Housing in Unincorporated Communities (UCs)
Rulemaking Advisory Committee

RAC Meeting 3 Summary

The third meeting of the Rulemaking Advisory Committee was held in-person and virtually on October 12, 2026 from 1pm to 4pm. Video of this meeting is available on the DLCD YouTube channel.

Attendees

RAC Members
Brandon Reich, Brock Nation, Daryn Murphy, Eric Walker, Gail Henrikson, Kim Gammond, Mark Landauer, Mary Kyle McCurdy, Matt Cyrus, McRae Carmichael, Megan Tuck, Tabitha Eck

Land Conservation and Development Commission (LCDC)
Commissioner Mark Bennett (absent)

Department of Land Conservation and Development (DLCD)
Jon Jinings, Palmer Mason, Angela Williamson, Casaria Taylor, Leila Aman, Adam Marl, Madeline Phillips

Guests and Others
Brendan Buckley

Facilitation
Sylvia Ciborowski, Mosaic Resolutions

Opening Remarks and Agenda Review

Sylvia Ciborowski, facilitator, opened the meeting and RAC members introduced themselves. Jon Jinings, DLCD, welcomed participants and introduced DLCD staff. Sylvia reviewed the meeting agenda and reminded members of their charge.

Sylvia noted that draft rule language will be filed with the Secretary of State (SOS) at the end of October, opening a formal public comment period from November 1 through December 31. RAC members were asked to send any additional input on rules through a survey or by email by end of day October 13 so that staff could consider this input in developing the draft.

Sylvia reviewed remote participation guidelines. She also explained that Zoom polls would be used throughout the meeting to gauge alignment on the conceptual direction of the rules. The polls are not formal votes of the RAC.

DLCD Updates

Palmer Mason shared two updates:

- The draft rules sent to RAC members on October 5 were also shared with a group of state agencies for comment.
- A set of frequently asked questions, developed in response to public comment received at an earlier LCDC meeting, is now available on the rulemaking webpage.

Review and Discuss Proposed Rule Changes

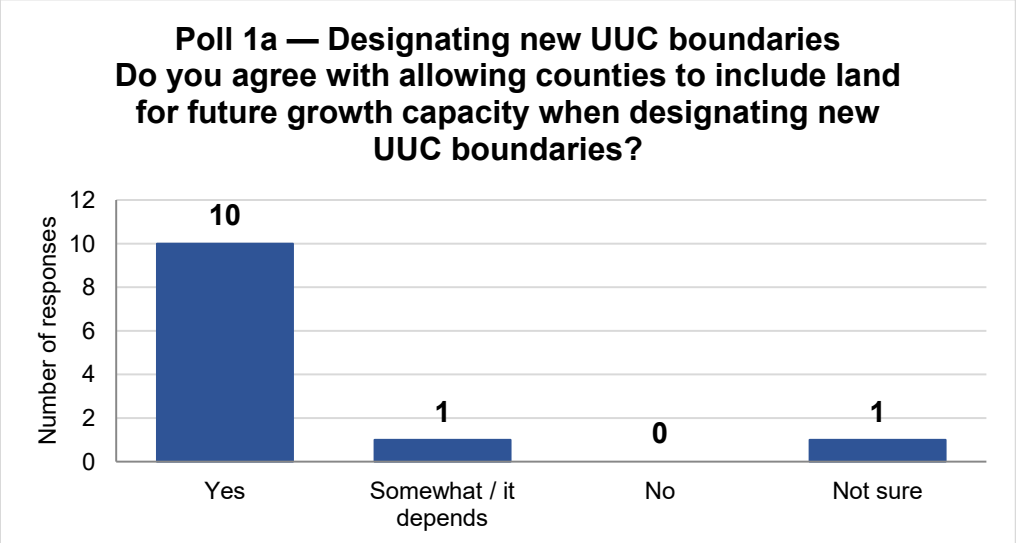
Sylvia explained that DLCD developed several proposed conceptual changes to the rules as its best attempt to respond to RAC input from earlier meetings and surveys. Many of the changes in the draft rules are organizational or clarifying and are not posed for discussion today. Today's meeting is focused on the nine key topics which are the most substantive proposed changes in the Division 22 rules.

