

**PROPOSED AMENDMENTS TO
HOUSE BILL 4078**

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

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

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

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

9 Delete lines 37 through 44 and insert:

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

12 **“(2) Section 4 of this 2014 Act is added to and made a part of ORS
13 197.295 to 197.314.**

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

19 **“(a) The real property in Area 5C on Metro’s map denominated as
20 the ‘Urban and Rural Reserves in Washington County, Attachment A
21 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is
22 more particularly described as tax lots 1500 and 1501, section 1 of**

1 township 2 south, range 2 west, Willamette Meridian, is not designated
2 as a reserve area.

3 “(b) The Legislative Assembly designates as acknowledged urban
4 reserve the real property that is part of the original plat of Bendemeer,
5 Washington County, Oregon, more particularly described as:

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

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

10 “(C) The real property that is more particularly described as: Be-
11 ginning at a point of origin that is the south bank of Holcomb Creek
12 and the east boundary of the right of way of Cornelius Pass Road;
13 thence easterly along the south bank of Holcomb Creek, continuing
14 along the south bank of Holcomb Lake to its intersection with the
15 west boundary of Area 8C; thence southerly along the west boundary
16 of Area 8C to its intersection with the north boundary of the right of
17 way of West Union Road; thence westerly along the right of way to its
18 intersection with the east boundary of the right of way of Cornelius
19 Pass Road; thence northerly along the right of way to the point of
20 origin.

21 “(2) For purposes of land use planning in Oregon, the Legislative
22 Assembly designates the land in Washington County that was desig-
23 nated as urban reserve in Metro Resolution No. 11-4245, adopted on
24 March 15, 2011, as the acknowledged urban reserve in Washington
25 County, except that:

26 “(a) The real property in Area 8A on Metro’s map denominated as
27 the ‘Urban and Rural Reserves in Washington County, Attachment A
28 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ east of
29 the east boundary of the right of way of Jackson School Road and east
30 of the east bank of Storey Creek and the east bank of Waibel Creek

1 is included within the acknowledged urban growth boundary.

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

8 “(c) The real property in Area 8B on Metro’s map denominated as
9 the ‘Urban and Rural Reserves in Washington County, Attachment A
10 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is
11 more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and
12 1400 in section 15 of township 1 north, range 2 west, Willamette
13 Meridian, is not designated as a reserve area.

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

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

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

29 “(3) For purposes of land use planning in Oregon, in relation to the
30 following real property in Washington County that is not reserved by

1 designation in Metro Resolution No. 11-4245, adopted on March 15, 2011,
2 the Legislative Assembly designates:

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

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

18 “(c) As acknowledged rural reserve the real property that is north
19 of the City of Forest Grove on Metro’s map denominated as the ‘Urban
20 and Rural Reserves in Washington County, Attachment A to Staff
21 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ more particularly
22 described as east of Area 7B, west of the east right of way of Highway
23 47 and south of the south right of way of Northwest Purdin Road.

24 “(d) As acknowledged rural reserve the real property that is situ-
25 ated west of Area 8B on Metro’s map denominated as the ‘Urban and
26 Rural Reserves in Washington County, Attachment A to Staff Report
27 for Resolution No. 11-4245 (03/17/11 DRAFT).’

28 “(4) Land in a county in Metro that is planned and zoned for farm,
29 forest or mixed farm and forest use and that is not designated as ur-
30 ban reserve may not be included within the urban growth boundary

1 of Metro before at least 75 percent of the land in the county that was
2 designated urban reserve in this section has been included within the
3 urban growth boundary, annexed into a city and planned and zoned for
4 urban uses.

5 “(5)(a) The real property described in subsection (2)(a) of this sec-
6 tion:

7 “(A) Is employment land of state significance and does not count
8 in determining the employment capacity of the land within Metro; and

9 “(B) Must be planned and zoned for employment use.

