



## MINUTES OF MEETING

### DESCHUTES COUNTY BOARD OF COMMISSIONERS

DATE/TIME:

LOCATION:

DEPARTMENT OR GROUP:

ATTENDEES:

PURPOSE OF MEETING: Legislative Update

#### ITEMS DISCUSSED:

1. Central Oregon Legislator's Update
2. Deschutes County Commissioner's Update
3. Deschutes County Department 2015 Priorities

See attached agenda for additional details.

ACTION(S) TAKEN BY BOARD: None.

#### FOLLOW-UP REQUIRED:

1. County Clerk to provide estimate of cost to County to implement HB 2179.
2. Board of Commissioners to discuss COIC legislative concept for transportation funding and determine County position.
3. Staff to forward talking points and name of coalition leaders for #2 priorities to Public Affairs Counsel.
4. Next legislative meeting to be held on February 17, 2015 at 7:30 a.m. in Allen Room.

REPORT COMPLETED/SUBMITTED BY: Judith Ure

**Deschutes County Board of Commissioners  
Legislative Update  
2/10/2015**

**Attendees**

**On site:**

Tammy Baney, Commissioner  
Alan Unger, Commissioner  
Tom Anderson, Administrative Services  
David Doyle, County Counsel  
Wayne Lowry, Finance Department  
David Givans, Auditor  
Timm Schimke, Solid Waste Department  
Nancy Blankenship, Clerk's Office  
Erik Kropp, Administrative Services  
Chris Doty, Road Department  
Nick Lelack, Community Development Department  
DeAnn Carr, Health Services Department  
Jane Smilie, Health Services Department  
Jennifer Stevens, Representative Knute Buehler  
Judith Ure, Administrative Services  
Dennis Luke, Past Commissioner/Citizen

**Via telephone:**

Tim Knopp, State Senator  
Ted Ferrioli, State Senator  
Mike McLane, State Representative  
Knute Buehler, State Representative  
Gene Whisnant, State Representative  
John Huffman, State Representative  
Tony DeBone, Commissioner  
Mark Nelson, Public Affairs Counsel  
Justen Rainey, Public Affairs Counsel

DATED this 4<sup>th</sup> day of May 2015 for the  
Deschutes County Board of Commissioners.

Anthony DeBone  
ANTHONY DEBONE, Chair

Alan Unger  
ALAN UNGER, Vice Chair

Tammy Baney  
TAMMY BANEY, Commissioner

ATTEST:

Bonnie Baker  
Recording Secretary



**Deschutes County Agenda**  
**Tuesday, February 10, 2015**  
**7:30am**

**1-866-279-1568**  
**\*8678842\***

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**I. CENTRAL OREGON LEGISLATOR'S UPDATE**

- a. Update from Legislators

**II. DESCHUTES COUNTY COMMISSIONERS UPDATE**

- a. Update on Commissioner's Priorities

**III. DESCHUTES COUNTY DEPARTMENT 2015 PRIORITIES**

- a. Priority 1 Bills (2 Bills)

- i. HB 2337: Modifies the number of circuit court judges in certain judicial districts. (Oppose)
- ii. SB 359: Limits amount of appeal fee city or county may charge for quasi-judicial review of the city or county land use application. (Oppose)

- b. Priority 2 Bills

- i. HB 2401: Provides that local governments may prohibit medical marijuana facilities from being located near schools. (Support)
- ii. HB 2133: Removes requirement that 70 percent of revenue from lodging tax be used to fund tourism. (Support)
- iii. HB 2160/HB 2162: Removes prohibition against imposition of taxes by county on cigarette or tobacco products. (Support) – *Public Affairs Counsel Conflict*

