



Oregon

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June 5, 2008



TO: Land Conservation and Development Commission (LCDC)

FROM: Bob Rindy, DLCD 

SUBJECT: Agenda Item 9, June 19, 2008, LCDC meeting

Initiation of "Phase 2" of Rulemaking Project to Clarify and Streamline the Urban Growth Boundary Amendment Process

AGENDA ITEM SUMMARY

Under this agenda item, the department is requesting that the Commission initiate "Phase 2" of its rule-making project to clarify and streamline the Urban Growth Boundary (UGB) amendment process. This item is a public hearing and includes the recommended appointment (or reappointment) of workgroup members to advise the department and the Commission regarding this project (see Attachment A). This agenda item also provides an opportunity for LCDC discussion and, as necessary, direction to the department and the workgroup regarding issues to be considered, based on the list of items described in this report, additional issues that may be recommended by the workgroup or other issues raised in testimony under this item.

In recommending membership of the advisory workgroup, the department is suggesting the Commission appoint those members from the "Phase 1" workgroup who have agreed to continue working on this project. In addition, the department is recommending several new members to replace those workgroup members who cannot continue, or who no longer represent particular interest groups or agencies that are key stakeholders in the UGB process. As part of this agenda item, the Commission should also consider testimony regarding the makeup and balance of the workgroup.

Finally, it should be noted that Commissioner Marilyn Worrix, who has volunteered to continue to chair the workgroup on behalf of the Commission, suggested that the group meet on June 10 in order to have a preliminary discussion of the next phase of this project, especially with regard to the particular issues the group might consider in a new effort to clarify and streamline the UGB amendment process. That meeting is scheduled to occur June 10 – after the mail out of this report. As such, Commissioner Worrix and the department will provide a supplemental report on this meeting to the Commission.

For more information about this agenda item, contact Bob Rindy, at (503) 373-0050, Ext. 229, or email at bob.rindy@state.or.us

Background

LCDC initiated the first phase of its project to clarify and streamline the UGB amendment process in 2004, and appointed an advisory workgroup. After a series of meetings, the workgroup recommended changes to Goal 14, which were adopted by LCDC in 2005 after more than ten hearings around the state. At the Commission's request, the workgroup continued its deliberation, and in 2006 recommended that additional streamlining and clarifying amendments to the UGB process be adopted by administrative rule. This recommendation led to the 2006 adoption of a new administrative rule division, OAR 660, division 24, which interprets Goal 14 regarding the UGB amendment process and provides a series of "safe harbor" streamlining amendments to the process. When it adopted the new rules, LCDC directed the department to continue its work on this topic, and to consider additional rulemaking regarding the UGB amendment process the following biennium (i.e., the 2007-2009 biennium). The Commission directed that the next phase – "Phase 2" of this rulemaking – should including consideration of certain issues that were unresolved during the previous rulemaking discussion.

As such, in approving its 2007-2009 Policy Agenda, the Commission again specified that Phase 2 of the UGB rulemaking project should be pursued this biennium, and should include consideration of several additional "safe harbors" discussed by the UGB workgroup in 2006 and earlier. These ideas had not had a consensus among the workgroup or were otherwise considered not ripe for inclusion in the UGB rules recommended in 2006. The ideas concerned several key, but often controversial, UGB expansion topics, including:

- Housing density assumptions when a UGB is expanded,
- Housing mix,
- Infill and redevelopment assumptions,
- Dealing with Goal 5 natural resource inventories,
- Minimum lot sizes in urban areas,
- Use of housing vacancy rates in determining housing need,
- Treatment of Goal 7 hazard areas in UGB expansions,
- Land needed for city facilities,
- Further clarify wording that population forecasts "should not be held to an unreasonably high level of precision,"
- Streamlining annexation of urbanizable land that is adjacent to a UGB and is ready for service by existing infrastructure,
- Special procedures for UGB amendments for fast growing cities,
- Encouragement of more efficient development of land within UGBs,
- Authorization for LCDC to decide whether a city's proposed UGB amendment is "close enough" regarding the amount of land identified in the needs analysis,
- Monitoring of the implementation of new Goal 14 rule provisions regarding land priority considering the *West Linn* Court of Appeals opinion on that topic, and
- Consideration for undeveloped lands that remain in an "interim urbanizable zone" for long periods of time.

