

Department of Land Conservation and Development
OAR Chapter 660

DIVISION 025
PERIODIC REVIEW

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 is to ensure that comprehensive plans and land use
6 regulations remain in compliance with the statewide planning goals adopted pursuant to ORS
7 197.230, and that adequate provision for needed housing, economic development,
8 transportation, public facilities and services, and urbanization are coordinated as described in
9 ORS 197.015(5). Periodic Review is a cooperative process between the state, local
10 governments, and other interested persons.

11 Stat. Auth.: ORS 183 & 197

12 Stats. Implemented: ORS 197.628 - 197.646

13 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 3-2000, f. & cert. ef. 2-14-00;
14 LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06

15
16 **660-025-0020**

17 **Definitions**

18 For the purposes of this division, the definitions contained in ORS 197.015, 197.303,
19 shall apply unless the context requires otherwise. In addition, the following definitions apply:

20 (1) "Economic Revitalization Team" means the team established under ORS 284.555.

21 (2) "Filed" or "Submitted" means that the required documents have been received by
22 the Department of Land Conservation and Development at its Salem, Oregon, office.

23 (3) "Final Decision" means the completion by the local government of a work task on
24 an approved work program, including the adoption of supporting findings and any
25 amendments to the comprehensive plan or land use regulations. A decision is final when the
26 local government's decision is transmitted to the department for review.

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

30 (5) "Objection" means a written complaint concerning the adequacy of an evaluation,
31 proposed work program, or completed work task.

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

35 (7) "Work Program" means a detailed listing of tasks necessary to revise or amend the
36 local comprehensive plan or land use regulations to ensure the plan and regulations achieve
37 the statewide planning goals. A work program must indicate the date that each work task must
38 be submitted to the department for review.

1 (8) “Work Task” or “task” means an activity, that is included on an approved work
2 program and that generally results in an adopted amendment to a comprehensive plan or land
3 use regulation.

4 Stat. Auth.: ORS 183 & 197

5 Stats. Implemented: ORS 197.015 & 197.628 - 197.646

6 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
7 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06

8
9 **660-025-0030**

10 **Periodic Review Schedule**

11 (1) The commission must approve, and update as necessary, a schedule for periodic
12 review. The schedule must include the date when each local government must be sent a letter
13 by the department requesting the local government to commence the periodic review process.

14 (2) The schedule developed by the commission must reflect the following:

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

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

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

24 (d) Notwithstanding subsection (c) of this section, if the schedule set for the county is
25 specific as to that portion of the county within the urban growth boundary of a city subject to
26 periodic review under this section, the county shall conduct periodic review for that portion of
27 the county according to the schedule and work program set for the county.

28 (3) The commission may establish a schedule that varies from the standards in
29 section (2) of this rule if necessary to coordinate approved periodic review work programs or
30 to account for special circumstances. The commission may schedule a local government’s
31 periodic review earlier than provided in section (2) of this rule if necessary to ensure that all
32 local governments in a region whose land use decisions would significantly affect other local
33 governments in the region are conducting periodic review concurrently, but not sooner than
34 five years after completion of the previous periodic review.

35 (4) The director must maintain and implement the schedule. Copies of the schedule
36 must be provided upon request.

37 Stat. Auth.: ORS 197.040 & 197.633

38 Stats. Implemented: ORS 197.628 - 197.646

39 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 3-2000, f. & cert. ef. 2-14-00;
40 LCDD 4-2006, f. & cert. ef. 5-15-06

41
42 **660-025-0035**

43 **Initiating Periodic Review Outside the Schedule**

44 (1) A local government may request, and the commission may approve, initiation of
45 periodic review not otherwise provided for in the schedule established under OAR 660-025-
46 0030. The request must be submitted to the commission along with justification for the

1 requested action. The justification must include a statement of local circumstances that
2 warrant periodic review and identification of the statewide planning goals to be addressed.

