

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

DIVISION 18

~~[POST-ACKNOWLEDGEMENT AMENDMENTS]~~

CHANGES TO COMPREHENSIVE PLANS OR LAND USE REGULATIONS

2nd Draft of Proposed Amendments– January 9, 2012

1 **660-018-0005**

2 **Purpose**

3 This division is intended to implement provisions of ORS 197.610 through 197.625. The
4 overall purpose of this division is to carry out the state policies outlined in ORS 197.010.

5 Stat. Auth.: ORS 197.040

6 Stats. Implemented: ORS 197.610 - 197.625

7 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2004, f. &
8 cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 1-2011, f. & cert. ef. 10-19-11

9 **660-018-0010**

10 **Definitions and Computation of Time**

11 (1) For the purpose of this division, the definitions [~~contained~~] in ORS 197.015 apply. In
12 addition, the following definitions apply:

13 (a) “A change” to an acknowledged comprehensive plan or land use regulation
14 means an amendment to the plan or implementing land use regulations, including an
15 amendment to the plan text or map. This term includes additions and deletions to the
16 acknowledged plan or regulations, the adoption of a new plan or regulation, or the repeal
17 of an acknowledged plan or regulation.

18 [~~(1) “Computation of Time” means unless otherwise provided in this rule, the time within~~
19 ~~which an act is to be done, [is] computed by excluding the first day and including the last unless~~
20 ~~the last day falls upon any legal holiday, Saturday, or Sunday in which case the last day is also~~
21 ~~excluded.~~]

22 ~~(2) “Electronic copy” means a computer file or files, which can be submitted as digital~~
23 ~~media such as disc, electronic mail, or other method of file transfer.~~

24 (b) “Date of Decision” means the date on which the local government adopts the
25 change.

26 ~~([3]c) “[Final] Decision” means a local government adoption [the written, signed~~
27 ~~approval, or approval as modified, by the local government,] of a [proposed amendment to, or~~
28 ~~adoption of,] change to a comprehensive plan or land use regulation. Except where adoption is
29 required by law, a [A] local government denial of a proposed [amendment] change [by the~~
30 ~~local government] shall not be considered a “[Final] Decision” [and therefore is not subject to~~
31 ~~review under this administrative] for purposes of notices of adoption otherwise required by
32 this division. [The date of the “Final Decision” as described in OAR 660-018-0040 shall be the~~
33 ~~date on which the local government takes final action on the amendment to, or adoption of, a~~

OAR 660, division 18
Draft 2 Proposed Amendments – January 9, 2012

1 ~~comprehensive plan or land use regulation. In order to be deemed final, the local government~~
2 ~~action must include the adoption of all supplementary findings and data. In addition, the date of~~
3 ~~final action shall be the day following exhaustion of all appeal rights before local government.]~~

4 ([4]d) “Final **Evidentiary** Hearing [~~on Adoption~~” as described in OAR 660-018-0020]
5 means the last hearing where all interested persons are allowed to present evidence and rebut
6 testimony on [the] **a** proposal to [~~adopt or amend~~] **adopt a change to** a comprehensive plan or
7 land use regulation. [~~“Final Hearing on Adoption” shall not include a~~] **A** hearing held solely on
8 the record of a previous hearing held by the governing body or its designated hearing body **is not**
9 **a “final evidentiary hearing.”**

10 ([5]e) “First Evidentiary Hearing” means the first hearing conducted by the local
11 government where interested persons are allowed to present and rebut evidence and testimony on
12 a proposal to adopt [~~or amend~~] **a change to** a comprehensive plan or land use regulation **or to**
13 **adopt or repeal a plan or land use regulation.** “First evidentiary hearing” does not include a
14 work session or briefing where public testimony is not allowed.

