



# Inside the Boundaries

MAY 2000

## Oregon Land Use Laws Update – Urban Growth Boundaries and Future Growth



**M**any of Oregon's communities are facing new challenges managing the growth that comes with prosperity. Although some communities are facing the challenges that come with loss of population and economic opportunity, the state's overall population grew during the 1990s by an average rate of 1.7 percent, twice the national average. Development inside urban growth boundaries (UGBs) is often sprawling, inefficient and expensive to serve. Community decisions to expand UGBs have been met with legal challenges, and there has been confusion about which lands are appropriate to consider for inclusion inside the boundaries.

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### Overall summary of proposed changes

The proposed Goal 14 amendments and administrative rule changes seek to accomplish two main objectives:

- clarify the process and standards for changing an urban growth boundary (UGB)
- set out clear but flexible requirements for local governments on how to plan for efficient development inside the UGBs.



**O**regon's land use system works to conserve scarce resources such as farm and forestland. In addition, land use and public infrastructure decisions made at both state and local levels significantly affect the quality of life in Oregon's communities. At the state level, Gov. John Kitzhaber is leading state

agencies in an effort to develop smart public investment strategies. These include investments in the state highway system, the location and capacity of water and sewer lines, and the location of other community development facilities – all impacted by local land use decisions. Oregon's land use

planning system provides a framework for cities and counties to plan and work in partnership with the state to invest wisely in these costly public facilities. Oregon's planning program gives everyone, including its residents, a chance to get involved in making these decisions.

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Oregon Department  
of Land Conservation  
and Development

# Proposed changes to UGB amendment process

DLCD is proposing changes to the existing UGB amendment requirements – intending to clarify the existing system and incorporate new legislative requirements.

## Proposed Goal 14 Purpose Statement

“ To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and employment growth inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The proposed changes would:

Clearly define the steps that must be followed when changing UGBs:

- coordinating with adjacent and nearby communities regarding the proposed boundary change
- using a coordinated long-range forecast of population and employment
- conducting an inventory of the amount of buildable land already inside the boundary
- showing that a community has a need for more developable land in order to provide for a 20-year supply for housing, jobs, public facilities and open space
- demonstrating that steps have been taken to ensure that urban land inside the UGB will be developed efficiently.

## What makes a community livable?

The question has both an easy answer and a very difficult one. The simple response is that a livable community is one where people *like* to live, work and play. The complexity occurs when defining *what* people like. This definition means something different for just about every single person. But when looking at the question from the perspective of a neighborhood, a community or even the entire state, there are some common themes that emerge in what people appreciate about their community:



safe, friendly neighborhoods and downtowns



well-designed transportation system



access to nature, in parks, natural areas, trails and close by rural areas



proximity to needed services and shopping and jobs



clean, healthy environment



connection to community identity, heritage and vibrant cultural opportunities.



*UGBs protect the rural character of Oregon's countryside, allowing farming to continue to be an important sector of Oregon's economy.*

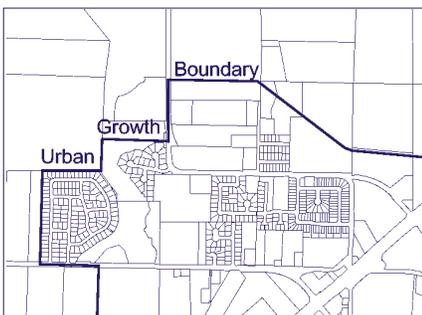
## Update

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If more land is needed within a UGB, clarify which land should be considered first based upon:

- conservation of the best agricultural and forest land
- compatibility with nearby farm and forest activities
- orderly and economic provision of public facilities and services
- capability to accommodate proposed land uses in an efficient manner
- protection of important natural areas and other environmental resources.

The Oregon Department of Land Conservation and Development (DLCD) is proposing some changes to Oregon Statewide Planning **Goal 14 - Urbanization**, which lays out how communities establish and change urban growth boundaries. A Goal 14 Working Group made up of representatives of regional and local governments, development industry and environmental advocacy groups and others has advised DLCD on a set of proposed changes to Goal 14 and related administrative rule concepts. These proposed changes are ready for public review and comment.