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

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

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

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

20 (4) If the commission pays the costs of a local government that is not subject to OAR
21 660-025-0030 to perform new work programs and work tasks, the commission may require
22 the local government to complete periodic review when the local government has not
23 completed periodic review within the previous five years if:

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

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

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

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

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

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

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

41 Stat. Auth.: ORS 197.040 & 197.633

42 Stats. Implemented: ORS 197.628 - ORS 197.646

43 Hist.: LCDD 4-2006, f. & cert. ef. 5-15-06

1 **660-025-0040**

2 **Exclusive Jurisdiction of LCDC**

3 (1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction to review
4 the evaluation, work program, and all work tasks for compliance with the statewide planning
5 goals and applicable statutes and administrative rules. Pursuant to ORS 197.626, the
6 commission has exclusive jurisdiction to review the following land use decisions for
7 compliance with the statewide planning goals:

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

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

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

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

16 Stat. Auth.: ORS 197.040

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

18 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
19 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. &
20 cert. ef. 5-15-06

21
22 **660-025-0050**

23 **Commencing Periodic Review**

24 (1) The department must commence the periodic review process by sending a letter to
25 the affected local government pursuant to OAR 660-025-0030 or 660-025-0035. The
26 department may provide advance notice to a local government of the upcoming review and
27 must encourage local governments to review their citizen involvement provisions prior to
28 beginning periodic review.

29 (2) The periodic review commencement letter must include the following information:

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

32 (b) The date the evaluation and work program or evaluation and decision that no work
33 program is required must be submitted;

34 (c) Applicable evaluation forms; and

35 (d) Other information the department considers relevant.

36 (3) The director must provide copies of the materials sent to the local government to
37 interested persons upon written request.

38 Stat. Auth.: ORS 197.040 & 197.633

39 Stats. Implemented: ORS 197.628 - 197.646

40 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 4-2006, f. & cert. ef. 5-15-06

41
42 **660-025-0060**

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

44 (1) The director may create one or more Periodic Review Assistance Team(s) to
45 coordinate state, regional or local public agency comment, assistance, and information into
46 the evaluation and work program development process. The director must seek input from

1 agencies, regional governments and local governments on the membership of Periodic
2 Review Assistance Team(s).

3 (2) Members of the Periodic Review Assistance Team will provide, as appropriate:

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

5 (b) New and updated information;

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

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

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

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

13 (5) Authority. The Periodic Review Assistance Team shall be an advisory body. The
14 team may make recommendations concerning an evaluation, a work program or work task
15 undertaken pursuant to an approved work program. The team may also make
16 recommendations to cities, counties, state agencies and the commission regarding any other
17 issues related to periodic review.

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

21 (7) Consideration by the commission. The commission must consider the
22 recommendations, if any, of the Periodic Review Assistance Team(s).

23 Stat. Auth.: ORS 197.040 & 197.633

24 Stats. Implemented: ORS 197.628 - 197.646

25 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 4-2006, f. & cert. ef. 5-15-06

26
27 **660-025-0070**

28 **Need for Periodic Review**

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

32 (a) There has been a substantial change in circumstances including but not limited to
33 the conditions, findings, or assumptions upon which the comprehensive plan or land use
34 regulations were based, so that the comprehensive plan or land use regulations do not comply
35 with the statewide planning goals relating to economic development, needed housing,
36 transportation, public facilities and services and urbanization;

37 (b) Decisions based on acknowledged comprehensive plan and land use regulations
38 are inconsistent with the goals relating to economic development, needed housing,
39 transportation, public facilities and services and urbanization;

40 (c) There are issues of regional or statewide significance, intergovernmental
41 coordination, or state agency plans or programs affecting land use which must be addressed in
42 order to bring comprehensive plans and land use regulations into compliance with the goals
43 relating to economic development, needed housing, transportation, public facilities and
44 services and urbanization; or

45 (d) The existing comprehensive plan and land use regulations are not achieving the
46 statewide planning goals relating to economic development, needed housing, transportation,
47 public facilities and services and urbanization.

