

**Land Conservation and Development Department**  
**Chapter 660**  
**Division 25**  
**PERIODIC REVIEW**

1 **660-025-0040**

2 **Exclusive Jurisdiction of LCDC**

3  
4 (1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction for review of  
5 completed periodic review work tasks for compliance with the statewide planning goals and  
6 applicable statutes and administrative rules, as provided in ORS 197.633(3). The director also  
7 has authority to review the periodic review evaluation, work program and completed work tasks,  
8 as provided in ORS 197.633 and 197.644.

9  
10 (2) Pursuant to ORS 197.626, the commission has exclusive jurisdiction for review of the  
11 following final decisions for compliance with the statewide planning goals:

12  
13 (a) An amendment of an urban growth boundary by a metropolitan service district that adds more  
14 than 100 acres to the area within its urban growth boundary;

15  
16 (b) An amendment of an urban growth boundary by a city with a population of 2,500 or more  
17 within its urban growth boundary that adds more than 50 acres to the area within the urban  
18 growth boundary **including a sequential component as provided in ORS 197.626(3) and**  
19 **OAR 660-025-0185**, except as provided by ORS 197A.325 and OAR 660-038-0020(10);

20  
21 (c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a  
22 metropolitan service district or by a city with a population of 2,500 or more within its urban  
23 growth boundary;

24  
25 (d) An amendment of the boundary of an urban reserve by a metropolitan service district;

26  
27 (e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban  
28 reserve by a city with a population of 2,500 or more within its urban growth boundary; and

29  
30 (f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to  
31 195.145 by a county, in coordination with a metropolitan service district, including an  
32 amendment of the boundary of a rural reserve.

33  
34 (3) A final order of the commission pursuant to sections (1) or (2) of this rule may be subject to  
35 judicial review in the manner provided in applicable provisions of ORS 197.650 and 197.651.

36  
37 (4) The director may transfer one or more matters arising from review of a work task, urban  
38 growth boundary amendment or designation or amendment of an urban reserve area to the Land  
39 Use Board of Appeals pursuant to ORS 197.825(2)(c)(A) and OAR 660-025-0250.

1 **660-025-0130**

2 **Submission of Completed Work Task**

3 (1) A local government must submit completed work tasks as provided in the approved work  
4 program or a submittal pursuant to OAR 660-025-0175 to the department along with the notice  
5 required in OAR 660-025-0140 and any form required by the department. A local government  
6 must submit to the department a list of persons who participated orally or in writing in the local  
7 proceedings leading to the adoption of the work task or who requested notice of the local  
8 government's final decision on a work task.

9  
10 (2) After receipt of a work task or a submittal pursuant to OAR 660-025-0175, the department  
11 must determine whether the submittal is complete.

12  
13 (3) For a periodic review task to be complete, a submittal must be a final decision containing all  
14 required elements identified for that task in the work program. The department may accept a  
15 portion of a task or subtask as a complete submittal if the work program identified that portion of  
16 the task or subtask as a separate item for adoption by the local government. All submittals  
17 required by section (1) of this rule are subject to the following requirements:

18  
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,  
21 inventories, findings, staff reports, correspondence, hearings minutes, written testimony  
22 and evidence, and any other items specifically listed in the work program;

23  
24 (b) If the local record exceeds 2,000 pages, a submittal must include adopted ordinances,  
25 resolutions, and orders; any amended comprehensive or regional framework plan  
26 provisions or land use regulations; findings; hearings minutes; materials from the record  
27 that the local government deems necessary to explain the submittal or cites in its findings;  
28 and a detailed index listing all items in the local record and indicating whether or not the  
29 item is included in the submittal. All items in the local record must be made available for  
30 public review during the period for submitting objections under OAR 660-025-0140. The  
31 director or commission may require a local government to submit any materials from the  
32 local record not included in the initial submittal;

33  
34 (c) A submittal of over 500 pages must include an index of all submitted materials. Each  
35 document must be separately indexed, in chronological order, with the last document on  
36 the top. Pages must be consecutively numbered at the bottom of the page[-];

37  
38 **(d) If the submittal is a final decision on an urban growth boundary amendment**  
39 **under OAR 660-025-0175(1)(b), and the local governments submitting the**  
40 **amendment received one or more task approvals pursuant to OAR 660-025-0185 for**  
41 **components of the amendment, the submittal must include, and the record for the**  
42 **approved components of the urban growth boundary amendment is limited to:**

43  
44 **(A) The approved local ordinance or ordinances that received task approval**  
45 **including exhibits attached thereto (e.g., residential land need analysis,**  
46 **economic opportunities analysis, response to deficiency); and**

1                                    **(B) The final order of the director or commission approving the task.**  
2

