

## Summary of Amendments to OAR 660, Divisions 22 and 25

This table explains amendments to administrative rules regarding periodic review and related changes to rules for unincorporated communities.

Many of the amendments are “housekeeping,” simply changing style, such as capitalization and usage, for internal consistency and to conform with administrative rule guidelines. These changes will not be discussed below.

Many of the changes to division 25 result from passage of House Bill 3310 (Oregon Laws 2005, Chapter 812) during the last session.

Amendment	Explanation
<b>OAR 660-025-0010 Purpose</b>	
<p>The purpose of this division is to carry out the state policy outlined in ORS 197.010 <b>and 197.628</b>. This division is intended to implement provisions of ORS 197.626 through 197.646. The purpose for periodic review <del>[of each local government’s comprehensive plan and land use regulations]</del> is to <del>assure</del> <b>ensure</b> that comprehensive plans and land use regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and that adequate provision for needed housing, <del>[employment]</del> <b>economic development</b>, transportation, <del>and</del> public facilities and services, <b>and urbanization</b> are coordinated as described in ORS 197.015 (5). Periodic Review is a cooperative process between the state, local governments, and other interested persons.</p>	<p>ORS 197.010 is the state policy on land use planning generally, while ORS 197.628 contains the policy more particular to periodic review.</p> <p>The proposed deletion in the second sentence reflects the fact that not all local governments are required to complete periodic review.</p> <p>These amendments implement section 1 of HB 3310.</p>
<b>660-025-0020 Definitions</b>	
<p>For the purposes of this division, the definitions contained in ORS 197.015, 197.303, <b><u>shall apply unless the context requires otherwise. In addition,</u></b> <del>[and]</del> the following definitions<del>[, shall]</del> apply:</p> <p><b><u>(1) “Economic Revitalization Team” means the team established under ORS 284.555.</u></b></p> <p><del>[(1)]</del> <b><u>(2) “Filed” or “Submitted”</u></b> means that the required documents have been received by the Department of Land Conservation and Development at its Salem, Oregon, office.</p>	<p>This definition is from HB 3310.</p>

Amendment	Explanation
<p>[<del>(2)</del>] <b>(3)</b> “Final Decision” means the completion by the local government of a work [<del>program</del>] task <b><u>on an approved work program</u></b>, including the adoption of supporting findings and any amendments to the comprehensive plan or land use regulations. A decision is final when the local government’s decision is transmitted to the [<del>Department</del>] <b><u>department</u></b> for review.</p> <p><b><u>(4) “Metropolitan planning organization” means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 USC 5303(c).</u></b></p> <p>[<del>(3)</del>] <b>(5)</b> “Objection” means a written complaint concerning the adequacy of an evaluation, proposed work program, or completed work task.</p> <p><b><u>(6) “Participated at the local level” means to have provided substantive comment, evidence, documents, correspondence, or testimony to the local government during the local proceedings regarding a decision on an evaluation, work program or work task.</u></b></p> <p>[<del>(4)</del>] <b>(7)</b> “Work Program” means a detailed listing of tasks necessary to revise or amend the local comprehensive plan or land use regulations to [<del>assure</del>] <b><u>ensure</u></b> the plan and regulations achieve the statewide planning goals. A work program [<del>shall</del>] <b><u>must</u></b> indicate the date that each work task [<del>shall</del>] <b><u>must</u></b> be submitted to the [<del>Department</del>] <b><u>department</u></b> for review.</p> <p>[<del>(5)</del>] <b>(8)</b> “Work Task” <b><u>or “task”</u></b> means [<del>a work program task</del>] <b><u>an activity</u></b>, that is included on an approved work program <b><u>and that generally results in an adopted amendment to a comprehensive plan or land use regulation.</u></b></p>	<p>This amendment is intended to aid clarity.</p> <p>This definition is from HB 3310.</p> <p>The definition in (6) is intended to address adequate definition of issues or concerns before local decision-makers, in order to have standing to object or appeal.</p> <p>The amendments to (8) are intended to aid local governments in developing work programs and provide guidance regarding expectations for the product of a task.</p>
<p><b>660-025-0030 Periodic Review Schedule</b></p>	
<p>(1) The [<del>Commission shall</del>] <b><u>commission must</u></b> approve, and update as necessary, a schedule for periodic review. The schedule [<del>shall</del>] <b><u>must</u></b> include the date when each local government shall be sent a letter by the [<del>Department</del>] <b><u>department</u></b> requesting the local government to commence the periodic review process.</p>	



Amendment	Explanation
<p><b><u>(c) A county with a portion of its population within the urban growth boundary of a city subject to periodic review under this section shall conduct periodic review for that portion of the county according to the schedule and work program set for the city.</u></b></p> <p><b><u>(d) Notwithstanding subsection (c) of this section, if the schedule set for the county is specific as to that portion of the county within the urban growth boundary of a city subject to periodic review under this section, the county shall conduct periodic review for that portion of the county according to the schedule and work program set for the county.</u></b></p> <p>(3) The [Commission] <b><u>commission</u></b> may establish a schedule that varies from the standards in section (2) of this rule if necessary to coordinate approved periodic review work programs or to account for special circumstances. The [Commission] <b><u>commission</u></b> may schedule a local government’s periodic review earlier than provided in section (2) of this rule if necessary to ensure that all local governments in a region whose land use decisions would significantly affect other local governments in the region are conducting periodic review concurrently, <b><u>but not sooner than five years after completion of the previous periodic review.</u></b></p> <p><del>[(4) A city or county that is exempt from periodic review under subsection (2) (a) through (d) of rule may request periodic review by the commission.]</del></p>	<p>The only periodic review requirement for counties is to coordinate inside urban growth boundaries (i.e., the rural plan is not subject to periodic review).</p> <p>Subsections (c) and (d) have been in statute.</p> <p>This amendment implements a requirement from HB 3310.</p> <p>This section is replaced in a new rule, discussed below.</p>
<b>660-025-0035 Initiating Periodic Review Outside the Schedule (New rule)</b>	
<p><b><u>(1) A local government may request, and the commission may approve, initiation of periodic review not otherwise provided for in the schedule established under OAR 660-025-0030. The request must be submitted to the commission along with justification for the requested action. The justification must include a statement of local circumstances that warrant periodic review and identification of the statewide planning goals to be addressed.</u></b></p> <p><b><u>(2) In consideration of the request filed pursuant to section (1), the commission must</u></b></p>	<p>This new rule is included because HB 3310 added provisions regarding unscheduled periodic review.</p> <p>The rule formerly provided for voluntary periodic review (section 0030(4)). The new sections (1) and (2) here add some procedural detail and criteria for consideration of requests for voluntary periodic review.</p>

