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## 150-Day ORS Standards For Oregon Land Use Planning

### Authorities

- **ORS 215.427** - Final Action On County Permit Within 150 Days
- **ORS 215.429** Mandamus Proceeding When County Fails to Take Final Action Within 150 Days
- **ORS 20.075(1)** Factors to Be Considered by Court in Awarding Attorney Fees
- **ORS 34.210(2)** Prevailing Party and Awarding Attorney Fees
- **ORS 197.335** Order for compliance with goals; review of order; withholding grant funds; injunctions.
- **OAR 660-045-0040** Citizen Initiated Enforcement Order

**ORS 215.427(6)** The 150-Day rule does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Department of Land Conservation and Development under ORS 197.610 (1).



A violation of the 150-Day rule (ORS 215.427) results in a chilling effect on citizen participation in the county land use process, and a mandamus process (ORS 215.429) that may follow from those violations, to move the land use process out of the jurisdiction of the Josephine County (JO CO) Board of Commissioners to the local circuit court, and the award of attorney fees (ORS 20.075(1)) against intervenors (i.e., citizens). For many citizens there is no remedy left but to start a citizen initiated enforcement order against the county for a pattern and practice of violating the law (ORS 197.335).

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## Mandamus Proceedings

**ORS 215.427(1) - Final Action On County Permit Within 150 Days** “Final action on permit or zone change application required within 120 or 150 days; exceptions; refund of application fees. (1) Except as provided in subsections (3) and (4) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall **take final action** on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, **within 150 days after the application is deemed complete**, except as provided in subsections (3) and (4) of this section.”

### **Mandamus Proceeding When County Fails to Take Final Action Within 150 Days - ORS 215.429**

“Mandamus proceeding when county fails to **take final action** on land use application within specified time; jurisdiction; notice; peremptory writ. (1) Except when an applicant requests an extension under ORS 215.427, if the governing body of the county or its designee does not **take final action** on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as appropriate, after the application is deemed complete, the applicant may file a petition for a writ of mandamus under ORS 34.130 in the circuit court of the county where the application was submitted to compel the governing body or its designee to issue the approval.”

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## More Information

The *Hugo Land Use Committee's* “150-Day Violations” brochure series includes the following 11 educational brochures.

- 150-Day ORS Standards
- JO CO Pattern & Practice Of Neglect For 150-Day Rule
- JO CO 150-Day Violations - Pattern & Practice
- Mandamus Proceedings For 150-Day Violations
- Circuit Court Attorney Fees From 150-Day Mandamus Proceedings
- Appellant Court Opinions On Attorney Fees From 150-Day Mandamus Proceedings
- Chilling Effect On Citizen Involvement From Violation of 150-Day Rule
- Possible Citizen-Initiated Enforcement Order Based On 150-Day Rule Pattern & Practice Violations
- Corrective Actions For 150-Day Rule Violations
- Constitutions Issues Around Mandamus Proceedings
- Promising JO CO Approach To Violations Of 150-Day Rule: 2006

**More Information.** Would you like to learn more? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.



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**Disclaimer.** This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

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## Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission of promoting the social welfare of its neighbors.

### Land Use & History

The *Hugo Neighborhood's* land use mission is to promote Oregon Statewide Goal 1 — Citizen Involvement, and to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors. It will act, if requested, as a technical resource assisting neighbors to represent themselves.

Its history mission is to educate, collect, preserve, interpret, and research its local history and to encourage public interest in the history of the Hugo area.

Volunteer membership dues are \$10.00 annually per family and normally used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to our Treasurer

*Hugo Neighborhood Association*  
Web Page: <http://jeffnet.org/~hugo/>

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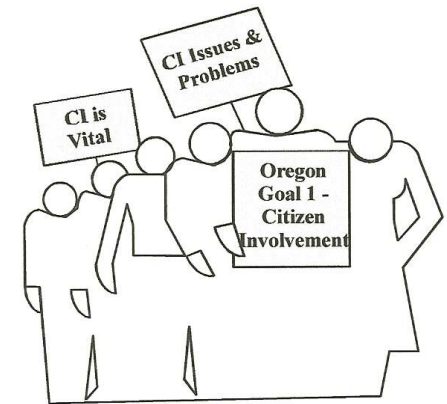
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## 150-Day ORS Standards



Brochure 12AA in Josephine County  
CI Issues & Problems Series



**December 5, 2006**

**Land Use Committee  
Hugo Neighborhood Association**

**Members of the CAC/NA Coalition**