15 ([6]f) “Map Change” [~~as used in OAR 660-018-0020~~] means a change in the designation
16 **or boundary** of an area as shown on the comprehensive plan map, zoning map or both,
17 **including an area added to or removed from a comprehensive plan or zoning map.**

18 [~~(7) Substantially Amended” as used in OAR 660-018-0045 shall mean any change in~~
19 ~~text that differs from the proposal submitted under OAR 660-018-0020 to such a degree that the~~
20 ~~notice under OAR 660-018-0020 did not reasonably describe the nature of the local government~~
21 ~~final action.]~~

22 **(2) Computation of time: for purposes of this division, the time within which a**
23 **particular act must be done, such as “35 days before,” is computed as follows. The first day**
24 **of the designated period to complete the task, notice, objection or appeal shall not be**
25 **counted. The last day of the period shall be counted unless it is a Saturday, Sunday or legal**
26 **holiday under ORS 187.010 or 187.020. In that event the period shall run until the end of**
27 **the next day that is not a Saturday, Sunday or legal holiday. When the period of time to**
28 **complete the task is less than seven days, intervening Saturdays, Sundays or legal holidays**
29 **shall not be counted.**

30 Stat. Auth.: ORS 197.040

31 Stats. Implemented: ORS **187.010, 187.020**, 197.610 - 197.625

32 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
33 ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD
34 1-2011, f. & cert. ef. 10-19-11

35 **660-018-0020**

36 **[Filing of] Notice of a Proposed Change to [Amendment to or Adoption of] a**
37 **Comprehensive Plan or Land Use Regulation [with the Director].**

1 ~~(1) [A proposal to amend a local government acknowledged comprehensive plan or land use~~
2 ~~regulation or to adopt a new land use regulation must:] **Before a local government adopts a**
3 ~~**change to an acknowledged comprehensive plan or a land use regulation, unless**~~
4 ~~**circumstances described in OAR 660-018-0022 apply, the local government shall submit the**~~
5 ~~**proposed change to the department, including the information described in section (2) of**~~
6 ~~**this rule. The notice of proposed change must be submitted to the director at the**~~
7 ~~**department's Salem office at least 35 days before the local government holds the first**~~
8 ~~**evidentiary hearing on adoption of the proposed change.**~~~~

9 ~~[(a) Be submitted to the director at least 45 days before the first evidentiary hearing on~~
10 ~~adoption. The submittal must be received by the department at its Salem office;~~

11 ~~(b) Be accompanied by appropriate forms provided by the department;~~

12 ~~(c) Contain two copies of the text and any supplemental information the local~~
13 ~~government believes is necessary to inform the director as to the effect of the proposal. One of~~
14 ~~the required copies may be an electronic copy;~~

15 ~~(d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is~~
16 ~~continued or delayed, following proper procedures, the local government is not required to~~
17 ~~submit a new notice under OAR 660-018-0020.~~

18 ~~(e) In the case of a map change, include a map showing the area to be changed as well as~~
19 ~~the existing and proposed designations. Wherever possible, this map should be on 8 1/2 by 11-~~
20 ~~inch paper;~~

21 ~~(f) Where a goal exception is being proposed, include the proposed language of the~~
22 ~~exception. The Commission urges the local government to submit information that explains the~~
23 ~~relationship of the proposal to the acknowledged plan and the goals, where applicable.]~~

24 ~~**(2) The submittal must include applicable forms provided by the department and**~~
25 ~~**all of the following materials:**~~

26 ~~**(a) The text of the proposed change to the comprehensive plan or land use**~~
27 ~~**regulation implementing the plan, as provided in section (3) of this rule;**~~

28 ~~**(b) If a comprehensive plan map or zoning map is created or altered by the**~~
29 ~~**proposed change, a copy of the map that is created or altered, preferably on 8 1/2 by 11 inch**~~
30 ~~**paper;**~~

31 ~~**(c) A brief narrative summary of the proposed change and any supplemental**~~
32 ~~**information that the local government believes may be useful to inform the director and**~~
33 ~~**members of the public of the effect of the proposed change;**~~

34 ~~**(d) The date set for the first evidentiary hearing;**~~

1 **(e) The notice or a draft of the notice required under ORS 197.763 regarding a**
2 **quasi-judicial land use hearing, if applicable; and**

3 **(f) Any staff report on the proposed change or information that describes when the**
4 **staff report will be available and how a copy may be obtained.**

