

Senate Bill 25

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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.

Allows rural county with no population growth, and other local governments in county, to adopt comprehensive land use plan without complying with statewide land use planning goals.

A BILL FOR AN ACT

1 Relating to land use planning that does not comply with goals in rural counties with no population
2 growth; creating new provisions; and amending ORS 197.250 and 197.320.

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

4 **SECTION 1.** ORS 197.250 is amended to read:

5 197.250. Except as otherwise provided in ORS 197.245 or **section 3 of this 2015 Act**, all com-
6 prehensive plans and land use regulations adopted by a local government to carry out those com-
7 prehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state
8 agency or special district shall be in compliance with the goals within one year after the date those
9 goals are approved by the Land Conservation and Development Commission.

10 **SECTION 2.** Section 3 of this 2015 Act is added to and made a part of ORS chapter 197.

11 **SECTION 3.** (1) The Legislative Assembly finds and declares:

12 (a) That Oregon's rural lands and rural communities are important to Oregon's economy,
13 its people and its environment.

14 (b) That while respecting regional differences, rural lands and rural communities enhance
15 the character and economic desirability of our state, help to preserve traditional economic
16 activities and contribute to the quality of life in Oregon.

17 (c) That to retain and enhance the job base in rural areas, rural counties must have the
18 ability to:

19 (A) Create opportunities for business development; and

20 (B) Retain, and facilitate expansion of, existing businesses.

21 (d) That business development in rural counties does not necessarily require an urban
22 level of services.

23 (e) That many business opportunities in rural areas fit within the desired rural character
24 of these lands and communities.

25 (2) When the population of a county is less than 50,000, based on the most recent federal
26 decennial census, and the population has not grown since the previous federal decennial
27 census, the county, or a local government with 51 percent of its population within the
28 county, may:

29 (a) Adopt a resolution under this section declaring its intention to adopt a comprehensive
30

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 plan, and land use regulations implementing the plan, for which acknowledgment under ORS
2 197.251 is not required; and

3 (b) Adopt a comprehensive plan and land use regulations that do not comply with the
4 statewide land use planning goals.

5 (3) After adopting a comprehensive plan and land use regulations as described in sub-
6 section (2) of this section, if a local government ceases to meet the criteria described in
7 subsection (2) of this section, the local government must amend the plan and regulations,
8 to comply with the statewide land use planning goals within one year after the local gov-
9 ernment ceases to meet the criteria.

10 (4) A local government that adopts a comprehensive plan and land use regulations under
11 this section must make land use decisions in compliance with the plan and regulations.

12 (5) A comprehensive plan and land use regulations adopted under this section, and sub-
13 sequent amendments to the plan and regulations, must be submitted to the Land Conserva-
14 tion and Development Commission within 30 days after the local government makes the plan
15 and regulations, or amendments, effective.

16 (6) Notwithstanding the exception in subsection (2) of this section to the requirement for
17 acknowledgment under ORS 197.251, references in the Oregon Revised Statutes to an ac-
18 knowledged comprehensive plan, or acknowledged land use regulations, includes a compre-
19 hensive plan, or land use regulations, adopted in compliance with this section.

20 **SECTION 4.** ORS 197.320 is amended to read:

21 197.320. The Land Conservation and Development Commission shall issue an order requiring a
22 local government, state agency or special district to take action necessary to bring its compre-
23 hensive plan, land use regulation, limited land use decisions or other land use decisions into compliance
24 with the goals, acknowledged comprehensive plan provisions or land use regulations if the commis-
25 sion has good cause to believe:

26 (1) A comprehensive plan or land use regulation adopted by a local government not on a com-
27 pliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 **or**
28 **section 3 of this 2015 Act** for *[such]* compliance;

29 (2) A plan, program, rule or regulation affecting land use adopted by a state agency or special
30 district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for *[such]*
31 compliance;

32 (3) A local government is not making satisfactory progress toward performance of its compliance
33 schedule;

34 (4) A state agency is not making satisfactory progress in carrying out its coordination agree-
35 ment or the requirements of ORS 197.180;

36 (5) A local government *[has no]* **does not have** a comprehensive plan or land use regulation and
37 is not on a compliance schedule directed to developing the plan or regulation;

38 (6) A local government has engaged in a pattern or practice of decision making that violates
39 an acknowledged comprehensive plan or land use regulation. In making its determination under this
40 subsection, the commission shall determine whether there is evidence in the record to support the
41 decisions made. The commission shall not judge the issue solely upon adequacy of the findings in
42 support of the decisions;

43 (7) A local government has failed to comply with a commission order entered under ORS 197.644;

44 (8) A special district has engaged in a pattern or practice of decision-making that violates an
45 acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020;

1 (9) A special district is not making satisfactory progress toward performance of its obligations
2 under ORS chapters 195 and 197;

3 (10) A local government is applying approval standards, special conditions on approval of spe-
4 cific development proposals or procedures for approval that do not comply with ORS 197.307 (6);

5 (11) A local government is not making satisfactory progress toward meeting its obligations un-
6 der ORS 195.065; or

7 (12) A local government within the jurisdiction of a metropolitan service district has failed to
8 make changes to the comprehensive plan or land use regulations to comply with the regional
9 framework plan of the district or has engaged in a pattern or practice of decision-making that vio-
10 lates a requirement of the regional framework plan.

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