

HB 2229 4-13-09 Concept provided to LC

The following is a brief summary of the revised legislation:

1. Establishes new overarching principles to guide the statewide land use program
2. Establishes a clear process for counties to correct mapping problems with rural lands, including criteria for lands that are re-zoned to assure that development is sustainable (consistent with carrying capacity) and a requirement to update protection of natural resources (sections 3 to 7).
3. Revises statutes relating to regional problem solving to clarify process, establish how participants are determined, what the scope of an RPS process is, and timelines for completing the work (sections 8 to 11).
4. Uses updated acknowledgment review process for review of RPS decisions, and for review of remapping of rural lands (sections 12 and 13).
5. Establishes priorities for infrastructure investments in rapidly growing areas; consistent with JTA language (section 14).
6. Authorizes a policy-neutral review of land use statutes, goals and rules to reduce complexity (section 15).
7. Authorizes transfer of development rights between jurisdictions; limits areas for additional development (sections 16 to 20).
8. Encourages mediation of local land use disputes by authorizing extension of statutory deadlines for local decisions (sections 21 and 22).
9. Provides that new RPS provisions apply only prospectively to avoid interfering with the current Bear Creek Valley RPS process.
10. Deletion of annexation provisions due to lack of support, and state agency strategic planning due to high fiscal impact;
11. Emergency clause.

1 (a) Must be adopted by the appropriate governing body at the local and
2 state levels;

3 (b) Are expressions of public policy in the form of policy statements,
4 generalized maps and standards and guidelines;

5 (c) Shall be the basis for more specific rules and land use regulations
6 which implement the policies expressed through the comprehensive plans;

7 (d) Shall be prepared to assure that all public actions are consistent and
8 coordinated with the policies expressed through the comprehensive plans;
9 and

10 (e) Shall be regularly reviewed and, if necessary, amended to keep them
11 consistent with the changing needs and desires of the public they are designed
12 to serve.

13 **(2)(a) The overarching principles guiding the land use program in
14 the State of Oregon are to:**

15 **(A) Provide a healthy environment;**

16 **(B) Sustain a prosperous economy;**

17 **(C) Ensure a desirable quality of life;**

18 **(D) Provide fairness and equity to all Oregonians; and**

19 **(E) Conserve farm and forest lands, and other natural resources.**

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20 **(b) In addition to the principles in paragraph (a) of this section, the land use
21 program should help communities achieve sustainable development patterns,
22 manage the effects of population growth and climate change, conserve productive
23 farm and forest lands, and plan and provide for efficient public facilities and
24 services.**

25 **(c) The Legislative Assembly should consider the overarching principles in
26 paragraph (a) and the statement of purpose in paragraph (b) of this subsection
27 when the Legislative Assembly enacts a law regulating land use.**

28 **(d) A public body as defined in ORS 174.000 should consider the overarching
29 principles in paragraph (a) and the statement of purpose in paragraph (b) of this
30 section when the public body adopts or interprets a statewide land use planning
31 goal, an administrative rule implementing a statewide planning goal or a provision**

1 of ORS chapter 195, 196, 197, 215 or 217, a comprehensive plan, or a land use
2 regulation.

3 (e) Paragraphs (a) to (d) of this subsection are not judicially enforceable.

4 [(2)] (3) The equitable balance between state and local government interests
5 can best be achieved by resolution of conflicts using alternative dispute
6 resolution techniques such as mediation, collaborative planning and arbitration.
7 Such dispute resolution techniques are particularly suitable for conflicts arising over
8 periodic review, comprehensive plan and land use regulations, amendments, enforcement
9 issues and local interpretation of state land use policy.

10 SECTION 2. ORS 197.040 is amended to read:

11 197.040. (1) The Land Conservation and Development Commission shall:

12 (a) Direct the performance by the Director of the Department of Land
13 Conservation and Development and the director's staff of their functions
14 under ORS chapters 195, 196 and 197.

15 (b) In accordance with the provisions of ORS chapter 183, adopt rules that
16 it considers necessary to carry out ORS chapters 195, 196 and 197. Except
17 as provided in subsection (3) of this section, in designing its administrative
18 requirements, the commission shall:

19 (A) Allow for the diverse administrative and planning capabilities of local
20 governments;

21 (B) Consider the variation in conditions and needs in different regions
22 of the state, and encourage regional approaches to resolving land use problems;

23 [(B)] (C) Assess what economic and property interests will be, or are
24 likely to be, affected by the proposed rule;

25 [(C)] (D) Assess the likely degree of economic impact on identified property
26 and economic interests; and

27 [(D)] (E) Assess whether alternative actions are available that would
28 achieve the underlying lawful governmental objective and would have a
29 lesser economic impact.

30 (c)(A) Adopt by rule in accordance with ORS chapter 183 or by goal under
31 ORS chapters 195, 196 and 197 any statewide land use policies that it considers

1 necessary to carry out ORS chapters 195, 196 and 197.

2 (B) Adopt by rule in accordance with ORS chapter 183 any procedures
3 necessary to carry out ORS 215.402 (4)(b) and 227.160 (2)(b).

4 (C) Review decisions of the Land Use Board of Appeals and land use decisions
5 of the Court of Appeals and the Supreme Court within 120 days of
6 the date the decisions are issued to determine if goal or rule amendments
7 are necessary.

8 (d) Cooperate with the appropriate agencies of the United States, this
9 state and its political subdivisions, any other state, any interstate or regional agency,
10 any person or groups of persons with respect to land conservation and development.

11 (e) Appoint advisory committees to aid it in carrying out ORS chapters
12 195, 196 and 197 and provide technical and other assistance, as it considers
13 necessary, to each such committee.

14 (2) Pursuant to ORS chapters 195, 196 and 197, the commission shall:

15 (a) Adopt, amend and revise goals consistent with regional, county and
16 city concerns;

17 (b) Prepare, collect, provide or cause to be prepared, collected or provided
18 land use inventories;

19 (c) Prepare statewide planning guidelines;

20 (d) Review comprehensive plans for compliance with goals;

21 (e) Coordinate planning efforts of state agencies to assure compliance
22 with goals and compatibility with city and county comprehensive plans;

23 (d) Insure widespread citizen involvement and input in all phases of the
24 process;

25 (g) Review and recommend to the Legislative Assembly the designation
26 of areas of critical state concern;

27 (h) Report periodically to the Legislative Assembly and to the committee;

28 **(i) Review the land use planning responsibilities and authorities given to the**
29 **state, regions, counties and cities, and the resources available to each level of**
30 **government, and make recommendations to the Legislative Assembly to improve**
31 **the administration of the state land use program; and**

1 ([i]j) Perform other duties required by law.

2 (3) The requirements of subsection (1)(b) of this section shall not be interpreted as
3 requiring an assessment for each lot or parcel that could be affected by the proposed rule.

4 **SECTION 3.** ORS 197.230 is amended to read:

5 197.230. (1) In preparing, adopting and amending goals and guidelines, the
6 Department of Land Conservation and Development and the Land Conserva-
7 tion and Development Commission shall:

8 (a) Assess:

9 (A) What economic and property interests will be, or are likely to be,
10 affected by the proposed goal or guideline;

11 (B) The likely degree of economic impact on identified property and economic
12 interests; and

13 (C) Whether alternative actions are available that would achieve the
14 underlying lawful governmental objective and would have a lesser economic impact.

15 (b) Consider the existing comprehensive plans of local governments and
16 the plans and programs affecting land use of state agencies and special dis-
17 tricts in order to preserve functional and local aspects of land conservation
18 and development.

19 (c) Give consideration to the following areas and activities:

20 (A) Lands adjacent to freeway interchanges;

21 (B) Estuarine areas;

22 (C) Tide, marsh and wetland areas;

23 (D) Lakes and lakeshore areas;

24 (E) Wilderness, recreational and outstanding scenic areas;

25 (F) Beaches, dunes, coastal headlands and related areas;

26 (G) Wild and scenic rivers and related lands;

27 (H) Floodplains and areas of geologic hazard;

28 (I) Unique wildlife habitats; and

29 (J) Agricultural land.

30 (d) Make a finding of statewide need for the adoption of any new goal
31 or the amendment of any existing goal.

1 (e) Design goals to:

2 (A) Allow a reasonable degree of flexibility in the application of goals
3 by state agencies, cities, counties and special districts;

4 (B) Provide a healthy environment;

5 (C) Sustain a prosperous economy;

6 (D) Ensure a desirable quality of life; ,

7 (E) Provide fairness and equity to all Oregonians; and

8 (F) Conserve farm and forest lands, and other natural resources.

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9 (2) Goals shall not be land management regulations for specified ge-
10 ographic areas established through designation of an area of critical state
11 concern under ORS 197.405

12 (3) The requirements of subsection (1)(a) of this section shall not be in-
13 terpreted as requiring an assessment for each lot or parcel that could be af-
14 fected by the proposed rule.

15 (4) The commission may exempt cities with a population less than 10,000,
16 or those areas of a county inside an urban growth boundary that contain a
17 population less than 10,000, from all or any part of land use planning goals,
18 guidelines and administrative rules that relate to transportation planning.

19 **SECTION 4. Sections 5 to 7 of this 2009 Act are added to and made**
20 **a part of ORS chapter 215.**

21 **SECTION 5. (1) In addition to other procedures allowed by law, one or more**
22 **counties may conduct a legislative review of whether lands in the county qualify as**
23 **agricultural land or forestland, as defined in the statewide planning goals relating to**
24 **agricultural lands and forest lands. The purpose of such a review is to correct**
25 **mapping errors made in the acknowledgment process, and to update a county's**
26 **designation of farm and forest lands, for purposes of ORS chapters 195, 196, 197**
27 **and 215.**

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28 (2) A county may undertake the re-acknowledgment process authorized by
29 this section only if the Department of Land Conservation and Development has
30 approved a work plan from the county that describes the expected scope of the re-
31 acknowledgment. The department may condition its approval of a work plan for

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1 re-acknowledgment under this section to reflect the resources that may be required
2 to complete the review that would be required under sections 7 and 13 of this 2009
3 Act. A county's work plan, and the department's approval of the work plan, are
4 not final orders for purposes of review.

5 (3) A county that undertakes the re-acknowledgment process authorized by
6 this section shall provide an opportunity for all properties currently planned for
7 farm, forest, or farm and forest uses and exception lands to be included in the
8 review.

9 (4) A county must plan and zone a property under this section:

10 (a) For farm use if the property meets the definition of "agricultural land" in
11 the goal relating to agricultural lands;

12 (b) For forest use if the property meets the definition of "forest land" used
13 for plan amendments in the goal relating to forest lands;

14 (c) For farm and forest use if the property meets the definition of both
15 "agricultural land" in the goal relating to agricultural lands and "forest land" used
16 for plan amendments in the goal relating to forest lands;

17 (d) For a rural use other than farm or forest use as provided in the goal
18 relating to land use planning and ORS 197.732 if the property is:

19 (A) Physically developed to the extent that it is no longer available for uses
20 allowed by the goals relating to farm and forest use; or

21 (B) Irrevocably committed by existing adjacent uses and other relevant
22 factors to the extent that it is no longer available for uses allowed by the goals
23 relating to farm and forest use; or

24 (e) For non-resource use, consistent with the requirements of section 7 of this
25 2009 Act, if the property does not meet the definition of "agricultural land" in the
26 goal relating to agricultural lands or the definition of "forest land" used for plan
27 amendments in the goal relating to forest lands.

