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NATURE OF THE DECISION

Petitioners appeal a decision by the city amending the city’s comprehensive plan to adopt a population forecast for the Roseburg urban area through 2028.

FACTS

The city initiated an evaluation of its urban growth boundary in 2008. As part of the process of amending its urban growth boundary, the city adopted the challenged decision, which amends the city’s comprehensive plan to adopt a 20-year population forecast of 50,980 for the year 2028 for the Roseburg urban area.¹ In adopting the 20-year population forecast, the city assumed a 2.5% annual growth rate.

ASSIGNMENTS OF ERROR

The city adopted its population forecast pursuant to the “safe harbor” provision of ORS 195.034(1), which provides:

“If the coordinating body under ORS 195.025(1) has adopted, within 10 years before a city initiates an evaluation or amendment of the city’s urban growth boundary, a population forecast as required by ORS 195.036 that no longer provides a 20-year forecast for an urban area, a city may propose a revised 20-year forecast for its urban area by extending the coordinating body’s current urban area forecast to a 20-year period using the same growth trend for the urban area assumed in the coordinating body’s current adopted forecast.”²

¹ OAR 660-024-0040(1) provides that an urban growth boundary amendment must be based on a 20-year population forecast for an urban area.

² ORS 195.034 is a “safe harbor,” which OAR 660-024-0010(7) defines as:

“[A]n 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. * * *”

If a city does not rely on the safe harbor provision, then ORS 195.034(2) allows the city to determine a 20-year forecast for its urban area by:

- “(a) Basing the proposed forecast on the population forecast prepared by the Office of Economic Analysis for the county for a 20-year period that commences when the city initiates the evaluation or amendment of the city’s urban growth boundary; and

1 ORS 195.036 requires a county to adopt and maintain a population forecast for the entire
2 county in coordination with local governments within its boundaries. In 1998, Douglas
3 County updated its population forecast, based in part on 1990 census figures, and in 2000 the
4 updated population forecast through 2020 took effect.

5 Petitioners argue that the city is not entitled to rely on the safe harbor provision of
6 ORS 195.034(1) or to use a projected growth rate of 2.5%, because the county’s 2000-2020
7 population forecast does not provide a population forecast for the Roseburg “urban area,”
8 which is the focus of the safe harbor provision. The city took the position below and takes
9 the position in this appeal that Douglas County did indeed adopt a population forecast for the
10 Roseburg urban area as part of the county’s 2000-2020 population forecast.

11 In support of its position, the city points to tables located at Record 99 and 1231 that
12 contain 2020 population projections. Those projections separate the county into four
13 subareas - coastal, north, central and south - and the population for each subarea is further
14 broken down into the general categories of “cities,” “urban unincorporated areas” and “rural
15 areas” within each subarea. A reproduction of the portion of the table at Record 1231 setting
16 forth data for the central subarea, which includes the cities of Roseburg, Sutherlin, Oakland
17 and Winston, appears at Appendix A. There are no entries for populations within “urban
18 unincorporated areas” in that table, which the city argues means that the projections in the
19 table for “cities” are for “urban areas,” meaning both incorporated areas and unincorporated
20 areas within urban growth boundaries. The city also notes that various portions of the
21 county’s 2000 population forecast refer to “city urban growth boundaries.” Record 89, 182.
22 The city also points to a statement in the 2000 population forecast that indicates that “[t]he

“(b) Assuming that the urban area’s share for the forecasted county population determined in paragraph (a) of this subsection will be the same as the urban area’s current share of the 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 United States Census Bureau.”

1 city urban growth boundary projections represent those figures which were developed by
2 each city and jointly adopted by the City and County.” Record 95. Finally, the city points to
3 a portion of the county’s 2000 population forecast that adopted various growth rates for
4 “cities” within the county, including the City of Roseburg. Record 142.

