

Senate Bill 1584

Sponsored by Senator FERRIOLI (Pre-session filed.)

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 development of resort-style amenities by owner of heritage guest ranch. Exempts development from specified provisions of land use planning statutes, statewide land use planning goals and acknowledged comprehensive plan and land use regulations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to resort-style amenities; 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 this state by:**

6 **(a) Providing jobs, agricultural products, tax base, tourism and other social and economic**
7 **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, re-**
14 **sult 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 farmlands and forestlands for timber production, agricultural production and cat-**
18 **tle ranching.**

19 **(b) Protect water quality, wildlife habitat and other important natural resources by:**

20 **(A) Increasing development density, where appropriate, in existing low-density residential**
21 **development areas;**

22 **(B) Creating new or additional tourism or agri-tourism amenities, in existing develop-**
23 **ment areas and in such a manner as to coexist with farms and cattle ranches; and**

24 **(C) Exploring ways to create a cooperative relationship between residential development**
25 **and agricultural production and to establish a demonstration project.**

26 **(4) It is in the public interest of the State of Oregon to support the reintroduction of**
27 **native fish to Whychus Creek as well as to gain a better understanding of how stream sys-**
28 **tems work through research and education. The Legislative Assembly finds that these goals**
29 **can be accomplished by:**

30 **(a) Offering incentives to encourage landowner participation in conservation programs**

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 and securing conservation easements; and

2 (b) Working with nonprofit organizations to create educational programs and outdoor
3 classrooms to facilitate research and education within the Whychus Creek watershed in the
4 Deschutes River Basin.

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

6 (a) “Common ownership” means ownership by related family members or by entities
7 owned by related family members.

8 (b) “Heritage guest ranch” is a resort that contains resort-style amenities similar to
9 some of the amenities found at a guest ranch or a destination resort that is on two or more
10 tracts in eastern Oregon, as defined in ORS 321.700, and that:

11 (A) Contains at least 1,000 acres;

12 (B) Includes a tourism amenity such as a golf course;

13 (C) Is, as of January 1, 2012, held in common ownership; and

14 (D) Is located on land:

15 (i) That is either zoned for exclusive farm use or subject to a local zoning classification
16 that allows multiple-use agriculture, rural residential use or surface mining;

17 (ii) At least two-thirds of which is mapped as eligible for destination resort siting; and

18 (iii) A portion of which is adjacent to Whychus Creek and includes spawning beds in
19 which native fish have been reintroduced.

20 (c) “Heritage guest ranch development area” or “development area” means certain
21 property within a heritage guest ranch consisting of not more than 50 percent of the total
22 acreage of the heritage guest ranch.

23 (d) “Tract” has the meaning given that term in ORS 215.010.

24 (2) Subject to approval of a master plan that conforms to the requirements of this sec-
25 tion by the county that has land use jurisdiction, an owner of a heritage guest ranch may
26 develop, as an outright permitted use, resort-type amenities in the heritage guest ranch de-
27 velopment area and roads, utility corridors and utility facilities, as described in subsection
28 (5) of this section, that are necessary to serve the development area notwithstanding con-
29 trary provisions of:

30 (a) ORS chapters 195, 196, 197, 215 and 227 and the administrative rules authorized by
31 those chapters;

32 (b) Statewide land use planning goals and the administrative rules implementing the
33 goals; and

34 (c) The acknowledged comprehensive plan and land use regulations that would otherwise
35 apply to the development area.

36 (3) The heritage guest ranch development area may include:

37 (a) Restaurants, meeting and conference facilities and commercial uses to serve the
38 needs of visitors to the heritage guest ranch;

39 (b) Developed recreational facilities, including, but not limited to, tennis courts, spas,
40 equestrian facilities, swimming pools and bicycle and hiking paths;

41 (c) Up to one unit of residential or overnight accommodations, including but not limited
42 to single-family houses, lodging units, cabins, condominiums, townhouses or units in frac-
43 tional ownership, per 2.5 acres of the heritage guest ranch;

44 (d) Motorcoach resort facilities with up to 100 spaces;

45 (e) Accessory amenities and services, including no more than one golf course and golf-

1 related facilities developed on or after January 1, 2012;

2 (f) Roads, utilities and maintenance and security facilities that are necessary to support
3 the development area; and

4 (g) Uses lawfully established before and operating on the effective date of this 2012 Act
5 and uses approved before effective date of this 2012 Act, but not yet developed.

6 (4) Development of the heritage guest ranch development area may occur in phases at
7 the discretion of the owner and is subject to all of the following requirements:

8 (a) At least 25 percent of the units of residential and overnight accommodations must
9 be designed to encourage and facilitate use as overnight accommodations.

10 (b) Overnight accommodations that are not lodging units, timeshares or units in frac-
11 tional ownership must incorporate the following design restrictions:

12 (A) Detached single-family houses and cabins may not be sited on lots or parcels that
13 exceed 5,000 square feet;

14 (B) Detached single-family houses, cabins, condominium units and townhouses may not
15 exceed 1,800 square feet; and

16 (C) Detached single-family houses, cabins, condominium units and townhouses may not
17 have more than one single-car garage for each unit.

