

## HOUSE AMENDMENTS TO HOUSE BILL 4078

By COMMITTEE ON RULES

February 27

1 On page 1 of the printed corrected bill, line 2, after the semicolon insert “creating new pro-  
2 visions; amending ORS 195.085, 197.299 and 197.626;”.

3 In line 10, after “approved” insert “legislative” and delete “2002” and insert “2005”.

4 On page 2, delete lines 28 and 29 and insert:

5 “(17) On June 14, 2012, the commission unanimously approved the expansion of the urban growth  
6 boundary by Ordinance No. 11-1264B in Approval Order 12-UGB-001826.”.

7 Delete lines 37 through 44 and insert:

8 **“SECTION 2. (1) Section 3 of this 2014 Act is added to and made a part of ORS 195.137  
9 to 195.145.**

10 **“(2) Section 4 of this 2014 Act is added to and made a part of ORS 197.295 to 197.314.**

11 **“SECTION 3. (1) For purposes of land use planning in Oregon, the Legislative Assembly  
12 designates the land in Washington County that was designated as rural reserve in Metro  
13 Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged rural reserve in  
14 Washington County, except that:**

15 **“(a) The real property in Area 5C on Metro’s map denominated as the ‘Urban and Rural  
16 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
17 (03/17/11 DRAFT),’ that is more particularly described as tax lots 1500 and 1501, section 1 of  
18 township 2 south, range 2 west, Willamette Meridian, is not designated as a reserve area.**

19 **“(b) The Legislative Assembly designates as acknowledged urban reserve the real prop-  
20 erty that is part of the original plat of Bendemeer, Washington County, Oregon, more par-  
21 ticularly described as:**

22 **“(A) All of lots 1 through 18, inclusive;**

23 **“(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of the  
24 right of way of West Union Road and the west boundary of the right of way of Cornelius Pass  
25 Road; and**

26 **“(C) The real property that is more particularly described as: Beginning at a point of  
27 origin that is the south bank of Holcomb Creek and the east boundary of the right of way  
28 of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing  
29 along the south bank of Holcomb Lake to its intersection with the west boundary of Area  
30 8C; thence southerly along the west boundary of Area 8C to its intersection with the north  
31 boundary of the right of way of West Union Road; thence westerly along the right of way to  
32 its intersection with the east boundary of the right of way of Cornelius Pass Road; thence  
33 northerly along the right of way to the point of origin.**

34 **“(2) For purposes of land use planning in Oregon, the Legislative Assembly designates the  
35 land in Washington County that was designated as urban reserve in Metro Resolution No.**

1 11-4245, adopted on March 15, 2011, as the acknowledged urban reserve in Washington  
2 County, except that:

3 “(a) The real property in Area 8A on Metro’s map denominated as the ‘Urban and Rural  
4 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
5 (03/17/11 DRAFT),’ east of the east boundary of the right of way of Jackson School Road and  
6 east of the east bank of Storey Creek and the east bank of Waibel Creek is included within  
7 the acknowledged urban growth boundary.

8 “(b) The real property in Area 8A on Metro’s map denominated as the ‘Urban and Rural  
9 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
10 (03/17/11 DRAFT),’ that is south of the south boundary of the right of way of Highway 26 and  
11 west of the real property described in paragraph (a) of this subsection is designated as ac-  
12 knowledged rural reserve.

13 “(c) The real property in Area 8B on Metro’s map denominated as the ‘Urban and Rural  
14 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
15 (03/17/11 DRAFT),’ that is more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300  
16 and 1400 in section 15 of township 1 north, range 2 west, Willamette Meridian, is not desig-  
17 nated as a reserve area.

18 “(d) The real property in Area 8B on Metro’s map denominated as the ‘Urban and Rural  
19 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
20 (03/17/11 DRAFT),’ that is not described in paragraph (c) of this subsection is designated as  
21 acknowledged rural reserve.

22 “(e) The real property in Area 7B on Metro’s map denominated as the ‘Urban and Rural  
23 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
24 (03/17/11 DRAFT),’ that is north of the south bank of Council Creek is designated as ac-  
25 knowledged rural reserve.

26 “(f) The real property in Area 7B on Metro’s map denominated as the ‘Urban and Rural  
27 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
28 (03/17/11 DRAFT),’ that is south of the south bank of Council Creek is included within the  
29 acknowledged urban growth boundary.

