

House Bill 3214

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

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**.

Modifies exception process. Eliminates requirement to take exception to goal protecting agricultural use or forest use for zone change to land that has been physically developed or irrevocably committed to nonresource use for so long that land has never been zoned for agricultural use or forest under goals.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to goal exceptions; creating new provisions; amending ORS 197.732; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 197.732 is amended to read:

6 197.732. (1) As used in this section:

7 (a) "Compatible" is not intended as an absolute term meaning no interference or adverse impacts
8 of any type with adjacent uses.

9 (b) "Exception" means a comprehensive plan provision, including an amendment to an acknowl-
10 edged comprehensive plan, that:

11 (A) Is applicable to specific properties or situations and does not establish a planning or zoning
12 policy of general applicability;

13 (B) Does not comply with some or all goal requirements applicable to the subject properties or
14 situations; and

15 (C) Complies with standards under subsection (2) of this section.

16 (c) **"Lot" has the meaning given that term in ORS 92.010.**

17 (d) **"Parcel" has the meaning given that term in ORS 215.010.**

18 (2) A local government may adopt an exception to a goal if:

19 (a) The land subject to the exception is physically developed to the extent that it is no longer
20 available for uses allowed by the applicable goal;

21 (b) The land subject to the exception is irrevocably committed as described by Land Conserva-
22 tion and Development Commission rule to uses not allowed by the applicable goal because existing
23 adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;
24 or

25 (c) The following standards are met:

26 (A) Reasons justify why the state policy embodied in the applicable goals should not apply;

27 (B) Areas that do not require a new exception cannot reasonably accommodate the use;

28 (C) The long term environmental, economic, social and energy consequences resulting from the
29 use at the proposed site with measures designed to reduce adverse impacts are not significantly
30 more adverse than would typically result from the same proposal being located in areas requiring

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 a goal exception other than the proposed site; and

2 (D) The proposed uses are compatible with other adjacent uses or will be so rendered through
3 measures designed to reduce adverse impacts.

4 (3) The commission shall adopt rules establishing:

5 (a) That an exception may be adopted to allow a use authorized by a statewide planning goal
6 that cannot comply with the approval standards for that type of use;

7 (b) Under what circumstances particular reasons may or may not be used to justify an exception
8 under subsection (2)(c)(A) of this section; and

9 (c) Which uses allowed by the applicable goal must be found impracticable under subsection (2)
10 of this section.

11 (4) A local government approving or denying a proposed exception shall set forth findings of fact
12 and a statement of reasons that demonstrate that the standards of subsection (2) of this section have
13 or have not been met.

14 (5) Each notice of a public hearing on a proposed exception shall specifically note that a goal
15 exception is proposed and shall summarize the issues in an understandable manner.

16 (6) Upon review of a decision approving or denying an exception:

17 (a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for
18 which there is substantial evidence in the record of the local government proceedings resulting in
19 approval or denial of the exception;

20 (b) The board upon petition, or the commission, shall determine whether the local government's
21 findings and reasons demonstrate that the standards of subsection (2) of this section have or have
22 not been met; and

23 (c) The board or commission shall adopt a clear statement of reasons that sets forth the basis
24 for the determination that the standards of subsection (2) of this section have or have not been met.

25 (7) The commission shall by rule establish the standards required to justify an exception to the
26 definition of "needed housing" authorized by ORS 197.303.

27 **(8) A local government is not required to take an exception to a goal related to agricul-**
28 **tural use or forest use to change the zoning of a lot or parcel that has never been zoned,**
29 **pursuant to the goal and a comprehensive plan designation, for the protection of agricultural**
30 **use or forest use.**

31 [(8)] (9) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement
32 Part) on or before August 9, 1983, continues to be valid and is not subject to this section.

33 **SECTION 2. The amendments to ORS 197.732 by section 1 of this 2015 Act apply to an**
34 **application for a zone change that is approved or rejected on or after the effective date of**
35 **this 2015 Act.**

36 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
38 **on its passage.**