28 (5) In determining whether a property meets the applicable definition of
29 agricultural lands or forest lands, a county may consider the current land use
30 pattern on adjacent and nearby lands.
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(a) Planned and zoned for non-resource use, consistent with the requirements of section 7 of this 2009 Act; or

(b) Planned and zoned for a specific use not allowed by the applicable goal if the use allowed is consistent with the requirements of section 7 of this 2009 Act, and the property is:

(A) Physically developed to the extent that it is no longer available for uses allowed by the applicable goal; or

(B) Irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

1 | SECTION 6. (1) If a county amends its comprehensive plan or zoning map
2 | designations under section 5 of this 2009 Act, it must review any lands that are
3 | replanned or rezoned as non-resource lands or exception lands to determine
4 | whether the lands contain ecologically-significant natural areas or resources,
5 | considering the goal relating to natural resources, scenic and historic areas, and
6 | open spaces, the goal relating to estuarine resources, the goal relating to coastal
7 | shorelands, the goal related to beaches and dunes, and considering the Oregon
8 | Conservation Strategy of the State Department of Fish and Wildlife. If the lands
9 | contain such resources, and the county determines that they are significant, they
10 | must be inventoried in the county's comprehensive plan. In addition, for such
11 | lands, the county must adopt a program to protect any resources that are
12 | determined to be significant from the adverse effects of new uses that would be
13 | allowed by the plan or zone change. The county may use non-regulatory programs
14 | to protect such resources, including but not limited to, programs for the transfer of
15 | severable development interests to other lands that do not contain significant
16 | resources.

17 | (2) If a county amends its comprehensive plan or zoning map designations
18 | under section 5 of this 2009 Act, it must review any lands that are replanned or
19 | rezoned as non-resource lands or exception lands to determine that the uses that
20 | would be allowed by the plan or zone changes are consistent with the carrying
21 | capacity of the lands. The county must assure that:

22 | (a) The amount, type, location and pattern of development on lands
23 | that are redesignated as other non-resource lands:

24 | (A) Will be rural in character and will not significantly interfere with orderly
25 | and efficient development of urban areas in the vicinity;

26 | (B) Will not significantly conflict with existing or reasonably foreseeable
27 | future farm or forest uses or accepted farm or forest practices; and

28 | (C) Will not lead to significant adverse effects, including but not limited to
29 | adverse effects on:

30 | (i) Water quality or the availability or cost of water supply;

31 | (ii) Energy use;

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Comment [w1]: The Conservation Strategy is a statewide strategic plan that prioritizes areas for receipt of federal funding. It has been approved by the USFWS (as a condition of federal funding), and was developed with broad bipartisan input. The BLTF also used the strategy as a screen for prioritizing natural areas and resources for protection.

- 1 (iii) State or local transportation facilities;
- 2 (iv) Fish or wildlife habitat or other ecologically significant lands;
- 3 (v) The risk of wildland fire or the cost of fire suppression;
- 4 (vi) The cost of public facilities or services; or
- 5 (vii) The fiscal health of a local government.

6 (b) Additional residential development on non-resource lands must, to the
7 extent practicable, be located and may be clustered to minimize the effects on farm
8 and forest uses to avoid lands subject to natural hazards, and to reduce the costs of
9 public facilities and services.

10 SECTION 7. (1) A county's decisions on planning or zoning designations
11 made under sections 5 and 6 of this 2009 Act shall be submitted to the Department
12 of Land Conservation and Development for review pursuant to the procedures set
13 forth in this section and section 13 of this 2009 Act.

14 (2) The department shall coordinate with the State Department of
15 Agriculture in reviewing any decisions on planning or zoning designations for lands
16 currently planned as farm or farm and forest land. The department shall
17 coordinate with the State Department of Forestry in reviewing any decisions on
18 planning or zoning designations for lands currently planned as forest or farm and
19 forest land.

20 (3) The department and commission have exclusive jurisdiction for review of
21 a county's decision made under sections 5 and 6 of this 2009 Act. A person who
22 participated in the proceedings leading to the county's decisions made under
23 sections 5 and 6 of this 2009 Act, may not raise an issue on review before the
24 commission that was not raised in the local proceedings.

25 (4) The Land Conservation and Development Commission may adopt rules
26 implementing sections 5 to 7 of this 2009 Act.

27 SECTION 8. ORS 197.652 is amended to read:

28 197.652. *[Programs of the collaborative regional problem-solving process*
29 *described in ORS 197.654 and 197.656 shall be established in counties or re-*
30 *gions geographically distributed throughout the state.]*

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1 (1) At the request of a county and at least one other local government in a
2 region, the Department of Land Conservation and Development, other state
3 agencies, as defined in ORS 171.133, metropolitan planning organizations, special
4 districts, and an advisory committee on transportation may participate with the
5 local governments in a collaborative regional problem-solving process.

6 (2) If requested to participate, the department shall assist the county with the
7 process and encourage regional efforts to resolve land use planning problems using
8 the authorities described in ORS 197.652 to 197.658.

9 (3) The regional problem-solving process has three steps, as described in
10 sections 8 to 10 of this 2009 Act. The first step is for the county, working with the
11 other local governments, to identify what land use planning problems to address,
12 and what participants may need to take actions to resolve the land use planning
13 problems. The county will then submit a proposed work scope and proposed list of
14 participants to the Land Conservation and Development Commission for its review.
15 The commission must approve the work scope, participants and a schedule for
16 completion of the process before the county may initiate amendments of a
17 comprehensive plan or land use regulation under ORS 197.652 to 197.658. The
18 schedule for completion of the process may not exceed three years, except the
19 commission may extend the schedule by up to one additional year for good cause
20 shown. The commission shall review:

21 (a) The proposed work scope to determine whether it can reasonably be
22 completed within the time allowed;

23 (b) The proposed participant list to determine whether it includes, at a
24 minimum, all local governments that will need to amend a comprehensive plan
25 provision or a land use regulation, or adopt a new provision or regulation, in order
26 to resolve the land use planning problems identified in the work scope; and

27 (c) The proposed participant list and work scope to determine that they are
28 consistent.

29 (4) A county's decision to submit a proposal under this section, and the
30 commission's decision to approve a proposal, are not final actions subject to judicial
31 review. If the commission approves a proposal under this section, the county must

1 periodically report on the progress in carrying out the proposal, as specified by the
2 commission.

3 (5) Once the commission approves the participant list for a regional problem-
4 solving process under this section, for purposes of sections 9 and 10 of this 2009 Act,
5 the participants include all participants on the list unless the commission
6 subsequently approves the addition or deletion of a participant.

7 SECTION 9. ORS 197.654 is amended to read:

8 197.654. (1) *[Local governments and those special districts that provide ur-*
9 *ban services may enter into a collaborative regional problem-solving process.*

10 *A collaborative regional problem-solving process is a planning process directed*
11 *toward resolution of land use problems in a region. The process must offer an*
12 *opportunity to participate with appropriate state agencies and all local gov-*
13 *ernments within the region affected by the problems that are the subject of the*
14 *problem-solving process.] Following a decision of the Land Conservation and*

15 **Development Commission under ORS 197.652 to approve a proposal for regional**
16 **problem solving, the second step in the regional problem solving process is for the**
17 **participants to develop proposed actions to resolve the problems identified in the**
18 **work scope approved under ORS 197.652. The participants must agree on the**
19 **proposed actions, which must include:**

20 (a) **Regional goals that describe how the region intends to resolve each**
21 **regional problem that is described in the work scope;**

22 (b) **Actions to achieve the regional goals, including any changes to**
23 **comprehensive plans or land use regulations that are necessary to achieve the**
24 **regional goals;**

25 (c) **Measurable indicators of performance and a system for monitoring**
26 **progress toward achievement of the regional goals;**

27 (d) **Incentives and disincentives to encourage successful implementation of**
28 **the actions to achieve the regional goals;**

29 (e) **If the regional goals involve the management of an urban growth**
30 **boundary, actions to coordinate the planning and provision of water, sewer and**
31 **transportation facilities in the region; and**

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1 (f) A process for correction of the actions if monitoring indicates that they
2 are not achieving the regional goals.

3 [(2) As used in ORS 197.652 to 197.658, "region" means an area of one or more
4 counties, together with the cities within the county, counties, or affected portion of the
5 county.]

6 (2) A decision by a participant to enter into an agreement under ORS
7 197.652 to 197.658 is not a final land use decision. However, an agreement entered
8 into under ORS 197.652 to 197.658 does not become final and binding until:

9 (a) All local governments that are participants have adopted the
10 comprehensive plan provisions or land use regulations contemplated in the
11 agreement; and

12 (b) The Land Conservation and Development Commission has approved the
13 comprehensive plan provisions and land use regulations as provided under ORS
14 197.656.

15 (3) Amendments to comprehensive plan provisions and land use regulations,
16 or new provisions or regulations, adopted to implement an agreement under ORS
17 197.652 to 197.658 take effect 60 (sixty) days after the commission provides notice to
18 all parties to the agreement that the commission has approved all of the
19 amendments to comprehensive plan provisions and land use regulations.

20 SECTION 10. ORS 197.656 is amended to read:

21 197.656. (1) *[Upon invitation by the local governments in a region, the Land*
22 *Conservation and Development Commission and other state agencies may par-*
23 *ticipate with the local governments in a collaborative regional problem-solving*
24 *process.]* Following the adoption of amendments to comprehensive plan provisions
25 or land use regulations, or new provisions or regulations, to implement a regional
26 problem-solving process under ORS 197.652 to 197.658, the third step of the process
27 is for the local governments to submit the provisions or regulations to the Land
28 Conservation and Development Commission for review in the manner set forth in
29 this section.

30 (2) Following the procedures set forth in this section, the commission may
31 *[acknowledge]* approve amendments to comprehensive plans and land use regulations,

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1 or new land use regulations, that do not fully comply with the goals, or rules of the
2 commission that implement the statewide planning goals, without taking an exception,
3 upon a determination that:

4 *[(a) The amendments or new provisions are based upon agreements reached*
5 *by all local participants, the commission and other participating state agencies,*
6 *in the collaborative regional problem-solving process;]*

7 *[(b) The regional problem-solving process has included agreement among the*
8 *participants on:]*

9 (a) The provisions or regulations conform on the whole with the purposes of
10 the goals, and any failure to meet individual goal requirements is technical or minor
11 in nature;

12 (b) The provisions or regulations are needed to achieve the regional goals
13 specified by the participants; and

14 (c) The provisions or regulations, along with the other actions agreed upon
15 by the participants, are reasonably likely to achieve the regional goals.

16
17 *[A local government that amends an acknowledged comprehensive plan*
18 *or land use regulation or adopts a new land use regulation in order to implement an*
19 *agreement reached in a regional problem-solving process shall submit the amendment or*
20 *new regulation to the commission in the manner set forth in ORS 197.628 to 197.650 for*
21 *periodic review or set forth in ORS 197.251 for acknowledgment.]*

22 (3) The commission:

23 (a) Shall review an amendment to a comprehensive plan provision or a land
24 use regulation, or a new comprehensive plan provision or land use regulation,
25 adopted under ORS 197.652 to 197.658 pursuant to the procedures set forth in this
26 section and section 13 of this 2009 Legislative Act. The commission may adopt rules
27 to establish additional procedural and substantive requirements for review and
28 approval of comprehensive plan provisions and land use regulations adopted under
29 ORS 197.652 to 197.658.

