

Proposed New Rules to Implement ORS 197A
Public Draft 4 – December 3, 2015

OAR CHAPTER 660, DIVISION 38
Simplified Urban Growth Boundary Method

1 **OAR 660-038-0000**

2 **Purpose**

3 (1) The purpose of this division is to implement ORS 197A.300 to 197A.325 by providing
4 simplified methods to evaluate and amend an urban growth boundary (UGB) for a city outside
5 Metro. (Note: ORS 197A.320 regarding the establishment of study areas and the priority of lands
6 for UGB amendment applies both to the “simplified” UGB methods under this rule and to the
7 “traditional” UGB method described in OAR chapter 660, division 24. ~~This~~Rules in this division
8 ~~interprets at OAR 660-038-0160 and 660-038-0170 interpret~~ that statute ~~only~~ with respect to the
9 simplified methods. Rules at OAR 660-024-0065 and 660-024-0067 interpret ORS 197A.320 for
10 purposes of the traditional UGB method).

11 (2) The method for UGB evaluation and amendment described in OAR chapter 660, division 24
12 (the traditional UGB method) is not modified by this division. Cities may choose to apply the
13 methods described in this division instead of division 24 in order to evaluate or amend a UGB, as
14 described in OAR 660-038-0020.

15 (3) The methods described in this division are intended to achieve the following objectives
16 provided in ORS 197A.302:

17 (a) Become, as a result of reduced costs, complexity and time, the methods that are used by
18 most cities with growing populations to manage their urban growth boundaries;

19 (b) Encourage, to the extent practicable given market conditions, the development of urban
20 areas in which individuals desire to live and work and that are increasingly efficient in terms
21 of land uses and in terms of public facilities and services;

22 (c) Encourage the conservation of important farm and forest lands, particularly lands that are
23 needed to sustain agricultural and forest products industries;

24 (d) Encourage cities to increase the development capacity within their urban growth
25 boundaries;

26 (e) Encourage the provision of an adequate supply of serviceable land that is planned for
27 needed urban residential and industrial development; and

28 (f) Assist residents in understanding the major local government decisions that are likely to
29 determine the form of a city’s growth.

1 OAR 660-038-0010**2 Definitions**

3 The definitions in ORS 197.015, the statewide planning goals, and the following definitions
4 apply to this division:

5 (1) “Buildable lands” means land in urban or urbanizable areas that are suitable for urban uses,
6 as provided in ORS 197A.300(1). Note: This definition applies to this division only; a different
7 definition of “buildable lands” is provided in laws and rules concerning needed housing (ORS
8 197.295; OAR 660-007-0005 and 660-008-0005 and OAR chapter 660, division 24).

9 (2) “Commercial” and “commercial use” mean office, retail, institutional and public employment
10 land uses described by the North American Industry Classification System (NAICS) Categories
11 44, 45, 51, 52, 53, 54, 55, 56, 61, 62, 71, 72, 81, 92, and 99. These are land uses that generally do
12 not require significant space for indoor or outdoor production or logistics.

13 (3) “Industrial” and “industrial use” mean employment activities including, but not limited to,
14 manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation,
15 distribution and transshipment, and research and development, that generate income from the
16 production, handling or distribution of goods or services, including goods or services in the
17 traded sector, as defined in ORS 285A.010. “Industrial use” means NAICS Categories 11, 21,
18 22, 23, 31, 32, 33, 42, 48, and 49. These are land uses that generally require significant space for
19 indoor or outdoor production or logistics.

20 (4) “Initiate” means that the local government issues a public notice specified in OAR 660-018-
21 0020, including a notice to the department, for a proposed plan amendment that concerns
22 evaluating or amending a UGB.

23 (5) “Nonresource land” has the meaning specified in OAR 660-004-0005(3).

24 (6) “Range” means a range of numbers specified in rules in this division (see ORS
25 197A.325(2)(a)). A city may choose to use the number at either end of a stated range or any
26 number between. Ranges allow a city to make choices regarding its future growth.

27 (7) “Serviceable” means, with respect to land supply in a UGB, and as described in OAR 660-
28 038-0200, that:

29 (a) Adequate sewer, water and transportation capacity for planned urban development is
30 available or can be either provided or made subject to committed financing; or

31 (b) Committed financing can be in place to provide adequate sewer, water and transportation
32 capacity for planned urban development.

33 (8) “UGB” means “urban growth boundary.”

1 (9) “Urbanizable land” means land inside a UGB that, due to the present unavailability of urban
2 facilities and services, or for other reasons, either retains the zone designations assigned prior to
3 inclusion in the UGB or is subject to interim zone designations intended to maintain the land’s
4 potential for planned urban development until appropriate public facilities and services are
5 available or planned.