10 “(b) In its first legislative review of the urban growth boundary on
11 or after the effective date of this 2014 Act, Metro shall not count the
12 employment capacity of the real property described in subsection (2)(a)
13 of this section in determining the employment capacity of the land
14 within Metro.

15 “(6) If the real property described in subsection (2)(f) of this section
16 or section 4 (1) to (3) of this 2014 Act is planned and zoned for em-
17 ployment use, in its legislative reviews of the urban growth boundary
18 on or after the effective date of this 2014 Act, Metro shall not count
19 the employment capacity of the real property described in subsection
20 (2)(f) of this section or in section 4 (1) to (3) of this 2014 Act in deter-
21 mining the employment capacity of the land within Metro.

22 “SECTION 4. For the purpose of land use planning in Oregon, the
23 Legislative Assembly designates the urban growth boundary desig-
24 nated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as
25 the acknowledged urban growth boundary of Metro, subject to the
26 conditions of approval in the ordinance, except that:

27 “(1) The real property in Area 7C on Metro’s map denominated as
28 the ‘Urban and Rural Reserves in Washington County, Attachment A
29 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ is in-
30 cluded within the acknowledged urban growth boundary.

1 **“(2) The real property in Area 7D on Metro’s map denominated as**
2 **the ‘Urban and Rural Reserves in Washington County, Attachment A**
3 **to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ is in-**
4 **cluded within the acknowledged urban growth boundary.**

5 **“(3) The real property in Area 7E on Metro’s map denominated as**
6 **the ‘Urban and Rural Reserves in Washington County, Attachment A**
7 **to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ is in-**
8 **cluded within the acknowledged urban growth boundary.**

9 **“SECTION 5.** ORS 197.299 is amended to read:

10 “197.299. (1) A metropolitan service district organized under ORS chapter
11 268 shall complete the inventory, determination and analysis required under
12 ORS 197.296 (3) not later than [*five*] **six** years after completion of the previ-
13 ous inventory, determination and analysis.

14 “(2)(a) The metropolitan service district shall take such action as neces-
15 sary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable
16 land supply determined under ORS 197.296 (3) within one year of completing
17 the analysis.

18 “(b) The metropolitan service district shall take all final action under
19 ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply
20 determined under ORS 197.296 (3) within two years of completing the analy-
21 sis.

22 “(c) The metropolitan service district shall take action under ORS 197.296
23 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b)
24 is completed, to provide sufficient buildable land within the urban growth
25 boundary to accommodate the estimated housing needs for 20 years from the
26 time the actions are completed. The metropolitan service district shall con-
27 sider and adopt new measures that the governing body deems appropriate
28 under ORS 197.296 (6)(b).

29 “(3) The Land Conservation and Development Commission may grant an
30 extension to the time limits of subsection (2) of this section if the Director

1 of the Department of Land Conservation and Development determines that
2 the metropolitan service district has provided good cause for failing to meet
3 the time limits.

4 “(4)(a) The metropolitan service district shall establish a process to ex-
5 pand the urban growth boundary to accommodate a need for land for a public
6 school that cannot reasonably be accommodated within the existing urban
7 growth boundary. The metropolitan service district shall design the process
8 to:

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

12 “(B) Provide for a final decision on a proposal to expand the urban
13 growth boundary within four months after submission of a complete appli-
14 cation by a large school district as defined in ORS 195.110.

15 “(b) At the request of a large school district, the metropolitan service
16 district shall assist the large school district to identify school sites required
17 by the school facility planning process described in ORS 195.110. A need for
18 a public school is a specific type of identified land need under ORS 197.298
19 (3).