30 (b) Has exclusive jurisdiction for review of amendments to comprehensive
31 plans or land use regulations, or new comprehensive plan provisions or land use

1 regulations, adopted by a local government under ORS 197.652 to 197.658. A
2 participant in the process, and a person who participated in the proceedings leading
3 to the adoption of the comprehensive plan provisions or land use regulations, may
4 not raise an issue on review before the commission that was not raised in the local
5 proceedings for adoption of the plan or regulation.

6 [(5)] (4) If the commission denies *[an amendment or new regulation]* an
7 amendment to a comprehensive plan or land use regulation, or a new
8 comprehensive plan provision or land use regulation, submitted pursuant to
9 subsection [(3)] (1) of this section, the commission shall issue a written statement
10 describing the reasons for the denial and suggesting alternative methods for
11 accomplishing the goals on a timely basis.

12 [(6)] (5) If, in order to resolve regional land use problems, the participants in a
13 collaborative regional problem-solving process decide to devote agricultural land or
14 forestland, as defined in the statewide planning goals, to uses not authorized by those
15 goals, the participants shall choose land that is not part of the region's commercial
16 agricultural or forestland base, or take an exception to those goals pursuant to ORS
17 197.732. To identify land that is not part of the
18 region's commercial agricultural or forestland base, the participants shall consider the
19 recommendation of a committee of persons appointed by the affected county, with
20 expertise in appropriate fields, including but not limited to farmers, ranchers, foresters
21 and soils scientists and representatives of the State Department of Agriculture, the State
22 Department of Forestry and the Department of Land Conservation and Development.

23 [(7)] (6) The Governor *[shall]* **may** require all appropriate state agencies to
24 participate in a *[the]* collaborative regional problem-solving process.

25 **SECTION 11.** ORS 197.747 is amended to read:

26 197.747. For the purposes of acknowledgment under ORS 197.251, board
27 review under ORS 197.805 to 197.855, **Land Conservation and Development**
28 **Commission review of a proposed regional problem solving agreement under ORS**
29 **197.652 to 197.658** and periodic review under ORS 197.628 to 197.650, "compliance
30 with the goals" means the comprehensive plan and regulations, on the whole, conform

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1 with the purposes of the goals and any failure to meet individual goal requirements is
2 technical or minor in nature.

3 SECTION 12. Section 13 of this 2009 Act is added to and made a part of
4 ORS chapter 197.

5 SECTION 13. (1) The Land Conservation and Development Commission
6 shall by order grant, deny or remand approval of a proposed amendment of a
7 comprehensive plan or land use regulation, or a new comprehensive plan provision
8 or land use regulation, or a change to a county's comprehensive plan or zoning map,
9 adopted pursuant to sections 5 to 7 or 8 to 10 of this 2009 Act. The order of the
10 commission granting, denying, or remanding approval must be entered within 120
11 days of the date of the date the local government submits the proposed amendment,
12 new provision or regulation, or change to a plan or zoning map,

13 (2) The department shall prepare a report stating whether the proposal for
14 which approval is sought is in compliance with applicable statutes, goals and
15 commission rules. The department shall provide a reasonable opportunity for
16 persons to prepare and to submit written comments and objections to the report,
17 which comments and objections shall not include new evidence. In addition, a
18 person may not submit written comments or objections to the report unless the
19 person participated either orally or in writing in the local government proceedings
20 leading to the adoption of the proposed amendment, new provision or regulation, or
21 change to a plan or zoning map.

22 (3) Upon review of the proposal, the report, and any written comments and
23 objections to the report, the commission shall prepare a proposed final order. The
24 commission shall afford the local government and persons who submitted written
25 comments or objections to the report a reasonable opportunity to file written
26 exceptions to the proposed final order. If no exceptions are filed, the proposed
27 order shall become final.

28 (4) The commission's review under this section shall be confined to the record of
29 proceedings before the local government, the report of the department, and any
30 comments, objections and exceptions filed under subsections (2) and (3) of this
31 section, and the proposed final order of the commission, including any responses to

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1 exceptions. The commission may entertain oral argument from the department and
2 from persons who filed exceptions, and may consider new issues raised by its review.

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3 However, the commission shall not allow additional evidence, or argument or
4 testimony that could have been presented to the local government but was not.

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5 (5) A commission order granting, denying or remanding a proposal shall include
6 a clear statement of findings which sets forth the basis for the approval, denial or
7 remand. The findings shall:

8 (a) Identify the statutes, goals and rules applicable to the proposal; and

9 (b) Include a clear statement of findings in support of the determinations of
10 compliance and noncompliance.

11 (6) A commission order granting approval may be limited to an identified
12 geographic area described in the order if:

13 (a) Only the identified geographic area is the subject of the proposal; or

14 (b) Specific geographic areas do not comply with the applicable statutes, goals or
15 rules, and the requirements are not technical or minor in nature.

16 (7) The commission may issue a limited approval order when a previously issued
17 approval order is reversed or remanded by the Court of Appeals or the Oregon
18 Supreme Court. Such a limited approval order may deny approval of that part of
19 the comprehensive plan or land use regulations that the court found not in
20 compliance with the applicable statutes, goals or rules, and grant approval of all
21 other parts of the proposal.

22 (8) A limited approval order shall be considered an approval for all purposes
23 and shall be a final order for purposes of judicial review with respect to the
24 approved geographic area. A limited order may be adopted in conjunction with a
25 remand.

26 SECTION 14. In areas of the state that are growing rapidly, state agencies,
27 as defined in ORS 171.133, cities and counties shall, within constraints demanded by
28 applicable federal law and regulations, state law and rules and local ordinances:

29 (1) Demonstrate that major public infrastructure investments, including
30 major transportation investments, reinforce compact urban development; and

1 (2) Give priority to investments that promote infill or redevelopment of
2 existing urban areas to encourage the density necessary to support alternative
3 modes of transportation.

4 SECTION 15. ORS 215.428 is amended to read:

5 ORS 215.428 (1) Except as provided in subsections (3) and (5) of this section,
6 for land within an urban growth boundary and applications for mineral aggregate
7 extraction, and in subsection (10) of this section for decision involving mediation,
8 the governing body of a county or its designee shall take final action on an
9 application for a permit, limited land use decision or zone change, including
10 resolution of all appeals under ORS 215.422, within 120 days after the application is
11 deemed complete. The governing body of a county or its designee shall take final
12 action on all other applications for a permit, limited land use decision or zone
13 change, including resolution of all appeals under ORS 215.422, within 150 days after
14 the application is deemed complete, except as provided in subsections (3) and (5) of
15 this section.

16 (2) If an application for a permit, limited land use decision or zone change is
17 incomplete, the governing body or its designee shall notify the applicant in writing
18 of exactly what information is missing within 30 days of receipt of the application
19 and allow the applicant to submit the missing information. The application shall be
20 deemed complete for the purpose of subsection (1) of this section upon receipt by the
21 governing body or its designee of:

22 (a) All of the missing information;

23 (b) Some of the missing information and written notice from the applicant that
24 no other information will be provided; or

25 (c) Written notice from the applicant that none of the missing information will
26 be provided.

27 (3)(a) If the application was complete when first submitted or the applicant
28 submits additional information, as described in subsection (2) of this section, within
29 180 days of the date the application was first submitted and the county has a
30 comprehensive plan and land use regulations acknowledged under ORS 197.251,

1 approval or denial of the application shall be based upon the standards and criteria
2 that were applicable at the time the application was first submitted.

3 (b) If the application is for industrial or traded sector development of a site
4 identified under section 12, chapter 800, Oregon Laws 2003, and proposes an
5 amendment to the comprehensive plan, approval or denial of the application must
6 be based upon the standards and criteria that were applicable at the time the
7 application was first submitted, provided the application complies with paragraph
8 (a) of this subsection.

9 (4) On the 181st day after first being submitted, the application is void if the
10 applicant has been notified of the missing information as required under subsection
11 (2) of this section and has not submitted:

12 (a) All of the missing information;

13 (b) Some of the missing information and written notice that no other information
14 will be provided; or

15 (c) Written notice that none of the missing information will be provided.

16 (5) The period set in subsection (1) of this section may be extended for a specified
17 period of time at the written request of the applicant. The total of all extensions may
18 not exceed 215 days, except as provided in subsection (10) of this section for
19 mediation.

20 (6) The period set in subsection (1) of this section applies:

21 (a) Only to decisions wholly within the authority and control of the governing
22 body of the county; and

23 (b) Unless the parties have agreed to mediation as described in ORS 197.319

24 (2)(b); or

25 (c) Unless the applicant and the county have agreed to mediation as provided
26 in subsection (10) of this section .

27 (7) Notwithstanding subsection (6) of this section, the period set in subsection (1)
28 of this section does not apply to an amendment to an acknowledged comprehensive
29 plan or land use regulation or adoption of a new land use regulation that was
30 forwarded to the Director of the Department of Land Conservation and
31 Development under ORS 197.610 (1).

1 (8) Except when an applicant requests an extension under subsection (5) of this
2 section, if the governing body of the county or its designee does not take final action
3 on an application for a permit, limited land use decision or zone change within 120
4 days or 150 days, as applicable, after the application is deemed complete, the county
5 shall refund to the applicant either the unexpended portion of any application fees
6 or deposits previously paid or 50 percent of the total amount of such fees or
7 deposits, whichever is greater. The applicant is not liable for additional
8 governmental fees incurred subsequent to the payment of such fees or deposits.
9 However, the applicant is responsible for the costs of providing sufficient additional
10 information to address relevant issues identified in the consideration of the
11 application.

12 (9) A county may not compel an applicant to waive the period set in subsection
13 (1) of this section or to waive the provisions of subsection (8) of this section or ORS
14 215.429 as a condition for taking any action on an application for a permit, limited
15 land use decision or zone change except when such applications are filed
16 concurrently and considered jointly with a plan amendment.

17 (10) The period set forth in subsection (1) of this section may be extended
18 beyond the 120-day limit, or beyond the 215-day limit set forth in subsection (5) of
19 this section if the applicant and the county agree to mediate any dispute concerning
20 the application. An extension for mediation may not exceed an additional 90 days
21 beyond the applicable 120-day or 215-day limit.

22 SECTION 16. ORS 227.178 is amended to read:

23 ORS 227.178 . (1) Except as provided in subsections (3) and (5) of this
24 section, and in subsection (11) of this section for ~~decision involving mediation~~, the
25 governing body of a city or its designee shall take final action on an application for a
26 permit, limited land use decision or zone change, including resolution of all appeals
27 under ORS 227.180, within 120 days after the application is deemed complete.

28 (2) If an application for a permit, limited land use decision or zone change is
29 incomplete, the governing body or its designee shall notify the applicant in writing
30 of exactly what information is missing within 30 days of receipt of the application
31 and allow the applicant to submit the missing information. The application shall be

1 deemed complete for the purpose of subsection (1) of this section upon receipt by the
2 governing body or its designee of:

3 (a) All of the missing information;

4 (b) Some of the missing information and written notice from the applicant
5 that no other information will be provided; or

6 (c) Written notice from the applicant that none of the missing information
7 will be provided.

8 (3)(a) If the application was complete when first submitted or the applicant
9 submits the requested additional information within 180 days of the date the
10 application was first submitted and the city has a comprehensive plan and land use
11 regulations acknowledged under ORS 197.251, approval or denial of the application
12 shall be based upon the standards and criteria that were applicable at the time the
13 application was first submitted.

