

Enrolled
House Bill 2031

Sponsored by Representative CLEM (Pre-session filed.)

CHAPTER

AN ACT

Relating to use of land; amending ORS 569.400 and section 3, chapter 636, Oregon Laws 2009; and declaring an emergency.

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

SECTION 1. Section 3, chapter 636, Oregon Laws 2009, as amended by section 1, chapter 888, Oregon Laws 2009, section 1, chapter 404, Oregon Laws 2011, and section 1, chapter 748, Oregon Laws 2015, is amended to read:

Sec. 3. (1) Notwithstanding ORS 215.700 to 215.780, one or two small-scale recreation communities may be established as specified in sections 2 to 5, chapter 636, Oregon Laws 2009.

[(2) If, prior to June 29, 2010, the owner of a Metolius resort site notified the Department of Land Conservation and Development that it had elected to seek approval of a small-scale recreation community, the owner may, within three years after the effective date of this 2015 Act, apply to a county for approval of a small-scale recreation community.]

(2) The owner of a Metolius resort site may apply to a county for approval of a small-scale recreation community within three years after the effective date of this 2017 Act if:

(a) Prior to June 29, 2010, the owner notified the Department of Land Conservation and Development that the owner elected to seek approval of a small-scale recreation community; and

(b) The owner renews the election described in paragraph (a) of this subsection within 30 days after the effective date of this 2017 Act.

(3) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, may be established only in conjunction with a transfer of development opportunity from a Metolius resort site. A transfer of development opportunity must be carried out through an agreement between the owner of a Metolius resort site and the owner of the site proposed for development of a small-scale recreation community. In the agreement, the owner of the Metolius resort site must:

(a) Agree to limit the use of the Metolius resort site, consistent with the management plan in consideration for the opportunity to participate in the development of the small-scale recreation community; and

(b) Agree to grant a conservation easement pursuant to ORS 271.715 to 271.795 that:

(A) Limits the use of the Metolius resort site to be consistent with the management plan;

(B) Allows public access to that portion of the site that is not developed; and

(C) Contains other provisions, as required by the Department of Land Conservation and Development, that are necessary to ensure that the conservation easement is enforceable.

(4)(a) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, must be sited on land that is within a county described in paragraph (b) of this subsection and that is either:

(A) Planned and zoned for forest use; or

(B) Rural and not subject to statewide land use planning goals relating to agricultural lands or forestlands.

(b) A small-scale recreation community may be established in:

[(A) Morrow County;]

[(B) Sherman County;]

[(C) Umatilla County;]

[(D) Clatsop County;]

[(E) Wheeler County; or]

[(F) A county that has, on June 29, 2009, a seasonally adjusted average annual unemployment rate over the preceding 10 calendar years that is more than 110 percent of the unemployment rate for the entire state over the same period, as reported by the Employment Department.]

(A) Baker County;

(B) Clatsop County;

(C) Columbia County;

(D) Coos County;

(E) Crook County;

(F) Curry County;

(G) Douglas County;

(H) Grant County;

(I) Harney County;

(J) Josephine County;

(K) Klamath County;

(L) Lake County;

(M) Lincoln County;

(N) Linn County;

(O) Malheur County;

(P) Morrow County;

(Q) Sherman County;

(R) Umatilla County;

(S) Wallowa County;

(T) Wasco County; or

(U) Wheeler County.

(5) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, may not be sited on land that is:

(a) Within an area identified as “Area 1” or “Area 2” in the management plan.

[(b) Within an area described in ORS 197.455 in which destination resorts may not be sited.]

[(c) (b) Within an area protected [by or inventoried] as a significant resource in an acknowledged comprehensive plan provision implementing statewide land use planning goals relating to:

(A) Open space[,] and scenic and historic areas [and natural resources];

(B) Estuarine resources; or

[(C) Coastal shorelands; or]

[(D) (C) Beaches and dunes.

[(d) Within an area identified as subject to a natural hazard by an acknowledged comprehensive plan provision implementing a statewide land use planning goal relating to protection from natural hazards.]

(6)(a) All land on which a small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, is sited must be at least one-quarter mile from the nearest state park.

(b) Any buildings or other improvements developed within the boundaries of land on which a small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, is sited must be located at least one mile from the nearest state park.

SECTION 2. ORS 569.400 is amended to read:

569.400. (1) If the owner or occupant of the land fails or refuses to immediately destroy or cut the noxious weeds in accordance with ORS 569.360 to 569.495, the weed inspector shall at once notify the [district attorney of the county who] **county court. The county court** shall at once take necessary steps for enforcement of ORS 569.360 to 569.495. The county court shall authorize the weed inspector or such assistants as the weed inspector may employ to go upon the land or premises and, **except as provided in this subsection**, destroy the noxious weeds or control them in such manner as will destroy all seeds of such noxious weeds. [; provided, however, that] If destruction or control of the weeds on any farm is in the judgment of the county weed inspector impracticable because the weeds may be too far advanced, or if for any other reason the means of control available are unsatisfactory, the weed inspector shall so notify the county court. [which] **The county court** shall request the State Department of Agriculture to immediately quarantine any such uncontrolled noxious weed infested farm within the county to prevent the movement of infested crops or of livestock from such farm except under conditions prescribed in the quarantine that will prevent spread of the weeds by such crops or livestock. In all cases where the inspector undertakes to destroy or control noxious weeds, the most effective and practical method, in the judgment of the inspector, and with least injury to the land or crops, shall be used.

(2) Upon the completion of such work the person so appointed and authorized by the county court shall file with the county clerk an itemized statement of the expenses necessarily incurred in the destruction of such weeds, including the wages of the person as provided in ORS 569.370, verified by the oath of the person.

SECTION 3. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House April 26, 2017

Received by Governor:

Repassed by House June 15, 2017

.....M.,....., 2017

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2017

.....
Tina Kotek, Speaker of House

.....
Kate Brown, Governor

Passed by Senate June 8, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Peter Courtney, President of Senate

.....
Dennis Richardson, Secretary of State