Amendment	Explanation
<p><b><u>consider the needs of the jurisdiction to address the issue(s) identified in periodic review, the interrelationships of the statewide planning goals to be addressed in the periodic review project, and other factors the commission finds relevant. If the commission approves the request, the provisions of this division apply, except as provided in section (3) of this rule.</u></b></p> <p><b><u>(3) The Economic Revitalization Team may work with a city to create a voluntary comprehensive plan review that focuses on the unique vision of the city, instead of conducting a standard periodic review, if the team identifies a city that the team determines can benefit from a customized voluntary comprehensive plan review. In order for a voluntary comprehensive plan review to be initiated by the commission, the city must request initiation of such a modified periodic review. The provisions of this division apply except as follows:</u></b></p> <p><b><u>(a) If the city is subject to the periodic review schedule in OAR 660-025-0030, the periodic review under this section will not replace or delay the next scheduled periodic review;</u></b></p> <p><b><u>(b) If the city misses a deadline related to an evaluation, work program or work task, including any extension, the commission must terminate the evaluation, work program, or work task or impose sanctions pursuant to OAR 660-025-0170(3).</u></b></p> <p><b><u>(4) If the commission pays the costs of a local government that is not subject to OAR 660-025-0030 to perform new work programs and work tasks, the commission may require the local government to complete periodic review when the local government has not completed periodic review within the previous five years if:</u></b></p> <p><b><u>(a) A city has been growing faster than the annual population growth rate of the state for five consecutive years;</u></b></p> <p><b><u>(b) A major transportation project on the Statewide Transportation Improvement Program that is approved for funding by the Oregon Transportation commission is likely to:</u></b></p> <p><b><u>(A) Have a significant impact on a city or</u></b></p>	<p>This provision is from section 6 of HB 3310.</p> <p>Subsections (a) and (b) are not from the bill. They are to aid administration of voluntary periodic review.</p> <p>Section (4) is from section 2 of HB 3310. It defines when the Commission can bring a jurisdiction into periodic review outside the schedule.</p>

Amendment	Explanation
<p><b><u>an urban unincorporated community; or</u></b>  <b><u>(B) Be significantly affected by growth and development in a city or an urban unincorporated community;</u></b>  <b><u>(c) A major facility, including a prison, is sited or funded by a state agency; or</u></b>  <b><u>(d) Approval by the city or county of a facility for a major employer will increase employment opportunities and significantly affect the capacity of housing and public facilities in the city or urban unincorporated community.</u></b>  <b><u>(5) As used in section (4) of this rule, “the costs of a local government” means: normal and customary expenses for supplies, personnel and services directly related to preparing a work program, and completing studies and inventories, drafting of ordinances, preparing and sending notices of hearings and meetings, conducting meetings and workshops, and conducting hearings on possible adoption of amendments to plans or codes, to complete a work task.</u></b></p>	<p>This provision is intended to add clarity to a phrase used in HB 3310.</p>
<p><b>660-025-0040 Exclusive Jurisdiction of LCDC</b></p>	
<p>(1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction to review the evaluation, work program, and all work [program] tasks for compliance with the statewide planning goals <b><u>and applicable statutes and administrative rules</u></b>. Pursuant to ORS 197.626, the commission has exclusive jurisdiction to review the following land use decisions for compliance with the statewide planning goals:</p> <p>(a) If made by a city with a population of 2,500 or more inside its urban growth boundary, amendments to an urban growth boundary to include more than 50 acres;</p> <p>(b) If made by a metropolitan service district, amendments to an urban growth boundary to include more than 100 acres;</p> <p>(c) plan and land use regulations that designate urban reserve areas.</p> <p><del>[(2) The Land Use Board of Appeals shall have exclusive jurisdiction over land use decisions described in section (1) of this rule for issues that do not involve compliance with the statewide planning</del></p>	<p>This amendment is included for completeness.</p>

Amendment	Explanation
<p>goals, and over all other land use decisions as provided in ORS 197.825.]</p> <p><b><u>(2) The director may transfer one or more matters arising from review of a work task, urban growth boundary amendment or designation or amendment of an urban reserve area to the Land Use Board of Appeals pursuant to ORS 197.825(2)(c)(A) and OAR 660-025-0250.</u></b></p>	<p>This amendment implements Sections 10 and 11 of HB 3310.</p>
<p><b>660-025-0050 Commencing Periodic Review</b></p>	
<p>No substantive amendments.</p>	
<p><b>660-025-0060 Periodic Review Assistance Team(s)</b></p>	
<p>* * *</p> <p><b><u>(6) In addition to the Periodic Review Assistance Team(s), the department may utilize the Economic Revitalization Team or institute an alternative process for coordinating agency participation in the periodic review of comprehensive plans.</u></b></p> <p>* * *</p>	<p>This provision is from Section 6 of HB 3310.</p>
<p><b>660-025-0070 Need for Periodic Review</b></p>	
<p><b><u>(1)</u></b> The following conditions indicate the need for, and establish the scope of, review for periodic review of comprehensive plans and land use regulations <b><u>when required under OAR 660-025-0030:</u></b></p> <p>[<del>(1)</del>] <b><u>(a)</u></b> There has been a substantial change in circumstances including but not limited to the conditions, findings, or assumptions upon which the comprehensive plan or land use regulations were based, so that the comprehensive plan or land use regulations do not comply with the statewide planning goals <b><u>relating to economic development, needed housing, transportation, public facilities and services and urbanization;</u></b></p> <p>[<del>(2)</del>] <b><u>(b)</u></b> Decisions <b><u>based on</u></b> acknowledged comprehensive plan and land use regulations are inconsistent with the goals <b><u>relating to economic development, needed housing, transportation, public facilities and services and urbanization;</u></b></p> <p>[<del>(3)</del>] <b><u>(c)</u></b> There are issues of regional or statewide significance, intergovernmental coordination, or state agency plans or programs</p>	<p>The amendments in this rule all relate to changes made in other rules in division 25 to implement HB 3310. None are directly from the bill, but they are needed in order to make the division internally consistent.</p>

Amendment	Explanation
<p>affecting land use which must be addressed in order to bring comprehensive plans and land use regulations into compliance with the goals <b><u>relating to economic development, needed housing, transportation, public facilities and services and urbanization</u></b>; or</p> <p>[<del>(4)</del>] <b><u>(d)</u></b> The existing comprehensive plan and land use regulations are not achieving the statewide planning goals relating to economic development, needed housing, transportation, public facilities and services and urbanization.</p> <p><b><u>(2) When a local government requests initiation of periodic review under OAR 660-025-0035(2), the need for periodic review may be based on factors not contained in section (1) of this rule and the scope of such a periodic review may be more limited than would be the case for scheduled periodic review under section (1) of this rule.</u></b></p>	<p>This section addresses voluntary, “customized” periodic review.</p>
<p><b>660-025-0080 Citizen Involvement</b></p>	
<p>* * *</p> <p>(2) Each local government [<del>shall</del>] <b><u>must</u></b> review its citizen involvement program and assure that there is an adequate process for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities shall, at a minimum, include:</p> <p>(a) Interested persons [<del>shall</del>] <b><u>must</u></b> have the opportunity to comment in writing in advance of or at one or more hearings on the periodic review evaluation. Citizens and other interested persons [<del>shall</del>] <b><u>must</u></b> have the opportunity to present comments orally at one or more hearings on the periodic review evaluation. Citizens and other interested persons [<del>shall</del>] <b><u>must</u></b> have the opportunity to propose periodic review work [<del>program</del>] tasks prior to or at one or more hearings. [<del>Citizens and other interested persons shall receive</del>] <b><u>The local government must provide</u></b> a response to [<del>their</del>] comments at or following the hearing on the evaluation.</p> <p>(b) Interested persons [<del>shall</del>] <b><u>must</u></b> have the opportunity to comment in writing in advance of or at one or more hearings on a periodic review work</p>	<p>These amendments are made to reconstruct the sentences in a manner to place the requirements where they belong.</p>

