

Enrolled
House Bill 3465

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

CHAPTER

AN ACT

Relating to guest ranches; and declaring an emergency.

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

SECTION 1. The Legislative Assembly finds and declares that:

(1) Working farms and cattle ranches make vital contributions to Oregon by:

(a) Providing jobs, timber, agricultural products, tax base, tourism and other social and economic benefits;

(b) Helping to maintain soil, air and water resources;

(c) Reducing levels of carbon dioxide in the atmosphere; and

(d) Providing habitat for wildlife and aquatic life.

(2) New methods must be developed to facilitate continued management of private farms and cattle ranches as population growth, escalating land values, increasing risks from wildfire and invasive species, and changes in land ownership or management objectives result in increased conflict with dispersed residential development.

(3) The public policy of the State of Oregon is to:

(a) Encourage, and explore alternative methods to encourage, the continued management of private farm and forest lands for timber production, agricultural production and cattle ranching.

(b) Protect water quality, wildlife habitat and other important natural resources by limiting location of dispersed residential development on farm and forest land.

SECTION 2. (1) As used in this section:

(a) "Associated property" means real property, and improvements, that is contiguous to and in common ownership with the development area.

(b) "Development area" means certain property containing a guest ranch and consisting of approximately 5,000 acres in common ownership that are located in township 17 south, range 31 east and township 17 south, range 32 east, Grant County.

(2) Subject to approval of a master plan submitted to Grant County, the guest ranch may be expanded in the development area in one or more phases to include the uses authorized under this section if Grant County finds that the master plan for the development area meets the standards set forth in subsections (4), (5) and (6) of this section, notwithstanding:

(a) Sections 2 and 3, chapter 84, Oregon Laws 2010.

(b) Statewide land use planning goals and rules implementing the goals and without taking an exception under ORS 197.732 to a goal.

(c) The lot size and dwelling standards of ORS 215.700 to 215.780.

(d) Provisions of the acknowledged comprehensive plan or land use regulations of Grant County except as:

(A) Provided otherwise in this section; or

(B) Necessary to protect the public health and safety.

(3) The development area may:

(a) Contain up to 575 units of overnight accommodations, including but not limited to lodging units, cabins, townhomes and fractional ownerships. Overnight accommodations that are not lodging units, timeshares or fractional ownerships must be subject to deed restrictions that limit use of the accommodations to use as overnight accommodations.

(b) Include restaurants, meeting and conference facilities and commercial uses to meet the needs of visitors to the development area and associated property.

(c) Include developed recreational facilities including, but not limited to, tennis courts, spa facilities, equestrian facilities, swimming pools and bicycle paths.

(d) Not include sites for new residential dwellings unless otherwise permitted under existing law or developed for employees of the guest ranch or other uses allowed in the development area.

(4) The uses authorized by this section that are to be developed on or after January 1, 2010, must be constructed in the development area.

(5) Roads, utility corridors and utility facilities necessary to serve the development area are authorized uses. Roads in the development area:

(a) Must be all-weather roads.

(b) Must remain unpaved to the greatest extent practicable to discourage car use in most parts of the development area.

(c) Must be wide enough to accommodate emergency equipment.

(6) Upon receipt of an application for approval of a master plan for the development and use of the development area, Grant County shall approve the master plan if the county finds that the master plan:

(a) Demonstrates that the important natural features of the development area and associated property, including but not limited to habitat of threatened or endangered species, streams, rivers and significant wetlands, will be retained. Grant County may authorize alteration of important natural features, including the placement of structures that maintain the overall values of the natural features, under the county's applicable acknowledged comprehensive plan and land use regulations.

(b) Demonstrates that the development area and associated property will be managed to provide significant public benefits in the form of:

(A) Wildlife and aquatic habitat improvements, including tree planting, enhancement of riparian areas and restoration of meadows for wildlife; and

(B) Training and education programs.

(c) Demonstrates that the development area and associated property will be managed to provide a significant number of permanent jobs in Grant and Harney Counties, to encourage the growth of ancillary and support businesses in Grant and Harney Counties, to encourage expansion of tourism opportunities for Grant and Harney Counties, and to provide opportunities to educate the public about sustainable ranching and wildlife rehabilitation in conjunction with Oregon State University or another educational institution in the State of Oregon.

(d) Contains design criteria and standards that promote sustainability in the development area. The criteria and standards must promote energy and water conservation, reduce, based on consultation with the State Department of Fish and Wildlife, adverse impacts of development on wildlife and reduce, based on consultation with the State Forestry Department, wildfire risk.

(e) Demonstrates that overnight accommodations will be clustered to minimize adverse impacts on fish and wildlife.

(f) Includes a proposed plat to create lots for the first phase of development in the development area.

(7) The planning director of Grant County may:

(a) Approve by administrative review an amendment to an approved master plan or an associated land division plan; or

(b) If the planning director determines that the proposed change may impact the findings made pursuant to subsection (6) of this section, refer the amendment to the Grant County Court for review. If the planning director refers a proposed amendment to the court, the court shall approve the proposed change if the master plan, as amended, or the associated land division plan, as amended, remains consistent with the requirements of this section.

(8) Grant County shall:

(a) Apply only the provisions of this section and the master plan as standards and criteria for approval or amendment of the master plan and associated land division applications and development permit applications submitted pursuant to this section.

(b) Process the master plan and associated land division applications pursuant to the procedural review provisions of the acknowledged comprehensive plan and land use regulations.

SECTION 3. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 20, 2011

Received by Governor:

Repassed by House June 23, 2011

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Approved:

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Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate June 22, 2011

.....M.,....., 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State