14 (b) If the application is for industrial or traded sector development of a site
15 identified under section 12, chapter 800, Oregon Laws 2003, and proposes an
16 amendment to the comprehensive plan, approval or denial of the application must
17 be based upon the standards and criteria that were applicable at the time the
18 application was first submitted, provided the application complies with paragraph
19 (a) of this subsection.

20 (4) On the 181st day after first being submitted, the application is void if the
21 applicant has been notified of the missing information as required under subsection
22 (2) of this section and has not submitted:

23 (a) All of the missing information;

24 (b) Some of the missing information and written notice that no other
25 information will be provided; or

26 (c) Written notice that none of the missing information will be provided.

27 (5) The 120-day period set in subsection (1) of this section may be extended
28 for a specified period of time at the written request of the applicant. The total of all
29 extensions may not exceed 245 days, except as provided in subsection (11) of this
30 section for mediation.

31 (6) The 120-day period set in subsection (1) of this section applies:

1 (a) Only to decisions wholly within the authority and control of the governing
2 body of the city; and

3 (b) Unless the parties have agreed to mediation as described in ORS 197.319
4 (2)(b); or

5 (c) The parties have agreed to mediation as provided in subsection (11) of
6 this section.

7 (7) Notwithstanding subsection (6) of this section, the 120-day period set in
8 subsection (1) of this section does not apply to an amendment to an acknowledged
9 comprehensive plan or land use regulation or adoption of a new land use regulation
10 that was forwarded to the Director of the Department of Land Conservation and
11 Development under ORS 197.610 (1).

12 (8) Except when an applicant requests an extension under subsection (5) of
13 this section, if the governing body of the city or its designee does not take final
14 action on an application for a permit, limited land use decision or zone change
15 within 120 days after the application is deemed complete, the city shall refund to the
16 applicant, subject to the provisions of subsection (9) of this section, either the
17 unexpended portion of any application fees or deposits previously paid or 50
18 percent of the total amount of such fees or deposits, whichever is greater. The
19 applicant is not liable for additional governmental fees incurred subsequent to the
20 payment of such fees or deposits. However, the applicant is responsible for the costs
21 of providing sufficient additional information to address relevant issues identified in
22 the consideration of the application.

23 (9)(a) To obtain a refund under subsection (8) of this section, the applicant
24 may either:

25 (A) Submit a written request for payment, either by mail or in person, to the
26 city or its designee; or

27 (B) Include the amount claimed in a mandamus petition filed under ORS
28 227.179. The court shall award an amount owed under this section in its final order
29 on the petition.

30 (b) Within seven calendar days of receiving a request for a refund, the city or
31 its designee shall determine the amount of any refund owed. Payment, or notice that

1 no payment is due, shall be made to the applicant within 30 calendar days of
2 receiving the request. Any amount due and not paid within 30 calendar days of
3 receipt of the request shall be subject to interest charges at the rate of one percent
4 per month, or a portion thereof.

5 (c) If payment due under paragraph (b) of this subsection is not paid within
6 120 days after the city or its designee receives the refund request, the applicant may
7 file an action for recovery of the unpaid refund. In an action brought by a person
8 under this paragraph, the court shall award to a prevailing applicant, in addition to
9 the relief provided in this section, reasonable attorney fees and costs at trial and on
10 appeal. If the city or its designee prevails, the court shall award reasonable attorney
11 fees and costs at trial and on appeal if the court finds the petition to be frivolous.

12 (10) A city may not compel an applicant to waive the 120-day period set in
13 subsection (1) of this section or to waive the provisions of subsection (8) of this
14 section or ORS 227.179 as a condition for taking any action on an application for a
15 permit, limited land use decision or zone change except when such applications are
16 filed concurrently and considered jointly with a plan amendment.

17 (11) The period set forth in subsection (1) of this section may be extended
18 beyond the 120-day limit, or beyond the 245-day limit set forth in subsection (5) of
19 this section if the applicant and the county agree to mediate any dispute concerning
20 the application. An extension for mediation may not exceed an additional 90 days
21 beyond the applicable 120-day or 245-day limit.

22 SECTION 17. The Land Conservation and Development Commission
23 may, in cooperation with the Oregon Law Commission and other public and private
24 entities, and as resources are available, appoint a work group to conduct a policy-
25 neutral review and audit of ORS chapters 195, 196, 197, 215 or 227, the statewide
26 land use planning goals and the rules of the commission implementing the goals.
27 The commission should sequence any review based on its judgment as to which
28 aspects of the statewide land use program are most in need of updating given
29 available resources. Any review undertaken under this section should include
30 appropriate involvement of local government, professional land use planning,
31 private legal, and other representatives. Recommendations should address what

1 major policies and key procedures are most appropriate for enactment by law and
2 what policies and procedures are most appropriate for adoption by statewide land
3 use planning goals or rules to allow for greater variation between regions of the
4 state over time and to reduce complexity.

5 SECTION 18. Sections 19 to 20 of this 2009 Act are added to and made a
6 part of ORS chapter 197.

7 SECTION 19. (1) The Legislative Assembly finds that:

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

13 (b) Natural resources, scenic and historic areas and open spaces promote a
14 sustainable and healthy environment and natural landscape that contributes to
15 Oregon's livability,

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16 (c) Population growth, escalating land values, increasing risks due to wildfire
17 and invasive species, and changes in land ownership and management objectives,
18 with a resulting increase in conflict caused by dispersed residential development,
19 require that new methods be developed to facilitate the continued management of
20 private lands zoned for farm use, forest use and mixed farm and forest use for
21 agricultural production and timber harvest, and the preservation of natural
22 resources, scenic and historic areas and open spaces for future generations.

23 (2) The Legislative Assembly declares that transferable development credit
24 systems:

25 (a) Complement the Oregon land use planning system and encourage
26 effective local implementation of the statewide planning goals;

27 (b) Provide incentives, for private landowners, local and regional governments, state
28 and federal agencies and other organizations, to permanently protect farm and
29 forest land, including a land base for working farms, ranches, forests and woodlots,
30 and significant natural resources, scenic and historic areas and open spaces.

1 (c) Benefit rural land owners, including owners of working farms, ranches,
2 forests and woodlots, who voluntarily provide stewardship of natural resources on
3 their lands.

4 (d) Provide voluntary and effective methods to help improve the livability of
5 urban areas and to mitigate and adapt to global climate change.

6 SECTION 20. As used in sections 20 to 22 of this 2009 Act:

7 (1) "Conservation easement" has the meaning provided by ORS 271.715(1),

8 (2) "Governmental unit" means a city, county, metropolitan service district
9 or state agency as defined in ORS 171.133.

10 (3) "Lot" has the meaning given that term in ORS 92.010.

11 (4) "Parcel" has the meaning given that term in ORS 92.010.

12 (5) "Receiving area" means a designated area of land to which a holder of
13 development credits generated from a sending area may transfer the development
14 credits and in which additional uses or development, not otherwise allowed, are
15 allowed by reason of the transfer.

16 (6) "Resource land" means

17 (a) Lands outside an urban growth boundary planned and zoned for farm
18 use, forest use, mixed farm and forest use; or

19 (b) Lands inside or outside urban growth boundaries, identified in an
20 acknowledged local or regional government inventory as containing a significant
21 wetland, riparian, forest, or wildlife habitat resource, or identified as containing
22 important natural resources, scenic or historic areas, open space, estuaries, coastal
23 shorelands, beaches and dunes or other resources described in the statewide land
24 use planning goals; and

25 (c) Conservation Opportunity Areas identified in the Oregon Conservation
26 Strategy of the State Department of Fish and Wildlife,

27 (7) "Sending area" means a designated area of resource land from which
28 development credits generated from foregone development are transferable for use
29 or development, not otherwise allowed, to a receiving area.

30 (8) "Tract" has the meaning given that term in ORS 215.010.

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1 (9) "Transferable development credit" means a severable development
2 interest in real property that can be transferred from a lot, parcel or tract in a
3 sending area to a lot, parcel or tract in a receiving area.

4 (10) "Transferable development credit system" means a land use planning
5 tool that allows the record owner of resource land to voluntarily sever and sell
6 development interests from a lot, parcel or tract in a sending area for purchase and
7 use by a potential developer to develop a lot, parcel or tract in a receiving area at a
8 higher intensity than otherwise allowed.

9 (11) "Urban growth boundary" has the meaning given that term in ORS
10 195.060.

11 (12) "Urban reserve" has the meaning given that term in ORS 195.137.

12 SECTION 21. (1) One or more governmental units may establish a
13 transferable development credit system, including a system that allows transfer of
14 development interests from a sending area in one governmental unit to a receiving
15 area in another governmental unit. If the system allows transfer of development
16 interests between jurisdictions, the system must include an intergovernmental
17 agreement under ORS 190.003 to 190.130 between all local governments with land
18 use jurisdiction in the sending and receiving areas, and the Department of Land
19 Conservation and Development, for the administration of the system. The
20 agreement may contain provisions for the sharing of prospective receipts of ad
21 valorem tax receipts from new development in the receiving area authorized under
22 the transferable development credit system between the local governments that are
23 parties to the agreement.

24 (2) A transferable development credit system must provide for:

25 (a) The record owner of a lot, parcel or tract in a sending area to voluntarily
26 sever and sell development interests of the lot, parcel or tract for use in a receiving
27 area;

28 (b) A potential developer of land in a receiving area to purchase transferable
29 development credits that allow a higher intensity use or development of the land,
30 including development bonuses or other incentives not otherwise allowed, through

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1 changes to the planning and zoning or waivers of density, height or bulk limitations
2 in the receiving area;

3 (c) How the governmental unit or units will determine the type, extent
4 and intensity of uses or development allowed in the receiving area, based on the
5 transferable development credits generated from severed and sold development
6 interests; and

7 (e) The holder of a recorded instrument encumbering a lot, parcel or tract,
8 from which the record owner proposes to sever development interests for transfer,
9 to be given prior written notice of the proposed transaction and to approve or
10 disapprove the transaction.

11 (3) A transferable development credit established under this Act must offer:

12 (a) Incentives for a record owner of resource land to voluntarily limit or
13 prohibit development on the resource land and to sell or transfer foregone
14 development to lands within receiving areas;

15 (b) Benefits to landowners by providing monetary compensation for limiting
16 development in sending areas; and

17 (c) Benefits to developers by allowing increased development and
18 development incentives in receiving areas.

19 (4) The governmental units administering a transferable development credit
20 system must:

21 (a) Designate sending areas that are chosen to achieve the requirements set
22 forth in this section and the objectives set forth in section 18 of this 2009 Act;

23 (b) Designate receiving areas that are chosen to achieve the requirements set
24 forth in this section and the objectives set forth in section 18 of this 2009 Act;

25 (c) Provide development bonuses and incentives to stimulate the demand for
26 the purchase and sale of transferable development credits; (d) Require that the
27 record owner, of development interests transferred as development credits from a
28 sending area to a receiving area record, in the deed records of the county where the
29 sending area is located, a conservation easement that:

30 (A) Limits development of the lot, parcel or tract from which the interests
31 are severed consistent with the transfer; and

Deleted: (c) The transfer of severable development interests among governmental units for the purpose of allowing development pursuant to a transferable development credit to occur in a jurisdiction that is different from the jurisdiction in which the severable development interest arises.¶

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1 (B) Names an entity as the holder of the conservation easement, as approved
2 by the governmental unit or units administering the system; and

3 (e) Maintain records of:

4 (A) The lots, parcels and tracts from which development interests have been
5 severed;

6 (B) The lots, parcels and tracts to which transferable development credits
7 have been transferred; and

8 (C) The allowable level of use or development for each lot, parcel or tract
9 following a transaction; and

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10 (f) Provide periodic summary reports of activities of the system to the
11 department.

