

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

PROPOSED NEW AND AMENDED RULES

February 10, 2009 DRAFT

DIVISION 24

URBAN GROWTH BOUNDARIES

660-024-0000

Purpose and Applicability

(1) The rules in this division clarify procedures and requirements of Goal 14 regarding a local government adoption or amendment of an urban growth boundary (UGB).

(2) The rules in this division interpret Goal 14 as amended by Land Conservation and Development Commission (the Commission) on or after April 28, 2005, and are not applicable to plan amendments or land use decisions governed by previous versions of Goal 14 still in effect.

(3) The rules in this division adopted on October 5, 2006, are effective April 5, 2007. The rules in this division adopted March 12, 2009, and amendments to rules in this division adopted on that date, are effective April 16, 2009, except as follows:

~~[(a) A local government may choose to apply this division prior to April 5, 2007;]~~

~~(ba)~~ A local government may choose to not apply this division to a plan amendment concerning the evaluation or amendment of a UGB, regardless of the date of that amendment, if the local government initiated the evaluation or amendment of the UGB prior to April 5, 2007;

~~(eb)~~ For purposes of this rule, "initiated" means that the local government either:

(A) Issued the public notice specified in OAR 660-018-0020 for the proposed plan amendment concerning the evaluation or amendment of the UGB; or

(B) Received LCDC approval of a periodic review work program that includes a work task to evaluate the UGB land supply or amend the UGB;

~~(dc)~~ A local government choice whether to apply this division must include the entire division and may not differ with respect to individual rules in the division.

660-024-0010

Definitions

In this division, the definitions in the statewide goals and the following definitions apply:

~~(1) "Attached housing" means housing where each unit shares a common wall, ceiling or floor with at least one other unit. Attached housing" includes, but is not limited to apartments, condominiums, and common wall dwellings or rowhouses where each dwelling unit occupies a separate lot.~~¹

~~(1) "Buildable Land" is a term applying to residential land, and has the same meaning as provided in OAR 660-008-0005(2).~~

~~(4) "Detached Single Family Housing" means a housing unit that is free standing and separate from other housing units, including mobile homes and manufactured dwellings under ORS 197.475 through 197.492.~~²

~~(2) "EOA" means an economic opportunities analysis carried out under OAR 660-009-0015.~~

~~(3) "Housing need" or "housing need analysis" refers to a local determination as to the needed amount, types and densities of housing that will be:~~

¹ Moved to definitions applicable to the charts under rule 0040(8) – this term does not otherwise appear in the rule.

² See footnote 1.

1 **(a) Commensurate with the financial capabilities of present and future area residents of all**
2 **income levels during the 20-year planning period;**

3 **(b) Consistent with state statutes regarding housing need and with Goal 10 and rules**
4 **interpreting that goal; and**

5 **(c) Consistent with Goal 14 requirements.**

6 (34) "Local government" means a city or county, or a metropolitan service district described in
7 ORS 197.015(14).

8 **(5) "Metro boundary" means the boundary of a metropolitan service district defined in**
9 **ORS 197.015(14).**

10 **(6) "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable**
11 **land after excluding unbuildable areas such as present and future rights-of-way, hazard**
12 **areas, public open spaces and resource protection areas.**³

13 (47) "Safe harbor" means an optional course of action that a local government may use to satisfy
14 a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the
15 requirement for which it is prescribed. A safe harbor is not the only way or necessarily the
16 preferred way to comply with a requirement and it is not intended to interpret the requirement for
17 any purpose other than applying a safe harbor within this division.

18 **(8) "Suitable vacant and developed land" describes land for employment opportunities,**
19 **and has the same meaning as provided in OAR 660-009-0005(1) for "developed land," 660-**
20 **009-0005(12) for "suitable," and 660-009-0005(14) for "vacant land."**

21 (59) "UGB" means "urban growth boundary."

22 (610) "Urban area" means the land within a UGB.

23 **660-024-0020**

24 **Adoption or Amendment of a UGB**

25 (1) All statewide goals and related administrative rules are applicable when establishing or
26 amending a UGB, except as follows:

27 (a) The exceptions process in Goal 2 and OAR 660, division 4, is not applicable unless a local
28 government chooses to take an exception to a particular goal requirement, for example, as
29 provided in OAR 660-004-0010(1);

30 (b) Goals 3 and 4 are not applicable;

31 (c) Goal 5 and related rules under OAR 660, division 23, apply only in areas added to the UGB,
32 except as required under OAR 660-023-0070 and 660-023-0250;

33 (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied
34 to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by
35 retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim
36 zoning that does not allow development that would generate more vehicle trips than development
37 allowed by the zoning assigned prior to inclusion in the boundary;

38 (e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette
39 River Greenway Boundary;

40 (f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal
41 shorelands boundary;

42 (g) Goal 19 is not applicable to a UGB amendment.

43 (2) The UGB and amendments to the UGB must be shown on the city and county plan and zone
44 maps at a scale sufficient to determine which particular lots or parcels are included in the UGB.
45

³ Moved here from rule 0040(9).

1 Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to
2 determine the precise UGB location.

3
4 **660-024-0030**

5 **Population Forecasts**

6 (1) Counties must adopt and maintain a coordinated 20-year population forecast for the county
7 and for each urban area within the county consistent with statutory requirements for such
8 forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for
9 the urban area consistent with the coordinated county forecast, except that a metropolitan service
10 district must adopt and maintain a 20-year population forecast for the area within its jurisdiction.
11 In adopting the coordinated forecast, local governments must follow applicable procedures and
12 requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments
13 in the county. The adopted forecast must be included in the comprehensive plan or in a document
14 referenced by the plan.

15 (2) The forecast must be developed using commonly accepted practices and standards for
16 population forecasting used by professional practitioners in the field of demography or
17 economics, and must be based on current, reliable and objective sources and verifiable factual
18 information, such as the most recent long-range forecast for the county published by the Oregon
19 Office of Economic Analysis (OEA). The forecast must take into account documented long-term
20 demographic trends as well as recent events that have a reasonable likelihood of changing
21 historical trends. The population forecast is an estimate which, although based on the best
22 available information and methodology, should not be held to an unreasonably high level of
23 precision.

24 **(3) For a population forecast used as a basis for a decision adopting or amending a UGB**
25 **submitted under ORS 197.626, the director or Commission may approve the forecast if**
26 **they determine that a failure to meet a particular requirement of section (2) of this rule is**
27 **insignificant in nature and is unlikely to have a significant affect on the needs determined**
28 **under OAR 660-024-0040.**

29 **(4) A city and county may apply one of the safe harbors in subsections (a), (b), or (c) of this**
30 **section, if applicable, in order to develop and adopt a population forecast for an urban**
31 **area:**

32 ~~(3a)~~ As a safe harbor, If a coordinated population forecast was adopted by a county within the
33 previous 10 years but does not provide a 20-year forecast for an urban area at the time a city
34 initiates an evaluation or amendment of the UGB, a city and county may adopt an updated
35 forecast for the urban area consistent with this section. The updated forecast is deemed to comply
36 with applicable goals and laws regarding population forecasts for purposes of the current UGB
37 evaluation or amendment provided the forecast:

38 ~~(aA)~~ Is adopted by the city and county in accordance with the notice, procedures and
39 requirements described in section (1) of this rule; and

40 ~~(bB)~~ Extends the current urban area forecast to a 20-year period commencing on the date
41 determined under OAR 660-024-0040(2) by using the same growth trend for the urban area
42 assumed in the county's current adopted forecast.

43 ~~(4b)~~ As a safe harbor, A city and county may adopt a 20-year forecast for an urban area
44 consistent with this section. The forecast is deemed to comply with applicable goals and laws
45 regarding population forecasts for purposes of the current UGB evaluation or amendment
46 provided the forecast:

- 1 ~~(a)~~**(A)** Is adopted by the city and county in accordance with the notice, procedures and
2 requirements described in section (1) of this rule;
3 ~~(b)~~**(B)** Is based on OEA's population forecast for the county for a 20-year period commencing on
4 the date determined under OAR 660-024-0040(2); and
5 ~~(c)~~**(C)** Is developed by assuming that the urban area's share of the forecasted county population
6 determined in subsection (b) of this rule will be the same as the urban area's current share of
7 county population based on the most recent certified population estimates from Portland State
8 University and the most recent data for the urban area published by the U.S. Census Bureau.
9 ~~(5c)~~ A city may [~~propose~~] **adopt** a revised 20-year forecast for its urban area by following the
10 requirements [~~described~~] in ORS 195.034.

11
12 **660-024-0040**

13 **Land Need**

- 14 (1) The UGB must be based on the adopted 20-year population forecast for the urban area
15 described in OAR 660-024-0030, and must provide for needed housing, employment and other
16 urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-
17 year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-
18 year need determinations are estimates which, although based on the best available information
19 and methodologies, should not be held to an unreasonably high level of precision.
20 (2) If the UGB analysis or amendment is conducted as part of a periodic review work program,
21 the 20-year planning period must commence on the date initially scheduled for completion of the
22 appropriate work task. If the UGB analysis or amendment is conducted as a post-
23 acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period
24 must commence either:
25 (a) On the date initially scheduled for final adoption of the amendment specified by the local
26 government in the initial notice of the amendment required by OAR 660-018-0020; or
27 (b) If more recent than the date determined in subsection (a), at the beginning of the 20-year
28 period specified in the coordinated population forecast for the urban area adopted by the city and
29 county pursuant to OAR 660-024-0030, unless ORS 197.296 requires a different date for local
30 governments subject to that statute.
31 (3) A local government may review and amend the UGB in consideration of one category of land
32 need (for example, housing need) without a simultaneous review and amendment in
33 consideration of other categories of land need (for example, employment need).
34 (4) The determination of 20-year residential land needs for an urban area must be consistent with
35 the adopted 20-year coordinated population forecast for the urban area, and with the
36 requirements for determining housing needs in Goals 10 and 14, OAR 660, division 7 or 8, and
37 applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.
38 (5) Except for a metropolitan service district described in ORS 197.015(14), the determination of
39 20-year employment land need for an urban area must comply with applicable requirements of
40 Goal 9 and OAR 660, division 9, and must include a determination of the need for a short-term
41 supply of land for employment uses consistent with OAR 660-009-0025. Employment land need
42 may be based on an estimate of job growth over the planning period; local government must
43 provide a reasonable justification for the job growth estimate but Goal 14 does not require that
44 job growth estimates necessarily be proportional to population growth.
45 **(6) Cities and counties may jointly conduct a coordinated regional EOA for more than one**
46 **city in the county or for a defined region within one or more counties, in conformance with**

1 **Goal 9, OAR 660, division 9, and applicable provisions of ORS 195.025. A defined region**
2 **may include incorporated and unincorporated areas of one or more counties.**

3 (67) The determination of 20-year land needs for transportation and public facilities for an urban
4 area must comply with applicable requirements of Goals 11 and 12, rules in OAR 660, divisions
5 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of
6 school facility needs must also comply with ORS 195.110 and 197.296 for local governments
7 specified in those statutes.

8 (78) The following safe harbors may be applied [~~in determining~~] **by a local government to**
9 **determine** housing need[s] under this division:

10 (a) [~~E~~] **A local government[s]** may estimate persons per household for the 20-year planning
11 period using the persons per household for the urban area indicated in the most current data for
12 the urban area published by the U.S. Census Bureau.

13 (b) If a local government does not regulate government-assisted housing differently than other
14 housing types, it is not required to estimate the need for government-assisted housing as a
15 separate housing type.

16 (c) If a local government allows manufactured homes on individual lots as a permitted use in all
17 residential zones that allow 10 or fewer dwelling units per net buildable acre, it is not necessary
18 to provide an estimate of the need for manufactured dwellings on individual lots.

19 (d) If a local government allows manufactured dwelling parks required by ORS 197.475 to
20 197.490 in all areas planned and zoned for a residential density of six to 12 units per acre, a
21 separate estimate of the need for manufactured dwelling parks is not required.

22 **(e) A local government outside of the Metro boundary may estimate its housing vacancy**
23 **rate for the 20-year planning period using the vacancy rate in the most current data**
24 **published by the U.S. Census Bureau for that urban area that includes the local**
25 **government.**

26 **(f) A local government outside of the Metro boundary may determine housing needs for**
27 **purposes of a UGB amendment using the combined Housing Density and Housing Mix Safe**
28 **Harbors described in this subsection and in Table 1, or in combination with the alternative**
29 **Density safe harbor described under subsection (g) of this section and in Table 2. To meet**
30 **the density safe harbor in this subsection, the local government may Assume For UGB**
31 **Analysis that all buildable land in the urban area, including land added to the UGB, will**
32 **develop at the applicable Average Overall Density specified in column B of Table 1.**
33 **Buildable land in the UGB, including land added to the UGB, must also be Zoned To Allow**
34 **at least the applicable Average Overall Density specified in column B of Table 1. Finally,**
35 **the local government must adopt zoning that ensures buildable land in the urban area,**
36 **including land added to the UGB, cannot develop at an average overall density less than**
37 **the applicable Required Overall Minimum density specified in column B of Table 1. To**
38 **meet the housing mix safe harbor in this subsection, the local government must Zone to**
39 **Allow the applicable percentages of low, medium and high density residential specified in**
40 **column C of Table 1.**

41 **(g) When using the safe harbor in subsection (f), a local government may choose to also use**
42 **the applicable density safe harbor for Small Exception Parcels and High Value Farm Land**
43 **specified in Table 2. If a local government chooses to use the alternative density safe**
44 **harbor described in Table 2, it must**

- 1 (A) Apply the applicable Small Exception Parcel density assumption and the High Value
2 Farm Land density assumption measures specified in the table to all buildable land that
3 within these categories, and
- 4 (B) Apply the density and mix safe harbors specified in subsection (f) of this rule and
5 specified in Table 1 to all buildable land in the urban area that does not consist of small
6 exception parcels or high value farmland.
- 7 (h) As an alternative to the density safe harbors in subsection (f) and, if applicable,
8 subsection (g), of this section, a local government outside of the Metro boundary may
9 assume that the average overall density of buildable residential land in the urban area for
10 the 20-year planning period will increase by 25 percent over the average overall density of
11 developed residential land in the urban area at the time the local government initiated the
12 evaluation or amendment of the UGB, as described in Table 3. If a local government uses
13 this safe harbor, it must also meet the applicable “Zoned to Allow” density and “Required
14 Overall Minimum” density requirements in Column B of Table 1 and, if applicable, Table
15 2, and must use the Housing Mix Safe Harbor in Column C of Table 1.
- 16 (i) As an alternative to the housing mix safe harbor required in subsection (f) of this section
17 and in Column C of Table 1, a local government outside the Metro Boundary that uses the
18 housing density safe harbor in either subsection (f), (g) or (h) of this section may estimate
19 housing mix as described in paragraphs (A) through (C) of this subsection, as illustrated in
20 Table 3:
- 21 (A) Determine the existing percentages of low density, medium density, and high density
22 housing on developed land (not “buildable land”) in the urban area at the time the local
23 government initiated the evaluation or amendment of the UGB;
- 24 (B) Increase the percentage of medium density estimated in paragraph (A) of this
25 subsection by 10%, and increase the percentage of high density housing estimated in
26 paragraph (A) of this subsection by 5%, as illustrated by Table 3, and decrease the
27 percentage of low density single family housing by a proportionate amount so that the
28 overall mix total is 100%, and
- 29 (C) Zone to Allow the resultant housing mix determined under subparagraphs (A) and (B)
30 of this subsection.
- 31 (j) Tables 1, 2 and 3 are adopted as part of this rule, and the following definitions apply to
32 terms used in the tables:
- 33 (A) “Assume For UGB Analysis” means the local government may assume that the UGB
34 will develop over the 20-year planning period at the applicable overall density specified in
35 Column B of Table 1 and 2.
- 36 (B) “Attached housing” means housing where each unit shares a common wall, ceiling or
37 floor with at least one other unit. “Attached housing” includes, but is not limited to,
38 apartments, condominiums, and common-wall dwellings or row houses where each
39 dwelling unit occupies a separate lot.
- 40 (C) “Average Overall Density” means the average density of all buildable land in the UGB,
41 including buildable land already inside the UGB and buildable land added to the UGB.
- 42 (D) “Coordinated 20-year Population Forecast” under Column A of the Tables refers to the
43 population forecast for the urban area described under OAR 660-024-0030.
- 44 (E) “Density” means the number of dwelling units per net buildable acre.
- 45 (F) “High Value Farmland” has the same meaning as the term defined in ORS 195.300(10).

1 **(G) “Required Overall Minimum” means a minimum allowed overall average density, or a**
2 **“density floor,” that must be ensured in the applicable residential zones with respect to the**
3 **overall supply of buildable land for that zone in the urban area for the 20-year planning**
4 **period.**

5 **(H) “Single Family Detached Housing” means a housing unit that is free standing and**
6 **separate from other housing units, including mobile homes and manufactured dwellings**
7 **under ORS 197.475 through 197.492.**

8 **(I) “Small Exception Parcel” means a residentially zoned parcel 5 acres or less with a house**
9 **on it, located on land that is outside a UGB prior to a proposed UGB expansion, subject to**
10 **an acknowledged exception to Goal 3 or 4 or both.**

11 **(J) “Zone To Allow” or “Zoned to Allow” means that the comprehensive plan and**
12 **implementing zoning shall allow the specified housing types and densities under clear and**
13 **objective standards and other requirements specified in ORS 197.307(3)(b) and (6).**

14 (89) The following safe harbors may be applied by a local government to determine its
15 employment needs for purposes of a UGB amendment under this rule, Goal 9, OAR 660,
16 division 9, Goal 14 and, if applicable, ORS 197.296.

17 (a) A local government may estimate that the current number of jobs in the urban area will grow
18 during the 20-year planning period at a rate equal to either:

19 (A) The county or regional job growth rate provided in the most recent forecast published by the
20 Oregon Employment Department; or

21 (B) The population growth rate for the urban area in the adopted 20-year coordinated population
22 forecast specified in OAR 660-024-0030.

23 (b) A local government with a population of 10,000 or less may assume that retail and service
24 commercial land needs will grow in direct proportion to the forecasted urban area population
25 growth over the 20-year planning period. This safe harbor may not be used to determine
26 employment land needs for sectors other than retail and service commercial.

27 (910) As a safe harbor during periodic review or other legislative review of the UGB, a local
28 government may estimate that the 20-year land needs for streets and roads, parks and school
29 facilities will together require an additional amount of land equal to 25 percent of the net
30 buildable acres determined for residential land needs under section (4) of this rule. [~~For purposes~~
31 ~~of this rule, a “Net Buildable Acre” consists of 43,560 square feet of residentially designated~~
32 ~~buildable land, after excluding present and future rights-of-way, restricted hazard areas, public~~
33 ~~open spaces and restricted resource protection areas.]⁴~~

34 35 **660-024-0050**

36 **Land Inventory and Response to Deficiency**

37 (1) When evaluating or amending a UGB, a local government must inventory land inside the
38 UGB to determine whether there is adequate development capacity to accommodate 20-year
39 needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must
40 include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045
41 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to
42 that statute. For employment land, the inventory must include suitable vacant and developed land
43 designated for industrial or other employment use, and must be conducted in accordance with
44 OAR 660-009-0015.