5 (~~2~~3) The **proposed** text submitted to comply with subsection **(2)(a)** [~~(1)(e)~~] of this rule
6 must include **all of** the [specific language being] proposed **wording to be added to or deleted**
7 **from** [as an addition to or deletion from] the acknowledged plan or land use regulations. A
8 general description of the proposal or its purpose, **by itself**, is not sufficient. **For** [~~In the case of~~]
9 map changes, the **material submitted to comply with Subsection (2)(b)** [~~text~~] must include a
10 graphic depiction of the change[~~, and not just~~]; a legal description, tax account number, address
11 or [~~other~~] similar general description, **by itself**, is not sufficient. **If a goal exception is proposed,**
12 **the submittal must include the proposed wording of the exception.**

13 **(4) If a local government proposes a change to an acknowledged comprehensive plan**
14 **or a land use regulation solely for the purpose of conforming the plan and regulations to**
15 **new requirements in a land use statute, statewide land use planning goal, or a rule**
16 **implementing the statutes or goals, the local government may adopt such a change without**
17 **holding a public hearing, notwithstanding contrary provisions of state and local law,**
18 **provided:**

19 **(a) The local government gives notice to the department of the proposed change,**
20 **including the materials described in section (2) of this rule, 35 days before the proposed**
21 **change is adopted by the local government, and**

22 **(b) The department confirms in writing prior to the adoption of the change that the**
23 **only effect of the proposed change is to conform the comprehensive plan or the land use**
24 **regulations to the new requirements.**

25 **(5) For purposes of computation of time for the 35-day notice under this rule and**
26 **OAR 660-018-0035 (1)(c), the proposed change is considered to have been “submitted” on**
27 **the day that paper copies of the applicable notice forms and other documents required by**
28 **section (2) this rule are received by the department in its Salem office.**

29 Stat. Auth.: ORS 197.040

30 Stats. Implemented: ORS 197.610 - 197.625

31 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
32 ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

33 **660-018-0021**

34 **Submittal of Joint Notice and Changes [Amendments]**

35 **(1) Where two or more local governments are required by plan provisions,**
36 **coordination agreements, statutes or goals to [jointly consider or] agree on and mutually**
37 **adopt a change to a** comprehensive plan or land use regulation [~~amendment~~], the local

1 governments shall jointly submit the **notice required in OAR 660-018-0020 and, if the change**
2 **is adopted, the decision and materials required by OAR 660-018-0040** [~~proposed amendment~~
3 ~~and action~~]. Notice of **such** [~~jointly~~] proposed [~~amendments~~] **changes** must be [~~provided 45~~]
4 **jointly submitted at least 35** days prior to the first evidentiary hearing. For purposes of notice
5 and appeal, the date of the [~~final~~] decision is the date of the last local government’s adoption **of**
6 **the change**.

7 **(2) For purposes of this rule, a change to a comprehensive plan or land use**
8 **regulation that requires two or more local governments to “agree on and cooperatively**
9 **adopt” includes, but is not limited to, the mutual establishment or amendment of an urban**
10 **growth boundary or urban reserve by a city and county.**

11 Stat. Auth.: ORS 197.040

12 Stats. Implemented: ORS 197.610 - 197.625

13 Hist.: LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f.

14 & cert. ef. 4-18-08; LCDD 1-2011, f. & cert. ef. 10-19-11

15 **660-018-0022**

16 **Exemptions to [~~Filing~~] Notice Requirements Under OAR 660-018-0020**

17 **(1)** When a local government determines that no goals, commission rules, or land use
18 statutes apply to a particular proposed **change**, [~~amendment or new regulation, filing~~] **the notice**
19 **of a proposed change** under OAR 660-018-0020 is not required.