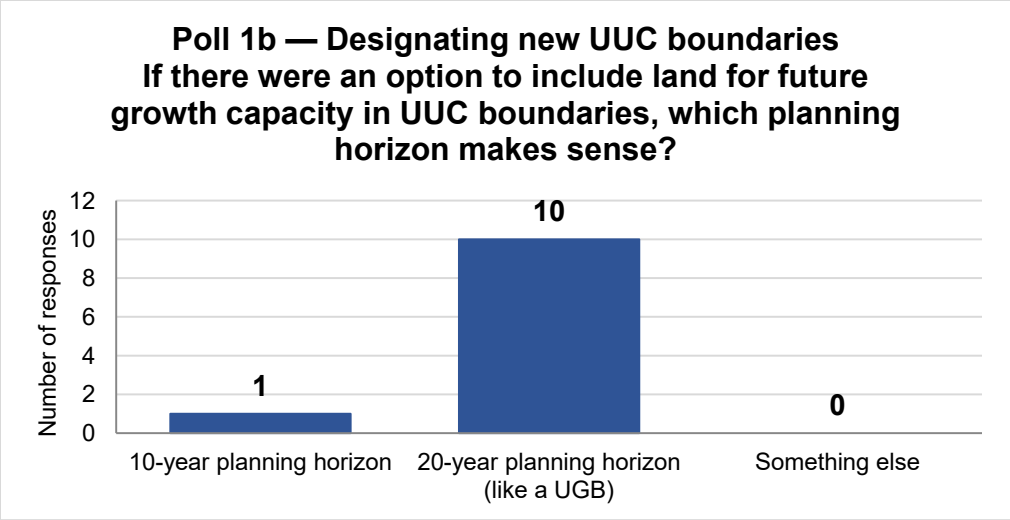
Jon and Sylvia walked through the nine key topic areas and welcomed RAC input on each.

1. Designating UUC Boundaries to Include Land for Future Growth Capacity

Jon presented the proposal outlined in OAR 660-022-0020(7) to allow counties to include land for future growth capacity when designating boundaries for *new* Urban Unincorporated Community (UCCs). The rules already allow UUCs to expand, and the proposal is to allow counties to it include a supply of developable land capable of supporting long-range growth capacity of up to 20 years.

RAC members participated in Zoom straw polls to gauge initial reactions and provided input, with discussion centered on: Should counties be allowed to include land for future growth capacity when designating new UUC? Should the planning horizon be 10 years, 20 years (as expected for a UGB) or something else?





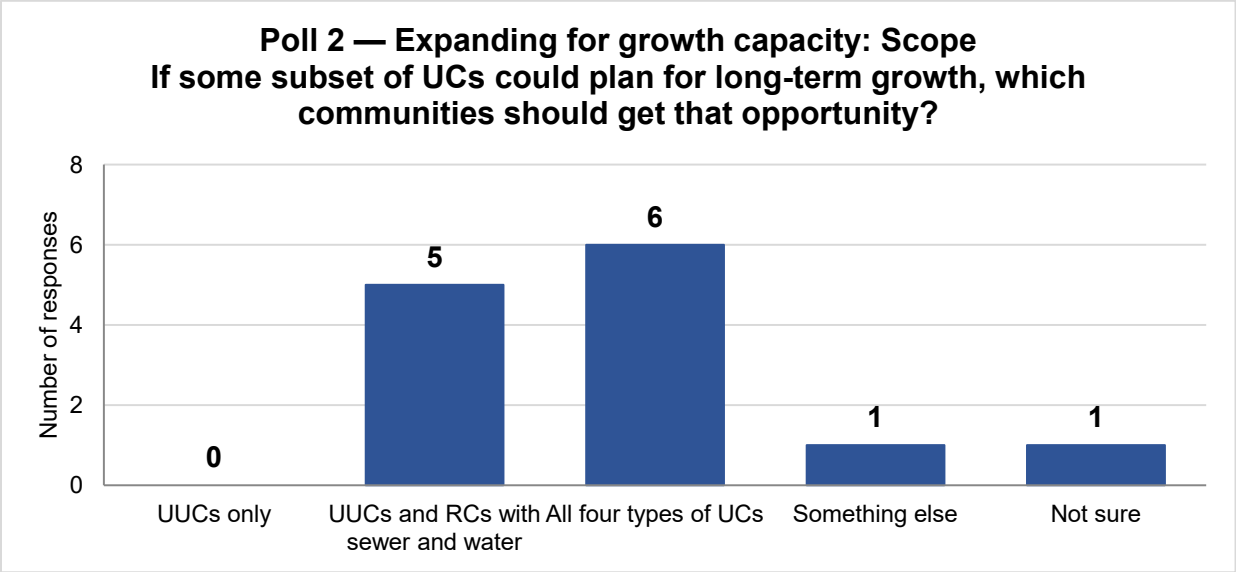
RAC Questions and Discussion:

- Several members supported a 20-year planning horizon, noting that many other state rules are based on 20 years, so a 20-year horizon would make drafting easier and avoid rewriting other provisions. In addition, if a plan amendment takes nearly 10 years to complete, a 10-year horizon leaves little time before the next one. A member also noted the expense and time of these processes and the value of letting communities look far ahead.
- A member who favored a 10-year planning horizon and noted that if a community wants a 20-year boundary, it may be time to incorporate as a city. Cities are expected to provide for a broad range of economic and housing development, and those standards do not apply to unincorporated communities. A 20-year boundary would make these communities like cities with much less rigorous requirements and put them in unfair competition with nearby rural towns and cities that need infrastructure, policy, housing and job investment.
- A member raised concern about infrastructure. A city must show it has a public facilities plan capable of serving the whole UGB before it expands, and the same expectation is missing here, creating an uneven playing field.
- A member noted that counties would still need to comply with other rules so that provides some protection against unchecked expansion.

