

Department of Land Conservation and Development  
OAR Chapter 660

**DIVISION 025  
PERIODIC REVIEW**

**Amendments Adopted March 23, 2006, Effective May 15, 2006**

1 **660-025-0010**

2 **Purpose**

3 The purpose of this division is to carry out the state policy outlined in ORS 197.010  
4 **and 197.628**. This division is intended to implement provisions of ORS 197.626 through  
5 197.646. The purpose for periodic review [~~of each local government's comprehensive plan~~  
6 ~~and land use regulations~~] is to ~~assure~~ **ensure** that comprehensive plans and land use  
7 regulations remain in compliance with the statewide planning goals adopted pursuant to ORS  
8 197.230, and that adequate provision for needed housing, [~~employment~~] **economic**  
9 **development**, transportation, [~~and~~] public facilities and services, **and urbanization** are  
10 coordinated as described in ORS 197.015(5). Periodic Review is a cooperative process  
11 between the state, local governments, and other interested persons.

12 Stat. Auth.: ORS 197.040

13 Stats. Implemented: ORS 197.628 - ORS 197.646

14 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 3-2000, f. & cert. ef. 2-14-00;  
15 LCDD 3-2004, f. & cert. ef 5-7-04

16  
17 **660-025-0020**

18 **Definitions**

19 For the purposes of this division, the definitions contained in ORS 197.015, 197.303,  
20 **shall apply unless the context requires otherwise. In addition,** [~~and~~] the following  
21 definitions [~~shall~~] apply:

22 **(1) "Economic Revitalization Team" means the team established under**  
23 **ORS 284.555.**

24 [~~(1)~~] **(2)** "Filed" or "Submitted" means that the required documents have been  
25 received by the Department of Land Conservation and Development at its Salem, Oregon,  
26 office.

27 [~~(2)~~] **(3)** "Final Decision" means the completion by the local government of a work  
28 [~~program~~] task **on an approved work program**, including the adoption of supporting  
29 findings and any amendments to the comprehensive plan or land use regulations. A decision  
30 is final when the local government's decision is transmitted to the [~~Department~~] **department**  
31 for review.

32 **(4) "Metropolitan planning organization" means an organization located wholly**  
33 **within the State of Oregon and designated by the Governor to coordinate transportation**  
34 **planning in an urbanized area of the state pursuant to 49 USC 5303(c).**

35 [~~(3)~~] **(5)** "Objection" means a written complaint concerning the adequacy of an  
36 evaluation, proposed work program, or completed work task.

37 **(6) "Participated at the local level" means to have provided substantive comment,**  
38 **evidence, documents, correspondence, or testimony to the local government during the**  
39 **local proceedings regarding a decision on an evaluation, work program or work task.**

1           ~~[(4)]~~ **(7)** “Work Program” means a detailed listing of tasks necessary to revise or  
2 amend the local comprehensive plan or land use regulations to ~~[assure]~~ **ensure** the plan and  
3 regulations achieve the statewide planning goals. A work program ~~[shall]~~ **must** indicate the  
4 date that each work task ~~[shall]~~ **must** be submitted to the ~~[Department]~~ **department** for  
5 review.

6           ~~[(5)]~~ **(8)** “Work Task” **or “task”** means ~~[a work program task]~~ **an activity**, that is  
7 included on an approved work program **and that generally results in an adopted**  
8 **amendment to a comprehensive plan or land use regulation.**

9           Stat. Auth.: ORS 197.040

10          Stats. Implemented: ORS 197.015 & ORS 197.628 - ORS 197.646

11          Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
12 LCDC 3-2000, f. & cert. ef. 2-14-00

13  
14 **660-025-0030**

15 **Periodic Review Schedule**

16           (1) The ~~[Commission shall]~~ **commission must** approve, and update as necessary, a  
17 schedule for periodic review. The schedule ~~[shall]~~ **must** include the date when each local  
18 government ~~[shall]~~ **must** be sent a letter by the ~~[Department]~~ **department** requesting the local  
19 government to commence the periodic review process.

20           (2) The schedule developed by the commission ~~[shall]~~ **must** reflect the following:

21           ~~[(a) A city with a population of less than 2,500 within its urban growth boundary shall~~  
22 ~~not be required to conduct periodic review, unless the city lies close enough to another city~~  
23 ~~that has a population of 2,500 or more within its urban growth boundary that the smaller city~~  
24 ~~is significantly affected by needed housing, employment, transportation, or public facilities~~  
25 ~~and services decisions by the larger city;~~

26           ~~[(b) A county with a population of less than 15,000 shall not be required to conduct~~  
27 ~~periodic review, except if the county has a portion of its population within the urban growth~~  
28 ~~boundary of a city subject to periodic review, it shall conduct periodic review for that portion~~  
29 ~~of the county according to the schedule and work program for the city;~~

30           ~~[(c) A county with a population of 15,000 or more but less than 50,000, or a city with a~~  
31 ~~population of 2,500 or more but less than 25,000 inside its urban growth boundary, shall~~  
32 ~~conduct periodic review every 5 to 15 years after completion of the previous periodic review;~~

33           ~~[(d) A county with a population of 50,000 or more, or a metropolitan service district or~~  
34 ~~a city with a population of 25,000 or more inside its urban growth boundary, shall conduct~~  
35 ~~periodic review every 5 to 10 years after completion of the previous periodic review.]~~

36           **(a) A city with a population of more than 2,500 within a metropolitan planning**  
37 **organization or a metropolitan service district shall conduct periodic review every seven**  
38 **years after completion of the previous periodic review.**

39           **(b) A city with a population of 10,000 or more inside its urban growth boundary**  
40 **that is not within a metropolitan planning organization shall conduct periodic review**  
41 **every 10 years after completion of the previous periodic review.**

42           **(c) A county with a portion of its population within the urban growth boundary**  
43 **of a city subject to periodic review under this section shall conduct periodic review for**  
44 **that portion of the county according to the schedule and work program set for the city.**

45           **(d) Notwithstanding subsection (c) of this section, if the schedule set for the**  
46 **county is specific as to that portion of the county within the urban growth boundary of a**  
47 **city subject to periodic review under this section, the county shall conduct periodic**

1 **review for that portion of the county according to the schedule and work program set**  
2 **for the county.**

3 (3) The [~~Commission~~] **commission** may establish a schedule that varies from the  
4 standards in section (2) of this rule if necessary to coordinate approved periodic review work  
5 programs or to account for special circumstances. The [~~Commission~~] **commission** may  
6 schedule a local government's periodic review earlier than provided in section (2) of this rule  
7 if necessary to ensure that all local governments in a region whose land use decisions would  
8 significantly affect other local governments in the region are conducting periodic review  
9 concurrently, **but not sooner than five years after completion of the previous periodic**  
10 **review.**

11 [~~(4) A city or county that is exempt from periodic review under subsection (2) (a)~~  
12 ~~through (d) of rule may request periodic review by the commission.]~~

13 [~~(5)~~] **(4)** The [~~Director shall~~] **director must** maintain and implement the schedule.  
14 Copies of the schedule [~~shall~~] **must** be provided upon request.

15 Stat. Auth.: ORS 197.040 & 197.633

16 Stats. Implemented: ORS 197.628 - ORS 197.646

17 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 3-2000, f. & cert. ef. 2-14-00

18  
19 **660-025-0035**

20 **Initiating Periodic Review Outside the Schedule**

21 **(1) A local government may request, and the commission may approve, initiation**  
22 **of periodic review not otherwise provided for in the schedule established under OAR**  
23 **660-025-0030. The request must be submitted to the commission along with justification**  
24 **for the requested action. The justification must include a statement of local**  
25 **circumstances that warrant periodic review and identification of the statewide planning**  
26 **goals to be addressed.**

27 **(2) In consideration of the request filed pursuant to section (1), the commission**  
28 **must consider the needs of the jurisdiction to address the issue(s) identified in periodic**  
29 **review, the interrelationships of the statewide planning goals to be addressed in the**  
30 **periodic review project, and other factors the commission finds relevant. If the**  
31 **commission approves the request, the provisions of this division apply, except as**  
32 **provided in section (3) of this rule.**

33 **(3) The Economic Revitalization Team may work with a city to create a**  
34 **voluntary comprehensive plan review that focuses on the unique vision of the city,**  
35 **instead of conducting a standard periodic review, if the team identifies a city that the**  
36 **team determines can benefit from a customized voluntary comprehensive plan review.**  
37 **In order for a voluntary comprehensive plan review to be initiated by the commission,**  
38 **the city must request initiation of such a modified periodic review. The provisions of this**  
39 **division apply except as follows:**

