

HB 3013 -1 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 2/3

WHAT THE MEASURE DOES:

The measure establishes that if a permit or zone change is based on a comprehensive plan or land use regulation that fails to gain acknowledgement, the change is void and without further effect and any improvements or use based on the change must be halted and removed. A person who participated in an appeal of, or submitted testimony in opposition to, the unacknowledged change may bring a claim in circuit court seeking specified actions whether they appealed or sought a stay of the change or if the approval of the change was a land use decision.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment extends the applicability of the measure, specifies certain notification and removal timelines, and extends the conditions under which a person may bring a claim under this provision and clarifies the specified actions an eligible person may seek in circuit court.

Detailed Analysis

- Extends the applicability of the measure to permits, license, agreements, zone changes, or other authorizations made by a local government or state agency and specifies that the failure to gain acknowledgement of the comprehensive plan or land use regulation must be based on the final decision of the Land Conservation and Development Commission or appellate court.
- Specifies that the local government or state agency that issued the authorization must terminate or revoke every issued authorization and notify the applicant for, or holder of, the authorization and any person who participated in the provision proceedings within 30 days of the decision becoming final.
- Specifies that upon notice receipt any use based on the authorization must be terminated and any improvements based on the authorization must be removed within 180 days after the date of the delivery notice.
- Clarifies the specified actions an eligible person may seek in circuit court.
- Extends the conditions under which a person may bring a claim under this provision.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

BACKGROUND:

Under Oregon law, cities and counties are required to prepare comprehensive land use plans that include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing issues and problems, and implementation measures. Plans must be done in accordance with standards outlined in state law, statewide planning goals, and administrative rules. The

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Department of Land Conservation and Development review the plans, and any revisions or updates for compliance with the statewide goals. A plan is “acknowledged” when approved by the Land Conservation and Development Commission. The Land Use Board of Appeals (LUBA) hears and rules on appeals and land use decisions made by local governments and special districts.

PRELIMINARY