoski for State Forestry Department	Presession filed.	No hearings scheduled at this time.	02/10/09 - Public Hearing held. 01/20/09 - Referred to Agriculture, Natural Resources and Rural Communities. 01/15/09 - First reading. Referred to Speakers desk.
HB2225	Relating to pilot program to establish sites dedicated to affordable housing; declaring an emergency.	Directs Department of Land Conservation and Development to establish pilot program in which local governments may site and develop affordable housing. Declares emergency, effective on passage.	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Presession filed.	No hearings scheduled at this time.	03/05/09 - Public Hearing held. 01/23/09 - Referred to Sustainability and Economic Development. 01/16/09 - First reading. Referred to Speakers desk.
HB2226	Relating to destination resorts within 10 miles of Metolius	Restricts siting of destination resort in Metolius River Basin. Prevents claim for compensation for regulations restricting residential use of private real property based on restriction on siting of destination resort in Metolius	Governor Theodore R. Kulongoski for Department	Presession filed.	No hearings scheduled at this time.	01/22/09 - Referred to Land Use. 01/16/09 - First

	River Basin; declaring an emergency.	River Basin. Declares emergency, effective on passage.	of Land Conservation and Development			reading. Referred to Speakers desk.
HB2227A	Relating to destination resorts.	Modifies provisions for siting destination resorts. <i>Directs</i>] Authorizes Land Conservation and Development Commission to evaluate destination resort policies and update key requirements. <i>Limits legal basis for claiming compensation for regulations restricting use of property by declaring that destination resort is not residential use of private real property.</i>].	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Presession filed.	No hearings scheduled at this time.	04/08/09 - Second reading. 04/06/09 - Recommendation: Do pass with amendments and be printed A-Engrossed. 03/31/09 - Work Session held.
HB2228	Relating to transfer of development rights from resource lands; declaring an emergency.	Establishes pilot program to conserve resource lands by facilitating transfer of residential development rights from farm or forest property to other property. Declares emergency, effective on passage.	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Presession filed.	No hearings scheduled at this time.	03/05/09 - Work Session held. 01/22/09 - Referred to Agriculture, Natural Resources and Rural Communities with subsequent referral to Ways and Means. 01/16/09 - First reading. Referred to Speakers desk.
HB2229	Relating to recommendations of Oregon Task Force on Land Use Planning; appropriating money; declaring an emergency.	Establishes main principles for state land use system. Expands authorities for regional land use planning. Authorizes establishment of regional definitions of agricultural land and forest land for purposes of land use goal setting. Directs Land Conservation and Development Commission to carry out policy-neutral review and audit of land use system to reduce complexity. Provides for state strategic plan integrating land use, transportation and economic development priorities. Directs Oregon Progress Board to coordinate with Department of Land Conservation and Development, during or before next review of Oregon Benchmarks, to develop performance measures for each statewide land use goal. Appropriates moneys from General Fund to Department of Land Conservation and Development to implement specified provisions. Declares emergency, effective on passage.	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Presession filed.	No hearings scheduled at this time.	03/17/09 - Work Session held. 02/24/09 - Work Session held. 02/19/09 - Work Session held.
HB2230	Relating to coordination of land use decision-making between state agencies and local governments.	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.	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Presession filed.	No hearings scheduled at this time.	03/18/09 - Referred to Environment and Natural Resources. 03/11/09 - First reading. Referred to Presidents desk. 03/10/09 - Third reading. Carried by Cowan. Passed.
HB2236	Relating to alternative fuel distribution.	Permits Department of Transportation to participate in alternative fuel project.	Governor Theodore R. Kulongoski for Department of Transportation	Presession filed.	No hearings scheduled at this time.	02/16/09 - Public Hearing held. 01/22/09 - Referred to Transportation. 01/16/09 - First reading. Referred to Speakers desk.
HB2375A	Relating to fireworks business in exclusive farm use zone.	<i>Eliminates authority for conditional use of land in exclusive farm use zone for aerial fireworks display business operating in exclusive farm use zone since December 31, 1986. Requires use to be discontinued no later than one year after effective date of Act.</i>] 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.	House Interim Committee on Consumer Protection	Presession filed.	No hearings scheduled at this time.	03/03/09 - Referred to Business and Transportation. 02/23/09 - First reading. Referred to Presidents desk. 02/19/09 - Third reading. Carried by Clem. Passed.