- iv. HB 2161: Authorizes count to charge a fee not to exceed actual costs for recording certain instruments. (Oppose)
- v. HB 2235: Limits review by Land Use Board of Appeals of land decisions and limited land use decisions changing comprehensive plans and land use issues raised during the local planning process. (Support)
- vi. HB 2239: Requires court to appoint interpreter and provide appropriate communication device when necessary for crime victim who seeks to exercise certain constitutional rights. (Support)
- vii. HB 2482: Requires Department of Revenue to appraise industrial property if improvements have real market value of more than \$1 million. (Support)
- viii. HB 2484: Extends due date to March 15 for filing of certain property tax returns. (Support)
- ix. HB 2487: Requires correction of maximum assessed value due to correction of square footage on property to be proportional to change in real market value. (Support)
- x. HB 2651: Requires police officer or certified reserve officer employed or utilized by law enforcement unit that employs at least 20 police officers to have an associate degree. (Oppose)
- xi. SB 27: Resolves certain contradictory provisions applicable to duties of the county clerk. (Support)
- xii. SB 28: Clarifies that the county clerk may use elector registration records, rather than physical registration cards. (Support)
- xiii. SB 210: Allows applicant to obtain expedited review of certain applications by filing a request and paying a fee. (Oppose)
- xiv. SB 246: Authorizes Environmental Quality Commission to develop low-interest loan program to complete on-site septic system repairs, replacements, or upgrades. (Support)
- xv. SB 440: Requires Oregon Health Policy Board to establish Health Plan Quality Metrics Committee to develop health outcome and quality measures for CCO organizations for plans offered by PEBB and OEBC. (Support)

#### **IV. NEXT MEETING**

- a. Tuesday, February 17, 2015 at 7:30am

# House Bill 2337

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Judicial Department)

## 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**.

Modifies number of circuit court judges in certain judicial districts.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the establishment of circuit court judge positions; creating new provisions; amending  
3 ORS 3.012; and declaring an emergency.

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

5 **SECTION 1.** ORS 3.012 is amended to read:

6 3.012. (1) The judicial districts, the counties constituting the judicial districts and the number  
7 of circuit court judges for each judicial district are as follows:

8 (a) The first judicial district consists of Jackson County and has nine judges.

9 (b) The second judicial district consists of Lane County and has 15 judges.

10 (c) The third judicial district consists of Marion County and has *[14]* **15** judges.

11 (d) The fourth judicial district consists of Multnomah County and has *[38]* **39** judges.

12 (e) The fifth judicial district consists of Clackamas County and has 11 judges.

13 (f) The sixth judicial district consists of the counties of Morrow and Umatilla and has five  
14 judges.

15 (g) The seventh judicial district consists of the counties of Gilliam, Hood River, Sherman, Wasco  
16 and Wheeler and has four judges.

17 (h) The eighth judicial district consists of Baker County and has one judge.

18 (i) The ninth judicial district consists of Malheur County and has two judges.

19 (j) The tenth judicial district consists of the counties of Union and Wallowa and has two judges.

20 (k) The eleventh judicial district consists of Deschutes County and has seven judges.

21 (L) The twelfth judicial district consists of Polk County and has three judges.

22 (m) The thirteenth judicial district consists of Klamath County and has five judges.

23 (n) The fourteenth judicial district consists of Josephine County and has four judges.

24 (o) The fifteenth judicial district consists of the counties of Coos and Curry and has six judges.

25 (p) The sixteenth judicial district consists of Douglas County and has five judges.

26 (q) The seventeenth judicial district consists of Lincoln County and has three judges.

27 (r) The eighteenth judicial district consists of Clatsop County and has three judges.

28 (s) The nineteenth judicial district consists of Columbia County and has three judges.

29 (t) The twentieth judicial district consists of Washington County and has *[14]* **15** judges.

30 (u) The twenty-first judicial district consists of Benton County and has three judges.

31 (v) The twenty-second judicial district consists of the counties of Crook and Jefferson and has

**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 three judges.

2 (w) The twenty-third judicial district consists of Linn County and has five judges.

3 (x) The twenty-fourth judicial district consists of the counties of Grant and Harney and has one  
4 judge.

5 (y) The twenty-fifth judicial district consists of Yamhill County and has four judges.

6 (z) The twenty-sixth judicial district consists of Lake County and has one judge.

7 (aa) The twenty-seventh judicial district consists of Tillamook County and has two judges.

8 (2) The Secretary of State shall designate position numbers equal to the number of judges in  
9 each of the judicial districts established by this section. The positions shall reflect any qualifications  
10 established by ORS 3.041.

11 **SECTION 2.** The amendments to ORS 3.012 by section 1 of this 2015 Act become operative  
12 on the first Monday in January 2017, except that the provisions for new circuit court judges  
13 are operative on the effective date of this 2015 Act for the purposes of nominating and  
14 electing new judges in 2016 to assume the duties of the office on the first Monday in January  
15 2017.