Subsequent to the Commission's recommended list above, the department has suggested two additional topics that should be considered by the workgroup:

- The recent Court opinion regarding the McMinnville UGB housing needs analysis, and
- Special rules for UGB expansions that include new school sites.

Finally, it should be anticipated that the UGB workgroup may suggest ideas in addition to the list above, and may also decide to not pursue a recommendation on some ideas above.

The department believes the entire list above would require more discussion and study than can be undertaken in the time frame allotted for this work. As such, the workgroup, the department and the Commission may prioritize these issues in order to make sure the most important issues are considered first. It is also questionable whether all of these issues would result in a consensus recommendation. The Commission may provide advice and direction on prioritization, under this agenda item, or may decide to wait for further input from the group after the workgroup begins its deliberation.

RECOMMENDED LCDC ACTION

The department recommends that the commission receive public comment and discuss the proposals described in this report and any related matters, and

- (1) Initiate this rulemaking, with an anticipated schedule leading to adoption of new or amended UGB rules by December of this year;
- (2) Appoint the advisory rulemaking workgroup described below; and
- (3) Direct the workgroup to evaluate and refine the ideas described in this report, and other ideas at its discretion, and propose rules for LCDC's consideration and possible adoption by approximately October 2008.

OVERVIEW OF GOAL 14 AND URBAN GROWTH BOUNDARIES

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 was to focus urban development inside urban growth boundaries to prevent urban sprawl and conserve farm and forest land. These objectives were 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 that encircle all 240 Oregon cities (including urbanizable land outside city limits). LCDC also acknowledged the Metro UGB, which provides a 20-year land supply for 25 cities and 3 counties, and two UGBs that include more than one city (the Salem/Keizer UGB and the Eugene/Springfield UGB). Throughout the "acknowledgment" phase of the land use program, LCDC was called upon to interpret Goal 14's broad and somewhat general UGB provisions, thereby establishing a considerable amount of "precedent" with regard to the meaning and intent of that goal and its requirements. The courts also added to this body of precedent, as a number of LCDC's decisions approving UGBs were appealed.

Goal 14 establishes that UGBs must include land for housing needs, employment opportunities, livability, and other urban uses. Early in the program LCDC interpreted Goal 14's "need" requirement to mean a "20-year need." Subsequently, state law solidified this interpretation for housing (ORS 197.296). LCDC rules and state law also further clarified "housing need" for purposes of UGB establishment or amendment, and the "need" for 20-year "employment opportunities" to refer to the long term and near term need for industrial, retail, office, and related types of land use needs.

Currently, the process and standards governing UGB amendments are located in three official state documents:

- State statutes (primarily ORS 197.296 through 197.298, but in other statutes as well),
- Statewide Planning Goal 14 (OAR 660-015-000, Section (14)), and
- LCDC administrative rules, especially OAR 660, Division 24, regarding UGBs, but also in other rules such as: division 4 regarding exceptions, division 9 regarding employment land need, divisions 7 and 8 regarding housing needs, and division 14 regarding urban uses of rural land.

Over time, a number of the original UGBs have been re-evaluated during periodic review or at other times, in order to replenish the 20-year land supply. In general, the local government process to evaluate the adequacy of a UGB and, if necessary, amend the UGB to provide a 20-year supply of land, includes the following steps:

1. Forecast long range (20-year) population,
2. Determine 20-year land needs for housing, employment and other uses,
3. Inventory current buildable land supply in the UGB,
4. Determine whether the current buildable land supply is adequate to accommodate the 20-year needs.
5. If a UGB is not adequate for a particular need or needs, rezone or upzone land currently in the UGB to meet the need deficiency, or, if that is not sufficient, add land to the UGB as follows:
6. Evaluate alternative areas around the UGB to decide which land to add, and
7. Plan and zone land added in a manner that authorizes (only) the particular needs determined in step 2, above.

