

A-Engrossed
Senate Bill 806

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by COMMITTEE ON ENVIRONMENT 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.

[Prohibits local laws that discourage use of xeriscaping for commercial or industrial structures.]

Grants statutory right to owner or occupant of commercial or industrial property to install xeriscaping on landscaped portions of property. Specifies that local government may regulate such xeriscaping for stormwater management, preservation of natural habitat or tree canopy or control of invasive species.

A BILL FOR AN ACT

1
2 Relating to landscaping.

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

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

5 (a) **"Commercial or industrial property"** means property that is not used primarily for
6 residential occupancy or for local government purposes.

7 (b) **"Local government"** has the meaning given that term in ORS 174.116.

8 (c) **"Xeriscaping"** means the selection of drought tolerant plants, the minimization of
9 evaporation and runoff and the use of other landscape design features that minimize the
10 need of the landscape for supplemental water from irrigation.

11 (2) Except as provided in subsection (3) of this section, an owner or occupant of a com-
12 mercial or industrial property may install xeriscaping on landscaped portions of the property
13 that are not otherwise set aside, dedicated or used to comply with a local government ordi-
14 nance, rule or regulation regarding:

15 (a) **Stormwater management;**

16 (b) **The preservation of natural habitat and tree canopy; or**

17 (c) **The control of invasive plant species.**

18 (3) Subsection (2) of this section does not prohibit a local government from enforcing any
19 contractual right of the local government with regard to the installation and maintenance
20 of landscaping for a commercial or industrial structure developed in whole or in part with
21 funding provided by the local government.
22

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.