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

21 “197.626. (1) A local government shall submit for review and the Land
22 Conservation and Development Commission shall review the following final
23 land use decisions in the manner provided for review of a work task under
24 ORS 197.633:

25 “(a) An amendment of an urban growth boundary by a metropolitan ser-
26 vice district that adds more than 100 acres to the area within its urban
27 growth boundary;

28 “(b) An amendment of an urban growth boundary by a city with a popu-
29 lation of 2,500 or more within its urban growth boundary that adds more
30 than 50 acres to the area within the urban growth boundary;

1 “(c) A designation of an area as an urban reserve under ORS 195.137 to
2 195.145 by a metropolitan service district or by a city with a population of
3 2,500 or more within its urban growth boundary;

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

6 “(e) An amendment of the boundary of an urban reserve to add more than
7 50 acres to the urban reserve by a city with a population of 2,500 or more
8 within its urban growth boundary; and

9 “(f) A designation or an amendment to the designation of a rural reserve
10 under ORS 195.137 to 195.145 by a county, in coordination with a metropol-
11 itan service district, and the amendment of the designation.

12 “**(2) When the commission reviews a final land use decision of a**
13 **metropolitan service district under subsection (1)(a), (c), (d) or (f) of**
14 **this section, the commission shall issue a final order in writing within**
15 **180 days after the commission votes whether to approve the decision.**

16 “[2)] (3) A final order of the commission under this section may be ap-
17 pealed to the Court of Appeals in the manner described in ORS 197.650 and
18 197.651.

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

20 “195.085. (1) *[No later than the first periodic review that begins after No-*
21 *vember 4, 1993,]* Local governments and special districts shall demonstrate
22 compliance with ORS 195.020 and 195.065.

23 “(2) The Land Conservation and Development Commission may adjust the
24 deadline for compliance under this section when cities and counties that are
25 parties to an agreement under ORS 195.020 and 195.065 are scheduled for
26 periodic review at different times.

27 “(3) Local governments and special districts that are parties to an agree-
28 ment in effect on November 4, 1993, which provides for the future provision
29 of an urban service shall demonstrate compliance with ORS 195.065 no later
30 than the date such agreement expires or the second periodic review that be-

1 gins after November 4, 1993, whichever comes first.

2 “(4) An urban service agreement in effect on the effective date of
3 this 2014 Act does not apply to real property described as Area 2 on
4 Metro’s map denominated ‘2011 UGB Expansion Areas, Ordinance
5 11-1264B, Exhibit A, October, 2011.’

6 **“SECTION 8. (1) For the purpose of ORS 195.065, the City of
7 Hillsboro and Tualatin Valley Fire and Rescue shall enter into an ur-
8 ban service agreement related to real property annexed by the City of
9 Hillsboro in any one of the unincorporated communities of Reedville,
10 Aloha, Rock Creek and North Bethany in Washington County.**

11 **“(2) The agreement must generally follow a boundary between the
12 City of Hillsboro and Tualatin Valley Fire and Rescue along the
13 north-south axis of Southwest 209th Avenue in Washington County,
14 between Southwest Farmington Road and the intersection of North-
15 west Cornelius Pass Road and Northwest Old Cornelius Pass Road,
16 excluding areas that are within the City of Hillsboro on the effective
17 date of this 2014 Act.**

18 **“(3) The City of Hillsboro and Tualatin Valley Fire and Rescue shall
19 report to the Legislative Assembly in the manner described in ORS
20 192.245 on or before January 1, 2015, on the agreement required by this
21 section.**

22 **“SECTION 9. When the Land Conservation and Development Com-
23 mission acts on remand of the decision of the Oregon Court of Appeals
24 in Case No. A152351, the commission may approve all or part of the
25 local land use decision if the commission identifies evidence in the
26 record that clearly supports all or part of the decision even though the
27 findings of the local government either:**

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

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

1 **SECTION 10. The amendments to ORS 197.626 by section 6 of this**
2 **2014 Act apply to a final land use decision of a metropolitan service**
3 **district that is submitted to the Land Conservation and Development**
4 **Commission for review on or after the effective date of this 2014 Act.**

5 **SECTION 11. Section 8 of this 2014 Act is repealed December 31,**
6 **2015.**

7 **SECTION 12. The amendments to ORS 197.299 by section 5 of this**
8 **2014 Act become operative January 1, 2015.”.**

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

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