40 **(a) If the city is subject to the periodic review schedule in OAR 660-025-0030, the**  
41 **periodic review under this section will not replace or delay the next scheduled periodic**  
42 **review;**

43 **(b) If the city misses a deadline related to an evaluation, work program or work**  
44 **task, including any extension, the commission must terminate the evaluation, work**  
45 **program, or work task or impose sanctions pursuant to OAR 660-025-0170(3).**

46 **(4) If the commission pays the costs of a local government that is not subject to**  
47 **OAR 660-025-0030 to perform new work programs and work tasks, the commission**

1 may require the local government to complete periodic review when the local  
2 government has not completed periodic review within the previous five years if:

3 (a) A city has been growing faster than the annual population growth rate of the  
4 state for five consecutive years;

5 (b) A major transportation project on the Statewide Transportation  
6 Improvement Program that is approved for funding by the Oregon Transportation  
7 commission is likely to:

8 (A) Have a significant impact on a city or an urban unincorporated community;  
9 or

10 (B) Be significantly affected by growth and development in a city or an urban  
11 unincorporated community;

12 (c) A major facility, including a prison, is sited or funded by a state agency; or

13 (d) Approval by the city or county of a facility for a major employer will increase  
14 employment opportunities and significantly affect the capacity of housing and public  
15 facilities in the city or urban unincorporated community.

16 (5) As used in section (4) of this rule, “the costs of a local government” means:  
17 normal and customary expenses for supplies, personnel and services directly related to  
18 preparing a work program, and completing studies and inventories, drafting of  
19 ordinances, preparing and sending notices of hearings and meetings, conducting  
20 meetings and workshops, and conducting hearings on possible adoption of amendments  
21 to plans or codes, to complete a work task.

22 Stat. Auth.: ORS 197.040 & 197.633

23 Stats. Implemented: ORS 197.628 - ORS 197.646

24 Hist.:

25  
26 **660-025-0040**

27 **Exclusive Jurisdiction of LCDC**

28 (1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction to review  
29 the evaluation, work program, and all work [program] tasks for compliance with the statewide  
30 planning goals **and applicable statutes and administrative rules**. Pursuant to ORS 197.626,  
31 the commission has exclusive jurisdiction to review the following land use decisions for  
32 compliance with the statewide planning goals:

33 (a) If made by a city with a population of 2,500 or more inside its urban growth  
34 boundary, amendments to an urban growth boundary to include more than 50 acres;

35 (b) If made by a metropolitan service district, amendments to an urban growth  
36 boundary to include more than 100 acres;

37 (c) plan and land use regulations that designate urban reserve areas.

38 [~~2) The Land Use Board of Appeals shall have exclusive jurisdiction over land use~~  
39 ~~decisions described in section (1) of this rule for issues that do not involve compliance with~~  
40 ~~the statewide planning goals, and over all other land use decisions as provided in ORS~~  
41 ~~197.825.]~~

1           **(2) The director may transfer one or more matters arising from review of a work**  
2 **task, urban growth boundary amendment or designation or amendment of an urban**  
3 **reserve area to the Land Use Board of Appeals pursuant to ORS 197.825(2)(c)(A) and**  
4 **OAR 660-025-0250.**

5           Stat. Auth.: ORS 197.040

6           Stats. Implemented: ORS 195.145, ORS 197.628 - ORS 197.646, ORS 197.825

7           Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;

8           LCDC 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04

9  
10 **660-025-0050**

11 **Commencing Periodic Review**

12           (1) The [~~Department shall~~] **department must** commence the periodic review process  
13 by sending a letter to the affected local government pursuant to [~~the schedule~~] **OAR 660-025-**  
14 **0030 or 660-025-0035**. The [~~Department~~] **department** may provide advance notice to a local  
15 government of the upcoming review and [~~shall~~] **must** encourage local governments to review  
16 their citizen involvement provisions prior to beginning periodic review.

17           (2) The periodic review commencement letter [~~shall~~] **must** include the following  
18 information:

19           (a) A description of the requirements for citizen involvement, evaluation of the plan  
20 and preparation of a work program;

21           (b) The date the evaluation and work program or evaluation and decision that no work  
22 program is required [~~shall~~] **must** be submitted;

23           (c) Applicable evaluation forms; and

24           (d) Other information the [~~Department~~] **department** considers relevant.

25           (3) The [~~Director shall~~] **director must** provide copies of the materials sent to the local  
26 government to interested persons upon written request.

27           Stat. Auth.: ORS 197.040 & 197.633

28           Stats. Implemented: ORS 197.628 - ORS 197.646

29           Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92

30  
31 **660-025-0060**

32 **Periodic Review Assistance Team(s)**

33           (1) The [~~Director~~] **director** may create one or more Periodic Review Assistance  
34 Team(s) to coordinate state, regional or local public agency comment, assistance, and  
35 information into the evaluation and work program development process. The [~~Director shall~~]  
36 **director must** seek input from agencies, regional governments and local governments on the  
37 membership of Periodic Review Assistance Team(s).

38           (2) Members of the Periodic Review Assistance Team [~~shall~~] **will** provide, as  
39 appropriate:

40           (a) Information relevant to the periodic review process;

41           (b) New and updated information;

42           (c) Technical and professional land use planning assistance; or

43           (d) Coordinated evaluation and comment from state agencies.

44           (3) Membership. The Periodic Review Assistance Team may include representatives  
45 of state agencies with programs affecting land use and representatives of regional or local  
46 governments who may have an interest in the review.

1 (4) Meetings. The Periodic Review Assistance Team shall meet as necessary to  
2 provide information and advice to a local government in periodic review.

3 (5) Authority. The Periodic Review Assistance Team shall be an advisory body. The  
4 team may make recommendations concerning an evaluation, a work program or work task  
5 undertaken pursuant to an approved work program. The team may also make  
6 recommendations to cities, counties, state agencies and the [~~Commission~~] **commission**  
7 regarding any other issues related to periodic review.

8 **(6) In addition to the Periodic Review Assistance Team(s), the department may**  
9 **utilize the Economic Revitalization Team or institute an alternative process for**  
10 **coordinating agency participation in the periodic review of comprehensive plans.**

11 [~~(6)~~] **(7) Consideration by the [~~Commission~~] commission. The [~~Commission shall~~**  
12 **commission must** consider the recommendations, if any, of the Periodic Review Assistance  
13 Team(s).

14 Stat. Auth.: ORS 197.040 & 197.633

15 Stats. Implemented: ORS 197.628 - ORS 197.646

16 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92

17  
18 **660-025-0070**

19 **Need for Periodic Review**

20 **(1) The following conditions indicate the need for, and establish the scope of, review**  
21 **for periodic review of comprehensive plans and land use regulations when required under**  
22 **OAR 660-025-0030:**

23 [~~(1)~~] **(a) There has been a substantial change in circumstances including but not**  
24 **limited to the conditions, findings, or assumptions upon which the comprehensive plan or**  
25 **land use regulations were based, so that the comprehensive plan or land use regulations do not**  
26 **comply with the statewide planning goals relating to economic development, needed**  
27 **housing, transportation, public facilities and services and urbanization;**

28 [~~(2)~~] **(b) Decisions based on acknowledged comprehensive plan and land use**  
29 **regulations are inconsistent with the goals relating to economic development, needed**  
30 **housing, transportation, public facilities and services and urbanization;**

31 [~~(3)~~] **(c) There are issues of regional or statewide significance, intergovernmental**  
32 **coordination, or state agency plans or programs affecting land use which must be addressed in**  
33 **order to bring comprehensive plans and land use regulations into compliance with the goals**  
34 **relating to economic development, needed housing, transportation, public facilities and**  
35 **services and urbanization;** or

36 [~~(4)~~] **(d) The existing comprehensive plan and land use regulations are not achieving**  
37 **the statewide planning goals relating to economic development, needed housing,**  
38 **transportation, public facilities and services and urbanization.**

39 **(2) When a local government requests initiation of periodic review under**  
40 **OAR 660-025-0035(2), the need for periodic review may be based on factors not**  
41 **contained in section (1) of this rule and the scope of such a periodic review may be more**  
42 **limited than would be the case for scheduled periodic review under section (1) of this**  
43 **rule.**

44 Stat. Auth.: ORS 197.040

45 Stats. Implemented: ORS 197.628 - ORS 197.646

46 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 3-2000, f. & cert. ef. 2-14-00

1 **660-025-0080**

2 **Citizen Involvement**

3 (1) The local government ~~[shall]~~ **must** use its acknowledged or otherwise approved  
4 citizen involvement program to provide adequate participation opportunities for citizens and  
5 other interested persons in all phases of the local periodic review. Each local government  
6 ~~[shall]~~ **must** publish a notice in a newspaper of general circulation within the community  
7 informing citizens about the initiation of the local periodic review. The local government  
8 ~~[shall]~~ **must** also provide written notice of the initiation of the local periodic review to other  
9 persons who, in writing, request such notice.