18 (c) To minimize effects of the development area on uses on surrounding lands, the owner
19 may develop buffers, including natural vegetation and, where appropriate, fences, berms,
20 landscaped areas and similar types of buffers, between the development area and adjacent
21 land uses.

22 (d) For the purpose of mitigating impacts to nearby areas as residential units are devel-
23 oped, the owner of the heritage guest ranch shall cause deed restrictions to be placed on the
24 land to ensure that assessments and fish and wildlife habitat enhancement credits are paid.
25 When the owner of a lot or parcel obtains a building permit, the owner of the lot or parcel
26 shall pay an assessment:

27 (A) To offset the costs of increased usage of capital improvements, to:

28 (i) The closest city, within 10 miles of the heritage guest ranch development area, in the
29 amount of \$1,000; and

30 (ii) The school foundation of the school district in which the heritage guest ranch devel-
31 opment area is located, in the amount of \$2,500.

32 (B) For wildlife habitat enhancement, to the State Department of Fish and Wildlife, or
33 to a nonprofit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue
34 Code of 1986 with a focus on the environment and education, in the amount of \$2,500.

35 (e) The owner of the heritage guest ranch shall cause conservation easements under ORS
36 271.715 to 271.795 to be placed on special-view corridors. The owner shall place a conservation
37 easement on all of the following:

38 (A) The spawning beds and flood plain areas of Whychus Creek. The conservation ease-
39 ment must limit uses in and adjacent to the spawning beds and flood plain areas to:

40 (i) Recreational activities that have a low impact on the environment, including, but not
41 limited to hiking, biking, horseback riding and fishing;

42 (ii) Stream enhancement; and

43 (iii) Education and research.

44 (B) At least 70 percent of prime or unique farm land in the heritage guest ranch. The
45 conservation easement must limit the uses to:

1 (i) Agricultural use; and

2 (ii) Agricultural research performed in cooperation with the Oregon State University
3 Agricultural Experiment Station.

4 (5) Roads, utility corridors and utility facilities necessary to serve the heritage guest
5 ranch development area are outright permitted uses within the development area and on
6 nearby lands. Roads in the development area:

7 (a) Must be all-weather roads;

8 (b) May remain unpaved in certain areas to discourage motor vehicle use in sensitive
9 areas of the heritage guest ranch; and

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

11 (6) Except as provided in subsection (5) of this section, a use authorized by this section
12 must be constructed in the heritage guest ranch development area. For purposes of this
13 subsection, a use approved before the effective date of this 2012 Act is not a use authorized
14 by this section.

15 (7) The owner of the heritage guest ranch may submit an application to the county that
16 has land use jurisdiction for approval of a master plan for the development and use of the
17 heritage guest ranch development area pursuant to this section.

18 (8) If a county that has land use jurisdiction receives an application for approval of a
19 master plan for the development and use of the development area pursuant to this section,
20 the county shall approve the master plan if the county finds that the master plan:

21 (a) Demonstrates that the important natural features of the development area and as-
22 sociated property, including but not limited to habitat of threatened or endangered species,
23 streams, rivers and significant wetlands, will be retained. The county may authorize alter-
24 ation of important natural features, including the placement of structures that maintain the
25 overall values of the natural features, under the county's applicable acknowledged compre-
26 hensive plan and land use regulations.

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

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

31 (B) Training and education programs about the environment, sustainable ranching and
32 wildlife rehabilitation.

33 (c) Demonstrates that the development area and associated property will be managed to:

34 (A) Provide a significant number of permanent jobs in the local area;

35 (B) Encourage the growth of ancillary and support businesses in the area; and

36 (C) Encourage expansion of tourism opportunities for the county and to provide, in con-
37 junction with Oregon State University, another educational institution in the State of Oregon
38 or a nonprofit corporation with a focus on the environment and education, opportunities to
39 educate the public about sustainable ranching and wildlife rehabilitation.

40 (d) Contains design criteria and standards that promote sustainability in the development
41 area. The criteria and standards must:

42 (A) Promote energy and water conservation;

43 (B) Reduce, based on consultation with the State Department of Fish and Wildlife, ad-
44 verse impacts of development on wildlife; and

45 (C) Reduce, based on consultation with the State Forestry Department, wildfire risk.

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

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

5 (9) The county planning director may:

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

8 (b) If the county planning director determines that the proposed change may impact the
9 findings made pursuant to subsection (8) of this section, refer the amendment to the gov-
10 erning body of the county for review. If the county planning director refers a proposed
11 amendment to the governing body of the county, the governing body shall approve the pro-
12 posed change if the master plan, as amended, or the associated land division plan, as
13 amended, remains consistent with the requirements of this section.

14 (10) The county shall:

15 (a) Apply only the provisions of this section and the master plan as standards and crite-
16 ria for approval or amendment of the master plan and applications for associated land divi-
17 sions and development permits submitted pursuant to this section; and

18 (b) Process the master plan and applications for associated land divisions as land use
19 applications pursuant to the procedural review provisions of the acknowledged comprehen-
20 sive plan and land use regulations.

21 **SECTION 3.** This 2012 Act being necessary for the immediate preservation of the public
22 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
23 on its passage.