12 (5) For purposes of this 2009 Act, a sending area for a transferable
13 development credit system must be resource land as defined in section 2 of this 2009
14 Act.

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15 (6) A receiving area must be composed of land that is appropriate and
16 suitable for development, that does not contain development hazards as provided by
17 the goal relating to areas subject to natural hazard, and that is;

18 (a) Within an urban growth boundary; or

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19 (b) Within an urban reserve established pursuant to ORS 195.137 to 195.145,
20 provided the land is planned for urban development and is:

21 (A) Likely to be brought within the urban growth boundary at the next
22 periodic review under ORS 197.628 to 197.650 or legislative review under ORS
23 197.626;

24 (B) Subject to a condition that allows the development of uses allowed
25 through transferred development credits to the receiving area only after its
26 inclusion within the urban growth boundary; and

27 (C) Outside of areas where development is limited to protect natural
28 resources, scenic and historic areas, open spaces or other resources protected under
29 the statewide land use planning goals, and outside of areas identified as priority
30 areas for protection in the Oregon Conservation Strategy of the State Department of
31 Fish and Wildlife; or

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2 | (7) One or more governmental units administering a transferable
3 | development credit system may, directly or indirectly through a contract with a
4 | nonprofit corporation, establish a transferable development credit bank. Any such
5 | bank may provide for or facilitate:

6 | (a) Buying severable development interests from lots, parcels or tracts of
7 | resource land in a sending area;

8 | (b) Selling transferable development credits to potential developers of lots,
9 | parcels or tracts in a receiving area;

10 | (c) Entering into agreements or contracts and performing acts necessary,
11 | convenient or desirable to achieve the requirements set forth in this section and the
12 | objectives set forth in section 19 of this 2009 Act;

13 | (d) Managing funds available for the purchase and sale of transferable
14 | development credits;

15 | (e) Authorizing and monitoring expenditures associated with a transferable
16 | development credit system;

17 | _____(f) Maintaining records of transactions sufficient to manage and evaluate the
18 | effectiveness of the system, including selling and purchase dates, selling and
19 | purchase amounts, locations of severed development interests, and the location, type
20 | and intensity of development that occurs in receiving areas pursuant to the
21 | transferred development credits;

22 | (g) Providing periodic summary reports of activities of the system to the
23 | governing body;

24 | (h) Obtaining appraisals of development interests and transferable
25 | development credits as necessary for the purpose of pricing transferable
26 | development credits for sale or purchase;

27 | (i) Serving as a clearinghouse and information source for buyers and sellers
28 | of transferable development credits;

29 | (j) Marketing transferable development credits and bank services;

30 | (k) Accepting donations of transferable development credits; and

Deleted: (c) Outside urban growth boundaries and urban reserves, provided the land is in areas subject to an exception to statewide planning goals and designated as an unincorporated community in the applicable land use plan.¶

Deleted: (d) In areas that are selected as pilot projects under the pilot program described in Sections 4 through 6 of this 2009 Act consistent with the requirements of those sections

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1 (k) Soliciting and receiving grant funds from any source for the
2 implementation of this 2009 Act.

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3 (8) A governmental unit or nonprofit corporation may hold, monitor or
4 enforce a conservation easement to ensure that lands in sending areas do not retain
5 development credits transferred under this 2009 Act.

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6 SECTION 22. The Department of Land Conservation and Development shall
7 prepare and deliver a report to the Seventy-seventh Legislative Assembly:

8 (1) Evaluating the Oregon Transfer of Development Credits Program
9 established in sections 19 through 21 of this 2009 Act; and

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10 (2) Recommending whether the program should be continued, modified,
11 expanded or terminated.

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12 SECTION 23. ORS 197.650 is amended to read:

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13 197.650 (1) A final order of the Land Conservation and Development
14 Commission may be appealed to the Court of Appeals in the manner provided in
15 ORS 183.482 by the following persons:

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16 (a) Persons who submitted comments or objections pursuant to ORS 197.251 (2),
17 sections 7 or 10 of this 2009 Act, or proceedings under ORS 197.633, 197.636 or
18 197.644 and are appealing a commission order issued under ORS 197.251, sections 7
19 or 10 of this 2009 Act, or 197.633, 197.636 or 197.644;

20 (b) Persons who submitted comments or objections pursuant to procedures
21 adopted by the commission for certification of state agency coordination programs
22 and are appealing a certification issued under ORS 197.180 (6);

23 (c) Persons who petitioned the commission for an order under ORS 197.324 and
24 whose petition was dismissed; or

25 (d) Persons who submitted oral or written testimony in a proceeding before the
26 commission pursuant to ORS 215.780.

27 (2) Notwithstanding ORS 183.482 (2) relating to contents of the petition, the
28 petition shall state the nature of the order petitioner desires reviewed and whether
29 the petitioner submitted comments or objections as provided in ORS 197.251 (2),
30 sections 7 or 10 of this 2009 Act, or pursuant to ORS 197.633, 197.636 or 197.644.

1 (3) Notwithstanding ORS 183.482 (2) relating to service of the petition, copies of
2 the petition shall be served by registered or certified mail upon the Department of
3 Land Conservation and Development, the local government and all persons who
4 filed comments or objections.

5 SECTION 24. Sections 8-11 of this 2009 Act apply to a collaborative regional
6 problem-solving effort begun after the effective date of this 2009 Act.

7 SECTION 25. This 2009 Act being necessary for the immediate preservation
8 of the public peace, health and safety, an emergency is declared to exist, and this
9 2009 Act takes effect on its passage.



EXHIBIT: _____ AGENDA ITEM: 6
 LAND CONSERVATION & DEVELOPMENT
 COMMISSION
 DATE: 4-17-09
 PAGES: 20 *Bob Rindy,*
 SUBMITTED BY: *DLCD Staff*

Customized Report

Report Date: Fri, Apr 17, 2009

Searched on: Session Year=2009; Session Type=Session; Tracked=Tracked Active; Bill Version=Current; Priority=1,2,3; Sort By=Bill Number;

Bill #	Relating To Clause	Summary	At the Request of	First 2 Sponsors	Last Three Actions	Next Hearing	Prty
<u>HB2015</u>	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	Columbia River Business Alliance, NW Property Rights Coalition, David and Doris Cruickshank, Lolita Carl	Chuck Riley Floyd Prozanski	04/16/09 - <u>Public Hearing held.</u> 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.	No hearings scheduled at this time.	3
HB2081	Relating to transferable development credits. <i>STUFFED INTO HB 2229</i>	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.	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.	No hearings scheduled at this time.	1
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 r	House Interim Committee on Agriculture and Natural Resources	Presession filed.	04/09/09 - Referred to Environment and Natural Resources. 04/02/09 - First reading. Referred to Presidents desk. 04/01/09 - Third reading. Carried by Krieger. Passed.	No hearings scheduled at this time.	2 1 2
HB2098A	Relating to Oregon territorial sea mapping project; declaring an emergency. <i>REFERRED TO W&M</i>	<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, includ</i>	House Interim Committee on Emergency Preparedness and Ocean Policy	Presession filed.	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.	No hearings scheduled at this time.	1
HB2101	Relating to a bypass; declaring an emergency.	Directs Department of Transportation to expend moneys on bypass between Newberg and Dundee. Declares emergency, effective July 1, 2009.	former Representative Donna Nelson	Presession filed.	01/12/09 - Referred to Transportation with subsequent referral to Ways and Means. 01/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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, effecti	State Treasurer Randall Edwards for Municipal Debt Advisory Commission	Presession filed.	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.	No hearings scheduled at this time.	2
HB2120	Relating to transportation;	Creates Transportation Utility Commission. Sunsets	Governor Theodore R.	Presession filed.	03/06/09 - Public Hearing held.	No hearings	1

	appropriating money; providing for revenue raising that requires approval by a three-fifths majority.	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	Kulongoski		03/02/09 - Public Hearing held. 01/21/09 - Referred to Transportation with subsequent referral to Revenue, then Ways and Means.	scheduled at this time.	
HB2155	Relating to removal-fill permitting program.	Modifies definition of intermittent stream. Repeals estuarine resource replacement statute. Allows Department of State Lands to assess one-time fee that covers all fees due for removal or fill permit valid for more than one year. Modifies factors	Governor Theodore R. Kulongoski for Department of State Lands	Pre-session filed.	01/29/09 - Public Hearing held. 01/16/09 - Referred to Environment and Water with subsequent referral to Ways and Means. 01/15/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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-r	Governor Theodore R. Kulongoski for State Forestry Department	Pre-session filed.	04/21/09 - Public Hearing and Possible Work Session scheduled. 02/10/09 - Public Hearing held. 01/20/09 - Referred to Agriculture, Natural Resources and Rural Communities.	Date: Tue, Apr 21, 2009 Time: 8:00 AM Loc: HR D Com: Agriculture, Natural Resources and Rural Communities (H)	1
HB2225	Relating to pilot program to establish sites dedicated to affordable housing; declaring an emergency. <i>DEAD</i>	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	Pre-session filed.	03/05/09 - Public Hearing held. 01/23/09 - Referred to Sustainability and Economic Development. 01/16/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB2226	Relating to destination resorts within 10 miles of Metolius River Basin; declaring an emergency. <i>METOLIUS SEE HB 3100</i>	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 River Basin. De	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Pre-session filed.	01/22/09 - Referred to Land Use. 01/16/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB2227A	Relating to destination resorts. <i>PASSED HOUSE</i>	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 compensa</i>	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Pre-session filed.	04/14/09 - First reading. Referred to Presidents desk. 04/14/09 - Vote explanation filed by Stiegler. 04/13/09 - Third reading. Carried by Nolan. Passed.	No hearings scheduled at this time.	1
HB2228	Relating to transfer of development rights from resource lands; declaring an emergency. <i>NOT MOVING</i>	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	Pre-session filed.	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.	No hearings scheduled at this time.	1
HB2229	Relating to recommendations of Oregon Task Force on Land Use Planning; appropriating money; declaring an emergency. <i>SCHEDULED MAGORAMENOS RE BIG LOOK, RPS, TDC, MORE</i>	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 L	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Pre-session filed.	04/23/09 - Work Session scheduled. 04/21/09 - Work Session scheduled. 03/17/09 - Work Session held.	Date: Tue, Apr 21, 2009 Time: 3:00 PM Loc: HR E Com: Land Use (H)	1