⁴ Proposed to be moved to definition section of this division (OAR 660-024-0010).

- 1 (2) As safe harbors, a local government, except a city with a population over 25,000 or a
2 metropolitan service district described in ORS 197.015(14), may use the following assumptions
3 ~~in~~ to inventorying the capacity of buildable lands to accommodate housing needs:
- 4 (a) The infill potential of developed residential lots or parcels of one-half acre or more may be
5 determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and
6 assuming that the remainder is buildable land;
- 7 (b) Existing lots of less than one-half acre that are currently occupied by a residence may be
8 assumed to be fully developed.
- 9 (3) As safe harbors when inventorying land to accommodate industrial and other employment
10 needs, a local government may assume that a lot or parcel is vacant if it is:
- 11 (a) Equal to or larger than one-half acre, if the lot or parcel does not contain a permanent
12 building; or
- 13 (b) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is occupied by
14 a permanent building.
- 15 (4) If the inventory demonstrates that the development capacity of land inside the UGB is
16 inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040,
17 the local government must amend the plan to satisfy the need deficiency, either by increasing the
18 development capacity of land already inside the city or by expanding the UGB, or both, and in
19 accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local
20 government must demonstrate that the estimated needs cannot reasonably be accommodated on
21 land already inside the UGB. **If the local government determines there is a need to expand**
22 **the UGB, C**changes to the UGB must be determined by evaluating alternative boundary
23 locations consistent with **Goal 14 and** OAR 660-024-0060.
- 24 **(5) In evaluating an amendment of a UGB submitted under ORS 196.626, the director or**
25 **the Commission may determine that a difference between the estimated 20-year needs**
26 **determined under OAR 660-024-0040 and the amount of land and development capacity**
27 **added to the UGB by the submitted amendment is unlikely to significantly affect land**
28 **supply or resource land protection, and as a result, may determine that the proposed**
29 **amendment complies with section (4) of this rule.**
- 30 ~~(5)~~ When land is added to the UGB, the local government must assign appropriate urban plan
31 designations to the added land, consistent with the need determination. The local government
32 must also apply appropriate zoning to the added land consistent with the plan designation or may
33 maintain the land as urbanizable land **until the land is rezoned for the planned urban uses,**
34 either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying
35 other interim zoning that maintains the land's potential for planned urban development, ~~until the~~
36 ~~land is rezoned for the planned urban uses.~~ The requirements of ORS 197.296 regarding planning
37 and zoning also apply when local governments specified in that statute add land to the UGB.
- 38 **(7) As a safe harbor regarding requirements concerning "efficiency," a local government**
39 **that chooses to use any combination of density and mix safe harbors in OAR 660-024-**
40 **0040(8) is deemed to have met the Goal 14 efficiency requirements under:**
- 41 **(a) Sections (1) and (4) of this rule regarding evaluation of the development capacity of**
42 **residential land inside the UGB to accommodate the estimated 20-year needs; and**
43 **(b) Goal 14 regarding a demonstration that residential needs cannot be reasonably**
44 **accommodated on residential land, but not with respect to**
- 45 **(A) A demonstration that residential needs cannot be reasonably accommodated by**
46 **rezoning non-residential land, and**

1 **(B) Compliance with Goal 14 Boundary Location factors.**

2
3 **660-024-0060**

4 **Boundary Location Alternatives Analysis**

5 (1) When considering a UGB amendment, a local government must determine which land to add
6 by evaluating alternative boundary locations. This determination must be consistent with the
7 priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as
8 follows:

9 (a) Beginning with the highest priority of land available, a local government must determine
10 which land in that priority is suitable to accommodate the need deficiency determined under 660-
11 024-0050.

12 (b) If the amount of suitable land in the first priority category exceeds the amount necessary to
13 satisfy the need deficiency, a local government must apply the location factors of Goal 14 to
14 choose which land in that priority to include in the UGB.

15 (c) If the amount of suitable land in the first priority category is not adequate to satisfy the
16 identified need deficiency, a local government must determine which land in the next priority is
17 suitable to accommodate the remaining need, and proceed using the same method specified in
18 subsections (a) and (b) of this section until the land need is accommodated.

19 (d) Notwithstanding subsection (a) through (c) of this section, a local government may consider
20 land of lower priority as specified in ORS 197.298(3).

21 (e) For purposes of this rule, the determination of suitable land to accommodate land needs must
22 include consideration of any suitability characteristics specified under section (5) of this rule, as
23 well as other provisions of law applicable in determining whether land is buildable or suitable.

24 (2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during
25 periodic review or other legislative review of the UGB, a local government may approve an
26 application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount
27 of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-
28 0050(4), provided the amendment complies with all other applicable requirements.

29 (3) The boundary location factors of Goal 14 are not independent criteria. When the factors are
30 applied to compare alternative boundary locations and to determine the UGB location, a local
31 government must show that all the factors were considered and balanced.

32 (4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the
33 UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the
34 vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

35 (5) If a local government has specified characteristics such as parcel size, topography, or
36 proximity that are necessary for land to be suitable for an identified need, the local government
37 may limit its consideration to land that has the specified characteristics when it conducts the
38 boundary location alternatives analysis and applies ORS 197.298.

39 (6) The adopted findings for UGB adoption or amendment must describe or map all of the
40 alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves
41 more than one parcel or area within a particular priority category in ORS 197.298 for which
42 circumstances are the same, these parcels or areas may be considered and evaluated as a single
43 group.

44 (7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means
45 water, sanitary sewer, storm water management, and transportation facilities.

1 (8) The Goal 14 boundary location determination requires evaluation and comparison of the
2 relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to
3 the provision of public facilities and services needed to urbanize alternative boundary locations.
4 This evaluation and comparison must be conducted in coordination with service providers,
5 including the Oregon Department of Transportation with regard to impacts on the state
6 transportation system. "Coordination" includes timely notice to service providers and the
7 consideration of evaluation methodologies recommended by service providers. The evaluation
8 and comparison must include:

9 (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that
10 serve nearby areas already inside the UGB;

11 (b) The capacity of existing public facilities and services to serve areas already inside the UGB
12 as well as areas proposed for addition to the UGB; and

13 (c) The need for new transportation facilities, such as highways and other roadways,
14 interchanges, arterials and collectors, additional travel lanes, other major improvements on
15 existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.
16

17 **660-024-0070**

18 **UGB Adjustments**

19 (1) A local government may adjust the UGB at any time to better achieve the purposes of Goal
20 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or
21 by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of
22 this rule apply when removing land from the UGB. The requirements of Goal 14, this division,
23 and ORS 197.298 apply when land is added to the UGB, including land added in exchange for
24 land removed. The requirements of ORS 197.296 may also apply when land is added to a UGB,
25 as specified in that statute. If a local government exchanges land inside the UGB for land outside
26 the UGB, the applicable local government must adopt appropriate rural zoning designations for
27 the land removed from the UGB before the local government applies ORS 197.298 and other
28 UGB location requirements necessary for adding land to the UGB.

29 (2) A local government may remove land from a UGB following the procedures and
30 requirements of ORS 197.764. Alternatively, a local government may remove land from the
31 UGB following the procedures and requirements of ORS 197.610 to 197.650, provided it
32 determines:

33 (a) The removal of land would not violate applicable statewide planning goals;

34 (b) The UGB would provide a 20-year supply of land for estimated needs after the land is
35 removed, taking into consideration land added to the UGB at the same time;

36 (c) Public facilities agreements adopted under ORS 195.020 do not provide for urban services on
37 the subject land unless the public facilities provider agrees to removal of the land from the UGB;

38 (d) Removal of the land does not preclude the efficient provision of urban services to any other
39 buildable land that remains inside the UGB; and

40 (e) The land removed from the UGB is planned and zoned for rural use consistent with all
41 applicable laws.

42 (3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange
43 of land may rely on its acknowledged population forecast and land needs analysis, rather than
44 adopt a new forecast and need analysis, provided

45 **(a) The amount of buildable land added to the UGB to meet a specific type of residential**
46 **need is substantially equivalent to the amount of buildable land removed, or the amount of**

1 **suitable and developed employment land added to the UGB to meet a specific type of**
2 **employment need is substantially equivalent to the amount of suitable and developed**
3 **employment land removed, and**
4 **(b) The local government applies the same comprehensive plan designations and, if**
5 **applicable, the same urban zoning to the land added to the UGB such that the land added is**
6 **designated** for the same uses and at the same housing or employment density as the land
7 removed from the UGB [~~and provided:~~
8 (a) For residential land, the amount of buildable land added to the UGB is substantially
9 equivalent to the amount of buildable land removed; or
10 (b) For industrial or other employment land, the amount of suitable land added to the UGB is
11 substantially equivalent to the amount of suitable land removed].

12
13 **660-024-0080**

14 **LCDC Review Required for UGB Amendments**

15 **(1) A city with a population of 2,500 or more within its urban growth boundary that**
16 **amends the urban growth boundary to include more than 50 acres shall submit the**
17 **amendment to the Land Conservation and Development Commission in the manner**
18 **provided for periodic review under ORS 197.628 to 197.650.**

19 **(2) The department or the Commission may approve or remand the amendment as**
20 **specified under ORS 197.633 and OAR 660-025-0170, including components of the UGB**
21 **evaluation or amendment previously acknowledged under ORS 197.610 - 197.625, if the**
22 **department or the Commission finds that the amendment does not meet the requirements**
23 **of this division at the time of review.**

Table 1: Housing Mix/Density Need Safe Harbors

A. Coordinated 20- Year Population Forecast	B. Density Safe Harbor Numbers are in Dwelling Units (DU) per net buildable acre	C. Mix Safe Harbor (Percentage of DU that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
Less than 2,500	<ul style="list-style-type: none"> Required Overall Minimum: 3 Assume for UGB analysis: 4 Zone to Allow: 6 	70%	20%	10%
2,501 – 10,000	<ul style="list-style-type: none"> Required Overall Minimum: 4 Assume for UGB analysis: 6 Zone to Allow: 8 	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> Required Overall Minimum: 5 Assume for UGB analysis: 7 Zone to Allow: 9 	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> Required Overall Minimum: 6 Assume for UGB analysis: 8 Zone to Allow: 10 	50%	25%	25%

- **Low Density Residential:** A residential zone that *allows* detached single family and manufactured homes and other needed housing types on individual lots in the density range of 2-6 units per net buildable acre (DU/NBA). The specified mix percentage is a maximum; a local government may allow a lower percentage.
- **Medium Density Residential:** A residential zone that *allows* attached single family housing, manufactured dwelling parks and other needed housing types in the density range of 6-12 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **High Density Residential:** A residential zone that *allows* multiple family housing and other needed housing types in the density range of 12-40 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **More than 25,000 but Not subject to ORS 197.296:** The current population estimate for the city is less than 25,000 but the 20-year population forecast for the UGB is 25,000 or more. This safe harbor is not available for a jurisdiction subject to ORS 197.296 at the time of a UGB amendment.

**Table 2: Alternative Density Safe Harbors for
 Small Exception Parcels and High Value Farm Land**

A. Coordinated 20-Year Population Forecast	B. Small Exception Parcels added to the UGB (Dwelling Units per net buildable acre)	C. High Value Farm Land added to the UGB (Dwelling Units per net buildable acre)
Less than 2,500	<ul style="list-style-type: none"> • Assume for UGB Analysis: 2 	<ul style="list-style-type: none"> • Required Overall Minimum: 5 • Assume for UGB Analysis: 6 • Must Allow: 8
2,501 – 10,000	<ul style="list-style-type: none"> • Assume for UGB Analysis: 4 	<ul style="list-style-type: none"> • Required Overall Minimum: 6 • Assume for UGB Analysis: 8 • Must allow: 10
10,001 – 25,000	<ul style="list-style-type: none"> • Assume for UGB Analysis: 5 	<ul style="list-style-type: none"> • Required Overall Minimum: 7 • Assume for UGB Analysis: 9 • Must Allow: 11
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> • Assume for UGB Analysis: 6 	<ul style="list-style-type: none"> • Required Overall Minimum: 8 • Assume for UGB Analysis: 10 • Must allow: 12

- The Standard Density Safe Harbor density assumptions apply to land within the existing UGB and to land within the expanded UGB that is *not* “Small Exception Parcels” or “High Value Farm Land.” The standard housing mix safe harbor in Table 1 must be applied to ALL land in the UGB, including Small Exception Parcels and High Value Farmland added to the UGB.
- High Value Farmland must be planned and zoned to achieve at least two units more per net buildable acre than required by the standard density safe harbor.
- A Small Exception Parcel is a parcel 5 acres or less with a house on the property.
- “Not subject to ORS 197.296” means that the current population estimate for the city is less than 25,000 but the population forecast is over 25,000.

Table 3: Methodology to Calculate Housing Mix for the “Incremental Housing Mix Safe Harbor” in OAR 660-024-0040(8)(i)

Example 1: The developed housing mix in the UGB currently consists of 93% Low Density, 6% Medium Density and 1% High Density

Step 1: $5\% + 1\% = 6\%$ High Density Residential

Step 2: $10\% + 6\% = 16\%$ Medium Density Residential

Step 3: Total for Medium and High Density: $6\% + 16\% = 22\%$ Medium and High Density Residential

Step 4: $100\% - 22\% = 78\%$ Low Density Residential

Under the Alternative Housing Mix **Safe Harbor** in OAR 660-024-0040(8)(i), buildable land in the UGB must be Zoned to Allow:

Safe Harbor Housing Mix = 78% Low Density, 16% Medium Density and 6% High Density.

Example 2: The developed housing mix in the UGB currently consists of 91% Low Density, 9% Medium Density and 0% High Density

Step 1: $5\% + 0\% = 5\%$ High Density Residential

Step 2: $10\% + 9\% = 19\%$ Medium Density Residential

Step 3: Total for Medium and High Density: $5\% + 19\% = 24\%$ Medium and High Density Residential

Step 4: $100\% - 24\% = 76\%$ Low Density Residential

Under the Alternative Housing Mix **Safe Harbor** in OAR 660-024-0040(8)(i), buildable land in the UGB must be Zoned to Allow:

Safe Harbor Housing Mix = 76% Low Density, 19% % Medium Density and 5% High Density.

Oregon's Statewide Planning Goals & Guidelines

GOAL 14: URBANIZATION

OAR 660-015-0000(14)

(Effective April 28, 2006)

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

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year

population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

(1) Efficient accommodation of identified land needs;

(2) Orderly and economic provision of public facilities and services;

(3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

Unincorporated Communities

In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries.

Single-Family Dwellings in Exception Areas

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

- (a) Was lawfully created;
- (b) Lies outside any acknowledged urban growth boundary or unincorporated community boundary;
- (c) Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and
- (d) Is planned and zoned primarily for residential use.

Rural Industrial Development

Notwithstanding other provisions of this goal restricting urban uses on rural

land, a county may authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, on certain lands outside urban growth boundaries specified in ORS 197.713 and 197.714, consistent with the requirements of those statutes and any applicable administrative rules adopted by the Commission.

GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors

which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

NEEDED HOUSING IN URBAN GROWTH AREAS

197.295 Definitions for ORS 197.295 to 197.314 and 197.475 to 197.490. As used in ORS 197.295 to 197.314 and 197.475 to 197.490:

(1) “Buildable lands” means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. “Buildable lands” includes both vacant land and developed land likely to be redeveloped.

(2) “Manufactured dwelling park” has the meaning given that term in ORS 446.003.

(3) “Government assisted housing” means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

(4) “Manufactured homes” has the meaning given that term in ORS 446.003.

(5) “Mobile home park” has the meaning given that term in ORS 446.003.

(6) “Periodic review” means the process and procedures as set forth in ORS 197.628 to 197.650.

(7) “Urban growth boundary” means an urban growth boundary included or referenced in a comprehensive plan. [1981 c.884 §4; 1983 c.795 §1; 1987 c.785 §1; 1989 c.648 §51; 1991 c.226 §16; 1991 c.612 §12; 1995 c.79 §73; 1995 c.547 §2]

197.296 Factors to establish sufficiency of buildable lands within urban growth boundary; analysis and determination of residential housing patterns. (1)(a) The provisions of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.650 or at any other legislative review of the comprehensive plan or regional plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of housing need by type and density range, in accordance

with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, “buildable lands” includes:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

- (A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;
 - (B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and
 - (C) The presence of a single family dwelling or other structure on a lot or parcel.
- (c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity and need pursuant to subsection (3) of this section must be based on data relating to land within the urban growth boundary that has been collected since the last periodic review or five years, whichever is greater. The data shall include:

- (A) The number, density and average mix of housing types of urban residential development that have actually occurred;
- (B) Trends in density and average mix of housing types of urban residential development;
- (C) Demographic and population trends;
- (D) Economic trends and cycles; and
- (E) The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity and need. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period for economic cycles and trends longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of

data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or more of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary;

(b) Amend its comprehensive plan, regional plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or

(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

(7) Using the analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) The local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) or (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3)

of this section and is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land. [1995 c.547 §3; 2001 c.908 §1; 2003 c.177 §1]

197.298 Priority of land to be included within urban growth boundary. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands. [1995 c.547 §5; 1999 c.59 §56]

197.299 Metropolitan service district analysis of buildable land supply; schedule for accommodating needed housing; need for land for school; extension of schedule.

(1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than five years after completion of the previous inventory, determination and analysis.

(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3). [1997 c.763 §2; 2001 c.908 §2; 2005 c.590 §1; 2007 c.579 §2]

Note: Section 1, chapter 398, Oregon Laws 2007, provides:

Sec. 1. Notwithstanding the date for completion of the next inventory, determination and analysis required of a metropolitan service district based on a schedule established under ORS 197.299 (1), Metro, as defined in ORS 197.015, shall complete the first inventory, determination and analysis due on or after the effective date of this 2007 Act [December 1, 2007] not later than December 31, 2009. [2007 c.398 §1]

197.300 [1973 c.80 §51; 1977 c.664 §22; repealed by 1979 c.772 §26]

197.301 Metropolitan service district report of performance measures. (1) A metropolitan service district organized under ORS chapter 268 shall compile and report to the Department of Land Conservation and Development on performance measures as described in this section at least once every two years. The information shall be reported in a manner prescribed by the department.

