



Oregon

Theodore R. Kulongoski, Governor

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March 1, 2010

TO: Interested Persons, Local Governments and State Agencies

**FROM: Bob Rindy, Senior Policy Analyst
Department of Land Conservation and Development (DLCD)**

SUBJECT: 2010 Land Use Legislation

The attached report lists legislation enacted by the 2010 Special Legislative Session that relates to land use planning. Some but not all of the bills listed in the report have been signed by the governor as of the date of the report. The report is published on the DLCD web site at <http://www.oregon.gov/LCD/docs/legislative/landusebills2010.pdf>.

This report provides only a brief summary of each legislative measure, based on the summary published by the Office of Legislative Counsel. Many of these bills have elements in addition to those described in the summary. Therefore, it is recommended that you use the report primarily as a reference to new laws that may be of interest. If a particular bill does not specify an effective date (usually at the end of the bill), the effective date of the law (if the bill is signed by the governor) will be January 1, 2011.

The DLCD report includes hyperlinks that can be used to access a *pdf* file of the enrolled version of each bill as published on the state's legislative web site (the home page of the state's legislative web site is <http://www.leg.state.or.us/>). All legislation considered in the 2010 legislative session, including bills that were not passed, may be accessed at http://www.leg.state.or.us/bills_laws.

Print copies of enacted legislation may be ordered by calling the Legislative Publication Office at the state capitol: (503) 986-1180. DLCD does not have print copies of legislative measures available for distribution.

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

Land Use Legislation Report March 1, 2010

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The following bills that relate to land use planning were enacted by the Oregon Legislature in the 2010 special session. While all of the bills listed here were passed by the legislature, not all have been signed by the Governor at the time of this report.

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

Senate Bills

SB 997

Summary: Modifies description of certain lands, defined as “resource lands,” from which development rights may be transferred, specifically references to the Oregon Conservation Strategy” adopted by the State Fish and Wildlife Commission and published by the State Department of Fish and Wildlife in September of 2006. Updates provisions that reference that description. Declares an emergency, effective on passage. Governor signed 2/4/2010

<http://www.leg.state.or.us/10ss1/measpdf/sb0900.dir/sb0997.en.pdf>

SB1031

Summary: Modifies requirements for mapping lands eligible for the siting of destination resorts, and modifies the criteria for approval of such resorts. Declares an emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/sb1000.dir/sb1031.en.pdf>

SB1036

Summary: Reauthorizes establishment of guest ranches on land zoned for exclusive farm use in eastern Oregon. Deems guest ranches established under sunsetted law to be conforming use under new authority for guest ranches. Sunsets January 2, 2012. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/sb1000.dir/sb1036.en.pdf>

SB1049

Summary: Establishes, for purposes of Ballot Measure 49 (2007), criteria for determining what was lawfully permitted when certain claimants acquired property. Modifies provisions related to time limit for acting on relief under Ballot Measure 49 (2007). Allows claimant that did not comply with certain filing requirements, including claimant that filed claim only with county and not with both county and state, to pursue relief under this Act. Requires Department of Land Conservation and Development to issue final order on or before specified

date. Requires fee of \$2,500 for processing of certain claims. Increases limit on biennial expenditures from fees, moneys or other revenues, including miscellaneous receipts, but excluding lottery funds and federal funds, collected or received by Department of Land Conservation and Development. Declares emergency, effective on passage. Governor Signed 2/25/2010.
<http://www.leg.state.or.us/10ss1/measpdf/sb1000.dir/sb1049.b.pdf>

SB1055

Summary: Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/sb1000.dir/sb1055.en.pdf>

SB1059

Summary: Directs Oregon Transportation Commission to adopt statewide transportation strategy on greenhouse gas emissions. Directs Department of Transportation, Department of Land Conservation and Development and specified local governments to take certain actions relating to reduction of greenhouse gas emissions. Directs Department of Transportation and Department of Land Conservation and Development to make joint reports to Legislative Assembly. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/sb1000.dir/sb1059.b.pdf>

House Bills

HB3613

Summary: Prohibits leasing for purposes of exploration, development or production of oil, gas or sulfur in territorial sea. Excludes exploration for scientific or academic research purposes or geologic survey activities. Requires that exploration for oil, gas or sulfur in territorial sea conform to certain standards. Sunsets January 2, 2020. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/hb3600.dir/hb3613.en.pdf>

HB3617

Summary: Allows existing special district or county service district to continue to provide services for newly incorporated city if petitioners propose and voters approve of continuance. Creates process by which city that previously allowed district may extinguish district. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/hb3600.dir/hb3617.en.pdf>

HB3633

Summary: Clarifies that state goal for Oregon's retail electrical load includes marine renewable energy resources. Directs Department of Land Conservation and Development to cause study to be conducted on how to best develop

commercially viable marine renewable energy resources. Establishes Marine renewable Energy Resources Study Fund. Continuously appropriates moneys in fund to department for purpose of conducting study. Sunsets on 61st day after adjournment sine die unless sufficient moneys are deposited in fund for study to be conducted. If sufficient moneys are deposited in fund, sunsets on January 2, 2012. Establishes, for biennium beginning July 1, 2009, maximum limit for payment of expenses by department from fund. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/hb3600.dir/hb3633.en.pdf>

HB3647

Summary: Allows person to request that Department of Land Conservation and Development arrange for independent soil capability assessment. Allows department to charge fee for assessment service. Creates Soils Assessment Fund for deposit of assessment fees. Continuously appropriates moneys to department for purposes of Act. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/hb3600.dir/hb3647.en.pdf>

HB3673

Summary: Modifies laws governing immunities provided to landowner that allows use of land for recreational purposes, gardening, woodcutting or harvest of special forest products. Provides that if owner imposes charge in excess of specified amounts for permission to use land, immunities continue to apply to uses of land other than activities for which charge is imposed. Provides that if owner imposes charge in excess of specified amounts for permission to use specific part of owner's land and provides notice of use limitations and immunities, immunities apply to remainder of owner's land. Allows landowner to charge fee of \$15 or less per day for winter recreation parking permit or any other parking without loss of immunities. Declares emergency, effective on passage.

<http://www.leg.state.or.us/10ss1/measpdf/hb3600.dir/hb3673.en.pdf>