10 (2) Each local government ~~[shall]~~ **must** review its citizen involvement program and  
11 assure that there is an adequate process for citizen involvement in all phases of the periodic  
12 review process. Citizen involvement opportunities ~~[shall]~~ **must**, at a minimum, include:

13 (a) Interested persons ~~[shall]~~ **must** have the opportunity to comment in writing in  
14 advance of or at one or more hearings on the periodic review evaluation. Citizens and other  
15 interested persons ~~[shall]~~ **must** have the opportunity to present comments orally at one or  
16 more hearings on the periodic review evaluation. Citizens and other interested persons ~~[shall]~~  
17 **must** have the opportunity to propose periodic review work ~~[program]~~ tasks prior to or at one  
18 or more hearings. ~~[Citizens and other interested persons shall receive]~~ **The local government**  
19 **must provide** a response to ~~[their]~~ comments at or following the hearing on the evaluation.

20 (b) Interested persons ~~[shall]~~ **must** have the opportunity to comment in writing in  
21 advance of or at one or more hearings on a periodic review work task. Citizens and other  
22 interested persons ~~[shall]~~ **must** have the opportunity to present comments orally at one or  
23 more hearings on a periodic review work task. ~~[Citizens and other interested persons shall~~  
24 ~~receive a response]~~ **The local government must respond** to ~~[their]~~ comments at or following  
25 the hearing on a work task.

26 Stat. Auth.: ORS 197.040 & 197.633

27 Stats. Implemented: ORS 197.628 - ORS 197.646

28 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92

29  
30 **660-025-0085**

31 **Commission Hearings Notice and Procedures**

32 **(1) Hearings before the commission on a referral of a local government submittal**  
33 **of an evaluation, work program, determination that a work program is not necessary, or**  
34 **hearings on referral or appeal of a work task must be noticed and conducted in**  
35 **accordance with this rule.**

36 **(2) The commission shall take final action on an appeal or referral within 90 days**  
37 **of the date the appeal was filed or the director issued notice of the referral unless:**

38 **(a) At the request of a local government and a person who files a valid objection**  
39 **or appeals the director's decision, the department may provide mediation services to**  
40 **resolve disputes related to the appeal. Where mediation is underway, the commission**  
41 **shall delay its hearing until the mediation process is concluded or the director, after**  
42 **consultation with the mediator, determines that mediation is of no further use in**  
43 **resolution of the work program or work task disagreements;**

44 **(b) If the appeal or referral raises new or complex issues of fact or law that make**  
45 **it unreasonable for the commission to give adequate consideration to the issues within**  
46 **the 90-day limit the commission is not required to take final action within that time**  
47 **limit; or**

1 (c) If the parties to the appeal and the commission agree to an extension, the  
2 hearing may be continued for a period not to exceed an additional 90 days.

3 (3) The director must provide written notice of the hearing to the local  
4 government, the appellant, objectors, and individuals requesting notice in writing. The  
5 notice must contain the date and location of the hearing.

6 (4) The director may prepare a written report to the commission on an appeal or  
7 referral. If a report is prepared, the director must mail a copy to the local government,  
8 objectors, the appellant, and individuals requesting the report in writing.

9 (5) Commission hearings will be conducted using the following procedures:

10 (a) The chair will open the hearing and explain the proceedings;

11 (b) The director or designee will present an oral report regarding the nature of  
12 the matter before the commission, an explanation of the director's decision, if any, and  
13 other information to assist the commission in reaching a decision. If another state  
14 agency participated in the periodic review under ORS 197.637 or 197.638, the agency  
15 may participate in the director's oral report.

16 (c) Oral argument will be allowed. The local government or governments whose  
17 decision is under review and parties who filed objections or an appeal may present oral  
18 argument. Oral argument will not be an opportunity to present new evidence regarding  
19 the matter before the commission. The local government that submitted the task may  
20 provide general information on the task submittal and address those issues raised in the  
21 department review, objections and the appeal. Persons who submitted objections or an  
22 appeal may address only those issues raised in objections or the appeal. Other affected  
23 local governments may address only those issues raised in objections or the appeal.

24 (d) The commission may request new evidence or information at its discretion  
25 and will allow the parties an opportunity to review and respond to the new evidence or  
26 information, subject to the time limits in section (2) of this rule.

27 (e) The director or commission may take official notice of law defined as:

28 (A) The decisional, constitutional and public statutory law of Oregon, the United  
29 States and any state, territory or other jurisdiction of the United States.

30 (B) Public and private official acts of the legislative, executive and judicial  
31 departments of this state, the United States, and any other state, territory or other  
32 jurisdiction of the United States.

33 (C) Regulations, ordinances and similar legislative enactments issued by or under  
34 the authority of the United States or any state, territory or possession of the United  
35 States.

36 (D) Rules of court of any court of this state or any court of record of the United  
37 States or of any state, territory or other jurisdiction of the United States.

38 (E) The law of an organization of nations and of foreign nations and public  
39 entities in foreign nations.

40 (F) An ordinance, comprehensive plan or enactment of any local government in  
41 this state, or a right derived therefrom.

42 (f) The commission must make a decision on the appeal or referral as provided in  
43 this division.

44 Stat. Auth.: ORS 197.040 & 197.633

45 Stats. Implemented: ORS 197.628 - ORS 197.646

46 Hist.:

1 **660-025-0090**

2 **Evaluation, Work Program or Decision That No Work is Necessary**

3 (1) The local government ~~[shall]~~ **must** conduct an evaluation of its plan and land use  
4 regulations based on the periodic review conditions in ORS 197.628 and OAR 660-025-0070.  
5 The local evaluation process ~~[shall]~~ **must** comply with the following requirements:

6 (a) The local government ~~[shall]~~ **must** follow its citizen involvement program and the  
7 requirements of OAR 660-025-0080 for conducting the evaluation and determining the scope  
8 of a work program.

9 (b) The local government ~~[shall]~~ **must** provide opportunities for participation by the  
10 ~~[Department]~~ **department** and Periodic Review Assistance Team. Issues related to  
11 coordination between local government comprehensive plan provisions and certified state  
12 agency coordination programs that are raised by the affected agency, or Periodic Review  
13 Assistance Team ~~[shall]~~ **must** be considered by the local government.

14 **(c) The local government may provide opportunities for participation by the**  
15 **Economic Revitalization Team.**

16 (d) At least 21 days before submitting the evaluation and work program, or decision  
17 that no work program is required, the local government ~~[shall]~~ **must** provide copies of the  
18 evaluation to members of the Periodic Review Assistance Team, if formed, and others who  
19 have, in writing, requested copies.

20 (e) After review of comments from interested persons, the local government ~~[shall]~~  
21 **must** adopt an evaluation and work program or decision that no work program is required.

22 (2) The local government ~~[shall]~~ **must** submit the evaluation and work program, or  
23 decision that no work program is required, to the ~~[Department]~~ **department** according to the  
24 following requirements:

25 (a) The evaluation ~~[shall]~~ **must** include (a) completed evaluation forms that are  
26 appropriate to the jurisdiction as determined by the ~~[Director]~~ **director**. Evaluation forms  
27 ~~[shall]~~ **will** be based on the jurisdiction's size, growth rate, geographic location, and other  
28 factors that relate to the planning situation at the time of periodic review. Issues related to  
29 coordination between local government comprehensive plan provisions and certified agency  
30 coordination programs may be included in evaluation forms.

31 (b) The local government ~~[shall]~~ **must** also submit to the ~~[Department]~~ **department** a  
32 list of persons who requested notice of the evaluation and work program or decision that no  
33 work program is required.

34 (c) The evaluation **and work program, or decision that no work program is**  
35 **necessary,** ~~[shall]~~ **must** be submitted within ~~[four]~~ **six** months of the date the ~~[Department]~~  
36 **department** sent the letter initiating the periodic review process, including any extension  
37 granted under section (3) of this rule.