20 **(2)** [~~In addition, a local government may submit an amendment or new regulation with~~
21 ~~less than 45 days’ notice if the local government determines that there are emergency~~
22 ~~circumstances requiring expedited review] **If a local government determines that emergency**
23 **circumstances beyond the control of the local government require expedited review such**
24 **that the local government cannot submit the proposed change consistent with the 35-day**
25 **deadline under OAR 660-018-0020, the local government may submit the proposed change**
26 **to the department as soon as practicable. The submittal must include a description of the**
27 **emergency circumstances.**~~

28 **(3)[(a)] A local government must submit any adopted change to an acknowledged**
29 **comprehensive plan or land use regulation to the department within 20 days of the decision**
30 **to adopt the change, as required by OAR 660-018-0040, regardless of the reason for not**
31 **submitting the proposed change in advance.** [~~The amendment or new regulation shall be~~
32 ~~submitted after adoption~~] as provided in ORS 197.615(1) and (2). [~~and~~]

33 **(4 [b])** Notwithstanding the requirements of ORS 197.830(2) to have appeared before
34 the local government in the proceedings concerning the proposal, **if a local government does**
35 **not provide the notice required under OAR 660-018-0020, regardless of the reason for not**
36 **providing the notice**, the director or any other person may appeal the decision to the board
37 under ORS 197.830 to 197.845, **except where notice was exempt as provided in ORS**
38 **197.620(3).**

1 Stat. Auth.: ORS 197.040
2 Stats. Implemented: ORS 197.610(2)
3 Hist.: LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2008, f. &
4 cert. ef. 4-18-08; LCDD 1-2011, f. & cert. ef. 10-19-11

5 **660-018-0025**

6 **Requests for Department Notice of Proposed Changes [Amendment to or Adoption of a**
7 **Comprehensive Plan or Land Use Regulation Sent to Those Requesting]**

8 Persons requesting written notice of proposed amendments to acknowledged
9 comprehensive plans or land use regulations [or proposed adoptions of new land use regulations]
10 who have paid the fee established under the provisions of OAR 660-018-0140 shall be mailed a
11 notice by the department of the proposed action within 15 days of the receipt of notice from local
12 government required by OAR 660-018-0020. The department may provide such notice by
13 electronic mail, in which case no fee is required. The department may provide the notice via the
14 World Wide Web.

15 **(1) Within 15 days of receipt of a notice of a proposed change to an acknowledged**
16 **comprehensive plan or a land use regulation described under OAR 660-018-0020, the**
17 **department shall provide notice of the proposed change to persons that have requested**
18 **notice of such changes. The notice shall be provided using electronic mail, electronic**
19 **bulletin board, electronic mailing list server or similar electronic method.**

20 **(2) The department shall notify persons that are generally interested in proposed**
21 **changes to acknowledged comprehensive plans by posting notices received under OAR 660-**
22 **018-0020 on a weekly basis on the department website using the Internet or a similar**
23 **electronic method.**

24 Stat. Auth.: ORS 197.040
25 Stats. Implemented: ORS 197.610 - 197.625
26 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2000, f. &
27 cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

28 **[660-018-0030**

29 **Report to Commission**

30 [When the department participates in a local government proceeding on a proposed
31 amendment to an acknowledged comprehensive plan or land use regulation, the director must
32 report the department position on proposed comprehensive plan or land use regulation adoption
33 or amendments to the commission. This report shall indicate whether the director believes the
34 proposal violates the goals.]

35 [Stat. Auth.: ORS 197.040
36 Stats. Implemented: ORS 197.610 – 197.625
37 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. &
38 cert. ef. 4-18-08; LCDD 1-2011, f. & cert. ef. 10-19-11]

1 **660-018-0035**

2 **Department Participation**

3 ~~[If the department participates in a local government proceeding for which notice was~~
4 ~~received under OAR 660-018-0020, the department shall do so at least 15 days prior to the first~~
5 ~~evidentiary hearing as specified in the notice received under OAR 660-018-0020, provided the~~
6 ~~director received the proposal at least 45 days prior to the first evidentiary hearing.]~~

7 **(1) When the department determines that a proposed change to an acknowledged**
8 **comprehensive plan or a land use regulation may not be in compliance with land use**
9 **statutes or the statewide land use planning goals, including administrative rules**
10 **implementing either the statutes or the goals, the department shall notify the local**
11 **government of the concerns at least 15 days before the final evidentiary hearing, unless:**