16 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-  
17 ated to the Judicial Department, for the biennium beginning July 1, 2015, out of the General  
18 Fund, the amount of \$\_\_\_\_\_, which may be expended to pay the salaries and benefits for  
19 the new judicial positions created by the amendments to ORS 3.012 by section 1 of this 2015  
20 Act, the salaries and benefits for the support staff required for those positions and the cost  
21 of equipment and furnishings necessary for those positions.

22 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public  
23 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
24 on its passage.

25

# Senate Bill 359

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

## 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**.

Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application. Requires city or county to refund appeals fee and transcript fee when appellate authority of city or county declines to review decision.

Prohibits city or county from charging fee for appeal of final decision of city or county to Land Use Board of Appeals.

## A BILL FOR AN ACT

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Relating to fees for appeal of local land use decisions; creating new provisions; and amending ORS 197.835, 215.422 and 227.180.

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

**SECTION 1.** ORS 215.422 is amended to read:

215.422. [(1)(a) A party aggrieved by the action of a hearings officer or other decision-making authority may appeal the action to the planning commission or county governing body, or both, however the governing body prescribes. The appellate authority on its own motion may review the action. The procedure and type of hearing for such an appeal or review shall be prescribed by the governing body, but shall not require the notice of appeal to be filed within less than seven days after the date the governing body mails or delivers the decision to the parties.]

[(b) Notwithstanding paragraph (a) of this subsection, the governing body may provide that the decision of a hearings officer or other decision-making authority is the final determination of the county.]

[(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred in acting upon an appeal from a hearings officer, planning commission or other designated person. The amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared by the governing body and the fee therefor, the governing body shall allow any party to an appeal proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.]

[(2) A party aggrieved by the final determination may have the determination reviewed in the manner provided in ORS 197.830 to 197.845.]

**(1) The governing body of a county, by ordinance or resolution, may:**

**(a) Provide that the decision of a hearings officer or other decision-making authority of**

**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 the county is the final determination of the county; or

2 (b) Choose to act, or designate another entity to act, as an appellate authority to review  
3 the decision of a hearings officer or other decision-making authority.

4 (2) If the governing body of the county establishes an appellate authority pursuant to  
5 subsection (1)(b) of this section, the governing body of the county, by ordinance or resol-  
6 ution, shall prescribe the procedure and type of hearing to provide for review of a decision  
7 of a hearings officer or other decision-making authority, but the governing body may not  
8 require that a notice of appeal be filed less than seven days after the date the county mails  
9 or delivers the decision to the parties.

10 (3) If the governing body of the county establishes an appellate authority pursuant to  
11 subsection (1)(b) of this section:

12 (a) A party aggrieved by the action of a hearings officer or other decision-making au-  
13 thority may appeal the decision to the appellate authority; or

14 (b) The appellate authority may review the decision on its own motion.

15 (4) To defray the costs incurred in acting upon an appeal from a hearings officer or other  
16 decision-making authority, the governing body of the county, by ordinance or resolution, may  
17 prescribe:

18 (a) A reasonable fee that does not exceed 10 percent of the original application fee or  
19 \$1,000, whichever is less, and that excludes the cost to prepare a written transcript of the  
20 proceedings to be reviewed.

21 (b) A reasonable fee for the preparation of a written transcript of the proceedings to be  
22 reviewed that does not exceed the actual cost of preparing the transcript or \$500, whichever  
23 is less.

24 (5) If an appellate authority of a county declines to review the decision of a hearings of-  
25 ficer or other decision-making authority, the county shall refund the full amount of appeal  
26 and transcript fees collected by the county.

27 (6) In lieu of having the county prepare a transcript, a party to an appeal proceeding held  
28 on the record may elect to prepare, at the party's own expense, a transcript of relevant  
29 portions of the proceedings conducted at a lower level. The county still may charge the  
30 transcript fee, but the county shall refund the transcript fee if the party prevails on appeal.

