

Land Use Bills Passed in the 2003 Legislative Session

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

September 25, 2003

The following bills have passed the 2003 legislature and, except for HB 3631, have been signed by the Governor. Except where otherwise indicated, all these bills take effect January 1, 2004.

HB 2011A

Summary: Directs agencies to identify up to 25 shovel-ready sites for industrial development. Creates Economic Recovery Team (formerly the "governor's community solutions team") to coordinate the effort. Directs certain state agencies to provide staff and resources to industrial site identification process and directs DLCD to adopt administrative rules to expedite development of sites identified. Directs development of a state economic development strategy by OECDD. Provides local grants and FTE to agencies for this effort. Many more provisions. Takes effect on passage.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB2011.pdf

HB 2219

Summary: Makes minor change to requirements regarding applications for local land use decisions. Specifically, if a railroad-highway crossing provides the only access to land that is the subject of an application for a local land use decision, the applicant must indicate that fact in the application submitted to the decision maker.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB2219.pdf

HB 2614

Summary: Removes size limits for industrial buildings on land currently zoned industrial outside UGBs. Requires counties to notify certain cities of applications under this bill. The bill "sunset" (expires) in 2 years.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB2614.pdf

HB 2674

Summary: Makes a minor change to the criteria for approving guest ranches on farmland in eastern Oregon. The change will allow guest ranches within 10 miles of a UGB with a population of 50,000 or less (previously guest ranches were not allowed within 10 miles from a UGB with more than 5,000 in population). The guest ranch statutory provisions will sunset after the 2005 legislative session, and DLCD and OECDD must present a joint report to the legislature evaluating the provisions.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB2674.pdf

HB 2691

Summary: Authorizes industrial development on abandoned mill sites statewide, regardless of whether the sites are currently zoned for industry, i.e., the bill allows farm and forest land to be rezoned to industrial use. The bill has no restrictions as to industrial building size on such sites, and allows sewer lines and on-site sewers to serve industrial uses on these sites. Effective June 10, 2003.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB2691.pdf

HB 2899

Summary: Includes new provisions regarding state fill and removal program. Makes performance standards for mitigation banking consistent with individual compensatory mitigation requirements. Defines terms. Provides for dispute resolution and feedback/coordination. Clarifies that only the Division of State Lands may determine and/or verify jurisdiction over state wetlands. Effective 90 days after Sine Die (Aug 28th).

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB2899.pdf

HB 3061

Summary: Currently, county governing bodies must approve subdivision plats and are allowed to delegate this approval authority to the Chair or Vice Chair. This bill allows counties to delegate that approval authority to a different (unspecified) person.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3061.pdf

HB 3063

Summary: Exempts equine facilities from the state structural code and from the definition of "significant structure" under that code. This bill does not affect land use planning except where local governments previously regulated such facilities as land uses, e.g., in farm or forest zones. Effective May 16, 2003.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3063.pdf

HB 3245

Summary: Legislation in 2001 created the opportunity to convert existing manufactured home parks to manufactured home subdivisions in order to provide opportunities for park residents to own their dwelling. This bill is a "clean-up" of that legislation, clarifying and resolving several technical and "interpretation" issues. Effective June 24, 2003.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3245.pdf

HB 3375

Summary: Revises legislation adopted in the 1999 session regarding rapidly moving landslides. The new provisions authorize local governments to deny a building permit for a habitable structure in landslide area if the geotechnical report indicates it is in an area subject to rapidly moving landslide. The bill also repeals mitigation threshold requirements and transferable development rights requirements for such structures (Local governments testified that these requirements have been unworkable, and have prevented local governments from assuring the safety of the public with regard to landslide hazards in certain cases).

