

Requested by Representative NERON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3013**

1 On page 1 of the printed bill, line 2, delete “amending ORS” and insert
2 “creating new provisions; and amending ORS 197.013,”.

3 Delete lines 5 through 29 and delete pages 2 and 3 and insert:

4 **“SECTION 1.** ORS 197.625 is amended to read:

5 “197.625. (1) A local decision adopting a change to an acknowledged
6 comprehensive plan or a land use regulation is deemed to be acknowledged
7 when the local government has complied with the requirements of ORS
8 197.610 and 197.615 and either:

9 “(a) The 21-day appeal period set out in ORS 197.830 (9) has expired and
10 a notice of intent to appeal has not been filed; or

11 “(b) If an appeal has been timely filed, the Land Use Board of Appeals
12 affirms the local decision or, if an appeal of the decision of the board is
13 timely filed, an appellate court affirms the decision.

14 “(2) If the local decision adopting a change to an acknowledged compre-
15 hensive plan or a land use regulation is affirmed on appeal under ORS
16 197.830 to 197.855, the comprehensive plan or the land use regulation, as
17 modified, is deemed to be acknowledged upon the date the decision of the
18 board or the decision of an appellate court becomes final.

19 “(3) Prior to acknowledgment of a change to an acknowledged compre-
20 hensive plan or a land use regulation:

21 “(a) The change is effective at the time specified by local government

1 charter or ordinance; and

2 “(b) If the change was adopted in substantial compliance with ORS
3 197.610 and 197.615, the local government shall apply the change to land use
4 decisions, expedited land divisions and limited land use decisions unless a
5 stay is granted under ORS 197.845.

6 “(4) Approval of a land use decision, expedited land division or limited
7 land use decision that is subject to an effective but unacknowledged pro-
8 vision of a comprehensive plan or a land use regulation must include
9 findings of compliance with land use statutes, statewide land use planning
10 goals and administrative rules of the Land Conservation and Development
11 Commission implementing the statutes or goals that apply to the decision
12 and that the unacknowledged provision implements.

13 “[*(5) If an effective but unacknowledged provision of a comprehensive plan
14 or a land use regulation fails to gain acknowledgment, a permit or zone change
15 approved, in whole or in part, on the basis of the change does not justify re-
16 tention of the improvements that were authorized by the permit or zone
17 change.*]

18 “**(5) If a permit, license, agreement, zone change or other authori-
19 zation made by a local government or state agency is based, in whole
20 or in part, on an effective but unacknowledged provision of a com-
21 prehensive plan or a land use regulation that fails to gain acknowl-
22 edgment based on a decision of the commission, the board or an
23 appellate court that has become final:**

24 “**(a) Within 30 days of the decision becoming final, the local gov-
25 ernment or state agency that issued the authorization shall terminate
26 or revoke every issued authorization and deliver a written notice of
27 the termination or revocation to:**

28 “**(A) Any applicant for, or holder of, the authorization; and**

29 “**(B) Any person who participated in the proceedings relating to the
30 unacknowledged provision.**

1 **“(b) The authorization is void and without further effect.**

2 **“(c) Upon receipt of the notice under paragraph (a) of this section:**

3 **“(A) Any use based on the authorization must be terminated.**

4 **“(B) Any improvements based on the authorization must be re-**

5 **moved within 180 days after the date of the delivery of the notice.**

6 **“(d)(A) Any person who participated in any proceedings or appeal**

7 **relating to the authorization or the unacknowledged provision may**

8 **bring a claim in circuit court, including under ORS 197.825 (3)(b):**

9 **“(i) To revoke or declare void an authorization that is based on, in**

10 **whole or in part, the unacknowledged provision;**

11 **“(ii) To enjoin or remove any improvements or use allowed under**

12 **the authorization; or**

13 **“(iii) For actual damages caused to the person by any improvements**

14 **or use allowed by the authorization.**

15 **“(B) A person has standing and may bring a claim under this par-**

16 **agraph without regard to whether:**

17 **“(i) The person appealed, sought a stay of or was injured by the**

18 **authorization.**

19 **“(ii) The authorization was a land use decision.**

20 **“(iii) The person was a party to, or participated in the decision re-**

21 **garding, the void authorization or any subsequent permit, license,**

22 **agreement, plan amendment, zone change or other authorization.**

23 **“(iv) Termination notices were given or received under paragraph**

24 **(a) of this subsection.**

25 **“(6) If requested by a local government, the Director of the Department**

26 **of Land Conservation and Development shall issue certification of the ac-**

27 **knowledgment upon receipt of an affidavit from:**

28 **“(a) The local government, attesting that the change to the acknowledged**

29 **comprehensive plan or the land use regulation was accomplished in compli-**

30 **ance with ORS 197.610 and 197.615; and**

1 “(b) The Land Use Board of Appeals, stating either:

2 “(A) That no notice of appeal was filed within the 21 days allowed under
3 ORS 197.830 (9); or

4 “(B) The date the decision of the board or the decision of an appellate
5 court affirming the change to the acknowledged comprehensive plan or the
6 land use regulation became final.