38 (3) A local government may request an extension of time for submitting its evaluation  
39 and work program, or decision that no work program is required. The ~~[Director]~~ **director** may  
40 grant the request if the local government shows good cause for the extension. A local  
41 government may be permitted only one extension, which shall be for no more than 90 days.

42 (4) A decision by the ~~[Director]~~ **director** to ~~[grant or]~~ deny a request for an extension  
43 may be appealed to the ~~[Commission]~~ **commission according to the procedures in OAR**  
44 **660-025-0110(5)**, or the ~~[Director]~~ **director** may refer ~~[the]~~ **a request for extension under**  
45 **section (3) of this rule** to the ~~[Commission]~~ **commission pursuant to OAR 660-025-0085**  
46 **[as follows:**

1 (a) The Director shall provide the local government with written notice of the decision  
2 to grant, deny, or refer the request to the Commission;

3 (b) Appeal of the Director's decision shall be in writing and filed with the Department  
4 within 10 days of the date of notice of the decision;

5 (c) Appeals may be filed by the local government and persons who participated orally  
6 or in writing at the local level and demonstrate such participation as part of their appeal;

7 (d) In response to an appeal, the Director may prepare a written report to the  
8 Commission. If a report is prepared, the Director shall mail a copy to the local government  
9 and the appellant, if different;

10 (e) The Commission shall hear appeals and referrals based on the written record, and  
11 may hear oral argument at its discretion. If heard, oral argument shall be limited to the  
12 Director, or the Department on the Director's behalf, the local government, and the appellant  
13 if different;

14 (f) If no appeal is timely filed, the Director's decision becomes final.]

15 (5) If a local government fails to submit its evaluation and work program, or decision  
16 that no work program is necessary, by the deadline set by the [Director] **director** or the  
17 Commission, including any extension, the [Director] **director** shall schedule a hearing before  
18 the [Commission] **commission according to OAR 660-025-0170(3)**. [The hearing shall be  
19 conducted as follows:]

20 [(a) The Director shall notify the local government in writing that its submittal is past  
21 due and that the Commission will conduct a hearing and consider imposing sanctions against  
22 the local government as required by ORS 197.636(2). The notice shall state the date and  
23 location at which the Commission will conduct the hearing;]

24 [(b) The Director and the local government may prepare written statements to the  
25 Commission addressing the circumstances causing the local government to miss the deadline  
26 and the appropriateness of any of the sanctions listed in ORS 197.636(2). The written  
27 statements shall be filed in a manner and according to a schedule established by the Director;]

28 [(c) The Commission may hear oral argument at its discretion. If heard, oral argument  
29 shall be limited to the Director, or the Department on the Director behalf, and the local  
30 government;]

31 [(d) The Commission shall issue an order imposing one or more of the sanctions listed  
32 in ORS 197.636(2) until the local government submits its evaluation and work program or  
33 decision that no work program is required, or its work task required under OAR 660-025-  
34 0130, as follows:

35 (A) Require the local government to apply those portions of the goals and rules to land  
36 use decision as specified in an order issued by the commission;

37 (B) Forfeiture of all or a portion of the grant money received to conduct the review,  
38 develop the work program or complete the work task,

39 (C) Completion of the work program or work task by the department. The commission  
40 may require the local government to pay the cost for completion of work performed by the  
41 department, following the withholding process set forth in ORS 197.335(4),

1           ~~(D) Application of such interim measures as the commission deems necessary to~~  
2 ~~ensure compliance with the statewide planning goals.]~~

3           Stat. Auth.: ORS 197.040 & 197.633

4           Stats. Implemented: ORS 197.628 - ORS 197.646

5           Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;

6           LCDC 3-2000, f. & cert. ef. 2-14-00

7  
8 **660-025-0100**

9 **Notice and Filing of Objections (Work Program Phase)**

10           (1) After the local government approves the evaluation and work program, or the  
11 evaluation and decision that no work program is necessary, the local government [~~shall~~] **must**  
12 notify the [~~Department~~] **department** [~~, Periodic Review Assistance Team members~~] and  
13 persons who [~~have requested such notice in writing~~] **participated at the local level orally or**  
14 **in writing during the local process.** The local government notice [~~shall~~] **must** contain the  
15 following information:

16           (a) Where a person can review a copy of the local government's evaluation and work  
17 program or the evaluation and decision that no work program is necessary, and how a person  
18 may obtain a copy of the decision;

19           (b) The requirements listed in section (2) of this rule for filing a valid objection to the  
20 evaluation, work program or decision that no work program is necessary; and

21           (c) That objectors must give a copy of the objection to the local government.

22           (2) **Persons who participated at the local level orally or in writing during the local**  
23 **process leading to the evaluation and work program or decision that no work program**  
24 **is necessary may object to the local government's decision.** To be valid, an objection  
25 [~~shall~~] **must**:

26           (a) Be in writing and filed **with the department** no later than 21 days from the date  
27 the notice was mailed by the local government;

28           (b) Clearly identify an alleged deficiency in the evaluation, work program or decision  
29 that no work program is necessary;

30           (c) Suggest a specific work task that would resolve the deficiency;

31           (d) Demonstrate that the objecting party participated at the local level orally or in  
32 writing during the local process.

33           (3) Objections that do not meet the requirements of section (2) of this rule [~~shall~~] **must**  
34 not be considered by the [~~Director~~] **director** or [~~Commission~~] **commission.**

35           (4) If no valid objections are received within the 21-day objection period, the  
36 [~~Director~~] **director** may approve the evaluation and work program or decision that no work  
37 program is required. Regardless of whether valid objections are received, the [~~Department~~]  
38 **department** may make its own determination of the sufficiency of the evaluation and work  
39 program or determination that no work program is necessary.

1 (5) If valid objections are received or the [Department] **department** conducts its own  
2 review, the [Department shall] **department must** issue a report. The report [shall] **must** focus  
3 on the issues raised in valid objections and concerns of the [Department] **department**. The  
4 report [shall] **must** identify specific work tasks to resolve valid objections or [Department]  
5 **department** concerns. A valid objection [shall] **must** either be sustained or rejected by the  
6 [Department] **department** or [Commission] **commission** based on the [standards set forth in  
7 OAR 660-025-0070] **statewide planning goals and related statutes and administrative**  
8 **rules**.

9 Stat. Auth.: ORS 197.040 & 197.633

10 Stats. Implemented: ORS 197.628 - ORS 197.646

11 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;

12 LCDC 3-2000, f. & cert. ef. 2-14-00

13  
14 **660-025-0110**

15 **Director and Commission Action (Work Program Phase)**

16 (1) The [Director] **director** may:

17 (a) Issue an order approving the evaluation and work program or evaluation and  
18 determination that no work program is necessary;

19 (b) Issue an order rejecting the evaluation and work program or evaluation and  
20 determination that no work program is necessary and suggest modifications to the local  
21 government including a date for resubmittal; or

22 (c) Refer the evaluation and work program or evaluation and determination that no  
23 work program is necessary to the [Commission] **commission** for review and action.

24 (2) The [Director] **director** may postpone action, pursuant to subsections (1)(a)-(c) of  
25 this rule to allow the [Department] **department**, the jurisdiction, objectors or other persons  
26 who participated orally or in writing at the local level to reach agreement on specific issues  
27 relating to the evaluation and work program or evaluation and determination that no work  
28 program is necessary.

29 (3) The [Director shall] **director must** provide written notice of the decision to the  
30 local government persons who filed objections, and persons who requested notice of the local  
31 government decision.

32 **(4) The director's decision to approve an evaluation and work program or**  
33 **evaluation and determination that no work program is necessary is final and may not be**  
34 **appealed.**

35 ~~[(4)]~~ **(5) The director's decision to deny an evaluation and work program or**  
36 **evaluation and determination that no work program is necessary may be appealed to the**  
37 **commission by the** local government, or a person who filed an objection, or other person  
38 who participated orally or in writing at the local level [~~, may appeal the Director's decision to~~  
39 ~~the Commission~~].

40 (a) Appeal of the [Director's] **director's** decision [shall] **must** be filed with the  
41 [Department] **department** within 21 days of the date notice of the [Director's] **director's**  
42 action was mailed;

43 (b) A person appealing the [Director's] **director's** decision must show that the person  
44 participated in the local government decision. The person appealing the [Director's]  
45 **director's** decision must show a deficiency in the **director's decision to deny the** evaluation,  
46 work program or decision that no work program is necessary. The person appealing the  
47 [Director's] **director's** decision also must suggest a specific modification to the evaluation,

1 work program or decision that no work program is necessary to resolve the alleged  
2 deficiency.