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3375.pdf

HB 3534

Summary: Amends membership and responsibilities of Ocean Policy Advisory Council (OPAC). Deletes application of the Territorial Sea Plan to the ocean shore and removes statutory provisions expressly granting OPAC the authority to work with WA, CA and the federal government for the protection of marine birds and mammals. Requires OPAC to incorporate the concerns of local governments and residents, and the expertise of coastal residents.

http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3534.pdf

HB 3631

Summary: Protects Forest Park and 2-mile buffer. Allows residential subdivision on specified forestland in Multnomah County for current owner. **Vetoed** by the governor.
http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3631.pdf

HB 3645

Summary: Allows DEQ to authorize a permit for disposal of liquid waste at a solid waste site under certain circumstances. Effective August 12, 2003.
http://pub.das.state.or.us/LEG_BILLS/PDFs/EHB3645.pdf

HB 5034

Summary: Authorizes a budget for the Department of Land Conservation and Development. Provides \$14,530,217 All Funds. Appropriates \$7,852,545 General Fund. Authorizes expenditure limitation of \$901,516 Other Fund and \$5,776,156 Federal Funds. An additional \$375,000 is appropriated to the Emergency Board out of General Fund and shall be allocated to the agency upon reasonable progress on DLCDC "Action Plan". Effective August 21, 2003.
http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB920.pdf

SB 94

Summary: Minor modifications to state law concerning time limits for local action on land use permit applications. Modifications included in the bill resolve long-standing issues regarding the interpretation of previous statutes establishing such timelines.
http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB94.pdf

SB 251

Summary: Restores several statutes relating to needed housing requirements for local governments as applicable to cities less than 25,000. These statutes were inadvertently changed in a land use bill that passed in the 2001 legislative session, such that the requirements were only applicable to cities over 25,000 in population.
http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB251.pdf

SB 291

Summary: Authorizes continuation of pre-existing hunting preserves on farmland. (DLCDC and ODFW will send a joint letter to county planning departments explaining this legislation). Effective July 28.
http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB291.pdf

SB 310

Summary: Requires that counties within the Columbia River Gorge Scenic Area follow the same statutory time limits for processing local permits as apply to counties outside the scenic area (currently, ORS 215.427 requires counties to take final action on permits, limited land use decisions and zone change applications within 120 days for activities within urban growth boundaries and for mineral aggregate extraction and within 150 days for all other applications).
http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB310.pdf

SB 516

Summary: Modifies Measure 56 requirements regarding notices to property owners whenever there is a state, Metro, or local action that limits or reduces land uses previously allowed in a zone. The bill changes the wording of required notices to be more "neutral" regarding the effect of changes to property value due to new state or local land use requirements. Also requires notice be mailed to property owners prior to rather than subsequent to adoption such action (except for notice of new statutes).

http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB516.pdf

SB 667

Summary: Allows the continuation of one existing business on EFU land in Clackamas County near Canby - the Western Fireworks Display Company (this business had lost its nonconforming use status after operating for 55 years). The bill also provides for alteration, restoration or replacement of that use pursuant to the statutory process currently provided for non-conforming uses in EFU zones. Effective June 6, 2003.

http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB667.pdf

SB 765

Summary: Repeals sunset on ODOT authority to fund driveway reconfiguration or relocation to address highway safety or operational problems (i.e., extends this authority). ODOT indicates that the criteria in the bill for deciding whether property has reasonable access are similar to or consistent with existing rules and practices.

http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB765.pdf

SB 911

Summary: Modifies definition of "overnight lodging" included in destination resorts. Modifies ratio and phase-in criteria for overnight lodging. Applicable only in Eastern Oregon. Sunsets after two years.

http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB911.pdf

SB 920

Summary: Modifies periodic review process with regard to backlog of local periodic reviews. Includes moratorium on new periodic reviews except under certain circumstances. Directs local governments and Land Conservation and Development Commission to attempt to complete periodic review within two years after approval of local work program. Most provisions of the bill will "sunset" in four years. Effective September 22, 2003.

http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB920.pdf

SB 939

Summary: Provides technical changes to the process for imposing local system development charges (SDCs). Some provisions effective July 1, 2004.

http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB939.pdf