

House Bill 3385

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 conditional use or exemption from land use regulation in specified circumstances. Allows issuance of permit for land use that is consistent with comprehensive plan designation for land but that cannot be approved under land use regulations when land use is approved by compact of owners and residents of nearby land.

A BILL FOR AN ACT

Relating to land use approved by compact of nearby owners and residents.

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

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

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

(a) "Nearby land" means land within 1,000 feet of a boundary of land that is the subject of a permit application.

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

(2) For land designated as urban reserve, a landowner may apply to the Department of Land Conservation and Development for a permit authorizing a conditional use or exemption from a land use regulation in the manner provided by this section for a use described in paragraph (c) of this subsection, in lieu of applying for a permit to the county with land use jurisdiction over the land, if:

(a) The landowner has proposed a use of the land that can be permitted under the comprehensive plan, and land use regulations implementing the plan;

(b) Owners or other residents of nearby land object to the proposed use; and

(c) The landowner and the owners and residents of nearby land have executed a compact approving another use that is consistent with the comprehensive plan designation for the land, but that cannot be zoned under existing land use regulations.

(3) If the proposed use of the land is generally consistent with the statewide land use planning goals, the department:

(a) May not prohibit a use that is the subject of a compact executed under subsection (2) of this section.

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

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

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

(b) May not extend times within which the department, acting in lieu of the county, may

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 take action.

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

4 (6) A permit issued by the department under this section is void two years after the date
5 of issuance of the permit if the owner has not established the use, or taken substantial steps
6 to establish the use, within two years after the date of issuance of the permit.

7 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS 227.160 to
8 227.186.

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

10 (a) "Nearby land" means land within 1,000 feet of a boundary of land that is the subject
11 of a permit application.

12 (b) "Urban reserve" has the meaning given that term in ORS 195.137.

13 (2) For land designated as urban reserve, a landowner may apply to the Department of
14 Land Conservation and Development for a permit authorizing a conditional use or exemption
15 from a land use regulation in the manner provided by this section for a use described in
16 paragraph (c) of this subsection, in lieu of applying for a permit to the city with land use
17 jurisdiction over the land, if:

18 (a) The landowner has proposed a use of the land that can be permitted under the com-
19 prehensive plan, and land use regulations implementing the plan;

20 (b) Owners or other residents of nearby land object to the proposed use; and

21 (c) The landowner and the owners and residents of nearby land have executed a compact
22 approving another use that is consistent with the comprehensive plan designation for the
23 land, but that cannot be zoned under existing land use regulations.

24 (3) If the proposed use of the land is generally consistent with the statewide land use
25 planning goals, the department:

26 (a) May not prohibit a use that is the subject of a compact executed under subsection (2)
27 of this section.

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

29 (4) The department may adopt rules to implement this section. In relation to the
30 timelines specified in ORS 227.160 to 227.186 for submission and review of an application, the
31 rules:

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

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

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

37 (6) A permit issued by the department under this section is void two years after the date
38 of issuance of the permit if the owner has not established the use, or taken substantial steps
39 to establish the use, within two years after the date of issuance of the permit.

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