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

5 Stat. Auth.: ORS 197.040

6 Stats. Implemented: ORS 197.628 - 197.646

7 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 3-2000, f. & cert. ef. 2-14-00;
8 LCDD 4-2006, f. & cert. ef. 5-15-06

9
10 **660-025-0080**

11 **Citizen Involvement**

12 (1) The local government must use its acknowledged or otherwise approved citizen
13 involvement program to provide adequate participation opportunities for citizens and other
14 interested persons in all phases of the local periodic review. Each local government must
15 publish a notice in a newspaper of general circulation within the community informing
16 citizens about the initiation of the local periodic review. The local government must also
17 provide written notice of the initiation of the local periodic review to other persons who, in
18 writing, request such notice.

19 (2) Each local government must review its citizen involvement program and assure
20 that there is an adequate process for citizen involvement in all phases of the periodic review
21 process. Citizen involvement opportunities must, at a minimum, include:

22 (a) Interested persons must have the opportunity to comment in writing in advance of
23 or at one or more hearings on the periodic review evaluation. Citizens and other interested
24 persons must have the opportunity to present comments orally at one or more hearings on the
25 periodic review evaluation. Citizens and other interested persons must have the opportunity to
26 propose periodic review work tasks prior to or at one or more hearings. The local government
27 must provide a response to comments at or following the hearing on the evaluation.

28 (b) Interested persons must have the opportunity to comment in writing in advance of
29 or at one or more hearings on a periodic review work task. Citizens and other interested
30 persons must have the opportunity to present comments orally at one or more hearings on a
31 periodic review work task. The local government must respond to comments at or following
32 the hearing on a work task.

33 Stat. Auth.: ORS 197.040 & 197.633

34 Stats. Implemented: ORS 197.628 - 197.646

35 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 4-2006, f. & cert. ef. 5-15-06

36
37 **660-025-0085**

38 **Commission Hearings Notice and Procedures**

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

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

44 (a) At the request of a local government and a person who files a valid objection or
45 appeals the director's decision, the department may provide mediation services to resolve
46 disputes related to the appeal. Where mediation is underway, the commission shall delay its
47 hearing until the mediation process is concluded or the director, after consultation with the

1 mediator, determines that mediation is of no further use in resolution of the work program or
2 work task disagreements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (E) The law of an organization of nations and of foreign nations and public entities in
43 foreign nations.

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

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

3 Stat. Auth.: ORS 197.040 & 197.633

4 Stats. Implemented: ORS 197.628 - 197.646

5 Hist.: LCDD 4-2006, f. & cert. ef. 5-15-06

6
7 **660-025-0090**

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

9 (1) The local government must conduct an evaluation of its plan and land use
10 regulations based on the periodic review conditions in ORS 197.628 and OAR 660-025-0070.
11 The local evaluation process must comply with the following requirements:

12 (a) The local government must follow its citizen involvement program and the
13 requirements of OAR 660-025-0080 for conducting the evaluation and determining the scope
14 of a work program.

15 (b) The local government must provide opportunities for participation by the
16 department and Periodic Review Assistance Team. Issues related to coordination between
17 local government comprehensive plan provisions and certified state agency coordination
18 programs that are raised by the affected agency, or Periodic Review Assistance Team must be
19 considered by the local government.

20 (c) The local government may provide opportunities for participation by the Economic
21 Revitalization Team.

22 (d) At least 21 days before submitting the evaluation and work program, or decision
23 that no work program is required, the local government must provide copies of the evaluation
24 to members of the Periodic Review Assistance Team, if formed, and others who have, in
25 writing, requested copies.

26 (e) After review of comments from interested persons, the local government must
27 adopt an evaluation and work program or decision that no work program is required.

28 (2) The local government must submit the evaluation and work program, or decision
29 that no work program is required, to the department according to the following requirements:

30 (a) The evaluation must include completed evaluation forms that are appropriate to the
31 jurisdiction as determined by the director. Evaluation forms will be based on the jurisdiction's
32 size, growth rate, geographic location, and other factors that relate to the planning situation at
33 the time of periodic review. Issues related to coordination between local government
34 comprehensive plan provisions and certified agency coordination programs may be included
35 in evaluation forms.

36 (b) The local government must also submit to the department a list of persons who
37 requested notice of the evaluation and work program or decision that no work program is
38 required.

