

HB 4012 -7 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

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Meeting Dates: 2/10, 2/12

WHAT THE MEASURE DOES:

Directs Department of Land Conservation and Development to study laws related to use of land and to report to Legislative Assembly no later than September 15, 2020. Declares emergency, effective on passage

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-7 Defines key terms. Authorizes the Department of Land Conservation and Development (DLCD) to approve Stevens Road planning amendments submitted by the City of Bend on or before January 2026. Stipulates that actions taken by the City of Bend or DLCD are not land use decisions, not considered rulemaking, and are a final action that is not subject to appeal. Defines development opportunity as the unused right to establish a small-scale recreation community. Authorizes the holder of a development opportunity to convey the opportunity to another person by written contract. Stipulates that if the holder of the development opportunity or owner of the Metolius resort site applies to a county for the approval of a small-scale recreation community on or before June 29, 2020 the opportunities in Act are voided. Authorizes the Department of State Lands (DSL) to use money in the Common School Fund to purchase a development opportunity. Prohibits DLCD from approving Stevens Road Planning amendments unless the city of Bend demonstrates that: 1) on or before June 29, 2020 the holder of the development opportunity has submitted letter to DSL and the City of Bend expressing its interest in selling the holder's development opportunity to DSL; on or before July 31, 2020 DSL submits a letter to the interested holder and the City of Bend expressing its interest in purchasing the development opportunity; and on or before the first submission of any Stevens Road planning amendments to DLCD DSL is the holder of the development opportunity. Prohibits DLCD from approving Stevens Road planning amendments until it has first approved the city of Bend's conceptual plan. Authorizes the city of Bend to approve a conceptual plan and submit to DLCD no later than January 31, 2021. Authorizes DLCD to approve the conceptual plan provided they are able to determine certain factors. Notwithstanding any statewide land use planning goal related to housing or urbanization DLCD shall approve an amendment to the urban growth boundary submitted by the City of Bend if it determines certain factors. Authorizes DLCD to approve Stevens Road planning amendments if it determines certain factors. Authorizes DLCD to approve or remand in whole or in part any Stevens Road planning amendment based on a determination notwithstanding statewide land use planning goals that the city of Bend has met certain standards. Sunsets Act January 2, 2027. Declares an emergency, effective on passage.

BACKGROUND:

In 1973 the legislature passed Senate Bill 100 (1973). The legislation established the Land Conservation and Development Commission (LCDC) that was charged with adopting state land use goals, and the Department of Land Conservation and Development (DLCD), charged with assisting the commission and local governments in the implementation of those goals and with coordinating state agencies in land use matters. In addition, SB 100 directed that local governments adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and with the needs and desires of the public. Previous legislation, Senate Bill 10 (1969), also required cities and counties to adopt comprehensive plans, but did not provide an enforcement mechanism or system of technical assistance.