

# Senate Bill 775

Sponsored by Senator KNOPP

## 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**.

Directs Land Conservation and Development Commission to divide state into regions by rule and solicit, at least once each biennium, suggestions for changes to statewide land use planning goals from elected officials in each region.

Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to regional input for statewide land use planning goals; amending ORS 197.040; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 197.040 is amended to read:

6 197.040. (1) The Land Conservation and Development Commission shall:

7 (a) Direct the performance by the Director of the Department of Land Conservation and Devel-  
8 opment and the director's staff of their functions under ORS chapters 195, 196 and 197.

9 (b) In accordance with the provisions of ORS chapter 183, adopt rules that it considers neces-  
10 sary to carry out ORS chapters 195, 196 and 197. Except as provided in subsection (3) of this section,  
11 in designing its administrative requirements, the commission shall:

12 (A) Allow for the diverse administrative and planning capabilities of local governments;

13 (B) Consider the variation in conditions and needs in different regions of the state and encour-  
14 age regional approaches to resolving land use problems;

15 (C) Assess what economic and property interests will be, or are likely to be, affected by the  
16 proposed rule;

17 (D) Assess the likely degree of economic impact on identified property and economic interests;  
18 and

19 (E) Assess whether alternative actions are available that would achieve the underlying lawful  
20 governmental objective and would have a lesser economic impact.

21 (c)(A) Adopt by rule in accordance with ORS chapter 183 or by goal under ORS chapters 195,  
22 196 and 197 any statewide land use policies that it considers necessary to carry out ORS chapters  
23 195, 196 and 197.

24 (B) Adopt by rule in accordance with ORS chapter 183 any procedures necessary to carry out  
25 ORS 215.402 (4)(b) and 227.160 (2)(b).

26 (C) Review decisions of the Land Use Board of Appeals and land use decisions of the Court of  
27 Appeals and the Supreme Court within 120 days of the date the decisions are issued to determine  
28 if goal or rule amendments are necessary.

29 (d) Cooperate with the appropriate agencies of the United States, this state and its political  
30 subdivisions, any other state, any interstate agency, any person or groups of persons with respect

**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 land conservation and development.

2 (e) Appoint advisory committees to aid it in carrying out ORS chapters 195, 196 and 197 and  
3 provide technical and other assistance, as it considers necessary, to each such committee.

4 (2) Pursuant to ORS chapters 195, 196 and 197, the commission shall:

5 (a) Adopt, amend and revise goals consistent with regional, county and city concerns, **utilizing**  
6 **the procedure described in subsection (4) of this section to solicit suggested changes in policy**  
7 **from regional and local officials;**

8 (b) Prepare, collect, provide or cause to be prepared, collected or provided land use inventories;

9 (c) Prepare statewide planning guidelines;

10 (d) Review comprehensive plans for compliance with goals;

11 (e) Coordinate planning efforts of state agencies to assure compliance with goals and compat-  
12 ibility with city and county comprehensive plans;

13 (f) Insure widespread citizen involvement and input in all phases of the process;

14 (g) Review and recommend to the Legislative Assembly the designation of areas of critical state  
15 concern;

16 (h) Report periodically to the Legislative Assembly and to the committee;

17 (i) Review the land use planning responsibilities and authorities given to the state, regions,  
18 counties and cities, review the resources available to each level of government and make recom-  
19 mendations to the Legislative Assembly to improve the administration of the statewide land use  
20 program; and

21 (j) Perform other duties required by law.

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

24 **(4) The commission shall:**

25 **(a) Divide the State of Oregon into land use regions, by rule; and**

26 **(b) At least once in each biennium, solicit suggestions from elected officials, or their**  
27 **designees, in each land use region for changes to the statewide land use planning goals.**

28 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**  
29 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
30 **July 1, 2013.**

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