HB2388	Relating to construction of large-scale retail developments.	Requires city or county to obtain and review comprehensive economic impact study before approving or disapproving application for permit to construct retail facility larger than 75,000 square feet of gross floor area.		Presession filed. Ben Cannon	No hearings scheduled at this time.	01/16/09 - Referred to Land Use. 01/12/09 - First reading. Referred to Speakers desk.
HB2390	Relating to geographic fisheries information; declaring an emergency.	Exempts geographic fisheries information submitted to public body from disclosure under public records law. Allows disclosure of composite geographic fisheries resource information if related to comprehensive mapping of ocean fisheries and pursuant to written confidentiality agreement prescribed by rule of State Fish and Wildlife Commission. Declares emergency, effective on passage.	Lincoln County	Presession filed. Jean Cowan	No hearings scheduled at this time.	01/15/09 - Referred to Environment and Water. 01/12/09 - First reading. Referred to Speakers desk.
HB2596	Relating to land use planning for large urban parks.	Requires Land Conservation and Development Commission to review and consider Forest Park for possible designation as area of critical state concern. Directs commission to report to legislative committee indicating whether commission recommends designation and to make further recommendations for park and related area of influence.		Mitch Greenlick Suzanne Bonamici	No hearings scheduled at this time.	02/17/09 - Referred to Land Use. 02/10/09 - First reading. Referred to Speakers desk.
HB2671A	Relating to solid waste disposal.	Clarifies use of moneys collected by metropolitan service district from service or user fees for solid waste disposal.		Environment and Water (H)	No hearings scheduled at this time.	04/07/09 - Recommendation: Do pass with amendments and be printed A-Engrossed. 03/31/09 - Work Session held. 03/05/09 - Public Hearing held.
HB2750	Relating to sanitary sewer service.	Authorizes extension of sanitary sewer system to specified lots or parcels outside urban growth boundaries and outside unincorporated communities without taking exception to statewide land use planning goal relating to level of urban and rural public facilities and services.	Jackson County	Sal Esquivel Peter Buckley	No hearings scheduled at this time.	02/25/09 - Referred to Environment and Water. 02/19/09 - First reading. Referred to Speakers desk.
HB2761	Relating to soil information.	Allows landowner to request independent soil capability assessment.		Brian Clem Arnie Roblan	No hearings scheduled at this time.	02/25/09 - Referred to Agriculture, Natural Resources and Rural Communities. 02/19/09 - First reading. Referred to Speakers desk.
HB2769	Relating to tax expenditures; providing for revenue raising that requires approval by a three-fifths majority.	Repeals tax credit allowable to owner or operator of farmworker housing. Applies to tax years beginning on or after January 1, 2010.		Chuck Riley	No hearings scheduled at this time.	02/25/09 - Referred to Revenue. 02/19/09 - First reading. Referred to Speakers desk.
HB2819	Relating to land use in vicinity of airports.	Modifies requirements for land use and land use planning on airports or near airport boundaries. Requires metropolitan service districts and local governments with population of 25,000 or more, at periodic review, to inventory industrial and commercial lands for public use airports and bring 20-year supply within urban growth boundary. Modifies priority for inclusion of land within urban growth boundary. Establishes requirements for division of land for residential airparks. Prohibits state or local government from issuing waiver for land use regulations in public use airport planning area.	Oregon Agricultural Alliance	Mike Schaufler	No hearings scheduled at this time.	02/25/09 - Referred to Land Use. 02/23/09 - First reading. Referred to Speakers desk.
HB2822	Relating to ways of necessity for private sewer	Establishes way of necessity for private sewer lines. Sets conditions for use.		Mitch Greenlick Jules Bailey	No hearings scheduled at this time.	03/31/09 - Referred to Education and

General Government.
03/24/09 - First reading. Referred to Presidents desk.
03/20/09 - Read third time under Consent Calendar. Passed.

	lines.					
HB2864	Relating to land use planning for land included within urban growth boundary.	Permits city, notwithstanding charter, to annex land within urban growth boundary without election in city. Prohibits inclusion of land in inventory of buildable lands if, five years after inclusion of land within urban growth boundary of district, land use plan changes facilitating urban level development have not been made and acknowledged. Removes land from urban growth boundary and includes land within urban reserve if, 10 years after inclusion of land within urban growth boundary of district, land use plan changes facilitating urban level development have not been made and acknowledged.	Oregon Home Builders Association	Mike Schaufler	No hearings scheduled at this time.	03/09/09 - Referred to Land Use. 03/03/09 - First reading. Referred to Speakers desk.
HB2882	Relating to use of land zoned for exclusive farm use.	Authorizes weddings and other commercial gatherings that do not involve overnight stay, including siting of associated structures, under conditionally allowable use of land in exclusive farm use zone as private park.		Gene Whisnant Cliff Bentz	No hearings scheduled at this time.	03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use. 03/03/09 - First reading. Referred to Speakers desk.
HB2898	Relating to agricultural building.	Authorizes person to use agricultural building on land zoned for forest use or mixed farm and forest use. Authorizes forestry-related uses of agricultural building that is not subject to state structural specialty code.	Oregon Small Woodlands Association	Wayne Krieger	No hearings scheduled at this time.	03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use. 03/03/09 - First reading. Referred to Speakers desk.
HB2946	Relating to school facility planning.	Directs Land Conservation and Development Commission to amend statewide land use planning goals to require land use planning for public schools, consistent with policy of Legislative Assembly.		Jules Bailey Brian Clem	No hearings scheduled at this time.	03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use. 03/04/09 - First reading. Referred to Speakers desk.
HB2994	Relating to annexation.	Requires cities to provide urban services to territories approved for annexation within three years of date of proclamation.		Brian Clem Chris Edwards	No hearings scheduled at this time.	03/10/09 - Referred to Land Use. 03/05/09 - First reading. Referred to Speakers desk.
HB2996	Relating to removal-fill permitting program.	Modifies applicability of removal or fill provisions to certain activities on exclusive farm use zoned lands.	Oregon Farm Bureau	Brian Clem Vic Gilliam	No hearings scheduled at this time.	03/12/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/05/09 - First reading. Referred to Speakers desk.
HB3013	Relating to ocean resources.	Modifies various provisions relating to Ocean Policy Advisory Council. Makes legislative finding that wave energy provides renewable, sustainable source of energy. Repeals sunset on prohibition against leases for exploration, development or production of oil, gas or sulfur in territorial sea and exemption for academic research or geologic survey activities. Repeals provisions related to joint liaison program with National Oceanic and Atmospheric Administration.		Rules (H)	No hearings scheduled at this time.	03/11/09 - Referred to Environment and Water. 03/09/09 - First reading. Referred to Speakers desk.