(2) Performance measures subject to subsection (1) of this section shall be adopted by a metropolitan service district and shall include but are not limited to measures that analyze the following:

- (a) The rate of conversion of vacant land to improved land;
- (b) The density and price ranges of residential development, including both single family and multifamily residential units;
- (c) The level of job creation within individual cities and the urban areas of a county inside the metropolitan service district;
- (d) The number of residential units added to small sites assumed to be developed in the metropolitan service district's inventory of available lands but which can be further developed, and the conversion of existing spaces into more compact units with or without the demolition of existing buildings;
- (e) The amount of environmentally sensitive land that is protected and the amount of environmentally sensitive land that is developed;
- (f) The sales price of vacant land;
- (g) Residential vacancy rates;
- (h) Public access to open spaces; and
- (i) Transportation measures including mobility, accessibility and air quality indicators. [1997 c.763 §3]

197.302 Metropolitan service district determination of buildable land supply; corrective action; enforcement. (1) After gathering and compiling information on the performance measures as described in ORS 197.301 but prior to submitting the information to the Department of Land Conservation and Development, a metropolitan service district shall determine if actions taken under ORS 197.296 (6) have established the buildable land supply and housing densities necessary to accommodate estimated housing needs determined under ORS 197.296 (3). If the metropolitan service district determines that the actions undertaken will not accommodate estimated need, the district shall develop a corrective action plan, including a schedule for implementation. The district shall submit the plan to the department along with the report on performance measures required under ORS 197.301. Corrective action under this section may include amendment of the urban growth boundary, comprehensive plan, regional framework plan, functional plan or land use regulations as described in ORS 197.296.

(2) Within two years of submitting a corrective action plan to the department, the metropolitan service district shall demonstrate by reference to the performance measures described in ORS 197.301 that implementation of the plan has resulted in the buildable land supply and housing density within the urban growth boundary necessary to accommodate the estimated housing needs for each housing type as determined under ORS 197.296 (3).

(3) The failure of the metropolitan service district to demonstrate the buildable land supply and housing density necessary to accommodate housing needs as required under

this section and ORS 197.296 may be the basis for initiation of enforcement action pursuant to ORS 197.319 to 197.335. [1997 c.763 §4; 2001 c.908 §3]

197.303 “Needed housing” defined. (1) As used in ORS 197.307, until the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.

(2) Subsection (1)(a) and (d) of this section shall not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

(3) A local government may take an exception to subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1]

197.304 Lane County accommodation of needed housing. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

- (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and
- (b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

Note: Section 3, chapter 650, Oregon Laws 2007, provides:

Sec. 3. A local government that is subject to section 2 of this 2007 Act [197.304] shall complete the inventory, analysis and determination required under ORS 197.296 (3) to begin compliance with section 2 of this 2007 Act within two years after the effective date of this 2007 Act [January 1, 2008]. [2007 c.650 §3]

197.305 [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings.

(1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.

(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.

(e) The provisions of this subsection shall not apply to applications or permits for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2]

197.309 Local ordinances or approval conditions may not effectively establish housing sale price or designate class of purchasers; exception. (1) Except as provided in subsection (2) of this section, a city, county or metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178, a requirement that has the effect of establishing the sales price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to any particular class or group of purchasers.

(2) This section does not limit the authority of a city, county or metropolitan service district to:

(a) Adopt or enforce a land use regulation, functional plan provision or condition of approval creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or condition designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295. [1999 c.848 §2; 2007 c.691 §8]

197.310 [1973 c.80 §53; 1977 c.664 §24; repealed by 1979 c.772 §26]

197.312 Limitation on city and county authority to prohibit certain kinds of housing, including farmworker housing; real estate sales office. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2) A city or county may not impose any approval standards, special conditions or procedures on farmworker housing that are not clear and objective or have the effect, either in themselves or cumulatively, of discouraging farmworker housing through unreasonable cost or delay or by discriminating against such housing.

(3)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(4)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(5) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3]

197.313 Interpretation of ORS 197.312. Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing. [1983 c.795 §6]

197.314 Required siting of manufactured homes; minimum lot size; approval standards. (1) Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (5).

(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS

197.610 to 197.650.

(3) Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.

(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

(a) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(7) This section shall not be construed as abrogating a recorded restrictive covenant. [1993 c.184 §2; 1997 c.295 §1; 1999 c.348 §7; 2005 c.22 §139]

197.315 [1973 c.80 §54; 1977 c.664 §25; repealed by 1979 c.772 §26]

MOBILE HOME, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS

197.475 Policy. The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings. [1987 c.785 §3; 1989 c.648 §53]

197.480 Planning for parks; procedures; inventory. (1) Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or

manufactured dwelling parks based on:

- (a) Population projections;
- (b) Household income levels;
- (c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.

(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.

(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.

(c) No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.295 and 197.475 to 197.490. [1987 c.785 §4; 1989 c.648 §54]

197.485 Prohibition on restrictions of manufactured dwelling. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

(2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.

(3) A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403). [1987 c.785 §5; 1989 c.648 §55; 2005 c.22 §143; 2005 c.826 §12; 2007 c.906 §10]

197.490 Restriction on establishment of park. (1) Except as provided by ORS 446.105, a mobile home or manufactured dwelling park shall not be established on land, within an urban growth boundary, which is planned or zoned for commercial or industrial use.

(2) Notwithstanding the provisions of subsection (1) of this section, if no other access is available, access to a mobile home or manufactured dwelling park may be provided through a commercial or industrial zone. [1987 c.785 §6; 1989 c.648 §56]

197.492 Definitions for ORS 197.492 and 197.493. As used in this section and ORS 197.493:

(1) “Manufactured dwelling park,” “mobile home park” and “recreational vehicle” have the meaning given those terms in ORS 446.003.

(2) “Recreational vehicle park”:

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

(A) The renting of space and related facilities for a charge or fee; or

(B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

(A) An area designated only for picnicking or overnight camping; or

(B) A manufactured dwelling park or mobile home park. [2005 c.619 §11]

Note: 197.492 and 197.493 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 197 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

197.493 Placement and occupancy of recreational vehicle. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

(b) Occupied as a residential dwelling; and

(c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12]

SPECIAL RESIDENCES

197.660 Definitions. As used in ORS 197.660 to 197.670, 215.213, 215.263, 215.283, 215.284 and 443.422:

(1) “Residential facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(2) "Residential home" means a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(3) "Zoning requirement" means any standard, criteria, condition, review procedure, permit requirement or other requirement adopted by a city or county under the authority of ORS chapter 215 or 227 that applies to the approval or siting of a residential facility or residential home. A zoning requirement does not include a state or local health, safety, building, occupancy or fire code requirement. [1989 c.564 §2; 1991 c.801 §6; 2001 c.900 §47; 2005 c.22 §145]

197.663 Legislative findings. The Legislative Assembly finds and declares that:

(1) It is the policy of this state that persons with disabilities and elderly persons are entitled to live as normally as possible within communities and should not be excluded from communities because their disability or age requires them to live in groups;

(2) There is a growing need for residential homes and residential facilities to provide quality care and protection for persons with disabilities and elderly persons and to prevent inappropriate placement of such persons in state institutions and nursing homes;

(3) It is often difficult to site and establish residential homes and residential facilities in the communities of this state;

(4) To meet the growing need for residential homes and residential facilities, it is the policy of this state that residential homes and residential facilities shall be considered a residential use of property for zoning purposes; and

(5) It is the policy of this state to integrate residential facilities into the communities of this state. The objective of integration cannot be accomplished if residential facilities are concentrated in any one area. [1989 c.564 §3; 2007 c.70 §54]

197.665 Locations of residential homes. (1) Residential homes shall be a permitted use in:

(a) Any residential zone, including a residential zone which allows a single-family dwelling; and

(b) Any commercial zone which allows a single-family dwelling.

(2) A city or county may not impose any zoning requirement on the establishment and maintenance of a residential home in a zone described in subsection (1) of this section that is more restrictive than a zoning requirement imposed on a single-family dwelling in the same zone.

(3) A city or county may:

(a) Allow a residential home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose zoning requirements on the establishment of a residential home in areas described in paragraph (a) of this subsection, provided that these requirements are no more restrictive than those imposed on other nonfarm single-family dwellings in the same

zone; and

(c) Allow a division of land for a residential home in an exclusive farm use zone only as described in ORS 215.263 (9). [1989 c.564 §4; 2001 c.704 §5]

197.667 Location of residential facility; application and supporting documentation. (1) A residential facility shall be a permitted use in any zone where multifamily residential uses are a permitted use.

(2) A residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use.

(3) A city or county may allow a residential facility in a residential zone other than those zones described in subsections (1) and (2) of this section, including a zone where a single-family dwelling is allowed.

(4) A city or county may require an applicant proposing to site a residential facility within its jurisdiction to supply the city or county with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.410 to 192.505. However, cities and counties shall not require independent proof of the same conditions that have been required by the Department of Human Services under ORS 418.205 to 418.327 for licensing of a residential facility. [1989 c.564 §5; 1991 c.801 §8; 2001 c.900 §48; 2003 c.86 §15]

197.670 Zoning requirements and prohibitions for residential homes and residential facilities. (1) As of October 3, 1989, no city or county shall:

(a) Deny an application for the siting of a residential home in a residential or commercial zone described in ORS 197.665 (1).

(b) Deny an application for the siting of a residential facility in a zone where multifamily residential uses are allowed, unless the city or county has adopted a siting procedure which implements the requirements of ORS 197.667.

(2) Every city and county shall amend its zoning ordinance to comply with ORS 197.660 to 197.667 as part of periodic land use plan review occurring after January 1, 1990. Nothing in this section prohibits a city or county from amending its zoning ordinance prior to periodic review. [1989 c.564 §6]

FARMWORKER HOUSING

197.675 [1989 c.964 §4; repealed by 2001 c.613 §1]

197.677 Policy. In that the agricultural workers in this state benefit the social and economic welfare of all of the people in Oregon by their unceasing efforts to bring a bountiful crop to market, the Legislative Assembly declares that it is the policy of this state to insure adequate agricultural labor accommodations commensurate with the housing needs of Oregon's workers that meet decent health, safety and welfare standards. To accomplish this objective in the interest of all of the people in this state, it is necessary that:

(1) Every state and local government agency that has powers, functions or duties with respect to housing, land use or enforcing health, safety or welfare standards, under this or

any other law, shall exercise its powers, functions or duties consistently with the state policy declared by ORS 197.307, 197.312, 197.677 to 197.685, 215.213, 215.277, 215.283, 215.284 and 455.380 and in such manner as will facilitate sustained progress in attaining the objectives established;

(2) Every state and local government agency that finds farmworker activities within the scope of its jurisdiction must make every effort to alleviate insanitary, unsafe and overcrowded accommodations;

(3) Special efforts should be directed toward mitigating hazards to families and children; and

(4) All accommodations must provide for the rights of free association to farmworkers in their places of accommodation. [1989 c.964 §2; 2001 c.613 §11]

197.680 Legislative findings. The Legislative Assembly finds that:

(1) This state has a large stock of existing farmworker housing that does not meet minimum health and safety standards and is in need of rehabilitation;

(2) It is not feasible to rehabilitate much of the existing farmworker housing stock to meet building code standards;

(3) In order to assure that minimum standards are met in all farmworker housing in this state, certain interim measures must be taken; and

(4) Limited rehabilitation, outside city boundaries, must be allowed to a lesser standard than that set forth in the existing building codes. [1989 c.964 §3; 2001 c.613 §12]

197.685 Location of farmworker housing; approval standards. (1) The availability of decent, safe and sanitary housing opportunities for farmworkers is a matter of statewide concern.

(2) Farmworker housing within the rural area of a county shall be permitted in a zone or zones in rural centers and areas committed to nonresource uses.

(3) Any approval standards, special conditions and procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. [1989 c.964 §5; 2001 c.613 §4]

197.705 [1973 c.482 §1; repealed by 1977 c.665 §24]

ECONOMIC DEVELOPMENT

197.707 Legislative intent. It was the intent of the Legislative Assembly in enacting ORS chapters 195, 196, 197, 215 and 227 not to prohibit, deter, delay or increase the cost of appropriate development, but to enhance economic development and opportunity for the benefit of all citizens. [1983 c.827 §16]

197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules. (1) In addition to the findings and policies set forth in ORS 197.005, 197.010 and 215.243, the Legislative

Assembly finds and declares that, in carrying out statewide comprehensive land use planning, the provision of adequate opportunities for a variety of economic activities throughout the state is vital to the health, welfare and prosperity of all the people of the state.

(2) By the adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following:

(a) Comprehensive plans shall include an analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends.

(b) Comprehensive plans shall contain policies concerning the economic development opportunities in the community.

(c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.

(d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial and commercial uses.

(e) A city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The public facility plan shall include rough cost estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the comprehensive plan and land use regulations. Project timing and financing provisions of public facility plans shall not be considered land use decisions.

(f) In accordance with ORS 197.180, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties. In addition, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies and cities and counties.

(g) Local governments shall provide:

(A) Reasonable opportunities to satisfy local and rural needs for residential and industrial development and other economic activities on appropriate lands outside urban growth boundaries, in a manner consistent with conservation of the state's agricultural and forest land base; and

(B) Reasonable opportunities for urban residential, commercial and industrial needs over time through changes to urban growth boundaries.

(3) A comprehensive plan and land use regulations shall be in compliance with this section by the first periodic review of that plan and regulations. [1983 c.827 §17; 1991 c.612 §17]

Phase 2 UGB Workgroup Members

The Phase 2 UGB Work Group includes the following members:

1. Marilyn Worrix, LCDC (Workgroup Chair)
2. Shawn Cleave, Oregon Farm Bureau
3. Brent Curtis, Washington County
4. Shaun Jillions, Oregon Association of Realtors
5. Corinne Sheraton, Johnson & Sheraton, P.C.
6. Greg Winterowd, Winterbrook Planning
7. Sandi Young, City of Wilsonville
8. Pat Zimmerman, Oregon Citizen Involvement Advisory Committee
9. Jon Chandler, Oregon Homebuilders Associatio
10. Barton Brierly, City of Newberg
11. Bob LeFeber, Commercial Realty Advisors NW
12. Nick Lelack, City of Redmond
13. Linda Ludwig, League of Oregon Cities
14. Mary Kyle McCurdy, 1000 Friends of Oregon
15. Terry Moore, ECONorthwest
16. Kelly Ross, Special Districts Association of Oregon
17. Art Schlack, Association of Oregon Counties
18. Don Arambula, Crandall-Arambula, P.C.
19. Christine Valentine, Economic Revitalization Team
20. Robert Maestre, Oregon Department of Transportation
21. Jim Johnson, Oregon Department of Agriculture
22. Jack Duncan, Oregon Housing and Community Services
23. Darrin Fleener, Oregon Economic and Community Development
24. Department of Land Conservation and Development staff:
Bob Rindy, Gloria Gardiner, Bryan González and Angela Lazarian

Overview of Oregon's UGB Process

Goal 14, the "Urbanization" goal, was one of the first goals adopted by the Land Conservation and Development Commission in 1973. The main objective of Goal 14 is to focus urban development inside urban growth boundaries in order to conserve farm and forest land and to foster the efficient use of land and public facilities. These objectives were originally derived from ORS 215.243, enacted in 1973 as Senate Bill 101, along with SB 100, which established LCDC and the statewide land use program.

Throughout the late 1970's and early 1980's, LCDC acknowledged 215 urban growth boundaries encircling all 240 cities. These included a few UGBs that surround two or more jurisdictions, and also included the Metro UGB, which provides a land supply for 24 cities and 3 counties. Throughout the acknowledgment process LCDC was required to interpret Goal 14's UGB amendment provisions, thereby establishing a considerable amount of "precedent" with regard to the goal. A number of court decisions established additional interpretive precedents regarding UGBs. When Goal 14 was amended and division 24 adopted in 2005-2006, the department attempted to "codify" important precedents, but many LCDC and Court precedents are not codified in rules or the goal.

In general, evaluating the adequacy of a UGB and, if necessary, amending it, involves several steps:

1. A forecast of long range population,
2. A determination of 20-year land needs,
3. An inventory of the existing land supply in the UGB, and
4. A determination as to whether the current UGB is adequate. If a UGB is not adequate, local governments must
5. Evaluate alternative areas around the UGB to decide which land to add, and
6. Land added must be zoned to provide the particular needs determined in #2, above.

A primary objective of Goal 14 is to concentrate urban development inside urban growth boundaries (UGBs), and to provide a sufficient supply of land for urban development needs while at the same time protecting the state's farm and forest lands. There are 215 UGBs in Oregon, all acknowledged with the finding that they included a 20-year supply of buildable land. Goal 14 establishes that UGBs must include developable land for housing and employment needs, and for livability, and early in the program LCDC interpreted this to mean a 20-year need (later rules and statutes further solidified this). The term "employment needs" has been interpreted to include industrial, retail, and office needs. The term "livability" has been interpreted to include parks and open space, but other interpretations have also been proposed, including interpretations about urban form.

Currently, the process and standards governing UGB amendments are located in three official state documents: State Law (primarily ORS 197.296 through 197.298), Statewide Planning Goal 14 (OAR 660, Division 015), and certain LCDC administrative rules (especially OAR 660, Division 24).

Attachment D Safe Harbors – General Description

The UGB workgroup for Phase 1 of the UGB streamlining project reached a general consensus on the intent of safe harbors. In the Division 24 UGB rules agreed to by the workgroup:

"Safe harbor" means an optional course of action that a local government may use to satisfy a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way or necessarily the preferred way to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division."

The definition and intent agreed to by the Phase 1 and 2 workgroups were as follows:

- A safe harbor is a short cut or “rule of thumb” that allows a local government to answer certain questions or use a certain assumption in the UGB process.
- A safe harbor is never required; it is optional. Completely at its discretion, a local government may choose to NOT follow a safe harbor, and instead follow “standard rules” to reach conclusions in amending a UGB, including local research toward conclusions such as those provided by safe harbors.
- A local government may rely on “assumptions” of a safe harbor adopted by LCDC rule. This may avoid costly or time consuming research and free up funding for other local planning.
- LCDC, LUBA, and the courts should not use the safe harbor to help them “interpret” a requirement that is replaced by or related to the safe harbor.
- If a local government properly follows a safe harbor, the “answer” or “assumption” obtained is considered “correct” and cannot be overturned by LCDC, LUBA or (we hope) the courts. Thus, safe harbors should reduce litigation and concern about litigation regarding the UGB amendment process.
- A safe harbor may be designed to encourage broad policy intents in LCDC Goals and the land use program (e.g., efficiency of land use).
- A safe harbor should be “conservative.” The Phase 1 workgroup defined this as “a safe harbor should err on the side of the intent of underlying goals, such as UGB efficiency, resource land conservation, and housing affordability, so as not to inadvertently allow UGB decisions that contradict these goals.”
- A safe harbor must be useful. If the safe harbor is too “conservative” or too complex and therefore few cities use it, it has little value.
- In drafting safe harbors, LCDC (and the workgroup) should research key assumptions obtained by a representative sample of local governments that have amended UGBs in past years. If certain assumptions, methods and/or rules of thumb have been used and approved in the past, and if we can discern a pattern or consistency with these, this data should form the foundation of new safe harbors.

