

Housing in Unincorporated Communities Rulemaking Advisory Committee

Second Meeting, September 11, 2026

9 AM – 12 PM

Chemeketa Community College – Brooks Campus
Classroom 105

To ensure the meeting is accessible, the department will make reasonable accommodations upon request. Please contact us at least 48 hours before the meeting. Contact the DLCD front desk by phone at 503-373-0050, by email at dlcd.info@dlcd.oregon.gov, or by TTY through Oregon Relay Services (800) 735-2900.

Agenda

Time	Description	Speaker(s)
9:00 – 9:15 AM	Introductions and Updates	Sylvia Ciborowski, Facilitator RAC Members Commissioner Bennett
9:15 – 9:20 AM	Agenda Review	DLCD Staff Commissioner Bennett
9:20 – 10:10 AM	County Planning Panel - Brooks-Hopmere, Oregon. Overview of an Urban Unincorporated Community - Terrebonne, Oregon. Community outreach in anticipation of a sewer system in a Rural Community - Odell, Oregon. Transition to an unincorporated community	Brandon Reich, Marion County Tanya Saltzman, Deschutes County Eric Walker, Hood River County
10:10 – 10:20 AM	BREAK	
10:20 – 11:50 AM	Discussion on Rule Categories - Planning & Zoning of Unincorporated Communities - Opportunities to Expand Unincorporated Communities - Community Engagement, Natural Hazards, Natural Resources	Sylvia Ciborowski, Facilitator RAC Members
11:50 – 12:00 PM	Next Steps and Adjourn	Sylvia Ciborowski, Facilitator Commissioner Bennett

Rulemaking Advisory Committee members unable to attend the meeting in person should plan to join Zoom using the link provided by DLCD.

Members of the public may watch the meeting live or recorded on the [DLCD YouTube channel](#).

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Housing in Unincorporated Communities (UCs) Rulemaking Advisory Committee

RAC Meeting 1 Summary

The first meeting of the Rulemaking Advisory Committee was held virtually on August 19, 2026 from 9am to 12pm. Video of this meeting is available on the [DLCD YouTube channel](#).

Attendees

RAC Members

Brandon Reich, Briece Edwards, Daryn Murphy, Eric Walker, Gail Henrikson, Marcus Luke, Mary Kyle McCurdy, Matt Cyrus, Megan Tuck, Brock Nation, Kevin Porter, McRae Carmichael, Michael Martin, Tabitha Eck

Land Conservation and Development Commission (LCDC)

Commissioner Mark Bennett

Department of Land Conservation and Development (DLCD)

Dr. Brenda Bateman, Jon Jinings, Palmer Mason, Angela Williamson, Casaria Taylor, Leila Aman, Kristin Greene, Joel Madsen, Emily Anderson, Josh LeBombard, Kevin Young, Brett Estes, Adam Marl, Madeline Phillips, Alexis Hammer, Meg Reed

Facilitation

Sylvia Ciborowski, Mosaic Resolutions

Opening Remarks and Agenda Review

Sylvia Ciborowski, facilitator, opened the meeting and welcomed meeting participants. DLCD Director Dr. Brenda Bateman provided opening remarks and thanked members for their time. In the face of urgent housing needs, DLCD is considering how to bring opportunities for housing production to places that need it. She noted that Divisions 4 and 22 of existing rules already allow zoning and planning to happen in unincorporated communities (UCs) and lay out provisions to expand boundaries of UCs. The rulemaking process will explore what additional residential development in those areas might look like. Any changes are voluntary, and any changes to community programs must include local community involvement. Additionally, development in UCs must be supported by adequate facilities and services.

Sylvia reviewed the meeting agenda.

Core DLCD staff introduced themselves, including Jon Jinings, Community Services Specialist, Palmer Mason, Inter-Agency Coordinator, Angela Williamson, Administrative and Rulemaking Coordinator, and Casaria Taylor, Senior Rules Coordinator. A full set of staff supports the core rulemaking team.

LCDC Commissioner Mark Bennett is the liaison for this effort. Commissioner Bennett thanked members for committing their time. He noted his experience representing eastern and central Oregon and has served as county and city administrator in past work. He encouraged members to reach out and share their experiences.

RAC Member Introductions

Members introduced themselves and described what they hope to achieve through the RAC process, what they see as the biggest challenge, and what they hope to learn from others at the table. They shared:

Hopes for the rules and RAC process:

- Many hope to create opportunities and tools to build thriving rural and UCs with a strong and vibrant future.
- Several hope to shed more light on differences between different UCs.
- Other expressed hopes include:
 - Strong consideration of cultural resources.
 - Achieve opportunities to grow efficiently within UCs, while maintaining lands with the highest resource value.
 - Good common-sense recommendations that will be easy to implement and result in housing production in UCs.
 - Learn more about how the development process works in Oregon and how it translates to development in tribal communities.
 - Start with fundamental information about the housing needed in rural UCs, their buildable land, and infrastructure status.
 - Increase housing production.
 - Openness and flexibility to listen to each other and consider changes.
 - Gain insight into different perspectives and be good partners.
 - Gain clarity on what can be done within the confines of these rules.