HB3030	Relating to Ballot Measure 49 claims.	Allows person who filed claim with county or with state under Ballot Measure 37 (2004) to file claim under Ballot Measure 49 (2007) even though person did not file claim with both county and state.	Oregonians in Action	Matt Page Wingard	Page 6 of 16 No hearings scheduled at this time.	03/11/09 - Referred to Land Use with subsequent referral to Ways and Means. 03/09/09 - First reading. Referred to Speakers desk.
HB3032	Relating to adoption of moratorium by state agency.	Subjects state agency that imposes moratorium on development to requirements imposed on local governments that impose moratorium.	Oregon Home Builders Association	Mike Schaufler	No hearings scheduled at this time.	03/11/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.
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	No hearings scheduled at this time.	04/08/09 - Third reading. Carried by Greenlick. Passed. 04/07/09 - Second reading. 04/03/09 - Recommendation: Do pass with amendments and be printed A-Engrossed.
HB3054	Relating to regional land use planning commissions; declaring an emergency.	Establishes five regional land use planning commissions. Prescribes duties and powers of regional commissions. Provides that chairs of regional commissions constitute Land Conservation and Development Commission. Modifies duties and powers of state commission. Becomes operative on January 2, 2010. Declares emergency, effective on passage.		Bill Garrard Mike Schaufler	No hearings scheduled at this time.	03/11/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.
HB3069	Relating to visitor-oriented development.	Limits development of destination resort within three miles of Metolius River Basin. Requires development sited within three miles of Metolius River Basin on land not owned by federally recognized Indian tribe to be sustainable eco-community. Establishes standards for sustainable eco-community.		Agriculture, Natural Resources and Rural Communities (H)	No hearings scheduled at this time.	03/13/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.
HB3096	Relating to high-value farmland.	Expands application of definition of high-value farmland to encompass local and comprehensive land use planning.	Oregon Farm Bureau	Brian Clem	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.
HB3098	Relating to land reclamation.	Requires certain conditions for approval of reclamation plan for surface mining operation. Allows for concurrent reclamation in certain cases. Requires 100 percent bond for certain types of reclamation in order to obtain operating permit.	Oregon Farm Bureau	Brian Clem	No hearings scheduled at this time.	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/09/09 - First reading. Referred to Speakers desk.
HB3099	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	No hearings scheduled at this time.	04/02/09 - Public Hearing held. 03/31/09 - Public Hearing held. 03/16/09 - Referred to Land Use.
HB3100	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 amended, as area of critical state concern. Adopts management plan included in recommendation. Directs commission to supplement management plan for area. Prohibits county siting destination resort in area. Declares emergency, effective on passage.		Ben Cannon Brian Clem	Date: Thu, Apr 09, 2009 Time: 3:00 PM Loc: HR E Com: Land Use (H)	04/09/09 - Public Hearing scheduled. 04/07/09 - Public Hearing scheduled. 03/12/09 - Referred to Land