*This map shows the effect of a UGB in protecting larger, rural lots outside the boundary, while allowing subdivision of lots inside.*

children to be bused for longer distances to schools. It forces police and firefighters to provide services spread out over a larger area. Sprawl is a pattern of development that puts miles of often-congested roads between home, work, shopping and recreation, and leaves the auto as the only safe and convenient means of getting around. Sprawl creates environmental problems: autos are the primary source of air pollution, runoff of oils from roads and driveways pollutes rivers and lakes, and habitat is destroyed as development consumes more land.

### The problem with sprawl

Poorly planned, inefficient development or “sprawl” is a threat to the livability of Oregon’s communities. Sprawl is hard to define, but most people know it when they see it. Its characteristics include low-density development, commercial development with large parking lots extending along highways, separation of different kinds of land uses and a lack of public open space.

Sprawl is inefficient because it uses more land than compact patterns of development. It requires UGB expansions that may not otherwise be needed, or may not be needed until a later time. It is costly to serve because it requires many miles of roads, sewer lines and water lines. It requires more



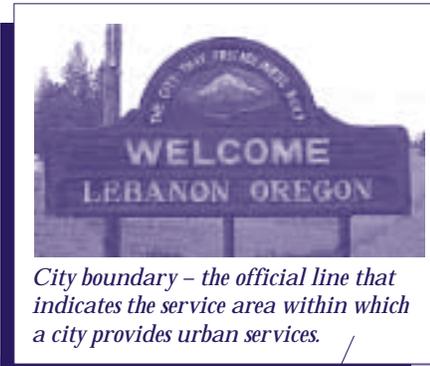
*Urban sprawl, such as this strip development, limits transportation choices and leads to congestion.*

# Efficient and livable development: doing it right inside the boundaries

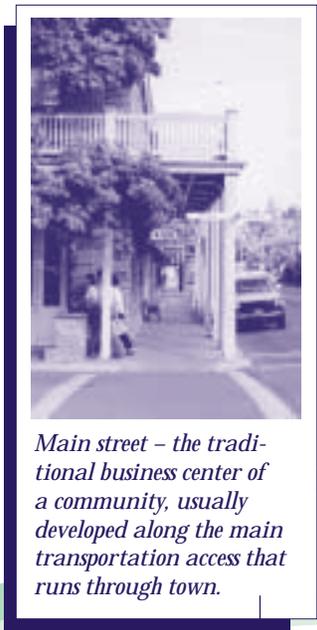
The Oregon land use system does a good job of limiting sprawl outside urban growth boundaries. Additionally, the state requires local governments to consider livability when establishing or changing their boundaries. A community must consider how all the elements of livability – housing, economic development, environmental protection, transportation and other public facilities and services – will be impacted by the proposed change.

Many Oregon cities have applied smart growth principles and experienced a revitalization of their neighborhoods and traditional downtown cores. Smart growth, often referred to as “smart development” in Oregon, provides benefits to communities and the environment:

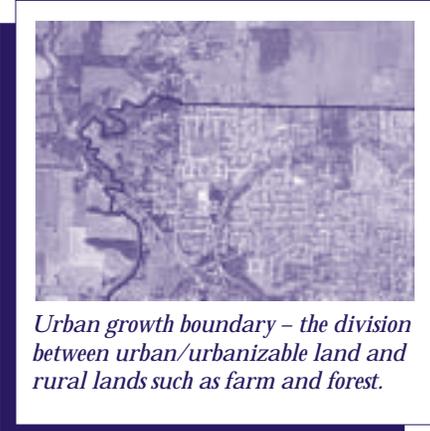
- Encourages the recycling of land, which supports existing neighborhoods and downtown cores
- Minimizes expansion of urban area into farm and forestlands
- Avoids the merging/blending of nearby communities, keeping each distinct
- Reduces our reliance on autos for all trips, saving time and producing less smog
- Provides a wider range of housing options to meet needs of all residents
- Increases public safety by putting “eyes on the street;” encourages residential activity in mixed-use commercial areas later into the evening
- Protects vital natural resources for people and wildlife.