39 (c) The evaluation and work program, or decision that no work program is necessary,
40 must be submitted within six months of the date the department sent the letter initiating the
41 periodic review process, including any extension granted under section (3) of this rule.

42 (3) A local government may request an extension of time for submitting its evaluation
43 and work program, or decision that no work program is required. The director may grant the
44 request if the local government shows good cause for the extension. A local government may
45 be permitted only one extension, which shall be for no more than 90 days.

46 (4) A decision by the director to deny a request for an extension may be appealed to
47 the commission according to the procedures in OAR 660-025-0110(5), or the director may

1 refer a request for extension under section (3) of this rule to the commission pursuant to OAR
2 660-025-0085.

3 (5) If a local government fails to submit its evaluation and work program, or decision
4 that no work program is necessary, by the deadline set by the director or the commission,
5 including any extension, the director shall schedule a hearing before the commission
6 according to OAR 660-025-0170(3).

7 Stat. Auth.: ORS 197.040 & 197.633

8 Stats. Implemented: ORS 197.628 - 197.646

9 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
10 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06

11 12 **660-025-0100**

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

14 (1) After the local government approves the evaluation and work program, or the
15 evaluation and decision that no work program is necessary, the local government must notify
16 the department and persons who participated at the local level orally or in writing during the
17 local process. The local government notice must contain the following information:

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

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

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

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

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

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

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

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

35 (3) Objections that do not meet the requirements of section (2) of this rule must not be
36 considered by the director or commission.

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

42 (5) If valid objections are received or the department conducts its own review, the
43 department must issue a report. The report must focus on the issues raised in valid objections
44 and concerns of the department. The report must identify specific work tasks to resolve valid
45 objections or department concerns. A valid objection must either be sustained or rejected by

1 the department or commission based on the statewide planning goals and related statutes and
2 administrative rules.

3 Stat. Auth.: ORS 197.040 & 197.633

4 Stats. Implemented: ORS 197.628 - 197.646

5 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
6 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06

7
8 **660-025-0110**

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

10 (1) The director may:

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

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

16 (c) Refer the evaluation and work program or evaluation and determination that no
17 work program is necessary to the commission for review and action.

18 (2) The director may postpone action, pursuant to subsections (1)(a)-(c) of this rule to
19 allow the department, the jurisdiction, objectors or other persons who participated orally or in
20 writing at the local level to reach agreement on specific issues relating to the evaluation and
21 work program or evaluation and determination that no work program is necessary.

22 (3) The director must provide written notice of the decision to the local government
23 persons who filed objections, and persons who requested notice of the local government
24 decision.

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

27 (5) The director's decision to deny an evaluation and work program or evaluation and
28 determination that no work program is necessary may be appealed to the commission by the
29 local government, or a person who filed an objection, or other person who participated orally
30 or in writing at the local level.

31 (a) Appeal of the director's decision must be filed with the department within 21 days
32 of the date notice of the director's action was mailed;

33 (b) A person appealing the director's decision must show that the person participated
34 in the local government decision. The person appealing the director's decision must show a
35 deficiency in the director's decision to deny the evaluation, work program or decision that no
36 work program is necessary. The person appealing the director's decision also must suggest a
37 specific modification to the evaluation, work program or decision that no work program is
38 necessary to resolve the alleged deficiency.

39 (6) If no such appeal is filed, the director's decision shall be final.

40 (7) In response to an appeal, the director may prepare and submit a report to the
41 commission. The provisions in OAR 660-025-0160(3) and (4) apply.

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

44 (9) Following its hearing, the commission must issue an order that either:

45 (a) Establishes a work program; or

46 (b) Determines that no work program is necessary.

47 Stat. Auth.: ORS 197.040 & 197.633

1 Stats. Implemented: ORS 197.628 - 197.646
2 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
3 LCDD 4-2006, f. & cert. ef. 5-15-06
4

5 **660-025-0130**

6 **Submission of Completed Work Task**

7 (1) A local government must submit completed work tasks as provided in the
8 approved work program to the department along with any form required by the department. A
9 local government must submit to the department a list of persons who participated orally or in
10 writing in the local decision process or who requested notice of the local government's final
11 decision on a work task.