3 (4) A submittal includes only the materials provided to the department pursuant to section (3) of  
4 this rule. Following submission of objections pursuant to OAR 660-025-0140, the local  
5 government may:

6  
7        (a) Provide written correspondence that is not part of the local record which identifies  
8 material in the record relevant to filed objections. The correspondence may not include or  
9 refer to materials not in the record submitted or listed pursuant to section (3) of this rule.  
10 The local government must provide the correspondence to each objector at the same time  
11 it is sent to the department.  
12

13        (b) Submit materials in the record that were not part of the submittal under section (3) if  
14 the materials are relevant to one or more filed objections. The local government may not  
15 include or refer to materials not in the local record. The local government must provide  
16 the materials to each objector at the same time it is sent to the department.  
17

18 (5) If the department determines that a submittal is incomplete, it must notify the local  
19 government. If the department determines that the submittal should be reviewed despite missing  
20 information, the department may commence a formal review of the submittal. Missing material  
21 may be identified as a deficiency in the review process and be a basis to require further work by  
22 the local government.  
23

24 (6) A local government may request an extension of time for submitting a work task. The  
25 director may grant the request if the local government shows good cause for the extension. A  
26 local government may be permitted only one extension, which shall be for no more than one  
27 year.  
28

29 (7) If a local government fails to submit a complete work task by the deadline set by the director,  
30 or the commission, including any extension, the director must schedule a hearing before the  
31 commission. The hearing must be conducted according to the procedures in OAR 660-025-  
32 0170(3).

1 **660-025-0175**

2 **Review of UGB Amendments and Urban Reserve Area Designations**

3  
4 (1) A local government must submit the following land use decisions to the department for  
5 review for compliance with the applicable statewide planning goals, statutes and rules in the  
6 manner provided for review of a work task under ORS 197.633:

7  
8 (a) An amendment of an urban growth boundary by a metropolitan service district that  
9 adds more than 100 acres to the area within its urban growth boundary;

10  
11 (b) An amendment of an urban growth boundary by a city with a population of 2,500 or  
12 more within its urban growth boundary that adds more than 50 acres to the area within  
13 the urban growth boundary, except as provided by ORS 197A.325 and OAR 660-038-  
14 0020(10);

15  
16 (c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a  
17 metropolitan service district or by a city with a population of 2,500 or more within its  
18 urban growth boundary;

19  
20 (d) An amendment of the boundary of an urban reserve by a metropolitan service district;

21  
22 (e) An amendment of the boundary of an urban reserve to add more than 50 acres to the  
23 urban reserve by a city with a population of 2,500 or more within its urban growth  
24 boundary; and

25  
26 (f) A designation or an amendment to the designation of a rural reserve under ORS  
27 195.137 to 195.145 by a county, in coordination with a metropolitan service district,  
28 including an amendment of the boundary of a rural reserve.

29  
30 **(2) A local government may submit a comprehensive plan amendment or land use**  
31 **regulation amendment to the department for review for compliance with the applicable**  
32 **statewide planning goals, statutes and rules in the manner provided for review of a work**  
33 **task under ORS 197.633 when it is a task on a work program for sequential submittal of an**  
34 **urban growth boundary as provided in ORS 197.626(3) and OAR 660-025-0185.**

35  
36 [~~2~~] **(3)** The standards and procedures in this rule govern the local government process and  
37 submittal, and department and commission review.

38  
39 [~~3~~] **(4)** The local government must provide notice of the proposed amendment according to the  
40 procedures and requirements for post-acknowledgement plan amendments in ORS 197.610 and  
41 OAR 660-018-0020.

42  
43 [~~4~~] **(5)** The local government must submit its final decision amending its **comprehensive plan**  
44 **or** urban growth boundary, or designating urban reserve areas, to the department according to all  
45 the requirements for a work task submittal in OAR 660-025-0130 and 660-025-0140.

1 [~~5~~] **(6)** Department and commission review and decision on the submittal from the local  
2 government must follow the procedures and requirements for review and decision of a work task  
3 submittal in OAR 660-025-0085, and 660-025-0140 to 660-025-0160 **and 660-025-0185.**

1 **660-025-0185**

2 **Review of Urban Growth Boundary Amendment Components**

3  
4 **(1) A city with a population over 2,500 within its urban growth boundary, in coordination**  
5 **with the county or counties containing the urban growth boundary, may elect to submit a**  
6 **land need analysis pursuant to OAR 660-024-0040, a land inventory pursuant to OAR 660-**  
7 **024-0050, or a response to deficiency pursuant to OAR 660-024-0050, or a combination**  
8 **thereof, to the department, separately as provided in this rule.**

