

HOUSE AMENDMENTS TO HOUSE BILL 3223

By COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

April 21

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert
2 “creating new provisions; and amending ORS 197.360, 197.365, 215.402 and 227.160.”.

3 In line 5, after the period delete the rest of the line and delete lines 6 and 7 and insert:

4 “(1) As used in this section:

5 “(a) ‘Expedited land division’ means a division of land under ORS 92.010 to 92.192, 92.205 to
6 92.245 or 92.830 to 92.845 by a local government that:”.

7 Delete lines 23 through 27 and insert:

8 “(E) Will result in development that either:

9 “(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of
10 the maximum net density permitted by the zoning designation of the site; or

11 “(ii) Will be sold or rented to households with incomes below 120 percent of the median family
12 income for the county in which the project is built.

13 “(b) ‘Expedited land division’ includes land divisions that create three or fewer parcels under
14 ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.”.

15 On page 2, after line 8, insert:

16 “**SECTION 2. (1) Within two weeks of receipt of any application for a division of land
17 under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845, a local government shall send
18 written notice to the applicant if:**

19 “(a) The application meets the requirements for an expedited land division under ORS
20 197.360; or

21 “(b) The local government has insufficient information to determine whether the appli-
22 cation meets the requirements for an expedited land division under ORS 197.360.

23 “(2) The written notice required under subsection (1) of this section must include a de-
24 scription of the requirements for an expedited land division and the procedure for applying
25 for an expedited land division.”.

26 In line 9, delete “2” and insert “3”.

27 On page 3, after line 18, insert:

28 “**SECTION 4.** ORS 215.402 is amended to read:

29 “215.402. As used in ORS 215.402 to 215.438 and 215.700 to 215.780 unless the context requires
30 otherwise:

31 “(1) ‘Contested case’ means a proceeding in which the legal rights, duties or privileges of spe-
32 cific parties under general rules or policies provided under ORS 215.010 to 215.311, 215.317, 215.327,
33 215.402 to 215.438 and 215.700 to 215.780, or any ordinance, rule or regulation adopted pursuant
34 thereto, are required to be determined only after a hearing at which specific parties are entitled to
35 appear and be heard.

1 “(2) ‘Hearing’ means a quasi-judicial hearing, authorized or required by the ordinances and
2 regulations of a county adopted pursuant to ORS 215.010 to 215.311, 215.317, 215.327, 215.402 to
3 215.438 and 215.700 to 215.780:

4 “(a) To determine in accordance with such ordinances and regulations if a permit shall be
5 granted or denied; or

6 “(b) To determine a contested case.

7 “(3) ‘Hearings officer’ means a planning and zoning hearings officer appointed or designated by
8 the governing body of a county under ORS 215.406.

9 “(4) ‘Permit’ means discretionary approval of a proposed development of land under ORS 215.010
10 to 215.311, 215.317, 215.327 and 215.402 to 215.438 and 215.700 to 215.780 or county legislation or
11 regulation adopted pursuant thereto. ‘Permit’ does not include:

12 “(a) A limited land use decision as defined in ORS 197.015;

13 “(b) A decision which determines the appropriate zoning classification for a particular use by
14 applying criteria or performance standards defining the uses permitted within the zone, and the de-
15 termination applies only to land within an urban growth boundary;

16 “(c) A decision which determines final engineering design, construction, operation, maintenance,
17 repair or preservation of a transportation facility which is otherwise authorized by and consistent
18 with the comprehensive plan and land use regulations; or

19 “(d) [*An action under*] **An expedited land division, as described in ORS 197.360 [(1)].**

20 “**SECTION 5.** ORS 227.160 is amended to read:

21 “227.160. As used in ORS 227.160 to 227.186:

22 “(1) ‘Hearings officer’ means a planning and zoning hearings officer appointed or designated by
23 a city council under ORS 227.165.

24 “(2) ‘Permit’ means discretionary approval of a proposed development of land, under ORS 227.215
25 or city legislation or regulation. ‘Permit’ does not include:

26 “(a) A limited land use decision as defined in ORS 197.015;

27 “(b) A decision which determines the appropriate zoning classification for a particular use by
28 applying criteria or performance standards defining the uses permitted within the zone, and the de-
29 termination applies only to land within an urban growth boundary;

30 “(c) A decision which determines final engineering design, construction, operation, maintenance,
31 repair or preservation of a transportation facility which is otherwise authorized by and consistent
32 with the comprehensive plan and land use regulations; or

33 “(d) [*An action under*] **An expedited land division, as described in ORS 197.360 [(1)].”.**