12 (2) After receipt of a work task, the department must determine whether the submittal
13 is complete.

14 (3) To be complete a submittal must be a final decision containing all required
15 elements identified for that task in the work program. A portion of a task or subtask may be
16 accepted as a complete submittal if the work program identified that portion of the task or
17 subtask as a separate item for adoption by the local government. Task submittals are subject
18 to the following requirements:

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

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

29 (c) A task submittal of over 500 pages must include an index of all submitted
30 materials.

31 (4) A submittal includes only the materials provided to the department pursuant to
32 section (3) of this rule. Following submission of objections pursuant to OAR 660-025-0140,
33 the local government may provide written correspondence that is not part of the local record
34 which identifies material in the record relevant to filed objections. The correspondence may
35 not include or refer to materials not in the record submitted or listed pursuant to section (3) of
36 this rule. The local government must provide the correspondence to each objector at the same
37 time it is sent to the department.

38 (5) If the department determines that a submittal is incomplete, it must notify the local
39 government. If the department determines that the submittal should be reviewed despite
40 missing information, the department may commence a formal review of the submittal.
41 Missing material may be identified as a deficiency in the review process and be a basis to
42 require further work by the local government.

43 (6) A local government may request an extension of time for submitting a work task.
44 The director may grant the request if the local government shows good cause for the
45 extension. A local government may be permitted only one extension, which shall be for no
46 more than one year.

1 (7) If a local government fails to submit a complete work task by the deadline set by
2 the director, or the commission, including any extension, the director must schedule a hearing
3 before the commission. The hearing must be conducted according to the procedures in OAR
4 660-025-0090(5).

5 Stat. Auth.: ORS 197.040 & 197.633

6 Stats. Implemented: ORS 197.628 - 197.646

7 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
8 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. &
9 cert. ef. 5-15-06

10
11 **660-025-0140**

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

13 (1) After the local government makes a final decision on a work task, the local
14 government must notify the department and persons who participated at the local level orally
15 or in writing during the local process or who requested notice in writing. The local
16 government notice must contain the following information:

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

19 (b) The requirements listed in section (2) of this rule for filing a valid objection to the
20 work task; 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 final decision may object to the local government's work task
24 submittal. To be valid, objections must:

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

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

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

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 will not be
34 considered by the director or commission.

35 (4) If no valid objections are received within the 21-day objection period, the director
36 may approve the work task. Regardless of whether valid objections are received, the director
37 may make a determination of whether the work task final decision complies with the
38 statewide planning goals and applicable statutes and administrative rules.

39 (5) When a subsequent work task conflicts with a work task that has been deemed
40 acknowledged, or violates a statewide planning goal related to a previous work task, the
41 director or commission shall not approve the submittal until all conflicts and goal compliance
42 issues are resolved. In such case, the director or commission may enter an order deferring
43 acknowledgment of all, or part, of the work task until completion of additional tasks.

44 (6) If valid objections are received or the department conducts its own review, the
45 department must issue a report. The report shall focus on the issues raised in valid objections
46 and issues of compliance identified by the department. The report shall identify specific work
47 tasks to resolve valid objections or department concerns. A valid objection shall either be

1 sustained or rejected by the department or commission based on the the statewide planning
2 goals and applicable statutes and administrative rules.

3 Stat. Auth.: ORS 197.040 & 197.633

4 Stats. Implemented: ORS 197.628 - 197.646

5 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
6 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. &
7 cert. ef. 5-15-06

8
9 **660-025-0150**

10 **Director Action and Appeal of Director Action (Work Task Phase)**

11 (1) The director may:

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

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

15 (c) Refer the work task and recommendation to the commission for review and action;

16 or

17 (d) The director may issue an order approving portions of the completed work task
18 provided these portions are not affected by an order remanding or referring the completed
19 work task.

20 (2) The director must send the order to the local government, persons who filed
21 objections, and persons who, in writing, requested a copy of the action.

