

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3245**

1 In line 2 of the printed A-engrossed bill, after “plan” insert “; amending
2 ORS 227.186”.

3 Delete lines 4 through 18 and insert:

4 **“SECTION 1.** ORS 227.186 is amended to read:

5 “227.186. (1) As used in this section, ‘owner’ means the owner of the title
6 to real property or the contract purchaser of real property, of record as
7 shown on the last available complete tax assessment roll.

8 **“(2)(a) Except as provided in paragraph (b) of this subsection,** all
9 legislative acts relating to comprehensive plans, land use planning or zoning
10 adopted by a city shall be by ordinance.

11 **“(b) A city may make a final decision on an application to amend**
12 **a comprehensive plan map by order of the city governing body. A final**
13 **decision described in this paragraph is subject to review in the manner**
14 **provided in ORS 197.830 to 197.845.**

15 **“(3) Except as provided in subsection (6) of this section,** at least 20 days
16 but not more than 40 days before the date of the first hearing on an ordi-
17 nance that proposes to amend an existing comprehensive plan or any element
18 thereof, or to adopt a new comprehensive plan, a city shall cause a written
19 individual notice of a land use change to be mailed to each owner whose
20 property would have to be rezoned in order to comply with the amended or
21 new comprehensive plan if the ordinance becomes effective.

1 “(4) At least 20 days but not more than 40 days before the date of the first
2 hearing on an ordinance that proposes to rezone property, a city shall cause
3 a written individual notice of a land use change to be mailed to the owner
4 of each lot or parcel of property that the ordinance proposes to rezone.

5 “(5) An additional individual notice of land use change required by sub-
6 section (3) or (4) of this section shall be approved by the city and shall de-
7 scribe in detail how the proposed ordinance would affect the use of the
8 property. The notice shall:

9 “(a) Contain substantially the following language in boldfaced type across
10 the top of the face page extending from the left margin to the right margin:

11 “ _____
12 “This is to notify you that (city) has proposed a land use regulation that
13 may affect the permissible uses of your property and other properties.

14 “ _____
15 “(b) Contain substantially the following language in the body of the no-
16 tice:

17 “ _____
18 “On (date of public hearing), (city) will hold a public hearing regarding
19 the adoption of Ordinance Number _____. The (city) has determined that
20 adoption of this ordinance may affect the permissible uses of your property,
21 and other properties in the affected zone, and may change the value of your
22 property.

23 “Ordinance Number _____ is available for inspection at the _____
24 City Hall located at _____. A copy of Ordinance Number _____ also is
25 available for purchase at a cost of _____.

26 “For additional information concerning Ordinance Number_____, you
27 may call the (city) Planning Department at _____.

28 “ _____
29 “(6) At least 30 days prior to the adoption or amendment of a compre-
30 hensive plan or land use regulation by a city pursuant to a requirement of

1 periodic review of the comprehensive plan under ORS 197.628, 197.633 and
2 197.636, the city shall cause a written individual notice of the land use
3 change to be mailed to the owner of each lot or parcel that will be rezoned
4 as a result of the adoption or enactment. The notice shall describe in detail
5 how the ordinance or plan amendment may affect the use of the property.
6 The notice also shall:

7 “(a) Contain substantially the following language in boldfaced type across
8 the top of the face page extending from the left margin to the right margin:

9 “ _____

10 “This is to notify you that (city) has proposed a land use regulation that
11 may affect the permissible uses of your property and other properties.

12 “ _____

13 “(b) Contain substantially the following language in the body of the no-
14 tice:

15 “ _____

16 “As a result of an order of the Land Conservation and Development
17 Commission, (city) has proposed Ordinance Number _____. (City) has deter-
18 mined that the adoption of this ordinance may affect the permissible uses
19 of your property, and other properties in the affected zone, and may change
20 the value of your property.

21 “Ordinance Number _____ will become effective on (date).

22 “Ordinance Number _____ is available for inspection at the _____ City
23 Hall located at _____. A copy of Ordinance Number _____ also is available
24 for purchase at a cost of _____.

25 “For additional information concerning Ordinance Number_____, you
26 may call the (city) Planning Department at _____.

27 “ _____

28 “(7) Notice provided under this section may be included with the tax
29 statement required under ORS 311.250.

30 “(8) Notwithstanding subsection (7) of this section, a city may provide

1 notice of a hearing at any time provided notice is mailed by first class mail
2 or bulk mail to all persons for whom notice is required under subsections (3)
3 and (4) of this section.

4 “(9) For purposes of this section, property is rezoned when the city:

5 “(a) Changes the base zoning classification of the property; or

6 “(b) Adopts or amends an ordinance in a manner that limits or prohibits
7 land uses previously allowed in the affected zone.

8 “(10) The provisions of this section do not apply to legislative acts of the
9 governing body of the city resulting from action of the Legislative Assembly
10 or the Land Conservation and Development Commission for which notice is
11 provided under ORS 197.047 or resulting from an order of a court of compe-
12 tent jurisdiction.

13 “(11) The governing body of the city is not required to provide more than
14 one notice under this section to a person who owns more than one lot or
15 parcel affected by a change to the local comprehensive plan or land use
16 regulation.

17 “(12) The Department of Land Conservation and Development shall reim-
18 burse a city for all usual and reasonable costs incurred to provide notice
19 required under subsection (6) of this section.”.

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