6 **OAR 660-038-0020**

7 **Applicability**

8 (1) This division takes effect January 1, 2016. Rules in this division provide optional simplified
9 methods for a city outside Metro to evaluate or amend its UGB. These methods are available to
10 cities in addition to and not in lieu of the methods provided in OAR chapter 660, division 24. If a
11 city uses this division to evaluate or amend a UGB, the requirements of division 24 do not apply
12 to the UGB evaluation or amendment.

13 (2) A city that evaluates or amends its UGB using this division must demonstrate that:

14 (a) It has sufficient buildable lands and other development capacity, including land and
15 capacity for needed housing and employment opportunities, within its UGB to meet the
16 growth in population and employment that is forecast to occur over a 14-year period,

17 (b) It based its determination of the amount of buildable lands needed for housing,
18 employment and other urban uses on the population and employment growth forecast to
19 occur over a 14-year period, consistent with rules in this division, and

20 (c) Lands included within the UGB include sufficient serviceable land for at least a seven-
21 year period and can all be serviceable over a 14-year period as provided in OAR 660-038-
22 0200.

23 (3) A city using this division is not required to adopt findings to support the use of a number or a
24 number within a range that is expressed by a rule in this division.

25 (4) A city that uses this division to add land to the UGB may not use a method in this division
26 again to add land to the UGB until:

27 (a) The population of the city has grown by at least 50 percent of the amount of growth
28 forecast to occur in conjunction with the previous use of the method by the city; or

29 (b) At least one-half of the lands identified as buildable lands for employment needs or for
30 residential needs during the previous use of the method by the city have been developed.

31 (5) A city that adopts a UGB amendment using this division must evaluate whether the city
32 needs to include additional land for residential or employment uses within the UGB before the

1 population of the city has grown by 100 percent of the population growth forecast to occur in
2 conjunction with the city's previous use of this division.

3 (6) A city that adopts a UGB amendment using this division may subsequently add land to the
4 UGB using division 24 instead of the method described in this division (*see options, below*)

5 ***OPTION 1: (limited authority to use traditional method after use of simplified method)***

6 ... *provided the purpose for expansion of the UGB is:*

7 (a) *To accommodate a particular industry use that requires specific site characteristics, or to*
8 *accommodate a public facility that requires specific site characteristics and the site*
9 *characteristics may be found in only a small number of locations as provided in OAR 660-*
10 *024-0065(3);*

11 (b) *To designate Regional Large Lot Industrial Land pursuant to OAR 660-024-0045;*

12 (c) *To add an amount of land less than necessary to satisfy the land need deficiency under*
13 *OAR 660-024-0065(9); or*

14 (d) *After one or more of the circumstances in section (4) have occurred.*

15 ***OPTION 2: (broad authority to use traditional method after use of simplified method)***

16 ... *provided, however, that a city's determination of land need resulting from the previous use of*
17 *this method shall not by itself be considered sufficient to support a housing and employment need*
18 *determination under OAR chapter 660, division 24.*

19 (7) A city may not use this division in order to evaluate or amend a UGB for purposes of OAR
20 660-024-0045 concerning Regional Large Lot Industrial Land.

21 (8) A city that elects to use this division shall notify the department in the manner required by
22 ORS 197.610, ORS 197.615 and OAR chapter 660, division 18 regarding notice of a post-
23 acknowledgment plan amendment. The city may revoke its election under this section at any
24 time until the city makes a final decision to amend the UGB.

25 (9) A city that initiated an amendment of its UGB under OAR chapter 660, division 24, but has
26 not submitted that amendment to the department, may withdraw the proposed amendment and
27 use a method described in this division by filing notice of the election with the department in the
28 manner required by ORS 197.610, 197.615, and OAR chapter 660, division 18 for notice of a
29 post-acknowledgment plan amendment.

30 (10) Notwithstanding ORS 197.626, when a city evaluates or amends the UGB pursuant to this
31 division, the Land Use Board of Appeals rather than the commission has jurisdiction for review
32 of the final decision of the city.

1 | (11) ~~Where A city that amends a UGB under~~ this division ~~provides a number or a range of~~
2 | ~~numbers that a city may use, the city~~ is not required to ~~adopt findings to support the use of the~~
3 | ~~number or a number within the range of numbers.~~

4 | ~~(12) Use of this division to amend a UGB is deemed to also~~ satisfy the requirements of ORS
5 | 197.296 applicable to a UGB amendment for cities subject to that statute.

6 | (12) A city that amends a UGB under this division is not required to also satisfy the requirements
7 | of Goals 9 and 10 with respect to the determinations of land need and land supply, the housing
8 | needs projection requirements of OAR chapter 660, division 8, or the economic opportunities
9 | analysis requirements of OAR chapter 660, division 9.

10 | (13) All statewide planning goals and related administrative rules are applicable when
11 | establishing or amending a UGB, except as follows:

12 | (a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable to a
13 | UGB amendment unless a local government chooses to take an exception to a particular goal
14 | requirement, for example, as provided in OAR 660-004-0010(1), provided however that a
15 | local government may not take an exception to the UGB requirements of Goal 14.