22 (3) The director's action in section (1) of this rule must be sent pursuant to section (2)
23 of this rule within 120 days of the date the department received the task submittal from the
24 local government unless the local government waives the 120-day deadline or the commission
25 grants the director an extension. The local government may withdraw the submittal, in which
26 case the 120-day deadline does not apply, provided the withdrawal will not result in the local
27 government passing the deadline for work task submittal in the work program and any
28 extension allowed in OAR 660-025-0130(7). If the director does not take action as prescribed
29 in this section:

30 (a) If the department does not receive valid objections to the work task pursuant to
31 OAR 660-025-0140(2), the work task shall be deemed approved and the department must
32 provide a letter to the local government certifying that the work task is approved;

33 (b) If the department received one or more valid objections to the work task pursuant
34 to OAR 660-025-0140(2), the director must refer the work task to the commission for review
35 and action.

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

37 (a) A person who filed a valid objection may appeal a director's approval or partial
38 approval of a work task to the commission.

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

42 (c) Appeals of the director's decision must be filed with the department's Salem office
43 within 21 days of the date the director's action was mailed;

44 (d) A person appealing the director's decision must:

45 (A) Show that the person participated at the local level orally or in writing during the
46 local process;

1 (B) Clearly identify a deficiency in the work task sufficiently to identify the relevant
2 section of the submitted task and the statute, goal, or administrative rule the local government
3 is alleged to have violated; and

4 (C) Suggest a specific modification to the work task necessary to resolve the alleged
5 deficiency.

6 (5) If no appeal to the commission is filed within the time provided by section (4) of
7 this rule, the work tasks approved by the director are considered acknowledged. If the
8 director's decision is to remand a work task and no appeal to the commission is filed within
9 the time provided in section (4) of this rule, the decision is final.

10 Stat. Auth.: ORS 197.040 & 197.633

11 Stats. Implemented: ORS 197.628 - 197.646

12 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
13 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. &
14 cert. ef. 5-15-06

15
16 **660-025-0160**

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

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

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

22 (3) The department must mail a copy of the report to the local government, all persons
23 who submitted objections, and other persons who appealed the director's decision. The
24 department must mail the report at least 21 days before the commission meeting to consider
25 the referral or appeal.

26 (4) Persons who filed valid objections or an appeal, and the submitting local
27 government, may file written exceptions to the director's report within ten (10) days of the
28 date the report is mailed. The director may issue a response to exceptions and may make
29 revisions to the director's report in response to exceptions. A response or revised report may
30 be provided to the commission at or prior to its hearing on the referral or appeal. A revised
31 director's report does not require mailing 21 days prior to the commission hearing.

32 (5) The commission shall hear appeals based on the record unless the commission
33 requests new evidence or information at its discretion and allows the parties an opportunity to
34 review and respond to the new evidence or information. The written record shall consist of
35 the submittal, timely objections, the director's report, timely exceptions to the director's
36 report, the director's response to exceptions and revised report if any, and the appeal if one
37 was filed.

38 (6) Following its hearing, the commission must issue an order that does one or more of
39 the following:

40 (a) Approves the work task or a portion of the task;

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

43 (c) Requires specific plan or land use regulation revisions to be completed by a
44 specific date. Where specific revisions are required, the order shall specify that no further
45 review is necessary. These changes are final when adopted by the local government. The
46 failure to adopt the required revisions by the date established in the order shall constitute

1 failure to complete a work task by the specified deadline requiring the director to initiate a
2 hearing before the commission according to the procedures in OAR 660-025-0170(3);

3 (d) Amends the work program to add a task authorized under OAR 660-025-
4 0170(1)(b); or

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

7 (7) If the commission approves the work task under subsection (6)(a) of this section
8 and no appeal to the Court of Appeals is filed within the time provided in ORS 183.482, the
9 work task shall be deemed acknowledged. If the commission decision on a work task is under
10 subsection (6)(b) through (e) of this section and no appeal to the Court of Appeals is filed
11 within the time provided in ORS 183.482, the decision is final.

