

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	1/31

WHAT THE MEASURE DOES: Establishes that for the purpose of an application for a permit, limited land use decision or zoning change, an incomplete application is deemed completed when the county receives: (1) All of the missing information the governing body requested; (2) Some of the missing information and written notice from the applicant that no other information will be provided; or (3) Written notice from the applicant that none of the missing information will be provided. Deems an application void 181 days after first being submitted if the applicant has not complied with one of the three provisions listed above. Allows the applicant no more than 215 days for extensions to complete the application.

ISSUES DISCUSSED:

- County application process will be similar to city application process
- One-hundred fifty days to take final action after receipt of application unless applicant requests extension

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: A person who wishes to develop property is required to submit a land use application to the appropriate city or county. The application is supposed to address all applicable approval criteria, but is often incomplete. Under ORS 215.427 (counties) and 227.178 (cities), the local government has 30 days to let the applicant know what additional information is necessary to complete the application. The applicant may submit the additional information or direct the local government to process the application without it. Cities then have 120 days and counties 150 days to make a final decision on the application.

The problem arises when the city or county sends a letter to the applicant listing the additional information necessary to complete the application, and the applicant simply doesn't respond. In 2003, cities were given authority to deem these applications "expired" after 180 days, but the same authority was not extended to counties.

SB 311 will extend to counties the same authority currently enjoyed by cities to determine a land use application "expired" after 180 days. Thereafter, a new application would be required if an applicant wishes to proceed with development. SB 311 also adds language clarifying when the application can be deemed "complete" and limits the total amount of time the deadline for issuing a decision can be extended. This language mirrors the current statutory provisions regulating land use applications submitted to a city (ORS 227.178).