

HB 4026 A STAFF MEASURE SUMMARY

Carrier: Rep. Breese-Iverson

House Committee On Rules**Action Date:** 02/27/24**Action:** Do pass with amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Fahey, Helfrich, Kropf, Nosse, Scharf, Valderrama, Wallan**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 2/20, 2/27**WHAT THE MEASURE DOES:**

The measure makes a local government determination of specified final land use decisions not subject to being referred to voters by referendum petition and reviewable exclusively by the Land Conservation and Development Commission. It has an emergency clause and is effective upon passage.

ISSUES DISCUSSED:

- Level of public input in the North Plains urban growth boundary expansion
- Senate Bill 100 and the land use process
- Ability to use a referendum to overturn a land use decision
- Whether a land use decision is a legislative decision
- The ability to challenge a land use decision under a housing needs analysis
- Legislative Counsel opinion about the constitutionality of the measure

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

All Oregon cities are surrounded by an “urban growth boundary” (UGB), which is a line drawn on planning and zoning maps to designate where a city expects to grow residentially, industrially, and commercially over a 20-year period. A UGB is adopted or expanded through a joint effort involving the city, adjoining counties in coordination with special districts, and with participation of citizens and other interested parties. A UGB is modified in compliance with statewide planning goals and state laws.

UGB amendments of over 50 acres that are adopted by cities larger than 2,500 population, or over 100 acres by Metro, are submitted to the Department of Land Conservation and Development (DLCD) for review and approval. The DLCD director must either approve the local decision, remand the decision to the local government for revision, or refer it to the Land Conservation and Development Commission (LCDC) for a hearing and decision. The director must make a decision within 120 days from the date the submittal was received by DLCD. A director decision to approve or remand a UGB amendment or reserves adoption may be appealed to LCDC by parties who participated in hearings at the local level.

The LCDC functions as the “board of directors” for the state’s land use planning agency. It is comprised of seven members from different regions of the state, appointed by the Governor and confirmed by the Senate. The LCDC adopts state land-use goals and implements rules, assures local plan compliance with the goals, coordinates state and local planning, and oversees the coastal zone management program.

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The initiative and referendum processes are methods of direct democracy that allow people to propose or amend local laws and charters or to adopt or reject an ordinance or other legislative enactment passed by a local governing body. If chief petitioners gather and file the required number of signatures, the initiative or referendum is placed on the ballot for voters to adopt or reject.