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2 *Amended by LCDC June 29, 2006*

3
4 DIVISION 14
5 APPLICATION OF THE STATEWIDE PLANNING GOALS
6 TO NEWLY INCORPORATED CITIES, ANNEXATION, AND [TO]
7 URBAN DEVELOPMENT ON RURAL LANDS
8

9 **660-014-0000**

10 **Purpose**

11 ORS 197.175 requires cities and counties to exercise their planning and zoning
12 responsibilities in compliance with the Statewide Planning Goals. This includes, but is not
13 limited to, new or amended plans as a result of a city or special district boundary change
14 including the incorporation or annexation of unincorporated territory. The purpose of this rule
15 is to clarify the requirements of Goal 14 and to provide guidance to cities, counties and local
16 government boundary commissions regarding urban development on rural lands, planning
17 and zoning of newly incorporated cities, and the application of statewide goals during
18 annexation proceedings [~~and urban development on rural lands.~~]
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20 Stat. Auth.: ORS 197.040

21 Stats. Implemented: ORS 197.[040]251 & 197.[175]757

22 Hist.: LCDC 5-1983(Temp), f. & ef. 7-20-83; LCDC 11-1983, f. & ef. 12-30-83;

23 LCDD 4-2004, f. & cert. ef. 5-17-04
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25 **660-014-0010**

26 **Application of the Statewide Planning Goals to Newly Incorporated Cities**

27 (1) Incorporation of a new city within an acknowledged urban growth boundary does
28 not require an exception to Goals 3, 4, 11, or 14. Incorporation of a new city within an
29 acknowledged urban growth boundary must be consistent with relevant provisions of
30 acknowledged city and county plans and land use regulations for the area to be incorporated.
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32 (2) The following are land use decisions which must comply with applicable
33 Statewide Planning Goals or the acknowledged comprehensive plan:

34 (a) A county order that authorizes an incorporation election pursuant to ORS 221.040;

35 (b) A resolution adopted by a city approving an incorporation within three miles of its
36 city limits pursuant to ORS 221.031(4);

37 (c) An order adopted by a local government boundary commission authorizing
38 incorporation of a new city pursuant to ORS 199.461. Incorporation decisions under this
39 section include consolidations that include unincorporated lands;
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41 (3) A city or county decision listed in subsection (2)(a) and (b) of this rule may also
42 require a plan amendment. If the area proposed for incorporation is subject to an
43 acknowledged comprehensive plan, the amendments shall be reviewed through the post
44 acknowledgment plan amendment review process specified in ORS 197.610 to 197.650 and
45 197.757. If the area proposed for incorporation is not subject to an acknowledged plan, a plan
46 amendment is subject to review upon appeal as a "land use decision" as defined in ORS
47 197.015(10).

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2 (4) **A newly incorporated city must adopt a comprehensive plan and**
3 **implementing ordinances for all land in its planning area. Cities incorporated after**
4 **January 1, 1982, shall have their comprehensive plans and land use regulations**
5 **acknowledged no later than four years after the date of incorporation or as extended in**
6 **accordance with a compliance schedule adopted by the commission.** Comprehensive plans
7 prepared and adopted by newly incorporated cities shall be reviewed [~~either~~] through the plan
8 acknowledgment review process set forth in ORS 197.251 and OAR chapter 660, division **3**
9 [~~003, or the post acknowledgment plan amendment review process in ORS 197.610 to~~
10 ~~197.650 and 197.757, as follows:~~

11 (a) ~~Comprehensive plans for new cities outside of acknowledged urban growth~~
12 ~~boundaries shall be reviewed for compliance with all applicable statewide planning goals~~
13 ~~through the plan acknowledgment review process set forth in ORS 197.251 and OAR chapter~~
14 ~~660, division 003.~~

15 (b) ~~Comprehensive plans for new cities within acknowledged urban growth~~
16 ~~boundaries shall be reviewed for compliance with all applicable statewide planning goals~~
17 ~~through the post acknowledgment plan amendment review procedures established pursuant to~~
18 ~~ORS 197.610 to 197.650 and 197.757. The review shall be limited to portions of the city or~~
19 ~~county's comprehensive plan policies, designations, and land use regulations that amend~~
20 ~~previously acknowledged provisions or add new provisions].~~

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22 Stat. Auth.: ORS 197.**040**

23 Stats. Implemented: ORS 197.[~~040~~]**251** & 197.[~~175~~]**757**

24 Hist.: LCDC 5-1983(Temp), f. & ef. 7-20-83; LCDC 11-1983, f. & ef. 12-30-83;

25 LCDD 4-2004, f. & cert. ef. 5-17-04

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30 (Note: No amendments to other rules in this division)