Anticipated challenges:

- Many noted that a challenge will be making sure recommendations and rules fit different communities, rather than a one size fits all solution.
- Many noted infrastructure limitations and lack of funding for infrastructure that is needed to support development.
- Several noted that it will be difficult to consider how to bring change after decades of doing things the same way.
- Other challenges include:
 - Limited land capacity and timelines.
 - Making resources complementary rather than in competition.
 - Finding reasonable solutions, while holding principles of the statewide program.
 - Potentially opening up areas for housing where it is not appropriate and creating housing that is only accessible to those of higher incomes.
 - Perpetual appeals on development.

- Complexity and layering involved in land use and public process.
- How to address deferred maintenance that many UCs face.

Hope to learn:

- Many RAC members hope to learn more about the experiences, challenges and successes of the various communities.
- Several are looking forward to learning about other people's perspectives and working together to find solutions.
- Others hope to learn:
 - What the process looks like, and how to set the stage for the next generation.
 - Different resources and tools to support rural communities.

Overview of Rulemaking Charge & Operating Guidelines

Sylvia reviewed the rulemaking purpose and charge that was approved by LCDC. The RAC is charged with advising staff on rule revisions that create a voluntary process for counties to review and potentially increase housing options in UCs with appropriate characteristics. Any additions or expansions must be supported by public facilities, maintain protection for rural and working lands, and consider natural hazard safety.

The rules can allow for but not require UC expansion if certain conditions are met.

Counties that do choose expansion or increased densities would need to plan for a diverse mix of housing types to serve people of various incomes and household types and consider local public input.

Sylvia reviewed the rulemaking schedule, which includes five RAC meetings, a public comment period from November 1 through December 13, an LCDC Hearing on December 3-4, and anticipated LCDC adoption of rules in February 2027.

She then reviewed key portions of the [RAC Operating Guidelines](#) including:

- Roles of RAC members, DLCD staff, and the facilitator
- RAC member expectations
- Meeting guidelines
- RAC alternates
- Public meetings and communications

RAC member questions and comments included:

- Discussion on how often DLCD conducts rulemaking processes, and how it relates to the tribal development process.
- Members had no major concerns or questions about the operating guidelines.

Overview of Existing Rules Related to UCs

Jon Jinings provided an overview of the UC context and Divisions 4 and 22 that contain the existing rules related to UCs.

Key points of the presentation included:

- **Definition of unincorporated communities** under Statewide Planning Goal 14.
- The rules were originally adopted in 1994 and then revised several times over the following decades to elevate employment uses and address temporary sheltering as a result of wildfires.
- This rulemaking will touch on both **form and substance**. There will be updates to how rules are organized to make them more usable, as well as looking at whether policy choices made 30 years ago should be revisited.
- The rulemaking process will look at options to expand housing both within existing UC boundaries and through UC boundary expansion.
- Definition of the four types of UCs under Division 22.
- Review of **current planning and zoning requirements** as outlined in 660-022-0030: UCs (other than Rural Service Centers) must do planning and zoning to reflect projected uses. UCs may authorize any residential use and density, as well as small scale and low-impact industrial and commercial uses and hotels and motels in certain cases. Planning and zoning must be done in a way that: does not adversely affect agricultural or forestry uses; is consistent with existing transportation level of service and facilities; does not result in public health hazards or adverse environmental impacts; and is consistent with regional goals and plans.
- Review of Division 4 rules that explain what is required to **expand a UC**. Under the existing rule, a UC can seek to expand its boundaries if there is a demonstrated need for additional land to accommodate a specific rural use, the finding of need is consistent with other land use plans, and the applicant shows the ability to serve the expanded area and any remaining infill development potential in the community.
- Division 4 also lays out other **requirements for expansion**, including what land should be prioritized. There is opportunity through this rulemaking to reorganize this section and make the process clearer.
- Review of **additional rules for expansion of Urban Unincorporated Communities (UUCs)**:
 - Counties may expand the boundaries of UUCs only if the community is a certain distance away from a nearby Urban Growth Boundary (UGB), in order to not interfere with the functioning of the urban area. There is an opportunity to revisit this restriction in this rulemaking.
 - The county must show a long-term need for housing and employment. “Long-term need” means land that the UUC anticipates needing for the next 10 years. This rulemaking could consider changes here; for example, consider whether to allow UUCs to conduct land inventories, redefine “long-term need” to consider the next 20 years, or treat UUC expansion more like the UGB expansion process.
- Division 11 covers **public facilities planning**. This Division may or may not be discussed through the RAC process.

RAC member questions and comments included:

- Clarification that 660-022-0030 is different from the farm impacts test which is outlined in other rules. It is a lighter touch.

- Will this rulemaking consider incorporating statewide production targets from recent legislation, which assume 12% of increased housing production would occur outside of UGBs? Staff tabled this topic for later discussion.
- How does environmental review play a role? Staff noted that DLCD coordinates with other state departments to consider things like natural resource protection and protection against wildfire.
- Members discussed how the Housing Needs Analysis (HNA) factors into the rules.
 - Staff noted that the HNA methodology does determine housing production outside of UGBs, but the allocations are for within UGBs. It is not clear how the HNA methodology could be used to define housing needs in UCs. DLCD will explore this further, including looking at the population research center forecast for unincorporated places.
 - A member noted that the housing allocations within UGBs are separated into income categories. Housing in UCs should also consider these income categories to ensure housing for those who need it.
 - The DLCD team noted they will look into what the methodology assumes for growth in UCs.
 - A member noted that changing demographics within a community may also change the need for housing, even if the population is not growing (for example: a community that has more families versus singles needs a different type of housing).