Thursday, September 25, 2008

To: UGB Workgroup
From: Becky Steckler, AICP
RE: Land Needs Analysis Research for the UGB Workgroup

Introduction

Background

In 2004, the Land Conservation and Development Commission (LCDC) directed the Department of Land Conservation and Development (DLCD) to initiate an administrative rulemaking project to clarify and streamline the urban growth boundary (UGB) amendment process. DLCD initiated the first phase of this project and appointed a work group, which resulted in LCDC adopting amendments to Goal 14: Urbanization (2005) and a new set of administrative rules, OAR 660, Division 24 (2006).

When it adopted the new rules, LCDC directed the department to continue its work during the 2007-09 biennium (Phase 2). The Department set up a work group to meet between July and October 2008. The Commission's direction for Phase 2 includes evaluating UGB process issues and completing work on potential safe harbors identified in Phase 1. The workgroup is charged with making recommendations regarding UGB process amendments for LCDC consideration and possible adoption later in 2008.

Purpose of this study

The purpose of this study is to collect key data (such as housing mix, densities, percentage of land used for streets and other infrastructure, etc.) used by cities to inventory buildable land and analyze land need for the purpose of evaluating and, if necessary, expanding an urban growth boundary. This information is intended to inform the UGB workgroup about key data used by cities, in order to help the work group in formulating additional UGB "safe harbors" to streamline future UGB analyses.

Study Design

This section provides more detail about the study period, identification of documents to review, and methods for sources of documents.

- **Study period.** I worked with DLCD staff to determine the appropriate study period for this study. We initially discussed looking back five to seven years, but determined this would not provide enough acknowledged UGB documents. In order to get a larger number of studies, we decided to review UGB documents completed and approved between 1995 and 2008.

- **Identifying documents to review.** Given the types of information that the workgroup was interested in, we determined that most of the data would be found in land need assessment documents. In other words, any acknowledged documents that include a *supply* analysis (an analysis of buildable or redevelopable land within UGBs) and a *demand* analysis (population and employment growth, which drive the need for buildable space for housing and employment). These studies are generally referred to as buildable land inventories (or “BLI”, an inventory of all types of buildable land - residential, commercial, industrial, public, etc. - within a city); housing needs analysis (a study of needed housing in a city for a 20-year period); and economic opportunity analysis (a study of the need for employment land - commercial, office, industrial, and public)¹. These types of studies are either done as part of periodic review or as a “post acknowledgment plan amendment” (PAPA).

It was difficult to identify these documents from DLCD records. The DLCD electronic PAPA database has thousands of records that are not easy to search. By reviewing searches of the DLCD database, I identified approximately 270 UGB amendments. Of the approximately 270 UGB amendments identified, 125 were completed between 1995 and July 2007. Of those, 49 involved amendments of more than 25 acres and of those records only 17 were expansions that included residential land. I reviewed most of these 17 records and eliminated all but about five because: (1) important records were unavailable from the city or DLCD, or (2) the documents were available, but did not include the information requested by the UGB workgroup. However, several of the PAPA UGB expansion documents referred to BLI and land need analysis documents that are relevant to this study and I tracked those documents down and included them, if appropriate.

Most of the documents reviewed for this study were completed under periodic review. From a DLCD spreadsheet of periodic review work tasks, I attempted to review all documents related to buildable lands inventories, housing needs analysis, and economic opportunities analysis. To be counted, a study or amendment must have been “acknowledged” and not be under appeal².

I attempted to retrieve documents from all of the cities (approximately 35) that, according to DLCD records, completed at least a residential analysis through periodic review between 1995 and 2008. Several periodic review cases were rejected because they did not include a residential land needs analysis. Two (Brookings and Astoria) were rejected based on conversations with City staff that indicated that the information I was looking for was spread among many different documents that would be difficult to compile in the study time frame, and because city staff didn’t believe the available data was sufficient for the study.

Table 1 shows the UGB analysis, by city, included in this study. Documentation from 29 cases (either post acknowledgement plan amendments or periodic review work tasks) was included in this study.

¹ These titles are the most commonly used for this type of analysis. Some cities combine this analysis and refer to the research as an urbanization report. I use these three titles to generically refer to all reports (no matter the title) that contain similar information.

² I made one exception for the City of Rockaway Beach. Its urbanization report was adopted over a year ago with no appeal. City and DLCD staff indicate that it should be adopted by the County and acknowledged soon.

Table 1. Documents reviewed, by city, 1995-2008

No.	Jurisdiction	Title of Document(s)	Document date	Primary researcher (City or consultant)	Source of document
1	Albany	Albany Housing Needs Analysis, 2005-2025 (2006); Update of Economic Opportunities Analysis for the City of Albany (Sept. 16, 2007)	Housing: Adopted April 25, 2007 EOA: September 16, 2007	Albany Community Development Department (Housing); ECONorthwest (EOA)	From Don Donovan, City of Albany (link to Albany website for both documents);
2	Aumsville	Ordinance No. 436: An Ordinance Amending Ordinance #324, The Aumsville Comprehensive Plan	Dec-96	City of Aumsville	DLCD Acknowledgement Room
3	Burns/Hines UGB Analysis	City of Hines/Harney County Urban Growth Boundary Analysis	May-99	Tenneson Engineering	Emailed from Tenneson Engineering
4	Coburg	Coburg Urbanization Study	Apr-04	ECONorthwest	City of Coburg website
5	Columbia City	City of Columbia City Buildable Lands Inventory & Needs Analysis	May-01	Cogan Owens Cogan	Emailed from Cogan Owens Cogan
6	Corvallis	Corvallis Land Needs Analysis	Jun-98	ECONorthwest	City of Corvallis website
7	Cottage Grove	2005 Cottage Grove Buildable Lands Analysis Update	Jun-05	Satre Associates	Michael Howard emailed me from Satre Associates
8	Gervais	Ordinance No. 33-2005	Jul-06	Mid-Willamette Valley Council of Governments	DLCD Acknowledgement Room
9	Harrisburg	City of Harrisburg Buildable Land and Land Need Analysis (1998)	Jun-05	City of Harrisburg	Sent by email from Michele Eldridge, City of Harrisburg
10	Hermiston	City of Hermiston Residential Buildable Land Inventory Hermiston Revised Exhibits	Feb-04	Hobson Ferrarini Associates	City (emailed by Clint Spencer, City Planner, 8/29/08)
11	Independence	City of Independence Buildable Lands and Land Needs Report	Oct-00	Mid-Willamette Valley Council of Governments	DLCD Acknowledgement Room
12	La Grande	Urban Area Land Use Study	Jul-01	The Benkendorf Associates Corp Johnson Gardner	From Al Berkendorff (emailed), Berkendorff and Associates
13	Lakeview	Town of Lakeview Periodic Review: Buildable Lands Inventory and Needs Analysis	Jun-99	W&H Pacific	DLCD Acknowledgement Room
14	Lebanon	Lebanon Urbanization Study	Jun-04	ECONorthwest	Bob Parker, ECONorthwest
15	Madras	Madras Urbanization Report	Nov-07	ECONorthwest	Emailed from City (Tammy McHaney)
16	Monmouth	Monmouth Comprehensive Plan Housing Element; Monmouth Comprehensive Plan Land Use Element; Monmouth Comprehensive Plan Economic Element	No date provided	Mid-Willamette Valley Council of Governments	Mark Fancey (by email)
17	Mt. Angel	City of Mt. Angel Comprehensive Plan, Urbanization Section of the Land Use Element	May-97	City of Mt. Angel	DLCD Acknowledgement Room
18	Newberg UGB Amendment, 2001	Ordinance No. 2001-2556	Nov-01	City of Newberg	Barton Brierly (link to ordinance online)
19	Newberg UGB Amendment, 2006	Ordinance No. 2006-2661, Exhibit "C" Northwest Newberg 2006 UGB Expansion, Justification & Findings Report, City of Newberg, OR, August 3, 2006	Nov-06	Winterbrook Planning	Barton Brierly (link to ordinance online)
20	Newberg	Newberg Housing and Residential Land Needs Report (2004); Economic Opportunity Analysis (2006)	2004 (Housing and Population); 2006 (Economy)	Johnson Gardner, The Benkendorf Associates Corporation (Housing); City of Newberg (Economy)	Barton Brierly (link to reports online)
21	Ontario	Ontario Urbanization Report	May-07	ECONorthwest	Evan MacKenzie (emailed)
22	Pendleton	Pendleton Urban Fringe Land Use Study, Phase II	Jul-99	The Benkendorf Associates Corporation The Bookin Group	DLCD Acknowledgement Room
23	Philomath	City of Philomath Housing Plan, Economic Plan	Aug-03	City of Philomath	DLCD Acknowledgement Room
24	Prineville	Prineville Urban Growth Boundary Expansion Evaluation Report	Apr-04	Deborah McMahon	Josh Smith, City of Prineville emailed report
25	Redmond	Redmond Urbanization Study	Jun-05	ECONorthwest Angelo Eaton & Associates	http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=198&Itemid=255
26	Richland	Richland City Council - LCDC Adenments Adoption	no date provided	City of Richland	DLCD Acknowledgement Room
27	Rockaway Beach			ECONorthwest Winterbrook Planning	
28	Spray	City of Spray, 2001 Comprehensive Plan Update	Jun-01	Tenneson Engineering	DLCD Acknowledgement Room
29	Warrenton	Buildable Lands Inventory, Housing and Economic Analysis	Oct-07	Cogan Owens Cogan	City of Warrenton sent a CD in the mail.

Source: Department of Land Conservation and Development, 2008

ECONorthwest and cities tied, with seven cases each, as authoring the most case documents, as shown in Table 2.

Table 2. Primary researcher and number of cases reviewed in UGB Analysis Study

Primary Researcher	Number of cases
ECONorthwest	7
City	7
Mid-Willamette Valley Council of Governments	3
Benkendorf Associates	3
Tenneson Engineering	2
Cogan Owens Cogan	2
Winterbrook Planning	1
Hobson Ferranrini Assc.	1
Debra Mmahon	1
W&H Pacific	1
Satre and Associates	1
Total	29

Source: Department of Land Conservation and Development, 2008

Note: Documentation was assumed to be authored by the city if there was no other author information available. Note: The primary researcher is the author of the housing documents reviewed, or the lead consultant as indicated in document.

- **Sources of documents.** Given the short time frame (five weeks to create a methodology, obtain documents, and compile the information), the most efficient method of compiling the data was to obtain electronic files of documents (if available) and enter the applicable data into a database (Excel spreadsheet). I first requested these files from the cities. In a majority of the cases, I received the study from the city. If it was not available from the city (the older the files, the less likely the city had an electronic copy), I either: (1) looked for the documents in DLCD records, or (2) contacted the consulting firm that completed the work and requested the documents.

Assumptions and limitations

- **DLCD databases do not record every study and report.** I tried to identify and obtain a copy of every document that might include the information requested by the workgroup. When DLCD staff, cities that I contacted, or others involved in the research suggested an additional study I should review, I attempted to locate the study to determine if it should be included in this research. While I had only approximately five weeks to complete this research, I identified as many relevant documents as I could, and included all in this study.
- **Wide variability in the level of analysis and detail in the studies.** While DLCD has published handbooks and provided guidance to cities on conducting a housing needs analysis (*Planning for Residential Growth: A Workbook for Oregon's Urban Areas*, June 1997) and economic opportunities analysis (*Goal 9 Guidebook*, October

2005), not all cities follow these methods³. Thus, there were significant differences in the level of analysis conducted in many of the documents reviewed. To that point, not all data points I was seeking were in all of the documents I reviewed.

- **Data in the reports is assumed to be correct.** I did not double check formulas used by the cities and I assumed that GIS mapping was computed correctly. I reported the numbers that were in the reports.
- **Reported need for land in UGB, not URA.** Most reports estimated land need for 20 years for the UGB, but some estimated 50 years of land to include in an urban reserve area (URA). To be consistent, I only included land need for UGB expansion.

Summary of data

This section presents the finds for the following types of data:

- Population
- Housing mix
- Density
- Infill and redevelopment assumptions
- Gross to net acreage assumptions
- Total needed land to population change ratio

Population

Table 3 shows the cases reviewed (by city), and each city's 2007 population, study dates, study date population change, and average annual growth rates (for both the study period and 1970 to 2000).

³ While many Oregon cities are not required to comply with the requirements of ORS 197.296 (only those over 25,000), the housing needs analysis of almost all cases generally follow the steps described in the *Planning for Residential Growth – A Workbook for Oregon's Urban Areas (1997)*.

Table 3. 2007 Case study population, study period and population, and growth rates

Jurisdiction	2007 population	Beginning study date	Ending study date	Study period (years)	Beginning population	End population	Population Change	AAGR (study period)	AAGR (1970-2000)	Notes
Albany	47,470	2005	2025	20	43,400	57,030	13,630	1.40%	2.70%	This population and study date is for the housing portion only. The employment study period is 2007-2027
Aumsville	3,300	1995	2015	20	2,285	4,127	1,842	3.00%	5.42%	
Burns/Hines UGB Analysis	3020/1825	2000	2020	20	3088/1506	3484/1548	396/42		-0.24%	1970-2000 AAGR is for Burns only
Hines									0.48%	1970-2000 AAGR is for Hines only
Coburg	1,070	2000	2025	25	969	3,327	2,358	5.40%	1.02%	
Columbia City	1,955	2000	2020	20	1,735	3,100	1,365		3.58%	
Corvallis	54,890	1996	2020	24	49,275	61,029	11,754		1.14%	
Cottage Grove	9,345	2000	2025	25	8,890	12,500	3,610	1.37%	1.14%	
Gervais	2,250	2000	2025	25	2,009	3,725	1,716	2.50%	3.30%	
Harrisburg	3,400	1998	2017	19	2,535	3,640	1,105		2.52%	
Hermiston	15,780	2003	2023	20	13,819	19,656	5,837	1.80%	3.30%	While the title of the table indicates the study dates are 2003-2023, the column titles indicate the beginning population is the 2004 est., to 2024
Independence	7,905	1999	2020	21	6,195	9,559	3,364		2.81%	
La Grande	12,850	2000	2020	20	14,015	15,144	1,129		0.82%	
Lakeview	2,730	1998	2020	22	7,400	8,615	1,215		-0.30%	
Lebanon	14,705	2003	2025	22	13,140	19,597	6,457	1.80%	2.23%	
Madras	6,585	2007	2027	20	6,013	13,451	7,438	4.10%	3.67%	pi, Table 4-4, p4-8 has start pop at 6,107
Monmouth	9,335	1999			8,310	15,117	6,807	3.03%	1.30%	
Mt. Angel	3,755	1995	2015	20	3,010	4,127	1,117	1.59%	1.53%	
Newberg Amend 1, 2001	21,675	2000	2020	20	18,220	38,312	20,092	3.60%	3.40%	
Newberg Amend 2, 2006	21,675	2005	2025	20	21,152	38,352	17,200	3.03%	3.40%	
Newberg	21,675	2000	2040	40	18,064	53,000	34,936	2.73%	3.40%	Population forecasts are for 2000-2040, but the study looks at needs from 2005 to 2040
Ontario	11,325	2006	2026	20	11,425	15,692	4,267	1.50%	1.74%	
Pendleton	17,260	1998	2020	22	16,970	24,026	7,056	1.59%	0.71%	
Philomath	4,530	1997	2020	23	3,380	4,844	1,464		2.74%	
Prineville	10,190	2003	2023	20	11,600	21,778	10,178		1.95%	
Redmond	24,805	2003	2025	22	17,645	45,724	28,079	4.42%	4.29%	
Richland	150	1995	2020	25	180	300	120		0.33%	
Rockaway Beach	1,360	2007	2027	20	1,394	1,709	315	1.02%	2.15%	
Spray	160	2000	2020	20	188	248	60		-0.47%	
Warrenton	4,645	2006	2027	21	4,503	6,481	1,978	1.80%	2.69%	

Source: 2007 population from PSU Population Research Center, March 2008 estimates; 1970-2000 AAGR calculated by DLCD from data provided by PSU Population Research Center. All other data is compiled by DLCD from documents listed in Table 1.

Housing mix

Table 4 shows the housing mix proposed for each case (if it was provided).

Table 4. Housing mix of case studies

Jurisdiction	Beginning population	Proposed SF	Proposed MF	Proposed Manufactured/mobile home park	Notes
Cities between 10,000-50,000: Range		47%-80%	20%-50%	4%-23%	
Corvallis	49,275	50%	50%		
Albany	43,400	47%	48%	4%	
Newberg Amend 2, 2006	21,152				Proposed housing mix: LDR: 47% MDR: 27% HDR: 25%
Newberg Amend 1, 2001	18,220				Med den: 32%;
Newberg, Other	18,064	57%	38%	4%	
Redmond	17,645	75%	25%		
Pendleton	16,970	60%	30%	10%	
La Grande	14,015	54%	23%	23%	
Hermiston	13,819				
Lebanon	13,140	BL: 80%, A: 70%	BL: 20%, A: 30%		BL: Baseline, A: Alternative
Prineville	11,600				
Ontario	11,425	76%	24%		
Cities between 2,500-9,999: Range		46%-75%	10%-37%	5%-18%	
Cottage Grove	8,890	70%	25%	5%	
Monmouth	8,310	57%	37%	6%	
Lakeview	7,400	75%	10%	15%	
Independence	6,195	46%	37%	18%	
Madras	6,013	75%	25%		
Burns/Hines UGB Analysis	3088/1506 (4594)				
Warrenton	4,503	61%	26%	14%	
Philomath	3,380				
Mt. Angel	3,010	70%	30%		
Harrisburg	2,535	75%	22%	4%	Numbers don't equal 100% due to rounding
Cities between 100-2,499: Range		65%-80%	13%-25%	7%-10%	
Aumsville	2,285	65%	25%	10%	
Gervais	2,009	79%	13%	8%	
Columbia City	1,735	76%	17%	7%	
Rockaway Beach	1,394	80%	20%		
Coburg	969	75%	25%		
Spray	188				
Richland	180				

Source: Department of Land Conservation and Development, 2008.

Density

Cities presented a wide range of gross or net densities, for existing land supply and for proposed land need, as shown in Table 5. Cities did not always indicate whether the acreage for this data was in gross or net (in such cases, data are shown in the gross column in Table 5, but are in gray text.). Surprisingly, average net densities tended to

increase as population size got smaller. Given the very small sample of all cities, I would caution readers from drawing definitive conclusions from this finding.

