

Senate Bill 708

Sponsored by Senator GEORGE (at the request of Oregonians in Action)

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 city incorporated after January 1, 1982, from processing land use applications and from making land use decisions and limited land use decisions when city has not caused comprehensive plan and land use regulations to be acknowledged within four years after date of incorporation.

Directs county with land use jurisdiction to process land use applications and to make land use decisions and limited land use decisions within corporate limits of city.

A BILL FOR AN ACT

1
2 Relating to land use planning within corporate limits of city incorporated after January 1, 1982;
3 amending ORS 197.175 and 197.757.

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

5 **SECTION 1.** ORS 197.175 is amended to read:

6 197.175. (1) Cities and counties shall exercise their planning and zoning responsibilities, includ-
7 ing, but not limited to, a city or special district boundary change which shall mean the annexation
8 of unincorporated territory by a city, the incorporation of a new city and the formation or change
9 of organization of or annexation to any special district authorized by ORS 198.705 to 198.955, 199.410
10 to 199.534 or 451.010 to 451.620, in accordance with ORS chapters 195, 196 and 197 and the goals
11 approved under ORS chapters 195, 196 and 197. The Land Conservation and Development Commis-
12 sion shall adopt rules clarifying how the goals apply to the incorporation of a new city.
13 Notwithstanding the provisions of section 15, chapter 827, Oregon Laws 1983, the rules shall take
14 effect upon adoption by the commission. The applicability of rules promulgated under this section
15 to the incorporation of cities prior to August 9, 1983, shall be determined under the laws of this
16 state.

17 (2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

18 (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved
19 by the commission;

20 (b) Enact land use regulations to implement their comprehensive plans;

21 (c) If its comprehensive plan and land use regulations have not been acknowledged by the
22 commission, make land use decisions and limited land use decisions in compliance with the goals;

23 (d) If its comprehensive plan and land use regulations have been acknowledged by the commis-
24 sion, make land use decisions and limited land use decisions in compliance with the acknowledged
25 plan and land use regulations; and

26 (e) Make land use decisions and limited land use decisions subject to an unacknowledged
27 amendment to a comprehensive plan or land use regulation in compliance with those land use goals
28 applicable to the amendment.

29 **(3) Notwithstanding subsection (2)(c) to (e) of this section, when a city incorporated after**
30 **January 1, 1982, has not caused the comprehensive plan and land use regulations of the city**

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 **to be acknowledged within four years after the date of incorporation, as required by ORS**
2 **197.757, within the corporate limits of the city, land use decisions, limited land use decisions**
3 **and land use applications are subject to the requirements of ORS 197.757.**

4 [(3)] (4) Notwithstanding subsection (1) of this section, the commission shall not initiate by its
5 own action any annexation of unincorporated territory pursuant to ORS 222.111 to 222.750 or for-
6 mation of and annexation of territory to any district authorized by ORS 198.510 to 198.915 or 451.010
7 to 451.620.

8 **SECTION 2.** ORS 197.757 is amended to read:

9 197.757. (1) Cities incorporated after January 1, 1982, shall have their comprehensive plans and
10 land use regulations acknowledged under ORS 197.251 no later than four years after the date of
11 incorporation.

12 (2) **When a city described in subsection (1) of this section has not caused the compre-**
13 **hensive plan and land use regulations of the city to be acknowledged within four years after**
14 **the date of incorporation:**

15 (a) **A county shall make land use decisions and limited land use decisions that apply to**
16 **subject property located within the corporate limits of the city that are based upon the**
17 **comprehensive plan and land use regulations of the county in which the subject property is**
18 **located.**

19 (b) **A person that submits a land use application that relates to subject property located**
20 **within the corporate limits of the city shall submit the application to the county in which**
21 **the subject property is located, and the county shall approve or deny the application.**

22