

House Bill 3029

Sponsored by Representative HUFFMAN; Representatives BENTZ, MCLANE, SPRENGER, THOMPSON, WHISNANT

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**.

Prohibits Department of Land Conservation and Development from requiring area within urban growth boundary with population of 10,000 or less to have transportation financing program.

A BILL FOR AN ACT

1
2 Relating to transportation planning; creating new provisions; and amending ORS 197.230.

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

4 **SECTION 1.** ORS 197.230 is amended to read:

5 197.230. (1) In preparing, adopting and amending goals and guidelines, the Department of Land
6 Conservation and Development and the Land Conservation and Development Commission shall:

7 (a) Assess:

8 (A) What economic and property interests will be, or are likely to be, affected by the proposed
9 goal or guideline;

10 (B) The likely degree of economic impact on identified property and economic interests; and

11 (C) Whether alternative actions are available that would achieve the underlying lawful govern-
12 mental objective and would have a lesser economic impact.

13 (b) Consider the existing comprehensive plans of local governments and the plans and programs
14 affecting land use of state agencies and special districts in order to preserve functional and local
15 aspects of land conservation and development.

16 (c) Give consideration to the following areas and activities:

17 (A) Lands adjacent to freeway interchanges;

18 (B) Estuarine areas;

19 (C) Tide, marsh and wetland areas;

20 (D) Lakes and lakeshore areas;

21 (E) Wilderness, recreational and outstanding scenic areas;

22 (F) Beaches, dunes, coastal headlands and related areas;

23 (G) Wild and scenic rivers and related lands;

24 (H) Floodplains and areas of geologic hazard;

25 (I) Unique wildlife habitats; and

26 (J) Agricultural land.

27 (d) Make a finding of statewide need for the adoption of any new goal or the amendment of any
28 existing goal.

29 (e) Design goals to allow a reasonable degree of flexibility in the application of goals by state
30 agencies, cities, counties and special districts.

31 (2) Goals shall not be land management regulations for specified geographic areas established

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.

1 through designation of an area of critical state concern under ORS 197.405.

2 (3) The requirements of subsection (1)(a) of this section shall not be interpreted as requiring an
3 assessment for each lot or parcel that could be affected by the proposed rule.

4 (4) The commission may exempt cities with a population less than 10,000, or those areas of a
5 county inside an urban growth boundary that contain a population less than 10,000, from all or any
6 part of land use planning goals, guidelines and administrative rules that relate to transportation
7 planning.

8 **(5) Notwithstanding contrary provisions of ORS 197.040 or any other powers, duties or**
9 **functions of the department under ORS chapters 195, 196 and 197, the department may not**
10 **apply, to areas within an urban growth boundary containing a population of 10,000 or less,**
11 **an administrative rule that is adopted pursuant to a goal related to transportation planning**
12 **and that requires a transportation financing program.**

13 **SECTION 2. The amendments to ORS 197.230 by section 1 of this 2011 Act apply to ap-**
14 **plication of transportation planning rules on or after the effective date of this 2011 Act.**

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