Table 5. Density of case studies, by city and beginning population of the study period

Jurisdiction	Beginning population	Existing GROSS res. density (du/ac)	Existing NET res. density (du/ac)	Proposed GROSS res. density (du/ac)	Proposed NET res. density (du/ac)
Cities between 10,000-50,000: Average net density					5.94
Corvallis	49,275			5.40	7.00
Albany	43,400	3.97			4.68
Newberg Amend 2, 2006	21,152	4.40 LDR: SF Detached 9.00 MDR: Duplexes 16.50 HDR: 2-story aparts.			
Newberg Amend 1, 2001	18,220			LDR: 4.00 MDR: 6.00 MDR/MH: 7.00 HDR: 15.00	
Newberg, Other	18,064	5.21		6.27	
Redmond	17,645		5.10	5.90	7.50
Pendleton	16,970				6.18
La Grande	14,015	6.00 (median, not average)			5.08
Hermiston	13,819	SF Detached: 4.2 SF Attached: 7.2 Manufactured: 7.3 MF: 15.3		SF Detached: 4.2 SF Attached: 7.2 Manufactured: 7.3 MF: 15.3	
Lebanon	13,140		5.92 du/ac for low density residential zone and 7.27 du/ac for mixed density residential zone	5.50	7.10
Prineville	11,600				5.00
Ontario	11,425		4.30	3.90	5.00
Cities between 2,500-9,999: Average net density					6.86
Cottage Grove	8,890	6.40		Gen. Res.: 4.7 MD Res.:10.4 HD Res.12.7	
Monmouth	8,310				7.70
Lakeview	7,400				
Independence	6,195				6.97
Madras	6,013		3.00	4.50	5.90
Burns/Hines UGB Analysis	3088/1506 (4594)				
Warrenton	4,503				
Philomath	3,380				
Mt. Angel	3,010			SF: 4.64 du/ac MF: 9.00 du/ac	
Harrisburg	2,535	SF: 2.27 MF: 16.02			SF = 6.00 du/net acre MF =17.00 du/net acre
Cities between 100-2,499: Average net density					7.07
Aumsville	2,285	SF: 4.44 units/acre MF: 7.96 units/acre Mobile Homes: 6/04 units/acre		5.15	
Gervais	2,009			7.37	
Columbia City	1,735			4.50	5.40
Rockaway Beach	1,394		7.60	6.80	8.80
Coburg	969		3.9		7.00
Spray	188				
Richland	180			3.00	

Source: Department of Land Conservation and Development, 2008.

Note: Documentation that did not indicate if acres were gross or net are shown in gray. They are not included in average net density calculations.

Infill and redevelopment assumptions

Table 6 shows residential and employment infill and redevelopment assumptions for each case (those with no data are shown, but the last two columns are blank). Most of the documents that defined “redevelopable land” correlated it to an improvement-to-land-ratio of less than 1:1. Two cases stated that the improvement value must be approximately one-third of the land value (Cottage Grove and Hermiston) to be considered redevelopable. Three other cases (Gervais, Independence, and Monmouth) indicated that there must be a minimum improvement value (\$5000) to be considered redevelopable. Only three cases (Madras, Redmond, and Monmouth) indicated that zoning should be changed to allow for higher densities before land could be considered redevelopable (i.e., maintaining the current zoning would result in the replacement of dwellings but would not provide an increased supply). Only Mt. Angel, a relatively small city, evaluated redevelopment potential on a site-by-site basis.

Table 6. Case study residential infill and redevelopment assumptions

Jurisdiction	Beginning population	Residential infill and redevelopment assumptions	Employment infill and redevelopment assumptions
			<ul style="list-style-type: none"> • Typical refill (infill and redevelopment) deductions range from 10% in small cities to 30% or more for larger areas. For example, Portland Metro estimated refill at around 40% for 1996 and 1997 in a small empirical study they conducted. The 2000 Economic Opportunities analysis assumed a refill rate of about 10%. However, because the current Buildable Lands Inventory already accounted for infill and redevelopment, we assumed 0%. • Redevelopable (developed, but likely to be redeveloped in the next 20 years). Land with an improvement value of less than \$100,000 and a size of at least 0.5 acres was considered redevelopable.
Albany	43,400		
Aumsville	2,285		
Burns/Hines UGB Analysis	3088/1506 (4594)		

Jurisdiction	Beginning population	Residential infill and redevelopment assumptions	Employment infill and redevelopment assumptions
Coburg	969	<p>A ratio of less than 1:1 is a typical, but arbitrary, standard for identifying lands with redevelopment potential. Lots 14,000 square feet or larger were assumed to have infill potential. The data in (Table 3-6) only address infill through the partitioning of lots. Not all of these lots will be partitionable lots, however. The building footprint will preclude portioning of many of the lots. Moreover, landowner willingness will be a factor. Note: The City could choose to adopt other policies, such as accessory dwelling units, that would increase the density and number of dwelling units in developed residential areas of Coburg.</p>	
Columbia City	1,735		
Corvallis	49,275	<p>Redevelopment Potential means all commercial multi-family residential District Designation RS 12 or RS 20 or industrial parcels any of which is greater than 0.1 acres and have land values greater than improvement values and are not already classified as vacant or partially vacant. Not all or even a majority of parcels that meet these criteria for redevelopment potential will be assumed to redevelop during the planning period. We assumed that 25% of land with improvement to land value ratios of less than 1:1 would redevelop during the 20-year planning period.</p>	

Jurisdiction	Beginning population	Residential infill and redevelopment assumptions	Employment infill and redevelopment assumptions
Cottage Grove	8,890	<p>City staff inventoried potential infill development properties by searching the Lane County Regional Land Information Database (RLID) for properties that had enough acreage to allow additional development on the property. They were checked against 1997 aerial photos to determine if the location of existing buildings on the property would allow for additional development.</p> <p>Properties inventoried for redevelopment potential was determined by the value of the existing structure being less than 1/3 of the total property value. City staff used RLID to determine redevelopment potential for property in Cottage Grove's UGB. The 1/3 ratio is suggested by the Planning for Residential Growth, A Workbook for Oregon's Urban Areas handbook, a publication by the Oregon Department of Land Conservation and Development.</p>	
Gervais	2,009	<p>Redevelopable land includes parcels in all zones where some limited improvements have been made, but where potential for redevelopment for more intense uses is high. For the purpose of this analysis, redevelopable land is defined as parcels in all zones with improvement values of less than \$5,000 where the ratio of land value to improvement value is 1:1 or greater. For larger residential parcels, this land may instead be classified as partially vacant. The area of redevelopable parcels is added to the amount of gross buildable land.</p>	<p>Redevelopable (employment) land is defined as parcels with improvement values of at least \$5,000 (based on Marion County Assessor records), where the ratio of land value to improvement value is 1:1 or greater. This analysis does not distinguish between vacant or redevelopable land in determining where new employment will occur. The analysis assumes that 85 percent of employment growth occurs on land that is either vacant or redevelopable. (The remaining 15 percent consists of employees working at home or new employment on existing developed land.)</p>

Jurisdiction	Beginning population	Residential infill and redevelopment assumptions	Employment infill and redevelopment assumptions
Harrisburg	2,535	<p>Redevelopable Land: parcels not classified as partially vacant and with land values greater than the improvement values are more likely to be redeveloped provided the parcels are located in areas where redevelopment is likely to occur, and to a more intensive use. For example, an older single-family residence valued less than the land it was situated on and located in an area zoned for more intensive use has the potential for redevelopment. We identified redevelopable parcels using a combination of the above criteria, site visits, and a review of development patterns over the last five years.</p>	
Hermiston	13,819	<p>Parcels with an improvement to value ratio of less than 0.30, less land owned by government, churches and other constraints.</p>	<p>No description of a different methodology for Employment</p>
Independence	6,195	<p>Redevelopable land is defined as parcels in all zones with improvement values of at least \$5000 where the ratio of land value to improvement value is 1:1 or greater.</p>	
La Grande	14,015		
Lakeview	7,400		
Lebanon	13,140		<p>Redevelopable land. Land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses during the planning period. Redevelopable land includes lands designated for commercial and industrial uses with improvement to land value ratios of less than 1:1. Redevelopable land is a subset of developed land.</p>

Jurisdiction	Beginning population	Residential infill and redevelopment assumptions	Employment infill and redevelopment assumptions
Madras	6,013	(A) low improvement to land value ratio does not necessarily suggest redevelopment. In the context of a buildable lands inventory, the City is only interested in redevelopment that results in higher densities. For example, 111 of the 244 acres with improvement to land value ratios less than 1:1 are in the R-1 zone. While it is likely that some, perhaps many, of these low improvement value lots will redevelop, zoning will preclude development at higher densities. In short, what the City should expect on these parcels is replacement of substandard dwelling units, not increased densities.	
Monmouth	8,310	<ul style="list-style-type: none"> • Redevelopable land includes parcels in all zones where some limited improvements have been made, but where potential for redevelopment for more intense uses is high. For the purpose of this analysis, redevelopable land is defined as parcels in all zones with improvement values of at least \$5,000, where the ratio of land value to improvement value is 1:1 or greater. For residential parcels, this land may instead be classified as partially vacant. The area of redevelopable parcels is added to the amount of gross buildable land. 	Redevelopable land is defined as parcels with improvement values of at least \$5,000 (based on Polk County Assessor records), where the ratio of land value to improvement value is 1:1 or greater.
Mt. Angel	3,010	Determined redevelopable acres on a site-by-site basis. On site on an 18-acre site that current is a nursery. It has a low-density residential designation and could be redeveloped as SF. Possibility of redeveloping some SF housing that is on MF designated land to MF.	
Newberg Amend 1, 2001	18,220		
Newberg Amend 2, 2006	21,152		
Newberg, Other	18,064		
Ontario	11,425	Land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses during the planning period. Redevelopable land is a subset of developed land and was identified using improvement to land value ratios and City input.	

Jurisdiction	Beginning population	Residential infill and redevelopment assumptions	Employment infill and redevelopment assumptions
Pendleton	16,970	All developed lots between .5 and 1 acre in size with a total value of less than \$50,000 have a redevelopment potential. 50% of all lots with redevelopment potential are assumed to redevelop in the next 20 years. Note: land to improvement value ratios were not available	
Philomath	3,380		
Prineville	11,600		
Redmond	17,645	For residential lands, this study is interested only in those tax lots that would redevelop to higher densities. For example, a lot that is zoned high-density residential with a single-family dwelling may have redevelopment potential. ECO used improvement/land value ratios of less than 1:1 combined with zoning that would enable redevelopment to determine residential redevelopment potential.	For non-residential land, ECO used a demand side approach to assess redevelopment on commercial and industrial lands (e.g., we allocated a percentage of employment to commercial and industrial lands).
Richland	180		
Rockaway Beach	1,394		
Spray	188		
Warrenton	4,503	Redevelopable land includes developed land that may or may not contain a low value of improvements relative to the value of the land and may be economical to develop for more intensive or different uses.	

Source: Department of Land Conservation and Development, 2008.

Gross to net acreage assumptions

Table 7 lists the gross-to-net (or net-to-gross) acreage assumptions⁴ for each case. Six of the cases forecast different net-to-gross assumptions based on the type of dwelling unit (single-family, manufactured, condo/townhomes, or multi-family). The most common assumptions were:

⁴ Analysts generally calculate either gross buildable acres (land that has no constraints, such as wetlands, steep slopes, etc.) or net buildable acres when conducting a land inventory or a land need. The “gross” refers to the land for development plus that which is necessary for public facilities: roads, right-of-way, and sometimes schools and parks. The “net” subtracts the estimated land needed for facilities. A gross-to-net factor is often expressed as a percentage, generally between 10% and 30%, depending on which services are included in the factor. To calculate net-to-gross buildable acres, divide the net acres by (1-net to gross factor). To calculate the gross-to-net buildable acres, multiply the gross acres by (1-gross to net factor). For example, 1000 net acres/(1-.25 net to gross factor)=1,333.33 gross acres. 1333.33 gross acres/(1-.25 gross-to-net factor)=1000 net acres.

- Single-family detached: 25%
- Manufactured: 20%
- Condo/townhome: 15%
- Multi-family: 10%

ECONorthwest used the above assumptions (or slightly modified assumptions) in six of the seven reports it authored. Of the remaining reports that provided the gross-to-net acreage assumptions, four were descriptive and didn't provide the percent added. Of those, two did not account for additional acreage needed for future roads (the City of Newberg, Amend 2, except for the Dundee-Newberg Bypass, and the City of Hermiston). Six additional cases added 25% to 28% for public uses. These reports did not indicate if the gross-to-net additions were applied only to residential land, or residential and employment lands. The gross-to-net assumptions for employment uses, when included, were generally smaller than residential uses. The City of Independence used a 0% gross-to-net assumption and the City of Albany used a 10% assumption.

Table 7. Case study gross-to-net acreage assumptions

Jurisdiction	Beginning population	Gross-to-net assumptions
Corvallis	49,275	30% for SF 25% for MF
Albany	43,400	Housing: Net Density = Total # of Units/Net Project Area, which excludes land dedicated to streets, parks, open space or similar public use (often equivalent to the total area in residential lots) Employment: The final assumption is a net to gross factor. The EPA assumptions are employees per net acre (e.g., acres that are in tax lots). As land gets divided and developed, some of the land goes for right-of-way and other public uses. The net to gross factor varies by land use, but 10% is a reasonable assumption for employment lands based on existing development patterns in the Buildable Lands Inventory.
Newberg Amend 2, 2006	21,152	Physical constraints such as steep slopes (greater than 25%) and stream setbacks (25 feet on either side of a stream corridor) have been deducted from the parcel size. Thus, the buildable land inventory is based on buildable acres, not gross acres. This inventory also omits land located within the future right-of-way of the proposed Newberg-Dundee Bypass but not land for future local street rights-of-way.
Newberg Amend 1, 2001	18,220	
Newberg, Other	18,064	Net buildable vacant acres are calculated by subtracting land needed for future public facilities from the gross buildable acreage. For the purpose of this analysis, land needed for future facilities is defined as 25% of all non-public vacant land.
Redmond	17,645	SF Detached=25% Manufactured=20% Condo/Townhomes=15% Multi-family=10%
Pendleton	16,970	
La Grande	14,015	For the purpose of this analysis, land needed for future facilities is defined as 25% of all non-public vacant land.

Jurisdiction	Beginning population	Gross-to-net assumptions
Hermiston	13,819	To convert gross acres to net buildable acres, constrained land which is not likely to be available for residential development was removed from the inventory, including: 1. Environmentally constrained land: Wetlands, Steep slopes, Riparian areas, and Flood plains. 2. Land constrained by easements for BPA power lines and the many irrigation canals that run through the Hermiston UGB; 3. Land owned by government agencies (schools, city, and county) and churches; and 4. Expected encroachment for commercial development.
Lebanon	13,140	SF Detached=25% Manufactured=20% Condo/Townhomes=15% Multi-family=15%
Prineville	11,600	
Ontario	11,425	SF Detached=25% Manufactured=20% Condo/Townhomes=15% Multi-family=15%
Cottage Grove	8,890	Land must be set aside for public facilities, such as roads, schools, churches, and parks. In residential districts, a factor of 25% will be used to calculate the NET-NET buildable lands. In commercial and industrial lands, a factor of 20% will be used to calculate NET-NET buildable lands. <i>Note: One NET is taking out the constraints (wetlands, steep slopes, elevation, etc.)</i>
Monmouth	8,310	The analysis also includes an assessment of land that is not buildable due to physical constraints such as steep slopes, riparian buffers, floodways, and wetlands. These areas have been subtracted from the amount of gross acreage that is considered buildable. This analysis also assumes that 28% of the gross buildable land will be dedicated for use as public facilities (rights-of-way, parks, etc). This percentage has been subtracted from the gross amount of buildable land.
Lakeview	7,400	The BLI is a database that starts with gross vacant lands and subtracts land that is environmentally constrained, lots that are considered too small for development, and land needed for future public facilities, such as road right-of-way.
Independence	6,195	A review of the six subdivisions platted in Independence since the city's last periodic review of the comp Plan in 1987 shows that, on average, 27% of gross land area has been dedicated for public facilities. This analysis assumes that 27% of the gross buildable residential land will be dedicated for use as public facilities. Commercial and industrial lands are typically developed along existing transportation facilities and do not require subdivision. Consequently, the dedication of public rights-of-way for streets or other public utilities is not often associated with commercial and industrial development. For this reason, we do not subtract any area for dedication of future public facilities from the amount of gross buildable commercial or industrial land. <i>Note: Includes parks</i>
Madras	6,013	SF Detached=25% Manufactured=25% Condo/Townhomes=15% Multi-family=15%

Jurisdiction	Beginning population	Gross-to-net assumptions
Burns/Hines UGB Analysis	3088/1506 (4594)	It should be noted, the Buildable Lands Inventory acreages prepared by the County differ by a factor of approximately 15 percent less than the acreages presented in this report, due primarily to differing methodologies of determining the total acreages. The information presented in this report is calculated from a computer base map and includes roads, streets and other public rights-of-way factors. The Buildable Lands Inventory conducted by Harney County is a tabulation of the Assessor lot size determinations, which are generally net acres.
Warrenton	4,503	Deducted 25% of buildable acreage for lots one acre or greater to account for infrastructure.
Philomath	3,380	
Mt. Angel	3,010	One reference to a 25% net to gross assumption
Harrisburg	2,535	We used the ratio of net acres to gross acres from actual subdivision construction from January of 1992 through March of 1998 to convert gross acres to net acres. On average 25% of lands in subdivisions were dedicated to roads and rights-of-way. During this time subdivision development occurred at 93.6% of maximum allowable density.
Aumsville	2,285	
Gervais	2,009	For vacant or partially vacant parcels larger than one acre, this analysis also assumes that 25% of the gross buildable residential land will be dedicated for use as public facilities (rights-of-way, parks, etc). This percentage has been subtracted from the gross amount of buildable residential land.
Columbia City	1,735	R1=20% R2=18% R3 SF=17% R3 MF=15% MHP=10%
Rockaway Beach	1,394	SF Detached=25% SF Manufactured=20% MF Condo/Town=15% MF=10%
Coburg	969	The acreages are based on the net density assumptions shown in Table 4-12 and a net-to-gross factor of 25% for single-family, 20% for condos/townhomes, 15% for manufactured, and 10% for multifamily.
Spray	188	
Richland	180	

Source: Department of Land Conservation and Development, 2008.

Total needed land to population change ratio

Table 8 shows the percent of total needed land in residential and employment uses, and the ratio between total needed land and population change. I only included total needed acreage when the documents provided acreage for residential **and** employment. Some reports (primarily the ECONorthwest reports) also reported a need for public or semi-public land. This land need is included in the total needed land in Table 8. Approximately 54% of needed land is residential, 44% is employment (the remaining 2% is needed land for other purposes, such as schools, parks, or other public services that calculated these uses separately). The total percent of land for residential uses increased, and the percent for employment decreased, as population size decreased.

