

House Bill 3384

Sponsored by Representative PARRISH

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**.

Authorizes Department of Land Conservation and Development to act in lieu of city or county with land use jurisdiction to issue permit for establishment of facilities to serve or support veterans on land to be donated to public body or nonprofit organization.

A BILL FOR AN ACT

1
2 Relating to donation of land for establishment of facility for veterans.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 215.402 to**
5 **215.438.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Nonprofit organization" means an organization described in section 501(c)(3) of the
8 Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal
9 Revenue Code.

10 (b) "Public body" has the meaning given that term in ORS 174.109, except that the term
11 does not include a city.

12 (c) "Statewide land use planning goals" has the meaning given the term "goals" in ORS
13 197.015.

14 (d) "Urban growth boundary" has the meaning given that term in ORS 195.060.

15 (e) "Urban reserve" has the meaning given that term in ORS 195.137.

16 (f) "Veteran" has the meaning given that term in ORS 408.225.

17 (2) The Legislative Assembly finds and declares that, when an owner of land proposes to
18 donate the land for the establishment of facilities to serve or support veterans as provided
19 in this section, the owner may ensure that the purpose of the donation will not be defeated
20 by a subsequent denial of a permit under land use laws by applying for a permit pursuant to
21 this section before donating the land.

22 (3) For land designated as urban reserve or land located within an urban growth bound-
23 ary, when the owner proposes to donate the land to a public body or a nonprofit organization
24 for the purpose of establishing facilities to serve or support veterans, in lieu of applying for
25 a permit to the county with land use jurisdiction, the owner may apply for a permit from the
26 Department of Land Conservation and Development in the manner provided by this section.

27 (4) If the proposed use of the land to be donated is generally consistent with the state-
28 wide land use planning goals, the department:

29 (a) May not prohibit the use when the facilities to be established will serve or support
30 veterans.

31 (b) May establish standards or conditions on the proposed use.

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 (5) The department may adopt rules to implement this section. In relation to the
2 timelines specified in ORS 215.402 to 215.438 for submission and review of an application, the
3 rules:

4 (a) May extend times within which an applicant must take action.

5 (b) May not extend times within which the department, acting in lieu of the county, may
6 take action.

7 (6) A final decision of the department on review of an application under this section is
8 reviewable in the manner of a land use decision under ORS 197.830 to 197.845.

9 (7) A permit issued by the department under this section is void two years after the date
10 of issuance of the permit if the owner has not made the proposed donation of land within two
11 years after the date of issuance of the permit.

12 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS 227.160 to
13 227.186.

14 **SECTION 4.** (1) As used in this section:

15 (a) “Nonprofit organization” means an organization described in section 501(c)(3) of the
16 Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal
17 Revenue Code.

18 (b) “Public body” has the meaning given that term in ORS 174.109, except that the term
19 does not include a county.

20 (c) “Statewide land use planning goals” has the meaning given the term “goals” in ORS
21 197.015.

22 (d) “Urban growth boundary” has the meaning given that term in ORS 195.060.

23 (e) “Urban reserve” has the meaning given that term in ORS 195.137.

24 (f) “Veteran” has the meaning given that term in ORS 408.225.

25 (2) The Legislative Assembly finds and declares that, when an owner of land proposes to
26 donate the land for the establishment of facilities to serve or support veterans as provided
27 in this section, the owner may ensure that the purpose of the donation will not be defeated
28 by a subsequent denial of a permit under land use laws by applying for a permit pursuant to
29 this section before donating the land.

30 (3) For land designated as urban reserve or land located within an urban growth bound-
31 ary, when the owner proposes to donate the land to a public body or a nonprofit organization
32 for the purpose of establishing facilities to serve or support veterans, in lieu of applying for
33 a permit to the city with land use jurisdiction, the owner may apply for a permit from the
34 Department of Land Conservation and Development in the manner provided by this section.

35 (4) If the proposed use of the land to be donated is generally consistent with the state-
36 wide land use planning goals, the department:

37 (a) May not prohibit the use when the facilities to be established will serve or support
38 veterans.

39 (b) May establish standards or conditions on the proposed use.

40 (5) The department may adopt rules to implement this section. In relation to the
41 timelines specified in ORS 227.160 to 227.186 for submission and review of an application, the
42 rules:

43 (a) May extend times within which an applicant must take action.

44 (b) May not extend times within which the department, acting in lieu of the city, may
45 take action.

1 **(6) A final decision of the department on review of an application under this section is**
2 **reviewable in the manner of a land use decision under ORS 197.830 to 197.845.**

3 **(7) A permit issued by the department under this section is void two years after the date**
4 **of issuance of the permit if the owner has not made the proposed donation of land within two**
5 **years after the date of issuance of the permit.**

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