HB3106	Relating to nearshore research; appropriating money; declaring an emergency.	Creates Task Force on Nearshore Research. Directs task force to provide recommendations on needs and challenges facing nearshore resources. Appropriates moneys from General Fund 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	No hearings scheduled at this time.	04/02/09 - Public Hearing held. 03/11/09 - Referred to Environment and Water with subsequent referral to Ways and Means. 03/09/09 - First reading. Referred to Speakers desk.	
HB3129	Relating to sale of wine on land zoned for exclusive farm use.	Modifies authority to use lands in exclusive farm use zones for sale of wine.	Business and Labor (H)	No hearings scheduled at this time.	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/09/09 - First reading. Referred to Speakers desk.	
HB3134	Relating to siting of electric transmission systems; declaring an emergency.	Requires State Department of Energy to determine locations for certain energy transmission and distribution facilities. Specifies requirements for energy transmission and distribution facility siting process. Establishes Energy Transmission and Distribution Facilities Siting Authority. Specifies duties of authority. Specifies process for review of decisions related to energy transmission and distribution facilities. Declares emergency, effective on passage.	Business and Labor (H)	No hearings scheduled at this time.	03/16/09 - Referred to Sustainability and Economic Development with subsequent referral to Ways and Means. 03/09/09 - First reading. Referred to Speakers desk.	
HB3153	Relating to utility facilities.	Prohibits establishment of utility facility in area zoned for farm use, forest use or mixed farm and forest use if majority of utility service provided by utility facility will be used within urban growth boundary. Authorizes owner of land in area zoned for farm use, forest use or mixed farm and forest use to refuse to grant utility easement. Requires owner to agree to five-year license, including mitigation agreement, for utility facility with inflation-adjusted annual license fee and mitigation costs provided to owner. Directs State Department of Agriculture or State Forestry Department to oversee mitigation agreement and activities.	Brian Clem Deborah Boone	Date: Thu, Apr 09, 2009 Time: 1:00 PM Loc: HR E Com: Sustainability and Economic Development (H)	04/09/09 - Public Hearing and Possible Work Session scheduled. 03/16/09 - Referred to Sustainability and Economic Development. 03/10/09 - First reading. Referred to Speakers desk.	
HB3174	Relating to winery vineyard acreage requirements.	Decreases minimum vineyard acreage requirement for low-volume winery located in exclusive farm use zone.	Vic Gilliam Kevin Cameron	No hearings scheduled at this time.	03/12/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/10/09 - First reading. Referred to Speakers desk.	
HB3182	Relating to notice of local government decision-making.	Requires notification to residents of property, in addition to property owners, of proposed land use decisions, limited land use decisions and other governmental decisions affecting real property.	Kim Thatcher	No hearings scheduled at this time.	03/12/09 - Referred to Land Use. 03/10/09 - First reading. Referred to Speakers desk.	
HB3211	Relating to easements granted under duress.	Declares void certain easements demanded by City of Medford as condition of issuing development permit.	James Oh	Sal Esquivel	No hearings scheduled at this time.	03/18/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.

HB3212	Relating to Ballot Measure 49 (2007) claims.	Allows person who filed claim with county or with state under Ballot Measure 37 (2004) to file claim under Ballot Measure 49 (2007) even though person did not file claim with both county and state.	Jackson County, Oregonians in Action	Sal Esquivel Peter Buckley	No hearings scheduled at this time.	03/13/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.
HB3221	Relating to destination resorts.	Modifies siting requirements for destination resorts on or near agricultural lands. Provides that destination resort is not residential use of private real property for purpose of claiming compensation for regulations restricting use of property.		Land Use (H)	No hearings scheduled at this time.	03/13/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.
HB3222	Relating to agricultural land.	Creates presumption that agricultural land under statewide planning goals is suitable for farm use if certain conditions are met.		Land Use (H)	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/10/09 - First reading. Referred to Speakers desk.
HB3223	Relating to residential price controls.	Repeals prohibition against city, county or metropolitan service district imposing requirement that effectively establishes sales price for housing unit, residential lot or residential parcel or limits availability of housing unit, residential lot or residential parcel to class or group of purchasers.		Land Use (H)	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/10/09 - First reading. Referred to Speakers desk.
HB3224	Relating to destination resorts.	Modifies provisions for siting destination resorts. Modifies standards for destination resorts. Requires county to ensure that destination resort is compatible with site and area of impact.		Land Use (H)	No hearings scheduled at this time.	03/13/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.
HB3225	Relating to Ballot Measure 49 (2007) claims.	Allows person who filed claim with county or with state under Ballot Measure 37 (2004) to file claim under Ballot Measure 49 (2007) even though person did not file claim with both county and state.		Land Use (H)	No hearings scheduled at this time.	03/09/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.
HB3298	Relating to land reserves.	Requires counties and metropolitan service districts that propose land for designation as urban reserve or rural reserve in written agreement to in fact designate land if specified factors are decided in affirmative.	Oregon Farm Bureau, Oregon Association of Nurseries	Brian Clem	No hearings scheduled at this time.	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/12/09 - First reading. Referred to Speakers desk.
HB3306	Relating to uses of land zoned for exclusive farm use.	Changes nonfarm uses outright permitted and conditionally authorized on land zoned for exclusive farm use. Modifies requirements for specified nonfarm uses. Prohibits use of changes as legal basis for claim for just compensation.		Brian Clem	No hearings scheduled at this time.	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/11/09 - First reading. Referred to Speakers desk.
HB3307	Relating to dwellings not provided in conjunction with resource use on resource land.	Places additional limits on siting of dwellings and division of land in resource zones for dwellings not provided in conjunction with resource use.		Brian Clem	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.
HB3313	Relating to land	Provides counties with alternative land use procedure		Bruce Hanna	No hearings	03/16/09 -