Discussion of Key Rulemaking Issues

RAC members were invited to respond to a set of discussion questions:

1. What characteristics of an UC would make it suitable for more housing?

DLCD framed up this topic by noting that the rules speak to planning and zoning and already include provisions that require that expanded housing consider infrastructure, carrying capacity, and community support. The rules are not anticipated to directly speak to builder costs, builder availability, market demand, and interest rates.

Member discussion included:

- Discussion on infrastructure constraints and needs. Comments included:
 - In many UCs, the desire to live near farms is strong because homes there are close to work and are more affordable. The challenge is counties do not have control over their own infrastructure. There should be more flexibility and options to establish community systems or connect to city services, beyond what Goal 11 allows.
 - There may be difficulty in hooking up to nearby city infrastructure.
 - To expand housing, the county should be required to assess current infrastructure capacity (sewer, septic, roads) as well as need for housing to serve the needs of the rural area.
 - DLCD noted that Division 11 allows community septic systems and extension of urban services to serve UCs, but they are very strict about extending services to

abutting properties. The cost of extending services to an UC from a UGB can be significant, but it is an option. The City of Coos Bay is looking at potentially expanding its UGB to incorporate some UCs because that service provision is available.

- The infrastructure conversation is not just about bringing infrastructure to communities—but also the cost of long-term operations and maintenance, staffing costs, regulatory and compliance obligations, and governance.
- Before expanding housing, there should also be consideration of whether the community is in a wildfire or consistent drought area.
- Discussion on market demand, which can be interpreted to mean future housing need or people that need housing. DLCD noted that there may be room to consider whether market demand should contribute to the opportunity to expand boundaries of non-urban UCs.

2. Under what conditions should counties be provided with additional or revised opportunities to expand UC boundaries?

DLCD framed up this topic by reviewing where the rules could be revised to clarify or make it easier to expand UC boundaries to accommodate increased housing.

Member discussion included:

- Discussion on infrastructure and public facilities:
 - Adequate public facilities should be required in any expansion.
 - Avoid restricting housing opportunities just to communities with sewer and water systems in place. That would rule out a lot of communities.
 - Bringing in water infrastructure is costly, as is the continued maintenance of that infrastructure.
 - A member asked counties whether their rural UCs have public facilities plans in place. Representatives of Hood River, Clatsop, Baker, and Malheur counties noted that their rural UCs do not have public facilities plans, though in some cases there is cooperation with Special Districts. Marion County has public facilities for some rural UCs but not all.
- The type of housing is important: for example, expansion could be allowed if there is a need for workforce housing to support the rural economy. There should also be allowance for different types of housing (multifamily, ADUs, elderly housing, etc.).
- A couple of members noted that the current distance prohibition is too restrictive. For example, the distance prohibition is making it difficult to finalize a plan for a community that happens to fall within ten miles of Hood River. Consider updating the rules to allow expansion that contravenes the distance prohibition if certain conditions are met.
- Caution against laying on more restrictions based on fire danger, as many rural areas by nature live in forested areas.
- Climate change has led to increased flooding in some areas. This means changes to where we should develop and increases in insurance costs.
- A member asked how many UC boundary expansion requests DLCD receives. Staff noted that there are hardly any. The community of Kent in Sherman County did go through the process. Not many UCs know that the opportunity exists.

3. What else does DLCD need to be thinking about in this rule update?

Sylvia opened the conversation to any additional comments. Member discussion included:

- It would be helpful for DLCD to gather data on existing buildable lands and infrastructure, at least in UUCs. For example, a 2024 Deschutes County report lays out the residential potential outside of UGBs. DLCD staff noted they would try to pull together data and case studies.
- It may be useful to have a discussion on the criteria or parameters for how counties should demonstrate housing need.
- Lane County did a special exemption following a fire in Blue River which allowed for a 2-mile stretch of highway to have greatly increased multi-use density. This could be a case study to look at.
- It is important to consider cultural and natural resources and have early conversations on how to build around them to both accommodate housing need while also protecting valuable resources.

Next Steps and Adjourn

Sylvia reviewed next steps which include a second RAC meeting in September and one-on-one conversations with members to learn more about their interests.

DLCD staff encouraged members to reach out to Jon Jinings or Palmer Mason if they have any questions or want to discuss anything that comes out of these RAC meetings.

Commissioner Bennett provided closing remarks and appreciated members' interest in learning from one another. He encouraged members to do their homework to meet the aggressive rulemaking timeline, and to share the purpose and goals of the RAC within their organizations and communities to reduce confusion about what this rulemaking intends to do. There is a lot of complexity to these rules and how to ensure that new housing remains for rural housing needs once built. It is important to plan for now just now, but for seven generations into the future.



DLCD



Housing In Unincorporated Communities

RAC Meeting #1

August 19, 2026

**LCDC
DLCD
Mosaic Resolutions**



Meeting Agenda

- Opening & Introductions
- Overview of Charge & Operating Guidelines
- Overview of Existing Rules
- RAC Discussion of Key Issues
- RAC Comments and Questions
- Next Steps & Adjourn



Remote Participation Guidelines

- RAC Members – Rename in Zoom:
 - Name, Organization – RAC
- Stay on mute when not speaker
- Use video to the extent possible
- Raise hand to speak
- Use chat thoughtfully
- Telephone commands:
 - *9 to raise hand
 - *6 to mute and unmute



DLCD and Facilitation Team

DLCD

- Jon Jinings, Community Services Specialist
- Palmer Mason, Inter-Agency Coordinator
- Angela Williamson, Administrative and Rulemaking Coordinator
- Casaria Taylor, Senior Rules Coordinator

LCDC

- Commissioner Mark Bennett, Liaison

Mosaic Resolutions

- Sylvia Ciborowski, Facilitator



RAC Member Introductions

RAC members share
(2 minutes each):

- **Name and organization**
- One word or phrase that describes what you **hope** the RAC process achieves
- One sentence about what you think will be the biggest **challenge**
- What do you hope to **learn** from others around the table?