Table 8. Case study percent of land needed for residential and employment uses and ratio of land need to population change

Jurisdiction	Beginning population	Total needed land (gross) res., emp. & other)	Total needed land (gross) (res.)	% res. of total need	Total needed land (gross) (emp)	% emp of total need	Population change	Ratio needed land to pop. change (acre/person)
Average ratio for all cities								
Cities between 10,000-50,000: Average percent and ratio				54%		44%		0.22
Corvallis	49,275	2131.00	944.00	44%	1187.00	56%	11,754	0.18
Albany	43,400				720.00		13,630	
Newberg Amend 2, 2006	21,152		874.00				17,200	
Newberg Amend 1, 2001	18,220		1636.00				20,092	
Newberg, Other	18,064						34,936	
Redmond	17,645	3803.00	2354.30	62%	1448.70	38%	28,079	0.14
Pendleton	16,970	1016.40	689.60	68%	326.80	32%	7,056	0.14
La Grande	14,015	195.88	131.88	67%	64.00	33%	1,129	0.17
Hermiston	13,819						5,837	
Lebanon	13,140	1121.20	468.50	42%	532.10	47%	6,457	0.17
Prineville	11,600	1693.37	945.60	56%	747.77	44%	10,178	0.17
Ontario	11,425	1419.00	593.40	42%	825.60	58%	4,267	0.33
Cities between 2,500 - 9,999: Average percent and ratio				69%		27%		0.12
Cottage Grove	8,890	395.47	263.36	67%	132.11	33%	3,610	0.11
Monmouth	8,310				444.00		6,807	
Lakeview	7,400		43.00		48.99		1,215	
Independence	6,195	312.42	203.09	65%	109.33	35%	3,364	0.09
Madras	6,013	1504.80	635.80	42%	510.70	34%	7,438	0.20
Burns/Hines UGB Analysis	3088/1506 (4594)						396/42	
Warrenton	4,503	274.10	188.30	69%	85.80	31%	1,978	0.14
Philomath	3,380	145.20	115.90	80%	29.30	20%	1,464	0.10
Mt. Angel	3,010	90.00	80.00	89%	10.00	11%	1,117	0.08
Harrisburg	2,535						1,105	
Cities between 100-2,499: Average percent and ratio				70%		18%		0.42
Aumsville	2,285	414.25	128.00	31%	281.00	68%	1,842	0.22
Gervais	2,009		48.17				1,716	
Columbia City	1,735		111.80				1,365	
Rockaway Beach	1,394	91.60	81.40	89%	8.20	9%	315	0.29
Coburg	969	327.50	167.90	51%	106.60	33%	2,358	0.14
Spray	188	49.15	34.00	69%	5.65	11%	60	0.82
Richland	180	50.38					120	0.42

Source: Department of Land Conservation and Development, 2008.

Note: The total needed land for Lebanon, Madras, and Coburg includes 120, 348.3, and 53 acres, respectively, of additional land for public services (such as parks, schools, etc.)

Note: The average ratio for cities between 100-2,499 and the average for all cities does not included Aumsville, as gross or net acreage was not identified.

TO: LCDC

FROM: ANGELA LAZAREAN, DLCD

SUBJECT: HOUSING DENSITY & MIX RESEARCH

DATE: NOVEMBER 21, 2008

MIX AND DENSITY

The purpose of this study is to refine key data (housing mix and densities prepared by Becky Steckler) used by cities to inventory buildable land and analyze land need for the purpose of evaluating and, if necessary, expanding an urban growth boundary. This information is intended to inform the UGB workgroup of the range of factors considered by cities, as the workgroup works on its recommendations to LCDC on a series of UGB “safe harbors” to streamline future UGB analyses.

Table 1: Incremental Density Safe Harbor

Jurisdiction	Population	Existing SF DU/Acre	Existing MF DU/Acre	EAvg DU/Acre	Proposed SF DU/Acre	Proposed MF DU/Acre	PAvg DU/Acre	Notes (distinguish between net#/gross* acres)	Increase/Decrease (Formula PAVG-EAVG/EAVG)
Cities between 25,000-50,000				7.95			8.25		3.70%
Corvallis	49,275	6*	10*	8	5#	15#	7.5#		-1.30%
Albany	43,400	4	15.3*	9.7*	4.5*	11.3*	7.9*		-18.00%
McMinville	31,665			6.15	3.9	14.8	9.35	*88-00: 5.9 *00-02: 6.4	53.00%
Cities between 10,000-24,999				6.53			6.9		5.60%
Newberg	21,152	4.4	12	8	5	15	10		25.00%
Woodburn	22,875			7.3			7.8		6.80%
Redmond	17,645			5.1#			7.5#		47.00%
Pendleton	16,970				5.45#	9.0#	6.18#	5.45 units for SF & Manuf.	

La Grande	14,015			6			5.08#		-15.00%
Hermiston	13,819	5.7	11.3	8.5		5.7	11.3	8.5	0.00%
Lebanon	13,140	5.92#	7.27#	6.51#				7.10#	9.00%
Prineville	11,600			called				5.0#	
Ontario	11,425			4.3#				5.0#	16.00%
Cities between 2,500-9,999				5.5				7.38	34%
Cottage Grove	8,890	6.4	6.4	6.4	4.7*	11.5*	8*		25.00%
Monmouth	8,310			4.6	6.1#	8.5#	7.7#		67.00%
Lakeview	7,400					5.8	12	8.9	
Independence	6,195	4.84#	9.94#	7.93#	5.5#	8.9#		7.0#	MFD parks 7.9 -12.00%
Madras	6,013			3.0#				5.9#	96.00%
Burns/Hines	3088/1,506								
Warrenton	4,503								
Philomath	3,380								
Mt. Angel	3,010				4.64*	9.0*	6.82*		
Harrisburg	2,535	2.27*	16.02*	9.14*	6.0#	17.0#	11.5#		25.80%
Cities 2,499 and under				5.74				6.56	14.00%
Aumsville	2,285	4.44*	7*	5.72*			5.15*		-9.90%
Gervais	2,009						7.37*		
Columbia City	1,735						4.50*		
Rockaway									
Beach	1,394			7.60#			8.80#		15.70%
Coburg	969			3.9#			7.0#		79.00%

This safe harbor allows a city to assume that residential development over the forecast 20-year planning period would be 25% higher than the density of developed residential land in the UGB in the urban area for developed residential land at the time the local government initiated the evaluation or amendment of its UGB. The table above indicates with highlight the three cities that have planned at 25%; Newberg, Cottage Grove, and Harrisburg. Several others have exceeded that percentage (5 of them) or fell below (8 of them).

Table 2: Incremental Housing Mix Safe Harbor

Jurisdiction	Population	Existing SF	Existing MF	15% of increase over existing MF	Existing MFD (*Parks)	Proposed SF	Proposed MF	Existing MFD (*Parks)	Difference
Cities between 25,000-50,000	50/50	58%	31%		10%	59%	33%	12%	
Corvallis	49,275	53.6%	42.9%	6.3%	3.5%	50%	50%		(-3.6%SF) (+7.1%MF)
Albany	43,400	63.0%	29.1%	4.4%	8%	68.3%	26.9%	4.8%	(-15%SF) (+14%MF) (-3.8 MFD)
McMinville	31,665	58%	22%	3.3%	20%	58%	22%	20%	Same
Cities between 10,000-24,999	60/40	65.4%	22.6%		11.7%	58.6%	29.4%	13.6%	
Newberg	21,152	68.0%	21.0%	3.2%	11.0%	57.0%	38.5%	4.0%	(-11%SF) (+17.5% MF) (-7%MFD)
Redmond	17,645	67.0%	24.0%	3.6%	8%*	50.0%	40.0%	10.0%	(+17%SF) (+16%MF) (+2%MFD)
Pendleton	16,970	64.3%	28.6%	4.3%	7.1%	60.0%	30.0%	10.0%	(-4.3%SF) (+1.4%MF) (+2.9% MFD)
La Grande	14,015	77.7%	15.7%	2.4%	6.6%	54.0%	22.8%	23.2%	(-23.7%SF) (+7.1%MF) (+16.6% MFD)
Hermiston	13,819	66.0%	15.0%	2.3%	18.0%	73.0%	14.0%	13.0%	(+7%SF) (-1%MF) (-5%MFD)

Lebanon	13,140	71.0%	21.0%	3.2%	8.0%	55.0%	20.0%	25.0%	(-16%SF) (-1%MF) (+17% MFD)
Prineville	11,600	68.4%	20.2%	3.0%	11.4%				
Ontario	11,425	62.0%	27.0%	4.1%	11.0%	70.0%	30.0%		(+8%SF) (+3%MF)
Woodburn	22,875	44.0%	31.0%	4.7%	24.0%	50.0%	40.0%	10.0%	(+6%SF) (+9%MF) (-14%MFD)
Cities between 2,500-9,999	65/35	64.7%	25.0%		11.2%	65.2%	26.8%	9.3%	
Cottage Grove	8,890	50.0%	43.6%	6.5%	6.4%*	70.0%	25.0%	5%*	(+20% SF) (-18.6%MF) (-1.4% MFD)
Monmouth	8,310	56.0%	37.0%	5.6%	7%*	56.8%	36.8%	6.4%*	(+.8%SF) (-.2%MF) (-.6% MFD)
Lakeview	7,400	79.3%	12.4%	1.9%	8.4%*	75.0%	10.0%	15%*	(-4.3%SF) (+4.2%MF)
Independence	6,195	60.0%	22.0%	3.3%	18%*	45.9%	36.6%	17.5%*	(-14%SF) (+15%MF)
Madras	6,013	49.3%	31.5%	4.7%	19.2%	68.0%	25.0%	7.0%	(+28.4%SF) (-25.8%MF)
Burns	3,088	63.2%	17.3%	2.6%	19.5%				
Hines	1,506	83.4%	16.6%	2.5%	8.1%				
Warrenton 2006 Data	4,503	65.8%	20.5%	3.1%	13.8%*	60.5%	26.0%	14%*	(-5.3%SF) (+5.5%MF) (+.2% MFD)
Philomath	3,380	69.0%	31.1%	4.7%					
Mt. Angel	3,010	60.8%	21.5%	3.2%	7.5%	70.0%	30.0%	0.0%	(+9.2%SF)
Harrisburg	2,535	74.5%	21.5%	3.2%	4.0%	75.0%	25.0%		Same
Cities 2,499 and under	70/30	78.6%	8.9%		10.3%	68.6%	19.9%	11.5%	

Aumsville	2,285	67.9%	7.3%	1.1%	24.8%*	65.0%	25.0%	10%*	(+2.9%SF) (-17.7%MF) (+14.8% MFDP)
Gervais	2,009	96.0%	4.0%	0.6%		78.9%	12.6%	8.4%	(+3.2%SF) (-3.2%MF)
Columbia City	1,735	76.0%	7.0%	1.1%	17%*	76.0%	17.0%	7.0%	(+10%MF) (-10%MFDP)
Rockaway Beach	1,394	73.0%	18.0%	2.7%	9.0%	60.0%	20.0%	20.0%	(-13%SF) (+2%MF) (+11%MFD)
Coburg	969	80.2%	8.3%	1.2%	11.5%	63.0%	25.0%	12.0%	(-17.2%SF) (+16.7%MF) (+5%) MFD

Table 2, under this safe harbor, a local government must determine the existing housing the percentages of both attached housing and single family detached housing on developed land in the UGB at the time the amendment of the UGB is initiated. The local government must then plan and zone to authorize a 15% increase in the percentage of attached housing allowed, for all buildable residential land in the UGB for the 20-year planning period (and a decrease in the percentage of detached single family housing by 15%). There are several cities from our research that indicate 15% increment over multi-family is within reason and even exceeds it. The following cities hit the mark with the 15% increment; Albany, Newberg, Redmond, Independence and Coburg. It's also worthy to note the ones that were close behind, Corvallis 7.1% La Grande 7.1%, Woodburn 9%, and Columbia City 10%.

The workgroup did not agree on the methodology for determining this 15% increase and requested a 15% of increase. Tables 3&4 below look at the methodologies side by side, 15% of increase and 15 % increment. The 15% of methodology will produce significantly different results in the amount of attached housing allowed. This would not be a "conservative" safe harbor; it would instead allow cities to be acknowledged with very minor increases in the amount of attached housing allowed. As such, it would probably not be consistent with Goal 10.

Table 3: Workgroup Proposal 15% of increase

Population: 2,499 under			2,500 – 9,999			10,000 – 24,999			25,000 – 50,000		
City	15%-of Existing	Actual% increase	City	15%-of Existing MF	Actual% increase	City	15%-of Existing	Actual% increase	City	15%-of Existing	Actual% increase
Aumsville	1.1%	240%	Independenc	3.3%	68.5%	Newberg	3.2%	80%	Corvallis	6.3%	16%
Gervais	0.6%	115%	Warrenton	3.1%	25%	Redmond	3.6%	68%			
Columbia City	1.1%	140%	Mt. Angel	3.2%	40%	La Grande	2.4%	45%			
Rockaway Beach	2.7%	15%				Ontario	4.1%	14%			
Coburg	1.2%	200%				Woodburn	4.7%	30%			

Table 4: Department Proposal

Population: 2,499 under			2,500 – 9,999			10,000 – 24,999			25,000 – 50,000		
City	15%-over Existing	Actual% increase	City	15%-over Existing MF	Actual% increase	City	15%-over Existing	Actual% increase	City	15%-over Existing	Actual% increase
Aumsville	15%	17.7%	Independenc	15%	15%	Newberg	15%	17.5%	Corvallis	15%	7.1%
Gervais	15%	8.6%	Warrenton	15%	5.5%	Redmond	15%	16%			
Columbia City	15%	10%	Mt. Angel	15%	8.5%	La Grande	15%	7.1%			
Rockaway Beach	15%	16.7%				Ontario	15%	3.0%			
Coburg	15%					Woodburn	15%	9.0%			

These tables document that just simply increasing by 15% of existing multi-family is too low when compared to actual increases. This methodology indicates that harm could come out of such a low safe-harbor. The department proposal, adding 15% over the entire mix does bring you closer to reality.

TO: LCDC

FROM: ANGELA LAZAREAN, URBAN PLANNER DLCD

SUBJECT: SAFE HARBOR CASE STUDIES FOR HOUSING DENSITY & MIX

DATE: FEBRUARY 24, 2009

MIX AND DENSITY

The purpose of these safe harbor tests was intended to inform the work group on considering and evaluating ideas for new safe harbors. The group agreed that benchmarks for safe harbors regarding housing density and mix should be based on research as to previous efforts by cities to determine housing mix and density. Cities amending a UGB have, in all previous cases (due to state requirements), studied and made assumptions about the long term need for particular housing densities and mix of housing types. The groups agreed the department should try and determine whether cities with similar populations reached similar conclusions about needed housing density and mix, or whether there were other identifiable trends in past and recent acknowledgements of UGBs regarding housing density and mix. If a representative sample of local government findings on these topics tend to cluster, either based on city size or other parameters, it would be reasonable to conclude that in the future cities would probably continue to reach or trend toward these same conclusions. If so, safe harbors based on these trends would reflect a “likely scenario” for cities projecting such needs in the future.

This exercise compares the densities and mixes obtained using the proposed safe harbors with the actual densities and mixes in the cities’ UGB amendments. The three cities we used as case studies and described in detail in the following order are:

- A. Hubbard: 20-year population is in the 2,501-10,000 range
- B. Ontario: 20-year population is in the 10,001-25,000 range
- C. Redmond: 20-year population is more than 25,000.

Each of these cities provided residential UGB amendment data to the department. Ontario and Redmond adopted UGB amendments, and Hubbard submitted a 45-day post-acknowledgment plan amendment notice but has not yet adopted the UGB proposal.

Hubbard Safe Harbor Test

Projected Population:
 4,632 (2029)

UGB Avg after Expansion: 8 dwelling units per Net Acre

*Calculated from Overall densities

Standard Density Safe Harbor

Existing Density:
 LDR = 4 DUA*
 MDR = 7 DUA*
 HDR = 7 DUA*
 *Current built densities are not expressed in Gross or Net acres

Proposed Max Density:
 LDR = 6 DUGA*
 MDR = 8 DUGA*
 HDR = 12 DUGA*
 *Dwelling Units per Gross Acre

4.1(R1)
 6.8 (R2,R3)

Overall Densities to achieve
 SF = 6 DUNA*
 MF = 10 DUNA*
 *Dwelling Units per Net Acre

A. Coordinated 20-Year Population Forecast	B. Density Safe Harbor (Numbers are in Dwelling Units per net buildable acre)	C. Mix Safe Harbor (Percentage that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
Less than 2,500	<ul style="list-style-type: none"> Required Overall Minimum: 3 Assume for UGB analysis: 4 Zone to Allow: 6 	70%	20%	10%
2,501 – 10,000	<ul style="list-style-type: none"> Required Overall Minimum: 4 Assume for UGB analysis: 6 Zone to Allow: 8 	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> Required Overall Minimum: 5 Assume for UGB analysis: 7 Zone to Allow: 9 	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> Required Overall Minimum: 6 Assume for UGB analysis: 8 Zone to Allow: 10 	50%	25%	25%

All 3 residential designations are presented as maximum densities; they don't meet the Required Overall Minimum of 4 DU/NBA with all minimum densities being 0. They exceed the Assume for UGB Analysis of 6 DU/NBA by 2 units by intending to adopt policies to achieve 8 dwelling units per net acre.

Since Hubbard's plan designations are expressed as maximum gross densities, we used the OAR 660-024-0040 (9) safe harbor to deduct 25% for infrastructure, schools and parks. The conversion from gross acres to net acres for maximum densities was calculated as follows.

For LDR -> 25% of 6 units per gross acre = 1.5; 1.5 + 6 = 7.5 units per net acre

For MDR -> 25% of 8 units per gross acre = 2.0; 2.0 + 8 = 10 units per net acre
 For HDR -> 25% of 12 units per gross acre = 3.0; 3.0 + 12 = 15 units per net acre
 Average maximum density = 7.5 + 10 + 15 = 32.5 / 3 = 10.8 units per net acre

Assuming that Hubbard's net densities would be as calculated, the city exceeds the Zone to Allow density of 8 by 2.8 units per net acre.

Alternative Safe Harbor for Density: average overall density of buildable residential land in the urban area for the 20-year planning period will increase by 25 percent over the average overall density of developed residential land in the urban area

Existing current built densities are identified as gross units per acre: 4.1 (R1) and 6.8 (R-2 & R-3) $4.1+6.8 = 10.9 / 2 = 5.45$ average units per gross acre. As with the standard density safe harbor, we deducted 25% to convert gross density to net density:

$0.25 \times 5.45 = 1.36$ -> $5.45 + 1.36 = 6.81$ average units per net acre

Hubbard would have to increase its average overall density by 1.36 units to satisfy the requirement of the alternative bringing them to an overall density of 6.81. Hubbard exceeds this safe harbor by 1.19 units per net acre by planning to achieve an average of 8 dwelling units per net acre in the 20 year planning period.