Amendment	Explanation
<p>task. Citizens and other interested persons <del>[shall]</del> <b><u>must</u></b> have the opportunity to present comments orally at one or more hearings on a periodic review work task. <del>[Citizens and other interested persons shall receive a response]</del> <b><u>The local government must respond</u></b> to <del>[their]</del> comments at or following the hearing on a work task.</p>	
<b>660-025-0085 Commission Hearings Notice and Procedures (New rule)</b>	
<p><b><u>(1) Hearings before the commission on a referral of a local government submittal of an evaluation, work program, determination that a work program is not necessary, or hearings on referral or appeal of a work task must be noticed and conducted in accordance with this rule.</u></b></p> <p><b><u>(2) The commission shall take final action on an appeal or referral within 90 days of the date the appeal was filed or the director issued notice of the referral unless:</u></b></p> <p><b><u>(a) At the request of a local government and a person who files a valid objection or appeals the director’s decision, the department may provide mediation services to resolve disputes related to the appeal. Where mediation is underway, the commission shall delay its hearing until the mediation process is concluded or the director, after consultation with the mediator, determines that mediation is of no further use in resolution of the work program or work task disagreements;</u></b></p> <p><b><u>(b) If the appeal or referral raises new or complex issues of fact or law that make it unreasonable for the commission to give adequate consideration to the issues within the 90-day limit the commission is not required to take final action within that time limit; or</u></b></p> <p><b><u>(c) If the parties to the appeal and the commission agree to an extension, the hearing may be continued for a period not to exceed an additional 90 days.</u></b></p> <p><b><u>(3) The director must provide written notice of the hearing to the local government, the appellant, objectors, and individuals requesting notice in writing. The notice must contain the date and location of the hearing.</u></b></p>	<p>This new rule takes existing provisions from other rules and puts them in one place in order to aid administration of the division. The division formerly had hearing procedures included in the rule on director action on work program submittals. Some modifications to hearings procedures are also made.</p> <p>Section (2) is from statute.</p> <p>Existing rules do not require hearing notice, although it is routinely provided.</p>

Amendment	Explanation
<p><b><u>(4) The director may prepare a written report to the commission on an appeal or referral. If a report is prepared, the director must mail a copy to the local government, objectors, the appellant, and individuals requesting the report in writing.</u></b></p> <p><b><u>(5) Commission hearings will be conducted using the following procedures:</u></b></p> <p><b><u>(a) The chair will open the hearing and explain the proceedings;</u></b></p> <p><b><u>(b) The director or designee will present an oral report regarding the nature of the matter before the commission, an explanation of the director’s decision, if any, and other information to assist the commission in reaching a decision. If another state agency participated in the periodic review under ORS 197.637 or 197.638, the agency may participate in the director’s oral report.</u></b></p> <p><b><u>(c) Oral argument will be allowed. The local government or governments whose decision is under review and parties who filed objections or an appeal may present oral argument. Oral argument will not be an opportunity to present new evidence regarding the matter before the commission. The local government that submitted the task may provide general information on the task submittal and address those issues raised in the department review, objections and the appeal. Persons who submitted objections or an appeal may address only those issues raised in objections or the appeal. Other affected local governments may address only those issues raised in objections or the appeal.</u></b></p> <p><b><u>(d) The commission may request new evidence or information at its discretion and will allow the parties an opportunity to review and respond to the new evidence or information, subject to the time limits in section (2) of this rule.</u></b></p> <p><b><u>(e) The director or commission may take official notice of law defined as:</u></b></p> <p><b><u>(A) The decisional, constitutional and public statutory law of Oregon, the United States and any state, territory or other jurisdiction of the United States.</u></b></p> <p><b><u>(B) Public and private official acts of the</u></b></p>	<p>Section (4) is from the existing rule.</p> <p>The existing rules provide some of the procedures for conducting a hearing. This update provides more complete instructions in (5).</p> <p>The existing rules treat department input as oral argument. These updates make a distinction between a staff report and oral argument.</p> <p>Statutes permit DLCD to seek assistance from OECDD and OHCS in review of tasks. The last sentence of subsection (b) allows these agencies to participate in the hearing.</p> <p>The rule formerly stated Commission hearings were on the written record unless the Commission decides to accept oral argument. This amendment changed the rule to follow the practice of allowing oral argument, but without a motion by the Commission.</p> <p>Some definition of allowable oral argument is provided to ensure due process while not opening up the process to new issues.</p> <p>Subsection (d) is from the existing rule, with the addition of a time limit, which is required by statute.</p> <p>The new subsection (e) was added to provide the Commission express authority to take notice of existing laws.</p>

Amendment	Explanation
<p><u>legislative, executive and judicial departments of this state, the United States, and any other state, territory or other jurisdiction of the United States.</u></p> <p><u>(C) Regulations, ordinances and similar legislative enactments issued by or under the authority of the United States or any state, territory or possession of the United States.</u></p> <p><u>(D) Rules of court of any court of this state or any court of record of the United States or of any state, territory or other jurisdiction of the United States.</u></p> <p><u>(E) The law of an organization of nations and of foreign nations and public entities in foreign nations.</u></p> <p><u>(F) An ordinance, comprehensive plan or enactment of any local government in this state, or a right derived therefrom.</u></p> <p><u>(f) The commission must make a decision on the appeal or referral as provided in this division.</u></p>	
<b>660-025-0090 Evaluation, Work Program or Decision That No Work is Necessary</b>	
<p><b>Evaluation, Work Program or Decision That No Work is Necessary</b></p> <p>(1) The local government [shall] <b>must</b> conduct an evaluation of its plan and land use regulations based on the periodic review conditions in ORS 197.628 and OAR 660-025-0070. The local evaluation process [shall] <b>must</b> comply with the following requirements:</p> <p style="text-align: center;">* * *</p> <p><b><u>(c) The local government may provide opportunities for participation by the Economic Revitalization Team.</u></b></p> <p style="text-align: center;">* * *</p> <p>(2) The local government [shall] <b>must</b> submit the evaluation and work program, or decision that no work program is required, to the [<del>Department</del>] <b>department</b> according to the following requirements:</p> <p style="text-align: center;">* * *</p>	<p>The addition of the ERT to this rule implements Section 6 of HB 3310.</p>

