

**2011 Oregon Land Use Legislation
 RELU Annual Conference August 2011**

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**Submitted by
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	Bill No.	Sponsor	Relating Clause	Summary	Effective Date
1.	HB 2129	Introduced at the request of Governor John A. Kitzhaber for Department of Land Conservation and Development	Relating to procedure for post-acknowledgment change to local land use plans;	<p>Modifies process for local government to make post-acknowledgment changes to comprehensive plans and land use regulations.</p> <p>Shortens notice to DLCD from 45 days to no earlier than 35 or later than 20 days.</p> <p>If the changes in the local comp plan or land use regulations are solely to bring local regulations in compliance with state regulations, no need to hold public hearing if notice to DLCD and DLCD agrees in writing that they comply. Allows someone who has not participated in local decision to appeal the decision to determine if the only effect is to implement new state regulations.</p> <p>State agencies cannot contest local government comprehensive plan amendment if state agency has not coordinated its plans, programs and regulations regarding land uses with the local governments.</p> <p>Special districts cannot contest local government's</p>	January 1, 2012.

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				<p>comprehensive plan amendment if districts have not entered into cooperative agreements and coordinated their plans, programs and regulations regarding land use with the local governments.</p> <p>Allows governments to be late with notice to DLCD if emergency circumstances.</p> <p>A decision by a government to not adopt a legislative change is not appealable.</p> <p>Local government can cure untimely or incomplete filing to DLCD if either postpones hearing by 10 days or the number of days the materials were late, whichever is greater, or holds open the record after the hearing for the same amount of time.</p> <p>If alterations to proposal are extensive, local government must submit a summary of the changes to DLCD.</p>	
2.	HB 2130	Introduced at the request of Governor John A. Kitzhaber for Department of Land Conservation and Development	Relating to periodic review of land use planning;	<p>Modifies provisions regulating periodic review of comprehensive plans and regional framework plans. Modifies provisions regulating judicial review of orders of Land Conservation and Development Commission.</p> <p>Requires the following to be submitted to LCDC in accordance with periodic review:</p> <ol style="list-style-type: none"> 1. Expansion of an urban growth boundary (UGB) of 100 acres or more by a Metropolitan Service District (MSD) 2. Expansion of a UGB of 50 acres or more for a city of a population of 2500 or more; 	June 23, 2011.

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				<p>3. Expansion of urban reserves by a city of a population of 2500 or more or an MSD;</p> <p>4. Expansion of rural reserves by a county in cooperation with an MSD.</p> <p>Requires LCDC to adopt rules for review of those decisions. The standards of review are to be essentially the same as for LUBA.</p> <p>“(a) For evidentiary issues, is whether there is substantial evidence in the record as a whole to support the local government’s decision.</p> <p>(b) For procedural issues, is whether the local government failed to follow the procedures applicable to the matter before the local government in a manner that prejudiced the substantial rights of a party to the proceeding.</p> <p>(c) For issues concerning compliance with applicable laws, is whether the local government’s decision on the whole complies with applicable statutes, statewide land use planning goals, administrative rules, the comprehensive plan, the regional framework plan, the functional plan and land use regulations.”</p> <p>Deference is to be given the local government’s interpretation of its own comprehensive plan or land use regulations.</p>	
3.	HB 2131	Introduced at the request of Governor John A. Kitzhaber for Department of Land Conservation and Development	Relating to land use planning for needed housing; 197.831, 307.651 and 446.200	<p>Modifies criteria for establishment and review of needed housing within urban growth boundaries.</p> <p>Adds farmworker housing to the definition of “needed housing”. A local government can adopt alternative standards</p>	January 1, 2012.