12 **(a) The local government holds only one hearing on the proposal, in which case the**
13 **notification must occur prior to the close of the hearing;**

14 **(b) The proposed change has been modified to the extent that resubmission is**
15 **required under OAR 660-018-0045; or**

16 **(c) The local government did not submit the proposed change within 35 days in**
17 **advance of the final hearing in accordance with OAR 660-018-0020(1), regardless of the**
18 **circumstances that resulted in that delay.**

19 **(2) Notwithstanding section (1) of this rule, the department may provide advisory**
20 **recommendations to the local government concerning a proposed change to the**
21 **acknowledged comprehensive plan or land use regulation at any time prior to the adoption**
22 **of the change.**

23 Stat. Auth.: ORS 197.040

24 Stats. Implemented: ORS 197.610 - 197.625

25 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2000, f. &
26 cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 1-2011, f. & cert. ef. 10-19-11

27 **660-018-0040**

28 **Submittal of Adopted Change [Material]**

29 (1) ~~Amendments to acknowledged comprehensive plans or land use regulations, new land~~
30 ~~use regulations adopted by local government, and findings to support the adoption shall be~~
31 ~~mailed or otherwise submitted to the director within five working days after the final decision by~~
32 ~~the governing body and shall be accompanied by appropriate forms provided by the department.~~
33 **When a local government adopts a proposed change to an acknowledged comprehensive**
34 **plan or a land use regulation it shall submit the decision to the department, with the**
35 **appropriate notice forms provided by the department, within 20 days.** ~~[If the text and~~
36 ~~findings are mailed, they shall include a signed statement by the person mailing them indicating~~
37 ~~the date of deposit in the mail.]~~

1 **(2) For purposes of the 20-day requirement under section (1) of this rule, the**
2 **proposed change is considered submitted to the department**

3 **(a) On the day the applicable notice forms and other required documents are**
4 **received by the department in its Salem office, if hand-delivered, or**

5 **(b) On the day the submittal is postmarked, if the local government mails the forms**
6 **and documents.**

7 **(3) The submission to the department must include all of the following materials:**

8 **(a) A copy of the signed decision;**

9 **(b) The findings and the text of the change to the comprehensive plan or land use**
10 **regulation;**

11 **(c) If a comprehensive plan map or zoning map is created or altered by the**
12 **proposed change:**

13 **(A) A map showing the area changed and applicable designations, preferably on 8 1/2**
14 **by 11 inch paper; and**

15 **(B) Electronic files containing geospatial data showing the area changed, as specified**
16 **in section (4) of this rule, if applicable. The Director may waive this requirement for local**
17 **governments that lack the capacity to produce this data.**

18 **(d) A brief narrative summary of the decision, including a summary of substantive**
19 **differences from the proposed change submitted under OAR 660-018-0020 and any**
20 **supplemental information that the local government believes may be useful to inform the**
21 **director or members of the public of the effect of the actual change; and**

22 **(e) A statement by the individual transmitting the decision identifying the date of**
23 **the decision and the date the submission was mailed to the department.**

24 **(4) Where amendments or new land use regulations, including supplementary**
25 **materials, exceed 100 pages, a summary of the amendment briefly describing its purpose**
26 **and requirements shall be included with the submittal to the director.**

27 **(5) For local governments that produce geospatial data describing an urban growth**
28 **boundary (UGB) or urban or rural reserve that is created or altered as part of an adopted**
29 **change to a comprehensive plan or land use regulation, the submission must include**
30 **electronic geospatial data depicting the boundary change. Local governments that create or**
31 **alter zoning or comprehensive plan maps as geospatial data are encouraged but not**
32 **required to share this data with the department. Geospatial data submitted to the**
33 **department must comply with the following standards endorsed by the Oregon Geographic**
34 **Information Council:**

1 **(a) Be in an electronic format compatible with the State’s Geographic Information**
2 **System software standard described in OAR 125-600-7550; and**

3 **(b) Be accompanied by metadata that meets at least the minimum requirements of**
4 **the federal Content Standard for Digital Geospatial Metadata.**

5 (~~2~~6) Local government must notify the department of withdrawals or denials of
6 proposals previously sent to the department under requirements of OAR 660-018-0020.

