

**PROPOSED AMENDMENTS TO
HOUSE BILL 3223**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 197.360,
3 197.365, 215.402 and 227.160.”.

4 In line 5, after the period delete the rest of the line and delete lines 6 and
5 7 and insert:

6 “(1) As used in this section:

7 “(a) ‘Expedited land division’ means a division of land under ORS 92.010
8 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:”.

9 Delete lines 23 through 27 and insert:

10 “(E) Will result in development that either:

11 “(i) Creates enough lots or parcels to allow building residential units at
12 80 percent or more of the maximum net density permitted by the zoning
13 designation of the site; or

14 “(ii) Will be sold or rented to households with incomes below 120 percent
15 of the median family income for the county in which the project is built.

16 “(b) ‘Expedited land division’ includes land divisions that create three or
17 fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in
18 paragraph (a) of this subsection.”.

19 On page 2, after line 8, insert:

20 **“SECTION 2. (1) Within two weeks of receipt of any application for**
21 **a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830**
22 **to 92.845, a local government shall send written notice to the applicant**

1 **if:**

2 **“(a) The application meets the requirements for an expedited land**
3 **division under ORS 197.360; or**

4 **“(b) The local government has insufficient information to deter-**
5 **mine whether the application meets the requirements for an expedited**
6 **land division under ORS 197.360.**

7 **“(2) The written notice required under subsection (1) of this section**
8 **must include a description of the requirements for an expedited land**
9 **division and the procedure for applying for an expedited land**
10 **division.”.**

11 In line 9, delete “2” and insert “3”.

12 On page 3, after line 18, insert:

13 **“SECTION 4.** ORS 215.402 is amended to read:

14 **“215.402.** As used in ORS 215.402 to 215.438 and 215.700 to 215.780 unless
15 the context requires otherwise:

16 **“(1) ‘Contested case’** means a proceeding in which the legal rights, duties
17 or privileges of specific parties under general rules or policies provided un-
18 der ORS 215.010 to 215.311, 215.317, 215.327, 215.402 to 215.438 and 215.700 to
19 215.780, or any ordinance, rule or regulation adopted pursuant thereto, are
20 required to be determined only after a hearing at which specific parties are
21 entitled to appear and be heard.

22 **“(2) ‘Hearing’** means a quasi-judicial hearing, authorized or required by
23 the ordinances and regulations of a county adopted pursuant to ORS 215.010
24 to 215.311, 215.317, 215.327, 215.402 to 215.438 and 215.700 to 215.780:

25 **“(a) To determine in accordance with such ordinances and regulations if**
26 **a permit shall be granted or denied; or**

27 **“(b) To determine a contested case.**

28 **“(3) ‘Hearings officer’** means a planning and zoning hearings officer ap-
29 pointed or designated by the governing body of a county under ORS 215.406.

30 **“(4) ‘Permit’** means discretionary approval of a proposed development of

1 land under ORS 215.010 to 215.311, 215.317, 215.327 and 215.402 to 215.438 and
2 215.700 to 215.780 or county legislation or regulation adopted pursuant
3 thereto. ‘Permit’ does not include:

4 “(a) A limited land use decision as defined in ORS 197.015;

5 “(b) A decision which determines the appropriate zoning classification for
6 a particular use by applying criteria or performance standards defining the
7 uses permitted within the zone, and the determination applies only to land
8 within an urban growth boundary;

9 “(c) A decision which determines final engineering design, construction,
10 operation, maintenance, repair or preservation of a transportation facility
11 which is otherwise authorized by and consistent with the comprehensive plan
12 and land use regulations; or

13 “(d) [*An action under*] **An expedited land division, as described in ORS**
14 **197.360 [(1)].**

15 **“SECTION 5.** ORS 227.160 is amended to read:

16 “227.160. As used in ORS 227.160 to 227.186:

17 “(1) ‘Hearings officer’ means a planning and zoning hearings officer ap-
18 pointed or designated by a city council under ORS 227.165.

19 “(2) ‘Permit’ means discretionary approval of a proposed development of
20 land, under ORS 227.215 or city legislation or regulation. ‘Permit’ does not
21 include:

22 “(a) A limited land use decision as defined in ORS 197.015;

23 “(b) A decision which determines the appropriate zoning classification for
24 a particular use by applying criteria or performance standards defining the
25 uses permitted within the zone, and the determination applies only to land
26 within an urban growth boundary;

27 “(c) A decision which determines final engineering design, construction,
28 operation, maintenance, repair or preservation of a transportation facility
29 which is otherwise authorized by and consistent with the comprehensive plan
30 and land use regulations; or

1 “(d) [*An action under*] **An expedited land division, as described in ORS**
2 197.360 [(1)].”.

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