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				for appearance or aesthetics of needed housing that are not clear and objective under certain conditions.	
4.	HB 2132	Introduced at the request of Governor John A. Kitzhaber for Department of Land Conservation and Development	Relating to transfer of development pilot program;	Modifies provisions of pilot program that authorizes transfer of development rights between properties in areas designated as sending areas and receiving areas. Declares emergency, effective on passage. Adds resort communities, rural service centers and areas adjacent to urban unincorporated communities as eligible for TDRs.	May 27, 2011.
5.	HB 2189	Introduced at the request of House Interim Committee on Environment and Water	Relating to removal-fill permitting program;	Exempts certain changes in points of diversion for withdrawal of surface water from removal or fill permitting requirements.	January 1, 2012.
6.	HB 2688	Introduced at the request of House Interim Committee on Judiciary for Oregon State Bar Real Estate and Land Use Section)	Relating to review of land reserve designations;	Adjusts statutory references related to review of local government land reserve designations. Adds ORS 197.626 to the list of statutes to which a local government must adhere to designate urban reserves.	January 1, 2012.
7.	HB 2700	Representative SCHAUFLER , HUNT, WITT	Relating to removal-fill permitting program; declaring an emergency.	Allows person that proposes removal or fill activity for construction or maintenance of linear facility to apply for removal or fill permit. Restricts use of permit. Applicant for a railway, highway, road, pipeline, water or sewer line, communication line, overhead or underground electrical transmission or distribution line or similar facility may not be issued a fill or removal permit if the applicant is	June 16, 2011.

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				not the landowner unless the applicant obtains landowner consent, an interest in the property or a court order.	
8.	HB 3166	Representative FREEMAN, Senator KRUSE	Relating to review of local government decisions related to land use; and declaring an emergency.	Establishes statutory limit of 10 years after date of decision for person to file request with Land Use Board of Appeals for review of land use decision or limited land use decision.	June 23, 2011.
9.	HB 3225	Representative PARRISH; Representative WINGARD, Senators DEVLIN, GEORGE (at the request of South Metro Business Alliance)	Relating to development in urban reserves; and declaring an emergency.	Authorizes county to take exception to statewide planning goal to allow establishment of transportation facility in area designated as urban reserve.	Upon passage.
10.	HB 3280	Representative HOLVEY, Senator PROZANSKI; Representative BARNHART	Relating to wineries in exclusive farm use zones; creating new provisions; amending ORS 215.213, 215.283, 215.452, 215.455 and 308A.053; repealing section 3, chapter 97, Oregon Laws 2010; and declaring an emergency.	Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone. Expands the types of activities allowed at wineries to include marketing and selling wine produced in conjunction with the winery, including the following activities: (A) Wine tours; (B) Wine tastings in a tasting room or other location at the winery; (C) Wine clubs; and (D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery. Also allows a outdoor concerts in addition to the private events allowed under SB 1055 in the 2010 session.	Upon passage
11.	HB 3465	COMMITTEE ON AGRICULTURE AND	Relating to guest ranches; and declaring an emergency.	Authorizes expansion of existing guest ranch to include 575 units of overnight accommodations and commercial uses.	Upon passage

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		NATURAL RESOURCES		Exempts development from statutes relating to guest ranches and other specified land use and land division statutes, statewide land use planning goals and provisions of Grant County's acknowledged comprehensive plan and use regulations.	
12.	HB 3572	Representatives CLEM, CANNON; Representative WHISNANT, Senator BATES (at the request of Jim Kean)	Relating to small-scale recreation communities.	Changes time frame within which owner of Metolius resort site may apply to county to develop small-scale recreation community. Modifies application of seasonally adjusted unemployment rate for county as basis for siting community.	January 1, 2012.
13.	HB 3620	Representative HUFFMAN	Relating to Ballot Measure 49 (2007) claims; creating new provisions; and amending ORS 195.328.	Allows person to file request for reconsideration of claim under Ballot Measure 49 (2007) if person's date of acquisition of property was affected by conveyance of property and person reacquired property within 10 days after conveyance.	January 1, 2012
14.	HB 5032	Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Budget and Management Division, Oregon Department of Administrative Services)	Relating to the financial administration of the Department of Land Conservation and Development; appropriating money; and declaring an emergency.	Appropriates moneys from General Fund to Department of Land Conservation and Development for certain biennial expenses. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department. Limits biennial expenditures by department from federal funds. Declares emergency effective 7/1/11.	July 1, 2011.
15.	HB 5034	Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Budget and	Relating to the financial administration of the Land Use Board of Appeals; appropriating money; and declaring an	Appropriates moneys from General Fund to Land Use Board of Appeals for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds,	July 1, 2011.