16 | (b) Goals 3 and 4 are not applicable;

17 | (c) Goal 5 and related rules under OAR chapter 660, division 23, apply only to lands added
18 | to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

19 | (d) The transportation planning rule requirements under OAR 660-012-0060 need not be
20 | applied at the time of a UGB amendment if the land added to the UGB is zoned as
21 | urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the
22 | UGB or by assigning interim zoning that does not allow development that would generate
23 | more vehicle trips than development allowed by the zoning assigned prior to inclusion in the
24 | UGB;

25 | (e) Goal 15 is not applicable to land added to the UGB unless the land is within the
26 | Willamette River Greenway Boundary;

27 | (f) Goals 16 ~~to~~through 18 are not applicable to land added to the UGB unless the land is
28 | subject to acknowledged comprehensive plan provisions that implement these goals;

29 | (g) Goal 19 is not applicable to a UGB amendment.

30 | (14) A city considering a UGB evaluation or amendment must apply its acknowledged citizen
31 | involvement program to ensure adequate notice and participation opportunities for the public and
32 | must assist the public in understanding the major local government decisions that are likely to
33 | determine the form of the city's growth.

1 (15) A city that is scheduled to commence periodic review as required by OAR 660-025-0030 is
2 not required to commence periodic review if the city has amended the UGB pursuant to this
3 division, or if the city has evaluated the UGB need and land supply using this division and
4 determined that the UGB contains sufficient buildable land for a 14-year period, including a
5 supply that is serviceable for a seven-year period and a supply that can be serviceable for a 14-
6 year period.

7 ~~(16) When a city is required to undertake an analysis or make a determination concerning lots~~
8 ~~or parcels under the rules in the division, the city may conduct such analyses using tax lot data~~
9 ~~shown on the most recent tax assessment rolls in the county in which the land is located.~~

10 (17) Beginning on or before January 1, 2023, the commission shall:

11 (a) Evaluate, every five years, the impact of this division on the population per square mile,
12 livability in the area, the provision and cost of urban facilities and services, the rate of
13 conversion of agriculture and forest lands and other considerations;

14 (b) Consider changes to the statewide land use planning goals or rules to address adverse
15 outcomes; and

16 (c) Make recommendations to the Legislative Assembly, as necessary, for statutory changes.

17 OAR 660-038-0030

18 Residential Land Need

19 OAR 660-038-0030 through 660-038-0080 provides steps that a city must take to determine
20 residential land need over the 14-year planning period.

21 (1) A city that applies the UGB method in this division:

22 (a) Must forecast the amount of buildable lands that it will need for housing based on the
23 population forecast for the 14-year period commencing on the date it initiates and consistent
24 with OAR 660-038-0040 through OAR 660-038-0090, and

25 (b) Must provide within its UGB sufficient buildable lands and other development capacity,
26 for needed housing to accommodate the growth in population forecast to occur over a 14-
27 year period.

28 (2) The city must use the most recent final forecast issued by the Portland State University
29 Population Research Center under ORS 195.033 in effect at the time the city initiates a UGB
30 review to forecast the UGB population growth for a 14-year period.

31 (3) The city must subtract from the forecast population growth the number of persons projected
32 to live in group quarters in the UGB during the planning period. The city shall determine this
33 number by calculating the percentage of the city's population living in group quarters at the last

1 decennial United States Census and subtracting the same percentage from projected population
2 growth. For the purpose of this rule, “group quarters,” as defined by the United States Census,
3 are places where people live or stay, in a group living arrangement, which is owned or managed
4 by an entity or organization providing housing or services for the residents.

5 (4) To determine the gross number of dwelling units needed for the 14-year period, the city must
6 divide the projected growth reduced as determined in section (3) by the persons per household
7 within the city determined at the most recent decennial United States Census.

8 (5) The city must adjust the gross number of needed dwelling units to account for the vacancy
9 rate projected to occur during the planning period, as follows: Multiply the result calculated in
10 section (4) by the vacancy rate and add the resulting product to the gross number of dwelling
11 units needed. The vacancy rate used shall be five percent plus the portion of the vacancy rate that
12 is comprised of seasonal, recreational, or occasional vacancies within the city, determined at the
13 last decennial United States Census. However, the total vacancy rate used may not exceed 15
14 percent.

15 (6) The city must account for projected redevelopment expected to occur in residentially zoned
16 areas, and for mixed use residential development expected to occur in commercially zoned areas,
17 as follows: multiply the result calculated in section (5) by the applicable percentage in
18 subsections (a) through (c) of this section.

19 (a) For cities with a current UGB population less than 10,000, the percentage shall be within
20 a range from 1 percent to 10 percent of the result calculated in section (5).

21 (b) For cities with a current UGB population equal to or greater than 10,000 and less than
22 25,000, the percentage shall be within a range from 5 percent to 15 percent of the result
23 calculated in section (5).