9  
10 **(2) A city and a county or counties may elect to submit a component of an urban growth**  
11 **boundary amendment under section (1) when the city and county determine that the final**  
12 **urban growth boundary amendment is likely to exceed 50 acres. The local governments**  
13 **must submit written notice of election to use the sequential review process contained in this**  
14 **rule to the department prior to submittal of a component for review. The notice of election**  
15 **shall propose the planning period for the amendment and include a draft work program.**

16  
17 **(3) Upon joint written notice pursuant to section (2), the department will prepare a work**  
18 **program consisting of tasks to complete one or more of: land need analyses, land**  
19 **inventories, and responses to deficiency. For the purposes of this rule, a “work program”**  
20 **does not include the date that each work task must be submitted to the department for**  
21 **review.**

22  
23 **(a) The work program is not subject to the requirements of OAR 660-025-0090**  
24 **through 660-025-0110.**

25  
26 **(b) The work program will specify the planning period for the affected urban**  
27 **growth boundary amendment. The beginning of this planning period is the date**  
28 **initially scheduled for completion of the legislative review for the purposes of**  
29 **compliance with ORS 197.296.**

30  
31 **(c) In developing the work program, the department will:**

32  
33 **(A) Coordinate with the city and county or counties, and the needs of the**  
34 **local governments will be accommodated as much as possible; and**

35  
36 **(B) Consider the tasks necessary to complete the urban growth boundary**  
37 **amendment based on the scope of the proposal under OAR 660-024-0040(3).**

38  
39 **(4) The director will issue the work program within 120 days after receipt of the joint**  
40 **written notification under section (2). The director’s decision on the work program is final**  
41 **and may not be appealed.**

42  
43 **(5) The product of each task on the work program shall be a change to a comprehensive**  
44 **plan or land use regulation or a new land use regulation adopted by the city and adopted**  
45 **by the county or counties if required. The local governments must submit the task and**

1 notice of the task adoption to the department in the manner provided for a periodic review  
2 task in OAR 660-025-0130 and 660-025-0140.

3  
4 (6) A director's decision on a submitted task and appeals of a director's task decision are  
5 subject to OAR 660-025-0150 and 660-025-0160 except:

6  
7 (a) Notwithstanding OAR 660-025-0150(3), the director must take an action, and the  
8 order or referral must be sent, within 90 days after the local government submits  
9 the task for review unless the local government waives the 90-day deadline or the  
10 commission grants the director an extension.

11  
12 (b) Notwithstanding OAR 660-025-0150(4), if the director does not issue an order or  
13 refer the task within the time limit set by subsection (6)(a), and the department did  
14 not receive any valid objections to the task, the task shall be deemed approved. In  
15 such cases, the department will provide a letter to the local government certifying  
16 that the task is approved.

17  
18 (c) Notwithstanding OAR 660-025-0150(5), if the department received one or more  
19 valid objections to the task, the director must either issue an order within the time  
20 limits set by subsection (6)(a) of this rule or refer the task to the commission for  
21 review.

22  
23 (7) For the purposes of demonstrating compliance with OAR 660-024-0040 and 660-024-  
24 0050 for an urban growth boundary amendment, a task approval is valid for four years.  
25 This period may be extended for up to one year by the director if the local governments  
26 show good cause for the extension. The four-year period begins on the later date of:

27  
28 (a) Director approval order;

29  
30 (b) Commission final approval order; or

31  
32 (c) Completion of judicial review of the final approval order.

33  
34 (8) A task approval will not demonstrate compliance with OAR 660-024-0040 or 660-024-  
35 0050 for an urban growth boundary amendment that adds 50 or fewer acres to the area  
36 within the urban growth boundary.

**Land Conservation and Development Department  
Chapter 660  
Division 24  
URBAN GROWTH BOUNDARIES**

1 [660-024-0040](#)

2 **Land Need**

3  
4 \* \* \*

5  
6 (2) If the UGB analysis or amendment is conducted as part of a periodic review work program,  
7 the 20-year planning period must commence on the date initially scheduled for completion of the  
8 appropriate work task. **If the UGB analysis or amendment is conducted as part of a**  
9 **sequential UGB approval, the 20-year planning period will be established in the work**  
10 **program issued pursuant to OAR 660-025-0185.** If the UGB analysis or amendment is  
11 conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-  
12 year planning period must commence either:

13  
14 (a) On the date initially scheduled for final adoption of the amendment specified by the  
15 local government in the initial notice of the amendment required by OAR 660-018-0020;  
16 or

17  
18 (b) If more recent than the date determined in subsection (a), at the beginning of the 20-  
19 year period specified in the appropriate coordinated population forecast for the urban area  
20 as determined under Rules in OAR 660, div 32, unless ORS 197.296 requires a different  
21 date for local governments subject to that statute.

22  
23 \* \* \*