Amendment	Explanation
<p>(c) The evaluation <b><u>and work program, or decision that no work program is necessary,</u></b> shall be submitted within <del>[four]</del> <b>six</b> months of the date the <del>[Department]</del> <b>department</b> sent the letter initiating the periodic review process, including any extension granted under section (3) of this rule.</p> <p>(3) A local government may request an extension of time for submitting its evaluation and work program, or decision that no work program is required. The <del>[Director]</del> <b>director</b> may grant the request if the local government shows good cause for the extension. A local government may be permitted only one extension, which shall be for no more than 90 days.</p> <p>(4) A decision by the <del>[Director]</del> <b>director</b> to <del>[grant or]</del> deny a request for an extension may be appealed to the <del>[Commission]</del> <b>commission according to the procedures in OAR 660-025-0110(5)</b>, or the <del>[Director]</del> <b>director</b> may refer <del>[the]</del> <b>a request for extension under section (3) of this rule</b> to the <del>[Commission]</del> <b>commission pursuant to OAR 660-025-0085</b> [as follows:</p> <p>(a) <del>The Director shall provide the local government with written notice of the decision to grant, deny, or refer the request to the Commission;</del></p> <p>(b) <del>Appeal of the Director's decision shall be in writing and filed with the Department within 10 days of the date of notice of the decision;</del></p> <p>(c) <del>Appeals may be filed by the local government and persons who participated orally or in writing at the local level and demonstrate such participation as part of their appeal;</del></p> <p>(d) <del>In response to an appeal, the Director may prepare a written report to the Commission. If a report is prepared, the Director shall mail a copy to the local government and the appellant, if different;</del></p> <p>(e) <del>The Commission shall hear appeals and referrals based on the written record, and may hear oral argument at its discretion. If heard, oral argument shall be limited to the Director, or the Department on the Director's behalf, the local government, and the appellant if different;</del></p> <p>(f) <del>If no appeal is timely filed, the Director's decision becomes final.]</del></p>	<p>The deadline in subsection (2)(c) formerly applied only to the evaluation, while the opportunity for an extension in section (3) addresses the evaluation <i>and</i> the result of the evaluation. This first addition in (2)(c) is intended to make the two provisions agree. The change from four to six months is made because four months has proven to be overly ambitious for most jurisdictions to complete the assigned work.</p> <p>The director's decision to approve a work program can no longer be appealed (HB 3310, Section 4).</p>

Amendment	Explanation
<p>(5) If a local government fails to submit its evaluation and work program, or decision that no work program is necessary, by the deadline set by the <del>[Director]</del> <b>director</b> or the <del>[Commission]</del> <b>commission</b>, including any extension, the <del>[Director]</del> <b>director</b> shall schedule a hearing before the <del>[Commission]</del> <b>commission according to OAR 660-025-0170(3)</b>. <del>[The hearing shall be conducted as follows:]</del></p> <p><del>[(a) The Director shall notify the local government in writing that its submittal is past due and that the Commission will conduct a hearing and consider imposing sanctions against the local government as required by ORS 197.636(2). The notice shall state the date and location at which the Commission will conduct the hearing;]</del></p> <p><del>[(b) The Director and the local government may prepare written statements to the Commission addressing the circumstances causing the local government to miss the deadline and the appropriateness of any of the sanctions listed in ORS 197.636(2). The written statements shall be filed in a manner and according to a schedule established by the Director;]</del></p> <p><del>[(c) The Commission may hear oral argument at its discretion. If heard, oral argument shall be limited to the Director, or the Department on the Director behalf, and the local government;]</del></p> <p><del>[(d) The Commission shall issue an order imposing one or more of the sanctions listed in ORS 197.636(2) until the local government submits its evaluation and work program or decision that no work program is required, or its work task required under OAR 660-025-0130, as follows:</del></p> <p><del>(A) Require the local government to apply those portions of the goals and rules to land use decision as specified in an order issued by the commission,</del></p> <p><del>(B) Forfeiture of all or a portion of the grant money received to conduct the review, develop the work program or complete the work task,</del></p> <p><del>(C) Completion of the work program or work task by the department. The commission may require the local government to pay the cost for completion of work performed by the department, following the</del></p>	<p>The provisions for imposing sanctions were consolidated and moved to 0170 to make the rule more user-friendly.</p>



Amendment	Explanation
<p><b>660-025-0110 Director and Commission Action (Work Program Phase)</b>  <del><b>660-025-0120 Commission Review of Referrals and Appeals (Work Program Phase)</b></del></p>	
<p>* * *</p> <p><b><u>(4) The director's decision to approve an evaluation and work program or evaluation and determination that no work program is necessary is final and may not be appealed.</u></b></p> <p><del>[(4)]</del> <b><u>(5) The director's decision to deny an evaluation and work program or evaluation and determination that no work program is necessary may be appealed to the commission by the</u></b> local government, or a person who filed an objection, or other person who participated orally or in writing at the local level [<del>], may appeal the Director's decision to the Commission</del>].</p> <p>(a) Appeal of the [<del>Director's</del>] <b><u>director's</u></b> decision [<del>shall</del>] <b><u>must</u></b> be filed with the [<del>Department</del>] <b><u>department</u></b> within 21 days of the date notice of the [<del>Director's</del>] <b><u>director's</u></b> action was mailed;</p> <p>(b) A person appealing the [<del>Director's</del>] <b><u>director's</u></b> decision must show that the person participated in the local government decision. The person appealing the [<del>Director's</del>] <b><u>director's</u></b> decision must show a deficiency in the <b><u>director's decision to deny the</u></b> evaluation, work program or decision that no work program is necessary. The person appealing the [<del>Director's</del>] <b><u>director's</u></b> decision also must suggest a specific modification to the evaluation, work program or decision that no work program is necessary to resolve the alleged deficiency.</p> <p><del>[(5)]</del> <b><u>(6) If no such appeal is filed, the</u></b> [<del>Director's</del>] <b><u>director's</u></b> decision shall be final.</p> <p><del>[(6)]</del> <b><u>(7) In response to an appeal, the</u></b> [<del>Director</del>] <b><u>director</u></b> may prepare and submit a report to the [<del>Commission</del>] <b><u>commission. The provisions in OAR 660-025-0160(3) and (4) apply.</u></b></p> <p><b><u>(8) The commission shall hear referrals and appeals of evaluations and work programs according to the procedures in OAR 660-025-0085.</u></b></p> <p>[<del>660-025-0120</del>]  [<del>Commission Review of Referrals and Appeals (Work Program Phase)</del>]</p>	<p>The director's decision to approve a work program can no longer be appealed (HB 3310, Section 4), so the process for such as appeal is limited to denials</p> <p>660-025-0160(3) and (4) concern the department's distribution of reports and participants' right to file exceptions to the report.</p>

Amendment	Explanation
<p><del>[(1) Except as provided in sections (4) or (5) of this rule, the Commission shall take final action on an appeal or a referral within 90 days of the date the appeal was filed or the date the Director issued notice of the referral.]</del></p> <p><del>[(2) Upon completion of a report, the Department shall mail a copy of the report to the local government, persons who submitted objections, and other persons who appealed the Director's decision. The report shall be mailed at least 21 days before the Commission meeting to consider the appeal or referral.]</del></p> <p><del>[(3) The local government and persons who filed valid objections or an appeal may file written exceptions to the Directors report within ten (10) days of the date the report is mailed. The Department may issue a response to exceptions and may make revisions to its report in response to exceptions. A response or revised report may be provided to the Commission at or prior to its hearing on the referral or appeal.]</del></p> <p><del>[(4) At the request of a local government and a person who filed a valid objection or an appeal, the Department may provide mediation services to resolve disputes related to the appeal. Where mediation is underway, the Commission shall delay its hearing until the mediation process is concluded or the Director, after consultation with the mediator, determines that mediation is of no further use in resolution of the work program disagreements.]</del></p> <p><del>[(5) If the appeal or referral raises new or complex issues of fact or law that make it unreasonable for the commission to give adequate consideration to the issues within the 90 day limit specified in section (1) of this rule, the Commission is not required to take final action within that time limit.]</del></p> <p><del>[(6) The Commission shall hear referrals and appeals based on the written record unless the Commission requests new evidence or information at its discretion and allows the parties an opportunity to review and respond to the new evidence or information. No oral argument shall be allowed unless the director recommends it or the Commission on its own motion accepts it. In such case, the</del></p>	