31 [(3)] (7) [No] A decision or action of a planning commission or [county governing body shall be]  
32 the governing body of a county is not invalid due to ex parte contact or bias resulting from ex  
33 parte contact with a member of the decision-making body, if the member of the decision-making body  
34 receiving the contact:

35 (a) Places on the record the substance of any written or oral ex parte communications con-  
36 cerning the decision or action; and

37 (b) Has a public announcement of the content of the communication and of the parties' right to  
38 rebut the substance of the communication made at the first hearing following the communication  
39 [where] at which action will be considered or taken on the subject to which the communication  
40 related.

41 [(4)] (8) A communication between county staff and the planning commission or governing body  
42 [shall not be considered] is not an ex parte contact for the purposes of subsection [(3)] (7) of this  
43 section.

44 [(5)] (9) Subsection [(3)] (7) of this section does not apply to ex parte contact with a hearings  
45 officer approved under ORS 215.406 (1).

1 (10) A party aggrieved by the final decision of a county may have the final decision re-  
 2 viewed by the Land Use Board of Appeals in the manner provided in ORS 197.830 to 197.845.

3 (11) A county may not charge a fee for appeal of a final decision of the county to the  
 4 board.

5 (12) A fee prescribed under this section may not exceed the actual cost to the county for  
 6 providing the service.

7 **SECTION 2.** ORS 227.180 is amended to read:

8 227.180. *[(1)(a) A party aggrieved by the action of a hearings officer may appeal the action to the  
 9 planning commission or council of the city, or both, however the council prescribes. The appellate  
 10 authority on its own motion may review the action. The procedure for such an appeal or review shall  
 11 be prescribed by the council, but shall:]*

12 *[(A) Not require that the appeal be filed within less than seven days after the date the governing  
 13 body mails or delivers the decision of the hearings officer to the parties;]*

14 *[(B) Require a hearing at least for argument; and]*

15 *[(C) Require that upon appeal or review the appellate authority consider the record of the hearings  
 16 officer's action. That record need not set forth evidence verbatim.]*

17 *[(b) Notwithstanding paragraph (a) of this subsection, the council may provide that the decision of  
 18 a hearings officer or other decision-making authority in a proceeding for a discretionary permit or zone  
 19 change is the final determination of the city.]*

20 *[(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred  
 21 in acting upon an appeal from a hearings officer, planning commission or other designated person. The  
 22 amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or  
 23 the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing  
 24 body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and  
 25 shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared  
 26 by the governing body and the fee therefor, the governing body shall allow any party to an appeal  
 27 proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted  
 28 at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the  
 29 transcript fee shall be refunded.]*

30 *[(2) A party aggrieved by the final determination in a proceeding for a discretionary permit or zone  
 31 change may have the determination reviewed under ORS 197.830 to 197.845.]*

32 (1) The governing body of a city, by ordinance or resolution, may:

33 (a) Provide that the decision of a hearings officer or other decision-making authority of  
 34 the city is the final determination of the city; or

35 (b) Choose to act, or designate another entity to act, as an appellate authority to review  
 36 the decision of a hearings officer or other decision-making authority.

37 (2) If the governing body of the city establishes an appellate authority pursuant to sub-  
 38 section (1)(b) of this section, the governing body of the city, by ordinance or resolution, shall  
 39 prescribe the procedure and type of hearing to provide for review of a decision of a hearings  
 40 officer or other decision-making authority, but the governing body may not require that a  
 41 notice of appeal be filed less than seven days after the date the city mails or delivers the  
 42 decision to the parties.

43 (3) If the governing body of the city establishes an appellate authority pursuant to sub-  
 44 section (1)(b) of this section:

45 (a) A party aggrieved by the action of a hearings officer or other decision-making au-

1 **thority may appeal the decision to the appellate authority; or**

2 **(b) The appellate authority may review the decision on its own motion.**

3 **(4) To defray the costs incurred in acting upon an appeal from a hearings officer or other**  
4 **decision-making authority, the governing body of the city, by ordinance or resolution, may**  
5 **prescribe:**

6 **(a) A reasonable fee that does not exceed 10 percent of the original application fee or**  
7 **\$1,000, whichever is less, and that excludes the cost to prepare a written transcript of the**  
8 **proceedings to be reviewed.**

9 **(b) A reasonable fee for the preparation of a written transcript of the proceedings to be**  
10 **reviewed that does not exceed the actual cost of preparing the transcript or \$500, whichever**  
11 **is less.**

