

House Bill 3550

Sponsored by Representative BUCKLEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes establishment of sustainable community destination resorts with focus on sustainable practices.

A BILL FOR AN ACT

1
2 Relating to sustainable communities; creating new provisions; and amending ORS 197.435 and
3 197.462.

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

5 **SECTION 1.** ORS 197.435 is amended to read:

6 197.435. As used in ORS 197.435 to 197.467:

7 (1) "Developed recreational facilities" means improvements constructed for the purpose of re-
8 creation and may include but are not limited to golf courses, tennis courts, swimming pools, marinas,
9 ski runs and bicycle paths.

10 (2) "High value crop area" means an area in which there is a concentration of commercial farms
11 capable of producing crops or products with a minimum gross value of \$1,000 per acre per year.
12 These crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables,
13 dairying, livestock feedlots or Christmas trees as these terms are used in the 1983 County and State
14 Agricultural Estimates prepared by the Oregon State University Extension Service. The "high value
15 crop area" designation is used for the purpose of minimizing conflicting uses in resort siting and
16 does not revise the requirements of an agricultural land goal or administrative rules interpreting the
17 goal.

18 (3) "**LEED**" means the **Leadership in Energy and Environmental Design rating system for**
19 **certification of energy efficient and environmentally sustainable buildings established by the**
20 **United States Green Building Council.**

21 (4) "**LEED Gold**" means the **third of four tiers of standards for certification in the LEED**
22 **rating system.**

23 [(3)] (5) "Map of eligible lands" means a map of the county adopted pursuant to ORS 197.455.

24 [(4)] (6) "Open space" means any land that is retained in a substantially natural condition or is
25 improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle
26 paths or is specifically required to be protected by a conservation easement. Open spaces may in-
27 clude ponds, lands protected as important natural features, lands preserved for farm or forest use
28 and lands used as buffers. Open space does not include residential lots or yards, streets or parking
29 areas.

30 [(5)] (7) "Overnight lodgings" means:

31 (a) With respect to lands not identified in paragraph (b) of this subsection, permanent, separately

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 rentable accommodations that are not available for residential use, including hotel or motel rooms,
 2 cabins and time-share units. Individually owned units may be considered overnight lodgings if they
 3 are available for overnight rental use by the general public for at least 45 weeks per calendar year
 4 through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufac-
 5 tured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings
 6 for the purpose of this definition.

7 (b) With respect to lands in eastern Oregon, as defined in ORS 321.805, permanent, separately
 8 rentable accommodations that are not available for residential use, including hotel or motel rooms,
 9 cabins and time-share units. Individually owned units may be considered overnight lodgings if they
 10 are available for overnight rental use by the general public for at least 38 weeks per calendar year
 11 through a central reservation system operated by the destination resort or by a real estate property
 12 manager, as defined in ORS 696.010. Tent sites, recreational vehicle parks, manufactured dwellings,
 13 dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose
 14 of this definition.

15 [(6)] (8) “Self-contained development” means a development for which community sewer and
 16 water facilities are provided on-site and are limited to meet the needs of the development or are
 17 provided by existing public sewer or water service as long as all costs related to service extension
 18 and any capacity increases are borne by the development. A “self-contained development” must have
 19 developed recreational facilities provided on-site.

20 (9) “Sustainable community and education center” or “sustainable community” means a
 21 destination resort that expands the experience base and educational opportunities for
 22 sustainable practices and provides a resource for the development of new and established
 23 sustainable practices.

24 [(7)] (10) “Tract” means a lot or parcel or more than one contiguous lot or parcel in a single
 25 ownership. *[A tract may include property that is not included in the proposed site for a destination*
 26 *resort if the property to be excluded is on the boundary of the tract and constitutes less than 30 percent*
 27 *of the total tract.]*

28 [(8)] (11) “Visitor-oriented accommodations” means overnight lodging, restaurants and meeting
 29 facilities that are designed to and provide for the needs of visitors rather than year-round residents.

30 **SECTION 2. Sections 3 and 4 of this 2007 Act are added to and made a part of ORS 197.435**
 31 **to 197.467.**

32 **SECTION 3. The Legislative Assembly declares:**

33 (1) **The purpose of this section is to encourage the establishment of model sustainable**
 34 **communities and education centers that can expand the experience base for sustainable**
 35 **practices, attract tourists for sustainability vacation and education programs, increase eco-**
 36 **nomic development, create jobs and enhance the resource value of the land while providing**
 37 **added environmental protection.**

38 (2) **Oregon has the opportunity to become a leader in sustainability by fostering**
 39 **sustainable communities and education centers that can serve as examples and resource**
 40 **centers as the nation transitions to a more sustainable lifestyle.**

41 (3) **In sustainable communities, the residents can:**

42 (a) **Pioneer ways of living that we all will need to adopt for our survival in the future.**

43 (b) **Advance the body of knowledge in three areas of sustainable practices:**

44 (A) **Sustainable development and building practices;**

45 (B) **Sustainable land stewardship; and**

1 (C) Sustainable living practices.