3 [~~(5)~~] **(6)** If no such appeal is filed, the [~~Director's~~] **director's** decision shall be final.

4 [~~(6)~~] **(7)** In response to an appeal, the [~~Director~~] **director** may prepare and submit a  
5 report to the [~~Commission~~] **commission**. **The provisions in OAR 660-025-0160(3) and (4)**  
6 **apply.**

7 **(8) The commission shall hear referrals and appeals of evaluations and work**  
8 **programs according to the procedures in OAR 660-025-0085.**

9  
10 **[660-025-0120]**

11 **[Commission Review of Referrals and Appeals (Work Program Phase)]**

12 [(1) Except as provided in sections (4) or (5) of this rule, the Commission shall take  
13 final action on an appeal or a referral within 90 days of the date the appeal was filed or the  
14 date the Director issued notice of the referral.]

15 [(2) Upon completion of a report, the Department shall mail a copy of the report to the  
16 local government, persons who submitted objections, and other persons who appealed the  
17 Director's decision. The report shall be mailed at least 21 days before the Commission  
18 meeting to consider the appeal or referral.]

19 [(3) The local government and persons who filed valid objections or an appeal may  
20 file written exceptions to the Director's report within ten (10) days of the date the report is  
21 mailed. The Department may issue a response to exceptions and may make revisions to its  
22 report in response to exceptions. A response or revised report may be provided to the  
23 Commission at or prior to its hearing on the referral or appeal.]

24 [(4) At the request of a local government and a person who filed a valid objection or  
25 an appeal, the Department may provide mediation services to resolve disputes related to the  
26 appeal. Where mediation is underway, the Commission shall delay its hearing until the  
27 mediation process is concluded or the Director, after consultation with the mediator,  
28 determines that mediation is of no further use in resolution of the work program  
29 disagreements.]

30 [(5) If the appeal or referral raises new or complex issues of fact or law that make it  
31 unreasonable for the commission to give adequate consideration to the issues within the 90-  
32 day limit specified in section (1) of this rule, the Commission is not required to take final  
33 action within that time limit.]

34 [(6) The Commission shall hear referrals and appeals based on the written record  
35 unless the Commission requests new evidence or information at its discretion and allows the  
36 parties an opportunity to review and respond to the new evidence or information. No oral  
37 argument shall be allowed unless the director recommends it or the Commission on its own  
38 motion accepts it. In such case, the hearing may be postponed to allow parties to prepare for  
39 the hearing. If the Commission chooses to hear oral argument, such argument shall be limited  
40 to the Director, the local government, the appellant, and parties who filed objections,  
41 exceptions, or an appeal. The commission may authorize additional parties to present  
42 testimony in support of the local government decision, provided such parties participated in  
43 the local decision process. Parties may address the Commission concerning only those issues  
44 raised in their objections or exceptions, or appeal.]

45 [(7)] **(9)** Following its [referral or appeal] hearing, the [Commission shall]  
46 **commission must** issue an order [which] **that** either:

47 (a) Establishes a work program; or

1 (b) Determines that no work program is necessary.  
2 Stat. Auth.: ORS 197.040 & 197.633  
3 Stats. Implemented: ORS 197.628 - ORS 197.646  
4 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95

5  
6 [660-025-0120 renumbered 660-025-0085]

7 Stat. Auth.: ORS 197.040

8 Stats. Implemented: ORS 197.628 - ORS 197.646

9 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
10 LCDC 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04

11  
12 **660-025-0130**

13 **Submission of Completed Work Task**

14 (1) A local government [~~shall~~] **must** submit completed work tasks as provided in the  
15 approved work program **to the department along with any form required by the**  
16 **department**. A local government [~~shall~~] **must** submit to the [~~Department~~] **department** a list  
17 of persons who **participated orally or in writing in the local decision process or who**  
18 requested notice of the local government's final decision on a work task.

19 (2) After receipt of a work task, the [~~Department shall~~] **department must** determine  
20 whether the submittal is complete.

21 **(3) To be complete a submittal [~~shall~~] must be a final decision containing all required**  
22 **elements identified for that task in the work program. A portion of a task or subtask may be**  
23 **accepted as a complete submittal if the work program identified that portion of the task**  
24 **or subtask as a separate item for adoption by the local government. Task submittals are**  
25 **subject to the following requirements:**

26 **(a) If the local record does not exceed 2,000 pages, a submittal must include the**  
27 **entire local record, including but not limited to adopted ordinances and orders, studies,**  
28 **inventories, findings, staff reports, correspondence, hearings minutes, written testimony**  
29 **and evidence, and any other items specifically listed in the work program;**

30 **(b) If the local record exceeds 2,000 pages, a submittal must include adopted**  
31 **ordinances and orders, findings, hearings minutes, written testimony and evidence, and**  
32 **a detailed index listing items not included in the submittal. Items in the local record not**  
33 **included in the submittal must be made available for public review during the period for**  
34 **submitting objections under OAR 660-025-0140. The director or Commission may**  
35 **require submission of any materials not included in the initial submittal;**

36 **(c) A task submittal of over 500 pages must include an index of all submitted**  
37 **materials.**

38 **(4) A submittal includes only the materials provided to the department pursuant**  
39 **to section (3) of this rule. Following submission of objections pursuant to OAR 660-025-**  
40 **0140, the local government may provide written correspondence that is not part of the**  
41 **local record which identifies material in the record relevant to filed objections. The**  
42 **correspondence may not include or refer to materials not in the record submitted or**  
43 **listed pursuant to section (3) of this rule. The local government must provide the**  
44 **correspondence to each objector at the same time it is sent to the department.**

45 **(~~3~~) (5) If the [~~Department~~] department determines that a submittal is incomplete, it**  
46 **[~~shall~~] must notify the local government. If the [~~Department~~] department determines that the**  
47 **submittal should be reviewed despite missing information, the [~~Department~~] department may**

1 commence a formal review of the submittal. Missing material may be identified as a  
2 deficiency in the review process and be a basis to require further work by the local  
3 government.

4 ~~[(4)]~~ **(6)** A local government may request an extension of time for submitting a work  
5 task. The ~~[Director]~~ **director** may grant the request if the local government shows good cause  
6 for the extension. A local government may be permitted only one extension, which shall be  
7 for no more than one year.

8 ~~[(5) A decision by the Director to grant or deny a request for an extension may be  
9 appealed to the Commission, or the Director may refer the request to the Commission,  
10 according to the procedures in OAR 660-025-0090(4).]~~

11 ~~[(6)]~~ **(7)** If a local government fails to submit a complete work task by the deadline set  
12 by the ~~[Director]~~ **director**, or the ~~[Commission]~~ **commission**, including any extension, the  
13 ~~[Director shall]~~ **director must** schedule a hearing before the ~~[Commission]~~ **commission**. The  
14 hearing ~~[shall]~~ **must** be conducted according to the procedures in OAR 660-025-0090(5).

15 Stat. Auth.: ORS 197.040 & 197.633

16 Stats. Implemented: ORS 197.628 - ORS 197.646

17 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;

18 LCDC 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04

19  
20 **660-025-0140**

21 **Notice and Filing of Objections (Work Task Phase)**

22 (1) After the local government makes a final decision on a work task, the local  
23 government ~~[shall]~~ **must** notify the ~~[Department]~~ **department** and persons who **participated**  
24 **at the local level orally or in writing during the local process or who** requested notice in  
25 writing. The local government notice ~~[shall]~~ **must** contain the following information:

26 (a) Where a person can review a copy of the local government's final decision, and  
27 how a person may obtain a copy of the final decision;

28 (b) The requirements listed in section (2) of this rule for filing a valid objection to the  
29 work task; **and**

30 (c) That objectors must give a copy of the objection to the local government [~~;~~ **and**

31 ~~(d) That, for matters outside the jurisdiction of the Commission, objectors must appeal  
32 to the Land Use Board of Appeals as provided by ORS 197.825 through 197.830].~~

33 (2) **Persons who participated at the local level orally or in writing during the local  
34 process leading to the final decision may object to the local government's work task  
35 submittal.** To be valid, objections ~~[shall]~~ **must**:

36 (a) Be in writing and filed **with the department's Salem office** no later than 21 days  
37 from the date the notice was mailed by the local government;

38 (b) Clearly identify an alleged deficiency in the work task **sufficiently to identify the  
39 relevant section of the final decision and the statute, goal, or administrative rule the task  
40 submittal is alleged to have violated;**

41 (c) Suggest specific revisions that would resolve the objection; and

42 (d) Demonstrate that the objecting party participated at the local level orally or in  
43 writing during the local process.