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		Management Division, Oregon Department of Administrative Services)	emergency.	collected or received by board.	
16.	SB 48	Senator DINGFELDER	Relating to boundary changes within metropolitan service districts;	Limits types of special districts within metropolitan service district over which metropolitan service district exercises jurisdiction for boundary changes.	January 1, 2012.
17.	SB 535	Relating to armories	Relating to armories;	Provides that armory may be constructed outside of city.	May 19, 2011.
18.	SB 639	COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT (at the request of Clear Channel Outdoor Advertising)	Relating to outdoor advertising signs; and prescribing an effective date.	Allows the erection and maintenance of digital billboards meeting certain criteria along interstate and state highways.	Effective 90 days upon adjournment.
19.	SB 640	Senator GIROD, Representative GILLIAM; Senator COURTNEY, Representative CLEM	Relating to division of land for fire service facilities; and declaring an emergency.	Notwithstanding the minimum lot or parcel size described in ORS 215.780 (1) or (2), the governing body of a county or its designee may approve a proposed division of land in an exclusive farm use zone for the nonfarm uses set out in ORS 215.213 (1)(v) or 215.283 (1)(s) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the use. The governing body may establish other criteria as it considers necessary.	May 24, 2011.
20.	SB 766	Senator BEYER; Senators BOQUIST, EDWARDS,	Relating to siting of industrial uses; appropriating money.	Requires designation of at least five and not more than 15 regionally significant industrial areas. Allows for expedited	June 28, 2011.

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		GIROD		permitting of industrial uses in regionally significant industrial areas. Establishes Economic Recovery Review Council. Authorizes council to perform expedited site reviews for proposed industrial development projects that have state significance. Establishes Economic Recovery Review Council Fund and continuously appropriates moneys in fund to council for purposes of performing expedited site reviews. Sunsets council, fund and authority for expedited site reviews proposed industrial development projects of state significance on January 2 of first even-numbered year after notification that annual average unemployment rate for most recent calendar year in Oregon is less than six percent. Increases limitation on specified 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 and, for specified purposes, Oregon Business Development Department.	
21.	SB 795	Senator TELFER; Senators FERRIOLI, GEORGE, GIROD, KRUSE, NELSON, OLSEN, STARR, THOMSEN, WHITSETT, WINTERS, Representatives CONGER, WHISNANT	Relating to transportation planning; declaring an emergency.	Requires Land Conservation and Development Commission to adopt revisions to transportation planning rule for purposes of streamlining, simplifying and clarifying certain aspects of rule before January 1, 2012. Requires Oregon Transportation Commission to adopt revisions to Oregon Highway Plan for purposes of streamlining, simplifying and clarifying certain aspects of plan before January 1, 2012. Requires commissions to report to Legislative Assembly before February 1, 2012.	June 17, 2011.
22.	SB 960	Senator THOMSEN	Relating to uses on lands zoned for exclusive farm use; creating	Creates processes by which county may conditionally approve agri-tourism and other commercial events or activities related	June 28, 2011.

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			<p>new provisions; amending ORS 197.015, 215.213, 215.246, 215.283 and 215.296; and declaring an emergency.</p>	<p>to and supportive of agriculture in area zoned for exclusive farm use, including area designated as rural reserve or as urban reserve.</p> <p>A county can authorize agri-tourism or other commercial events so long as the event is incidental and subordinate to an existing farm use.</p> <p>A county can authorize a single event that does not exceed 500 people and meets other criteria. The permit is personal to applicant and non-transferable. The permit can be expedited and will not be a land use decision if the event does not exceed 100 people and meets other criteria.</p> <p>A county can authorize up to six events per year so long as it meets certain criteria, including any additional county standards. The permit is personal to the applicant and non-transferable. The permit is issued for up two calendar years.</p> <p>A county can authorize up to 18 events per year for events that occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size. Requires a public notice and comment period every four years.</p>	