Amendment	Explanation
<p>hearing may be postponed to allow parties to prepare for the hearing. If the Commission chooses to hear oral argument, such argument shall be limited to the Director, the local government, the appellant, and parties who filed objections, exceptions, or an appeal. The commission may authorize additional parties to present testimony in support of the local government decision, provided such parties participated in the local decision process. Parties may address the Commission concerning only those issues raised in their objections or exceptions, or appeal.]</p> <p><del>(7)</del> <b>(9)</b> Following its <del>[referral or appeal]</del> hearing, the <del>[Commission shall]</del> <b>commission must</b> issue an order <del>[which]</del> <b>that</b> either:</p> <p>(a) Establishes a work program; or</p> <p>(b) Determines that no work program is necessary.</p>	<p>The Commission will still hold a hearing on a work program via a referral from the director or appeal of a denial. Hearing procedures are consolidated and moved to 0085.</p>
<b>660-025-0130 Submission of Completed Work Task</b>	
<p>(1) A local government <del>[shall]</del> <b>must</b> submit completed work tasks as provided in the approved work program <b><u>to the department along with any form required by the department.</u></b> A local government <del>[shall]</del> <b>must</b> submit to the <del>[Department]</del> <b>department</b> a list of persons who <b><u>participated orally or in writing in the local decision process or who</u></b> requested notice of the local government’s final decision on a work task.</p> <p>(2) After receipt of a work task, the <del>[Department shall]</del> <b>department must</b> determine whether the submittal is complete.</p> <p><b>(3)</b> To be complete a submittal <del>[shall]</del> <b>must</b> be a final decision containing all required elements identified for that task in the work program. <b><u>A portion of a task or subtask may be accepted as a complete submittal if the work program identified that portion of the task or subtask as a separate item for adoption by the local government. Task submittals are subject to the following requirements:</u></b></p> <p><b><u>(a) If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories,</u></b></p>	<p>None of the amendments to this rule are required by legislation.</p> <p>The broadening of the list of persons entitled to notice of a completed work task is a response to instances where parties who participated in local hearings were not informed they needed to request notice in writing and did not receive a notice of adoption. There is a deadline for submitting objections to the task, so receiving timely notice is crucial.</p> <p>The rule does not currently recognize that circumstances sometimes require a local government to submit a portion of a task for approval. The amendment to section (3) provides for that eventuality.</p> <p>Subsections (a) to (c) are added to define what must be included in a task submittal.</p>

Amendment	Explanation
<p><u>findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program;</u></p> <p><u>(b) If the local record exceeds 2,000 pages, a submittal must include adopted ordinances and orders, findings, hearings minutes, written testimony and evidence, and a detailed index listing items not included in the submittal. Items in the local record not included in the submittal must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or Commission may require submission of any materials not included in the initial submittal;</u></p> <p><u>(c) A task submittal of over 500 pages must include an index of all submitted materials.</u></p> <p><u>(4) A submittal includes only the materials provided to the department pursuant to section (3) of this rule. Following submission of objections pursuant to OAR 660-025-0140, the local government may provide written correspondence that is not part of the local record which identifies material in the record relevant to filed objections. The correspondence may not include or refer to materials not in the record submitted or listed pursuant to section (3) of this rule. The local government must provide the correspondence to each objector at the same time it is sent to the department.</u></p> <p>* * *</p>	<p>Section (4) is a definition of what a submittal may include. This was added to address issues that have arisen in previous cases. The language is intended to make clear to all parties those materials that can be considered by the director or Commission in review of a task submittal.</p>
<b>660-025-0140 Notice and Filing of Objections (Work Task Phase)</b>	
<p>(1) After the local government makes a final decision on a work task, the local government [<del>shall</del>] <b>must</b> notify the [<del>Department</del>] <b>department</b> and persons who <b>participated at the local level orally or in writing during the local process or who</b> requested notice in writing. The local government notice [<del>shall</del>] <b>must</b> contain the following information:</p> <p>(a) Where a person can review a copy of the local government’s final decision, and how a person may obtain a copy of the final decision;</p> <p>(b) The requirements listed in section (2) of</p>	<p>This amendment entitles more parties to a local proceeding to direct notice of the local government’s decision.</p>

Amendment	Explanation
<p>this rule for filing a valid objection to the work task; <b><u>and</u></b></p> <p>(c) That objectors must give a copy of the objection to the local government [<del>;</del><b><u>and</u></b></p> <p>(d) <del>That, for matters outside the jurisdiction of the Commission, objectors must appeal to the Land Use Board of Appeals as provided by ORS 197.825 through 197.830].</del></p> <p>(2) <b><u>Persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government’s work task submittal.</u></b> To be valid, objections [<del>shall</del>] <b><u>must</u></b>:</p> <p>(a) Be in writing and filed <b><u>with the department’s Salem office</u></b> no later than 21 days from the date the notice was mailed by the local government;</p> <p>(b) Clearly identify an alleged deficiency in the work task <b><u>sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;</u></b></p> <p>(c) Suggest specific revisions that would resolve the objection; and</p> <p>(d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.</p> <p>(3) Objections that do not meet the requirements of section (2) of this rule [<del>shall</del>] <b><u>will</u></b> not be considered by the [<del>Director</del>] <b><u>director</u></b> or [<del>Commission</del>] <b><u>commission</u></b>.</p> <p>(4) If no valid objections are received within the 21-day objection period, the [<del>Director</del>] <b><u>director</u></b> may approve the work task. Regardless of whether valid objections are received, the [<del>Department</del>] <b><u>director</u></b> may make [<del>its own</del>] <b><u>a</u></b> determination of [<del>the sufficiency and completeness of</del>] <b><u>whether</u></b> the work task <b><u>final decision complies with the statewide planning goals and applicable statutes and administrative rules.</u></b> [<del>Except as provided in section (5) of this rule, if no objections are received and the Department does not notify the local government of a decision to conduct its own review within 60 days of the date the Department provided notice, the work task shall be deemed acknowledged. The Department</del></p>	<p>Sections 10 and 11 of HB 3310 remove LUBA’s jurisdiction over decisions made in periodic review, so the notice should not include the contents of (d).</p> <p>The additions at the beginning of section (2) and in (a) are intended to aid completeness.</p> <p>The addition to (b) is intended to aid parties in preparing valid objections.</p> <p>This amendment is intended to aid clarity.</p> <p>The “60-day rule” for notifying a local government of a continuing review is deleted because there is now a 120-day deadline for department action. The 60-day notice requirement is unnecessary.</p>