24 (c) For cities with a current UGB population equal to or greater than 25,000, the percentage
25 shall be within a range from 5 percent to 25 percent of the result calculated in section (5).

26 (7) The city must account for accessory dwelling units expected to occur during the planning
27 period by multiplying the result calculated in section (5) by the applicable percentage in
28 subsection (a) or (b) of this section:

29 (a) For cities with UGB population less than 10,000, the percentage shall be within a range
30 from zero percent to two percent of the result calculated in section (~~6~~5).

31 (b) For cities with UGB population equal to or greater than 10,000, the percentage shall be
32 within a range from one percent to three percent of the result calculated in section (~~6~~5).

1 (8) The city must subtract the numbers determined in sections (6) and (7) from the result
2 calculated in section (5). The resulting number is the identified need for new dwelling units for
3 14 years.

4 (9) The city shall accommodate the dwelling unit need identified in section (8):

5 (a) On vacant and partially vacant residentially zoned lands within the UGB, and

6 (b) If the amount of land described in subsection (a) is insufficient to accommodate all of the
7 identified need, the remaining need must be accommodated on lands to be added to the UGB
8 for residential development consistent with OAR 660-038-0180.

9 **OAR 660-038-0040**

10 **Determine the Mix of Dwelling Units Needed**

11 (1) A city must determine the current mix of housing types within the city based on the
12 percentages of low density, medium density, and high density residential dwellings using:

13 (a) For cities with UGB population less than 2,500, the percentages determined in the most
14 recent five-year American Community Survey conducted by the United States Census;

15 (b) For cities with UGB population greater than or equal to 2,500, using either the
16 percentages determined in:

17 (A) The most recent American Community Survey conducted by the United States
18 Census, or

19 (B) An average of the two most recent American Community Surveys conducted by the
20 United States Census.

21 (2) For the purposes of this rule and for OAR 660-038-0050:

22 (a) For cities with a UGB population less than 2,500, single-family detached dwellings and
23 mobile homes shall be considered low density residential, and all other dwellings shall be
24 considered medium density residential.

25 (b) For cities with a UGB population greater than or equal to 2,500, single-family detached
26 dwellings and mobile homes shall be considered low density residential, single-family
27 attached dwellings and multiplexes with two to four units shall be considered medium
28 density residential, and multi-family dwellings with five or more units shall be considered
29 high density residential.

30 (3) A city must project the mix of housing types needed for new development over the 14-year
31 period using the ranges of numbers in Table 1. The percentage of low density residential

1 development is calculated by subtracting the percentage of medium density and high density
2 residential development selected by the city.

3 (4) To determine the number of low density, medium density and high density dwelling units
4 needed over the 14-year period, the city must multiply the percentages of needed housing for
5 different housing categories determined in section (3) by the total housing need determined in
6 OAR 660-038-0030.

7 **OAR 660-038-0050**

8 **Determine Amount of Land Needed for Each Housing Type**

9 A city must:

10 (1) Determine the land needed for each category of residential development over the 14-year
11 period by dividing the number of needed units determined in OAR 660-038-0040 by the
12 projected number of net dwelling units per acre using the ranges in Table 2.

13 (2) Calculate the overall net density (total dwelling units divided by total land need) for all
14 residential land need in terms of dwellings per acre and compare the result with the current
15 density of the developed lands shown in the buildable lands inventory within the city's UGB
16 completed under OAR 660-038-0060(5).

17
18 (3) If necessary, adjust the density assumptions used in the residential land need analysis so that
19 the overall net density for all residential land need is at least equal to the density determined in
20 OAR 660-038-0050(2).

21
22 (4) Add an amount equal to 25 percent of the total residential land needed to account for public
23 land need for infrastructure and facilities such as schools and parks and to account for private
24 institutional land need.

25 26 **OAR 660-038-0060**

27 **Buildable Lands Inventory (BLI) for Residential Land within the UGB**

28 A city must determine the supply and development capacity of lands within its UGB by
29 conducting a buildable lands inventory (BLI) as provided in this rule.

30 (1) For purposes of the BLI, the city shall classify the existing residential comprehensive plan
31 and zoning designations within its UGB based on allowed density. The classification shall be
32 based on either:

33 (a) The allowed density and housing types on the comprehensive plan map; or

1 (b) If the comprehensive plan map does not differentiate residential districts by density or
2 type of housing, the applicable city or county zoning map, as follows:

3 (A) For cities with a UGB population less than 2,500, districts shall be classified as
4 follows:

5 (i) Districts with a maximum density less than or equal to eight dwelling units per
6 acre: low density residential. A city may classify a district as low density residential
7 despite a maximum density of greater than eight dwelling units per acre if the
8 majority of existing residences within the district are single-family detached and if
9 the city has a high density residential district as determined by subparagraph (ii);

10 (ii) Districts with a maximum density greater than eight dwelling units per acre:
11 medium density residential.