30 “(3) For purposes of land use planning in Oregon, in relation to the following real prop-  
31 erty in Washington County that is not reserved by designation in Metro Resolution No.  
32 11-4245, adopted on March 15, 2011, the Legislative Assembly designates:

33 “(a) As acknowledged rural reserve the real property that is situated south of the City  
34 of North Plains on Metro’s map denominated as the ‘Urban and Rural Reserves in  
35 Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11  
36 DRAFT),’ more particularly described as tax lots 100, 101, 200 and 201 in section 11 of town-  
37 ship 1 north, range 3 west, Willamette Meridian, and tax lots 1800 and 2000 and that portion  
38 of tax lot 3900 that is north of the south line of the Dobbins Donation Land Claim No. 47 in  
39 section 12 of township 1 north, range 3 west, Willamette Meridian.

40 “(b) As acknowledged rural reserve the real property that is situated north of the City  
41 of Cornelius on Metro’s map denominated as the ‘Urban and Rural Reserves in Washington  
42 County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ and that  
43 is north of the south bank of Council Creek, east of the east right of way of Cornelius-  
44 Schefflin Road and west of the west bank of Dairy Creek.

45 “(c) As acknowledged rural reserve the real property that is north of the City of Forest

1 Grove on Metro's map denominated as the 'Urban and Rural Reserves in Washington County,  
2 Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),' more partic-  
3 ularly described as east of Area 7B, west of the east right of way of Highway 47 and south  
4 of the south right of way of Northwest Purdin Road.

5 "(d) As acknowledged rural reserve the real property that is situated west of Area 8B  
6 on Metro's map denominated as the 'Urban and Rural Reserves in Washington County, At-  
7 tachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT).'

8 "(4) Land in a county in Metro that is planned and zoned for farm, forest or mixed farm  
9 and forest use and that is not designated as urban reserve may not be included within the  
10 urban growth boundary of Metro before at least 75 percent of the land in the county that  
11 was designated urban reserve in this section has been included within the urban growth  
12 boundary and planned and zoned for urban uses.

13 "(5)(a) The real property described in subsection (2)(a) of this section:

14 "(A) Is employment land of state significance; and

15 "(B) Must be planned and zoned for employment use.

16 "(b) In its first legislative review of the urban growth boundary on or after the effective  
17 date of this 2014 Act, Metro shall not count the employment capacity of the real property  
18 described in subsection (2)(a) of this section in determining the employment capacity of the  
19 land within Metro.

20 "(6) If the real property described in subsection (2)(f) of this section or section 4 (1) to  
21 (3) of this 2014 Act is planned and zoned for employment use, in its first legislative review  
22 of the urban growth boundary on or after the effective date of this 2014 Act, Metro shall not  
23 count the employment capacity of the real property described in subsection (2)(f) of this  
24 section or in section 4 (1) to (3) of this 2014 Act in determining the employment capacity of  
25 the land within Metro.

26 "**SECTION 4.** For the purpose of land use planning in Oregon, the Legislative Assembly  
27 designates the urban growth boundary designated in Metro Ordinance No. 11-1264B, adopted  
28 October 20, 2011, as the acknowledged urban growth boundary of Metro, subject to the con-  
29 ditions of approval in the ordinance, except that:

30 "(1) The real property in Area 7C on Metro's map denominated as the 'Urban and Rural  
31 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
32 (03/17/11 DRAFT),' is included within the acknowledged urban growth boundary.

33 "(2) The real property in Area 7D on Metro's map denominated as the 'Urban and Rural  
34 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
35 (03/17/11 DRAFT),' is included within the acknowledged urban growth boundary.

36 "(3) The real property in Area 7E on Metro's map denominated as the 'Urban and Rural  
37 Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245  
38 (03/17/11 DRAFT),' is included within the acknowledged urban growth boundary.

39 "**SECTION 5.** ORS 197.299 is amended to read:

40 "197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the  
41 inventory, determination and analysis required under ORS 197.296 (3) not later than [five] six years  
42 after completion of the previous inventory, determination and analysis.

43 "(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296  
44 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3)  
45 within one year of completing the analysis.

1 “(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) neces-  
2 sary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two  
3 years of completing the analysis.

4 “(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year  
5 after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land  
6 within the urban growth boundary to accommodate the estimated housing needs for 20 years from  
7 the time the actions are completed. The metropolitan service district shall consider and adopt new  
8 measures that the governing body deems appropriate under ORS 197.296 (6)(b).

9 “(3) The Land Conservation and Development Commission may grant an extension to the time  
10 limits of subsection (2) of this section if the Director of the Department of Land Conservation and  
11 Development determines that the metropolitan service district has provided good cause for failing  
12 to meet the time limits.

13 “(4)(a) The metropolitan service district shall establish a process to expand the urban growth  
14 boundary to accommodate a need for land for a public school that cannot reasonably be accommo-  
15 dated within the existing urban growth boundary. The metropolitan service district shall design the  
16 process to:

17 “(A) Accommodate a need that must be accommodated between periodic analyses of urban  
18 growth boundary capacity required by subsection (1) of this section; and

19 “(B) Provide for a final decision on a proposal to expand the urban growth boundary within four  
20 months after submission of a complete application by a large school district as defined in ORS  
21 195.110.