2. Expanding for Growth Capacity: Scope

Jon noted that under the current rules, UUCs can propose boundary expansions to meet future growth, and sought RAC discussion on whether this option should be extended to some subset of UCs in order to plan for long-term growth. DLCD is proposing the term “growth capacity” in place of “long-range need.” As written in the proposed draft rules for consideration, the subset is Rural Communities (RCs) that have water and sewer service, and RCs would also be subject to the 10- and 20-mile distance provisions.

RAC members participated in Zoom straw polls to gauge initial reactions and provided input, with discussion centered on whether it makes sense to extend the opportunities to other types of UCs, and which UCs should be afforded the opportunity.

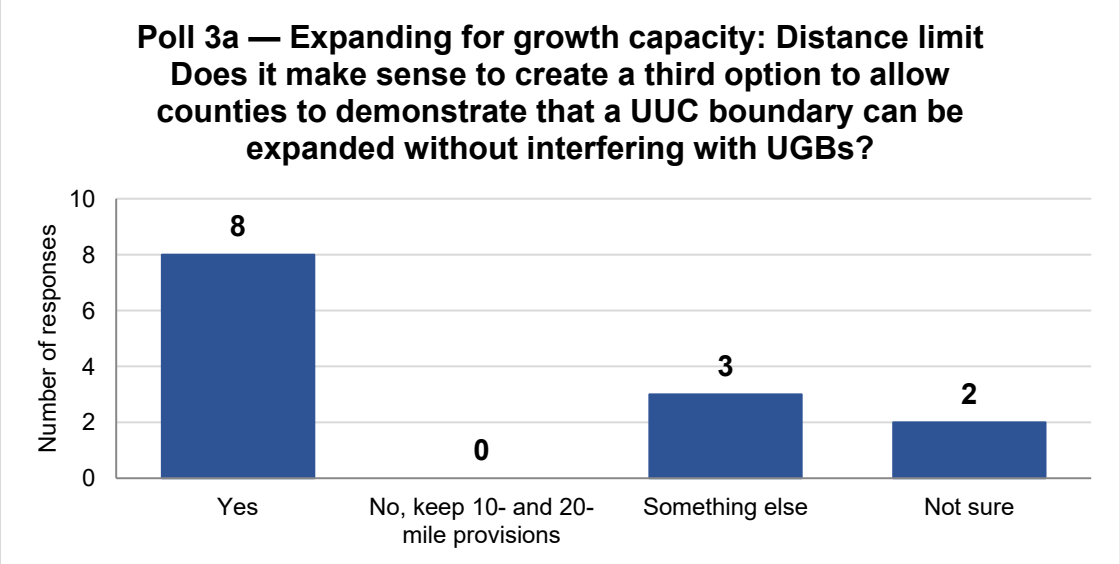


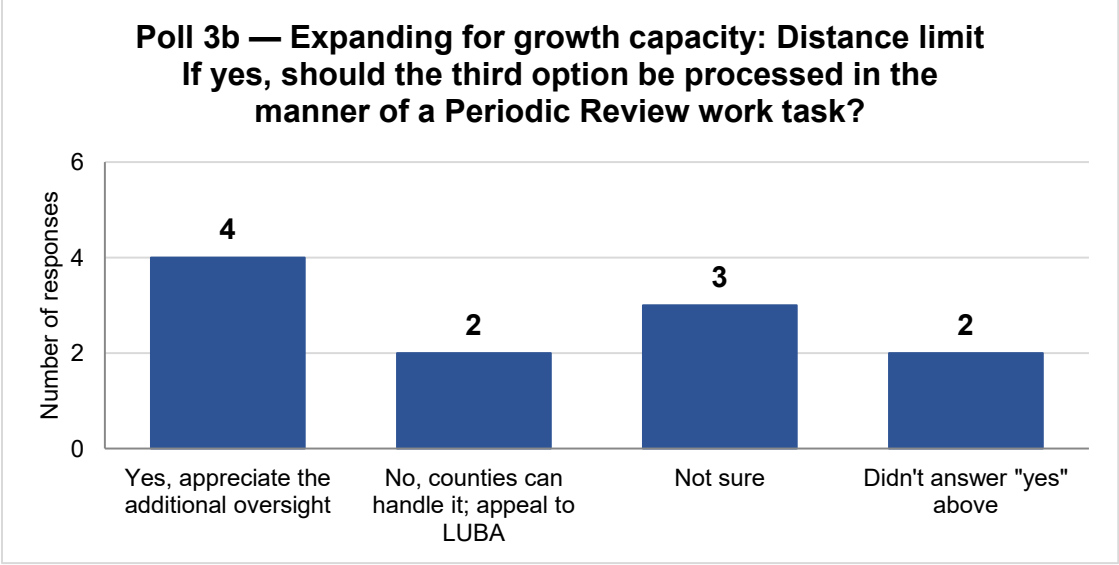
RAC Questions and Discussion:

- Concern that requiring both sewer and water would eliminate many rural communities from being able to plan for growth. Septic technology has improved over the years, and very small lots can be served by septic in some places without resorting to costly sewer infrastructure.
- A couple of members who chose all four types said the state has a housing shortage everywhere and the point of this process is to get more housing on the ground. The rules are an opportunity, not a mandate, and guardrails already exist, so as many communities as possible should have the opportunity to increase housing.
- A member who chose the second option noted there is no data on the extent of water and sewer service in these communities; only UUCs must have some level of service to be defined as UUCs, and even then service may not extend throughout the community.
- A member asked noted that new housing should be focused on housing for people who work in rural areas, which is not reflected in a capacity-based approach.
- A member asked whether a community that does not have sewer today but is building a system would be precluded. Jon said the rule is not intended to be a snapshot in time; a community that has the system later could be eligible.
- A member suggested replacing “farmworker housing” (top of page 13) with language such as “housing for workers in farming and other rural industries,” which is broader and would not imply a specific communal living type.
- A member was concerned about any rule that requires urban-style septic and water systems, which are rare in rural areas, because that assumes such systems are best. Many solutions to clean water and waste exist, communities should decide what is right for them, and local, rural-sized solutions should be on the table.

3. Expanding for Growth Capacity: Distance Rule
Jon explained that under current rules a UUC cannot expand its boundary if it is within 10 miles of a UGB with a population under 20,000, or within 20 miles of a UGB with a population of 20,000 or more. DLCD proposes to retain the 10- and 20-mile provisions as a safe harbor and create a third, discretionary option allowing a county to demonstrate that a UUC boundary can be expanded without conflicting with Goal 14 or undermining the efficient functioning of a UGB. The option would apply to UUCs only and would be processed in the manner of a Periodic Review work task. The draft language provides potential safe harbor for consideration and RAC ideas for the safe harbor are welcome.

RAC members participated in a Zoom straw poll to gauge initial reactions and provided input, with discussion centered on whether a third option should be provided and the process for review.





RAC Questions and Discussion:

- Clarification that what it means to “interfere with a UGB” is not defined and would be up to local decision makers to prevent sprawl or interfere with city-made investments.
- A member supported the third option but said it should not be limited to UUCs, since the goal is housing for anyone who needs it.
- A member suggested removing the 10- and 20-mile thresholds because RAC members have said they are problematic and Goal 14 prescribes no distances, only non-interference with UGBs. The member suggested that unless a community is within about two miles of a UGB, there is little risk of interference with cities.
- A member supported making the third option available to rural communities as well.
- A member supported UUC expansion even with 10 or 20 miles but commented that the phrase “housing opportunities that are not easily accommodated within the UGBs” is too open-ended. The goal should be to produce housing that is tied to rural needs and for those who work in the UUC or in nearby rural areas.
- Another member agreed short-term rentals and similar uses are a concern but thought defining the housing too narrowly would be challenging, as fair housing issues could arise.

4. Expanding for Growth Capacity: Safe Harbors for Population Forecasting and Goal 10 Compliance

Jon explained that a safe harbor is a provision guaranteeing compliance if a county uses it; counties can still choose another approach but must show their work and could be challenged. He noted that the language provided in the draft rule text is a first attempt at developing safe harbor language and that DLCD staff are continuing to work on it and welcome alternative ideas. The draft filed with the Secretary of State may include additional elements (for example, on efficiency of land use or upzoning) to support housing choice and affordability.