*City boundary – the official line that indicates the service area within which a city provides urban services.*



*Main street – the traditional business center of a community, usually developed along the main transportation access that runs through town.*

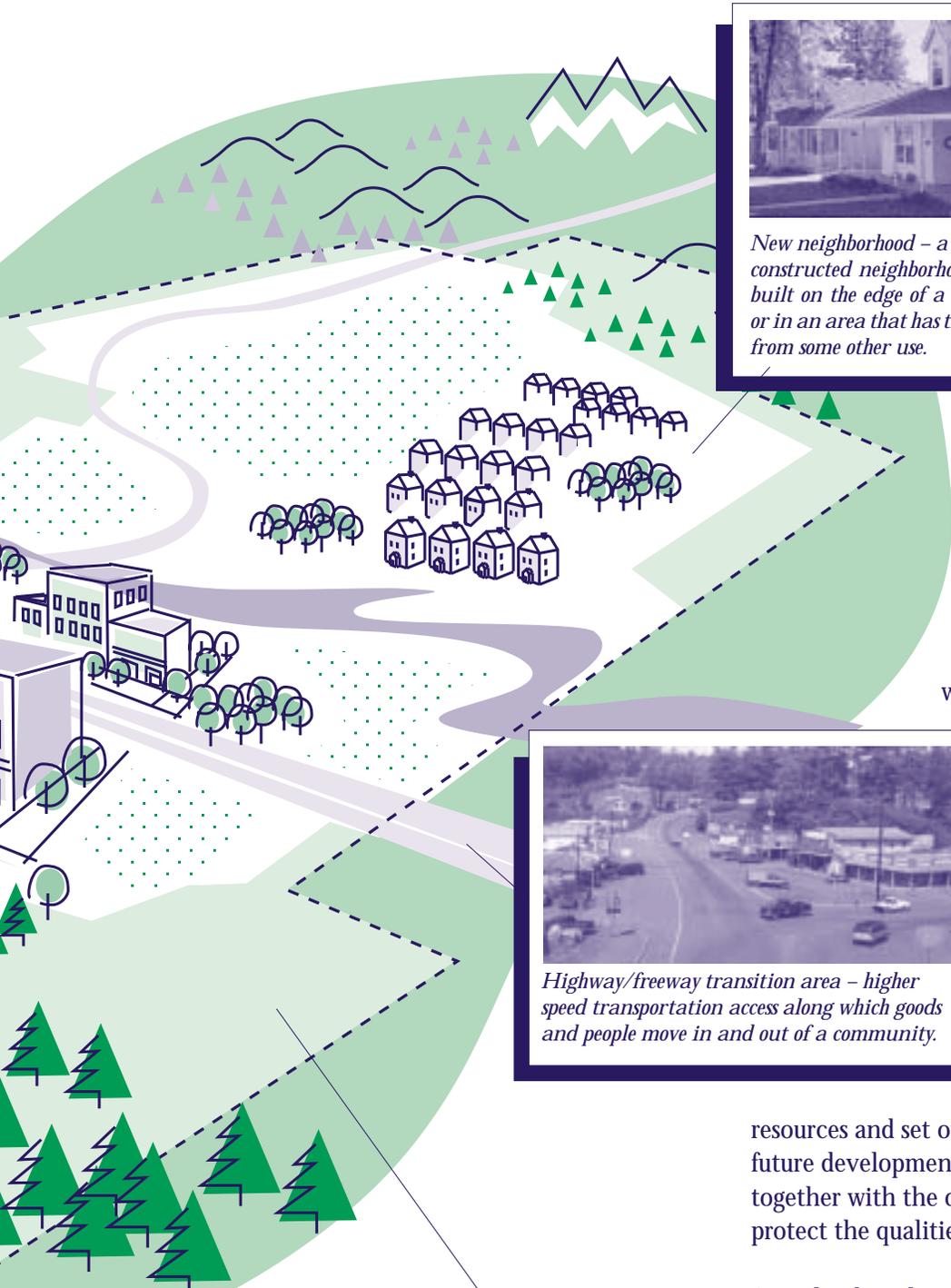


*Urban growth boundary – the division between urban/urbanizable land and rural lands such as farm and forest.*



*Established neighborhood – an older residential area that is often close to the commercial center or main street of a community or other services.*

Bruce Foster



*New neighborhood – a recently constructed neighborhood, usually built on the edge of a community or in an area that has transitioned from some other use.*

