

# House Bill 3496

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon Chapter of American Planning Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies criteria and schedule for periodic review of comprehensive land use plans and land use regulations.

## A BILL FOR AN ACT

1  
2 Relating to periodic review of comprehensive land use plans; creating new provisions; and amending  
3 ORS 197.628 and 197.629.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 197.628 is amended to read:

6 197.628. (1) It is the policy of the State of Oregon to require the periodic review of comprehen-  
7 sive plans and land use regulations **at least once every 10 years** in order to respond to changes  
8 in local, regional and state conditions to [*ensure that the plans and regulations remain in compliance*  
9 *with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and*  
10 *regulations make adequate provision for economic development, needed housing, transportation, public*  
11 *facilities and services and urbanization*]:

12 **(a) Protect the financial and policy commitment to land use planning implemented**  
13 **through a system of local planning to facilitate statewide land use planning goals; and**

14 **(b) Ensure that comprehensive plans and land use regulations remain in compliance with**  
15 **state law.**

16 (2) The Land Conservation and Development Commission shall **provide for periodic review**  
17 **consistent with subsection (1) of this section and** concentrate periodic review assistance to local  
18 governments on achieving compliance with those statewide land use planning laws and goals that  
19 address [*economic development, needed housing, transportation, public facilities and services and*  
20 *urbanization*]:

21 **(a) Population changes;**

22 **(b) Buildable lands inventories for residential, commercial and industrial uses; and**

23 **(c) Other land use policies identified and funded by the Legislative Assembly.**

24 [(3) *The following conditions indicate the need for periodic review of comprehensive plans and land*  
25 *use regulations:*]

26 [(a) *There has been a Substantial change in circumstances including but not limited to the condi-*  
27 *tions, findings or assumptions upon which the comprehensive plan or land use regulations were based,*  
28 *so that the comprehensive plan or land use regulations do not comply with the statewide planning goals*  
29 *relating to economic development, needed housing, transportation, public facilities and services and*  
30 *urbanization;*]

31 [(b) *Decisions implementing acknowledged comprehensive plan and land use regulations are in-*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 *consistent with the goals relating to economic development, needed housing, transportation, public fa-*  
 2 *ilities and services and urbanization;]*

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

7 *[(d) The local government, commission or Department of Land Conservation and Development de-*  
 8 *termines that the existing comprehensive plan and land use regulations are not achieving the statewide*  
 9 *planning goals relating to economic development, needed housing, transportation, public facilities and*  
 10 *services and urbanization.]*

11 **(3) In addition to the 10-year review required by this section, the commission by rule**  
 12 **may prescribe other situations in which periodic review is required to meet the purposes of**  
 13 **subsection (1) of this section.**

14 **SECTION 2.** ORS 197.629, as amended by section 2, chapter 829, Oregon Laws 2005, is amended  
 15 to read:

16 197.629. (1) The Land Conservation and Development Commission shall establish and maintain  
 17 a schedule for periodic review of comprehensive plans and land use regulations **of local govern-**  
 18 **ments so that each plan is reviewed at least once every 10 years. In lieu of periodic review,**  
 19 **the commission shall provide for an abbreviated review process described in subsection (7)**  
 20 **of this section.** *[Except as necessary to coordinate approved periodic review work programs and to*  
 21 *account for special circumstances that from time to time arise, the schedule shall reflect the following*  
 22 *timelines:]*

23 *[(a) A city with a population of more than 2,500 within a metropolitan planning organization or*  
 24 *a metropolitan service district shall conduct periodic review every seven years after completion of the*  
 25 *previous periodic review; and]*

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

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

32 (3) Notwithstanding subsection (2) of this section, if the schedule set for the county is specific  
 33 as to that portion of the county within the urban growth boundary of a city subject to periodic re-  
 34 view under this section, the county shall conduct periodic review for that portion of the county  
 35 according to the schedule and work program set for the county.

36 (4) If the Land Conservation and Development Commission pays the costs of a local government  
 37 that is not subject to subsection (1) of this section to perform new work programs and work tasks,  
 38 the commission may require the local government to complete periodic review when the local gov-  
 39 ernment has not completed periodic review within the previous five years if:

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

42 (b) A major transportation project on the Statewide Transportation Improvement Program that  
 43 is approved for funding by the Oregon Transportation Commission is likely to:

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

45 (B) Be significantly affected by growth and development in a city or an urban unincorporated

1 community;

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

3 (d) Approval by the city or county of a facility for a major employer will increase employment  
4 opportunities and significantly affect the capacity of housing and public facilities in the city or ur-  
5 ban unincorporated community.

6 (5) The Land Conservation and Development Commission may schedule periodic review for a  
7 local government earlier than provided in [subsection (1)] **subsections (1) and (2)** of this section if  
8 necessary to ensure that all local governments in a region whose land use decisions would signif-  
9 icantly affect other local governments in the region are conducting periodic review concurrently,  
10 but not sooner than five years after completion of the previous periodic review.

11 (6) A city or county that is not required to complete periodic review under [subsection (1)]  
12 **subsections (1) and (2)** of this section may request periodic review by the commission.

13 **(7) After an abbreviated review process, a city with a population less than \_\_\_\_\_ or a**  
14 **county with a population less than \_\_\_\_\_ may file a statement with the commission de-**  
15 **claring that the city or county has reviewed the criteria described in ORS 197.628 (2) and**  
16 **determined that its comprehensive plan and land use regulations remain in compliance with**  
17 **state law and the statewide land use planning goals. The commission by rule shall adopt re-**  
18 **quirements by which a city or county may comply with this subsection.**

19 [(7) As used in this section, "metropolitan planning organization" means an organization located  
20 wholly within the State of Oregon and designated by the Governor to coordinate transportation plan-  
21 ning in an urbanized area of the state pursuant to 49 U.S.C. 5303(c).]

22 **SECTION 3. The amendments to ORS 197.628 and 197.629 by sections 1 and 2 of this 2007**  
23 **Act apply to periodic review initiated on or after the effective date of this 2007 Act.**

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