

# Enrolled House Bill 4124

Sponsored by Representatives WITT, SMITH DB, Senator JOHNSON, Representative HEARD, Senator ROBLAN; Representatives BARRETO, BOLES, ESQUIVEL, HAYDEN, MCKEOWN, NEARMAN, REARDON, RESCHKE, SANCHEZ, SOLLMAN, STARK, VIAL, WILSON, Senators BAERTSCHIGER JR, BOQUIST, OLSEN, THOMSEN (Presession filed.)

CHAPTER .....

AN ACT

Relating to remanded land use decisions; creating new provisions; amending ORS 215.431; and declaring an emergency.

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

**SECTION 1.** ORS 215.431 is amended to read:

215.431. (1) A county governing body may authorize, by ordinance or order, the planning commission or hearings officer to conduct hearings on applications for plan amendments and to make decisions on such applications.

(2) A decision of the planning commission or hearings officer on a plan amendment may be appealed to the county governing body.

(3) This section shall apply notwithstanding the provisions of ORS 215.050, 215.060 and 215.110.

(4) A decision of a planning commission, hearings officer or county governing body under this section shall comply with the post-acknowledgment procedures set forth in ORS 197.610 to 197.625.

(5) *[The provisions of this section shall]* **This section does not apply to:**

(a) Any plan amendment for which an exception is required under ORS 197.732; or

(b) **Except as provided under subsection (6) of this section,** any lands designated under a statewide planning goal addressing agricultural lands or forestlands.

**(6)(a) If a county is acting on the remand of a decision from the Land Use Board of Appeals, the county governing body may authorize the planning commission or hearings officer to conduct hearings and make a decision under subsection (1) of this section for lands designated under a statewide planning goal addressing agricultural lands or forestlands.**

**(b) The county governing body shall review a planning commission or hearings officer decision made under this subsection and shall:**

**(A) Schedule a public hearing and issue a final decision on the application;**

**(B) Leave the planning commission or hearings officer decision as the final county decision; or**

**(C) Adopt the planning commission or hearings officer decision by consent order as the decision of the governing body.**

**SECTION 2.** The amendments to ORS 215.431 by section 1 of this 2018 Act apply to decisions remanded to a county by the Land Use Board of Appeals before, on or after the effective date of this 2018 Act.

**SECTION 3.** This 2018 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.

**Passed by House February 20, 2018**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate February 28, 2018**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2018

**Approved:**

.....M,....., 2018

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2018

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Dennis Richardson, Secretary of State