

Enrolled
Senate Bill 806

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

CHAPTER

AN ACT

Relating to landscaping.

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

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

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

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

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

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

(a) Stormwater management;

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

(c) The control of invasive plant species.

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

Passed by Senate April 19, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 17, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

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

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

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Kate Brown, Secretary of State