

SB 418 A -A4 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

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Meeting Dates: 5/9, 5/30

WHAT THE MEASURE DOES:

Requires director of the Department of Land Conservation and Development (DLCD), at the request of and in coordination with a city, to parse work tasks to allow DLCD to issue final orders approving or remanding sequential phases of the work tasks related to an urban growth boundary (UGB) amendment: (1) by a city with a population of 2,500 or more that adds more than 50 acres to the UGB; and (2) related to needed housing under ORS 197.295 to 197.314. Requires director to take action on each sequential phase no later than 90 days after the local government submits the phase for review, unless waived by the local government or if the Land Conservation and Development Commission (LCDC) grants the director an extension. Stipulates that if the director does not take timely action, the phase is deemed approved. Authorizes director to approve, remand or refer work task to LCDC for a decision. Allows a director decision to be appealed to LCDC. Requires director to provide letter to local government certifying approval of work phase unless an interested party has filed a timely objection under applicable administrative rules. Applies to review of UGB under ORS 197.295 to 197.314 that has not been acknowledged by the effective date of the Act, without regard to whether review was initiated before, after or on effective date of Act.

ISSUES DISCUSSED:

- Changes to the appeals process
- Length of time necessary to approve UGB expansion plans

EFFECT OF AMENDMENT:

-A4 Allows city east of summit of Cascade Mountains to include certain lands in evaluation of priority of land for inclusion in urban growth boundary. Includes land that is designated agricultural land in county comprehensive plan; on tract of 320 acres or less; that has not been in active commercial farm use in previous 10 years; and that consists predominantly of Gosney-Rock outcrop-Deskamp soil complex with zero to 15 percent slopes, as determined in most recent soil survey publication of United States Department of Agriculture Natural Resource Conservation Service. Applies to evaluations of land occurring on or after effective date of Act.

BACKGROUND:

All Oregon cities are surrounded by an “urban growth boundary” (UGB), a line drawn on planning and zoning maps to designate where a city expects to grow residentially, industrially and commercially over a 20-year period. A UGB is adopted or expanded through a joint effort involving the city, adjoining counties in coordination with special districts, and with participation of citizens and other interested parties. Often UGBs include farm, forest or low-density residential areas in unincorporated areas outside city limits. But, unlike farm and forest land outside UGBs, areas inside UGBs are planned for development. Zoning restrictions in areas outside of UGBs protect farm and forest resource land and prohibit “urban levels” of development in other areas. A UGB can be modified in compliance with statewide planning goals and state laws.

At the request of a city, Senate Bill 418A would require the Department of Land Conservation and Development to make decisions on sequential phases of work during certain UGB expansion processes.