12 **(5) If an appellate authority of a city declines to review the decision of a hearings officer**  
13 **or other decision-making authority, the city shall refund the full amount of appeal and**  
14 **transcript fees collected by the city.**

15 **(6) In lieu of having the city prepare a transcript, a party to an appeal proceeding held**  
16 **on the record may elect to prepare, at the party's own expense, a transcript of relevant**  
17 **portions of the proceedings conducted at a lower level. The city still may charge the tran-**  
18 **script fee, but the city shall refund the transcript fee if the party prevails on appeal.**

19 **[(3)] (7) [No] A decision or action of a planning commission or [city governing body shall be] the**  
20 **governing body of a city is not** invalid due to ex parte contact or bias resulting from ex parte  
21 contact with a member of the decision-making body, if the member of the decision-making body re-  
22 ceiving the contact:

23 **(a) Places on the record the substance of any written or oral ex parte communications con-**  
24 **cerning the decision or action; and**

25 **(b) Has a public announcement of the content of the communication and of the parties' right to**  
26 **rebut the substance of the communication made at the first hearing following the communication**  
27 **[where] at which** action will be considered or taken on the subject to which the communication  
28 related.

29 **[(4)] (8) A communication between city staff and the planning commission or governing body**  
30 **[shall not be considered] is not** an ex parte contact for the purposes of subsection [(3)] (7) of this  
31 section.

32 **[(5)] (9) Subsection [(3)] (7) of this section does not apply to ex parte contact with a hearings**  
33 **officer.**

34 **(10) A party aggrieved by the final decision of a city may have the final decision reviewed**  
35 **by the Land Use Board of Appeals in the manner provided in ORS 197.830 to 197.845.**

36 **(11) A city may not charge a fee for appeal of a final decision of the city to the board.**

37 **(12) A fee prescribed under this section may not exceed the actual cost to the city for**  
38 **providing the service.**

39 **SECTION 3. ORS 197.835 is amended to read:**

40 **197.835. (1) The Land Use Board of Appeals shall review the land use decision or limited land**  
41 **use decision and prepare a final order affirming, reversing or remanding the land use decision or**  
42 **limited land use decision. The board shall adopt rules defining the circumstances in which it will**  
43 **reverse rather than remand a land use decision or limited land use decision that is not affirmed.**

44 **(2)(a) Review of a decision under ORS 197.830 to 197.845 shall be confined to the record.**

45 **(b) In the case of disputed allegations of standing, unconstitutionality of the decision, ex parte**

1 contacts, actions described in subsection (10)(a)(B) of this section or other procedural irregularities  
 2 not shown in the record that, if proved, would warrant reversal or remand, the board may take ev-  
 3 idence and make findings of fact on those allegations. The board shall be bound by any finding of  
 4 fact of the local government, special district or state agency for which there is substantial evidence  
 5 in the whole record.

6 (3) Issues shall be limited to those raised by any participant before the local hearings body as  
 7 provided by ORS 197.195 or 197.763, whichever is applicable.

8 (4) A petitioner may raise new issues to the board if:

9 (a) The local government failed to list the applicable criteria for a decision under ORS 197.195  
 10 (3)(c) or 197.763 (3)(b), in which case a petitioner may raise new issues based upon applica-  
 11 ble criteria that were omitted from the notice. However, the board may refuse to allow new issues to be  
 12 raised if it finds that the issue could have been raised before the local government; or

13 (b) The local government made a land use decision or limited land use decision which is different  
 14 from the proposal described in the notice to such a degree that the notice of the proposed action  
 15 did not reasonably describe the local government's final action.

16 (5) The board shall reverse or remand a land use decision not subject to an acknowledged  
 17 comprehensive plan and land use regulations if the decision does not comply with the goals. The  
 18 board shall reverse or remand a land use decision or limited land use decision subject to an ac-  
 19 knowledged comprehensive plan or land use regulation if the decision does not comply with the  
 20 goals and the Land Conservation and Development Commission has issued an order under ORS  
 21 197.320 or adopted a new or amended goal under ORS 197.245 requiring the local government to  
 22 apply the goals to the type of decision being challenged.

23 (6) The board shall reverse or remand an amendment to a comprehensive plan if the amendment  
 24 is not in compliance with the goals.