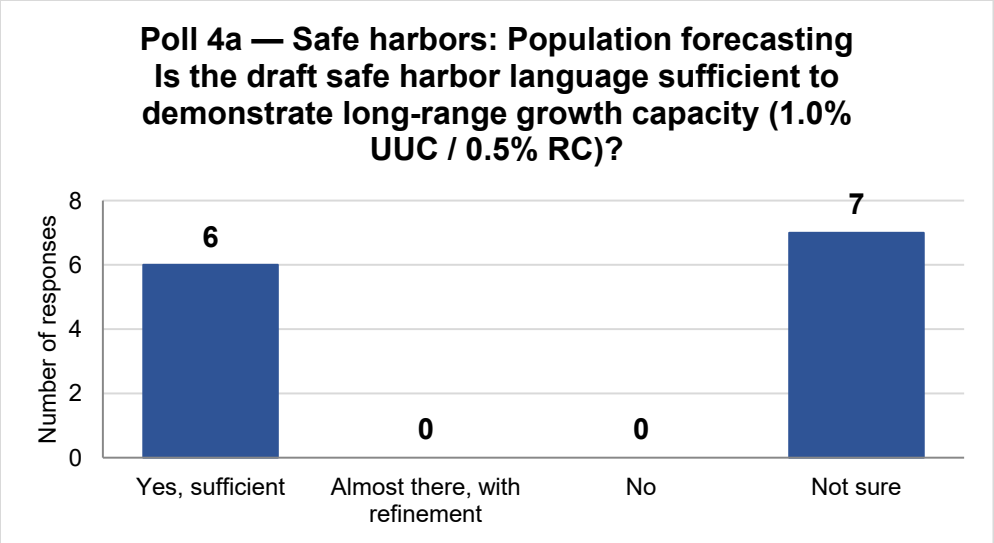
4a. Population Forecasting

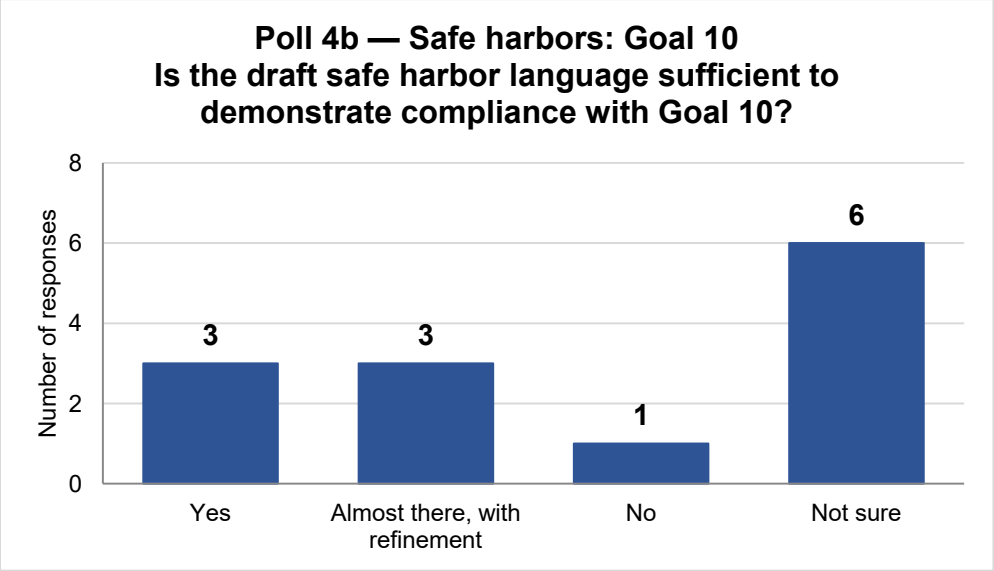
Jon noted that under the rules, expanding for growth must be supported by population forecasting. This is often done using published forecasting data, but the Portland State University Population Research Center does not regularly forecast for unincorporated communities. DLCD proposes that counties could use an average annual growth rate of 1.0 percent for UUCs and 0.5 percent for RCs as a safe harbor. Jon shared average annual growth rates of some Oregon communities as an example. The 1.0 percent figure was based on what Marion County used for infrastructure planning in Brooks, and 0.5 percent is a best guess reflecting slower expected growth in RCs.

4b. Goal 10 Compliance

Jon noted there is little guidance on what Goal 10 compliance means in an unincorporated community. DLCD developed some potential safe harbor language to help counties meet Goal 10 compliance, which is reflected in draft OAR 660-022-0050(3).

RAC members participated in Zoom straw polls to gauge initial reactions and provided input, with discussion centered on the safe harbor language to demonstrate long-range growth capacity and the safe harbor language to demonstrate compliance with Goal 10.





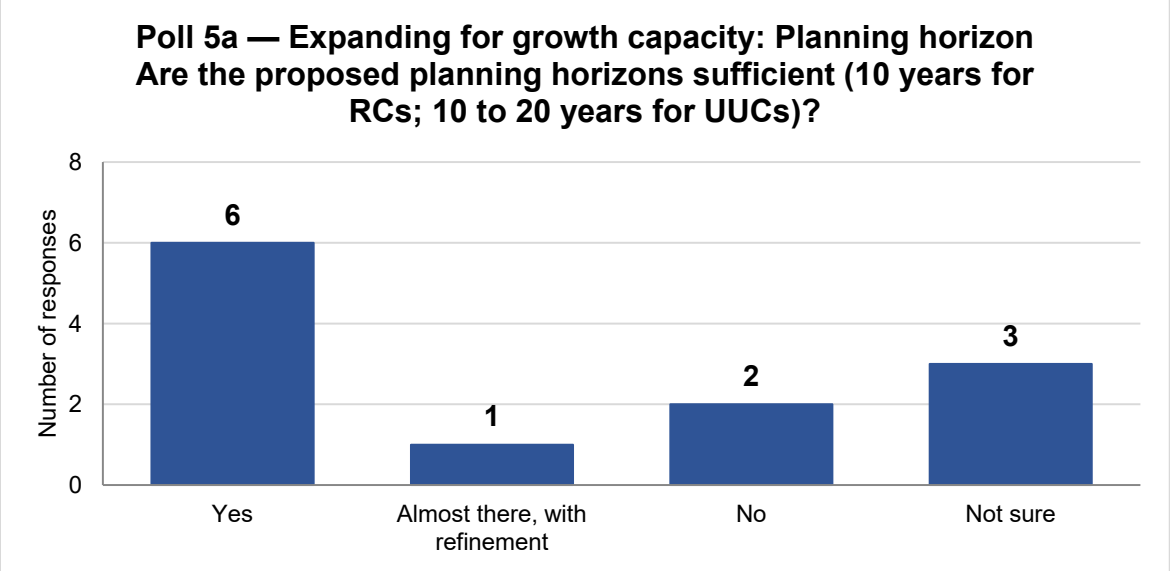
RAC Questions and Discussion:

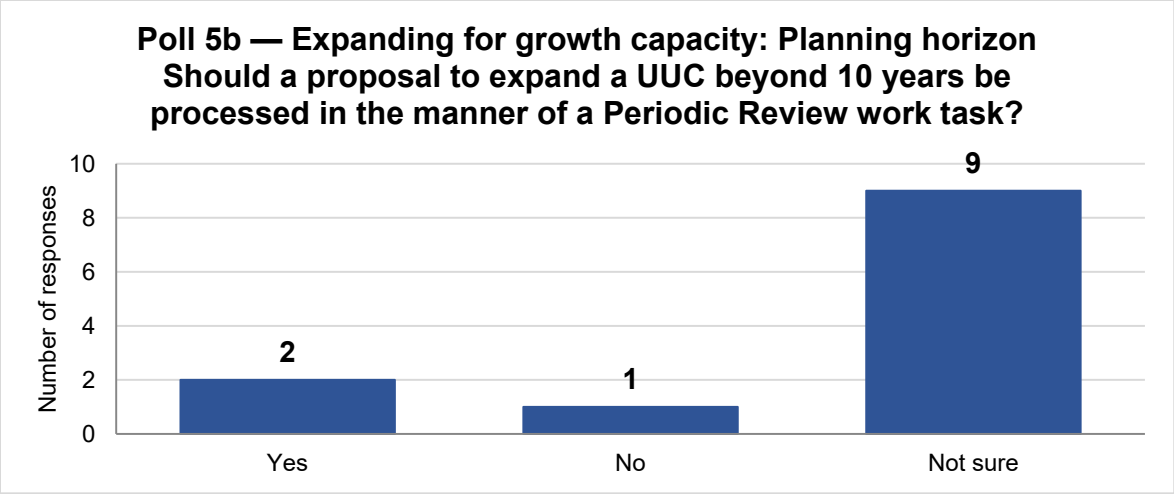
- A county representative had concern that any safe harbor language would be considered the standard that a county must meet to show Goal 10 compliance, and the proposed language seems “city light.” Jon replied that a safe harbor deliberately errs on the side of caution, that a county’s own analysis will differ, and that the safe harbor is not meant to be a yardstick.
- A member cautioned that small-community population forecasts are subject to a very large margin of error and should be ground-truthed before they are set.
- Suggestion to reduce the provision that 40 percent of lands added for residential use be for multifamily development. 40 percent is very high and inappropriate for non-urban communities. Another member agreed that 40 percent multifamily is too high because every community has different needs, and that a high benchmark could result in nothing being built because it is not what an unincorporated community needs.

- A member said planning should be based on what these communities need, not just capacity. Goal 10 is about income levels as well as housing types, and the safe harbor as written would open the door to housing that does not meet the needs of people who live and work in rural areas rather than second homes or resorts. The member also suggested that manufactured home parks be allowed outright.
- Concern that there is no objective standard for what constitutes a "multigenerational household" and including that language might not be enforceable.
- A member supported keeping the multigenerational concept but did not see how it could be enforced locally, since it would require tracking ownership relationships.
- A county representative said the average residential lot in Brooks is one acre because of septic and wells, so the safe harbor provisions around a maximum 8,000 or 10,000 square foot lot would not work there and could reduce homeownership opportunities.
- A member asked what checks and balances exist if a community said it needed to accommodate another 500 people over 10 years but proposed only 20 large lots. Jon said that in the ordinary process DLCD reviews the notice and can comment or appeal like any other party, and in a Periodic Review work task DLCD has more leverage to review and issue a decision; in practice counties usually involve DLCD early.

5. Expanding for Growth Capacity: Planning Horizons
Jon explained that UUCs can currently plan for a 10-year horizon, and that opportunity is not available to other community types. The draft includes proposed language to allow UUCs to use a planning horizon of up to 20 years, with any proposal beyond 10 years processed in the manner of a Periodic Review work task, while RCs would be subject to a 10-year horizon.

RAC members participated in Zoom straw polls to gauge initial reactions and provided input, with discussion centered on the appropriate planning horizons and how to process proposals.





RAC Questions and Discussion:

- A member supported the 20-year planning horizon because that is the horizon used in Goal 14 and other rules. Another member did not agree that connection is required and repeated that if a county wants a UC to plan for 20 years, the community should take on the responsibilities of a city or at least meet Goal 9 and Goal 10. The language is not based on rural needs, and cities plan based on need across income levels, which counties, with even less staff capacity, would struggle to do.
- A county representative said their county would make it a priority to plan well for a community, looking at infrastructure and roadway needs. Rural communities provide a different type of housing that is affordable and owner-occupiable, and people accept trade-offs to live closer to work.
- In response to a question Jon raised in the chat about cost, a member said alternative septic systems typically cost around $30,000 to $35,000.