44 (3) Objections that do not meet the requirements of section (2) of this rule ~~[shall]~~ **will**  
45 not be considered by the ~~[Director]~~ **director** or ~~[Commission]~~ **commission**.

46 (4) If no valid objections are received within the 21-day objection period, the  
47 ~~[Director]~~ **director** may approve the work task. Regardless of whether valid objections are

1 received, the [Department] **director** may make [its own] a determination of [the sufficiency  
2 and completeness of] **whether** the work task **final decision complies with the statewide**  
3 **planning goals and applicable statutes and administrative rules.** [Except as provided in  
4 section (5) of this rule, if no objections are received and the Department does not notify the  
5 local government of a decision to conduct its own review within 60 days of the date the  
6 Department provided notice, the work task shall be deemed acknowledged. The Department  
7 shall provide a letter to the local government certifying that the work task is deemed  
8 acknowledged.]

9 (5) When a subsequent work task conflicts with a work task that has been deemed  
10 acknowledged, or violates a statewide planning goal related to a previous work task, the  
11 [Director] **director** or [Commission] **commission** shall not approve the submittal until all  
12 conflicts and goal compliance issues are resolved. In such case, the [Director] **director** or  
13 [Commission] **commission** may enter an order deferring acknowledgment of all, or part, of  
14 the work task until completion of additional tasks.

15 (6) If valid objections are received or the [Department] **department** conducts its own  
16 review, the [Department must] **department must** issue a report. The report shall focus on the  
17 issues raised in valid objections and [concerns of the Department] **issues of compliance**  
18 **identified by the department.** The report shall identify specific work tasks to resolve valid  
19 objections or [Department] **department** concerns. A valid objection shall either be sustained  
20 or rejected by the [Department] **department** or [Commission] **commission** based on the  
21 [standards set forth in OAR 660-025-0070] **the statewide planning goals and applicable**  
22 **statutes and administrative rules.**

23 Stat. Auth.: ORS 197.040 & 197.633

24 Stats. Implemented: ORS 197.628 - ORS 197.646

25 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
26 LCDC 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04

## 27 28 **660-025-0150**

### 29 **Director Action and Appeal of Director Action (Work Task Phase)**

30 (1) The [Director] **director** may:

31 (a) Issue an order approving the completed work task;

32 (b) Issue an order remanding the work task to the local government including a date  
33 for resubmittal;

34 (c) Refer the work task and recommendation to the [Commission] **commission** for  
35 review and action; or

36 (d) The [Director] **director** may issue an order approving portions of the completed  
37 work task provided these portions are not affected by an order remanding or referring the  
38 completed work task.

39 (2) The [Director shall] **director must** send the order to the local government, persons  
40 who filed objections, and persons who, in writing, requested a copy of the action.

41 (3) The [Director's] **director's** action in section (1) of this rule [shall] **must be** sent  
42 pursuant to section (2) of this rule within 120 days of the date the department received the  
43 task submittal from the local government unless the local government waives the 120-day  
44 deadline or the commission grants the [Director] **director** an extension. **The local**  
45 **government may withdraw the submittal, in which case the 120-day deadline does not**  
46 **apply, provided the withdrawal will not result in the local government passing the**  
47 **deadline for work task submittal in the work program and any extension allowed in**

1 **ORAR 660-025-0130(7).** If the ~~[Director]~~ **director** does not take action as prescribed in this  
2 section:

3 (a) If ~~[no]~~ **the department does not receive valid** objections to the work task  
4 pursuant to OAR 660-025-0140(2) ~~[were received]~~, the work task shall be deemed approved  
5 and the department ~~[shall]~~ **must** provide a letter to the local government certifying that the  
6 work task is approved;

7 (b) If **the department received one or more valid** objections to the work task  
8 pursuant to OAR 660-025-0140(2) ~~[were received]~~, the ~~[Director shall]~~ **director must** refer  
9 the work task to the ~~[Commission]~~ **commission** for review and action.

10 (4) **Appeals of director decisions are subject to the requirements of this section.**

11 **(a) [The local government, a] A person who filed a valid objection [or other person**  
12 **who participated orally, or in writing, at the local level,] may appeal [the Director's decision]**  
13 **a director's approval or partial approval of a work task to the [Commission] commission.**

14 **(b) The local government, a person who filed a valid objection, or other person**  
15 **who participated orally or in writing at the local level during the local process on the**  
16 **work task may appeal a director's remand or partial remand of a work task to the**  
17 **commission.**

18 ~~[(a)]~~ **(c)** Appeals of the ~~[Director's]~~ **director's** decision ~~[shall]~~ **must** be filed with the  
19 ~~[Department]~~ **department's Salem office** within 21 days of the date the ~~[Director's]~~  
20 **director's** action was mailed;

21 ~~[(b)]~~ **(d)** A person appealing the ~~[Director's]~~ **director's** decision must ~~[show that]:~~

22 **(A) Show that** the person participated ~~[in the local government decision]~~ **at the local**  
23 **level orally or in writing during the local process [-];**

24 **(B)** ~~[The person appealing the Director's decision must show a]~~ **Clearly identify a**  
25 **deficiency in the work task sufficiently to identify the relevant section of the submitted**  
26 **task and the statute, goal, or administrative rule the local government is alleged to have**  
27 **violated[-]; and**

28 **(C)** ~~[The person appealing the Director's decision also must suggest]~~ **Suggest** a  
29 specific modification to the work task necessary to resolve the alleged deficiency.

30 ~~[(5) In response to a referral or appeal, the Director may prepare and submit a report to~~  
31 ~~the Commission.]~~

32 ~~[(6)]~~ **(5)** If no appeal to the ~~[Commission]~~ **commission** is filed within the time  
33 provided by section ~~[(3)]~~ **(4)** of this rule, the work tasks approved by the ~~[Director]~~ **director**  
34 are considered acknowledged. ~~[The Department shall provide a letter to the local government,~~  
35 ~~and persons who filed objections, certifying that the work task is acknowledged.]~~ **If the**  
36 **director's decision is to remand a work task and no appeal to the commission is filed**  
37 **within the time provided in section (4) of this rule, the decision is final.**

38 Stat. Auth.: ORS 197.040 & 197.633

39 Stats. Implemented: ORS 197.628 - ORS 197.646

40 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
41 LCDC 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04

42  
43 **660-025-0160**

44 **Commission Review of Referrals and Appeals (Work Task Phase)**

45 ~~[(1) Except as provided in sections (5) and (6) of this rule, the Commission shall take~~  
46 ~~final action on an appeal or referral within 90 days of the date the appeal was filed or the~~  
47 ~~Director issued notice of the referral.]~~

1 (1) The commission shall hear appeals and referrals of work tasks according to  
2 the procedures in OAR 660-025-0085.

3 (2) In response to a referral or appeal, the director may prepare and submit a  
4 report to the commission.

5 ~~[(2)]~~ (3) The ~~[Department shall]~~ **department must** mail a copy of the report to the  
6 local government, all persons who submitted objections, and other persons who appealed the  
7 ~~[Director's]~~ **director's** decision. The ~~[Department shall]~~ **department must** mail the report at  
8 least 21 days before the ~~[Commission]~~ **commission** meeting to consider the referral or appeal.

9 ~~[(3)]~~ (4) Persons who filed **valid** objections~~;~~ or an appeal, **and the submitting local**  
10 **government,** may file written exceptions to the ~~[Director's]~~ **director's** report within ten (10)  
11 days of the date the report is mailed. The ~~[Director]~~ **director** may issue a response to  
12 exceptions and may make revisions to ~~[its]~~ **the director's** report in response to exceptions. A  
13 response or revised report may be provided to the ~~[Commission]~~ **commission** at or prior to its  
14 hearing on the referral or appeal. A revised ~~[Director's]~~ **director's** report does not require  
15 mailing 21 days prior to the ~~[Commission]~~ **commission** hearing. ~~[Where the Director's report~~  
16 ~~is substantially revised in response to exceptions, oral argument shall be allowed at the time~~  
17 ~~of the scheduled Commission review. Oral argument shall be limited to issues resulting from~~  
18 ~~the change in the Director's report.]~~

19 ~~[(4)]~~ The Director may postpone the hearing on a revised report in order to allow the  
20 parties to submit written exceptions to the revised report. Such a postponement shall provide  
21 at least ten (10) days for filing exceptions. ~~Where the Director postpones review for the~~  
22 ~~purpose of filing exceptions to a revised Director's report the Commission review shall be~~  
23 ~~pursuant to section (7) of this rule.]~~

24 ~~[(5)]~~ At the request of a local government and a person who files a valid objection or a  
25 person who appeals the Director's decision, the Department may provide mediation services  
26 to resolve disputes related to the appeal. Where mediation is underway, the Commission shall  
27 delay its hearing until the mediation process is concluded or the Director, after consultation  
28 with the mediator, determines that mediation is of no further use in resolution of the work task  
29 disagreements.]