12 (B) For cities with UGB populations greater than or equal to 2,500, districts shall be
13 classified as follows:

14 (i) Districts with a maximum density less than or equal to eight dwelling units per
15 acre: low density residential. A city may classify a district as low density residential
16 despite a maximum density of greater than eight dwelling units per acre if the
17 majority of existing residences within the district are single-family detached and the
18 city has a medium density residential district as determined by subparagraph (ii);

19 (ii) Districts with a maximum density greater than eight dwelling units per acre and
20 less than or equal to 16 dwelling units per acre: medium density residential, unless the
21 district has been classified as low density residential pursuant to subparagraph (i). A
22 city may classify a district as medium density residential despite a maximum density
23 of greater than 16 dwelling units per acre if the majority of development within the
24 district is developed at densities of between eight and 16 dwelling units per net acre
25 and the city has a high density residential district as determined by subparagraph (iii);

26 (iii) Districts with a maximum density greater than 16 dwelling units per acre: high
27 density residential, unless the district has been classified as medium density
28 residential pursuant to subparagraph (ii);

29 (iv) A city may not classify as low density a district that allows higher residential
30 densities than a district the city has classified as medium density. A city may not
31 classify as medium density a district that allows higher residential densities than a
32 district the city has classified as high density.

1 (2) The city must identify all vacant lots and parcels with a residential comprehensive plan
2 designation. A city shall assume that a lot or parcel is vacant if it is at least 3,000 square feet with
3 a real market improvement value of less than \$10,000.

4 (3) The city must identify all partially vacant lots and parcels with a residential comprehensive
5 plan designation, as follows:

6 (a) For lots and parcels at least one-half acre in size that contain a single-family residence,
7 the city must subtract one-quarter acre for the residence, and count the remainder of the lot or
8 parcel as vacant land, and

9 (b) For lots and parcels at least one-half acre in size that contain more than one single-family
10 residence, multiple-family residences, non-residential uses, or ancillary uses such as parking
11 areas and recreational facilities, the city must identify vacant areas using an orthophoto or
12 other map of comparable geometric accuracy. For the purposes of this identification, all
13 publicly owned park land shall be considered developed. If the vacant area is at least one-
14 quarter acre, the city shall consider that portion of the lot or parcel to be vacant land.

15 (4) The city must determine the amount and mapped location of low density, medium density,
16 and high density vacant and partially vacant land in residential plan or zone districts within the
17 city's UGB.

18 (5) The city must, within the UGB:

19 (a) Identify all lots and parcels within a residential district that are developed;

20 (b) Identify all portions of partially vacant lots and parcels within a residential district that
21 are developed with residential uses;

22 (c) Calculate the total area of land identified in (a) and (b);

23 (d) Calculate the total number of existing dwelling units located on the land identified in (a)
24 and (b); and

25 (e) Calculate the net density of residential development on the land identified in (a) and (b).

26

1 **OAR 660-038-0070**

2 **Adjust Residential Lands Inventory to Account for Constrained Lands**

3 A city must adjust the inventory of residential lands prepared under OAR 660-038-0060 to
4 account for constrained lands using this rule.

5 (1) The city must identify the following physical constraints on land inventoried as vacant or
6 partially vacant under OAR 660-038-0060:

7 (a) Floodways and water bodies. For the purpose of this subsection, “water bodies” includes;

8 (A) Rivers; and

9 (B) Lakes, ponds, sloughs, and coastal waters at least one-half acre in size.

10 (b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood
11 Insurance Rate Map.

12 (c) Lands within the tsunami inundation zone established pursuant to ORS 455.446,

13 (d) Contiguous lands of at least one acre with slopes greater than 25 percent. Slope shall be
14 measured as the increase in elevation divided by the horizontal distance at maximum 10-foot
15 contour intervals,

16 (e) Lands subject to development restrictions as a result of acknowledged zoning adopted to
17 implement Statewide Planning Goals 5, 6, or 67, and

18 (f) Lands subject to development prohibitions, natural resource protections, or both in
19 acknowledged comprehensive plan provisions that implement Statewide Planning Goals 15,
20 16, 17, or 18.

21 (2) For lands identified in section (1), the city may reduce the estimated residential development
22 capacity by the following factors in terms of acreage:

23 (a) For lands within floodways and water bodies, a 100 percent reduction.

24 (b) For other lands within Special Flood Hazard Area as identified on the applicable Flood
25 Insurance Rate Map, a 100 percent reduction.

26 (c) For lands within the tsunami inundation zone, no reduction unless the city’s existing
27 zoning classification of such areas prohibits or reduces residential development, in which
28 case, the reduction shall be based upon the maximum density allowed by the city’s existing
29 zoning classification.

1 | (d) For lands with slopes that are greater than 25 percent, a 100 percent reduction. If a lot or
2 | parcel of land has lands with slopes greater than and less than 25 percent, the reduction
3 | applies only to the lands with slopes greater than 25 percent.