6. Natural Hazards

Jon explained that the draft rules include language in response to earlier RAC input that hazards, particularly wildfire, should be addressed with reasonable precautions rather than prohibitions. In the proposed language, counties may choose to avoid lands subject to identified natural hazards when expanding. If hazard lands are included, there could be rule provisions that require that any implementing zoning must include provisions for defensible space and home hardening if wildfire is an identified hazard, and reasonable precautions to protect life and property for non-wildfire hazards.

No poll was held on this topic. RAC discussion focused on: what other reasonable precautions should be identified for hazards other than wildfire, and whether hazards should be an element of land priorities.

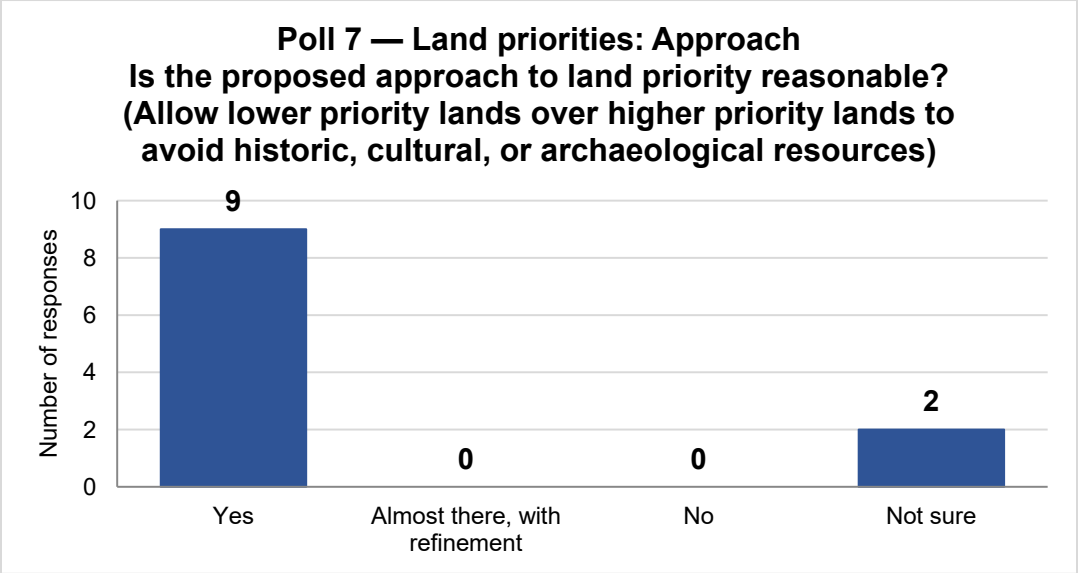
RAC Questions and Discussion:

- A member suggested clarifying in the second sentence of subsection (8) that (a) and (b) are required specifically if wildfire is the hazard; as written, any natural hazard seems to trigger them. The member also asked how a hazard area is defined.

- A member noted there is no statewide wildfire hazard map. DLCD staff noted that some state-level risk information exists and some local governments have adopted defensible space and R327 codes.
- A member commented that there should be underlying documentation of the hazards tied to the precautions, and the rules should make it more attractive, not less, for counties to identify hazards and precautions.

7. Land Priorities for Expansion of UC Boundaries: Cultural and Historic Resources
Jon explained that the draft carries forward the existing land priorities from Divisions 22 and 4 into Division 22 (exception areas and non-resource lands first; the best farm and forest lands last). The one proposed change would allow lower-priority lands to be included over higher-priority lands if necessary to avoid historic, cultural or archaeological resources.

RAC members participated in a Zoom straw poll to gauge initial reactions and provided input on the proposed language.



RAC Questions and Discussion:
- A member asked who would decide whether a resource is significant (presumably the State Historic Preservation Office) and what threshold of importance applies. Jon agreed that this is not spelled out in the rule and said DLCD would next furnish language explaining how it would work.

8. Land Priorities for Expansion of UC Boundaries: Soil Types and Wildlife
Jon explained proposed language that would apply to RCs expanding for growth and to UUCs planning beyond 10 years. Under the proposal, RCs could not expand onto the very best agricultural soils (Class I and II, Prime and Unique) or the very best wildlife habitat (Greater Sage-Grouse core areas, migration corridors, and Category 1 habitat). UUCs planning 11 to 20 years would be limited only on the very best wildlife habitat, not soils. He said the intent is to help guide expansion into the right places and away from sensitive ones, in response to concerns about farm and forest land, wildlife habitat and sprawl.

