

Enrolled
Senate Bill 418

Sponsored by Senator BEYER (Pre-session filed.)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 197.626 is amended to read:

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

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

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

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

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

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

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

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

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

(a) At the request of and in coordination with the city, the Director of the Department of Land Conservation and Development shall parse work tasks in a manner that allows the Department of Land Conservation and Development to issue final orders approving or remanding sequential phases required for completion of the work tasks, including a final order approving:

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

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

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

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

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

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

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

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

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

Passed by Senate April 19, 2017

Received by Governor:

Repassed by Senate June 19, 2017

.....M.,....., 2017

Approved:

.....
Lori L. Brocker, Secretary of Senate

.....M.,....., 2017

.....
Peter Courtney, President of Senate

.....
Kate Brown, Governor

Passed by House June 14, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Tina Kotek, Speaker of House

.....
Dennis Richardson, Secretary of State