5 The main problem with the city’s position is that nothing cited to us in the county’s
6 2000-2020 population forecast projects appears to include a separate projection of the 2020
7 population for either (1) the city of Roseburg or, more importantly, (2) the Roseburg *urban*
8 *area*. Rather, as explained above, the county’s 2000 population forecast appears to divide
9 the county into the four subareas described above and then to forecast an aggregate
10 population for (1) all cities, and (2) all rural areas within those subareas and a total
11 population forecast for the entire county. Record 95, 99, 1231. *See* Appendix A. Forecasting
12 the total 2020 population for “cities” and “rural areas” within four designated subareas
13 within the county is not the same as forecasting the 2020 population of “an urban area” under
14 ORS 195.034(1), where the specific cities in the subareas and their populations are not
15 separately identified. Moreover, it is not obvious that the omission of specific population
16 figures for “urban unincorporated areas” within the subareas means that populations for
17 urban unincorporated areas were included in the population figures for “cities.” Finally,
18 even if the county’s forecast included a forecast for the Roseburg urban area, the fact that the
19 county’s 2000 population forecast includes assumed growth rates for individual cities does
20 not mean that the assumed growth rates for those cities includes the entire urban area.

21 The city also argues that because the county’s population forecast complies with ORS
22 195.036, which requires the county to establish a county-wide population forecast in
23 coordination with cities “for use in maintaining and updating comprehensive plans,” the city
24 is entitled to rely on the safe harbor. However, the safe harbor provision operates only when
25 the county has adopted a forecast for a city’s “urban area,” meaning both the incorporated
26 and unincorporated areas within its urban growth boundary. As far as we can tell or the city

1 has established, the county’s 2000-2020 population forecast did not adopt a separate year
2 2020 projection for the Roseburg urban area. For the reasons explained above, we agree
3 with petitioners that the city erred in relying on ORS 195.034(1) where the county’s
4 population forecast does not “* * * provide[] a 20-year forecast for [the Roseburg] urban
5 area.”

6 In a portion of the second assignment of error, and in the third assignment of error,
7 petitioners argue that even if the city could rely on the safe harbor, the city’s 2028 population
8 projections are incorrect.³ Because we determine above that the city erred in relying on the
9 safe harbor provisions, we need not address the portions of petitioners’ second and third
10 assignments of error that argue that the city’s population projections in reliance on the safe
11 harbor are incorrect.

12 Finally, the city argues in the alternative that even if its decision fails to meet the safe
13 harbor provisions, the city’s population forecast does not violate Statewide Planning Goal 2
14 (Coordination), Goal 14 (Urbanization), or any statute or administrative rule. However, the
15 decision makes clear that the city was relying on the safe harbor provision at ORS
16 195.034(1) to project its 2028 population using the county’s assumed 2.5% growth rate.
17 Record 11-13. The city does not point to any findings explaining how the population
18 forecast satisfies Goal 2, Goal 14 or the applicable statutes and administrative rules.

19 The first assignment of error is sustained.

³ In the third assignment of error, petitioners argue that the city erred in estimating the 2028 Roseburg urban area population by starting with 2000 census information for the city of Roseburg and adding population based on 2000 census information for the North Roseburg Census Designated Place (CDP), and then relying on the safe harbor to apply the 2.5% growth rate set forth in the county’s 2000 forecast to reach an estimated 2008 population. While we need not resolve the issue because we determine the city improperly relied on the safe harbor, we question whether the city may, under the safe harbor, project its 2028 population by starting with its urban area’s 2000 population and applying a 2.5% growth rate to it to obtain a 2008 population, and then projecting that 2008 population through 2028. ORS 195.034(1) appears to provide a safe harbor to cities that allows them to “* * * extend[] the [county’s] current urban area forecast to a 20-year period using the same growth trend for the urban area assumed in the coordinating body’s current adopted forecast.” (Emphasis added). That language seems to suggest that the city could rely on the safe harbor to extend the county’s 2020 forecasted population for the Roseburg urban area, if one existed, from its current end point in 2020 to 2028 using the same growth trend assumed in the county’s forecast.

1 The city's decision is remanded.

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APPENDIX A

**Total Population
Using County
Projections**

Sub Area	Class	1980 Pop	1990 Pop	2020 Total	1980-2000
Central	City	31,379	26,706	56,629	25,250
	Urban Unincorp	5,541		n/a	n/a
	Rural	24,103	33,885	39,010	14,907
	Subtotal	61,023	60,591	95,639	34,616

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