25 (7) The board shall reverse or remand an amendment to a land use regulation or the adoption  
 26 of a new land use regulation if:

27 (a) The regulation is not in compliance with the comprehensive plan; or

28 (b) The comprehensive plan does not contain specific policies or other provisions which provide  
 29 the basis for the regulation, and the regulation is not in compliance with the statewide planning  
 30 goals.

31 (8) The board shall reverse or remand a decision involving the application of a plan or land use  
 32 regulation provision if the decision is not in compliance with applicable provisions of the compre-  
 33 hensive plan or land use regulations.

34 (9) In addition to the review under subsections (1) to (8) of this section, the board shall reverse  
 35 or remand the land use decision under review if the board finds:

36 (a) The local government or special district:

37 (A) Exceeded its jurisdiction;

38 (B) Failed to follow the procedures applicable to the matter before it in a manner that preju-  
 39 diced the substantial rights of the petitioner;

40 (C) Made a decision not supported by substantial evidence in the whole record;

41 (D) Improperly construed the applicable law; or

42 (E) Made an unconstitutional decision; or

43 (b) The state agency made a decision that violated the goals.

44 (10)(a) The board shall reverse a local government decision and order the local government to  
 45 grant approval of an application for development denied by the local government if the board finds:

1 (A) Based on the evidence in the record, that the local government decision is outside the range  
 2 of discretion allowed the local government under its comprehensive plan and implementing ordi-  
 3 nances; or

4 (B) That the local government's action was for the purpose of avoiding the requirements of ORS  
 5 215.427 or 227.178.

6 (b) If the board does reverse the decision and orders the local government to grant approval of  
 7 the application, the board shall award attorney fees to the applicant and against the local govern-  
 8 ment.

9 (11)(a) Whenever the findings, order and record are sufficient to allow review, and to the extent  
 10 possible consistent with the time requirements of ORS 197.830 (14), the board shall decide all issues  
 11 presented to it when reversing or remanding a land use decision described in subsections (2) to (9)  
 12 of this section or limited land use decision described in ORS 197.828 and 197.195.

13 (b) Whenever the findings are defective because of failure to recite adequate facts or legal  
 14 conclusions or failure to adequately identify the standards or their relation to the facts, but the  
 15 parties identify relevant evidence in the record which clearly supports the decision or a part of the  
 16 decision, the board shall affirm the decision or the part of the decision supported by the record and  
 17 remand the remainder to the local government, with direction indicating appropriate remedial  
 18 action.

19 (12) The board may reverse or remand a land use decision under review due to ex parte contacts  
 20 or bias resulting from ex parte contacts with a member of the decision-making body, only if the  
 21 member of the decision-making body did not comply with ORS 215.422 [(3)] (7) or 227.180 [(3)] (7),  
 22 whichever is applicable.

23 (13) Subsection (12) of this section does not apply to reverse or remand of a land use decision  
 24 due to ex parte contact or bias resulting from ex parte contact with a hearings officer.

25 (14) The board shall reverse or remand a land use decision or limited land use decision which  
 26 violates a commission order issued under ORS 197.328.

27 (15) In cases in which a local government provides a quasi-judicial land use hearing on a limited  
 28 land use decision, the requirements of subsections (12) and (13) of this section apply.

29 (16) The board may decide cases before it by means of memorandum decisions and shall prepare  
 30 full opinions only in such cases as it deems proper.

31 **SECTION 4. The amendments to ORS 197.835, 215.422 and 227.180 by sections 1 to 3 of this**  
 32 **2015 Act apply to quasi-judicial review by a city or county of the decisions made by a hearings**  
 33 **officer or other decision-making authority at the city or county level on and after the ef-**  
 34 **fective date of this 2015 Act.**

35

Public Affairs Counsel  
 2015 Regular Session  
 Bill Summary Report

Deschutes County

**HB 2337**                      **Position**              **Priority**              **Date Input**

**Bill Info**                      Oppose              1                      1/16/15

**Summary:**              Modifies number of circuit court judges in certain judicial districts.

**Status:**

1/16/15                      H - Referred to Judiciary with subsequent referral to Ways and Means.

1/12/15                      H - First reading. Referred to Speaker's desk.

**SB 0359**                      **Position**              **Priority**              **Date Input**

**Bill Info**                      Oppose              1                      1/16/15

**Summary:**              Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application.

**Status:**

1/20/15                      S - Referred to Judiciary.