	use.	for siting one single-family dwelling on lot, parcel or tract located within farm, forest or mixed-use zone.				
HB3321	Relating to local government consolidation; declaring an emergency.	Creates Task Force on One Local Government to study consolidation of local government entities. Sunsets task force on date of convening of next regular biennial legislative session. Declares emergency, effective on passage.		Mitch Greenlick Matt Wingard	No hearings scheduled at this time.	03/18/09 - Referred to Agriculture, Natural Resources and Rural Communities with subsequent referral to Ways and Means. 03/11/09 - First reading. Referred to Speakers desk.
HB3322	Relating to dwellings for relatives on resource land.	Authorizes second dwelling on land zoned for forest use for use by relative of forest operator when forest operator does or will need assistance of relative in management of forest use.	Oregon Small Woodlands	Wayne Krieger	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.
HB3368	Relating to urban reserves.	Prohibits Land Conservation and Development Commission and any local government from establishing minimum lot or parcel sizes on lands included within designated urban reserve as result of inclusion.	John Bacon	Matt Wingard	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.
HB3379	Relating to transportation; appropriating money; prescribing an effective date.	Authorizes issuance of lottery bonds for transportation projects. Establishes City Transportation Improvement Fund to finance Department of Transportation grants and loans to cities. Specifies uses of moneys. Permits city to apply for extension or submit alternative plan if city is unable to meet funding requirements of transportation planning rule. Establishes Critical Transportation Needs Income Tax Sequestration Pilot Project. Allows Oregon Transportation Commission to identify up to specified number of transportation projects and establish tax sequestration zones for areas benefited by projects. Authorizes issuance of revenue bonds to fund projects and directs Department of Revenue to sequester tax revenues from sequestration zones. Continuously appropriates moneys to Department of Transportation to repay bonds and pay costs of projects from sequestered tax revenues. Prohibits tax sequestration funded transportation projects from being established after specified date. Takes effect on 91st day following adjournment sine die.		David Edwards John Huffman	Date: Mon, Apr 13, 2009 Time: 1:00 PM Loc: HR D Com: Transportation (H)	04/13/09 - Public Hearing scheduled. 03/13/09 - Referred to Transportation with subsequent referral to Revenue, then Ways and Means. 03/12/09 - First reading. Referred to Speakers desk.
HB3416	Relating to dwellings on resource lands.	Allows owner of lot, parcel or tract of land zoned for farm use, forest use or mixed farm and forest use to divide lot, parcel or tract, severing a specified percentage of land to create one additional parcel for dwelling.	Steve Rask	John Huffman	No hearings scheduled at this time.	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.
HB3445	Relating to alternative energy.	Requires energy facilities producing power from wind energy to be sited pursuant to energy facility site certificate without regard to amount of power generated.	Stephen Kafoury	Rules (H)	No hearings scheduled at this time.	03/16/09 - Referred to Environment and Water. 03/12/09 - First reading. Referred to Speakers desk.
HB3448	Relating to Ballot Measure 49 (2007).	Includes property subject to Ballot Measure 49 (2007) land use regulation, the lack of enforcement of which would lead to blight, among conditions characterizing blighted areas for purposes of urban renewal. Authorizes urban renewal agencies to pay Ballot Measure 49 (2007) just compensation.	Matt Green-Hite	Rules (H)	No hearings scheduled at this time.	03/13/09 - Referred to Land Use. 03/12/09 - First reading. Referred to Speakers desk.

HJR47	Proposing amendment to Oregon Constitution relating to authorizing cities and counties to adopt site value taxation system in lieu of uniform ad valorem property taxation.	Proposes amendment to Oregon Constitution authorizing cities and counties to adopt site value taxation system in lieu of uniform ad valorem property taxation. Refers proposed amendment to people for their approval or rejection at next general election held throughout this state.				03/13/09 - Referred to Revenue with subsequent referral to Rules. 03/11/09 - First reading. Referred to Speakers desk.
SB169	Relating to airports.	Directs local governments to amend their comprehensive plan and land use regulations regarding certain airports not later than specified date. Requires local governments to implement land use regulations applicable to airport with existing or approved control tower.	Governor Theodore R. Kulongoski for Oregon Department of Aviation	Presession filed.	No hearings scheduled at this time.	03/04/09 - Work Session held. 02/05/09 - Public Hearing and Work Session held. 01/22/09 - Referred to Business and Transportation.
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.	No hearings scheduled at this time.	03/06/09 - Referred to Transportation. 03/04/09 - First reading. Referred to Speakers desk. 03/03/09 - Johnson declared potential conflict of interest.
SB171	Relating to physical hazards to air navigation.	Requires person to get permit from Oregon Department of Aviation before constructing object or structure that constitutes physical hazard to air navigation.	Governor Theodore R. Kulongoski for Oregon Department of Aviation	Presession filed.	No hearings scheduled at this time.	03/04/09 - Work Session held. 02/05/09 - Public Hearing and Work Session held. 01/22/09 - Referred to Business and Transportation.
SB193A	Relating to state water resources strategy.	<i>Directs</i>] Authorizes Water Resources Department to develop integrated state water resources strategy. <i>Specifies content of strategy.</i>] Directs department to report to legislature regarding strategy. Directs Water Resources Commission to give Environmental Quality Commission notice of strategy. Directs Water Resources Commission to review and update strategy every five years.	Governor Theodore R. Kulongoski for Water Resources Department	Presession filed.	No hearings scheduled at this time.	04/07/09 - Referred to Ways and Means by prior reference. 04/07/09 - Recommendation: Do pass with amendments and be referred to Ways and Means by prior reference. (Printed A-Eng.) 03/31/09 - Work Session held.
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.	No hearings scheduled at this time.	03/10/09 - Referred to Environment and Water with subsequent referral to Ways and Means. 03/05/09 - First reading. Referred to Speakers desk. 03/04/09 - Third reading. Carried by Dingfelder. Passed.
SB217	Relating to Historic Preservation Revolving Loan Fund; appropriating	Permits Historic Preservation Revolving Loan Fund to be used for enforcement of cultural resources protection laws and for promotion of public education regarding cultural resources. Requires funds recovered by Attorney General for cultural resources protection enforcement to be placed in Historic Preservation	Attorney General Hardy Myers for Department of Justice	Presession filed.	No hearings scheduled at this time.	03/31/09 - Public Hearing and Work Session held. 01/22/09 - Referred to

