

# Senate Bill 997

Sponsored by Senator SCHRADER (Presession 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**.

Modifies description of certain lands, defined as "resource lands," from which development may be transferred.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to transferable development; amending ORS 94.536; and declaring an emergency.

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

4 **SECTION 1.** ORS 94.536 is amended to read:

5 94.536. As used in this section and ORS 94.538:

6 (1) "Conservation easement" has the meaning given that term in ORS 271.715.

7 (2) "Governmental unit" means a city, county, metropolitan service district or state agency as  
8 defined in ORS 171.133.

9 (3) "Holder" has the meaning given that term in ORS 271.715.

10 (4) "Lot" has the meaning given that term in ORS 92.010.

11 (5) "Parcel" has the meaning given that term in ORS 92.010.

12 (6) "Receiving area" means a designated area of land to which a holder of development credits  
13 generated from a sending area may transfer the development credits and in which additional uses  
14 or development, not otherwise allowed, are allowed by reason of the transfer.

15 (7) "Resource land" means:

16 (a) Lands outside an urban growth boundary planned and zoned for farm use, forest use or mixed  
17 farm and forest use.

18 (b) Lands inside or outside urban growth boundaries identified:

19 (A) In an acknowledged local or regional government inventory as containing significant  
20 wetland, riparian, wildlife habitat, historic, scenic or open space resources; or

21 (B) As containing important natural resources, estuaries, coastal shorelands, beaches and dunes  
22 or other resources described in the statewide land use planning goals.

23 (c) "Conservation Opportunity Areas" identified in the "Oregon Conservation Strategy" [*pre-*  
24 *pared in September of 2006*] **adopted by the State Fish and Wildlife Commission and published**  
25 **by the State Department of Fish and Wildlife in September of 2006.**

26 (8) "Sending area" means a designated area of resource land from which development credits  
27 generated from forgone development are transferable, for uses or development not otherwise al-  
28 lowed, to a receiving area.

29 (9) "Tract" has the meaning given that term in ORS 215.010.

30 (10) "Transferable development credit" means a severable development interest in real property  
31 that can be transferred from a lot, parcel or tract in a sending area to a lot, parcel or tract in a

**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 receiving area.

2 (11) "Transferable development credit system" means a land use planning tool that allows the  
3 record owner of a lot, parcel or tract of resource land in a sending area to voluntarily sever and  
4 sell development interests from the lot, parcel or tract for purchase and use by a potential developer  
5 to develop a lot, parcel or tract in a receiving area at a higher intensity than otherwise allowed.

6 (12) "Urban growth boundary" has the meaning given that term in ORS 195.060.

7 (13) "Urban reserve" has the meaning given that term in ORS 195.137.

8 **SECTION 2. This 2010 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
10 **on its passage.**

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