Goal 14 establishes general UGB policy that pertains to each of the steps listed above, but the goal does not clearly describe detailed requirements for each of the steps. The 2006 UGB rules (OAR 660, division 24) are organized according to the above outline, and provide rules to clarify and, where possible, streamline each of these steps. "Phase 1" of the rulemaking addressed the least controversial issues; many issues were identified and intentionally put aside for later rulemaking.

History of Department Efforts to Amend Goal 14

The department initially undertook a thorough review and evaluation of Goal 14's requirements and procedures for UGB amendments in 1997. DLCD contracted with Linda Davis of the planning firm Cogan, Owens, and Cogan to review Goal 14 and associated policy. The resulting written evaluation, *Working Paper: Goal 14 Analysis*, identified a range of problems and provided the following summary to the department and the commission:

"The following are the major issues we can conclude from this examination:

- 1. The primary focus of attention has been on establishing and amending UGBs. Little attention has been paid to the process of converting urbanizable land to urban land in terms of timing, the availability of public facilities and services and patterns of development (urban form).*
- 2. The application of Goal 14 is awkward and confusing because of the number of conflicting terms, definitions and redundancy within the goal or other parts of the statewide planning goals, state law and administrative rules.*
- 3. Interpretation and application of the provisions of Goal 14 have come about largely through litigation because administrative rules have provided scant direction. The results may not be what practitioners and the state believe is good public policy in all cases.*
- 4. Conflicts between urban growth and resource land protection will heighten as communities begin to consider amending UGBs to accommodate future growth. DLCD is not fully equipped to help local governments address these conflicting priorities.*
- 5. The UGB amendment process, while it should not necessarily be easy, is confusing, difficult and is fraught with potential for procedural error, a source of litigation. It focuses on details and the larger objectives tend to get lost in the process.*
- 6. DLCD has difficulty maintaining a proactive relationship with local government because it lacks written guidelines and procedures for UGB amendments and growth management. The Department is in a reactive mode and is frequently an appellant on UGB amendments.*

"The most important gaps to address concern the lack of:

- 1. Definitions (public facilities, maximum efficiency, urban, urbanizable, etc.) for clarity in application of the goals.*
- 2. Direction in the goals, statutes or rules concerning city-county growth management agreements to address local issues related to growth management within UGBs.*
- 3. Direction as to when and how to apply the conversion policies of Goal 14.*
- 4. Procedures and guidelines for resolving conflicts between agricultural land and urban land needs.*
- 5. Clarification concerning when and how the statewide planning goals need to be addressed in a UGB amendment.*
- 6. Clear policy and procedures for amending a UGB when urban reserves are proposed for addition to the UGB.*
- 7. Guidance on the level of analysis of public facilities needed for a UGB amendment.*
- 8. Directions regarding procedures, factors for consideration, and the difference from OEA projections in county projections."*

In 1998, the commission directed staff to initiate a goal and rule process that would lead to LCDC adoption of goal amendments and new administrative rules addressing the issues identified in the Cogan Owens Cogan report. The Commission appointed a group of stakeholders – the “Goal 14 working group” – which met from September 1998 through June 2000 (except for a break during the 1999 legislative session). The working group and the department produced a set of draft administrative rules to interpret and implement Goal 14, and also proposed a set of amendments to Goal 14 itself. In response, the department and the commission held ten hearings on the proposed rules and Goal 14 amendments in the summer and fall of 2000. However, with the passage of Measure 7 in November 2000, LCDC suspended the Goal 14 project (and other rulemaking underway at the time).

In 2003, with the adoption of its biennial Policy Agenda, LCDC decided to re-start this project. A work group was appointed in 2004 (including members who have agreed to work on the recommended Phase 2 described in this report). The work group ultimately recommended changes to Goal 14 that were adopted in 2005 (as discussed above), and also recommended that additional streamlining and other clarifying amendments be adopted by rule, leading to the adoption of OAR 660, division 24, in 2006 (also discussed above).

