

Questions to LCDC Legal Counsel:

1. If a city adopts a population forecast, and/or a BLI into its comp plan, and then later in a separate process does its housing needs analysis and UGB amendment, is there the ability to challenge the forecast or BLI in the context of the review of the housing needs analysis? Assume, for simplification, that the forecast and BLI are done as PAPAs. Does the answer vary if the UGB amendment is subject to 197.296? This is the Urquarht issue.

2. Could LCDC, by rule, define the terms "amends the urban growth boundary" and "designates urban reserves under ORS 195.141" both in 197.626 to include:

- (a) any population forecast that is the basis for the UGB or UR amendment/designation;
- (b) any BLI that is the basis for the same; or
- (c) any residential land needs or EOA that is the basis for the same?

In other words, does the context here allow LCDC to treat these preliminary steps to a UGB amendment or UR designation in the same manner or a similar manner to periodic review -- either making them all be adopted at one time, or making them sequential with LCDC authority to go back to an earlier stage if review of a later stage made that necessary?

>>> Bob Rindy 08/01/2008 10:37 AM >>>

Perhaps revise question #1 slightly, as follows:

1. If a city adopts a population forecast, and/or a BLI, **and/or a housing needs analysis** into its comp plan, and then later in a separate process does a UGB amendment, is there the ability to challenge the forecast, the BLI **and/or the housing needs analysis** in the context of the review of the **UGB amendment**? Assume, for simplification, that the forecast, BLI **and/or housing needs analysis** are done as PAPAs. Does the answer vary if the UGB amendment is subject to 197.296?

A correlative question would look the same as above, but change "housing needs analysis" to "employment needs analysis" (or EOA under Goal 9 rule).