

Department of Land Conservation and Development
OAR Chapter 660

DIVISION 022
UNINCORPORATED COMMUNITIES

Amendments Adopted March 23, 2006
Effective May 15, 2006

1 **660-022-0040**

2 **Urban Unincorporated Communities**

3 (1) Counties with qualifying communities shall adopt plans and land use
4 regulations for urban unincorporated communities (UUC's). All statewide planning goals
5 applicable to cities shall also apply to UUC's, except for those goals provisions relating
6 to urban growth boundaries and related requirements regarding the accommodation of
7 long-term need for housing and employment growth.

8 (2) Counties may expand the boundaries of those UUC's with the following
9 characteristics [~~during regularly scheduled periodic review~~] in order to include
10 developable land to meet a demonstrated long-term need for housing and employment:

11 (a) The UUC is at least 20 road miles from an urban growth boundary with a
12 population over 25,000; and

13 (b) The UUC is at least 10 road miles from an urban growth boundary with a
14 population of 25,000 or less.

15 (3) To expand the boundary of a UUC, a county shall demonstrate a long-term
16 need for housing and employment in the community. The county shall base its
17 demonstration upon population growth estimates from a reputable forecast service (such
18 as Portland State University). The county shall coordinate its estimates with those for
19 other cities and communities in the county. The county shall consider:

20 (a) Plans to extend facilities and services to existing community land; and

21 (b) The infill potential of existing land in the community.

22 (4) If a county determines that it must expand the boundary of a UUC to
23 accommodate a long-term need for housing and employment, it shall follow the criteria
24 for amendment of an urban growth boundary in statewide planning Goal 14 and shall
25 select land using the following priorities:

26 (a) First priority goes to that developable land nearest to the UUC which is
27 identified in an acknowledged comprehensive plan as exception area or nonresource
28 land;

29 (b) If land described in subsection (a) of this section is not adequate to
30 accommodate the need demonstrated pursuant to section (3) of this rule, second priority
31 goes to land designated in a comprehensive plan for agriculture or forestry, or both.
32 Higher priority shall be given to land of lower capability as measured by the capability
33 classification system or by cubic foot site class, whichever is appropriate for the current
34 use, with designated marginal land considered the lowest capability (highest priority for
35 selection);

36 (c) Land described in subsection (4)(b) of this section may be included if land of
37 higher priority is inadequate to accommodate the need projected according to section (3)
38 of this rule for any one of the following reasons:

1 (A) Specific types of identified land needs cannot be reasonably accommodated
2 on higher priority land; or

3 (B) Public facilities and services cannot reasonably be provided to the higher
4 priority area due to topographic or other physical constraints; or

5 (C) Maximum efficiency of land use within the UUC requires inclusion of lower
6 priority land in order to provide public facilities and services to higher priority land.

7 (5) Counties shall apply plans and land use regulations to ensure that land added
8 to a UUC:

9 (a) Is used only to satisfy needs identified pursuant to section (3) of this rule; and

10 (b) Is provided with sewer and water services at the time of development; and

11 (c) Is planned and zoned according to the requirements of this division; and

12 (d) If designated for residential use, meets the requirements of statewide planning
13 Goal 10 and ORS 197.314; and

14 (6) Counties shall not rely upon the use of land included within a UUC as the
15 basis for determining that nearby land designated in compliance with goals relating to
16 agriculture or forestry is committed to nonresource use as defined in OAR 660-004-
17 0005(3).

18 (7) Counties shall include findings of fact and conclusions of law demonstrating
19 compliance with the provisions of this rule in their comprehensive plans.

20 (8) For purposes of this rule, “developable land” shall have the meaning given
21 that term in OAR 660-021-0010(5).

22 (9) For purposes of this rule, “long-term need” means needs for the UUC
23 anticipated [~~by the time of the county’s next regularly scheduled periodic review~~] **for the**
24 **next 10 years.**

25 **660-022-0050**

26 **Community Public Facility Plans**

27 (1) In coordination with special districts, counties shall adopt public facility plans
28 meeting the requirements of OAR 660, Division 11, and include them in the
29 comprehensive plan for unincorporated communities over 2,500 in population. A
30 community public facility plan addressing sewer and water is required if the
31 unincorporated community is designated as an urban unincorporated community under
32 OAR 660-022-0010 and 660-022-0020. For all communities, a sewer and water
33 community public facility plan is required if:
34

35 (a) Existing sewer or water facilities are insufficient for current needs, or are
36 projected to become insufficient due to physical conditions, financial circumstances or
37 changing state or federal standards; or

38 (b) The plan for the unincorporated community provides for an amount, type or
39 density of additional growth or infill that cannot be adequately served with individual
40 water or sanitary systems or by existing community facilities and services; or

41 (c) The community relies on groundwater and is within a groundwater limited or
42 groundwater critical area as identified by the Oregon Department of Water Resources; or

43 (d) Land in the community has been declared a health hazard [~~]~~ or has a history
44 of failing septic systems or wells [~~, or a community sewage or water system is projected~~
45 ~~to be needed by the next periodic review~~].

1 (2) A community public facility plan shall include inventories, projected needs,
2 policies and regulations for the water and sewerage facilities which are existing or
3 needed to serve the unincorporated community, including:

4 (a) An inventory of the condition and capacity of existing public facilities and
5 services;

6 (b) An assessment of the level of facilities and services needed to adequately
7 serve the planned buildout within the community area boundary; and

8 (c) Coordination agreements consistent with ORS Chapter 195.

9 (3) If existing community facilities and services are not currently adequate to
10 serve the development allowed in the plan and zoning ordinance, the community public
11 facility plan shall contain either:

12 (a) Development restrictions to ensure development will not exceed the capacity
13 of the land to absorb waste and provide potable water and will not exceed the capacity of
14 public facilities; or

15 (b) A list of new facilities, and improvements for existing public facilities,
16 necessary to adequately serve the planned buildout in the unincorporated community,
17 including the projected costs of these improvements and an identification of the provider
18 or providers of these improvements; and

19 (c) A discussion of the provider's funding mechanisms and the ability of these
20 and possibly new mechanisms to fund the development of each community public facility
21 project; and

22 (d) A requirement that development not occur until the necessary public facilities
23 are available for that development.

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25 * * * (No amendments proposed to other rules in this division)