2 (4) Educational facilities and retreat centers, in which people can learn about and experi-
3 ence sustainable practices or vacation in an environmentally friendly setting, are integral
4 to the value of sustainable communities.

5 **SECTION 4.** (1) Except as provided in this section, a sustainable community must meet
6 the:

7 (a) Development standards described in ORS 197.445.

8 (b) Siting standards described in ORS 197.455.

9 (2) In sustainable communities, the land and buildings must be developed in the most
10 sustainable manner possible, and:

11 (a) Development must be limited to 10 percent of the land area in high density planned
12 unit developments designed around common areas that have:

13 (A) Parking areas and roads designed to keep motor vehicle use around the periphery of
14 neighborhoods; and

15 (B) Bicycle and pedestrian paths within and between neighborhoods, community facilities
16 and mixed use areas of the sustainable community as an alternative to motor vehicle uses
17 within the community.

18 (b) Buildings must be planned, designed and constructed using energy efficient,
19 sustainable building methods, including:

20 (A) For buildings for which LEED certification is available, achieving LEED Gold certifi-
21 cation.

22 (B) Exceeding Energy Star and Earth Advantage standards.

23 (c) Lumber must be certified by the Forest Stewardship Council.

24 (3) Sustainable communities must be planned, designed and constructed to achieve zero
25 net energy consumption through conservation and renewable energy production.

26 (4) Residents of sustainable communities must develop and practice sustainable living
27 practices including, but not limited to:

28 (a) Committing to calculating net carbon emissions and minimizing or offsetting carbon
29 emissions with reforestation projects and carbon credits to achieve zero net carbon emis-
30 sions.

31 (b) In addition to the required practices, pioneering and practicing new and established
32 sustainable methods and practicing a wide variety of activities.

33 (5) The master plan for a sustainable community must require the use of land
34 stewardship practices that are sustainable, including:

35 (a) Designation of at least 90 percent of the site as sustainable stewardship land.

36 (b) Creation of conservation easements on the sustainable stewardship land with a
37 third-party conservation organization to prevent further division and to establish sustainable
38 stewardship practices on the land in perpetuity.

39 (c) Certification of forestry operations by an organization accredited by the Forest
40 Stewardship Council.

41 (d) Certification of farming operations by an organization specializing in sustainable
42 farming operations.

43 (6) In addition to the costs of land acquisition and road building, at least \$7 million must
44 be spent on:

45 (a) Improvements for on-site developed visitor-oriented accommodations;

1 (b) Community facilities and sustainable technologies including, but not limited to,
2 sustainable energy production and biological wastewater treatment systems; and

3 (c) Recreational facilities.

4 (7) At least one-quarter of the amount described in subsection (6) of this section must
5 be spent in the first phase of the development.

6 (8) At least one-quarter of the visitor-oriented accommodations described in ORS 197.445
7 (4) must be met in the first phase of the development.

8 (9) The sustainable community must be planned around a community center that in-
9 cludes:

10 (a) A community square and park.

11 (b) Commercial and mixed zoning uses designed to meet the needs of residents and visi-
12 tors and to minimize motor vehicle trips out of the community, including space for small
13 retail shops and services, office and commercial space, recreational facilities and an area for
14 the possible future development of a community school.

15 (c) At least four neighborhood areas, covering a maximum of five percent of the total
16 acreage of the tract.

17 (d) Notwithstanding ORS 197.445 (4)(a)(D), density that does not exceed one neighborhood
18 per 80 acres that contains high density planned unit developments of not more than 40 units
19 per neighborhood that are:

20 (A) On individual lots of less than 5,000 square feet each; or

21 (B) Located in cooperative or condominium ownership.

22 (10) Notwithstanding ORS 197.455 (1), a sustainable community may be sited on lands:

23 (a) Mapped as eligible for destination resort siting in ORS 197.455 (1);

24 (b) Located at least 10 miles from an urban growth boundary with a population of 100,000
25 or more; or

26 (c) Described in ORS 197.455 (1)(b) to (d).

27 (11) If the sustainable community contains an area of sensitive or especially sensitive big
28 game habitat, a mitigation plan must be included in the master plan for the sustainable
29 community.

30 **SECTION 5.** ORS 197.462 is amended to read:

31 197.462. (1) Up to 30 percent of a tract may be excluded from the proposed site for a
32 destination resort.

33 (2) A portion of a tract that is excluded from the site of a destination resort pursuant to [ORS
34 197.435 (7) shall] **this section may** not be used or operated in conjunction with the resort.

35 (3) Subject to this limitation, the use of the excluded property [shall be] is governed by other-
36 wise applicable law.

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