Amendment	Explanation
<p><del>shall provide a letter to the local government certifying that the work task is deemed acknowledged.]</del></p> <p>(5) When a subsequent work task conflicts with a work task that has been deemed acknowledged, or violates a statewide planning goal related to a previous work task, the <del>[Director]</del> <b>director</b> or <del>[Commission]</del> <b>commission</b> shall not approve the submittal until all conflicts and goal compliance issues are resolved. In such case, the <del>[Director]</del> <b>director</b> or <del>[Commission]</del> <b>commission</b> may enter an order deferring acknowledgment of all, or part, of the work task until completion of additional tasks.</p> <p>(6) If valid objections are received or the <del>[Department]</del> <b>department</b> conducts its own review, the <del>[Department must]</del> <b>department must</b> issue a report. The report shall focus on the issues raised in valid objections and <del>[concerns of the Department]</del> <b>issues of compliance identified by the department</b>. The report shall identify specific work tasks to resolve valid objections or <del>[Department]</del> <b>department</b> concerns. A valid objection shall either be sustained or rejected by the <del>[Department]</del> <b>department</b> or <del>[Commission]</del> <b>commission</b> based on the <del>[standards set forth in OAR 660-025-0070]</del> <b>the statewide planning goals and applicable statutes and administrative rules</b>.</p>	<p>This change is to correct a citation.</p>
<p><b>660-025-0150 Director Action <u>and Appeal of Director Action</u> (Work Task Phase)</b></p>	
<p>* * *</p> <p>(3) The <del>[Director's]</del> <b>director's</b> action in section (1) of this rule <del>[shall]</del> <b>must be</b> sent pursuant to section (2) of this rule within 120 days of the date the department received the task submittal from the local government unless the local government waives the 120-day deadline or the commission grants the <del>[Director]</del> <b>director</b> an extension. <b><u>The local government may withdraw the submittal, in which case the 120-day deadline does not apply, provided the withdrawal will not result in the local government passing the deadline for work task submittal in the work program and any extension allowed in OAR 660-025-0130(7).</u></b> If the <del>[Director]</del> <b>director</b> does not take action as prescribed</p>	<p>The new sentence in (3) is added because local governments sometimes request withdrawal of a submittal to address valid objections prior to a director decision, but there were no provisions under current rules to do so, and the 120-day deadline for director action continued to apply.</p> <p>The statute does not provide adequate flexibility to provide additional time extensions to accommodate withdrawals.</p>

Amendment	Explanation
<p>in this section:</p> <p>(a) If <del>[no]</del> <b><u>the department does not receive valid</u></b> objections to the work task pursuant to OAR 660-025-0140(2) <del>[were received]</del>, the work task shall be deemed approved and the department <del>[shall]</del> <b><u>must</u></b> provide a letter to the local government certifying that the work task is approved;</p> <p>(b) If <b><u>the department received one or more valid</u></b> objections to the work task pursuant to OAR 660-025-0140(2) <del>[were received]</del>, the <del>[Director shall]</del> <b><u>director must</u></b> refer the work task to the <del>[Commission]</del> <b><u>commission</u></b> for review and action.</p> <p>(4) <b><u>Appeals of director decisions are subject to the requirements of this section.</u></b></p> <p><del>(a)</del> <del>[The local government, a]</del> <b><u>A person who filed a valid objection [ , or other person who participated orally, or in writing, at the local level,] may appeal [the Director's decision] a director's approval or partial approval of a work task</u></b> to the <del>[Commission]</del> <b><u>commission</u></b>.</p> <p><b><u>(b) The local government, a person who filed a valid objection, or other person who participated orally or in writing at the local level during the local process on the work task may appeal a director's remand or partial remand of a work task to the commission.</u></b></p> <p><del>(a)</del> <del>(c)</del> Appeals of the <del>[Director's]</del> <b><u>director's</u></b> decision <del>[shall]</del> <b><u>must</u></b> be filed with the <del>[Department]</del> <b><u>department's Salem office</u></b> within 21 days of the date the <del>[Director's]</del> <b><u>director's</u></b> action was mailed;</p> <p><del>(b)</del> <b><u>(d)</u></b> A person appealing the <del>[Director's]</del> <b><u>director's</u></b> decision must <del>[show that]</del>:</p> <p><b><u>(A) Show that</u></b> the person participated <del>[in the local government decision]</del> <b><u>at the local level orally or in writing during the local process [-];</u></b></p> <p><b><u>(B)</u></b> <del>[The person appealing the Director's decision must show a]</del> <b><u>Clearly identify a</u></b> deficiency in the work task <b><u>sufficiently to identify the relevant section of the submitted task and the statute, goal, or administrative rule the local government is alleged to have violated[-]; and</u></b></p> <p><b><u>(C)</u></b> <del>[The person appealing the Director's decision also must suggest]</del> <b><u>Suggest</u></b> a specific modification to the work task necessary to resolve</p>	<p>Formerly, a party who did not object to a task submittal could still appeal the director's decision. This is appropriate if the party is in favor of the local government action, but resulted in inappropriate appeals if the party could have raised an issue opposing the submittal and didn't.</p> <p>The amendments in (a) and (b) are intended to refine appeal rights in a manner that makes the process more predictable while maintaining proper appeal rights.</p> <p>The amendment in (B) is intended to aid parties in preparing valid objections.</p>

Amendment	Explanation
<p>the alleged deficiency.</p> <p><del>[(5) In response to a referral or appeal, the Director may prepare and submit a report to the Commission.]</del></p> <p><del>[(6)]</del> <b>(5)</b> If no appeal to the <del>[Commission]</del> <b>commission</b> is filed within the time provided by section <del>[(3)]</del> <b>(4)</b> of this rule, the work tasks approved by the <del>[Director]</del> <b>director</b> are considered acknowledged. <del>[The Department shall provide a letter to the local government, and persons who filed objections, certifying that the work task is acknowledged.]</del> <b><u>If the director's decision is to remand a work task and no appeal to the commission is filed within the time provided in section (4) of this rule, the decision is final.</u></b></p>	<p>The former section (5) is moved to 0160(2).</p> <p>This provision is intended to aid completeness.</p>
<b>660-025-0160 Commission Review of Referrals and Appeals (Work Task Phase)</b>	
<p><del>[(1) Except as provided in sections (5) and (6) of this rule, the Commission shall take final action on an appeal or referral within 90 days of the date the appeal was filed or the Director issued notice of the referral.]</del></p> <p><b><u>(1) The commission shall hear appeals and referrals of work tasks according to the procedures in OAR 660-025-0085.</u></b></p> <p><b><u>(2) In response to a referral or appeal, the director may prepare and submit a report to the commission.</u></b></p> <p><del>[(2)]</del> <b>(3)</b> The <del>[Department shall]</del> <b>department must</b> mail a copy of the report to the local government, all persons who submitted objections, and other persons who appealed the <del>[Director's]</del> <b>director's</b> decision. The <del>[Department shall]</del> <b>department must</b> mail the report at least 21 days before the <del>[Commission]</del> <b>commission</b> meeting to consider the referral or appeal.</p> <p><del>[(3)]</del> <b>(4)</b> Persons who filed <b>valid</b> objections<del>]</del> or an appeal, <b><u>and the submitting local government,</u></b> may file written exceptions to the <del>[Director's]</del> <b>director's</b> report within ten (10) days of the date the report is mailed. The <del>[Director]</del> <b>director</b> may issue a response to exceptions and may make revisions to <del>[its]</del> <b>the director's</b> report in response to exceptions. A response or revised report may be provided to the <del>[Commission]</del> <b>commission</b> at or prior to its hearing</p>	<p>The time line for Commission hearings is moved to 0085.</p> <p>The rule formerly did not permit the local government to submit exceptions to the director's report</p>