12 Stat. Auth.: ORS 197.040 & 197.633

13 Stats. Implemented: ORS 197.628 - 197.646

14 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
15 LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. &
16 cert. ef. 5-15-06

17
18 **660-025-0170**

19 **Modification of an Approved Work Program, Extensions, and Sanctions for Failure to**
20 **Meet Deadlines**

21 (1) The commission may direct, or, upon request of the local government, the director
22 authorize a local government to modify an approved work program when:

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

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

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

30 (d) Issues relating to needed housing, economic development, transportation, public
31 facilities and services, or urbanization were omitted from the work program but must be
32 addressed in order to ensure compliance with the statewide planning goals.

33 (2) Failure to complete a modified work task shall constitute failure to complete a
34 work task by the specified deadline, requiring the director to initiate a hearing before the
35 commission according to the procedures in section (3).

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

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

45 (b) The director and the local government may prepare written statements to the
46 commission addressing the circumstances causing the local government to miss the deadline

1 and the appropriateness of any of the sanctions listed in ORS 197.636(2). The written
2 statements must be filed in a manner and according to a schedule established by the director;

3 (c) The commission shall issue an order imposing one or more of the sanctions listed
4 in ORS 197.636(2) until the local government submits its evaluation and work program or its
5 decision that no work program is required, or its work task required under OAR 660-025-
6 0130, as follows:

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

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

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

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

16 Stat. Auth.: ORS 197.040 & 197.633

17 Stats. Implemented: ORS 197.628 - 197.646

18 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
19 LCDD 1-1998, f. & cert. ef. 4-15-98; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f.
20 & cert. ef. 5-15-06

21
22 **660-025-0175**

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

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

27 (a) A metropolitan service district amends its urban growth boundary to include more
28 than 100 acres;

29 (b) A city with a population of 2,500 or more within its urban growth boundary
30 amends the urban growth boundary to include more than 50 acres; or

31 (c) A city or metropolitan service district designates or amends urban reserve areas
32 under ORS 195.145.

33 (2) The standards and procedures in this rule govern the local government process and
34 submittal, and department and commission review.

35 (3) The local government must provide notice of the proposed amendment according
36 to the procedures and requirements for post-acknowledgement plan amendments in ORS
37 197.610 and OAR 660-018-0020.

38 (4) The local government must submit its final decision amending its urban growth
39 boundary, or designating urban reserve areas, to the department according to all the
40 requirements for a work task submittal in OAR 660-025-0130 and 660-025-0140.

41 (5) Department and commission review and decision on the submittal from the local
42 government must follow the procedures and requirements for review and decision of a work
43 task submittal in OAR 660-025-0140 to 660-025-0160.

44 Stat. Auth.: ORS 197.040

45 Stats. Implemented: ORS 195.145, 197.626 - 197.646

46 Hist.: LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04;
47 LCDD 4-2006, f. & cert. ef. 5-15-06

1 **660-025-0180**

2 **Stay Provisions**

3 (1) When a local government makes a final decision on a work task or portion of a
4 work task that is required by, or carries out, an approved work program, or if the local
5 government is a city with a population of 2,500 or more and either adopts a decision adding
6 more than 50 acres to its urban growth boundary or designates or amends urban reserve areas,
7 or a metropolitan service district that adopts a decision adding more than 100 acres to its
8 urban growth boundary or designates or amends urban reserve areas, interested persons may
9 request a stay of the local government's final decision by filing a request for a stay with the
10 commission. In taking an action on a request to stay a local government's final decision on a
11 work task, the commission must use the standards and procedures contained in OAR chapter
12 660, division 1.

13 (2) The director may grant a temporary stay of a final decision on a local government
14 decision described in section (1) of this rule. A temporary stay must meet applicable stay
15 requirements of the Administrative Procedures Act. A temporary stay issued by the director
16 shall only be effective until the commission has acted on a stay request pursuant to section (1)
17 of this rule.