RAC Charge & Operating Guidelines

Rulemaking: Purpose & Charge



Create a voluntary process for counties to increase housing in unincorporated communities with appropriate characteristics



Allow increased density or expansion under certain conditions



Ensure development supported by available or planned public facilities



Require different housing types for various incomes and household characteristics



Maintain protections for working lands, natural resources and hazards



Reflect input from multiple interested parties and the broader public

Rulemaking Schedule



Participant Roles

RAC Members

- Advisory to DLCD
- Provide guidance to inform draft rule language

DLCD Staff

- Present information and listen to RAC guidance
- Update rules and administer public process

Facilitator

- Support productive dialogue in meetings
- Identify and track key themes and points of discussion
- Apply operating guidelines

RAC Member Expectations

- Act in good faith
- Review meeting materials in advance (draft rules and impact statements)
- If you miss a meeting: review recording and meeting summary
- Be a liaison for your organization and decision-makers

Meeting Guidelines

- Listen and seek to understand
- Allow for a balance of speaking time
- Respect the agenda
- Be tough on issues, not on people
- Raise concerns in the meeting
- Seek to find common ground
- Stay engaged and avoid multi-tasking

RAC Alternates

- Name potential alternates as soon as possible
- Responsibility to stay up to speed
- If both attend a meeting, choose one to speak on behalf of the organization

Public Meetings & Communications

- RAC meetings and written correspondence is part of the public record
- Members – please send communications to staff, not the full committee
- Refer media inquiries to DLCD
- In other forums, identify views as your own, not as that of RAC or DLCD



RAC Charge & Operating Guidelines Discussion

- Q&A
- Any major concerns about the operating guidelines?
- Are the guidelines acceptable to all RAC members?



Overview of Existing Rules Related to Unincorporated Communities

Text from Statewide Planning Goal 14

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. (emphasis added)***

Background – Unincorporated Communities

1993 - DLCD conducted a statewide survey of unincorporated communities

1994 - LCDC adopted OAR chapter 660, division 22

1997 – DLCD updates unincorporated community survey.

1997 - LCDC revised OAR chapter 660, division 22

2005-06 – LCDC revised OAR 660-022-0030 & 0040 regarding employment uses

2021 & 2026 – LCDC revised OAR 660-022-0030 regarding temporary sheltering



Likely Rulemaking Categories

Form	Substance
Updating out of date citations Arrangement and location of rule provisions	Reviewing original policy choices Considering new or different opportunities for expansion of community boundaries

Likely Rulemaking Categories

Existing Boundary



Expanded Boundary



Unincorporated Communities – Current Rules

OAR chapter 660, division 22

Resort Communities, defined at OAR 660-022-0010(6) to generally mean developed areas oriented towards recreation or resort activities.

Rural Communities, defined at OAR 660-022-0010(7) to generally mean developed areas primarily comprised of residential uses with a combination of other activities.

Rural Service Centers, defined at OAR 660-022-0010(8) to generally mean developed areas primarily comprised of commercial or industrial uses serving the surrounding vicinity and the traveling public with some residential activities.

Urban Unincorporated Communities, defined at OAR 660-022-0010(9) to generally mean larger developed areas with at least 150 residential units and a combination of other land uses that are supported by public facilities and services.

Unincorporated Communities – Current Rules

OAR chapter 660, division 22

[660-022-0000](#)

Purpose

[660-022-0010](#)

Definitions

[660-022-0020](#)

**Designation of Community
Areas**

[660-022-0030](#)

**Planning and Zoning of
Unincorporated Communities**

[660-022-0040](#)

**Urban Unincorporated
Communities**

[660-022-0050](#)

**Community Public Facility
Plans**

[660-022-0060](#)

**Coordination and Citizen
Involvement**

[660-022-0070](#)

Applicability

Unincorporated Communities – Current Rules

OAR 660-022-0030

Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each...

(2) ...may authorize **any residential use and density** in unincorporated communities, subject to the requirements of this division.

(3) ...may authorize only the following new or expanded **industrial uses** in unincorporated communities:

(4) ...may authorize only the following new **commercial uses** in unincorporated communities:

(5) ...may authorize **hotels and motels** in unincorporated communities only if.....

(6) ...**do not adversely affect agricultural or forestry uses.**

(7) ...consistent with the identified **function, capacity and level of service of transportation facilities**

(8)the **cumulative development will not:**

(A) result in public health hazards or adverse environmental impacts

(B) exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

(9)shall be **consistent with** acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

Expansion of all Unincorporated Communities – Current Rules

OAR chapter 660, division 4

660-004-0022

Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

(5) Expansion of Unincorporated Communities:

- (a) There is a demonstrated need for additional land in the community to **accommodate a specific rural use.**
- (b) The findings of need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and urban growth boundaries in the area.
- (c) Show the ability to serve both the expanded area and any remaining infill development potential in the community, at the time of development.