## Oregon blazes a new trail

In Oregon, we decided to do something different. In the 1970s, we adopted a state land use system to protect what is livable about our communities and the entire state. The land use system requires cities and counties to decide what to do (or not do) with every acre in the state. It also



*Highway/freeway transition area – higher speed transportation access along which goods and people move in and out of a community.*

requires cities and counties to develop long-range plans for how they intend to manage growth. Statewide land use goals set out important directions for how land can be used. When developing long-range plans, local governments must involve residents in land use decisions, address housing and transportation needs, protect environmental

resources and set out a clear, consistent system for future development. Goal 14 – Urbanization works together with the other 18 statewide planning goals to protect the qualities that make Oregon unique.



*Developable land – undeveloped land inside the UGB that will accommodate future growth.*

State land use laws established urban growth boundaries around every incorporated city in Oregon. UGBs protect rural lands by focusing most development in towns and cities. By directing growth inside cities instead of outward, these boundaries also increase the potential for recycling previously developed land, such as abandoned buildings, and for improving the efficiency and intensity of new developments. With careful planning and robust community involvement, Oregon communities can continue to be livable and provide the most cost-effective approach to managing growth.

# Proposed changes to principles that govern decisions to develop land inside UGBs

DLCD, with advice from the Goal 14 Working Group, has developed draft strategies that will help Oregon’s communities create more livable and efficient development for land *inside the boundaries*. Some of these strategies would be done as a part of the regularly scheduled “periodic review” of local comprehensive plans. Other strategies may be accomplished in a shorter timeframe.

## Strategies during periodic review of comprehensive plans

Oregon’s land use system requires a periodic review of long-term plans to occur every five to 15 years depending upon the size of the community. The proposed goal changes and concept rules direct communities to evaluate the land use patterns, designs and intensities in their plans. Conducting this process during periodic review will help local governments provide broad-based community education and involvement during the evaluation and reconsideration process. The proposed changes would apply during periodic review to all city and county land within a UGB that has a population of 5,000 or more.

Local governments would evaluate their long-term plans and land use regulations based on the following principles:

**Efficient use of land** – promote compact development by encouraging recycling of urban land and developing housing consistent with the levels of intensity allowed by the plan. Examples such as redeveloping a derelict warehouse into housing or shopping (or both) or building a new house on a vacant lot can be found throughout Oregon.

**More mixed-use areas** – encourage an appropriate mix of activities that allow walking as an attractive option in certain areas, including existing downtowns, neighborhood retail centers and roads with good transit service.



*Built on the site of an old gas station along Ashland’s historic main street, the Golden-Fields Building in Ashland offers a mix of uses, including offices, retail space and a 1,600-square-foot apartment.*

## Examples of mixed-use development in Oregon

Encouraging more mixed-use opportunities such as these examples increases the transportation options for people who live and work there. It also reduces the need to develop as much land at the edge of the community.



*This downtown McMinnville storefront building illustrates the classic combination of ground floor retail and upper floor residential uses, which can be found on traditional main streets across the country.*

**Giving neighborhoods the basics** – provide for basic retail services and public amenities such as a park, or a community center, close to residential neighborhoods.

**Providing communities with some flexibility and developers with incentives**

The proposed conceptual rules would allow alternative approaches to meeting requirements within Goal 14. Additionally, the state would be able to recognize existing efforts and measures taken by a local government to comply with these rules.

Local governments would be required to consider incentives to encourage developments that support a compact, livable community. Examples of incentives include a downtown urban renewal district or a streamlining of a development review process in targeted areas to encourage certain types of projects.

**Other strategies**

The proposed changes direct local governments to amend their long-range plans and land use regulations to do the following:

**Remove regulatory obstacles to mixed use.** In some communities, there are regulations against combining different types of land uses (such as housing above retail businesses on main streets). This change would apply to communities of 5,000 people or more and would be required by December 2005.

**Limit incremental commercial zone changes along state highways.** Changes to local zoning maps, leading to increased highway congestion from commercial development, would be limited outside downtowns and other designated

commercial areas. This change would apply to all city and county land within UGBs and would be effective upon adoption of the administrative rule that implements the changes to Goal 14.