1/12/15                      S - Introduction and first reading. Referred to President's desk.

**HB 2041**                      **Position**              **Priority**              **Date Input**

**Bill Info**                      Support              2                      1/16/15

**Summary:**              Provides that local governments may prohibit medical marijuana facilities and producers, processors and sellers of marijuana from being located within one mile of school.

**Status:**

1/16/15                      H - Referred to Implementing Measure 91.

1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2133**                      **Position**              **Priority**              **Date Input**

**Bill Info**                      Support              2                      1/16/15

**Summary:**              Removes requirement that 70 percent of net revenue from new or increased local transient lodging tax be used to fund tourism promotion or tourism-related facilities.

**Status:**

1/16/15                      H - Referred to Transportation and Economic Development with subsequent referral to Revenue.

1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2142**                      **Position**              **Priority**              **Date Input**

**Bill Info**                      Neutral              2                      1/16/15

**Summary:**              Specifies ballot title for \_\_\_\_ Joint Resolution \_\_\_\_ (2015) (LC 335).

**Status:**

1/16/15                      H - Referred to Rules.

1/12/15                      H - First reading. Referred to Speaker's desk.

**Public Affairs Counsel  
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**HB 2160**                      **Position**                      **Priority**                      **Date Input**  
**Bill Info**                      Support                      2                      1/16/15  
**Summary:**                      Removes prohibition against imposition of taxes by county on cigarettes and tobacco products.  
**Status:**  
1/16/15                      H - Referred to Revenue.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2161**                      **Position**                      **Priority**                      **Date Input**  
**Bill Info**                      Oppose                      2                      1/16/15  
**Summary:**                      Authorizes county to charge fee not to exceed actual cost to county of recording certain instruments.  
**Status:**  
1/16/15                      H - Referred to Revenue.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2162**                      **Position**                      **Priority**                      **Date Input**  
**Bill Info**                      Support                      2                      1/16/15  
**Summary:**                      Removes prohibition against local government imposition of taxes on cigarettes and tobacco products.  
**Status:**  
1/16/15                      H - Referred to Revenue.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2235**                      **Position**                      **Priority**                      **Date Input**  
**Bill Info**                      Support                      2                      1/15/15  
**Summary:**                      Limits review by Land Use Board of Appeals of land use decisions and limited land use decisions changing comprehensive plans and land use regulations to issues raised during local planning process.  
**Status:**  
1/16/15                      H - Referred to Rural Communities, Land Use and Water.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2339**                      **Position**                      **Priority**                      **Date Input**  
**Bill Info**                      Support                      2                      1/16/15  
**Summary:**                      Requires court to appoint interpreter and provide appropriate assistive communication device when necessary for crime victim who seeks to exercise certain constitutional rights in open court.  
**Status:**  
2/2/15                      H - Public Hearing and Work Session held.  
1/16/15                      H - Referred to Judiciary.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**Public Affairs Counsel  
2015 Regular Session  
Bill Summary Report**

**HB 2482                      **Position              Priority              Date Input****

**Bill Info**                      Support              2                      1/14/15

**Summary:**                      Requires Department of Revenue to appraise industrial property if improvements have real market value of more than \$1 million, unless appraisal delegated to county upon request of county assessor.

**Status:**

2/9/15                      H - Public Hearing scheduled.  
1/16/15                      H - Referred to Revenue.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2484                      **Position              Priority              Date Input****

**Bill Info**                      Support              2                      1/15/15

**Summary:**                      Extends due date to March 15 for filing of certain property tax returns.

**Status:**

2/9/15                      H - Public Hearing scheduled.  
1/16/15                      H - Referred to Revenue.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2487                      **Position              Priority              Date Input****

**Bill Info**                      Support              2                      1/15/15

**Summary:**                      Requires correction of maximum assessed value due to correction of square footage of property to be proportional to change in real market value of property that is due to correction of square footage.

**Status:**

1/16/15                      H - Referred to Revenue.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2651                      **Position              Priority              Date Input****

**Bill Info**                      Oppose              2                      1/16/15

**Summary:**                      Requires police officer or certified reserve officer employed or utilized by law enforcement unit that employs at least 20 police officers to have associate degree.

