

A-Engrossed
Senate Bill 418

Ordered by the Senate April 17
Including Senate Amendments dated April 17

Sponsored by Senator BEYER (Presession 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.

Requires Director of Department of Land Conservation and Development, at city's request, to approve or remand sequential phases of work tasks related to potential amendment of urban growth boundary.

A BILL FOR AN ACT

1
2 Relating to local legislative review of urban growth boundaries; creating new provisions; and
3 amending ORS 197.626.

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

5 **SECTION 1.** ORS 197.626 is amended to read:

6 197.626. (1) A local government shall submit for review and the Land Conservation and Devel-
7 opment Commission shall review the following final land use decisions in the manner provided for
8 review of a work task under ORS 197.633 **and subject to subsection (3) of this section:**

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

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

14 (c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan
15 service district or by a city with a population of 2,500 or more within its urban growth boundary;

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

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

19 (f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to
20 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the
21 designation.

22 (2) When the commission reviews a final land use decision of a metropolitan service district
23 under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in
24 writing within 180 days after the commission votes whether to approve the decision.

25 **(3) When reviewing an amendment of an urban growth boundary under subsection (1)(b)**
26 **of this section and ORS 197.295 to 197.314:**

27 **(a) At the request of and in coordination with the city, the Director of the Department**
28 **of Land Conservation and Development shall parse work tasks in a manner that allows the**

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 Department of Land Conservation and Development to issue final orders approving or re-
2 manding sequential phases required for completion of the work tasks, including a final order
3 approving:

4 (A) An inventory of buildable lands and an opportunities analysis under a goal relating
5 to economic activities or an inventory of buildable lands and a needs analysis under a goal
6 relating to housing needs.

7 (B) An estimation of the land need under a goal relating to economic activities.

8 (C) Any response to the department regarding approval of the estimation of land need,
9 including changes proposed to comprehensive plan designations or land use zones.

10 (b)(A) The director shall take action on each sequential phase of a work task described
11 in paragraph (a) of this subsection not later than 90 days after the local government submits
12 the phase for review, unless the local government waives the 90-day deadline or the com-
13 mission grants the director an extension.

14 (B) If the director does not take action within the time period required by subparagraph
15 (A) of this paragraph, the sequential phase of the work task is deemed approved.

16 (c) The director may approve or remand a sequential phase of a work task or refer the
17 phase of the work task to the commission for a decision. A decision by the director to ap-
18 prove or remand a phase of the work task may be appealed to the commission.

19 (d) The director shall provide a letter to the local government certifying the approval of
20 each sequential phase of a work task, unless an interested party has filed a timely objection
21 to the phase of the work task consistent with administrative rules for conducting periodic
22 review.

23 (e) A phase of a work task for which the department has issued a final order of approval
24 may not be the basis of an objection to a review for final approval of an amendment of an
25 urban growth boundary under subsection (1)(b) of this section.

26 [(3)] (4) A final order of the commission under this section may be appealed to the Court of
27 Appeals in the manner described in ORS 197.650 and 197.651.

28 **SECTION 2.** The amendments to ORS 197.626 by section 1 of this 2017 Act apply to a
29 legislative review of an urban growth boundary under ORS 197.295 to 197.314 that has not
30 become acknowledged on or before the effective date of this 2017 Act, without regard to
31 whether the legislative review was initiated before, on or after the effective date of this 2017
32 Act.