**Plan for changes to the undeveloped land within the UGB.** Before undeveloped land within UGBs (“urbanizable” land) is converted to urban land with public services, careful management of interim development is needed to allow for future efficient urban development. This change would be required for all city and county urbanizable land. Options for deadlines range from December 2002 to December 2005.

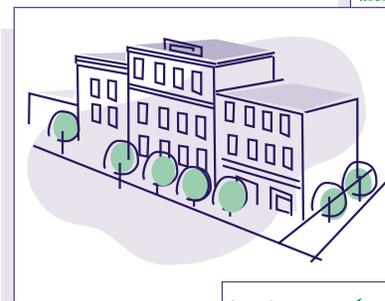
**Ensure timely conversion of undeveloped land.** Allow for development when needed to accommodate growth within a UGB. (Same applicability as above.)

**Land use evaluation variables**

During periodic review, Oregon communities evaluate their comprehensive plans based on three key evaluation variables: pattern, design and intensity.



*Pattern – how different land uses, such as housing and businesses, relate to each other in a community or neighborhood*



*Design – the details of how buildings, parking, block sizes and other elements influence the feel of a neighborhood or community*



*Intensity – The anticipated number of people who would live, work, shop or otherwise use an area. Higher intensity means more people would use an area.*

# How to get involved



This spring, DLCD is holding 10 community workshops around the state on the proposed Goal 14 amendments and related administrative rule concepts. Copies of proposed changes and a schedule of the community workshops are available via the DLCD website or by calling the DLCD offices in Salem.

Following the conclusion of the

workshops, a revised draft goal and specific rule language will be developed by DLCD staff and made available this summer and prior to public hearings that the Land Conservation and Development Commission will conduct in the summer and early fall.

Call (503) 373-0050 for more info or visit the DLCD website at [www.lcd.state.or.us/urban/](http://www.lcd.state.or.us/urban/)

*The Oregon Department of Land Conservation and Development is the state agency responsible for administering the statewide planning program. Oregon's program, adopted in 1973, is a partnership between local citizens, local governments and other state agencies. Local governments, using a locally adopted citizen involvement program and coordinating with other local governments and state agencies, adopt a comprehensive plan and measures to implement their plan. DLCD, guided by the seven citizens appointed to the Land Conservation and Development Commission (LCDC), ensures local efforts meet the 19 statewide planning goals.*

## Definitions of terms

**Administrative rule** – state regulations adopted by state officials to implement the laws passed by the Oregon Legislature, located in Oregon Revised Statutes.

**Administrative rule concept** – language that describes the intent of an administrative rule, released for public comment prior to the development of formal administrative rule text.

**Comprehensive plan** – an official document adopted by a city or county that sets forth the general, long-range policies on how the community's future development should occur.

**Incentives** – public policy tools that provide some form of encouragement, support or reward to an individual or organization for taking action that benefits the community or area.

**Periodic review process** – regularly scheduled DLCD reviews of local government comprehensive plans and implementing ordinances.

**Urban** – the area inside an urban growth boundary that has already been developed as part of a town or city and has urban services, such as sewers and roads available.

**Urban growth boundary** – a planning tool that separates developed and developable land from farm and forest land for every city in the state.

**Urbanizable** – the undeveloped area inside an urban growth boundary that will accommodate future growth but does not yet have urban structures or services available.

How are we doing with growth?

Overall, Oregon's land-use system, adopted by the 1973 Legislature, has worked well. By the mid-1980s, every community in the state had a long-range plan and an urban growth boundary adopted and approved by the state.

From 1987-1996, urban growth boundaries around the state expanded by 13,698 acres. Of this land, 5,126 acres were farmland and 1,948 acres were forestland. This represents roughly a loss of 3/100s of 1 percent of the 26 million acres of land zoned for farm or forestland in the state.

In the Willamette Valley, scene of an influx of more than 420,000 new residents from the early '80s to late '90s, only 4,070 acres of rural lands outside urban growth boundaries have been rezoned for urban uses – 2/10 of 1 percent of the valley's two million acres in farm zones.

But, Oregon has experienced inefficient development *inside the boundaries* and it's time to consider some adjustments in our system. We hope you will help us in making our land-use system as efficient and livable as possible.