Standard Mix Safe Harbor

Existing Mix: SF = 60% MF = 40%	Proposed Mix: SF = 72.5% MF = 27.5%
--	--

Since Hubbard's plan designations (LDR, MDR and HDR) are expressed in different terms than their housing mix (SF and MF), we assume the following in applying the standard mix safe harbor:

LDR is the 72% Single family detached homes.

MDR & HDR combined is the 27.5% attached single family & multifamily housing.

Based on these assumptions, Hubbard's proposed mix exceeds the Low Density Residential safe harbor of 60% by 12.5%, and is below the Medium and High Density Residential safe harbor combined by 12.5%.

Alternative Safe Harbors for Mix: increase the percentage of attached housing by 15% (10% for MDR, 5% for HDR) and decrease the percentage of detached single family housing by a proportionate amount so that the overall mix total is 100%.

Existing Single Family Mix of 60% detached is equivalent to LDR	Existing Multifamily Mix of 40% Attached is equivalent to MDR + HDR
---	---

$60\% - 15\% = 45\%$	$40\% + 15\% = 55\%$
----------------------	----------------------

Hubbard's mix using the Alternative Safe Harbor is 45% detached and 55% attached. The City's proposed mix of 72.5% single family and 27.5% multi-family exceeds the safe harbor for detached housing by 27.5% and falls short of the safe harbor for attached housing by 27.5%

Summary

Standard Density: Hubbard doesn't come near the Required Overall Minimum because their residential zones don't have minimum densities. They exceed the Assume for UGB Analysis and the Zone to Allow safe harbors by 2 units per net acre and 2.8 units, respectively. .

Alternate Density: Hubbard exceeds this safe harbor by 1.19 units per acre by planning to achieve an average of 8 dwelling units per net acre; an increase of almost 50% over their existing overall density.

Standard Mix: Hubbard does not meet this safe harbor; they exceed Low Density Residential by 12.5 % and fall below on Medium and High Density Residential by 12.5%.

Alternate Mix: Hubbard proposes detached housing at 27.5 % higher than the alternate safe harbor and attached housing at 27.5% below the alternate safe harbor.

Ontario Safe Harbor Test

**Projected
 Population: 15,692 (2025)**

Overall Avg for UGB after expansion = 5.0 DUNA

Standard Density Safe Harbor

Existing Density :

- LDR = 4.0
- MDR = 9.5
- HDR = 9.9
- PD = 3.2

Proposed Density:

- SFD = 4.2 DUNA + MFD = 5.5 DUNA AVG = 4.85
- MF Condos/Townhomes = 8.0 DUNA
- MF = 12.0 DUNA

A. Coordinated 20-Year Population Forecast	B. Density Safe Harbor (Numbers are in Dwelling Units per net buildable acre)	C. Mix Safe Harbor (Percentage that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
Less than 2,500	<ul style="list-style-type: none"> • Required Overall Minimum: 3 • Assume for UGB analysis: 4 • Zone to Allow: 6 	70%	20%	10%
2,501 – 10,000	<ul style="list-style-type: none"> • Required Overall Minimum: 4 • Assume for UGB analysis: 6 • Zone to Allow: 8 	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> • Required Overall Minimum: 5 • Assume for UGB analysis: 7 • Zone to Allow: 9 	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> • Required Overall Minimum: 6 • Assume for UGB analysis: 8 • Zone to Allow: 10 	50%	25%	25%

Ontario’s housing needs analysis does not identify maximum or minimum densities; they don’t meet the Required Overall Minimum of 5 DUNBA because no minimum densities have been established, or the Zone to Allow 9 DUNBA density safe harbors because no maximum densities have been established. They fall short of the Assume for UGB analysis of 7 by 2 units, proposing 5 DUNBA.

Alternative Safe Harbor for Density: average overall density of buildable residential land in the urban area for the 20-year planning period will increase by 25 percent over the average overall density of developed residential land in the urban area

Existing current built densities are identified as net: 4.3

25% of 4.3 acres is computed in the following formula.

$$0.25 \times 4.3 = 1.075 \rightarrow 4.3 + 1.075 = 5.375$$

The need forecast resulted in an average residential density of about 5.0 dwelling units per net residential acre, representing a 15% increase in density over the historical average of 4.3 dwelling units per net acre. Therefore, they fall short of the Alternative Safe Harbor for Density of 25% by .375 units.

Standard Mix Safe Harbor

Existing Mix: SF = 60% MF = 40%

Proposed Mix: SF = 76% MF = 24%

SFD = 65%; MFD = 7%

Condos/Townhomes = 7%

MF = 21%

Since plan designations are not identified but we know the allowed housing types and densities, we are assuming the following:
 LDR will all be Single family detached homes and manufactured dwellings at 72% averaging 4.83 dwelling units per net buildable acre.
 MDR & HDR combined account for all attached single family & multifamily housing at 28 % averaging 10 dwelling units per net buildable acre.
 Based on our assumptions, Ontario exceeds the Low Density Residential safe harbor of 72% by 17%, and is below the Medium and High Density Residential safe harbor combined by -17%.

Alternative Safe Harbor for Mix: increase the percentage of attached housing by 15% (10% for MDR 5% for HDR) and decrease the percentage of detached single family housing by a proportionate amount so that the overall mix total is 100%.

Existing Single family mix of 60% detached is equivalent to LDR

Existing Multifamily Mix of 40% attached is equivalent to MDR + HDR

60% -15% = 45%

40% + 15% = 55%

To satisfy the Alternative Safe Harbor for Mix, Ontario would have to increase its Multifamily by 15% and decrease Single Family by 15%, which would give the city a mix of 45% Single Family and 55% Multi Family. This is closer to the city's existing mix of 60/40. The City's proposed mix is 76% single family and 24% multifamily, which *decreases* the attached housing portion of the mix significantly -- by 16% and *increases* the detached housing portion by 16%.

Summary

Standard Density: Ontario does not meet this safe harbor falling short on all 3 requirements; Required Overall Minimum, Assume for UGB Analysis, and Zone to Allow.

Alternate Density: Ontario falls short on meeting this safe harbor as their proposed future density increases by only 15% over the historical density.

Standard Mix: Ontario does not meet this safe harbor; they significantly exceed Low Density Residential by 17% and fall below on Medium and High Density Residential by -17%.

Alternate Mix: Ontario would not meet this safe harbor either. They assumed detached housing at 16 % higher than the alternate safe harbor and attached housing at 16% lower than the safe harbor.

Redmond Safe Harbor Test

Projected Population: 45,724 (2025) | **Overall Avg for UGB after expansion = 7.5 DUNA**

Standard Density Safe Harbor

Existing Average Density: 5.1 DUNA
 LDR: SF = 4.6 DUNA + MFD = 2.2 DUNA
 MDR: DPX = 9.5 DUNA
 HDR: MF = 7.5 DUNA

Proposed Average Density: 7.5 DUNA
Proposed Max Density:
 LDR: Single Family Detached = 6 DUNA + Manufactured on Ind lots = 8 DUNA
 MDR: Condos/Townhomes = 9 DUNA
 HDR: Multi-Family = 12 DUNA

A. Coordinated 20-Year Population Forecast	B. Density Safe Harbor (Numbers are in Dwelling Units per net buildable acre)	C. Mix Safe Harbor (Percentage that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
Less than 2,500	<ul style="list-style-type: none"> Required Overall Minimum: 3 Assume for UGB analysis: 4 Zone to Allow: 6 	70%	20%	10%
2,501 – 10,000	<ul style="list-style-type: none"> Required Overall Minimum: 4 Assume for UGB analysis: 6 Zone to Allow: 8 	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> Required Overall Minimum: 5 Assume for UGB analysis: 7 Zone to Allow: 9 	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> Required Overall Minimum: 6 Assume for UGB analysis: 8 Zone to Allow: 10 	50%	25%	25%

Redmond has no minimum residential densities; therefore the Required Overall Minimum of 6 is not met. Redmond is close to the Assume for UGB analysis of 8 dwelling units per net acre with a proposed average of 7.5. Plan designations are zoned to allow an average of 8.75 dwelling units per acre, falling short of the Zone to Allow 10 dwelling units per acre by 1.25 units. Overall Redmond does not meet any of the Standard Density Safe Harbors.

Alternative Safe Harbor for Density: average overall density of buildable residential land in the urban area for the 20-year planning period will increase by 25 percent over the average overall density of developed residential land in the urban area

Existing current built densities are identified as 5.1 units per net acre; 25% of 5.1 is computed in the following formula.

$$0.25 \times 5.1 = 1.275 \rightarrow 5.1 + 1.275 = 6.375 \text{ units per net acre.}$$

Redmond exceeds this safe harbor by 1.125 units per net acre with their proposed density of 7.5 units per net acre.

Standard Mix Safe Harbor

Existing Mix: SF = 75% MF = 25%

Proposed Mix: SF = 72% MF = 28%

LDR: SF = 50% + MFD (individual lots) = 10%

MDR + HDR: MF = 40% - (13% Condos/Townhomes, 27% Multi-family)

Redmond has five residential plan designations. For the purposes of this analysis we put them in three designations based on allowable densities and types of housing. LDR = single family homes and manufactured homes on individual lots at 60%; MDR & HDR = condos/townhomes and other attached multifamily at 40%. Based on these assumptions, Redmond's proposed mix is actually 60% SF, 40% MF, which exceeds the Low Density Residential safe harbor (50%) by 10% and is 10% lower than the combined Medium Density Residential / High Density Residential safe harbor (50%).

Alternative Safe Harbors for Mix: increase the percentage of attached housing by 15% (10% for MDR, 5% for HDR) and decrease the percentage of detached single family housing by a proportionate amount so that the overall mix total is 100%.

Existing Single Family mix of 75% detached is equivalent to LDR

Existing Multifamily mix of 25% Attached is equivalent to MDR + HDR

$75\% - 15\% = 60\%$

$25\% + 15\% = 40\%$

Redmond's mix using the Alternative Safe Harbor is 60% LDR and 40% MDR + HDR. The City's proposed mix of 72% single family and 28% multi-family is slightly better than the existing mix, but it exceeds the detached housing safe harbor by 12% and falls short on attached housing by 12%.

Summary

Standard Density: Redmond does not meet this safe harbor. They miss the Required Overall Minimum by 6 units per net acre because their zones have only maximum densities (so their minimum densities are effectively 0). They fall short on the Assume for UGB Analysis and Zone to Allow safe harbors by .5 and 1.25 units, respectively.

Alternate Density: Redmond exceeds this safe harbor by 1.125 units per net acre.

Standard Mix: Redmond exceeds the Low Density Residential safe harbor by 10% and their proposed mix falls short 10% for the combined Medium and High Density Residential safe harbors.

Alternate Mix: Redmond's proposed mix assumes detached housing at 12% higher than the alternate measure and 12% lower for attached housing, not meeting the Alternative Safe Harbor for Mix.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Land Conservation and Development
Agency and Division

OAR chapter 660
Administrative Rules Chapter Number

Bryan Gonzalez 635 Capitol St. NE, Salem, OR
Rules Coordinator Address

503-373-0050 Ext 322
Telephone

RULE CAPTION

New and amended rules regarding urban growth boundary adoption/amendment and review of such actions.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

March 12, 2009; 9:00 AM Agriculture Building, 635 Capitol St NE, Salem, OR 97301
Hearing Date Time Location

LCDC
Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: Rules under OAR 660, division 24

AMEND: OAR 660, division 24 and OAR 660, division 25.

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 197.040
Stat. Auth.

Statewide Planning Goals (OAR 660, division 15)
Other Authority

ORS 195.015 and 195.036; ORS 197.295 to 197.314; 197.610 to 197.650; 197.764
Stats. Implemented

RULE SUMMARY

These rules will clarify Goal 14 and other requirements of law regarding the adoption and amendment of urban growth boundaries (UGBs), provide new "safe harbors" intended to reduce local government time and cost in amending a UGB, especially with regard to determination of housing need, housing density and housing mix, employment need, and related topics. The proposed amendments would also clarify procedures for LCDC review of urban growth boundaries in the manner of periodic review under ORS 197.626, and may clarify procedures in OAR 660, division 24, regarding UGB adjustments.

The Commission may consider additional rule clarifications or amendments to the UGB process that may be proposed during the public comment period. The Agency requests public comment as to other options that should be considered for achieving the proposed rules' substantive goals while reducing negative economic impacts on business.

March 12, 2009
Last Day for Public Comment


Signature

February 23, 2009
Last day to submit written comments
to the Rules Coordinator

Richard Whitman, Director
Printed name

1/14/09
Date

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Land Conservation and Development
Agency and Division

660
Administrative Rules Chapter Number

In the Matter of: New and amended rules regarding urban growth boundary adoption/amendment and review of such actions

RULE CAPTION

New and amended rules regarding urban growth boundary adoption/amendment and review of such actions.

Statutory Authority: ORS 197.040

Other Authority: Statewide Planning Goals, especially Goal 14

Statutes Implemented: ORS 195.015 and 195.036; ORS 197.295 to 197.314; 197.610 to 197.650; 197.764

Need for the Rule(s): These amended rules are necessary to clarify and streamline the process for adoption and amendment of Urban Growth Boundaries (UGBs). Requirements for amending urban growth boundaries are currently provided in Statewide Planning Goal 14, as well as related Oregon State Statutes and LCDC administrative rules, especially OAR 660, division 24. The proposed amended rules would include additional "safe harbors" intended to reduce the time and costs for amending a UGB, especially with regard to determination of housing need, housing density and mix, employment need, and related topics. The proposed amendments may clarify application of ORS 197.626. The proposed amendments would also clarify procedures for LCDC approval of urban growth boundaries in the manner of periodic review in accordance with ORS 197.626, and may clarify procedures in OAR 660, division 24, regarding UGB adjustments. The Commission may consider additional rule clarifications or amendments to the UGB process that may be proposed during the public comment period.

Documents Relied Upon, and where they are available: ORS 195 and 197, statewide planning Goals (OAR 660, division 15), and related administrative rules, especially OAR 660, division 24. These documents are available on the agency's website at <http://www.oregon.gov/LCD/index.shtml> or by contacting Bryan Gonzalez at the Department of Land Conservation and Development at 503-373-0050, ext 322.

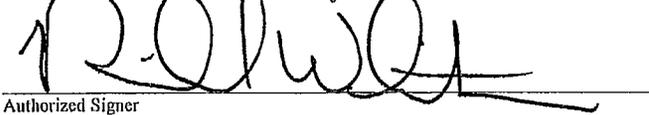
Fiscal and Economic Impact, including Statement of Cost of Compliance: Statutory provisions at ORS 183.335(2)(b)(E) and (G), and ORS 183.540, require agencies to consider whether a proposed rule amendment will have any significant economic impact on business and whether options should be considered to reduce any negative impacts of the rule on business. The proposed amended rules will provide economic benefits to local governments, individual businesses and property owners due to the clarification and streamlining of UGB amendment requirements and procedures.

Statutory provisions also require agencies to "Assess what economic and property interests will be, or are likely to be, affected by the proposed rule;"... "Assess the likely degree of economic impact on identified property and economic interests;"... and ... "Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact." The statute states that the requirements "shall not be interpreted as requiring an assessment for each lot or parcel that could be affected by the proposed rule." (ORS 197.040). The result of the proposed amended rules will be a more streamlined process for UGB amendments. In that regard, the proposal would ultimately benefit economic and property interests. The department cannot compute the actual cost savings, since this will vary widely among different urban areas throughout the state.

Statutory provisions also require the agency to estimate the effect of proposed rules on the cost to construct a 1,200 square foot dwelling on a 6,000 square foot parcel (ORS 183.534). ORS 183.335(2)(b)(E) and 183.530 require the agency to prepare a Housing Cost Impact Statement on a form prepared by the State Housing Council and incorporate that statement into this statement of need required by ORS 183.335(5) (See ORS 183.534). The Housing Cost Impact Statement is attached and is incorporated into this statement by this reference.

How were small businesses involved in the development of this rule? These proposed rules were developed with the assistance of a work group that included a broad range of interests, including advocates for residential development, local governments, and others. Some work group members represent the interests of both large and small businesses. The department provided broad notice of the advisory work group meetings, including notices to a range of business interests. Amendments to UGBs are, in general, important to the growth and economic development of Oregon communities. Because the proposed amendments clarify and streamline existing provisions of UGB policy and the review and approval of UGB amendments, the department anticipates that small businesses will benefit from the rule proposals.

Administrative Rule Advisory Committee consulted? Yes


Authorized Signer

Richard Whitman, Director
Printed name
1/14/09
Date

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.
ARC 920-2005

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534) FOR ADMINISTRATIVE RULES

AGENCY NAME:
Department of Land Conservation and Development

HEARING DATE:
March 12, 2009

ADDRESS: 635 Capitol Street NE

CITY/STATE: Salem, OR 97301

PHONE: (503) 373-0050

PERMANENT: **TEMPORARY:** **EFFECTIVE DATE:** Upon Filing

**BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT
WILL RESULT FROM THIS PROPOSED CHANGE.**

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

New and amended rules regarding urban growth boundary adoption/amendment and review of such actions.

Description of the need for, and objectives of the rule:

These rules are necessary to clarify and streamline procedures and requirements of Goal 14 regarding the adoption or amendment of urban growth boundaries.

List of rules adopted and/or amended:

OAR chapter 660, division 24 and OAR 660, division 25

Materials and labor costs increase or savings: The proposed rules are not expected to affect housing materials or labor costs.

Estimated administrative, construction or other costs increase or savings: The proposals may reduce administrative, construction or other housing costs to the extent that those costs are affected by land supply inside UGBs, but it is not possible to estimate the amount of such reduction.

Land costs increase or savings:

The proposed amended rules will probably reduce housing land costs because those costs are affected by measures that reduce the time and cost of increasing the available land supply inside a UGB. However, it is not possible to estimate the amount of this reduction.

