

# House Bill 4124

Sponsored by Representatives WITT, SMITH DB, Senator JOHNSON, Representative HEARD, Senator ROBLAN; Representatives ESQUIVEL, REARDON, SANCHEZ, SOLLMAN, STARK, WILSON, Senators BAERTSCHIGER JR, BOQUIST, OLSEN, THOMSEN (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows county governing body, upon remand of matter from Land Use Board of Appeals to county, to have planning commission or hearings officer conduct hearing and make decision regarding lands designated under statewide planning goal addressing agricultural lands or forestlands. Requires county governing body to review planning commission or hearings officer decision and take one of three specified actions on decision.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to remanded land use decisions; creating new provisions; amending ORS 215.431; and de-  
3 claring an emergency.

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

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

6 215.431. (1) A county governing body may authorize, by ordinance or order, the planning com-  
7 mission or hearings officer to conduct hearings on applications for plan amendments and to make  
8 decisions on such applications.

9 (2) A decision of the planning commission or hearings officer on a plan amendment may be ap-  
10 pealed to the county governing body.

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

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

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

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

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

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

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

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

25 **(B) Leave the planning commission or hearings officer decision as the final county deci-**  
26 **sion; or**

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1        **SECTION 2.** The amendments to ORS 215.431 by section 1 of this 2018 Act apply to deci-  
2        sions remanded to a county by the Land Use Board of Appeals before, on or after the effec-  
3        tive date of this 2018 Act.

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

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