Amendment	Explanation
<p>on the referral or appeal. A revised [<del>Director's</del>] <b>director's</b> report does not require mailing 21 days prior to the [<del>Commission</del>] <b>commission</b> hearing. [<del>Where the Director's report is substantially revised in response to exceptions, oral argument shall be allowed at the time of the scheduled Commission review. Oral argument shall be limited to issues resulting from the change in the Director's report.</del>]</p> <p>[(4) <del>The Director may postpone the hearing on a revised report in order to allow the parties to submit written exceptions to the revised report. Such a postponement shall provide at least ten (10) days for filing exceptions. Where the Director postpones review for the purpose of filing exceptions to a revised Director's report the Commission review shall be pursuant to section (7) of this rule.</del>]</p> <p>[(5) <del>At the request of a local government and a person who files a valid objection or a person who appeals the Director's decision, the Department may provide mediation services to resolve disputes related to the appeal. Where mediation is underway, the Commission shall delay its hearing until the mediation process is concluded or the Director, after consultation with the mediator, determines that mediation is of no further use in resolution of the work task disagreements.</del>]</p> <p>[(6) <del>If the appeal or referral raises new or complex issues of fact or law that make it unreasonable for the commission to give adequate consideration to the issues within the 90-day limit specified in section (1) of this rule, the Commission is not required to take final action within that time limit.</del>]</p> <p>[(7) <b>(5)</b> The [<del>Commission</del>] <b>commission</b> shall hear appeals based on the [<del>written</del>] record unless the [<del>Commission</del>] <b>commission</b> requests new evidence or information at its discretion and allows the parties an opportunity to review and respond to the new evidence or information. The written record shall consist of the submittal, timely objections, the [<del>Director's</del>] <b>director's</b> report, [<del>and</del>] timely exceptions to the [<del>Director's</del>] <b>director's</b> report, <b>the director's response to exceptions and revised report if any</b>, and the appeal if one was filed. [<del>No oral argument shall be allowed unless the Director</del></p>	<p>Since the rule on allowing oral argument was changed (see 0085), this provision is not required.</p> <p>There is a statutory timeframe for Commission action, and there is insufficient time to permit the director to postpone a hearing to address exceptions.</p> <p>The provision in the former sections (5) and (6) are moved to the new 0085 rule.</p>



Amendment	Explanation
<p><b><u>on a work task is under subsection (6)(b) through (e) of this section and no appeal to the Court of Appeals is filed within the time provided in ORS 183.482, the decision is final.</u></b></p>	
<p><b><u>660-025-0170 Modification of an Approved Work Program, <del>and</del> Extensions, and Sanctions for Failure to Meet Deadlines</u></b></p>	
<p>(1) The <del>[Commission]</del> <b><u>commission</u></b> may direct, or, upon request of the local government, the <del>[Director]</del> <b><u>director</u></b> authorize a local government to modify an approved work program when:</p> <p style="padding-left: 40px;">* * *</p> <p>(d) Issues relating to needed housing, <del>[employment]</del> <b><u>economic development</u></b>, transportation, <del>[or]</del> public facilities and services, <b><u>or urbanization</u></b> were omitted from the work program but must be addressed in order to ensure compliance with the statewide planning goals.</p> <p>(2) Failure to complete a modified work task shall constitute failure to complete a work task by the specified deadline, requiring the <del>[Director]</del> <b><u>director</u></b> to initiate a hearing before the <del>[Commission]</del> <b><u>commission</u></b> according to the procedures in <del>[OAR 660-025-0090(5)]</del> <b><u>section (3)</u></b>.</p> <p><del>[(3) Action by the director pursuant to subsection (1) of this rule may be appealed to the commission pursuant to the procedures in OAR 660-025-0110 and 0120.]</del></p> <p><b><u>(3) If a local government fails to submit its evaluation and work program, a decision that no work program is necessary, or a work task by the deadline set by the director or the commission, including any extension, the director shall schedule a hearing before the commission. The notice must state the date and location at which the commission will conduct the hearing. The hearing will be conducted pursuant to OAR 660-025-0085 and as follows:</u></b></p> <p style="padding-left: 40px;"><b><u>(a) The director shall notify the local government in writing that its submittal is past due and that the commission will conduct a hearing and consider imposing sanctions against the local government as required by ORS 197.636(2);</u></b></p> <p style="padding-left: 40px;"><b><u>(b) The director and the local government may prepare written statements to the</u></b></p>	<p>These changes are from HB 3310.</p> <p>The provisions for addressing overdue tasks are moved to this rule.</p> <p>Section (3) consolidates the provisions addressing overdue tasks and moves them to this rule related to deadlines. The provisions themselves are from statute and are unchanged from current requirements.</p>

Amendment	Explanation
<p><b><u>commission addressing the circumstances causing the local government to miss the deadline and the appropriateness of any of the sanctions listed in ORS 197.636(2). The written statements must be filed in a manner and according to a schedule established by the director;</u></b></p> <p><b><u>(c) The commission shall issue an order imposing one or more of the sanctions listed in ORS 197.636(2) until the local government submits its evaluation and work program or its decision that no work program is required, or its work task required under OAR 660-025-0130, as follows:</u></b></p> <p><b><u>(A) Require the local government to apply those portions of the goals and rules to land use decisions as specified in an order issued by the commission,</u></b></p> <p><b><u>(B) Forfeiture of all or a portion of the grant money received to conduct the review, develop the work program or complete the work task,</u></b></p> <p><b><u>(C) Completion of the work program or work task by the department. The commission may require the local government to pay the cost for completion of work performed by the department, following the withholding process set forth in ORS 197.335(4),</u></b></p> <p><b><u>(D) Application of such interim measures as the commission deems necessary to ensure compliance with the statewide planning goals.</u></b></p>	
<b>660-025-0175 Review of UGB amendments and Urban Reserve Area designations.</b>	
<p><b><u>(1) Land use decisions establishing or amending an urban growth boundary or urban reserve area must be submitted to the department for review with the statewide planning goals and related statutes and rules when not on a work program and:</u></b></p> <p><b><u>(a) A metropolitan service district [that] amends its urban growth boundary to include more than 100 acres; [<del>or a</del>]</u></b></p> <p><b><u>(b) A city with a population of 2,500 or more within its urban growth boundary [that] amends the urban growth boundary to include more than 50 acres; or [<del>or that</del>]</u></b></p>	<p>The amendments to this rule are for housekeeping and to make the rule language complete.</p>

Amendment	Explanation
<p><b><u>(c) A city or metropolitan service district</u></b> designates <b><u>or amends</u></b> urban reserve areas under ORS 195.145 [<del>shall submit the amendment, or the designation, to the Department for review for compliance with the statewide planning goals</del>].</p> <p><b><u>(2)</u></b> The standards and procedures in this rule govern the local government process and submittal, and [<del>Department</del>] <b><u>department</u></b> and [<del>Commission</del>] <b><u>commission</u></b> review.</p> <p>[<del>(2)</del>] <b><u>(3)</u></b> The local government [<del>shall follow</del>] <b><u>must provide notice of the proposed amendment according to</u></b> the procedures and requirements for post-acknowledgement plan amendments in ORS 197.610 [<del>, et seq.,</del>] and [<del>any applicable statewide planning goals and administrative rules</del>] <b><u>OAR 660-018-0020.</u></b></p> <p style="text-align: center;">* * *</p>	<p>The citations in the rule formerly included provisions that do not apply to notice of a plan amendment. The new language is more specific.</p>
<b>660-025-0180 Stay Provisions</b>	
<p>(1) When a local government makes a final decision on a work task or portion of a work task that is required by, or carries out, an approved work program, or if the local government is a city with a population of 2,500 or more and either adopts a decision adding more than 50 acres to its urban growth boundary or designates <b><u>or amends</u></b> urban reserve areas, <b><u>or a metropolitan service district that adopts a decision adding more than 100 acres to its urban growth boundary or designates or amends urban reserve areas,</u></b> interested persons may request a stay of the local government's final decision by filing a request for a stay with the [<del>Commission</del>] <b><u>commission</u></b>. In taking an action on a request to stay a local government's final decision on a work task, the [<del>Commission shall</del>] <b><u>commission must</u></b> use the standards and procedures contained in OAR [<del>Chapter</del>] <b><u>chapter</u></b> 660, [<del>Division</del>] <b><u>division</u></b> 1.</p> <p style="text-align: center;">* * *</p>	<p>These revisions are intended to make the rule complete.</p>
<b>660-025-0210 Updated Planning Documents</b>	
<p>No substantive amendments.</p>	

