

Senate Bill 1583

Sponsored by Senator FERRIOLI; Senators KRUSE, OLSEN, Representatives HICKS, KRIEGER (Pre-session filed.)

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**.

Requires appellate review of quasi-judicial land use decisions and limited land use decisions directly related to and made in response to land use application to be conducted in single proceeding in which Land Use Board of Appeals has joined all appeals.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to jurisdiction of Land Use Board of Appeals; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 197.830 to**
5 **197.845.**

6 **SECTION 2. (1) When a local government considers an application, the approval or denial**
7 **of which requires the local government to make multiple quasi-judicial land use decisions or**
8 **limited land use decisions in relation to real property that is the object of the application,**
9 **the local government shall make findings that identify each quasi-judicial land use decision**
10 **or limited land use decision that is related to and made in direct response to the application.**

11 **(2) A person seeking Land Use Board of Appeals review of a quasi-judicial land use deci-**
12 **sion or a limited land use decision described in subsection (1) of this section shall comply**
13 **with all provisions of ORS 197.830 to 197.855, including the requirement to timely file a notice**
14 **of intent to appeal pursuant to ORS 197.830.**

15 **(3) Upon receipt of a notice of intent to appeal a decision described in subsection (1) of**
16 **this section, the board shall:**

17 **(a) Toll the operation of timelines described in ORS 197.830, except the timeline for other**
18 **persons to file notices of intent to appeal, until the local government grants final approval**
19 **or denial to the application;**

20 **(b) Join in a single proceeding all separate appeals of the related decisions made in direct**
21 **response to the application;**

22 **(c) Notify parties of the tolling of timelines as the parties are joined in the proceeding;**
23 **and**

24 **(d) Review in a single proceeding all related quasi-judicial land use decisions and limited**
25 **land use decisions made in direct response to the application.**

26 **(4) When a local government has notice that a notice of intent to appeal has been filed**
27 **with respect to a quasi-judicial land use decision or limited land use decision described in**
28 **subsection (1) of this section:**

29 **(a) The local government shall notify the board and all parties joined in the single review**
30 **proceeding that the local government has taken final action on the application; and**

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 **(b) The board shall notify parties, as necessary, of adjustments to due dates under the**
2 **timelines based on the tolling of timelines pursuant to this section.**

3 **SECTION 3.** **This 2012 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
5 **on its passage.**

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