4 | (e) For lands subject to development restrictions in an acknowledged comprehensive plan or
5 | zoning program developed pursuant to Statewide Planning ~~Goal~~Goals 5,6, or 67, a reduction
6 | to the levels authorized by the acknowledged comprehensive plan provisions and
7 | implementing land use regulations.

8 | (f) For lands subject to development prohibitions, natural resource protections, or both in
9 | acknowledged comprehensive plan provisions that implement Statewide Planning Goals 15,
10 | 16, 17, or 18, a reduction to the levels authorized by the ~~applicable~~acknowledged
11 | comprehensive plan provisions and implementing land use regulations.

12 | (3) The residential BLI amount for each type of needed housing for a city is the amount of
13 | buildable land for that needed housing type determined in OAR 660-038-0060 reduced by the
14 | constraints as determined in this rule.

15 | **OAR 660-038-0080**

16 | **Compare Residential Land Need to Land Supply**

17 | (1) To determine whether to expand the UGB, a city must compare the amount of land needed
18 | for each category of residential development, as determined in OAR 660-038-0050, with the
19 | amount of buildable land available for each category of residential development, as determined
20 | in OAR 660-038-0070(3).

21 | ~~(2) Cities with a UGB population of less than 2,500 shall determine whether to expand the UGB~~
22 | ~~based on Table 3.~~

23 | ~~(3) Cities with a UGB population greater than or equal to 2,500 and less than 10,000 shall~~
24 | ~~determine whether to expand the UGB based on Table 4.~~

25 | ~~(4) Cities with a UGB population greater than or equal to 10,000 shall determine whether to~~
26 | ~~expand the UGB based on Table 5.~~

27 | ~~(5) A city may also redesignate surplus employment land as determined in OAR 660-038-0150~~
28 | ~~to satisfy all or part of a residential land deficit, except for employment lands that are prohibited~~
29 | ~~from redesignation as provided by OAR 660-038-0150(4).~~

1 (2) If the amount of buildable residential land is greater than the amount of land needed for all
2 categories of residential development, then no UGB expansion for residential land need is
3 allowed.

4 (3) If the amount of buildable residential land is less than the amount of land needed for
5 residential development, the city must expand the UGB to provide the amount of land needed,
6 provided that if the amount of buildable residential land is less than the amount of land needed
7 for one category of residential development, but is greater than the amount of land needed for
8 another category, then the city must determine whether the residential land need can be
9 reasonably accommodated by redesignating surplus land in the other residential category, except
10 as provided in section (5) of this rule.

11 (4) A city must also determine whether surplus employment land as determined in OAR 660-
12 038-0150 can reasonably accommodate all or part of a residential land deficit except as provided
13 in OAR 660-038-0150(4).

14 (5) A city:

15 (a) Is not required to consider whether a high or medium density land surplus can reasonably
16 accommodate a low density land deficit;

17 (b) May not redesignate surplus high or medium density land that is located within 500 feet
18 of an arterial roadway or its functional equivalent identified in the city's acknowledged
19 Transportation System Plan.

20 (6) If a city determines that the UGB must be expanded to meet residential land needs, the city
21 must apply:

22 (a) OAR 660-038-0160 and 660-038-0170 to evaluate which lands to include in the UGB in
23 order to meet the need deficit, and

24 (b) OAR 660-038-0190 to plan and zone lands that are added and, if necessary, to adjust
25 planning and zoning of residential lands currently in the UGB.

26 **OAR 660-038-0090**

27 **Employment Land Need**

28 OAR 660-038-0090 to 660-038-0150 provides steps that a city must follow to determine
29 employment land need over the 14-year planning period.

30 (1) A city that applies the UGB method in this division:

- 1 (a) Must forecast the amount of buildable lands that will be needed for projected employment
2 in the UGB over a 14-year period using rules in OAR 660-038-0100 through 660-038-0150,
3 and
- 4 (b) Must provide within its UGB sufficient buildable lands and other development capacity
5 to accommodate the growth in employment that is forecast to occur over a 14-year period
6 and plan those lands as required by OAR 660-038-0180.
- 7 (2) The city must forecast employment growth within the UGB for a 14-year period from the
8 year in which the UGB analysis was initiated. As provided in ORS 197A.310(4) and
9 197A.312(4), employment growth may be forecast based on either:
- 10 (a) The population growth forecast for the city in the most recent final forecast issued by the
11 Portland State University Population Research Center under ORS 195.033 applying the
12 requirements of OAR 660-038-0100, or
- 13 (b) The most recent long term employment growth forecast issued by the Oregon
14 Employment Department (OED) for the applicable region, applying the requirements of
15 OAR 660-038-0110.