30 ~~[(6)]~~ If the appeal or referral raises new or complex issues of fact or law that make it  
31 unreasonable for the commission to give adequate consideration to the issues within the 90-  
32 day limit specified in section (1) of this rule, the Commission is not required to take final  
33 action within that time limit.]

34 ~~[(7)]~~ (5) The ~~[Commission]~~ **commission** shall hear appeals based on the ~~[written]~~  
35 record unless the ~~[Commission]~~ **commission** requests new evidence or information at its  
36 discretion and allows the parties an opportunity to review and respond to the new evidence or  
37 information. The written record shall consist of the submittal, timely objections, the  
38 ~~[Director's]~~ **director's** report, ~~[and]~~ timely exceptions to the ~~[Director's]~~ **director's** report,  
39 **the director's response to exceptions and revised report if any,** and the appeal if one was  
40 filed. ~~[No oral argument shall be allowed unless the Director recommends it or the~~  
41 ~~Commission on its own motion accepts it. In such case, the hearing may be postponed to the~~  
42 ~~next regular meeting of the Commission to allow parties to prepare for the hearing. If the~~  
43 ~~Commission chooses to hear oral argument, argument shall be limited to the Director, the~~  
44 ~~local government, and parties who filed objections, exceptions, or an appeal. Parties may~~  
45 ~~address the Commission concerning only those issues raised in their objections, exceptions, or~~  
46 ~~appeal.]~~

1           ~~[(8)]~~ **(6)** Following its ~~[referral, or appeal]~~ hearing, the ~~[Commission shall]~~  
2 **commission must** issue an order ~~[which]~~ **that** does one or more of the following:

3           (a) Approves the work task **or a portion of the task**;

4           (b) Remands the work task **or a portion of the task** to the local government,  
5 including a date for resubmittal;

6           (c) Requires specific plan or land use regulation revisions to be completed by a  
7 specific date. Where specific revisions are required, the order shall specify that no further  
8 review is necessary. These changes are final when adopted by the local government. The  
9 failure to adopt the required revisions by the date established in the order shall constitute  
10 failure to complete a work task by the specified deadline requiring the ~~[Director]~~ **director** to  
11 initiate a hearing before the ~~[Commission]~~ **commission** according to the procedures in OAR  
12 ~~[660-025-0090(5)]~~ **660-025-0170(3)**;

13           (d) Amends the work program to add a task authorized under OAR 660-025-  
14 0170(1)(b); or

15           (e) Modifies the schedule for the approved work program in order to accommodate  
16 additional work on a remanded work task.

17           ~~[(8)]~~ **(7)** If **the commission approves the work task under subsection (6)(a) of this**  
18 **section and** no appeal to the Court of Appeals is filed within the time provided in ORS  
19 183.482, the work task shall be deemed acknowledged. ~~[The Department shall provide a letter~~  
20 ~~to the local government and persons who filed objections certifying that the work task is~~  
21 ~~acknowledged.]~~ **If the commission decision on a work task is under subsection (6)(b)**  
22 **through (e) of this section and no appeal to the Court of Appeals is filed within the time**  
23 **provided in ORS 183.482, the decision is final.**

24           Stat. Auth.: ORS 197.040 & 197.633

25           Stats. Implemented: ORS 197.628 - ORS 197.646

26           Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
27 LCDC 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04

28  
29 **660-025-0170**

30 **Modification of an Approved Work Program, ~~and~~ Extensions, and Sanctions for**  
31 **Failure to Meet Deadlines**

32           (1) The ~~[Commission]~~ **commission** may direct, or, upon request of the local  
33 government, the ~~[Director]~~ **director** authorize a local government to modify an approved  
34 work program when:

35           (a) Issues of regional or statewide significance arising out of another local  
36 government's periodic review requires an enhanced level of coordination;

37           (b) Issues of goal compliance are raised as a result of completion of a work task  
38 resulting in a need to undertake further review or revisions;

39           (c) Issues relating to the organization of the work program, coordination with affected  
40 agencies or persons, or orderly implementation of work tasks result in a need for further  
41 review or revision; or

42           (d) Issues relating to needed housing, ~~[employment]~~ **economic development**,  
43 transportation, ~~[or]~~ public facilities and services, **or urbanization** were omitted from the  
44 work program but must be addressed in order to ensure compliance with the statewide  
45 planning goals.

46           (2) Failure to complete a modified work task shall constitute failure to complete a  
47 work task by the specified deadline, requiring the ~~[Director]~~ **director** to initiate a hearing

1 before the ~~[Commission]~~ **commission** according to the procedures in ~~[OAR 660-025-0090(5)]~~  
2 **section (3)**.

3 ~~[(3) Action by the director pursuant to subsection (1) of this rule may be appealed to~~  
4 ~~the commission pursuant to the procedures in OAR 660-025-0110 and 0120.]~~

5 **(3) If a local government fails to submit its evaluation and work program, a**  
6 **decision that no work program is necessary, or a work task by the deadline set by the**  
7 **director or the commission, including any extension, the director shall schedule a**  
8 **hearing before the commission. The notice must state the date and location at which the**  
9 **commission will conduct the hearing. The hearing will be conducted pursuant to**  
10 **OAR 660-025-0085 and as follows:**

11 **(a) The director shall notify the local government in writing that its submittal is**  
12 **past due and that the commission will conduct a hearing and consider imposing**  
13 **sanctions against the local government as required by ORS 197.636(2);**

14 **(b) The director and the local government may prepare written statements to the**  
15 **commission addressing the circumstances causing the local government to miss the**  
16 **deadline and the appropriateness of any of the sanctions listed in ORS 197.636(2). The**  
17 **written statements must be filed in a manner and according to a schedule established by**  
18 **the director;**

19 **(c) The commission shall issue an order imposing one or more of the sanctions**  
20 **listed in ORS 197.636(2) until the local government submits its evaluation and work**  
21 **program or its decision that no work program is required, or its work task required**  
22 **under OAR 660-025-0130, as follows:**

23 **(A) Require the local government to apply those portions of the goals and rules to**  
24 **land use decisions as specified in an order issued by the commission,**

25 **(B) Forfeiture of all or a portion of the grant money received to conduct the**  
26 **review, develop the work program or complete the work task,**

27 **(C) Completion of the work program or work task by the department. The**  
28 **commission may require the local government to pay the cost for completion of work**  
29 **performed by the department, following the withholding process set forth in ORS**  
30 **197.335(4),**

31 **(D) Application of such interim measures as the commission deems necessary to**  
32 **ensure compliance with the statewide planning goals.**

33 Stat. Auth.: ORS 197.040 & 197.633

34 Stats. Implemented: ORS 197.628-ORS 197.646

35 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
36 LCDC 1-1998, f. & cert. ef. 4-15-98; LCDD 3-2000, f. & cert. ef. 2-14-00

37  
38 **660-025-0175**

39 **Review of UGB amendments and Urban Reserve Area designations.**

40 **(1) Land use decisions establishing or amending an urban growth boundary or**  
41 **urban reserve area must be submitted to the department for review with the statewide**  
42 **planning goals and related statutes and rules when not on a work program and:**

43 **(a) A metropolitan service district [that] amends its urban growth boundary to include**  
44 **more than 100 acres; [~~or a~~]**

45 **(b) A city with a population of 2,500 or more within its urban growth boundary [that]**  
46 **amends the urban growth boundary to include more than 50 acres; or [~~or that~~]**

1 **(c) A city or metropolitan service district** designates **or amends** urban reserve areas  
2 under ORS 195.145 [~~shall submit the amendment, or the designation, to the Department for~~  
3 ~~review for compliance with the statewide planning goals~~].

4 **(2)** The standards and procedures in this rule govern the local government process and  
5 submittal, and [~~Department~~] **department** and [~~Commission~~] **commission** review.

6 [~~(2)~~] **(3)** The local government [~~shall follow~~] **must provide notice of the proposed**  
7 **amendment according to** the procedures and requirements for post-acknowledgement plan  
8 amendments in ORS 197.610 [~~, et seq.~~] and [~~any applicable statewide planning goals and~~  
9 ~~administrative rules~~] **OAR 660-018-0020**.