7 (~~3~~7) **If a local government did not submit a notice of a proposed change to a**
8 **comprehensive plan or land use regulation to the department as required by OAR 660-018-**
9 **0020, [F]the [local government] transmittal must clearly indicate [in its transmittal] which**
10 **provisions of [ORS 197.610] OAR 660-018-022 [are applicable where the adopted amendment**
11 **was not submitted for review 45 days prior to the first evidentiary hearing on adoption].**

12 **NOTE:** (ORS 197.610 clearly requires all adopted plan and land use regulation
13 amendments and new land use regulations to be submitted to the director even if they were not
14 required to be submitted for review prior to adoption.)

15 **(8) ORS 197.620 provides that a local government may cure the untimely**
16 **submission of materials by either postponing the date for the final evidentiary hearing by**
17 **the greater of 10 days or the number of days by which the submission was late; or by**
18 **holding the evidentiary record open for an additional period of time equal to 10 days or the**
19 **number of days by which the submission was late, whichever is greater. The local**
20 **government shall provide notice of such postponement or record extension to the**
21 **department.**

22 (~~4~~) Where amendments or new land use regulations, including supplementary materials,
23 exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements
24 shall be included with the submittal to the director. Such amendments or new land use
25 regulations may be submitted by electronic mail notwithstanding the requirement of OAR 660-
26 018-0020 for at least one paper copy.]

27 Stat. Auth.: ORS 197.040

28 Stats. Implemented: ORS 197.610 - 197.625

29 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
30 ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD
31 1-2011, f. & cert. ef. 10-19-11

32 **660-018-0045**

33 **[Changes in Proposals] Alterations to a Proposed Change**

34 **(1) [If a proposed amendment to a comprehensive plan or land use regulation or new land**
35 **use regulations is substantially amended after notice has been provided under OAR 660-018-**
36 **0020 but before the amendment or new regulation is adopted, the local government must specify**
37 **the changes that have been made in the notice of adoption provided in OAR 660-018-0040.] If,**

1 after initially submitting the notice and accompanying materials under OAR 660-018-0020,
2 a proposed change to an acknowledged comprehensive plan or land use regulation is
3 altered to such an extent that the materials submitted no longer reasonably describe the
4 proposed change, the local government must, at least 10 days before the final evidentiary
5 hearing on the proposal:

6 (a) Notify the department of the alterations to the proposed change, and

7 (b) Provide a summary of the alterations along with any alterations to the proposed
8 text or map and other materials described in OAR 660-018-0020.

9 (2) When the department receives a notification of alteration of a proposal as
10 described in section (1) of this rule, the department shall issue a new notice to persons that
11 have requested notice in the manner described OAR 660-018-0025.

12 (3) Circumstances requiring resubmission of a proposed change to a comprehensive
13 plan or land use regulation under this rule may include, but are not limited to:

14 (a) Alteration of the proposed principal uses that would be allowed under the
15 proposed change to the comprehensive plan or land use regulations;

16 (b) A significant change in the location at which the principal uses would be allowed,
17 limited or prohibited; or

18 (c) A significant change in the conditions or restrictions that would be applied to a
19 proposed use.

20 Stat. Auth.: ORS 197.040

21 Stats. Implemented: ORS 197.610 - 197.625

22 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. &
23 cert. ef. 4-18-08; LCDD 1-2011, f. & cert. ef. 10-19-11

24 **660-018-0050**

25 **Notice to Other Parties of Adopted Changes**

26 (1) Notice of ~~an~~ adopted [~~plan amendments to parties~~] **change to a comprehensive plan**
27 or land use regulation to persons other than ~~the department~~ [~~director~~] is governed by ORS
28 197.615(~~2~~)**4** and (5), which require that on the same day the local government submits the
29 **decision to the director the local government shall mail or otherwise deliver notice of the**
30 **decision to persons that:**

31 (a) Participated in the local government proceedings that led to the decision to adopt
32 the change to the acknowledged comprehensive plan or the land use regulation; and

33 (b) Requested in writing that the local government provide them with notice of the
34 change to the acknowledged comprehensive plan or the land use regulation.

