

Proposed Amendments to
House Bill 3458
Requested by Representative MCLAIN
3/23/23 (RLM/)
LC 1302

On page 1 of the printed bill, delete lines 7 through 15 and insert:

“SECTION 2. When a local government adopts a change to an acknowledged comprehensive plan or land use regulation, and the Land Use Board of Appeals remands all or a portion of that decision based solely on inadequate findings or evidence, if the local government adopts the same changes following remand with revised findings and additional evidence responding to the remand, then a party may not raise new issues that could have been but were not previously raised before the board, but may only challenge the revised findings or additional evidence.”.

Delete lines 20 through 24 and insert:

“(b) If a local government demonstrates that a land use decision adopting a change to an acknowledged comprehensive plan or land use regulation contains a severability clause and specifically challenged portions of the changes may be reasonably severable from the remainder of the changes, the board may affirm in part. Reasonably severable means the remaining parts, standing alone, are complete and capable of being executed with the legislative intent. The affirmed parts are not affected by the reversal or remand, continue in effect and are considered acknowledged as described in ORS 197.625.”.

On page 2, line 7, delete the second “to” and insert “regarding”.

In line 27, delete the boldfaced material and restore the bracketed material.

Delete lines 28 through 30.