22 “(b) At the request of a large school district, the metropolitan service district shall assist the  
23 large school district to identify school sites required by the school facility planning process de-  
24 scribed in ORS 195.110. A need for a public school is a specific type of identified land need under  
25 ORS 197.298 (3).

26 “**SECTION 6.** ORS 197.626 is amended to read:

27 “197.626. (1) A local government shall submit for review and the Land Conservation and Devel-  
28 opment Commission shall review the following final land use decisions in the manner provided for  
29 review of a work task under ORS 197.633:

30 “(a) An amendment of an urban growth boundary by a metropolitan service district that adds  
31 more than 100 acres to the area within its urban growth boundary;

32 “(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more  
33 within its urban growth boundary that adds more than 50 acres to the area within the urban growth  
34 boundary;

35 “(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropol-  
36 itan service district or by a city with a population of 2,500 or more within its urban growth  
37 boundary;

38 “(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

39 “(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban  
40 reserve by a city with a population of 2,500 or more within its urban growth boundary; and

41 “(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to  
42 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the  
43 designation.

44 “(2) **When the commission reviews a final land use decision of a metropolitan service**  
45 **district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a**

1 **final order in writing within 180 days after the commission votes whether to approve the**  
2 **decision.**

3 “[(2)] (3) A final order of the commission under this section may be appealed to the Court of  
4 Appeals in the manner described in ORS 197.650 and 197.651.

5 “**SECTION 7.** ORS 195.085 is amended to read:

6 “195.085. (1) [*No later than the first periodic review that begins after November 4, 1993,*] Local  
7 governments and special districts shall demonstrate compliance with ORS 195.020 and 195.065.

8 “(2) The Land Conservation and Development Commission may adjust the deadline for compli-  
9 ance under this section when cities and counties that are parties to an agreement under ORS  
10 195.020 and 195.065 are scheduled for periodic review at different times.

11 “(3) Local governments and special districts that are parties to an agreement in effect on No-  
12 vember 4, 1993, which provides for the future provision of an urban service shall demonstrate com-  
13 pliance with ORS 195.065 no later than the date such agreement expires or the second periodic  
14 review that begins after November 4, 1993, whichever comes first.

15 “(4) **An urban service agreement in effect on the effective date of this 2014 Act does not**  
16 **apply to real property described as Area 2 on Metro’s map denominated ‘2011 UGB Expansion**  
17 **Areas, Ordinance 11-1264B, Exhibit A, October, 2011.’**

18 “**SECTION 8.** (1) **For the purpose of ORS 195.065, the City of Hillsboro and Tualatin Valley**  
19 **Fire and Rescue shall enter into an urban service agreement for the unincorporated com-**  
20 **munities of Reedville, Aloha, Rock Creek and North Bethany in Washington County.**

21 “(2) **The agreement must generally follow a boundary between the City of Hillsboro and**  
22 **Tualatin Valley Fire and Rescue along the north-south axis of Southwest 209th Avenue in**  
23 **Washington County, between Southwest Farmington Road and the intersection of Northwest**  
24 **Cornelius Pass Road and Northwest Old Cornelius Pass Road, excluding areas that are within**  
25 **the City of Hillsboro on the effective date of this 2014 Act.**

26 “(3) **The City of Hillsboro and Tualatin Valley Fire and Rescue shall report to the Legis-**  
27 **lative Assembly in the manner described in ORS 192.245 on or before January 1, 2015, on the**  
28 **agreement required by this section.**

29 “**SECTION 9.** **When the Land Conservation and Development Commission acts on remand**  
30 **of the decision of the Oregon Court of Appeals in Case No. A152351, the commission may**  
31 **approve all or part of the local land use decision if the commission identifies evidence in the**  
32 **record that clearly supports all or part of the decision even though the findings of the local**  
33 **government either:**

34 “(1) **Do not recite adequate facts or conclusions of law; or**

35 “(2) **Do not adequately identify the legal standards that apply, or the relationship of the**  
36 **legal standards to the facts.**

37 “**SECTION 10.** **The amendments to ORS 197.626 by section 6 of this 2014 Act apply to a**  
38 **final land use decision of a metropolitan service district that is submitted to the Land Con-**  
39 **servation and Development Commission for review on or after the effective date of this 2014**  
40 **Act.**

41 “**SECTION 11.** **Section 8 of this 2014 Act is repealed December 31, 2015.**

42 “**SECTION 12.** **The amendments to ORS 197.299 by section 5 of this 2014 Act become op-**  
43 **erative January 1, 2015.”.**

44 In line 45, delete “4” and insert “13”.