

D R A F T

SUMMARY

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

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

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

SECTION 1. ORS 197.250 is amended to read:

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

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

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

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

(b) That while respecting regional differences, rural lands and rural communities enhance the character and economic desirability of our

1 state, help to preserve traditional economic activities and contribute
2 to the quality of life in Oregon.

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

5 (A) Create opportunities for business development; and

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

7 (d) That business development in rural counties does not necessar-
8 ily require an urban level of services.

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

11 (2) When the population of a county is less than 50,000, based on the
12 most recent federal decennial census, and the population has not
13 grown since the previous federal decennial census, the county, or a
14 local government with 51 percent of its population within the county,
15 may:

16 (a) Adopt a resolution under this section declaring its intention to
17 adopt a comprehensive plan, and land use regulations implementing
18 the plan, for which acknowledgment under ORS 197.251 is not required;
19 and

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

22 (3) After adopting a comprehensive plan and land use regulations
23 as described in subsection (2) of this section, if a local government
24 ceases to meet the criteria described in subsection (2) of this section,
25 the local government must amend the plan and regulations, to comply
26 with the statewide land use planning goals within one year after the
27 local government ceases to meet the criteria.

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

31 (5) A comprehensive plan and land use regulations adopted under

this section, and subsequent amendments to the plan and regulations, must be submitted to the Land Conservation and Development Commission within 30 days after the local government makes the plan and regulations, or amendments, effective.

(6) Notwithstanding the exception in subsection (2) of this section to the requirement for acknowledgment under ORS 197.251, references in the Oregon Revised Statutes to an acknowledged comprehensive plan, or acknowledged land use regulations, includes a comprehensive plan, or land use regulations, adopted in compliance with this section.

SECTION 4. ORS 197.320 is amended to read:

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

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

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

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

(4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the requirements of ORS 197.180;

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

(6) A local government has engaged in a pattern or practice of decision

1 making that violates an acknowledged comprehensive plan or land use reg-
2 ulation. In making its determination under this subsection, the commission
3 shall determine whether there is evidence in the record to support the deci-
4 sions made. The commission shall not judge the issue solely upon adequacy
5 of the findings in support of the decisions;

6 (7) A local government has failed to comply with a commission order en-
7 tered under ORS 197.644;

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

11 (9) A special district is not making satisfactory progress toward perform-
12 ance of its obligations under ORS chapters 195 and 197;

13 (10) A local government's approval standards, special conditions on ap-
14 proval of specific development proposals or procedures for approval do not
15 comply with ORS 197.307 (4) or (6);

16 (11) A local government is not making satisfactory progress toward
17 meeting its obligations under ORS 195.065; or

18 (12) A local government within the jurisdiction of a metropolitan service
19 district has failed to make changes to the comprehensive plan or land use
20 regulations to comply with the regional framework plan of the district or
21 has engaged in a pattern or practice of decision-making that violates a re-
22 quirement of the regional framework plan.

23