The 2006 UGB rules, for the first time, provided detailed policy and procedural requirements for amending a UGB (these rules also apply to the first-time establishment of a UGB, which is only pertinent for newly incorporated cities that are outside an existing UGB). Most important, the division 24 UGB rules include many “safe harbor” streamlining methods for UGB amendment, described below. The rules are generally organized to follow the steps taken by many local governments in the UGB amendment process, including rules regarding population forecasts, land need, buildable land inventories, UGB location analysis, and land exchanges.

One of the main ingredients of the 2006 rules is a series of “safe harbors,” intended to provide optional methods for a local government to meet Goal 14 but also save time and cost. Safe harbors establish specific methods for meeting a goal or rule requirement. If a local government follows one of these methods, there is significantly more assurance that the conclusions it reaches for that particular step will be deemed to comply with Goal 14 when LCDC evaluates and acknowledges a UGB amendment. The safe harbors cover a range of subjects, but mainly help with the local process of land inventory and need analysis. The definition of “safe harbor” is intended to make it absolutely clear that safe harbors are an optional path for a local government, and that they are not intended to themselves interpret the meaning of a particular goal or rule requirement.

It is important to note that many “policies” regarding the UGB process derive from LCDC interpretations of statute and Goal 14, decided during LCDC review and acknowledgment of comprehensive plans and UGBs (*circa* 1978 – 1985). Additional interpretations evolved during periodic review (subsequent to 1986), and LUBA and the courts have established a great deal of precedent in their review of individual UGB amendments under appeal. Many “court interpretations” are considered *de facto* requirements, especially interpretations issued by the Court of Appeals and which are therefore binding on the Commission. Phase 1 of the UGB rulemaking process was in part intended to clarify or codify major LCDC or Court “precedents” in the amended Goal 14 and in the new OAR 660, division 24.

Legislation regarding the UGB process has been introduced in almost every legislative session, including a major piece of legislation enacted in 1995 setting forth the methodology for determining housing need and amending UGBs (HB 2709, codified under ORS 197.296 and .298). The UGB rules under division 24 reference pertinent statutes and in some cases interpret those statutes. Because major elements of the UGB process are statutory, certain issues can only be resolved legislatively. However, it is likely that many or all of the "streamlining" issues discussed in this report can be resolved by rulemaking.

PROPOSED WORKGROUP

The commission established a work group to advise the department in drafting amendments to Goal 14 and new administrative rules in 2004, and made minor additions or alterations the makeup of the group in subsequent years. The group that recommended the division 24 rules to LCDC in 2006 included 25 members with a range of interests and expertise, as follows:

Phase 1 UGB Workgroup Membership (in 2006):

1. Marilyn Worrix, LCDC (Chair of workgroup)
2. Damian Syrnyk, City of Bend
3. Jim Huber, City of Grants Pass
4. Barton Brierly, City of Newberg
5. Steve Bryant, League of Oregon Cities
6. Art Schlack, Association of Oregon Counties
7. Brent Curtis, Washington County
8. Dick Benner, Metro
9. Kelly Ross, Special Districts Association of Oregon
10. Chris Crean, Oregon Chapter of the American Planning Association
11. Don Schellenberg, Oregon Farm Bureau Federation
12. Mary Kyle McCurdy, 1000 Friends of Oregon
13. Jon Chandler, Oregon Homebuilders Association
14. Greg Winterowd, Winterbrook Planning
15. Terry Moore, ECO Northwest
16. Glen Bolen, Fregonese Calthorpe Associates
17. Bob LeFeber, representing commercial realtors
18. Harlan Levy, Oregon Association of Realtors
19. Pat Zimmerman, State Citizen Involvement Advisory Committee

State Agencies:

20. Richard Bjelland: Dept of Housing and Community Services
21. Jerri Bohard: Dept of Transportation
22. Jim Johnson: Dept of Agriculture
23. Paul Grove: Economic and Community Development Dept
24. Bob Rindy, DLCD
25. Gloria Gardiner, DLCD

Recommended Phase 2 UGB Workgroup Membership:

The department has contacted the previous workgroup members and the following members have agreed to continue serving for Phase 2 of this project:

1. Marilyn Worrix, LCDC (Chair of work group),
2. Barton Brierly, City of Newberg,
3. Art Schlack, Association of Oregon Counties,
4. Brent Curtis, Washington County,
5. Kelly Ross, Special Districts Association of Oregon,
6. Don Schellenberg, Oregon Farm Bureau Federation,
7. Mary Kyle McCurdy, 1000 Friends of Oregon,
8. Jon Chandler, Oregon Homebuilders Association,
9. Greg Winterowd, Winterbrook Planning,
10. Terry Moore, ECO Northwest,
11. Bob LeFeber, representing commercial realtors,
12. Pat Zimmerman, State Citizen Involvement Advisory Committee

State Agencies:

14. Jim Johnson: Oregon Dept of Agriculture (ODA),
15. Paul Grove, Oregon Economic and Community Development Dept. (OECDD)

The following members are not able to continue with this project. In most cases, the particular interests or expertise these members represented should be replaced by new members:

1. Damian Syrnyk, City of Bend, representing Central Oregon cities,
2. Jim Huber, City of Grants Pass,
3. Steve Bryant, League of Oregon Cities,
4. Dick Benner, Metro¹,
5. Chris Crean, Oregon Chapter of the American Planning Association,
6. Glen Bolen, Fregonese Calthorpe Associates,
7. Richard Bjelland: Dept of Housing and Community Services,
8. Jerri Bohard, Dept of Transportation,
9. Harlan Levy, Oregon Association of Realtors

The Department therefore recommends that LCDC appoint the following new or replacement members to the advisory UGB workgroup for Phase 2:

1. Nick Lelack, City of Redmond (replacing Damian Syrnyk),
2. Linda Ludwig, League of Oregon Cities (replacing Steve Bryant),
3. Sandy Young, City of Wilsonville (replacing Jim Huber),
4. Shaun Jillions, Representing the Oregon Association of Realtors (replacing Harlan Levy),

¹ Metro has declined the invitation to serve on this work group, given their focus and work load regarding the urban and rural reserves and other projects. DLCD recommends appointing a representative of a Metro area city (Wilsonville Planning Director Sandy Young has agreed to serve).

5. Corinne Sherton, Attorney with Johnson and Sherton, LLC (replacing Chris Crean²),
6. Debbie Price, Dept of Housing and Community Services (replacing Richard Bjelland),
7. Don Arambula, Crandall-Arambula, PC (Replacing Glen Bolen),
8. Robert Maestre, ODOT Transportation and Growth Management (replacing Jerri Bohard),
9. Marguerite Nabeta (Representing the Economic Revitalization Team; ERT).

Again, DLCD principle staff for this project will be Bob Rindy and Gloria Gardiner. The full recommended list of appointed members is Attachment A to this report.

Required LCDC Rulemaking Criteria and Procedures

As part of its overall statutory authority (see ORS 197.040), the Land Conservation and Development Commission (LCDC) is required to “adopt rules and ... any statewide land use policies that it considers necessary to carry out” the statewide land use program and statutes, and to “adopt, amend, or revise goals consistent with regional, county and city concerns.”

The Commission’s procedures for rulemaking derive from ORS Chapter 183 and are specified in LCDC’s procedural rules at OAR 660-001-0000. The Commission generally appoints a rule advisory committee, or “work group” for projects such as the one described in this report. Under ORS Chapter 183:

“The public should be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule.

(2) Any agency in its discretion may develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue.

(3) If an agency appoints an advisory committee for consideration of a rule under subsection (1) of this section, the agency shall seek the committee’s recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses.”

The Commission is also guided by ORS 197.040, as follows:

“...The Land Conservation and Development Commission shall...adopt rules that it considers necessary to carry out ORS chapters 195, 196 and 197, [and] shall:

(A) Allow for the diverse administrative and planning capabilities of local governments;

(B) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule;

² Land Use Attorney Chris Crean represented the Oregon Chapter of the American Planning Association (OAPA) on the previous workgroup. The department recommends appointment of Corrine Sherton to replace Chris’s expertise as a land use attorney regarding UGBs. OAPA would still be represented because Greg Winterowd, who is continuing with the workgroup, is currently the President of OAPA.