HB2230	Relating to coordination of land use decision-making between state agencies and local governments. PASSED HOUSE SAC	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 pr	Governor Theodore R. Kulongoski for Department of Land Conservation and Development	Pre-session filed.	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.	No hearings scheduled at this time.	1
HB2234A	Relating to regulation of activities in the state highway rights of way.	Authorizes Oregon Transportation Commission to adopt rules governing <i>activities in state highway rights of way,</i> health and safety in roadside rest areas and scenic overlooks. Punishes violation of rules by maximum fine of \$360.	Governor Theodore R. Kulongoski for Department of Transportation	Pre-session filed.	02/27/09 - Referred to Business and Transportation. 02/26/09 - First reading. Referred to Presidents desk. 02/25/09 - Third reading. Carried by Weidner. Passed.	No hearings scheduled at this time.	3
HB2236	Relating to alternative fuel distribution.	Permits Department of Transportation to participate in alternative fuel project.	Governor Theodore R. Kulongoski for Department of Transportation	Pre-session filed.	02/16/09 - Public Hearing held. 01/22/09 - Referred to Transportation. 01/16/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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 effectiv</i>	House Interim Committee on Consumer Protection	Pre-session filed.	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.	No hearings scheduled at this time.	2
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.		Pre-session filed. Ben Cannon	01/16/09 - Referred to Land Use. 01/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	Lincoln County	Pre-session filed. Jean Cowan	01/15/09 - Referred to Environment and Water. 01/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
HB2392	Relating to payments received under the Outer Continental Shelf Lands Act; appropriating money.	Creates Federal Ocean Energy Fund for deposit of moneys received by state from federal government under federal Outer Continental Shelf Lands Act. Distributes and apportions among counties moneys received from federal government from leases, easem	Lincoln County	Pre-session filed. Jean Cowan	01/12/09 - Referred to Environment and Water with subsequent referral to Ways and Means. 01/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2396A	Relating to public borrowing for West Eugene EmX Extension; appropriating money; declaring an emergency.	Authorizes issuance of lottery bonds to finance extension of bus rapid transit system in west Eugene. Creates West Eugene EmX Extension Fund. Continuously appropriates moneys in fund to <i>Economic and Community Development Department]</i> Ore		Pre-session filed. Chris Edwards	04/16/09 - Referred to Ways and Means by prior reference. 04/16/09 - Without recommendation as to passage, with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior	No hearings scheduled at this time.	3

reference.
04/13/09 - Work Session held.

HB2406	Relating to Columbia River water.	Directs Water Resources Department to issue permits to appropriate water from Upper Columbia River for use in Columbia Basin. Allows issuance only to persons who will use water in lieu of using ground water from critical ground water areas, to recha		Business and Labor (H)	02/17/09 - Public Hearing held. 01/27/09 - Referred to Environment and Water. 01/20/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2408A	Relating to commuter rail.	<i>Creates Task Force on Extending Washington County Commuter Rail to Salem.</i>] Sunsets task force on date of convening of next regular biennial legislative session.] Directs Department of Transportation to make report regarding ca		Mitch Greenlick Vicki Berger	04/16/09 - Subsequent referral to Ways and Means rescinded by order of Speaker. 04/16/09 - Recommendation: Do pass with amendments, be printed A-Engrossed, and subsequent referral to Ways and Means be rescinded. 04/14/09 - Work Session held.	No hearings scheduled at this time.	3
HB2437	Relating to highway construction study; appropriating money; declaring an emergency.	Requires Department of Transportation to study feasibility of constructing highway between Coos Bay and Ontario. Appropriates moneys from General Fund to department for study. Sunsets January 2, 2012. Declares emergency, effective on passage.	Oregonians in Action	Wayne Krieger Arnie Roblan	03/09/09 - Public Hearing held. 01/29/09 - Referred to Transportation with subsequent referral to Ways and Means. 01/27/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2466A	Relating to administrative rule review by Legislative Counsel; declaring an emergency.	Modifies Legislative Counsel administrative rule review program. Requires rule review reports to be considered by interim committees in lieu of consideration by Legislative Counsel Committee. Declares emergency, effective on passage.	Legislative Counsel	Judiciary (H)	04/16/09 - Third reading. Carried by Ferrioli. Passed. 04/15/09 - Second reading. 04/14/09 - Recommendation: Do pass with amendments. (Printed A-Eng.)	No hearings scheduled at this time.	3
HB2473	Relating to real estate transfer taxation.	Permits counties to impose real estate transfer tax if tax revenues are dedicated to affordable housing programs.		Revenue (H)	02/04/09 - Referred to Revenue. 01/29/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2483	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.	Oregon Department of Aviation	Brian Clem	02/04/09 - Referred to Transportation with subsequent referral to Ways and Means. 01/29/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2485	Relating to annexations. <i>HEARING SCHEDULED</i>	Requires that, in election proposing annexation, votes from city and territory to be annexed be counted separately to determine separate majorities if acreage to be annexed is 20 acres or more. Requires that votes from city and territory be combined		Brian Clem Dave Hunt	04/16/09 - Public Hearing scheduled. 02/03/09 - Referred to Land Use. 01/29/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2534	Relating to agency actions affecting the environment.	Requires agencies of executive department to take certain actions to protect environment. Allows associations and organizations to request contested		Peter Buckley Jules Bailey	03/24/09 - Public Hearing held. 02/10/09 - Referred to Environment and Water.	No hearings scheduled at this time.	3

		case hearing on environmental impact statements.			02/03/09 - 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 desig		Mitch Greenlick Suzanne Bonamici	02/17/09 - Referred to Land Use. 02/10/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB2614	Relating to rented dwelling units in flood plains.	Requires landlord for rental dwelling unit located in flood plain to notify tenant that unit is in 100-year flood plain. Allows tenant suffering uninsured flood loss to recover for violation of notice requirement by landlord. Limits tenant recovery		Peter Buckley Paul Holvey	04/14/09 - Referred to Consumer Protection and Public Affairs. 04/08/09 - First reading. Referred to Presidents desk. 04/07/09 - Third reading. Carried by Buckley. Passed.	No hearings scheduled at this time.	3
HB2675	Relating to a moratorium on tree cutting.	Authorizes governing body of county to establish moratorium on tree cutting in residential or commercial areas while governing body considers proposed ordinance limiting or prohibiting tree cutting in area.		Carolyn Tomei Jeff Barker	03/17/09 - Public Hearing held. 02/20/09 - Referred to Environment and Water. 02/17/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2747	Relating to review fees for properties in historic districts.	Limits fees governing bodies may charge for conducting reviews of proposed changes to property in historic districts.		Sal Esquivel Bill Garrard	03/11/09 - Public Hearing held. 02/25/09 - Referred to Business and Labor. 02/19/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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 publi	Jackson County	Sal Esquivel Peter Buckley	02/25/09 - Referred to Environment and Water. 02/19/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB2761	Relating to soil information.	Allows landowner to request independent soil capability assessment.		Brian Clem Arnie Roblan	02/25/09 - Referred to Agriculture, Natural Resources and Rural Communities. 02/19/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	02/25/09 - Referred to Revenue. 02/19/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
HB2816	Relating to consent to annexation for extraterritorial service.	Clarifies language authorizing city or district to require consent to eventual annexation in exchange for providing extraterritorial service to landowner. Excludes service provided by city or district outside boundaries of city or district on beha		Chris Edwards Brian Clem	02/25/09 - Referred to Land Use. 02/23/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB2819	Relating to land use in vicinity of	Modifies requirements for land use and land use	Oregon Agricultural	Mike Schauffer	04/21/09 - Public Hearing	Date: Tue, Apr 21,	1

NEGOTIATION
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	airports. <i>D.L.C.D CONCERNS</i>	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 comme	Alliance		scheduled. 02/25/09 - Referred to Land Use. 02/23/09 - First reading. Referred to Speakers desk.	2009 Time: 3:00 PM Loc: HR E Com: Land Use (H)	
HB2822	Relating to ways of necessity for private sewer lines.	Establishes way of necessity for private sewer lines. Sets conditions for use.		Mitch Greenlick Jules Bailey	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.	No hearings scheduled at this time.	2
HB2859	Relating to ground water use for domestic purposes. <i>WORK SESSION SCHEDULED</i>	Reduces amount of ground water use for domestic purposes exempt from water right requirement. Applies to ground water use that commences on or after effective date of Act. Continues former exemption amount if new water use replaces ground water use		Brian Clem	04/16/09 - Work Session scheduled. 03/17/09 - Public Hearing held. 03/09/09 - Referred to Environment and Water.	No hearings scheduled at this time.	3
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	Oregon Home Builders Association	Mike Schaufler	03/09/09 - Referred to Land Use. 03/03/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB2879	Relating to use of land.	Extends landowner immunity for publics recreational use of land, woodcutting and harvest of special forest products to paths, trails, roads, watercourses and other rights of way that are used by person to reach land for recreational purposes, woodc	Special Districts Association of Oregon	Jeff Barker Wayne Krieger	04/16/09 - Public Hearing and Work Session scheduled. 03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use.	No hearings scheduled at this time.	3
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	03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use. 03/03/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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 speciality code.	Oregon Small Woodlands Association	Wayne Krieger	03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use. 03/03/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
HB2904	Relating to property taxation; prescribing an effective date.	Includes implementation of plan to remediate or mitigate severe adverse conditions on farm parcel as eligible farm use for purposes of special assessment for property taxation. Prohibits application of farm income requirements to property during p	Fazio Farms	Tina Kotek	03/26/09 - Public Hearing held. 03/09/09 - Referred to Agriculture, Natural Resources and Rural Communities with subsequent referral to Revenue. 03/04/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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,		Jules Bailey Brian Clem	03/19/09 - Public Hearing held. 03/09/09 - Referred to Land Use. 03/04/09 - First reading. Referred to	No hearings scheduled at this time.	1

consistent with policy of Legislative Assembly.

Speakers desk.

HB2971	Relating to use of State Highway Fund moneys.	Increases allocation of State Highway Fund moneys for footpaths and bicycle trails.	Bicycle Transportation Alliance	Jules Bailey Michael Dembrow	03/25/09 - Public Hearing held. 03/18/09 - Public Hearing held. 03/10/09 - Referred to Transportation.	No hearings scheduled at this time.	3
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	03/10/09 - Referred to Land Use. 03/05/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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	03/12/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/05/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
HB3012	Relating to solid waste.	Defines conditions when rock, gravel, sand, silt and other similar material removed from waters of state are and are not solid waste.	Oregon Public Ports Association	Rules (H)	04/20/09 - Public Hearing and Work Session scheduled. 04/15/09 - Public Hearing held. 04/13/09 - Public Hearing held.	Date: Mon, Apr 20, 2009 Time: 3:00 PM Loc: HR 50 Com: Rules (H)	3
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 prod		Rules (H)	03/11/09 - Referred to Environment and Water. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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 Wingard	03/11/09 - Referred to Land Use with subsequent referral to Ways and Means. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB3031	Relating to residential land development; declaring an emergency.	Extends local government approval of residential development permits for two years. Declares emergency, effective on passage.	Oregon Home Builders Association	Mike Schaufler	03/11/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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	03/11/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
HB3043A	Relating to boundary changes under jurisdiction of metropolitan service district. <i>PASSED HOUSE</i>	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	04/14/09 - Referred to Environment and Natural Resources. 04/09/09 - First reading. Referred to Presidents desk. <u>04/08/09 - Third reading. Carried by Greenlick. Passed.</u>	No hearings scheduled at this time.	2
HB3054	Relating to regional land use planning	Establishes five regional land use planning		Bill Garrard	04/28/09 - Public Hearing	Date: Tue, Apr 28,	1

	commissions; declaring an emergency.	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		Mike Schaufler	scheduled. 03/11/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.	2009 Time: 3:00 PM Loc: HR E Com: Land Use (H)	
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. Esta		Agriculture, Natural Resources and Rural Communities (H)	03/13/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	03/16/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
<u>HB3099</u>	Relating to use of land zoned for exclusive farm use. <i>WORK SESSION SCHEDULED - LIKELY AMENDMENTS</i>	Modifies conditional and outright permitted uses of land zoned for exclusive farm use. Modifies criteria for uses.	Oregon Farm Bureau	Brian Clem	04/21/09 - Work Session scheduled. 04/02/09 - Public Hearing held. 03/31/09 - Public Hearing held.	Date: Tue, Apr 21, 2009 Time: 3:00 PM Loc: HR E Com: Land Use (H)	1
HB3100	Relating to area of critical state concern; declaring an emergency. <i>WORK SESSION SCHEDULED (METOLIUS)</i>	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		Ben Cannon Brian Clem	04/21/09 - Work Session scheduled. 04/09/09 - Public Hearing held. 04/07/09 - Public Hearing held.	Date: Tue, Apr 21, 2009 Time: 3:00 PM Loc: HR E Com: Land Use (H)	1
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 Near		Arnie Roblan Deborah Boone	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.	No hearings scheduled at this time.	2
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)	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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 Di		Business and Labor (H)	03/16/09 - Referred to Sustainability and Economic Development with subsequent referral to Ways and Means. 03/09/09 - First reading. Referred to	No hearings scheduled at this time.	1

