

B-Engrossed
House Bill 3465

Ordered by the Senate June 20
Including House Amendments dated April 14 and Senate Amendments
dated June 20

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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.

[Directs Department of Land Conservation and Development to establish Oregon Guest Ranch Pilot Program for two pilot projects for development of guest ranches in eastern Oregon. Sunsets pilot program on January 2, 2018.]

Authorizes *[owner of Silvies Valley Ranch Development Area to expand]* **expansion of** existing guest ranch to include 575 units of overnight accommodations and commercial uses. 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 land use regulations.

[Adjusts sunset date for provisions relating to guest ranches.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to guest ranches; and declaring an emergency.

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

4 **SECTION 1. The Legislative Assembly finds and declares that:**

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

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

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

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

10 **(d) Providing habitat for wildlife and aquatic life.**

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

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

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

19 **(b) Protect water quality, wildlife habitat and other important natural resources by lim-**
20 **iting location of dispersed residential development on farm and forest land.**

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

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

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

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

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

9 (b) Statewide land use planning goals and rules implementing the goals and without tak-
10 ing an exception under ORS 197.732 to a goal.

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

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

14 (A) Provided otherwise in this section; or

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

16 (3) The development area may:

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

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

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

25 (d) Not include sites for new residential dwellings unless otherwise permitted under ex-
26 isting law or developed for employees of the guest ranch or other uses allowed in the devel-
27 opment area.

28 (4) The uses authorized by this section that are to be developed on or after January 1,
29 2010, must be constructed in the development area.

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

32 (a) Must be all-weather roads.

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

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

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

39 (a) Demonstrates that the important natural features of the development area and as-
40 sociated property, including but not limited to habitat of threatened or endangered species,
41 streams, rivers and significant wetlands, will be retained. Grant County may authorize al-
42 teration of important natural features, including the placement of structures that maintain
43 the overall values of the natural features, under the county's applicable acknowledged com-
44 prehensive plan and land use regulations.

45 (b) Demonstrates that the development area and associated property will be managed to

1 provide significant public benefits in the form of:

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

4 (B) Training and education programs.

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

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

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

19 (f) Includes a proposed plat to create lots for the first phase of development in the de-
20 velopment area.

21 (7) The planning director of Grant County may:

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

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

29 (8) Grant County shall:

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

33 (b) Process the master plan and associated land division applications pursuant to the
34 procedural review provisions of the acknowledged comprehensive plan and land use regu-
35 lations.

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