money; declaring an emergency. Revolving Loan Fund. Appropriates \$200,000 from General Fund to Historic Preservation Revolving Loan Fund for cultural resources protection enforcement. Declares emergency, effective on passage.

Consumer Protection and Public Affairs, then Ways and Means.
01/15/09 - Introduction and first reading. Referred to Presidents desk.

SB276	Relating to school facility siting.	Requires school district to consider effect of school site selection on transportation costs to school district and to families of school children.	Senate Interim Committee on Judiciary for Bicycle Transportation Alliance	Presession filed.	No hearings scheduled at this time.	01/23/09 - Referred to Education and General Government. 01/16/09 - Introduction and first reading. Referred to Presidents desk.
SB325	Relating to exclusive farm use zoning; declaring an emergency.	Permits properties within exclusive farm use zones to be used for weddings and other commercial gatherings. Declares emergency, effective on passage.	Shirley and Will Wilson	Presession filed. Rick Metsger	No hearings scheduled at this time.	03/10/09 - Public Hearing held. 01/23/09 - Referred to Environment and Natural Resources. 01/16/09 - Introduction and first reading. Referred to Presidents desk.
SB372	Relating to qualification of resource land for inclusion in urban growth boundary.	Modifies priority of lands considered for inclusion in urban growth boundary.	Oregon State Bar Real Estate Section	Judiciary (S)	No hearings scheduled at this time.	01/28/09 - Referred to Environment and Natural Resources. 01/21/09 - Introduction and first reading. Referred to Presidents desk.
SB429	Relating to destination resorts.	Eliminates option in destination resort development in eastern Oregon of guaranteeing construction of overnight lodging units by surety bonding as condition precedent to sale of individual homes, units or lots. Requires actual construction of overnight units prior to sale of individual homes, units or lots.		Environment and Natural Resources (S)	No hearings scheduled at this time.	02/09/09 - Referred to Environment and Natural Resources. 02/02/09 - Introduction and first reading. Referred to Presidents desk.
SB430	Relating to destination resorts; declaring an emergency.	Establishes moratorium on approval of permits for development of destination resort. Provides that destination resort is not residential use of private real property for purpose of limiting legal basis for claiming compensation for regulations restricting use of property. Sunsets moratorium on January 2, 2012. Declares emergency, effective on passage.		Environment and Natural Resources (S)	No hearings scheduled at this time.	02/09/09 - Referred to Environment and Natural Resources. 02/02/09 - Introduction and first reading. Referred to Presidents desk.
SB431	Relating to destination resorts.	Establishes additional requirements for destination resorts in eastern Oregon.		Environment and Natural Resources (S)	No hearings scheduled at this time.	02/09/09 - Referred to Environment and Natural Resources. 02/02/09 - Introduction and first reading. Referred to Presidents desk.
SB434	Relating to minimum lot size.	Directs counties to establish minimum lot or parcel size for land zoned for exclusive farm use, for land zoned for forest use and for land zoned for mixed farm and forest use. Prohibits Land Conservation and Development Commission from establishing minimum lot or parcel size for land zoned for farm use, for forest use or for		Larry George	No hearings scheduled at this time.	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 -

mixed farm and forest use.

Introduction and first reading. Referred to Presidents desk.

SB435	Relating to marginal lands; declaring an emergency.	Establishes program of marginal lands designation. Declares emergency, effective on passage.		Larry George	No hearings scheduled at this time.	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.
SB436	Relating to land use planning for areas of critical state concern.	Limits applicability of statewide land use planning goals to areas of critical state concern designated by Legislative Assembly.		Larry George	No hearings scheduled at this time.	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.
SB437	Relating to exclusive farm use zones.	Prohibits use of income test to determine whether primary or accessory dwelling customarily provided in conjunction with farm use is outright permitted use in exclusive farm use zone.		Larry George	No hearings scheduled at this time.	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.
SB458	Relating to secondary lands; declaring an emergency.	Establishes policy, criteria, procedures and other factors for identifying secondary land. Provides procedures that local governments must follow after identification of secondary land. Establishes uses allowed in area zoned for secondary land use. Declares emergency, effective on passage.		Larry George	No hearings scheduled at this time.	02/13/09 - Referred to Environment and Natural Resources. 02/09/09 - Introduction and first reading. Referred to Presidents desk.
SB467	Relating to single family dwellings.	Prohibits local government from applying special approval criteria to single family dwelling solely because dwelling contains five or fewer roomer accommodations.	Bill Earl	Jason Atkinson	Date: Thu, Apr 16, 2009 Time: 3:00 PM Loc: HR B Com: Consumer Protection and Public Affairs (S)	04/16/09 - Public Hearing and Possible Work Session scheduled. 03/12/09 - Public Hearing held. 02/16/09 - Referred to Consumer Protection and Public Affairs.
SB482	Relating to the establishment of safe drinking water overlay zones.	Requires local governments to establish safe drinking water overlay zones. Prescribes minimum boundaries of overlay zones. Prohibits certain land uses in overlay zones. Establishes permitting procedures for certain land uses in overlay zone.	John Brown	Floyd Prozanski	No hearings scheduled at this time.	03/19/09 - Public Hearing held. 02/13/09 - Referred to Environment and Natural Resources. 02/09/09 - Introduction and first reading. Referred to Presidents desk.
SB505	Relating to farm use special assessment; prescribing an effective date.	Removes requirement that exclusive farm use farmland be used exclusively for farm use to qualify for farm use special assessment. Removes establishment of nonfarm dwelling on land as basis for disqualifying exclusive farm use farmland from farm use special assessment. Applies to tax years beginning on or after July 1, 2009. Takes effect on 91st day following adjournment sine die.		Larry George	No hearings scheduled at this time.	02/18/09 - Referred to Environment and Natural Resources. 02/11/09 - Introduction and first reading. Referred to Presidents desk.

