

# Senate Bill 1588

Sponsored by Senator FERRIOLI (Pre-session filed.)

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

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

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

6 197.250. Except as otherwise provided in ORS 197.245 **or section 3 of this 2016 Act**, all com-  
7 prehensive plans and land use regulations adopted by a local government to carry out those com-  
8 prehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state  
9 agency or special district shall be in compliance with the goals within one year after the date those  
10 goals are approved by the Land Conservation and Development Commission.

11 **SECTION 2.** **Section 3 of this 2016 Act is added to and made a part of ORS chapter 197.**

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

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

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

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

20 **(A) Create opportunities for business development; and**

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

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

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

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

30 **(a) Adopt a resolution under this section declaring its intention to adopt a comprehensive**  
31 **plan, and land use regulations implementing the plan, for which acknowledgment under ORS**

**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 **197.251 is not required; and**

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

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

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

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

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

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

20 197.320. The Land Conservation and Development Commission shall issue an order requiring a  
21 local government, state agency or special district to take action necessary to bring its comprehe-  
22 nsive plan, land use regulation, limited land use decisions or other land use decisions into compliance  
23 with the goals, acknowledged comprehensive plan provisions or land use regulations if the commis-  
24 sion has good cause to believe:

25 (1) A comprehensive plan or land use regulation adopted by a local government not on a com-  
26 pliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 **or**  
27 **section 3 of this 2016 Act** for [*such*] compliance;

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

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

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

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

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

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

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

45 (9) A special district is not making satisfactory progress toward performance of its obligations

1 under ORS chapters 195 and 197;

2 (10) A local government's approval standards, special conditions on approval of specific devel-  
3 opment proposals or procedures for approval do not comply with ORS 197.307 (4) or (6);

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

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

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