10 [~~(3)~~] **(4)** The local government [~~shall~~] **must** submit its final decision amending its  
11 urban growth boundary, or designating urban reserve areas, to the [~~Department~~] **department**  
12 according to all the requirements for a work task submittal in OAR 660-025-0130 and 660-  
13 025-0140.

14 [~~(4)~~] **(5)** Department and [~~Commission~~] **commission** review and decision on the  
15 submittal from the local government [~~shall~~] **must** follow the procedures and requirements for  
16 review and decision of a work task submittal in OAR 660-025-0140 [~~through~~] **to** 660-025-  
17 0160.

18 Stat. Auth.: ORS 197.040

19 Stats. Implemented: ORS 195.145, 197.626 – 197.646

20 Hist.: LCDC 3-2000, f. & cert. ef. 2-14-00; LCDC 3-2004, f. & cert. ef 5-7-04

## 21 22 **660-025-0180**

### 23 **Stay Provisions**

24 (1) When a local government makes a final decision on a work task or portion of a  
25 work task that is required by, or carries out, an approved work program, or if the local  
26 government is a city with a population of 2,500 or more and either adopts a decision adding  
27 more than 50 acres to its urban growth boundary or designates **or amends** urban reserve  
28 areas, **or a metropolitan service district that adopts a decision adding more than 100**  
29 **acres to its urban growth boundary or designates or amends urban reserve areas,**  
30 interested persons may request a stay of the local government's final decision by filing a  
31 request for a stay with the [~~Commission~~] **commission**. In taking an action on a request to stay  
32 a local government's final decision on a work task, the [~~Commission shall~~] **commission must**  
33 use the standards and procedures contained in OAR [~~Chapter~~] **chapter** 660, [~~Division~~]  
34 **division** 1.

35 (2) The [~~Director~~] **director** may grant a temporary stay of a final decision on a local  
36 government decision described in section (1) of this rule. A temporary stay [~~shall~~] **must** meet  
37 applicable stay requirements of the Administrative Procedures Act. A temporary stay issued  
38 by the [~~Director~~] **director** shall only be effective until the [~~Commission~~] **commission** has  
39 acted on a stay request pursuant to section (1) of this rule.

40 Stat. Auth.: ORS 197.040

41 Stats. Implemented: ORS 195.145, ORS 197.628 - ORS 197.646

42 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;  
43 LCDD 1-1998, f. & cert. ef. 4-15-98; LCDC 3-2000, f. & cert. ef. 2-14-00

1 **660-025-0210**

2 **Updated Planning Documents**

3 (1) Pursuant to ORS [~~197.260, 197.190~~] **195.025 and 195.040** and the legislative  
4 policy described in ORS 197.010, each local government [~~shall~~] **must** file two complete and  
5 accurate copies of its comprehensive plan and land use regulations bearing the date of  
6 adoption (including plan and zone maps bearing the date of adoption) with the [~~Department~~]  
7 **department** following completion of periodic review. These materials may be either a new  
8 printing or an up-to-date compilation of the required materials or upon approval of the  
9 [~~Department~~] **department**, an up-to-date copy on computer disk(s) or other electronic format.

10 (2) Materials described in section (1) of this rule [~~shall~~] **must** be submitted to the  
11 [~~Department~~] **department** within six months of completion of the last work task.

12 (3) The updated plan [~~shall~~] **must** be accompanied by a statement signed by [~~the~~  
13 ~~Planning Director or other~~] **a** city or county official certifying that the materials are an  
14 accurate copy of current planning documents and that they reflect changes made as part of  
15 periodic review.

16 (4) Jurisdictions [~~who~~] **that** do not file an updated plan on time shall not be eligible  
17 for grants from the [~~Department~~] **department** until such time as the required materials are  
18 provided to the [~~Department~~] **department**.

19 Stat. Auth.: ORS 197.040

20 Stats. Implemented: ORS 195.025 and 195.040 & ORS 197.628 - ORS 197.646

21 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95

22  
23 **660-025-0220**

24 **Computation of Time**

25 (1) For the purposes of OAR [~~Chapter~~] **chapter** 660, [~~Division~~] **division** 25, periodic  
26 review rule, **unless otherwise provided by rule**, the time to complete required tasks, **notices,**  
27 **objections, and appeals** shall be computed as follows. The first day of the designated period  
28 to complete the task, **notice, objection or appeal** shall not be counted. The last day of the  
29 period shall be counted unless it is a Saturday, Sunday or legal holiday recognized by the  
30 State of Oregon. In that event the period shall run until the end of the next day [~~which~~] **that** is  
31 not a Saturday, Sunday or state legal holiday.

32 (2) When the period of time to complete the task is less than seven (7) days,  
33 intervening Saturdays, Sundays or state legal holidays shall not be counted.

34 Stat. Auth.: ORS 197.040

35 Stats. Implemented: ORS 187.010, 187.020, 197.628 to 197.650

36 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95

37  
38 **660-025-0230**

39 **Applicability**

40 [~~(1) A city or county exempt from periodic review under ORS 197.629, may choose to~~  
41 ~~end or continue and complete a periodic review begun prior to June 30, 1999, the effective~~  
42 ~~date of the that law. Eligible local governments must make their election in writing to the~~  
43 ~~Department by June 1, 2000.]~~

44 [(2)] **(1)** [~~1999 amendments~~] **Amendments** to this division apply as follows:

45 (a) Local governments in periodic review that have not submitted an evaluation and  
46 work program, or decision that no work program is required, when [~~these rules~~] **rule**

1 **amendments** become effective shall apply the new requirements to the evaluation **and work**  
2 **program or decision than no work program is required;**

3 (b) Local governments in periodic review [~~shall~~] **must** apply [~~the 1999~~] amendments  
4 to work tasks not completed or submitted to the [~~Department~~] **department** on the effective  
5 date of the [~~1999~~] amendments;

6 (c) The [~~Commission~~] **commission** may modify approved work programs to carry out  
7 the priorities and standards reflected in [~~the 1999~~] amendments;

8 (d) The procedures and standards in [~~the 1999~~] amendments for [~~Department~~]  
9 **department** and [~~Commission~~] **commission** review and action on periodic review submittals,  
10 requests for extensions, and late submittals apply to all such submittals and requests filed after  
11 the effective date of the [~~1999~~] amendments, as well as any such submittals and requests  
12 awaiting initial [~~Department~~] **department** action on the effective date of the [~~1999~~]  
13 amendments.

14 **(2) Amendments to OAR 660-025-0030 and 660-025-0035(3) and (4) become**  
15 **effective July 1, 2007.**

16 Stat. Auth.: ORS 197.040-197.245

17 Stats. Implemented: ORS 197.628 to 197.646

18 Hist.: LCDC 3-2000, f. & cert. ef. 2-14-00

19  
20 **660-025-0250**

21 **Transfer of Matters to the Land Use Board of Appeals**

22 **(1) When the department receives an appeal of a director's decision pursuant to**  
23 **OAR 660-025-0150(4), the director may elect to transfer a matter raised in the appeal to**  
24 **the Land Use Board of Appeals (board) under ORS 197.825(2)(c)(A).**

25 **(2) Matters raised in an appeal may be transferred by the director to the board**  
26 **when:**

27 **(a) The matter is an urban growth boundary expansion approved by the local**  
28 **government based on a quasi-judicial land use application and does not require an**  
29 **interpretation of first impression of statewide planning Goal 14, ORS 197.296 or ORS**  
30 **197.298; or**

31 **(b) (A) The matter alleges the work task submittal violates a provision of law not**  
32 **directly related to compliance with a statewide planning goal;**

33 **(B) The appeal clearly identifies the provision of the task submittal that is alleged**  
34 **to violate a provision of law and clearly identifies the provision of law that is alleged to**  
35 **have been violated; and**

36 **(C) The matter is sufficiently well-defined that it can be separated from other**  
37 **allegations in the appeal.**

38 **(3) When the director elects to transfer a matter to the board, notice of the**  
39 **decision must be sent to the local jurisdiction, the appellant, objectors, and the board**  
40 **within 60 days of the date the appeal was filed with the department. The notice shall**  
41 **include identification of the matter to be transferred and explanation of the procedures**  
42 **and deadline for appeal of the matter to the board.**

43 **(4) The director's decision under this rule is final and may not be appealed.**

44 Stat. Auth.: ORS 197.040

45 Stats. Implemented: ORS 197.825

46 Hist.: