

**Engrossed
Corrected**

Senate Bill 10

(Printing engrossed ordered by Committee on Rules and Resolutions,
March 6, 1969)

(Including amendments by Senate March 6)

Sponsored by Senator BATESON, Representative ROGERS, Senators IRELAND, RAYMOND, WILLNER, Representatives CARSON, HARTUNG, PECK (at the request of the Interim Committee on Agriculture)

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.

Requires Governor to zone land in each county not subject to zoning regulations as of December 31, 1971. Provides standards for such zoning. Requires persons intending to erect certain buildings on land subject to zoning regulations prescribed by Governor to give 10 days' written notice of such construction to Governor. Authorizes Governor to institute appropriate civil actions or suits to enforce zoning regulations he prescribes. Provides penalties.

A BILL FOR AN ACT

1
2 Relating to land use; and providing penalties.

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

4 **Section 1.** Notwithstanding any other provision of law, if, after
5 December 31, 1971, there are any lands within the boundaries of a
6 county, whether or not within the boundaries of a city, that are not
7 subject to ORS 390.640 or to a comprehensive land use plan and zoning
8 ordinances adopted pursuant to ORS chapter 215, or zoned pursuant to
9 any other state law or city ordinance, the Governor shall prescribe, may
10 amend, and shall thereafter administer comprehensive land use plans and
11 zoning ordinances for such lands.

12 **Section 2.** (1) Any comprehensive land use plans prescribed or amend-
13 ed by the Governor pursuant to section 1 of this Act shall be in
14 accordance with the standards provided in section 3 of this Act and the
15 notice and hearing requirements provided in ORS 215.060.

16 (2) Any zoning ordinances prescribed or amended by the Governor
17 pursuant to section 1 of this Act shall be in accordance with the standards
18 provided in ORS 215.055 and the notice and hearing requirements pro-
19 vided in ORS 215.223.

20 (3) A comprehensive land use plan or zoning ordinance prescribed or
21 amended by the Governor pursuant to section 1 of this Act may be for
22 any purpose provided in ORS chapter 215, except that the Governor may
23 not prescribe building regulations. The Governor may, however, enjoin the
24 construction of buildings or performance of any other acts which would
25 constitute a land use that does not conform to the applicable land use
26 plan or zoning ordinance.

27 (4) Any hearings required by this section may be held by the
28 Governor, or by a person designated by the Governor.

29 **Section 3.** Comprehensive physical planning should provide guidance
30 for physical development within the state responsive to economic develop-
31 ment, human resource development, natural resource development and
32 regional and metropolitan area development. It should assist in attainment
33 of the optimum living environment for the state's citizenry and assure
34 sound housing, employment opportunities, educational fulfillment and

1 sound health facilities. State plans should relate to intermediate and
2 long-range growth objectives. The plans should set a pattern upon which
3 state agencies and local government may base their programs and local
4 area plans. Goals for comprehensive physical planning are:

5 (1) To preserve the quality of the air and water resources of the state.

6 (2) To conserve open space and protect natural and scenic resources.

7 (3) To provide for the recreational needs of citizens of the state and
8 visitors.

9 (4) To conserve prime farm lands for the production of crops and
10 provide for an orderly and efficient transition from rural to urban land
11 use.

12 (5) To protect life and property in areas subject to floods, landslides
13 and other natural disasters.

14 (6) To provide and encourage a safe, convenient and economic
15 transportation system including all modes of transportation: air, water,
16 rail, highway and mass transit, and recognizing the differences in the social
17 costs in the various modes of transportation.

18 (7) To develop a timely, orderly and efficient arrangement of public
19 facilities and services to serve as a framework for urban and rural
20 development.

21 (8) To diversify and improve the economy of the state.

22 (9) To ensure that the development of properties within the state is
23 commensurate with the character and the physical limitations of the land.

24 **Section 4.** (1) As used in this section, "building" means a structure
25 having one or more walls, with or without a roof; that is designed to
26 protect persons, animals or property from the elements.

27 (2) Except when notice is required to be given pursuant to sub-
28 section (4) of this section, any person who intends to cause to be erected
29 a building, the materials for construction of which have the value of
30 \$300 or more, on land subject to a zoning ordinance prescribed by the
31 Governor shall give written notice to the Governor 10 days before the
32 construction is to begin. Such notice shall include:

33 (a) The date construction of the building is to begin, and the location
34 of such building;

1 (b) A sketch showing the building and its dimensions;

2 (c) A rough estimate of the value of the materials to be used in
3 constructing the building; and

4 (d) A brief description of the intended use of the building.

5 (3) No person shall fail to give the notice required by subsection (2)
6 of this section.

7 (4) If the land upon which a building is to be constructed is subject
8 to a zoning ordinance prescribed by the Governor and is also subject to
9 building regulations imposed by the county or city, and such building
10 regulations require a permit for the type of building to be constructed, the
11 official from whom such permit is to be obtained shall give to the
12 Governor the notice required by subsection (2) of this section.

13 **Section 5.** In addition to the remedy prescribed in subsection (2) of
14 section 2 of this Act, the Governor may cause to be instituted any civil
15 action or suit he considers appropriate to remedy violations of any
16 comprehensive land use plan or zoning ordinance prescribed by the
17 Governor pursuant to section 1 of this Act.

18 **Section 6.** The Governor may enter into contracts for such services as
19 the Governor considers appropriate for carrying out his land use planning
20 and zoning duties.

21 **Section 7.** If a county or city governing body or other zoning
22 authority adopts a comprehensive land use plan and zoning ordinances in
23 accordance with the standards provided in section 3 of this Act and
24 ORS 215.055 after the promulgation of a comprehensive land use plan and
25 zoning ordinances by the Governor, the plan and ordinances promulgated
26 by the Governor shall be ineffective during the time the plan and
27 ordinances adopted by the city, county or other zoning authority are in
28 effect.

29 **Section 8.** Violation of subsection (3) of section 4 of this Act is a
30 misdemeanor.



**HOUSE AMENDMENTS TO
PRINTED ENGROSSED CORRECTED
SENATE BILL 10**

By COMMITTEE ON PLANNING AND DEVELOPMENT

April 25, 1969

- 1 On page 2 of the printed engrossed corrected bill, line 11, delete “ordi-
2 nances” and insert “regulations” and after “lands.” insert “If any county
3 shall have under consideration a comprehensive land use or zoning ordi-
4 nance, and shall have shown satisfactory progress toward the final enact-
5 ment of such plan or ordinance, the Governor may grant a reasonable ex-
6 tension of time after the date set in this section for completion of said plan
7 or ordinance.”.
- 8 On page 2, line 16, delete “ordinances” and insert “regulations”.
- 9 On page 2, line 20, delete “ordinance” and insert “regulation”.
- 10 On page 2, line 23, after “however,” insert “cause to be instituted an
11 appropriate proceeding to”.
- 12 On page 2, line 26, delete “ordinance” and insert “regulation”.
- 13 On page 2, line 28, after the second “Governor”, delete the period and
14 insert “, and all such hearings shall be held in the county seat of the county
15 in which said comprehensive land use plan or zoning ordinance is to be
16 prescribed.”.
- 17 On page 3, line 25, after “walls” insert “or columns”.
- 18 On page 3, line 30, delete “a” and in the same line delete “ordinance”
19 and insert “regulations”.
- 20 On page 4, line 8, delete “a” and in the same line delete “ordinance” and
21 insert “regulations”.
- 22 On page 4, line 13, delete “(2)” and insert “(3)”.
- 23 On page 4, line 16, delete “ordinance” and insert “regulation”.
- 24 On page 4, line 25, delete the first “ordinances” and insert “regulations”
25 and delete the second “ordinances” and insert “regulations”.

PREVIOUS AMENDMENTS

By House April 25, 1969

**SECOND HOUSE AMENDMENTS TO
PRINTED ENGROSSED CORRECTED
SENATE BILL 10**

By UNANIMOUS CONSENT

April 29, 1969

- 1 In line 15 of the printed House amendments dated April 25, delete
- 2 "ordinance" and insert "regulation".