(6) Expansion of Urban Unincorporated Communities: In addition to the requirements of section ~~(4)~~ **(5)** of this rule, the expansion of an urban unincorporated community defined under OAR 660-022-0010(9) shall comply with OAR 660-022-0040.

Expansion of all Unincorporated Communities – Current Rules

OAR chapter 660, division 4

660-004-0020

Goal 2, Part II(c), Exception Requirements

- (a) "Reasons justify why the state policy embodied in the applicable goals should not apply."
- (b) "Areas that do not require a new exception cannot reasonably accommodate the use"
- (c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site..."
- (d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

Expansion of all Unincorporated Communities – Current Rules

OAR chapter 660, division 4

660-004-0020

Goal 2, Part II(c), Exception Requirements

(4) For the expansion of an unincorporated community described under OAR 660-022-0010

- Prioritize land for expansion:
- Land of lower priority may be included:
 - Identified land needs cannot be accommodated on higher priority land;
 - Public facilities and services cannot be provided to the higher priority area
 - Needed to provide public facilities and services to higher priority land for maximum land use efficiency.

Expansion of **Urban** Unincorporated Communities – Current Rules

OAR chapter 660, divisions 4 **and** 22

- (1) All statewide planning goals applicable to cities shall also apply to UUC's, except for those goals provisions relating to urban growth boundaries and long-term need for housing and employment growth.
- (2) Counties may expand the boundaries of those UUC's with the following characteristics in order to include developable land to meet a demonstrated long-term need for housing and employment:
 - (a) The UUC is at least **20 road miles** from an urban growth boundary with a population **over 25,000**; and
 - (b) The UUC is at least **10 road miles** from an urban growth boundary with a population of **25,000 or less**.

Expansion of **Urban** Unincorporated Communities – Current Rules

OAR chapter 660, divisions 4 **and** 22

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

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

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

Expansion of **Urban** Unincorporated Communities – Current Rules

OAR chapter 660, divisions 4 **and** 22

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

- (a) First priority goes to exception area or nonresource land;
- (b) Second priority goes to land designated agriculture or forestry, or both.
- (c) Second priority may be included if:
 - (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or
 - (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or
 - (C) Maximum efficiency of land use within the UUC requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

Expansion of **Urban** Unincorporated Communities – Current Rules

OAR chapter 660, divisions 4 **and** 22

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

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

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

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

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

Expansion of **Urban** Unincorporated Communities – Current Rules

OAR chapter 660, divisions 4 **and 22**

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

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

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

(9) For purposes of this rule, “**long-term need**” means needs for the UUC anticipated for the next **10 years**.

OAR chapter 660, division 11 PUBLIC FACILITIES PLANNING

Purpose

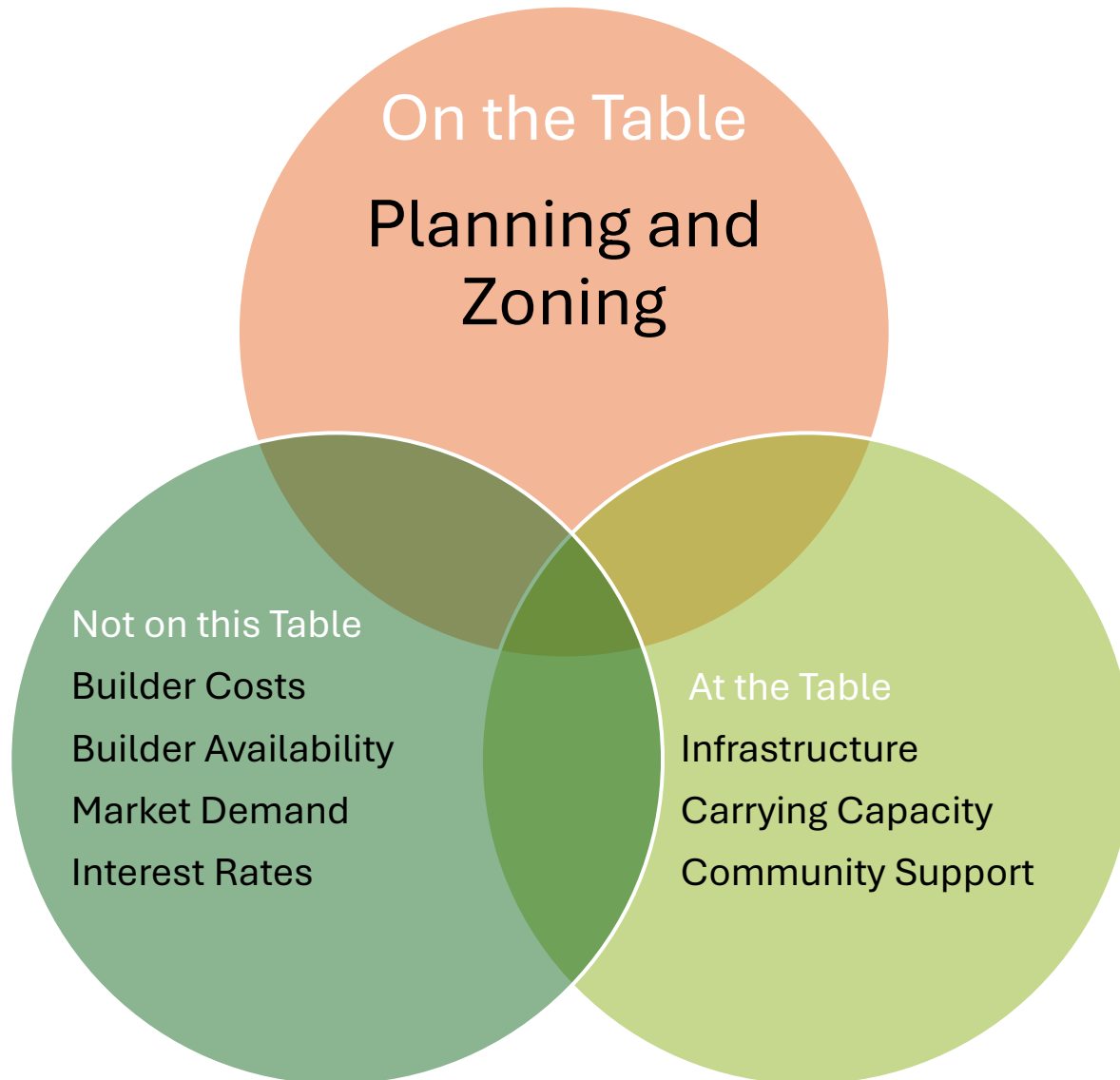
The purpose of this division is to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement ORS 197.712(2)(e), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons....