(C) Assess the likely degree of economic impact on identified property and economic interests; and

(D) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact."

The Commission has also approved its own "Citizen Involvement Guidelines for Policy Development" (the "CIG") in order

"... to provide and promote clear procedures for public involvement in the development of Commission policy on land use," which LCDC has committed to follow "to the extent practicable in the development of new or amended statewide planning goals and related administrative rules."

The department recommends that a member of CIAC be appointed to the workgroup. Pat Zimmerman has agreed to this appointment. The CIG further recommends that the Commission:

"Consult with the CIAC on the scope of the proposed process or procedure to be followed in the development of any new or amended goal, rule or policy."

DLCD intends to consult with CIAC on this project, but as of this report no meeting date has been set for this. The department is recommending that the Commission appoint CIAC member Pat Zimmerman to this work group.

Finally, the CIG also recommends that, as part of a rulemaking process, the department:

"Shall, to the extent practicable:

- Prepare a schedule that clearly indicates opportunities for citizen involvement and comment, including tentative dates of meetings, public hearings and other time-related information;*
- Post the schedule, and any subsequent meeting or notice announcements of public participation opportunities on the Department's website, and provide copies via paper mail upon request; and*
- Send notice of the website posting via an e-mail list of interested or potentially affected parties and media outlets statewide, and via paper mail upon request;*
- Provide background information on the policy issues under discussion via posting on the Department's website and, upon request, via paper mail. Such information may, as appropriate, include staff reports, an issue summary, statutory references, administrative rules, case law, or articles of interest relevant to the policy issue."*

The department intends to follow these guidelines with regard to this rulemaking. The work group will determine its schedule at its first meeting, and the department will post and maintain a website on this work group.

RECOMMENDED LCDC ACTION

The department recommends that the Commission receive public comment and discuss the proposals described in this report and any related matters, and:

- (1) Initiate this rulemaking, with an anticipated schedule that would provide for new or amended UGB rules by December of this year (which means the recommendation for rules should be concluded by October of this year);
- (2) Appoint the advisory rulemaking work group, including new and continuing members described above; and
- (3) Direct the work group to evaluate and refine the ideas described in this report, and other ideas at its discretion, and propose rules for LCDC's consideration and possible adoption by approximately October 2008.

ATTACHMENTS

- A. Recommended UGB Workgroup for Phase 2
- B. Goal 14
- C. OAR 660, division 24

Attachment A
Recommended UGB Workgroup for Phase 2

Recommended Phase 2 UGB Workgroup Membership:

1. Marilyn Worrix, LCDC (Chair of work group)
2. Barton Brierly, City of Newberg
3. Nick Lelack, City of Redmond
4. Sandy Young, City of Wilsonville
5. Linda Ludwig, League of Oregon Cities
6. Art Schlack, Association of Oregon Counties
7. Brent Curtis, Washington County
8. Kelly Ross, Special Districts Association of Oregon
9. Don Schellenberg, Oregon Farm Bureau Federation
10. Mary Kyle McCurdy, 1000 Friends of Oregon
11. Jon Chandler, Oregon Homebuilders Association
12. Greg Winterowd, Winterbrook Planning
13. Terry Moore, ECO Northwest
14. Bob LeFeber, Commercial realtor
15. Shaun Jillions, Oregon Association of Realtors
16. Pat Zimmerman, State Citizen Involvement Advisory Committee (CIAC)
17. Corinne Sherton, Johnson and Sherton, LLC
18. Don Arambula, Crandall-Arambula, PC

State Agencies

19. Debbie Price, Dept of Housing and Community Services (OHCD)
20. Jim Johnson: Oregon Dept of Agriculture (ODA)
21. Paul Grove, Oregon Economic and Community Development Dept. (OECDD)
22. Robert Maestre, Department of Transportation (ODOT)
23. Marguerite Nabeta, Economic Recovery Team (ERT))

DLCD Staff

24. Bob Rindy
25. Gloria Gardiner
26. Bryan Gonzalez

Attachment B
Goal 14

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.

