Senate Bill 1592

Sponsored by Senator THOMSEN; Senators ATKINSON, BOQUIST, FERRIOLI, GEORGE, GIROD, KRUSE, MORSE, OLSEN, STARR, TELFER, WHITSETT, WINTERS (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.**

Allows local government, in county whose population is not growing and that has population of 50,000 or less, to alter comprehensive plan map designations notwithstanding statewide land use planning goals relating to agricultural land and forestland.

Requires appellate review of quasi-judicial land use decisions and limited land use decisions directly related to and made in response to land use application to be conducted in single proceeding in which Land Use Board of Appeals has joined all appeals.

Suspends operation of specified provisions of transportation planning rules. Sunsets provision causing suspension of rules on June 30, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to land use planning; and declaring an emergency.

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

SECTION 1. In a county that has a population of less than 50,000, based on the most recent federal decennial census, and that has not grown in population in the years since the previous federal decennial census, a local government in its discretion may change the comprehensive plan map designation of land designated for exclusive farm use, forest use or mixed farm and forest use by legislative action of the governing body of the local government or in response to a land use application, notwithstanding statewide land use planning goals relating to agricultural lands or forestlands.

SECTION 2. Section 3 of this 2012 Act is added to and made a part of ORS 197.830 to 197.845.

SECTION 3. (1) When a local government considers an application, the approval or denial of which requires the local government to make multiple quasi-judicial land use decisions or limited land use decisions in relation to real property that is the object of the application, the local government shall make findings that identify each quasi-judicial land use decision or limited land use decision that is related to and made in direct response to the application.

(2) A person seeking Land Use Board of Appeals review of a quasi-judicial land use decision or a limited land use decision described in subsection (1) of this section shall comply with all provisions of ORS 197.830 to 197.855, including the requirement to timely file a notice of intent to appeal pursuant to ORS 197.830.

(3) Upon receipt of a notice of intent to appeal a decision described in subsection (1) of this section, the board shall:

(a) Toll the operation of timelines described in ORS 197.830, except the timeline for other persons to file notices of intent to appeal, until the local government grants final approval or denial to the application;

(b) Join in a single proceeding all separate appeals of the related decisions made in direct

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.

response to the application;

(c) Notify parties of the tolling of timelines as the parties are joined in the proceeding; and

(d) Review in a single proceeding all related quasi-judicial land use decisions and limited land use decisions made in direct response to the application.

(4) When a local government has notice that a notice of intent to appeal has been filed with respect to a quasi-judicial land use decision or limited land use decision described in subsection (1) of this section:

(a) The local government shall notify the board and all parties joined in the single review proceeding that the local government has taken final action on the application; and

(b) The board shall notify parties, as necessary, of adjustments to due dates under the timelines based on the tolling of timelines pursuant to this section.

SECTION 4. The Legislative Assembly finds and declares that:

(1) Land use planning in this state combines statewide goal-setting with local and regional implementation.

(2) Certain administrative rules upset the balance between planning and implementation.

(3) By limiting the effect of certain administrative rules, the Legislative Assembly can:

(a) Improve the balance of priorities between goal-setting and implementation;

(b) Increase the efficiency of land use planning; and

(c) Improve the ability of local and regional governments to plan based on local and regional differences.

SECTION 5. (1) Notwithstanding a statewide land use planning goal related to transportation planning, when a local government approves a quasi-judicial zone change based on the local government's acknowledged comprehensive plan and the zone change is consistent with the real property's comprehensive plan map designation, the local government may approve the zone change without complying with administrative rules that require:

(a) A determination of whether the development will have a significant effect on an existing or planned transportation facility; or

(b) Mitigation of significant effects on the transportation facility.

(2) If the zone change involves a change to a land use regulation that must be submitted for acknowledgement pursuant to ORS 197.610 to 197.625:

(a) The local government is not required, pursuant to ORS 197.625 (4) or any other provision of law, to make a finding of compliance with the goal relating to transportation planning or with administrative rules implementing the goal; and

(b) Notwithstanding ORS 197.251 (5), the Land Conservation and Development Commission is not required to identify the goal relating to transportation planning or to make a finding of compliance or noncompliance with the goal.

SECTION 6. Section 5 of this 2012 Act is repealed on June 30, 2014.

SECTION 7. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.