7 “(7) The board shall issue an affidavit for the purposes of subsection (6)
8 of this section within five days after receiving a valid request from the local
9 government.

10 **“SECTION 2.** ORS 197.825 is amended to read:

11 “197.825. (1) Except as provided in ORS 197.320 and subsections (2) and
12 (3) of this section, the Land Use Board of Appeals shall have exclusive ju-
13 risdiction to review any land use decision or limited land use decision of a
14 local government, special district or a state agency in the manner provided
15 in ORS 197.830 to 197.845.

16 “(2) The jurisdiction of the board:

17 “(a) Is limited to those cases in which the petitioner has exhausted all
18 remedies available by right before petitioning the board for review;

19 “(b) Is subject to the provisions of ORS 197.850 relating to judicial review
20 by the Court of Appeals;

21 “(c) Does not include a local government decision that is:

22 “(A) Submitted to the Department of Land Conservation and Development
23 for acknowledgment under ORS 197.251, 197.626 or 197.628 to 197.651 or a
24 matter arising out of a local government decision submitted to the depart-
25 ment for acknowledgment, unless the Director of the Department of Land
26 Conservation and Development, in the director’s sole discretion, transfers the
27 matter to the board; or

28 “(B) Subject to the review authority of the department under ORS 197.412,
29 197.445, 197.450 or 197.455 or a matter related to a local government decision
30 subject to the review authority of the department under ORS 197.412, 197.445,

1 197.450 or 197.455;

2 “(d) Does not include those land use decisions of a state agency over
3 which the Court of Appeals has jurisdiction for initial judicial review under
4 ORS 183.400, 183.482 or other statutory provisions;

5 “(e) Does not include any rules, programs, decisions, determinations or
6 activities carried out under ORS 527.610 to 527.770, 527.990 (1) and 527.992;

7 “(f) Is subject to ORS 196.115 for any county land use decision that may
8 be reviewed by the Columbia River Gorge Commission pursuant to sections
9 10(c) or 15(a)(2) of the Columbia River Gorge National Scenic Area Act, P.L.
10 99-663; and

11 “(g) Does not include review of expedited land divisions under ORS
12 197.360.

13 “(3) Notwithstanding subsection (1) of this section, the circuit courts of
14 this state retain jurisdiction:

15 “(a) To grant declaratory, injunctive or mandatory relief in proceedings
16 arising from decisions described in ORS 197.015 (10)(b) or proceedings
17 brought to enforce the provisions of an adopted comprehensive plan or land
18 use regulations; and

19 “[*(b) To enforce orders of the board in appropriate proceedings brought by*
20 *the board or a party to the board proceeding resulting in the order.*]

21 “**(b) To enforce, in appropriate proceedings:**

22 “**(A) Orders of the board, brought by the board or a party to the**
23 **decision.**

24 “**(B) A land use decision, brought by a party to the proceeding re-**
25 **sulting in the decision.**

26 “**(C) Proceedings described in ORS 197.625 (5)(d).**

27 “**(4)(a) A person has standing under subsection (3)(b) of this section**
28 **if they participated in the proceeding that resulted in the board order**
29 **or land use decision, without regard to whether the person appealed,**
30 **sought a stay of or was injured by the violation of the order or deci-**

1 **sion.**

2 **“(b) An allegation that a respondent is violating a board order or**
3 **land use decision is sufficient to state a claim for which relief can be**
4 **granted under subsection (3)(b) of this section without regard to**
5 **whether the respondent is a property owner, applicant or a party to**
6 **the board order or land use decision.**

7 **“SECTION 3. (1) The amendments to ORS 197.625 by section 1 of this**
8 **2025 Act apply to decisions that determine that a provision fails to gain**
9 **acknowledgment and that become final on or after January 1, 2023.**

10 **“(2) The amendments to ORS 197.825 by section 2 of this 2025 Act**
11 **apply to:**

12 **“(a) Land use decisions and board orders made on or after January**
13 **1, 2023; and**

14 **“(b) Claims arising under ORS 197.625 (5)(d) on or after January 1,**
15 **2023.**

16 **“SECTION 4. ORS 197.013 is amended to read:**

17 **“197.013. Implementation and enforcement of acknowledged comprehensive**
18 **plans and land use regulations are matters of statewide concern **and public****
19 **interest.”.**

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