

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) 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) 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) 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~~

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.**