SB566	Relating to urban growth boundary management in metropolitan service district.	Requires metropolitan service district to treat noncontiguous areas created by urban growth boundary as discrete subregions when planning to modify boundary or change type or intensity of use.		Bruce Starr	No hearings scheduled at this time.	03/31/09 - Public Hearing held. 02/26/09 - Referred to Environment and Natural Resources. 02/23/09 - Introduction and first reading. Referred to Presidents desk.
SB634	Relating to priority of land for inclusion within urban growth boundary.	Modifies priority of land for inclusion within urban growth boundary.		Chris Telfer Vicki Walker	No hearings scheduled at this time.	02/26/09 - Referred to Environment and Natural Resources. 02/25/09 - Introduction and first reading. Referred to Presidents desk.
SB644	Relating to transmission lines on land zoned for exclusive farm use.	Prohibits power transmission lines with capacity of 400,000 volts or greater on land zoned for exclusive farm use.		Ted Ferrioli	No hearings scheduled at this time.	03/06/09 - Referred to Environment and Natural Resources. 02/26/09 - Introduction and first reading. Referred to Presidents desk.
SB657	Relating to exception to land use goals.	Authorizes local government to adopt exception to statewide land use goal without demonstrating that statutory standards for exception have been met for use that is necessary for employer of 10 or more employees under specified circumstance. Requires employer in Willamette Valley seeking exception to provide green-collar jobs at family wage. Requires employer outside Willamette Valley seeking exception to provide family wage. Defines terms.		Larry George Jim Weidner	No hearings scheduled at this time.	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.
SB691	Relating to compensation for the loss of value of private forestland resulting from regulation of forest practices.	Modifies provisions for claiming compensation for land use regulation that restricts 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 owner to prove reduction in fair market value by credible evidence other than appraisal of property. Allows owner to make separate claims, based on same regulation of forest practices, on separate portions of property at same or different times. Allows owner to make claim based on regulation of forest practices after filing notice of forest operation.	Oregon Forest Industries Council	Betsy Johnson	No hearings scheduled at this time.	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.
SB715	Relating to regional analysis of urban growth boundary.	Requires local government to demonstrate adequacy of 20-year supply of buildable lands for each discrete portion of local governments urban growth boundary.		Bruce Starr Brian Boquist	No hearings scheduled at this time.	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.
SB724	Relating to marine aquaculture.	Directs State Fish and Wildlife Commission to develop and implement marine aquaculture program and to report to Legislative Assembly on progress of program.	Columbia River Business Alliance	Betsy Johnson	No hearings scheduled at this time.	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.
SB741	Relating to protection of Metolius River	Declares Metolius River Basin and area of influence to be area of critical state concern. Directs Department of Land Conservation and Development to review land in		Environment and Natural Resources	No hearings scheduled at this time.	03/11/09 - Referred to Environment and