Attachment C
OAR 660, division 24

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

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 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 (LCDC) 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 are effective April 5, 2007, except as follows:
 - (a) A local government may choose to apply this division prior to April 5, 2007;
 - (b) 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;
 - (c) 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;
 - (d) 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.

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14

Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0010

Definitions

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

- (1) "Local government" means a city or county, or a metropolitan service district described in ORS 197.015(14).
- (2) "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.
- (3) "UGB" means "urban growth boundary."
- (4) "Urban area" means the land within a UGB.

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14
Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650,
197.764
Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0020

Adoption or Amendment of a UGB

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:
 - (a) The exceptions process in Goal 2 and OAR 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);
 - (b) Goals 3 and 4 are not applicable;
 - (c) Goal 5 and related rules under OAR 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;
 - (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more

vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

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

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

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

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14

Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0030

Population Forecasts

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

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

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

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

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

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

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

(b) Is based on OEA's population forecast for the county for a 20-year period commencing on the date determined under OAR 660-024-0040(2); and

(c) Is developed by assuming that the urban area's share of the forecasted county population determined in subsection (b) of this rule will be the same as the urban area's current share of county population based on the most recent certified population estimates from Portland State University and the most recent data for the urban area published by the U.S. Census Bureau.

(5) A city may propose a revised 20-year forecast for its urban area by following the requirements described in ORS 195.034.

Stat. Auth.: ORS 197.040, Statewide Planning Goal 14, 195.034

Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764, 195.034

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07; LCDD 3-2008, f. & cert. ef. 4-18-08

660-024-0040

Land Need

(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and

other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.

(2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:

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

(b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the coordinated population forecast for the urban area adopted by the city and county pursuant to OAR 660-024-0030, unless ORS 197.296 requires a different date for local governments subject to that statute.

(3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).

(4) The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goal 10, OAR 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.

(5) Except for a metropolitan service district described in ORS 197.015(14), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth.

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

(7) The following safe harbors may be applied in determining housing needs:

(a) Local governments may estimate persons per household for the 20-year planning period using the persons per household for the urban area indicated in the most current data for the urban area published by the U.S. Census Bureau.

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

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

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

(8) The following safe harbors may be applied in determining employment needs:

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

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

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

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

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

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14

Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0050

Land Inventory and Response to Deficiency

(1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute. For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015(3).

(2) As safe harbors, a local government, except a city with a population over 25,000 or a metropolitan service district described in ORS 197.015(14), may use the following assumptions in inventorying buildable lands to accommodate housing needs:

(a) The infill potential of developed residential lots or parcels of one-half acre or more may be determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and assuming that the remainder is buildable land;

(b) Existing lots of less than one-half acre that are currently occupied by a residence may be assumed to be fully developed.

(3) As safe harbors when inventorying land to accommodate industrial and other employment needs, a local government may assume that a lot or parcel is vacant if it is:

(a) Equal to or larger than one-half acre, if the lot or parcel does not contain a permanent building; or

(b) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is occupied by a permanent building.

(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. Changes to the UGB must be determined by evaluating alternative boundary locations consistent with OAR 660-024-0060.

(5) When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan

designation, or may maintain the land as urbanizable land either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development until the land is rezoned for the planned urban uses. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14
Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764
Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0060

Boundary Location Alternatives Analysis

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

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

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

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

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

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

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing

to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14
Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650,
197.764
Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0070

UGB Adjustments

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

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

- (a) The removal of land would not violate applicable statewide planning goals;
- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, taking into consideration land added to the UGB at the same time;
- (c) Public facilities agreements adopted under ORS 195.020 do not provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB;
- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and
- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.

(3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on its acknowledged population forecast and land needs analysis, rather than adopt a new forecast and need analysis, provided the land added to the UGB is planned for the same uses and at the same housing or employment density as the land removed from the UGB, and provided:

(a) For residential land, the amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed; or

(b) For industrial or other employment land, the amount of suitable land added to the UGB is substantially equivalent to the amount of suitable land removed.

Stat. Auth.: ORS 197.040, Other Auth. Statewide Planning Goal 14

Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07