Other costs increase or savings: None

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Bob Rindy, Policy Analyst **EMAIL ADDRESS:** bob.rindy@state.or.us



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December 3, 2008

John Van Landingham, Chair
Land Conservation and Development Commission
635 Capital Street NE, Suite 150
Salem, Oregon 97301

RE: *Proposed New and Amended Division 024 Rules (Agenda Item #7)*

Dear Chair Van Landingham and Commission Members:

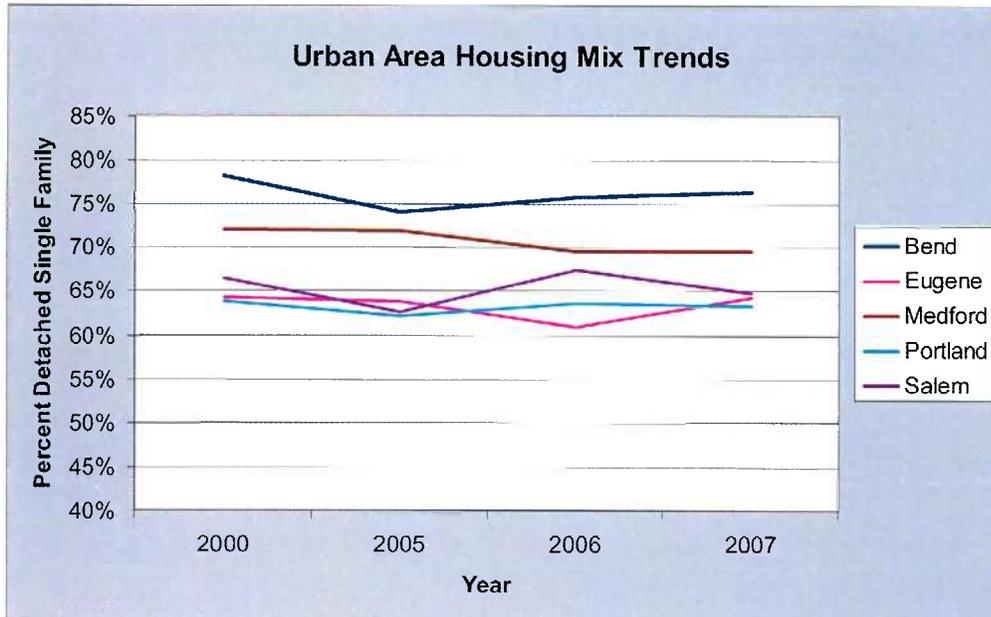
Thank you for the opportunity to comment on the proposed Division 024 amendments. Unfortunately, Medford is a long way from Tillamook and we will not be able to attend the LCDC meeting. Instead we would like to take this opportunity to provide these written comments.

While there are many potential policy issues proposed in this rulemaking effort that are of interest, our firm's business is professional land use planning and our expertise lies in the technical aspects of Oregon land use planning. We believe well executed technical work that informs policy making is the most important component of successful land use planning. The technical work accompanying this project is not commensurate with the major policy issues addressed in the rulemaking.

For example, the technical work reports provided to the Commission for the development of housing mix safe harbors are based upon ratios from various housing element update proposals. There is a fundamental technical problem with this approach that is not spelled out. What constitutes 'attached housing' versus 'single family' can vary significantly depending on whether single family attached houses and duplexes are treated as single family or multi-family in the specific jurisdictions' plan. There is little or no mention of this in either report. As worded in the draft rule language, our reading of the new rules would require anything that is a completely free-standing single family dwelling (including free-standing manufactured dwellings) to be considered 'detached single family' and all other dwelling units to be considered 'attached dwellings'¹.

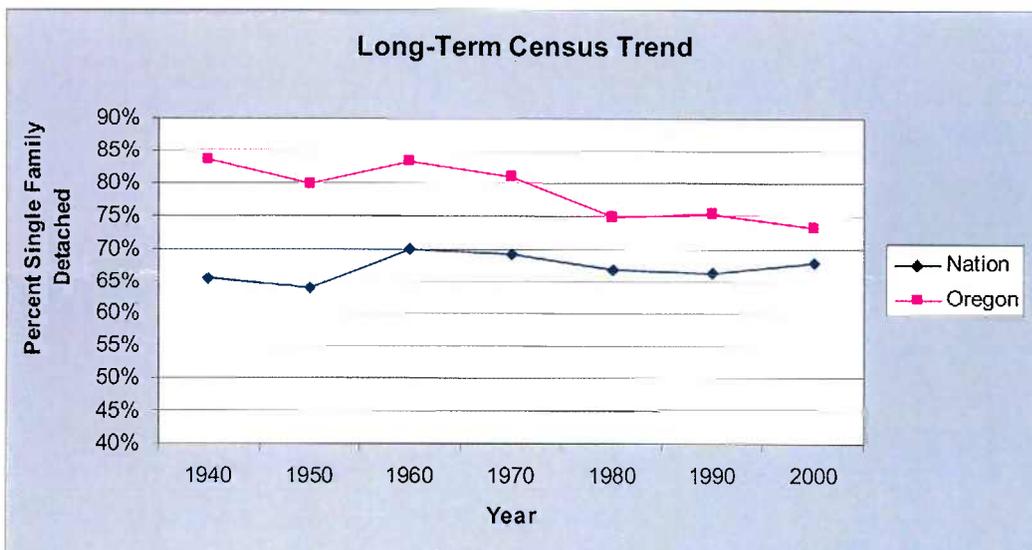
Using readily available information from the United States Bureau of the Census, the following represents the existing trends in housing mix for the five major urban areas where data is reported in Oregon (single family detached units and manufactured dwelling units):

¹ The rule does not actually specify whether manufactured dwellings fall in the single or multi-family category.



All of these major urban areas have a variety Oregon land use planning regulations intended to support intensive urban development during the period from 2000 to 2007. These are the largest population clusters in the State and capable of supporting the most intensive urban development and higher ratios of attached housing. The trends are flat over the seven year time frame. None of the housing mix percentage splits approach a 50/50 split as is proposed for some urban areas. The trends depict no reasonable likelihood that a 15 percent shift is likely to occur as is contemplated in one section of the rule.

From a longer term perspective, this is what the housing trends nationally and in Oregon have done:



Essentially, the data suggests a convergence between National and Oregon housing mix splits. Over the last thirty years, there is no trend that leads to a supported conclusion that dramatic shifts in housing mix splits are occurring or are about to occur.



The mix between single family detached housing and attached housing may be able to be shifted on the market margin through well thought out land use plans. However, there is no technical data presented to date that supports the 'safe harbor' housing mix splits are operating on the market margin. Fifteen to twenty percent shifts are a wholesale divergence from existing and historic market conditions. If the demand for attached housing does not materialize to the extent contemplated in the safe harbor, then the housing will not be built in the larger urban areas. Higher density attached housing is often promoted because it has some potential, through nodal development, to reduce transportation impacts from urbanization. However, if single family demand is not met in the major urban centers, it will spill over into outlying communities and areas. This spillover will thwart the objectives of reducing transportation impacts from urbanization and will increase rural land development pressures. This has already occurred in some instances and is an oft-cited criticism of Oregon's land use planning system raised by professionals from other states.

Policy work of the nature proposed in this rulemaking should begin with a sound technical framework. The Federal Government, the private sector, and many universities have excellent technical resources that should be relied upon when undertaking this type of major policy review effort. The work group should be given a reasonable budget for some additional analysis that ***actually assesses the amount of housing mix shift likely to be supported by the market and reasonably projects the economic, transportation, and social risks of promoting more housing mix shift than the market will support.***

The housing density safe harbor issue is an even more technically complex issue because there are so many ways of measuring density and ways of dealing with in-fill issues. From a technical perspective, we do not believe a true universal safe harbor is even a realistic objective of this effort. ***We believe most cities will expend as much time, money and effort trying to demonstrate their way of calculating density complies with the safe harbor as they would have spent just doing a thorough and solid analysis that demonstrates the amount of land available and needed is consistent with Goals 10 and 14 and applicable statutes.*** If LCDC is set on having some safe harbor for residential density, then we would suggest a narrower scope. The rule could provide a safe harbor that only deals with assumed densities per gross acre for vacant residential land to be brought into the City's UGB to satisfy identified needs. Estimating likely gross densities for vacant undeveloped land is relatively easy compared to in-fill areas and previously developed areas which are fraught with complexity.

Very Truly Yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Jay Harland', is written over a horizontal line. The signature is fluid and cursive.

Jay Harland
Principal

cc. File



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February 20, 2009

Land Conservation and Development Commission
c/o Richard Whitman, Director
Department of Land Conservation and Development
635 Capitol Street, N.E.
Suite 150
Salem, OR 97301-2540

KATHIE ECKMAN
Mayor

MARK CAPELL
Mayor Pro Tem

Dear Director and Commission:

JIM CLINTON
City Councilor

JODIE BARRAM
City Councilor

JEFF EAGER
City Councilor

The City of Bend's Long Range Planning Division has reviewed the proposed changes to the Goal 14 administrative rule (OAR 660-024). This letter presents the Division's serious concerns regarding the proposed changes and respectfully requests the issues raised in this letter be resolved prior to adopting new rules.

660-024-0000(3)

TOM GREENE
City Councilor

ORAN TEATER
City Councilor

ERIC KING
City Manager

SONIA ANDREWS
Finance Director

The city assumes there is an error in the April 5, 2007 date found in 660-024-0000, line 14. This date would make the rules apply retroactively to the Bend UGB expansion proposal since Bend issued the 45-day public notice on June 11, 2007. Making these rules apply retroactively unfairly "moves the goal post" on a project the city has spent nearly five years completing. We request the language be modified to simply make the effective date based upon 45-day notices issued after April 16, 2009. We suggest deleting all language from line 10 through line 21 after "...are effective April 16, 2009." Subsection (3) should end as drafted in lines 8-10: "The rules in this division adopted March 12, 2009 and amendments to rules in this division adopted on that date, are effective April 16, 2009."

SANDRA L BAXTER
Police Chief

LARRY HUHN
Fire Chief

PATRICIA STELL
City Recorder

On a related note, there may be jurisdictions that have completed elements of their Comprehensive Plans according to the existing rules, but have not provided a 45-day notice because they are not near completion of the larger UGB expansion. Strict and immediate effective dates do not address the real-world, stepwise approach to completing a UGB analysis. We request that a clause be added to the effective date that would allow the existing rules to be applied to work already completed if notice is provided to the department.

660-024-0010(8)

It is worth noting there is no definition for “developed” economic land that is not expected to “redevelop” in the planning period. Most properties with very high value improvements on commercial and industrial land would generally not be expected to significantly redevelop in a 20-year period.

660-024-0030(3)

We’re concerned about the proposed text under (3). This rule is not clear how the director or Commission may find that a forecast does not meet a particular requirement of section (2). The purpose of Section (2) was to ensure that a population forecast was prepared using commonly accepted practice for forecasting also employed by demographers and economists. The Division is not clear how they would find a forecast violated a particular element of Section (2) unless this same section was fleshed out in more detail. For example, how is “significant affect” in line 27 measured or defined?

660-024-0040(6)

The following is a comment and question regarding the language in this section. Is joint adoption of the “coordinated” EOA required for all participating jurisdictions for the “coordinated” EOA to be effective for the individual participating jurisdictions? In the context of the newly drafted 660-024-0080(2), it appears the department or Commission could remand a UGB expansion if all participating jurisdictions have not adopted the “coordinated” EOA. It may be worth clarifying the department’s position on this issue in the rule so jurisdictions have clear guidance regarding their obligations prior to engaging in a “coordinated” EOA.

660-024-0040(8)(e)

This section needs to be clarified when referring to the US Census Bureau. The Census Bureau conducts a national census every ten years, but now also conducts the American Community Survey (ACS) for metropolitan areas like Bend.

660-024-0040(8)(f)-(i)

The Director and DLCD staff have provided comments on the city’s pending UGB expansion. In letters dated October 21, 2008 and November 24, 2008, the Director and staff have taken the position that safe harbors are not optional assumptions or courses of action, but measuring sticks to evaluate the city’s analysis where it differs from the safe harbors. The Director’s comments with respect to Bend’s estimated land needs for public rights-of-way, schools, and parks, not to mention housing mix and density, illustrate this troubling approach. This homogeneous, top-down approach to analysis of the state’s diverse communities is antithetical to a flexible and responsive statewide planning program. If this is how the department seeks to universally apply safe harbors throughout the state, then

communities outside of the Portland metro region will be held to standards that are likely dramatically different than their existing or planned housing densities and mixes, and quite possibly unachievable. These subsections and the draft tables establishing safe harbors for housing densities and mixes should be deleted. If they are retained, the following language should be added to the end of the “safe harbor” definition: “A safe harbor will not be used by the department or Commission for the sake of comparing a local government’s proposed analysis with the analysis afforded by the safe harbor.”

Overall, the underlying premise of the draft, safe harbor provisions in this subsection is troubling. It appears to treat all cities outside the Portland metro area as falling into one of four simple categories, based on population only. There is no recognition that among cities within any of these size categories there are bound to be dramatic local differences among characteristics such as growth rate, existing urban form, trends in housing type or mix, regional market conditions, or existing growth management policies. These unique characteristics are completely overlooked in these safe harbor provisions. The premise appears to be that there is a single optimal or desired density and housing mix for any and all cities of a given size, regardless of anything else. This is an inadequate and dangerous basis on which to offer a safe harbor option for issues as critical to any city’s planning program and sense of community as housing mix and density.

660-024-0040(8)(h)

The proposed rule requires a local government to assume the overall density increases by 25 percent for the 20-year planning period. When this assumption takes place (i.e. year 5, 10, 15, etc.) within the 20-year period has significant impacts on the yield on the buildable residential land. The city suggests the department clarify when this assumption is intended to be applied.

660-024-0040(8)(j)(I)

The definition of “small exception parcel” includes the term “house”, which is not always discernable from assessor records, and is not further defined in the proposed rule. The intent of the definition uses “house” to infer “development”. The city recommends using the word “improvement” so that cities are not in the position of examining hundreds or thousands of assessor’s records to discern if the improvement on the land is a “house”, or “shed”, or “barn”, or other more intensive improvement like a “church”, “office”, etc.

660-024-0050(5)

This entire subsection is unnecessary. The Director and the Commission already have the ability to determine whether the difference between the

20-year land needs and the amount of land added to the UGB is or is not “unlikely to significantly affect land supply or resource land protection.” They do this every time they review a UGB expansion proposal whose size does not precisely match the estimated 20-year land need. Since the phrase, “significantly affect” is not defined, the Director and the Commission will still be in the position of having to make this determination whether directed to or not, every time they review a UGB proposal. This subsection neither helps the Director and Commission, nor local governments.

A further reason to delete this subsection is its rigid focus on what are estimated to be “20-year land needs.” Goal 10 clearly requires that a 20-year land supply be available for needed housing. However, the Goal 9 rule requires available employment lands to “at least” satisfy an estimated 20-year need. The language of this subsection overlooks the possibility that an expansion that modestly exceeds a strict 20-year supply for all needs might be justified and necessary to satisfy Goal 9, if not Goal 10 as well. This subsection would do a significant disservice to local governments, the department, and the Commission by strengthening the already near-obsessive focus on accounting that goes into estimates of acres needed for a wide variety of uses over the planning period.

660-024-0080(2)

These new provisions appear to give the department and Commission authority to remand previously acknowledged components of a UGB expansion. The city is opposed to all of the proposed language in this subsection for a number of reasons and suggests deleting all of 660-024-0080(2). The city does not believe the department or Commission should have the broad authority to remand already acknowledged components of a UGB proposal. “Components” are not defined and could be interpreted to be any element of an acknowledged Comprehensive Plan. These broad powers are also based on a subjective standard. The language “the department or Commission finds that the amendment does not meet the requirements of this division” is open to considerable interpretation without explicit limits. For example, what are the standards for deciding what “components” are “not meeting the requirements of the division”? The department and Commission already have the ability to remand a UGB amendment that it finds does not meet the requirements of the Goal 14 rule. If a UGB proposal is deficient, it should be remanded to allow the city to respond in a way that fully remedies the deficiency while leaving open options that may not involve amendment of previously acknowledged plans.

Conclusion

The city appreciates the opportunity to comment on the proposed rules. Given Bend’s recent first-hand experiences applying the existing rules and

working with the department, we feel these comments should be explicitly addressed by the Commission and their staff before adoption. The city feels very strongly that the proposed retroactive effective date in 660-024-0000 and "de-acknowledgement" clause in 660-024-0080 must be removed from the proposed rules. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel Oberst", followed by a horizontal line extending to the right.

Mel Oberst, Director
City of Bend Community Development Department

"Paul Wyntergreen" <administrator@cityofjacksonvilleoregon.com> 02/19/2009 7:09 PM

Hello Mr. Rindy,

Please forward these comments to the Commission for their consideration during the rulemaking hearing on the new proposed Goal14 rules dated February 10, 2009.

On page 2, line 5, there is a new reference to being consistent with Goal 14 requirements for efficient provision of public facilities and services and efficiency of land use. Given the enormous fixation that these new rules have on density calculations, it needs to be highlighted up front that Goal 14 never once mentions density. As DLCD clarified in an April 17, 2006 letter to the City of Jacksonville, "*there is no explicit limit on local tools (related to the efficiency measures), so long as they do not violate any applicable laws*".

Therefore, bearing in mind the balancing of "*the efficient use of land and the development of livable communities*" encouraged by the **GOAL 14 Planning Guideline A (4)**, please allow for other options as to what could constitute "efficiency". For example, when working with residential development in the foothills and attempting to conform closely to topography, the development tool most likely to achieve an efficiency objective would be a Planned Unit Development, which has the side benefit of optimizing the efficiency of infrastructure through clustering, etc., but may not meet the earth-is-flat style of density standards being proposed in this new rule. In the case of rural areas near cities, housing on exception lands may draw on City police and fire services as first responders without compensation; an efficiency measure in many cases would be to annex them even though increased density may not be possible.

There are a variety of other engineering, mixed use, performance zoning, and master planning approaches to "*efficient accommodation*" which will maximize "serviceability while lowering the cost of infrastructure extension".

Please clarify that these new rules do not raise the bar for other efficiency approaches or establish an Agency mindset whereby density is the only way to achieve efficiency. The addition of a statement that the safe harbors will not be viewed as minimum standards by the Department would be warranted.

On page 2, lines 10 through 12, the terms hazard areas, public open spaces, and resource protection areas are all introduced, yet undefined. This will open the door to much debate and interpretation.

On pages 6 & 7, subsections f through j, an enormously complex system of cross-references and calculations has been added since the November draft and it still defies clear interpretation so it is difficult to comment on at this time. This in itself should be given more time for consideration; small cities in particular will be taxed to navigate this labyrinth. It would seem that safe harbors should be simple and not consist of layered regulations and if/then clauses.

A couple of initial comments on these subsections include the concern that there are several references to local governments adopt zoning that ensures certain density provisions; many UGB expansions do not involve zoning applications (they only include Comp Plan designations) and therefore such provisions will not be able to be met. Also, on line 36, there is a definition of Attached Housing and it is subsequently used in the tables as if that housing type were some sort of efficiency panacea. There are other approaches utilizing detached housing which can meet or exceed attached housing efficiencies (ancillary units, boarding rooms, over-or-back-of-business living quarters, etc.) but they are ignored in favor of attached housing. This again has the potential to become a de facto standard and other housing types should either be explicitly included or a statement added that such safe harbors will not be viewed as minimum standards by the Department.

Thank you for your consideration of these comments.

Paul Wyntergreen
City Administrator
Jacksonville