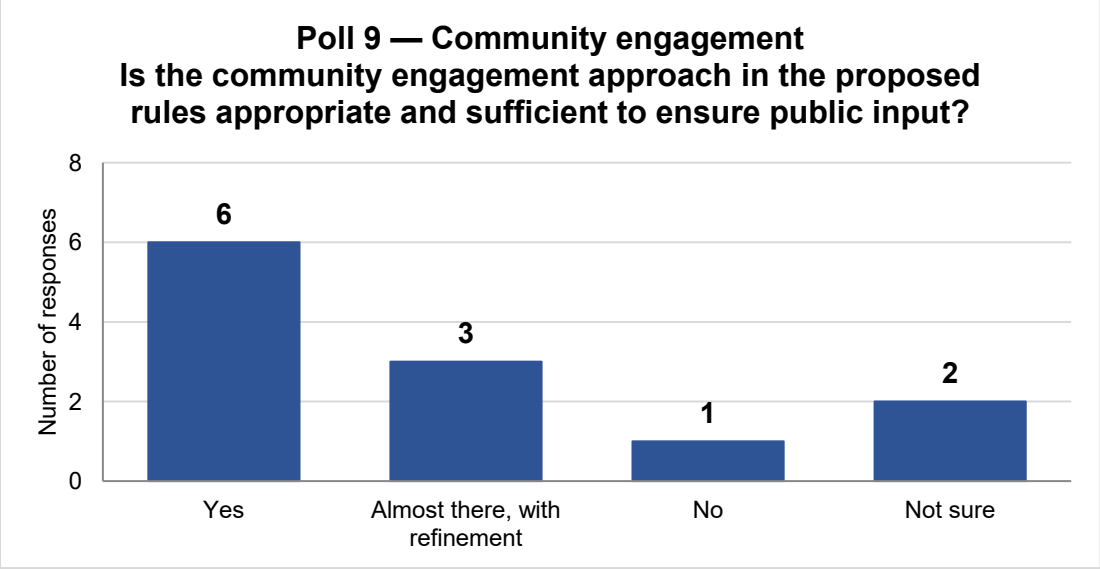
No poll was held on this topic. RAC discussion focused on whether the right categories of soils and habitat were identified.

RAC member comments and questions included:

- A member suggested including high-value soils in the list. Those are where the highest value crops, such as wine grapes, are grown regardless of soil class.
- A member noted that subsection (2) refers to categories in subsection (1)(b), (c) and (d) of a rule that does not seem to have such subsections, and asked whether it was meant to refer to the exception process in OAR 660-022-0060(3). Jon said it may be a drafting error; the intent is that everything in -0060 applies except the soils and wildlife habitat categories that are off limits for the community type.
- A member asked whether the exception for historic and archaeological resources would supersede the RC limitation on soils. Jon said that is an open policy question.
- A member asked whether migration corridors include essential salmonid habitat in streams. Jon said that is also open.
- The member observed that this is another case where rural communities were brought into the opportunity and then made to meet one rule after another, and that it seems tailored to expanding UUCs.

9. Enhanced Community Engagement for Boundary Expansions
Jon explained that language is proposed to elevate and clarify the public engagement counties should do when seeking UC boundary expansions. The draft largely captures best practices that responsible counties already follow and includes things like notice requirements and engagement with tribes.

RAC members participated in a Zoom straw poll to gauge initial reactions and provided input on the proposed language.



RAC member comments and questions included:

- Note that calling out school districts is fine, but other agencies are equally important, such as local fire districts and nearby cities
- Engaging tribes is great and aligns with new administrative rules.
- These requirements incorporate many best practices, but counties' capacity to follow through is a concern, since many have very limited capacity.
- Suggest clarifying what will be done with the feedback. People should know how their comments might have an impact.

Other Sections and Divisions
Jon briefly noted other parts of Division 22 and Divisions 4 and 11 were not discussed in depth. There are some small, clarifying, and organizational changes proposed in these areas and RAC members are welcome to review.

Review and Discuss Impact Statements

Jon explained that a draft Housing Impact Statement and Fiscal Impact Statement were developed. The findings are that the rules would have little or no impact on housing costs and may provide some benefits. The fiscal impact statement found little or no fiscal impact on state agencies, local governments, small businesses and others identified. Statute requires these statements for every rulemaking. Sylvia invited members to comment on the statements.

RAC member comments included:
- The impact on tribes should also address capacity issues, since beginning January 1 many notices will be sent to identified tribes, which may have fiscal impacts.
- Impacts on the general public should consider transportation costs, if the rules increase traffic and housing in rural and unincorporated communities, which carries a cost for the people who live there.
- The statements should consider whether land values will increase in existing communities and how that affects assessments and property taxes, particularly for people on fixed incomes.

Next Steps and Adjourn

Sylvia reviewed next steps.
- Members should provide any additional written comments by October 13.
- DLCD will publish draft rules for formal public comment on November 1. Jon emphasized that the language is not set in stone, that staff will adjust it based on what they heard from the RAC, and that it will be discussed further at the next meeting. The filing is an administrative requirement to meet the dates for the LCDC hearing.
- RAC Meeting 4 is scheduled for November 19 from 1 to 4pm (virtual), to review draft language in preparation for the December LCDC hearing.
- Another RAC meeting will be held in December, after the LCDC hearing but before the end of the public comment period, to discuss public comments and seek RAC advice on how to address them.