Questions for RAC

- 1. What characteristics of an unincorporated community would make it suitable for more housing?**
- 2. Under what conditions should counties be provided with additional or revised opportunities to expand UC boundaries?**
- 3. What else does DLCD need to be thinking about in this rule update?**

Question 1.

What characteristics of an unincorporated community would make it suitable for more housing?



Question 2.

Under what conditions should counties be provided with additional or revised opportunities to expand UC boundaries?

Non UUC's: Resort Communities, Rural Communities, Rural Service Centers

- No Changes?
- Consider establishing new opportunity for counties to plan for “Long-Term Need” similar to UUC's in some communities?

Limit consideration to Rural Communities?

Only those with sewer and water systems?

Only those with Public Facilities Plans?

Special consideration for NR & sensitive areas?

Process in the manner of periodic review?

Urban Unincorporated Communities

- No Changes?
- Consider Separation from Division 4 criteria?
- Reconsider distance prohibitions?
- Reconsider definition of “Long-Term Needs”?

Process in the manner of Periodic Review?

Question 3.

What else does DLCD need to be thinking about in this rule update?





Next Steps

- RAC Meeting 2 in early September
- 1:1 meetings with facilitator



DLCD

Department of
Land Conservation
& Development

Questions

OAR Chapter 660, Division 22
UNINCORPORATED COMMUNITIES

660-022-0000

Purpose

(1) The purpose of this division is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.

(2) This division interprets Goals 11 and 14 concerning urban and rural development outside urban growth boundaries and applies only to unincorporated communities defined in OAR 660-022-0010.

(3) This division does not apply to areas approved as destination resorts under the destination resort statute, ORS 197.435 through 197.467.

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

History:

LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0010

Definitions

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OAR chapter 660, division 15) apply. In addition, the following definitions apply:

(1) “Commercial Use” means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution centers.

(2) “Community Sewer System” means a sewage disposal system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.

(3) “Community Water System” means a system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.

- 1 (4) "Industrial Use" means the use of land primarily for the manufacture, processing,
2 storage, or wholesale distribution of products, goods, or materials. It does not include
3 commercial uses.
- 4 (5) "Permanent residential dwellings" includes manufactured homes, but does not include
5 dwellings primarily intended for a caretaker of an industrial use, commercial use,
6 recreational vehicle park or campground.
- 7 (6) "Resort Community" is an unincorporated community that was established primarily for
8 and continues to be used primarily for recreation or resort purposes; and
- 9 (a) Includes residential and commercial uses; and
- 10 (b) Provides for both temporary and permanent residential occupancy, including overnight
11 lodging and accommodations.
- 12 (7) "Rural Community" is an unincorporated community which consists primarily of
13 permanent residential dwellings but also has at least two other land uses that provide
14 commercial, industrial, or public uses (including but not limited to schools, churches,
15 grange halls, post offices) to the community, the surrounding rural area, or to persons
16 traveling through the area.
- 17 (8) "Rural Service Center" is an unincorporated community consisting primarily of
18 commercial or industrial uses providing goods and services to the surrounding rural area or
19 to persons traveling through the area, but which also includes some permanent residential
20 dwellings.
- 21 (9) "Urban Unincorporated Community" is an unincorporated community which has the
22 following characteristics:
- 23 (a) Include at least 150 permanent residential dwellings units;
- 24 (b) Contains a mixture of land uses, including three or more public, commercial or
25 industrial land uses;
- 26 (c) Includes areas served by a community sewer system; and
- 27 (d) Includes areas served by a community water system.
- 28 (10) "Unincorporated Community" means a settlement with all of the following
29 characteristics:
- 30 (a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3,
31 Goal 4 or both;

(b) It was either identified in a county’s acknowledged comprehensive plan as a “rural community,” “service center,” “rural center,” “resort community,” or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development’s January 30, 1997, “Survey of Oregon’s Unincorporated Communities”;

(c) It lies outside the urban growth boundary of any city;

(d) It is not incorporated as a city; and

(e) It met the definition of one of the four types of unincorporated communities in sections (6) through (9) of this rule, and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

History:

[LCDD 15-2020, temporary amend filed 11/10/2020, effective 11/10/2020 through 05/08/2021](#)

LCDC 1-1997, f. & cert. ef. 2-27-97

LCDC 8-1994, f. & cert. ef. 12-5-94

[660-022-0020](#)

Designation of Community Areas

(1) Except as provided in OAR 660-022-0070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-022-0010. Counties may amend these designations as circumstances change over time.