**Status:**

1/16/15                      H - Referred to Judiciary.  
1/12/15                      H - First reading. Referred to Speaker's desk.

**HB 2701                      **Position              Priority              Date Input****

**Bill Info**                      Neutral              2                      1/16/15

**Summary:**                      Increases number of sessions with mental health professional that law enforcement agency must pay for and requires involved officer to attend all sessions.

**Status:**

1/16/15                      H - Referred to Judiciary.  
1/12/15                      H - First reading. Referred to Speaker's desk.



**Public Affairs Counsel  
2015 Regular Session  
Bill Summary Report**

**HB 5015                      Position                      Priority                      Date Input**

**Bill Info**                      Support                      2                      1/15/15

**Summary:**                      Appropriates moneys from General Fund to Department of Justice for biennial expenses of district attorneys.

**Status:**

1/29/15                      H - Assigned to Subcommittee On Public Safety.

1/16/15                      H - Referred to Ways and Means.

1/12/15                      H - First reading. Referred to Speaker's desk.

**SB 0027                      Position                      Priority                      Date Input**

**Bill Info**                      Support                      2                      1/15/15

**Summary:**                      Resolves certain contradictory provisions applicable to duties of county clerk.

**Status:**

1/20/15                      S - Referred to Rules.

1/12/15                      S - Introduction and first reading. Referred to President's desk.

**SB 0028                      Position                      Priority                      Date Input**

**Bill Info**                      Support                      2                      1/15/15

**Summary:**                      Clarifies that county clerk may use elector's registration record, rather than physical registration card, to authenticate signatures.

**Status:**

1/20/15                      S - Referred to Rules.

1/12/15                      S - Introduction and first reading. Referred to President's desk.

**SB 0029                      Position                      Priority                      Date Input**

**Bill Info**                      Support                      2                      1/15/15

**Summary:**                      Establishes procedures for electing precinct committee persons.

**Status:**

1/20/15                      S - Referred to Rules.

1/12/15                      S - Introduction and first reading. Referred to President's desk.

**SB 0067                      Position                      Priority                      Date Input**

**Bill Info**                      Support                      2                      1/15/15

**Summary:**                      Changes certain ballot markings from "Presidential only" to "Federal only".

**Status:**

1/20/15                      S - Referred to Rules.

1/12/15                      S - Introduction and first reading. Referred to President's desk.

**SB 0130                      Position                      Priority                      Date Input**

**Bill Info**                      Neutral                      2                      1/15/15

**Summary:**                      Repeals state preemption of charter and statutory authority of local governments to set minimum wage requirements.

**Public Affairs Counsel  
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**Status:**

1/20/15 S - Referred to Workforce.  
1/12/15 S - Introduction and first reading. Referred to President's desk.

**SB 0210**

**Position Priority Date Input**

**Bill Info** Oppose 2 1/16/15

**Summary:** Allows applicant to obtain expedited review of certain applications by filing request and paying fee.

**Status:**

1/20/15 S - Referred to Environment and Natural Resources.  
1/12/15 S - Introduction and first reading. Referred to President's desk.

**SB 0246**

**Position Priority Date Input**

**Bill Info** Support 2 1/16/15

**Summary:** Authorizes Environmental Quality Commission to develop low-interest loan program to complete on-site septic system repairs, replacements or upgrades.

**Status:**

1/20/15 S - Referred to Environment and Natural Resources, then Ways and Means.  
1/12/15 S - Introduction and first reading. Referred to President's desk.

**SB 0440**

**Position Priority Date Input**

**Bill Info** Support 2 1/16/15

**Summary:** Requires Oregon Health Policy Board to establish Health Plan Quality Metrics Committee to develop health outcome and quality measures for coordinated care organizations and plans offered by Public Employees' Benefit Board and Oregon Educators Benefit Board.

**Status:**

1/20/15 S - Referred to Health Care.  
1/12/15 S - Introduction and first reading. Referred to President's desk.

**SB 5505**

**Position Priority Date Input**

**Bill Info** Support 2 1/16/15

**Summary:** Directs distribution of moneys from Criminal Fine Account.

**Status:**

1/29/15 S - Assigned to Subcommittee On Capital Construction.  
1/20/15 S - Referred to Ways and Means.  
1/12/15 S - Introduction and first reading. Referred to President's desk.