	Basin.	area and recommend management plan. Restricts siting of destination resort in Metolius River Basin.				Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.
SB763	Relating to transferable development credits.	Authorizes Department of Land Conservation and Development to implement system for buying and selling transferable development credits to encourage landowners to voluntarily protect resource lands.		Martha Schrader Mary Nolan	No hearings scheduled at this time.	04/07/09 - Public Hearing held. 03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.
SB781	Relating to inclusion of land within urban growth boundary of cities with population greater than 100,000; declaring an emergency.	Requires that city with population greater than 100,000 include within its urban growth boundary certain tracts of land that are within corporate limits of city. Declares emergency, effective on passage.		Rules (S)	No hearings scheduled at this time.	03/12/09 - Referred to Environment and Natural Resources. 03/05/09 - Introduction and first reading. Referred to Presidents desk.
SB827	Relating to land use.	Allows energy facilities and hydroelectric facilities as outright permitted uses in exclusive farm use zones, mixed farm and forest zones and forest zones.		Larry George	No hearings scheduled at this time.	03/13/09 - Referred to Environment and Natural Resources. 03/09/09 - Introduction and first reading. Referred to Presidents desk.
SB831	Relating to property taxation; prescribing an effective date.	Disqualifies land owned by winery that receives more than 500 visitors annually from farm use special assessment. Exempts land owned by winery from additional taxes upon disqualification. Applies to tax years beginning on or after July 1, 2009. Takes effect on 91st day following adjournment sine die.		Larry George	No hearings scheduled at this time.	03/13/09 - Referred to Finance and Revenue. 03/09/09 - Introduction and first reading. Referred to Presidents desk.
SB853	Relating to governmental siting.	Establishes Commercial and Industrial Projects Siting Authority to nominate and select traded sectors for development of commercial or industrial projects. Requires authority to nominate traded sectors on basis of certain criteria and to hold hearing before selecting which traded sector to develop. Requires state, counties, cities and political subdivisions to issue appropriate permits, licenses and certificates and to enter into intergovernmental agreements for development of commercial or industrial projects. .	Oregon State Building and Construction Trades Council	Rick Metsger	No hearings scheduled at this time.	03/16/09 - Referred to Business and Transportation. 03/09/09 - Introduction and first reading. Referred to Presidents desk.
SB866	Relating to minimum acreage of land zoned for exclusive farm use.	Lowers minimum lot or parcel size for land zoned for exclusive farm use to 40 acres if land is irrigated and planted with wine grape vines and each lot or parcel created by land division satisfies farm income test for determining whether farm dwelling is allowed use.	Jack Hay	Ted Ferrioli	No hearings scheduled at this time.	03/13/09 - Referred to Environment and Natural Resources. 03/09/09 - Introduction and first reading. Referred to Presidents desk.
SB886	Relating to small tract forestland program.	Creates certification process for qualification or continued qualification of small tract forestland. Requires owner of small tract forestland to file return with Department of Revenue.		Finance and Revenue (S)	No hearings scheduled at this time.	03/16/09 - Referred to Finance and Revenue. 03/09/09 - Introduction and first reading. Referred to Presidents desk.

SB907	Relating to discretionary design review.	Allows local government, under specified conditions, to attach discretionary approval standards or special conditions regulating appearance or aesthetics to application for development of needed housing or to permit for residential development.	Rod Monroe	No hearings scheduled at this time.	03/16/09 - Referred to Education and General Government. 03/09/09 - Introduction and first reading. Referred to Presidents desk.
SB945	Relating to Ballot Measure 49 (2007) claims.	Corrects erroneous reference in Ballot Measure 49 (2007).	Floyd Prozanski	No hearings scheduled at this time.	04/09/09 - Work Session scheduled. 04/06/09 - Work Session held. 04/01/09 - Work Session held.
SB946	Relating to Ballot Measure 49 (2007) claims.	Allows person who filed claim with state, but not with county, under Ballot Measure 37 (2004) to file claim under Ballot Measure 49 (2007) even though person did not file claim with both county and state.	Floyd Prozanski	No hearings scheduled at this time.	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.
SB947	Relating to Ballot Measure 49 (2007) claims.	Allows person to pursue relief under Ballot Measure 49 (2007) if person filed claim under Ballot Measure 37 (2004) but was determined to be ineligible for relief because property was located, in whole or in part, within boundaries of city but not within urban growth boundary.	Floyd Prozanski	No hearings scheduled at this time.	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.
SB948	Relating to Ballot Measure 49 (2007) claims.	Allows owner of private real property who took specified actions in pursuit of claim for compensation under Ballot Measure 37 (2004) on or before June 28, 2007, to file claim under Ballot Measure 49 (2007).	Floyd Prozanski	No hearings scheduled at this time.	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.
SB949	Relating to Ballot Measure 49 (2007) claims.	Modifies time within which Ballot Measure 37 (2004) claimant must file form making election for relief under Ballot Measure 49 (2007).	Floyd Prozanski	No hearings scheduled at this time.	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.
SB950	Relating to Ballot Measure 49 (2007) claims.	Authorizes Department of Land Conservation and Development to deem claimant under Ballot Measure 49 (2007) to have made election to pursue relief under one provision if claimant does not timely file appraisal required to pursue relief under alternative provision.	Floyd Prozanski	No hearings scheduled at this time.	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.
SB969	Relating to a model railroad on resource land.	Authorizes existing model railroad that is one-third scale or smaller as outright permitted use of land zoned for forest use or mixed farm and forest use. Authorizes inspection of use to ensure safety of users of model railroad and protection of riparian lands. Sunsets January 2, 2015.	Bill Morrisette Jean Cowan	No hearings scheduled at this time.	03/31/09 - Referred to Environment and Natural Resources. 03/26/09 - 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	Pre-session filed.	No hearings scheduled at this time.	03/10/09 - Public Hearing held. 03/09/09 - Public Hearing held. 03/05/09 - 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	Pre-session filed.	No hearings scheduled at this time.	03/10/09 - Public Hearing held. 03/09/09 - Public Hearing held. 01/26/09 - Assigned to Subcommittee On Natural Resources.