

House Bill 3382

Sponsored by Representatives JAVADI, GOMBERG, Senator SMITH DB; Representatives EVANS, HELM, WRIGHT, Senators ANDERSON, WEBER (at the request of Oregon Public Ports Association)

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 certain ports to construct, maintain and improve deep draft navigation channel improvements without demonstrating compliance with state or local land use law.

A BILL FOR AN ACT

1
2 Relating to ports.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 777.005 to**
5 **777.725.**

6 **SECTION 2. (1) Notwithstanding contrary provisions of state and local land use law,**
7 **without demonstrating compliance with state and local land use law and without taking an**
8 **exception under ORS 197.732, ports specified in subsection (2) of this section may construct,**
9 **maintain and improve deep draft navigation channel improvements, including docks and**
10 **similar berthing facilities, that are located:**

11 (a) **Within or adjacent to a federal navigation channel; or**

12 (b) **On land:**

13 (A) **That is controlled by a port or in which a port has a real property interest; and**

14 (B) **That is served by such navigation channel improvements.**

15 (2) **Subsection (1) of this section applies to ports at Astoria, Coos Bay, Newport, Portland**
16 **and St. Helens.**

17 (3) **As used in this section:**

18 (a) **“Deep draft navigation channel” means a navigation channel constructed to a depth**
19 **of greater than 30 feet.**

20 (b) **“Federal navigation channel” means a navigation channel that is maintained by the**
21 **United States Army Corps of Engineers.**

22 (c) **“State and local land use law” includes:**

23 (A) **Statewide planning goals and related administrative rules;**

24 (B) **Comprehensive plans, planning and zoning requirements and related regulations**
25 **adopted by a local government, as defined in ORS 197.015;**

26 (C) **Statutory requirements relating to land use, including but not limited to those in ORS**
27 **chapters 197, 215 and 227, and related administrative rules; and**

28 (D) **Administrative rules adopted pursuant to ORS 197.180 requiring that state agency**
29 **permits affecting land use are issued in compliance with statewide planning goals and com-**
30 **patible with acknowledged comprehensive plans and land use regulations.**

31

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.