18 Stat. Auth.: ORS 197.040

19 Stats. Implemented: ORS 197.628 - 197.646

20 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 3-2000, f. & cert. ef. 2-14-00;
21 LCDD 4-2006, f. & cert. ef. 5-15-06
22

23 **660-025-0210**

24 **Updated Planning Documents**

25 (1) Pursuant to ORS 195.025 and 195.040 and the legislative policy described in ORS
26 197.010, each local government must file two complete and accurate copies of its
27 comprehensive plan and land use regulations bearing the date of adoption (including plan and
28 zone maps bearing the date of adoption) with the department following completion of
29 periodic review. These materials may be either a new printing or an up-to-date compilation of
30 the required materials or upon approval of the department, an up-to-date copy on computer
31 disk(s) or other electronic format.

32 (2) Materials described in section (1) of this rule must be submitted to the department
33 within six months of completion of the last work task.

34 (3) The updated plan must be accompanied by a statement signed by a city or county
35 official certifying that the materials are an accurate copy of current planning documents and
36 that they reflect changes made as part of periodic review.

37 (4) Jurisdictions that do not file an updated plan on time shall not be eligible for grants
38 from the department until such time as the required materials are provided to the department.

39 Stat. Auth.: ORS 183 & 197

40 Stats. Implemented: ORS 197.190, 197.270 & 197.628 - 197.646

41 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
42 LCDD 4-2006, f. & cert. ef. 5-15-06
43

44 **660-025-0220**

45 **Computation of Time**

46 (1) For the purposes of OAR chapter 660, division 25, periodic review rule, unless
47 otherwise provided by rule, the time to complete required tasks, notices, objections, and

1 appeals shall be computed as follows. The first day of the designated period to complete the
2 task, notice, objection or appeal shall not be counted. The last day of the period shall be
3 counted unless it is a Saturday, Sunday or legal holiday recognized by the State of Oregon. In
4 that event the period shall run until the end of the next day that is not a Saturday, Sunday or
5 state legal holiday.

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

8 Stat. Auth.: ORS 197.040

9 Stats. Implemented: ORS 187.010, 187.020, 197.628 - 197.650

10 Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95;
11 LCDD 4-2006, f. & cert. ef. 5-15-06

12 13 **660-025-0230**

14 **Applicability**

15 (1) Amendments to this division apply as follows:

16 (a) Local governments in periodic review that have not submitted an evaluation and
17 work program, or decision that no work program is required, when rule amendments become
18 effective shall apply the new requirements to the evaluation and work program or decision
19 than no work program is required;

20 (b) Local governments in periodic review must apply amendments to work tasks not
21 completed or submitted to the department on the effective date of the amendments;

22 (c) The commission may modify approved work programs to carry out the priorities
23 and standards reflected in amendments;

24 (d) The procedures and standards in amendments for department and commission
25 review and action on periodic review submittals, requests for extensions, and late submittals
26 apply to all such submittals and requests filed after the effective date of the amendments, as
27 well as any such submittals and requests awaiting initial department action on the effective
28 date of the amendments.

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

31 Stat. Auth.: ORS 197.040-197.245

32 Stats. Implemented: ORS 197.628 - 197.646

33 Hist.: LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06

34 35 **660-025-0250**

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

37 (1) When the department receives an appeal of a director's decision pursuant to OAR
38 660-025-0150(4), the director may elect to transfer a matter raised in the appeal to the Land
39 Use Board of Appeals (board) under ORS 197.825(2)(c)(A).

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

41 (a) The matter is an urban growth boundary expansion approved by the local
42 government based on a quasi-judicial land use application and does not require an
43 interpretation of first impression of statewide planning Goal 14, ORS 197.296 or ORS
44 197.298; or

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

1 (B) The appeal clearly identifies the provision of the task submittal that is alleged to
2 violate a provision of law and clearly identifies the provision of law that is alleged to have
3 been violated; and

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

6 (3) When the director elects to transfer a matter to the board, notice of the decision
7 must be sent to the local jurisdiction, the appellant, objectors, and the board within 60 days of
8 the date the appeal was filed with the department. The notice shall include identification of
9 the matter to be transferred and explanation of the procedures and deadline for appeal of the
10 matter to the board.

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

12 Stat. Auth.: ORS 197.040

13 Stats. Implemented: ORS 197.825

14 Hist.: LCDD 4-2006, f. & cert. ef. 5-15-06