



Department of Land Conservation and Development

Goal 9 Rule Fact Sheet

The Land Conservation and Development Commission adopted amendments to OAR chapter 660, division 9 (Economic Development) on December 1, 2005. The amendments are effective January 1, 2007. Cities and counties may voluntarily comply with the amendments prior to the effective date. The changes represent more than a year's work by the Department of Land Conservation and Development and the department's Economic Development Planning Advisory Committee. The amendments are part of a broad effort regarding the state's industrial land supply required by House Bill 2011 (2003) and Governor's Executive Order 03-02 on industrial lands. The amendments respond to recommendations made by the Governor's Industrial Lands Task Force and the Industrial Conversion Study Committee. The new rules clarify and streamline existing requirements for local governments. In addition, the rule amendments provide guidance for planning for a short-term supply of land, updated definitions, and enable multi-jurisdiction coordination.

Rule Amendments Clarify and Streamline Existing Requirements

- Some plan amendments relating to industrial or other employment lands no longer trigger division 9 planning requirements
- The required content of the Economic Opportunities Analysis, such as the inventory of existing supply, has been clarified and streamlined
- Only cities and counties with greater than 2,500 in population within a Metropolitan Planning Organization are required to plan for a short-term supply of land

Rule Amendments Provide Guidance for the Short-term Supply of Land

- Cities and counties planning for the short-term supply of land have additional flexibility for achieving local economic development objectives
- Cities and counties are now enabled to consider availability when designating the short-term supply of land

Rule Amendments Update Definitions

- Industrial Use
- Other Employment Use
- Prime Industrial Land

Rule Amendments Enable Multi-Jurisdiction Coordination

- Cities and counties enabled to conduct a single, regional Economic Opportunities Analysis

More Information

- More information can be found on the department's website at:
<http://www.lcd.state.or.us/LCD/econdev.shtml>

- *Some plan amendments relating to industrial or other employment lands no longer trigger division 9 planning requirements*

Under the existing rules, all plan amendments resulting in a plan designation change of two acres or more triggered OAR 660-009-0010(4). When this rule applies, a city or county must either make findings the designation change is consistent with local plan policies or justify the change through an Economic Opportunities Analysis. Under the new rules, the creation of new industrial or other employment lands no longer trigger the need for division 9 findings. Conversions of existing industrial or other employment lands will continue to be evaluated according to the local comprehensive plan.

- *The required content of the Economic Opportunities Analysis, such as the inventory of existing supply, has been clarified and streamlined*

OAR 660-009-0015 is intended to be a performance standard based approach to determining net land demand for industrial and other employment uses for the planning period. The Economic Opportunities Analysis can be either broad or narrow in scope and a city or county can use a basic or advanced approach that best suits their needs. The new amendments reduce the number of work products when analyzing the existing land supply and are in conjunction with the new Industrial and Other Employment Lands Analysis Guidebook available on the department's website. (See front page for web address).

- *Only cities and counties with greater than 2,500 in population within a Metropolitan Planning Organization are required to plan for a short-term supply of land*

Under the existing rules, all cities and counties are required to maintain a rolling three-year supply of serviceable sites for five years after periodic review. This standard has been replaced with OAR 660-009-0020(1)(b) to (2) and 660-009-0025(3). Short-term means it's ready for construction within one year of an application for a building permit or request for service extension. Though not required under the new rules, other cities and counties may voluntarily adopt policies relating to the short-term supply of land.

- *Cities and counties planning for the short-term supply of land have additional flexibility for achieving local economic development objectives*

OAR 660-009-0025(3) gives three options to cities and counties when planning for the short-term. The existing rules provide only one. Under the rule amendments, cities and counties may choose to maintain 25 percent of the total land supply in short-term status, set their own short-term target based on their Economic Opportunities Analysis, or choose to participate in Oregon's industrial site certification program.

- *Cities and counties are now enabled to consider availability when designating the short-term supply of land*

OAR 660-009-0025(7) now enables cities and counties to consider availability. Available land is vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market.

- *Industrial Use, Other Employment Use, and Prime Industrial Land*

The existing rules do not provide definitions for key terms such as industrial or commercial uses. The need for more definitions was one of the recommendations of the Governor's Industrial Lands Task Force created by Executive Order 03-02. The widest range of commercial and retail uses are included in the new definition "Other Employment Use" which also includes so called institutional employers such as medical and educational entities or organizations. The concept of "Prime Industrial Land" from the November 2004 Industrial Conversion Study Committee was also incorporated into the rule amendments. Prime industrial lands are well suited for traded-sector industries and are difficult or impossible to replicate in the planning area or region.

- *Regional Economic Opportunities Analysis*

OAR 660-009-0030 allows cities and counties to coordinate Economic Opportunities Analyses and to designate lands among the coordinating jurisdictions in a mutually agreed proportion. Under this new rule, regional coordination is strongly encouraged, but not required.