(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

(3) Only land meeting the following criteria may be included within an unincorporated community boundary:

(a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:

(A) Commercial, industrial, or public uses; and/or

(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.

(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.

(4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:

(a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;

(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;

(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and

(d) The land remains planned and zoned under Goals 3 or 4.

(5) Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes land designated for farm or forest use that does not meet the criteria in section (4) of this rule.

(6) Communities which meet the definitions in both OAR 660-022-0010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities.

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

History:

LCDC 1-1997, f. & cert. ef. 2-27-97

LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0030

Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Expansion of a use existing on the date of this rule;

(c) Small-scale, low impact uses;

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;

(B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.;

(g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:

(A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or

(B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

- (4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:
- (a) Uses authorized under Goals 3 and 4;
 - (b) Small-scale, low impact uses;
 - (c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- (5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:
- (a) Any number of new motel and hotel units may be allowed in resort communities;
 - (b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;
 - (c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.
- (6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.
- (7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).
- (8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:
- (A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and
 - (B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.
- (9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

1 (10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact
2 commercial use is one which takes place in an urban unincorporated community in a
3 building or building not exceeding 8,000 square feet of floor space, or in any other type of
4 unincorporated community in a building or buildings not exceeding 4,000 square feet of
5 floor space.

6 (11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact
7 industrial use is one which takes place in an urban unincorporated community in a building
8 or buildings not exceeding 60,000 square feet of floor space, or in any other type of
9 unincorporated community in a building or buildings not exceeding 40,000 square feet of
10 floor space.

11 (12) Notwithstanding sections (1) and (2), a county may approve the uses in subsections (a)
12 and (b) without amendments to the county plan or land use regulations when a wildfire
13 identified in an Executive Order issued by the Governor in accordance with the Emergency
14 Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused
15 residential evacuations, or both within the county or an adjacent county and, furthermore,
16 has resulted in an Executive Order issued by the Governor declaring an emergency for all or
17 parts of Oregon pursuant to ORS 401.165, et seq. Uses approved under this section shall
18 be consistent with all applicable provisions of law including adopted comprehensive plan
19 provisions and land use regulations to protect people and property from flood, geologic,
20 and wildfire hazards.

21 (a) Temporary residential uses in conjunction with a dwelling that either existed or had
22 received land use approval to be constructed on July 5, 2020. Such uses must be removed
23 or converted to an allowed use within 120 months from the date of the Governor's
24 emergency declaration. Temporary residential uses approved under this subsection are
25 limited to the following;

26 (A) A single manufactured dwelling;

27 (B) Use of an existing building or buildings;

28 (C) Up to two yurts;

29 (D) Up to five recreational vehicles; or

30 (E) Up to five fabric structures, tents or similar accommodations.

31 (b) Transitional housing accommodations as described at ORS 197A.452(2) and (4) when
32 homes and other private property on lands within the county or an adjacent county have
33 received damage from a wildfire identified in an Executive Order issued by the Governor in
34 accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610.

Statutory/Other Authority: ORS 197.040 & ORS 197.245

Statutes/Other Implemented: ORS 197.040

History:

[LCDD 8-2026, amend filed 07/13/2026, effective 07/13/2026](#)

[LCDD 4-2021, amend filed 08/16/2021, effective 08/16/2021](#)

[LCDD 15-2020, temporary amend filed 11/10/2020, effective 11/10/2020 through 05/08/2021](#)

LCDD 8-2005, f. & cert. ef. 12-13-05

LCDD 4-2003, f. & cert. ef. 9-26-03

LCDD 3-2003, f. 9-23-03, cert. ef. 9-24-03

LCDD 2-2003(Temp), f. & cert. ef. 3-28-03 thru 9-23-03

LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0040

Urban Unincorporated Communities

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

(2) Counties may expand the boundaries of those UUC's with the following characteristics in order to include developable land to meet a demonstrated long-term need for housing and employment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) For purposes of this rule, “long-term need” means needs for the UUC anticipated for the next 10 years.

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

History:

LCDD 4-2006, f. & cert. ef. 5-15-06

LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0050

Community Public Facility Plans

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

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

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

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

(d) Land in the community has been declared a health hazard or has a history of failing septic systems or wells.

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

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

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

(c) Coordination agreements consistent with ORS chapter 195.

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

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

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

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

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

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

History:

LCDD 4-2006, f. & cert. ef. 5-15-06

LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0060

Coordination and Citizen Involvement

(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.

(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:

(a) How residents of the community and surrounding area will be informed about the proposal;

(b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;

(c) Which citizen advisory committees will be notified of the proposal.

(3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.

(4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.