16 **OAR 660-038-0100**

17 **Forecast Employment Growth Based on Population Growth**

18 To forecast 14-year employment growth based on the PSU long term forecast of population
19 growth, a city must:

- 20 (1) Determine the forecast population of the city's UGB for the 14-year period from the year in
21 which the UGB analysis was initiated based on the most recent forecast issued by the Portland
22 State University Population Research Center.
- 23 (2) Determine the current population of the UGB using the most recent population estimate
24 issued by the Portland State University Population Research Center.
- 25 (3) Determine the rate of population growth for the city over the 14-year period based on
26 sections (1) and (2).
- 27 (4) Using Table 63, determine the current number of "commercial" and "industrial" jobs in the
28 UGB, based on the definitions in OAR 660-038-0010.
- 29 (5) To forecast the number of new commercial and new industrial jobs anticipated to occur in the
30 UGB for the 14-year planning period, the city must:
- 31 (a) Multiply the number of commercial jobs currently in the UGB determined in section (4)
32 by the rate of population growth rate determined in section (3), and

1 (b) Multiply the number of industrial jobs currently in the UGB determined in section (4) by
2 the rate of population growth determined in section (3).

3 (6) To account for jobs that are likely to occur on land that is zoned for uses other than
4 commercial or industrial (and which therefore will not require buildable “employment land”), the
5 city must reduce the forecast of new jobs determined in section (5) by 20 percent.

6 (7) The result is the number of new commercial and industrial jobs forecast for the planning
7 period to be accommodated on employment lands in the UGB. The city must use this result or
8 the result in OAR 660-038-0110 as a basis for determining land needs under OAR 660-038-
9 0140.

10 **OAR 660-038-0110**

11 **Forecast Employment Growth Based on Oregon Employment Department Forecast**

12 As an alternative to the method provided in OAR 660-038-0100, to forecast 14-year employment
13 growth based on the most recent long-term job forecast issued by the Oregon Employment
14 Department (OED), a city must:

15 (1) Determine the number of “commercial” and “industrial” jobs currently in the UGB as
16 provided in Table [63](#).

17 (2) Using Table [74](#), determine the long-term growth rates forecast by OED for commercial jobs
18 and for industrial jobs in the OED region that includes the city. For purposes of this rule, “OED
19 region” means Workforce Innovation and Opportunity Act (WIOA) Areas for which OED
20 forecasts long-term job growth.

21 (3) To forecast the number of new commercial and new industrial jobs anticipated to occur in the
22 UGB for the 14-year planning period, the city must:

23 (a) Multiply the number of commercial jobs currently in the UGB determined in section (1)
24 by the forecast rate of growth determined in section (2), and

25 (b) Multiply the number of industrial jobs currently in the UGB determined in section (1) by
26 the forecast rate of growth determined in section (2).

27 (4) To account for jobs that are likely to occur on land that is zoned for uses other than
28 commercial or industrial (and which therefore will not require buildable “employment land”), the
29 city must reduce the forecast of new commercial and industrial jobs determined in
30 ~~subsections~~ (3)(a) and (3)(b) by 20 percent.

31 (5) The result is the number of new commercial and industrial jobs forecast for the 14-year
32 planning period. The city must use this result or the result in OAR 660-038-0100 as a basis for
33 determining employment land needs under OAR 660-038-0140.

1 **OAR 660-038-0120**

2 **Inventory of Buildable Employment Land within the UGB**

3 A city must determine the supply and development capacity of employment lands within its
4 UGB at the time of initiation by conducting a buildable lands inventory (BLI) for employment
5 land as provided in this rule and OAR 660-038-00130.

6 (1) For purposes of the employment BLI, the city shall classify the existing employment zone
7 districts and plan districts within its UGB as either “commercial” or “industrial” based on the
8 applicable definitions in OAR 660-038-0010. Districts that allow both commercial and industrial
9 uses as per the definition must be classified as one or the other, based on the intent of the plan
10 and with consideration of whether the predominant NAICS categories allowed by the district are
11 characteristic of a commercial or industrial use.

12 (2) The city must identify all lots and parcels in the UGB with either a commercial or industrial
13 comprehensive plan designation or zoning district, determine which lots or parcels are vacant,
14 partially vacant, or developed and calculate the total area of such land, as follows:

15 ***OPTION 1 (recommended):***

16 (a) A city may assume that a lot or parcel is vacant if the real market improvement value is
17 less than \$5,000 or if the real market improvement value is less than or equal to 5 percent of
18 the real market land value.

19 (b) A city may assume that a lot or parcel is partially vacant if the real market improvement
20 value is greater than five percent and less than 40 percent of the real market land value.

21 (c) A city may assume that a lot or parcel is developed if the real market improvement value
22 is greater than or equal to 40 percent of the real market land value.