1 **(2) The notice to persons who participated and requested notice as required by**
2 **section (1) of this rule must:**

3 **(a) Clearly describe the decision;**

4 **(b) State the date of the decision;**

5 **(c) Indicate how and where the materials described in OAR 660-018-0040(3) may be**
6 **obtained;**

7 **(d) Include a statement by the individual delivering the notice that identifies the**
8 **date on which the notice was delivered and the individual delivering the notice;**

9 **(e) List the locations and times at which the public may review the decision and**
10 **findings; and**

11 **(f) Explain the requirements for appealing the land use decision under ORS 197.830**
12 **to 197.845.**

13 Stat. Auth.: ORS 197.040

14 Stats. Implemented: ORS 197.615(2)

15 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
16 ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

17 **660-018-0055**

18 **Notice by the Director of Local Adoption [~~Government Action by the Director~~]**

19 Within five working days of the receipt of **a local government** notice **of adoption of a**
20 **change to a comprehensive plan or a land use regulation described** under OAR 660-018-
21 0040, the **department** [~~director~~] shall provide notice **of the decision** [~~by mail or other~~
22 ~~submission to those who,]~~ **and an explanation of the requirements for appealing the land**
23 **use decision under ORS 197.830 to 197.845, to persons that** have requested notice ~~under OAR~~
24 ~~660-018-0055 and have paid the fee established under the provisions of OAR 660-018-0140.~~
25 **from the director of such adopted changes.** Such notice may, with the requestor's consent, be
26 provided by electronic mail or the World Wide Web, in which case no fee is required. This
27 notice shall explain the requirements for appealing the local government action to the Land Use
28 Board of Appeals and indicate the locations where the adopted documents may be reviewed.]
29 **The notice shall be provided using electronic mail, electronic bulletin board, electronic**
30 **mailing list server or similar electronic method.**

31 **(2) The department shall notify persons that are generally interested in changes to**
32 **acknowledged comprehensive plans by posting notices received under OAR 660-018-0040**
33 **periodically on the department website using the Internet or a similar electronic method.**

34 Stat. Auth.: ORS 197.040

35 Stats. Implemented: ORS 197.610 - 197.625

1 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
2 ef. 11-12-87; LCDD 3-2008, f. & cert. ef. 4-18-08

3 **660-018-0060**
4 **Who May Appeal**

5 Eligibility ~~[for]~~ **to** appeal ~~[of]~~ a local government decision to adopt ~~[or amend]~~ a **change**
6 **to a** comprehensive plan or land use regulation is governed by ORS 197.620, **197.830, and**
7 **Oregon Laws 2011, Chapter 280, Section 6.**

8 Stat. Auth.: ORS 197.040

9 Stats. Implemented: ORS 197.610 - 197.845; **Or Laws 2011, § Ch 280, 6.**

10 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
11 ef. 11-12-87; LCDC 3-1990, f. & cert. ef. 6-6-90; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-
12 2008, f. & cert. ef. 4-18-08

13 **660-018-0085**
14 **[Action Where No Appeal or Objection is Timely Filed] Acknowledgement of a Change to a**
15 **Plan or Land Use Regulation**

16 **(1) Pursuant to ORS 197.625, if the Land Use Board of Appeals or the appellate courts**
17 **affirm a local government action, or no appeal is timely filed, a local action under this division is**
18 **considered acknowledged. an adopted change to a comprehensive plan or a land use**
19 **regulation is deemed to be acknowledged when the local government has complied with the**
20 **requirements of ORS 197.610 and 197.615 , the applicable requirements of this division,**
21 **and either:**

22 **(a) The 21-day appeal period set out in ORS 197.830(9) has expired and a notice of**
23 **intent to appeal has not been filed; or**

