

SB 432 A STAFF MEASURE SUMMARY

Senate Committee On Rules

Action Date: 06/26/17

Action: Without recommendation as to passage, but with amendments and requesting referral to Ways and Means. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Beyer, Boquist, Burdick, Ferrioli, Roblan

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

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WHAT THE MEASURE DOES:

Authorizes "county with no population growth" or city within such county, to adopt exception to any statewide land use planning goal for specified business and housing development purposes, not including exceptions affecting high-value farmland, as defined, or exceptions from goals that implement sage-grouse protections. Requires written notice to Land Conservation and Development Commission (LCDC) within 30 days of adoption and specifies content. Directs LCDC to review and approve exception within 60 days of receipt. Prohibits LCDC rulemaking that limits what goals counties may seek exception from, or the specified purposes for exceptions, or that impose additional requirements for approval. Provides for judicial review without further appeal if landowners use and enjoyment is impinged by an exception. Directs Oregon Business Development Department (OBDD) to monitor adoption of exceptions and report to legislature by October 1, 2020. Creates Business and Housing Opportunities Fund in State Treasury, apart from General Fund, for continuous appropriations to OBDD. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Current population size of various counties
- Criteria for designation as high-value farmland
- Sage-Grouse exemption
- Calico mine site

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon's statewide land use planning program was created in 1973 when the Legislative Assembly passed the Oregon Land Use Act (Senate Bill 100). The program is overseen by the seven-member Land Conservation and Development Commission (LCDC), which receives administrative support from the Department of Land Conservation and Development (DLCD). Following the passage of Senate Bill 100, LCDC developed 19 statewide land use planning goals, including but not limited to economic development, energy, transportation, and housing. All cities and counties are required to adopt comprehensive plans consistent with these goals. Under certain circumstances, jurisdictions may claim an exception to a goal. Currently, LCDC must acknowledge a jurisdiction's comprehensive plan within 90 days. DLCD reports to LCDC whether comprehensive plans and corresponding land use regulations are in compliance with statewide goals.

Senate Bill 432-A authorizes "counties with no population growth" and cities within such counties, to adopt an exception to any statewide land use planning goal for the purpose of creating business development in urban or rural areas, expanding existing rural or urban businesses or increasing urban or rural housing opportunities, unless the subject land is high-value farmland or the goal implements sage-grouse protections. Counties with no population

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growth are defined as those with populations less than 50,000 that did not experience growth between 2000 and 2010. The Oregon Business Development Department (OBDD) is responsible for monitoring exceptions and reporting back to the legislature by October 1, 2020. Continuous appropriations for implementation are made to OBDD from a fund established for that purpose, the Business and Housing Opportunities Fund, separate from the General Fund.