(5) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

History:

LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0070

Applicability

For each unincorporated community in the county, by January 1, 1998, or a date specified in a periodic review work program, all counties shall:

(1) Plan for unincorporated communities under the requirements of this division; or

(2) Demonstrate that all uses authorized by acknowledged comprehensive plans and land use regulations for unincorporated communities are rural, in compliance with statewide planning Goals 11 and 14; or

(3) Amend acknowledged comprehensive plans and land use regulations to limit uses to those which are rural in compliance with statewide planning Goals 11 and 14; or

(4) Adopt exceptions to statewide planning Goal 14, and Goal 11 if necessary, to allow urban uses on rural land.

Statutory/Other Authority: ORS 197.040 & 197.245

Statutes/Other Implemented: ORS 197.040

Division 4**INTERPRETATION OF GOAL 2 EXCEPTION PROCESS****660-004-0000****Purpose**

(1) The purpose of this division is to interpret the requirements of Goal 2 and ORS 197.732 regarding exceptions. This division explains the three types of exceptions set forth in Goal 2 “Land Use Planning, Part II, Exceptions.” Rules in other divisions of OAR 660 provide substantive standards for some specific types of goal exceptions. Where this is the case, the specific substantive standards in the other divisions control over the more general standards of this division. However, the definitions, notice, and planning and zoning requirements of this division apply to all types of exceptions. The types of exceptions that are subject to specific standards in other divisions are:

(a) Standards for a demonstration of reasons for sanitary sewer service to rural lands are provided in OAR 660-011-0060(9);

(b) Standards for a demonstration of reasons for urban transportation improvements on rural land are provided in OAR 660-012-0070;

(c) Standards to determine irrevocably committed exceptions pertaining to urban development on rural land are provided in OAR 660-014-0030, and standards for demonstration of reasons for urban development on rural land are provided in OAR 660-014-0040.

660-004-0020**Goal 2, Part II(c), Exception Requirements**

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.

Black text is generally applicable to all exceptions subject to Division 4, including expanding an Unincorporated Community Boundary.

Green text is specific to expanding an Unincorporated Community Boundary.

Portions of OAR Chapter 660, Division 4 relevant to Unincorporated Community Expansion

(2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

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Portions of OAR Chapter 660, Division 4 relevant to Unincorporated Community Expansion

(C) The “alternative areas” standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

(c) “The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.” The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) “The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.” The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with

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Portions of OAR Chapter 660, Division 4 relevant to Unincorporated Community Expansion

surrounding natural resources and resource management or production practices.

"Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

(4) For the expansion of an unincorporated community described under OAR 660-022-0010, including an urban unincorporated community pursuant to OAR 660-022-0040(2), the reasons exception requirements necessary to address standards 2 through 4 of Goal 2, Part II(c), as described in of subsections (2)(b), (c) and (d) of this rule, are modified to also include the following:

(a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land; and

(b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:

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

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

(C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

660-004-0022

Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the

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Portions of OAR Chapter 660, Division 4 relevant to Unincorporated Community Expansion

approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule. Reasons that may allow an exception to Goal 11 to provide sewer service to rural lands are described in OAR 660-011-0060. Reasons that may allow transportation facilities and improvements that do not meet the requirements of OAR 660-012-0065 are provided in OAR 660-012-0070. Reasons that rural lands are irrevocably committed to urban levels of development are provided in OAR 660-014-0030. Reasons that may justify the establishment of new urban development on undeveloped rural land are provided in OAR 660-014-0040. Reasons that may justify the establishment of temporary natural disaster related housing on undeveloped rural lands are provided in OAR 660-014-0090.

(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either:

(a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(2) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned that require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to

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Portions of OAR Chapter 660, Division 4 relevant to Unincorporated Community Expansion

satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.

(3) Rural Industrial Development: A local government may consider a photovoltaic solar power generation facility as defined in OAR 660-033-0130(38)(f) to be a rural industrial use. For the siting of rural industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:

(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;

(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or

(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.

(4) A site justified for a photovoltaic solar power generation facility under section (3) and is also found to satisfy OAR 660-004-0020 shall remain zoned for exclusive farm use, forest use or mixed farm and forest; whichever is applicable. A county shall also continue to apply the relevant approval criteria at OAR 660-033-0130(38), OAR 660-033-0130(44) or OAR 660-006-0025(4)(k).

(5) Expansion of Unincorporated Communities: For the expansion of an Unincorporated Community defined under OAR 660-022-0010(10) the requirements of subsections (a) through (c) of this section apply:

(a) Appropriate reasons and facts may include findings that there is a demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3-19 and a demonstration that either:

(A) The use requires a location near a resource located on rural land; or

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Portions of OAR Chapter 660, Division 4 relevant to Unincorporated Community Expansion

- (B) The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:
- (i) For industrial use, it would have a significant comparative advantage due to its location such as, for example, that it must be near a rural energy facility, or near products available from other activities only in the surrounding area, or that it is reliant on an existing work force in an existing unincorporated community;
- (ii) For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial, or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodated in an existing exception area or urban growth boundary, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, nor on a projected continuation of past rural population distributions.
- (b) The findings of need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and urban growth boundaries in the area. For purposes of this subsection, “area” includes those communities, exception areas, and urban growth boundaries that may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors.
- (c) Expansion of the unincorporated community boundary requires a demonstrated ability to serve both the expanded area and any remaining infill development potential in the community, at the time of development, with the level of facilities determined to be appropriate for the existing unincorporated community.
- (6) Expansion of Urban Unincorporated Communities: In addition to the requirements of section (4) of this rule, the expansion of an urban unincorporated community defined under OAR 660-022-0010(9) shall comply with OAR 660-022-0040.

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