24 **(b) If an appeal has been timely filed, the Land Use Board of Appeals affirms the**
25 **local decision or, if an appeal of the decision of the board is timely filed, an appellate court**
26 **affirms the decision.**

27 **(2) Pursuant to ORS 197.625(3), prior to acknowledgment of an adopted change to**
28 **an acknowledged comprehensive plan or a land use regulation as provided in section (1) of**
29 **this rule, the adopted change is effective at the time specified by local government charter**
30 **or ordinance.**

31 Stat. Auth.: ORS 197.040

32 Stats. Implemented: ORS 197.610 - 197.625

33 Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. &
34 ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

35 **660-018-0140**
36 **Fee for Notice**

OAR 660, division 18
Draft 2 Proposed Amendments – January 9, 2012

1 ~~(1) An annual fee of \$300 to defray the costs of mailed notice provided under OAR 660-~~
2 ~~018-0025 is established. The fee shall be assessed for each fiscal year, or fraction thereof,~~
3 ~~commencing July 1, 2008. The fee is payable in advance of any notice being provided under~~
4 ~~OAR 660-018-0025. For each subsequent fiscal year, the department shall bill persons requesting~~
5 ~~such notice the annual fee each July. Persons failing to remit the fee within 30 days of the date of~~
6 ~~the invoice shall be deemed as having terminated the request for notice provided under OAR~~
7 ~~660-018-0025.~~

8 ~~(2) An annual fee of \$500 to defray the costs of mailed notice provided under OAR 660-~~
9 ~~018-0055 is established. The fee shall be assessed for each fiscal year, or fraction thereof,~~
10 ~~commencing July 1, 2008. The fee is payable in advance of any notice being provided under~~
11 ~~OAR 660-018-0055. For each subsequent fiscal year, the department shall bill persons requesting~~
12 ~~such notice the annual fee each July. Persons failing to remit the fee within 30 days of the date of~~
13 ~~the invoice shall be deemed as having terminated the request for notice provided under OAR~~
14 ~~660-018-0055.~~

15 ~~Stat. Auth.: ORS 197.040~~

16 ~~Stats. Implemented: ORS 197.610 – 197.625~~

17 ~~Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. &~~
18 ~~cert. ef. 4-18-08~~

19 **660-018-0150**

20 **Time Limits Regarding Certified Industrial Sites**

21 (1) Upon application for a comprehensive plan or land use regulation amendment or a
22 new land use regulation necessary to expedite and facilitate industrial or traded sector
23 development on any of the certified industrial sites identified and prioritized under Oregon Laws
24 2003, chapter 800, section 12, a local government shall take ~~[final]~~ action approving, approving
25 with modifications, or denying the application no later than 180 days after the date the
26 application is deemed complete by the local government.

27 (2) For purposes of this rule, “certified industrial sites” are those sites so designated by
28 the Economic Revitalization Team Regulatory Efficiency Group established by Oregon Laws
29 2003, chapter 800, section 2 in accordance with the requirements of Oregon Laws 2003, chapter
30 800, section 12.

31 (3) Persons, including the director, who participated in the local government proceedings
32 leading to the adoption of a comprehensive plan or land use regulation amendment or new land
33 use regulation described in section (1) of this rule may appeal the ~~[final]~~ decision by the local
34 government in accordance with requirements and time limits specified in ORS 197.610 through
35 197.625, except as provided in section (4) of this rule.

36 (4) For a ~~[final action]~~ **decision** to expand an urban growth boundary or designate an
37 urban reserve necessary to expedite and facilitate industrial or traded sector development on any
38 of the certified industrial sites identified and prioritized under Oregon Laws 2003, chapter 800,
39 section 12, and provided the decision is subject to ORS 197.626, the commission shall review the

OAR 660, division 18
Draft 2 Proposed Amendments – January 9, 2012

1 action following the timelines and procedures specified in OAR 660-025-040, 660-025-140
2 through 660-025-160, and 660-025-175.

3 Stat. Auth.: ORS 197.040

4 Stats. Implemented: ORS 197.610 - 197.625 ;**OrLaws 2003, Ch 800, § 17(2).**

5 Hist.: LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08