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		Brian Clem Deborah Boone	04/09/09 - Public Hearing held. 03/16/09 - Referred to Sustainability and Economic Development. 03/10/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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	03/12/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/10/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	03/12/09 - Referred to Land Use. 03/10/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	03/18/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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	03/13/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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)	03/13/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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)	03/16/09 - Referred to Land Use. 03/10/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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 o		Land Use (H)	03/16/09 - Referred to Land Use. 03/10/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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)	03/13/09 - Referred to Land Use. 03/09/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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		Land Use (H)	04/23/09 - Work Session scheduled. 04/21/09 - Work Session scheduled.	Date: Tue, Apr 21, 2009	1

WORK SESSION SCHEDULED

under Ballot Measure 49 (2007) even though person did not file claim with both county and state.

04/14/09 - Public Hearing held.

Time: 3:00 PM
Loc: HR E
Com: Land Use (H)

HB3247	Relating to water quality.	Establishes Oregon Environmental Services Advisory Council. Directs Department of Environmental Quality and Department of Human Services to adopt rules requiring waste water and drinking water system operators to complete continuing education approv	Skeet Arasmith	Andy Olson	03/13/09 - Referred to Environment and Water. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
HB3249	Relating to natural resource conservation areas.	Allows State Board of Forestry to designate and manage areas on state forestlands as natural resource conservation areas. Allows board and Department of State Lands to designate and manage areas on Common School Forest Lands and Elliott State Forest		Michael Dembrow Jules Bailey	04/21/09 - Public Hearing and Possible Work Session scheduled. 03/18/09 - Referred to Environment and Water. 03/11/09 - First reading. Referred to Speakers desk.	Date: Tue, Apr 21, 2009 Time: 3:00 PM Loc: HR D Com: Environment and Water (H)	3
HB3297	Relating to change in existing dwelling in exclusive farm use zone.	Reinstates expired permit and extends time within which permit may be used for alteration, restoration or replacement of existing dwelling in exclusive farm use zone.	David Vanasche	David Edwards	03/16/09 - Referred to Land Use. 03/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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	03/16/09 - Referred to Agriculture, Natural Resources and Rural Communities. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB3313	Relating to land use.	Provides counties with alternative land use procedure for siting one single-family dwelling on lot, parcel or tract located within farm, forest or mixed-use zone.		Bruce Hanna	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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	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.	No hearings scheduled at this time.	2
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	Oregon Small Woodlands	Wayne Krieger	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to	No hearings scheduled at this	1

		forest operator does or will need assistance of relative in management of forest use.			Speakers desk.	time.	
HB3334	Relating to the development of a high speed railway; declaring an emergency.	Creates task force to study potential economic impact of developing high speed railway between Eugene and Portland. Sunsets task force on date of convening of next regular biennial legislative session. Declares emergency, effective on passage.	Brad Perkins	Chip Shields Jefferson Smith	03/13/09 - Referred to Transportation with subsequent referral to Ways and Means. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	3
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	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB3379	Relating to transportation; appropriating money; prescribing an effective date. <i>possible DLCD CONCERNS</i>	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		David Edwards John Huffman	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.	No hearings scheduled at this time.	2
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	03/16/09 - Referred to Land Use. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
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)	03/16/09 - Referred to Environment and Water. 03/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
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 pa	Matt Green-Hite	Rules (H)	03/13/09 - Referred to Land Use. 03/12/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	1
HB5008	Relating to financial administration of the Economic and Community Development Department; appropriating money; declaring an emergency.	Appropriates moneys from General Fund to Economic and Community Development Department for Oregon Arts Commission. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and	Budget and Management Division, Oregon Department of Administrative Services	Presession filed.	04/02/09 - Public Hearing held. 04/01/09 - Public Hearing held. 03/31/09 - Public Hearing held.	No hearings scheduled at this time.	3
HCR9	In memoriam: Dr. Robert Bacon, 1918-2009.	In memoriam: Dr. Robert Bacon, 1918-2009.		Deborah Boone Jules Bailey	04/16/09 - First reading. Referred to Presidents desk. 04/15/09 - Read. Carried by Boone. Adopted. 04/14/09 - Recommendation: Be adopted.	No hearings scheduled at this time.	3

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 elec		Revenue (H)	03/13/09 - Referred to Revenue with subsequent referral to Rules. 03/11/09 - First reading. Referred to Speakers desk.	No hearings scheduled at this time.	2
SB166	Relating to public facility planning; declaring an emergency.	Creates Task Force on Long-Range Capital Planning. Requires task force to study methods state agencies use to measure and report facility construction and maintenance needs and to review actions other states and organizations take to assess long-ran	Governor Theodore R. Kulongoski for Oregon Department of Administrative Services	Pre-session filed.	04/27/09 - Public Hearing and Possible Work Session scheduled. 01/22/09 - Referred to Education and General Government. 01/15/09 - Introduction and first reading. Referred to Presidents desk.	Date: Mon, Apr 27, 2009 Time: 3:00 PM Loc: HR C Com: Education and General Government (S)	3
SB169	Relating to airports. NOT MOVING ?	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 appr	Governor Theodore R. Kulongoski for Oregon Department of Aviation	Pre-session filed.	03/04/09 - Work Session held. 02/05/09 - Public Hearing and Work Session held. 01/22/09 - Referred to Business and Transportation.	No hearings scheduled at this time.	1
SB170A	Relating to rural airports. PASSED SENATE	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	Pre-session filed.	03/06/09 - Referred to Transportation. 03/04/09 - First reading. Referred to Speakers desk. 03/03/09 - Johnson declared potential conflict of interest.	No hearings scheduled at this time.	1
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	Pre-session filed.	04/20/09 - Work Session scheduled. 03/04/09 - Work Session held. 02/05/09 - Public Hearing and Work Session held.	Date: Mon, Apr 20, 2009 Time: 1:00 PM Loc: HR B Com: Business and Transportation (S)	2
SB189	Relating to forestland fire protection.	Clarifies obligation of owner of timberland regarding payment of assessments and taxes. Allows governing bodies of two or more counties to establish joint forestland classification committee. Clarifies classification of forestland. Modifies circumst	Governor Theodore R. Kulongoski for State Forestry Department	Pre-session filed.	04/15/09 - Governor signed. 04/13/09 - Speaker signed. 04/09/09 - President signed.	No hearings scheduled at this time.	3
SB191A	Relating to surface mining operations; declaring an emergency.	Adds exemption from surface mining reclamation requirements for certain mining operations that were exempt by county. Requires landowner or operator to complete erosion stabilization for mining operations exempt from reclamation requirements. Establ	Governor Theodore R. Kulongoski for State Department of Geology and Mineral Industries	Pre-session filed.	04/08/09 - Referred to Land Use. 04/02/09 - First reading. Referred to Speakers desk. 04/01/09 - Morse declared potential conflict of interest.	No hearings scheduled at this time.	3
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>] <i>Directs</i>	Governor Theodore R. Kulongoski for Water Resources Department	Pre-session filed.	04/09/09 - Assigned to Subcommittee On Natural Resources.	No hearings scheduled at this time.	2

department to report to legislature regarding strategy. **Directs Water Res**

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.)

SB194A	Relating to water use measurement.	<i>Requires Water Resources Department to implement Oregon Water Resources Department Strategic Measurement Plan. Requires Water Resources Commission to appoint water use measurement advisory committee. Requires department to report to interim legi</i>	Governor Theodore R. Kulongoski for Water Resources Department	Pre-session filed.	04/09/09 - Assigned to Subcommittee On Natural Resources. 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.)	No hearings scheduled at this time.	3
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	Pre-session filed.	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.	No hearings scheduled at this time.	2
SB217	Relating to Historic Preservation Revolving Loan Fund; appropriating money; declaring an emergency.	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 resource	Attorney General Hardy Myers for Department of Justice	Pre-session filed.	03/31/09 - Public Hearing and Work Session held. 01/22/09 - Referred to Consumer Protection and Public Affairs, then Ways and Means. 01/15/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
SB234	Relating to procedure for judicial review of land use decisions.	Authorizes service by first class mail of petition for judicial review of final order of Land Use Board of Appeals. Authorizes, by reference, service by first class mail of petition for judicial review of local governments expedited land division d	Senate Interim Committee on Judiciary for Oregon State Bar Real Estate Land Use Section	Pre-session filed.	03/19/09 - Effective date, January 1, 2010. 03/19/09 - Chapter 25, 2009 Laws. 03/19/09 - Governor signed.	No hearings scheduled at this time.	3
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	Pre-session filed.	01/23/09 - Referred to Education and General Government. 01/16/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB292	Relating to use of State Highway Fund moneys.	Increases allocation of State Highway Fund moneys for footpaths and bicycle trails.	Senate Interim Committee on Judiciary for Bicycle Transportation Alliance	Pre-session filed.	01/23/09 - Referred to Business and Transportation, then Ways and Means. 01/16/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
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	Shirley and Will Wilson	Pre-session filed. Rick Metsger	03/10/09 - Public Hearing held. 01/23/09 - Referred to Environment	No hearings scheduled at this time.	1

WON'T MOVE ?

		gatherings. Declares emergency, effective on passage.			and Natural Resources. 01/16/09 - Introduction and first reading. Referred to Presidents desk.	time.	
SB372	Relating to qualification of resource land for inclusion in urban growth boundary. <i>NOT MOVING</i>	Modifies priority of lands considered for inclusion in urban growth boundary.	Oregon State Bar Real Estate Section	Judiciary (S)	01/28/09 - Referred to Environment and Natural Resources. 01/21/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB376	Relating to allocation of lottery bonds; declaring an emergency.	Authorizes issuance of lottery bonds for financing transportation improvement projects. Declares emergency, effective July 1, 2009.		Larry George	02/02/09 - Referred to Business and Transportation, then Ways and Means. 01/26/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
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 overni		Environment and Natural Resources (S)	02/09/09 - Referred to Environment and Natural Resources. 02/02/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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 res		Environment and Natural Resources (S)	02/09/09 - Referred to Environment and Natural Resources. 02/02/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB431	Relating to destination resorts.	Establishes additional requirements for destination resorts in eastern Oregon.		Environment and Natural Resources (S)	02/09/09 - Referred to Environment and Natural Resources. 02/02/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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		Larry George	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
SB435	Relating to marginal lands; declaring an emergency.	Establishes program of marginal lands designation. Declares emergency, effective on passage.		Larry George	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
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	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2

