

B-Engrossed
House Bill 3222

Ordered by the Senate May 26
Including House Amendments dated April 23 and Senate Amendments
dated May 26

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.

Modifies provisions related to Land Conservation and Development Commission requirement that local government, state agency or special district bring comprehensive plan, land use regulations and limited land use decisions or other land use decisions into compliance with acknowledged plan or regulations upon good cause belief by commission of existence of particular circumstances.

Requires local government to allow amendments of applications inconsistent with comprehensive plan and applicable regulations.

Allows cities and counties to extend time limitation for final action by governing body.

Requires that local government deny applications that are inconsistent with comprehensive plan and applicable regulations and that cannot be made consistent through amendments or reasonable conditions.

A BILL FOR AN ACT

1
2 Relating to needed housing in urbanizable areas; creating new provisions; and amending ORS 197.320
3 and 197.522.

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

5 **SECTION 1.** ORS 197.320 is amended to read:

6 197.320. The Land Conservation and Development Commission shall issue an order requiring a
7 local government, state agency or special district to take action necessary to bring its comprehen-
8 sive plan, land use regulation, limited land use decisions or other land use decisions into compliance
9 with the goals, acknowledged comprehensive plan provisions or land use regulations if the commis-
10 sion has good cause to believe:

11 (1) A comprehensive plan or land use regulation adopted by a local government not on a com-
12 pliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for
13 such compliance;

14 (2) A plan, program, rule or regulation affecting land use adopted by a state agency or special
15 district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such
16 compliance;

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

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

21 (5) A local government has no comprehensive plan or land use regulation and is not on a com-
22 pliance schedule directed to developing the plan or regulation;

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

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

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

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

11 (10) A local *[government]* **government's** *[is applying]* approval standards, special conditions on
12 approval of specific development proposals or procedures for approval *[that]* do not comply with ORS
13 197.307 (4) or (6);

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

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

20 **SECTION 2. ORS 197.522 is added to and made a part of ORS chapter 197.**

21 **SECTION 3.** ORS 197.522 is amended to read:

22 197.522. (1) **As used in this section:**

23 (a) **“Needed housing” has the meaning given that term in ORS 197.303.**

24 (b) **“Partition” has the meaning given that term in ORS 92.010.**

25 (c) **“Permit” means a permit as defined in ORS 215.402 and a permit as defined in ORS**
26 **227.160.**

27 (d) **“Subdivision” has the meaning given that term in ORS 92.010.**

28 (2) A local government shall approve an application for a permit, authorization or other ap-
29 proval necessary for the subdivision or partitioning of, or construction on, any land **for needed**
30 **housing** that is consistent with the comprehensive plan and applicable land use regulations *[or shall*
31 *impose reasonable conditions on the application to make the proposed activity consistent with the plan*
32 *and applicable regulations]*.

33 (3) **If an application is inconsistent with the comprehensive plan and applicable land use**
34 **regulations, the local government, prior to making a final decision on the application, shall**
35 **allow the applicant to offer an amendment or to propose conditions of approval that would**
36 **make the application consistent with the plan and applicable regulations. If an applicant**
37 **seeks to amend the application or propose conditions of approval:**

38 (a) **A county may extend the time limitation under ORS 215.427 for final action by the**
39 **governing body of a county on an application for needed housing and may set forth a new**
40 **time limitation for final action on the consideration of future amendments or proposals.**

41 (b) **A city may extend the time limitation under ORS 227.178 for final action by the gov-**
42 **erning body of a city on an application for needed housing and may set forth a new time**
43 **limitation for final action on the consideration of future amendments or proposals.**

44 (4) A local government *[may]* **shall** deny an application that is inconsistent with the compre-
45 hensive plan and applicable land use regulations and that cannot be made consistent through

1 **amendments to the application or** the imposition of reasonable conditions of approval.

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