Amendment	Explanation
<b>660-025-0220 Computation of Time</b>	
<p>(1) For the purposes of OAR [<del>Chapter</del>] <b>chapter</b> 660, [<del>Division</del>] <b>division</b> 25, periodic review rule, <b>unless otherwise provided by rule</b>, the time to complete required tasks, <b>notices, objections, and appeals</b> shall be computed as follows. The first day of the designated period to complete the task, <b>notice, objection or appeal</b> shall not be counted. The last day of the period shall be counted unless it is a Saturday, Sunday or legal holiday recognized by the State of Oregon. In that event the period shall run until the end of the next day [<del>which</del>] <b>that</b> is not a Saturday, Sunday or state legal holiday.</p> <p style="text-align: center;">* * *</p>	<p>The additions to this rule are intended to make the rule more complete. Since this section adds one day to each period, including exceptions in the list runs counter to the effort of making Commission appeals processes more streamlined.</p>
<b>660-025-0230 Applicability</b> Page 21	
<p><del>[(1) A city or county exempt from periodic review under ORS 197.629, may choose to end or continue and complete a periodic review begun prior to June 30, 1999, the effective date of the that law. Eligible local governments must make their election in writing to the Department by June 1, 2000.]</del></p> <p><del>[(2)]</del> <b>(1)</b> [<del>1999 amendments</del>] <b>Amendments</b> to this division apply as follows:</p> <p>(a) Local governments in periodic review that have not submitted an evaluation and work program, or decision that no work program is required, when [<del>these rules</del>] <b>rule amendments</b> become effective shall apply the new requirements to the evaluation <b>and work program or decision than no work program is required</b>;</p> <p>(b) Local governments in periodic review shall apply [<del>the 1999</del>] amendments to work tasks not completed or submitted to the [<del>Department</del>] <b>department</b> on the effective date of the [<del>1999</del>] amendments;</p> <p>(c) The [<del>Commission</del>] <b>commission</b> may modify approved work programs to carry out the priorities and standards reflected in [<del>the 1999</del>] amendments;</p> <p>(d) The procedures and standards in [<del>the 1999</del>] amendments for [<del>Department</del>] <b>department</b> and [<del>Commission</del>] <b>commission</b> review and action on periodic review submittals, requests for extensions,</p>	<p>Provision for voluntary periodic review is made in the new rule 0035.</p>

Amendment	Explanation
<p>and late submittals apply to all such submittals and requests filed after the effective date of the [1999] amendments, as well as any such submittals and requests awaiting initial [Department] <b><u>department</u></b> action on the effective date of the [1999] amendments.</p> <p><b><u>(2) Amendments to OAR 660-025-0030 and 660-025-0035(3) and (4) become effective July 1, 2007.</u></b></p>	<p>SB 920 (2003) included a prohibition on new work programs until the end of this biennium. The rules cited in (2) are the provisions for beginning periodic review.</p>
<p><b>660-025-0250 Transfer of Matters to the Land Use Board of Appeals</b></p>	
<p><b><u>(1) When the department receives an appeal of a director’s decision pursuant to OAR 660-025-0150(4), the director may elect to transfer a matter raised in the appeal to the Land Use Board of Appeals (board) under ORS 197.825(2)(c)(A).</u></b></p> <p><b><u>(2) Matters raised in an appeal may be transferred by the director to the board when:</u></b></p> <p><b><u>(a) The matter is an urban growth boundary expansion approved by the local government based on a quasi-judicial land use application and does not require an interpretation of first impression of statewide planning Goal 14, ORS 197.296 or ORS 197.298; or</u></b></p> <p><b><u>(b) (A) The matter alleges the work task submittal violates a provision of law not directly related to compliance with a statewide planning goal;</u></b></p> <p><b><u>(B) The appeal clearly identifies the provision of the task submittal that is alleged to violate a provision of law and clearly identifies the provision of law that is alleged to have been violated; and</u></b></p> <p><b><u>(C) The matter is sufficiently well-defined that it can be separated from other allegations in the appeal.</u></b></p> <p><b><u>(3) When the director elects to transfer a matter to the board, notice of the decision must be sent to the local jurisdiction, the appellant, objectors, and the board within 60 days of the date the appeal was filed with the department. The notice shall include identification of the matter to be transferred and explanation of the procedures and deadline for appeal of the matter</u></b></p>	<p>HB 3310 removed LUBA’s jurisdiction over any matter related to a periodic review submittal, but it provided the director with the authority to transfer matters raised in an appeal of a periodic review task to LUBA. The bill did not, however, include any procedures or criteria for how or when a transfer takes place.</p> <p>Section (2) is intended to place standards and limits on the issues the director is permitted to transfer.</p> <p>Subsection (a) is unlike the other criteria and is included to recognize that the nature of certain UGB amendment cases are more appropriate for review at LUBA.</p> <p>Sixty days gives the director adequate time to decide whether a matter should be transferred and does not slow the process significantly.</p> <p>LUBA rules specify that this notice acts the same as a “notice of intent to appeal,” triggering the timeframes for its processes.</p>

Amendment	Explanation
<p><b><u>to the board.</u></b>  <b><u>(4) The director’s decision under this rule is final and may not be appealed.</u></b></p>	
<b>660-022-0040 Urban Unincorporated Communities</b>	
<p>(2) Counties may expand the boundaries of those UUC’s with the following characteristics [<del>during regularly scheduled periodic review</del>] in order to include developable land to meet a demonstrated long-term need for housing and employment:  * * *</p> <p>(9) For purposes of this rule, “long-term need” means needs for the UUC anticipated [<del>by the time of the county’s next regularly scheduled periodic review</del>] <b><u>for the next 10 years.</u></b></p>	<p>The current Unincorporated Communities rules only permit expansion of an Urban Unincorporated Community (UUC) boundary at periodic review. County plans are no longer subject to periodic review.</p> <p>These and the following amendments are intended to remove references to periodic review and make it possible to amend a UUC boundary.</p>
<b>660-022-0050 Community Public Facility Plans</b>	
<p>(1) * * *</p> <p>For all communities, a sewer and water community public facility plan is required if:</p> <p>(d) Land in the community has been declared a health hazard [<del>]</del> or has a history of failing septic systems or wells [<del>, or a community sewage or water system is projected to be needed by the next periodic review</del>].</p>	