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	02/10/09 - Referred to Environment and Natural Resources. 02/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
SB439	Relating to tax increment financing at rural airports.	Directs Economic and Community Development Department to establish program to create airport tax increment financing districts, with approval of cities, counties and other local property taxing jurisdictions with taxable lands in district. Allows ai		Business and Transportation (S)	04/20/09 - Work Session scheduled. 04/02/09 - Public Hearing held. 02/11/09 - Referred to Business and Transportation, then Finance and Revenue.	Date: Mon, Apr 20, 2009 Time: 1:00 PM Loc: HR B Com: Business and Transportation (S)	3
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		Larry George	02/13/09 - Referred to Environment and Natural Resources. 02/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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	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.	No hearings scheduled at this time.	2
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	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.	No hearings scheduled at this time.	2
SB486	Relating to open space land special assessment; prescribing an effective date.	Limits additional taxes imposed on noncommercial properties withdrawn from open space special assessment to five years prior to withdrawal. Applies to properties withdrawn from open space special assessment for tax years beginning on or after July	Maureen Hudson	Floyd Prozanski	03/17/09 - Public Hearing held. 02/18/09 - Referred to Environment and Natural Resources. 02/11/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
SB491	Relating to system development charges.	Allows local governments to grant transférable credits for development or building projects that reduce impact to public facilities.	John Brown	Floyd Prozanski	02/18/09 - Referred to Education and General Government. 02/11/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
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 us		Larry George	02/18/09 - Referred to Environment and Natural Resources. 02/11/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1

SB510	Relating to local regulation of manufactured dwelling parks; declaring an emergency.	Removes prohibition against adoption, amendment or enforcement of local ordinance, rule or other local law regulating manufactured dwelling park closures or partial closures. Declares emergency, effective on passage.	Oregon Manufactured Homeowners United	Bill Morrisette Peter Buckley	03/03/09 - Public Hearing held. 02/18/09 - Referred to Consumer Protection and Public Affairs. 02/11/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
SB513A	Relating to ecosystems; appropriating money; declaring an emergency.	Establishes policy regarding ecosystem services. Makes legislative findings regarding ecosystem services. Encourages state agencies to take certain actions related to ecosystem services and ecosystem services markets. Requires Sustainability Board		Richard Devlin Jason Atkinson	04/13/09 - Assigned to Subcommittee On Natural Resources. 04/09/09 - Referred to Ways and Means by prior reference. 04/09/09 - Recommendation: Do pass with amendments and be referred to Ways and Means by prior reference. (Printed A-Eng.)	No hearings scheduled at this time.	3
SB566	Relating to urban growth boundary management in metropolitan service district. <i>WILL MOVE - GUT & STUFF METRO AMENDMENTS</i>	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	04/21/09 - Possible Work Session scheduled. 03/31/09 - Public Hearing held. 02/26/09 - Referred to Environment and Natural Resources.	Date: Tue, Apr 21, 2009 Time: 3:00 PM Loc: HR C Com: Environment and Natural Resources (S)	1
SB580	Relating to the Columbia River Crossing Project; appropriating money.	Directs Department of Transportation to impose and collect toll on Interstate 5 bridges that cross Columbia River and use moneys collected to fund Columbia River Crossing Project. Creates Columbia River Crossing Project Fund. Continuously appropri		Bruce Starr Rick Metsger	04/22/09 - Work Session scheduled. 04/15/09 - Public Hearing held. 02/26/09 - Referred to Business and Transportation, then Ways and Means.	Date: Wed, Apr 22, 2009 Time: 1:00 PM Loc: HR B Com: Business and Transportation (S)	3
SB599A	Relating to surface mining.	Modifies definition of surface mining.		Frank Morse	04/08/09 - Referred to Land Use. 04/02/09 - First reading. Referred to Speakers desk. 04/01/09 - Morse declared potential conflict of interest.	No hearings scheduled at this time.	3
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	02/26/09 - Referred to Environment and Natural Resources. 02/25/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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	03/06/09 - Referred to Environment and Natural Resources. 02/26/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
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. Require		Larry George Jim Weidner	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1

SB691	Relating to compensation for the loss of value of private forestland resulting from regulation of forest practices. <i>WORK SESSION SCHEDULED AMENDED</i>	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 prope	Oregon Forest Industries Council	Betsy Johnson	04/23/09 - Possible Work Session scheduled. 04/16/09 - Public Hearing Scheduled. 03/10/09 - Referred to Environment and Natural Resources.	Date: Thu, Apr 23, 2009 Time: 3:00 PM Loc: HR C Com: Environment and Natural Resources (S)	1
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	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB719	Relating to Urban Growth Boundary Expansion Area Revolving Loan Fund; appropriating money; declaring an emergency. <i>MOVING ?</i>	Establishes Urban Growth Boundary Expansion Area Revolving Loan Fund. Continuously appropriates moneys from fund to Economic and Community Development Department to provide no-interest loans to finance eligible infrastructure projects in urban growth	City of Gresham, Washington County, Central Oregon Cities organization, City of Wilsonville	Laurie Monnes Anderson Bruce Starr	04/15/09 - Work Session held. 03/30/09 - Public Hearing held. 03/11/09 - Referred to Commerce and Workforce Development.	No hearings scheduled at this time.	3
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	03/10/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB741	Relating to protection of Metolius River Basin.	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 area and recommend management plan. Restricts siting of destination resort in Metolius		Environment and Natural Resources (S)	03/11/09 - Referred to Environment and Natural Resources. 03/04/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB763	Relating to transferable development credits. <i>PUBLIC HEARING + WORK SESSION WILL MOVE - SAME AS 2229 ?</i>	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	04/21/09 - Possible Work Session scheduled. 04/07/09 - Public Hearing held. 03/10/09 - Referred to Environment and Natural Resources.	Date: Tue, Apr 21, 2009 Time: 3:00 PM Loc: HR C Com: Environment and Natural Resources (S)	1
SB781	Relating to inclusion of land within urban growth boundary of cities with population greater than 100,000; declaring an emergency. <i>WILL HAVE HEARING - PLCD CONCERNS</i>	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)	03/12/09 - Referred to Environment and Natural Resources. 03/05/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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	03/13/09 - Referred to Environment and Natural Resources. 03/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1

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.		Larry George	03/13/09 - Referred to Finance and Revenue. 03/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
SB835	Relating to public borrowing for commuter rail transportation; appropriating money; declaring an emergency.	Authorizes issuance of lottery bonds and distribution of moneys to Hillsboro and Forest Grove to pay for construction or expansion of commuter rail transportation between Hillsboro and Forest Grove. Creates Hillsboro-Forest Grove Commuter Rail Pro		Bruce Starr	03/13/09 - Referred to Business and Transportation, then Ways and Means. 03/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
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 hearin	Oregon State Building and Construction Trades Council	Rick Metsger	03/16/09 - Referred to Business and Transportation. 03/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
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 dwelli	Jack Hay	Ted Ferrioli	03/13/09 - Referred to Environment and Natural Resources. 03/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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)	04/14/09 - Public Hearing held. 03/16/09 - Referred to Finance and Revenue. 03/09/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	2
SB907	Relating to discretionary design review. <i>WORK SESSIONS SCHEDULED - ALCO CONCERNS</i>	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	04/27/09 - Work Session scheduled. 04/17/09 - Public Hearing and Possible Work Session scheduled. 03/16/09 - Referred to Education and General Government.	Date: <u>Fri, Apr 17, 2009</u> Time: 3:00 PM Loc: HR C Com: Education and General Government (S)	1
SB943	Relating to use of State Highway Fund moneys.	Increases allocation of State Highway Fund moneys for footpaths and bicycle trails.	Teddy Keizer	Joanne Verger Ginny Burdick	03/17/09 - Referred to Business and Transportation, then Ways and Means. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
SB944	Relating to Lane County Area Commission on Transportation.	Creates Lane County Area Commission on Transportation.		Floyd Prozanski Paul Holvey	04/02/09 - Public Hearing held. 03/17/09 - Referred to Business and Transportation. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3

SB945	Relating to Ballot Measure 49 (2007) claims. <i>AMENDED, MOVING?</i>	Corrects erroneous reference in Ballot Measure 49 (2007).	Floyd Prozanski	04/13/09 - Work Session held. 03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary.	No hearings scheduled at this time.	1
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	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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 wi	Floyd Prozanski	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
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 alternat	Floyd Prozanski	03/20/09 - Public Hearing held. 03/12/09 - Referred to Judiciary. 03/10/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB963	Relating to properties governed by declarations.	Revises various provisions governing condominiums and planned communities.	Judiciary (S)	04/28/09 - Work Session scheduled. 04/23/09 - Public Hearing and Possible Work Session scheduled. 04/07/09 - Public Hearing held.	Date: Thu, Apr 23, 2009 Time: 3:00 PM Loc: HR B Com: Consumer Protection and Public Affairs (S)	3
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 rip	Bill Morrisette Jean Cowan	03/31/09 - Referred to Environment and Natural Resources. 03/26/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	1
SB5531	Relating to financial administration of the Department of Land Conservation and Development; appropriating money; declaring an emergency. <i>DLCD BUDGET</i>	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,	Budget and Management Division, Oregon Department of Administrative Services	Presession filed. 03/10/09 - Public Hearing held. 03/09/09 - Public Hearing held. 03/05/09 - Public Hearing held.	No hearings scheduled at this time.	1

including Miscellaneous Receipts, but excluding lotte

SB5532	Relating to financial administration of the Department of Land Conservation and Development; declaring an emergency. <i>D&CO BUDGET</i>	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.	03/10/09 - Public Hearing held. 03/09/09 - Public Hearing held. 01/26/09 - Assigned to Subcommittee On Natural Resources.	No hearings scheduled at this time.	1
SB5548	Relating to financial administration of the Department of Transportation; appropriating money; declaring an emergency.	Appropriates moneys from General Fund to Department of Transportation for rail programs. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and certain federal funds, but excluding lottery fu	Budget and Management Division, Oregon Department of Administrative Services	Pre-session filed.	04/22/09 - Public Hearing Scheduled. 04/21/09 - Public Hearing Scheduled. 04/20/09 - Public Hearing Scheduled.	Date: Mon, Apr 20, 2009 Time: 3:00 PM Loc: H-174 Com: Transportation and Economic Development (J)	3
SJR14	Proposing amendment to Oregon Constitution relating to sessions of the Legislative Assembly.	Proposes amendment to Oregon Constitution to require annual sessions of Legislative Assembly. Provides that session in odd-numbered year may not exceed ___ calendar days, and session in even-numbered year may not exceed ___ calendar days. Allows ext		Rules (S)	02/03/09 - Referred to Rules. 02/02/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3
SJR18	Proposing amendment to Oregon Constitution relating to legislative review of administrative rules.	Proposes amendment to Oregon Constitution to establish procedure for requiring legislative review of administrative rules. Refers proposed amendment to people for their approval or rejection at next regular general election.		Fred Girod	02/09/09 - Referred to Rules. 02/02/09 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3