23 ***OPTION 2:***

24 ~~(a) A city may assume that a lot or parcel is vacant if it is:~~

25 ~~(A) Equal to or larger than one-half acre, if the lot or parcel does not contain a~~
26 ~~permanent building; or~~

27 ~~(B) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is~~
28 ~~occupied by a permanent building.~~

29 (a) A city may assume that a lot or parcel is vacant if the real market improvement value is
30 less than \$5,000 or if the real market improvement value is less than or equal to 5 percent of
31 the real market land value.

1 *(b) A city may assume that a lot or parcel is partially vacant if it is greater than one acre in*
2 *size with at least one-half acre that is not improved.*

3 *(c) A city may assume that a lot or parcel is developed if the real market improvement value*
4 *is greater than or equal to 40 percent of the real market land value.*

5 (3) The city must use the result of section (2) to determine the current density of employment
6 land within the UGB under OAR 660-038-0140(4) and (5).

7 **OAR 660-038-0130**

8 **Adjust Employment Buildable Land Inventory to Account for Constrained Lands**

9 A city must adjust the employment buildable lands inventory determined under OAR 660-038-
10 0120 to account for constrained lands using this rule.

11 (1) The city must identify the following physical constraints on employment land inventoried
12 under OAR 660-038-0120:

13 (a) Floodways and water bodies. For the purpose of this subsection, “water bodies” includes;

14 (A) Rivers; and

15 (B) Lakes, ponds, sloughs, and coastal waters at least one-half acre in size.

16 (b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood
17 Insurance Rate Map.

18 (c) Lands within the tsunami inundation zone established pursuant to ORS 455.446,

19 (d) Contiguous lands planned and zoned for commercial use of at least one acre with slopes
20 that are 25 percent or more. For purposes of this rule, slope shall be measured as the increase
21 in elevation divided by the horizontal distance at maximum 10-foot contour intervals,

22 (e) Contiguous lands planned and zoned for industrial use of at least one acre with slopes that
23 are 10 percent or more. For purposes of this rule, slope shall be measured as the increase in
24 elevation divided by the horizontal distance at maximum 10-foot contour intervals,

25 (f) Lands subject to development restrictions as a result of acknowledged zoning adopted to
26 implement Statewide Planning Goals 5, 6, or 67, and

27 (g) Lands subject to development prohibitions, natural resource protections, or both, in
28 acknowledged comprehensive plan provisions that implement Statewide Planning Goals 15,
29 16, 17, or 18.

1 (2) For lands identified in section (1), the city may reduce the estimated development capacity by
2 the following factors in terms of acreage:

3 (a) For lands within floodways and water bodies, a 100 percent reduction.

4 (b) For other lands within Special Flood Hazard Area (SFHA) as identified on the applicable
5 Flood Insurance Rate Map (FIRM), a 100 percent reduction.

6 (c) For lands within the tsunami inundation zone, no reduction unless the city's existing
7 zoning classification of such areas prohibits or reduces allowed development, in which case,
8 the reduction shall be based upon the maximum density allowed by the city's existing zoning
9 classification.

10 (d) For lands designated for commercial use, contiguous lands of at least one acre with slope
11 greater than 25 percent, a 100 percent reduction. If a lot or parcel has areas with slopes
12 greater than 25 percent, the reduction applies only to those areas with slopes greater than 25
13 percent.

14 (e) For lands designated for industrial use, contiguous lands of at least one acre with slope
15 greater than 10 percent, a 100 percent reduction. If a lot or parcel with slopes greater than 10
16 percent has at least five contiguous acres with slopes less than 10 percent, the reduction does
17 not apply to those areas.

18 (f) For lands subject to restrictions in density or location of development in an acknowledged
19 comprehensive plan or zoning program developed pursuant to Statewide Planning ~~Goal~~Goals
20 5, 6, or 67, a reduction to the levels required by the acknowledged ~~zoning-comprehensive~~
21 plan provisions and implementing land use regulations.

22 (g) For lands subject to development prohibitions, natural resource protections, or both in
23 acknowledged comprehensive plan provisions that implement Statewide Planning Goals 15,
24 16, 17, or 18, a reduction to the levels required by the ~~applicable~~acknowledged
25 comprehensive plan provisions and implementing land use regulations.

26 (3) The amount of buildable land in the UGB designated for commercial and industrial uses is
27 that amount determined in OAR 660-038-0120 reduced by the constraints determined under
28 section (2) of this rule.

29 **OAR 660-038-0140**

30 **Translate Job Forecast to Employment Land Need**

31 *OPTION to consider redevelopment (if the commission does not adopt this option, subsequent*
32 *rules in this division, and references to those rules, would be renumbered accordingly)*

1 *(1) Account for redevelopment of commercial land anticipated during the planning period, as*
2 *follows:*

3 *(a) Multiply the number of new commercial jobs forecast for the planning period to be*
4 *accommodated on employment lands in the UGB in either OAR 660-038-0100(7) or OAR*
5 *660-038-0110(5) by the applicable percentages in paragraphs (A) through (C) of this*
6 *subsection:*

7 *(A) For cities with a UGB population less than 10,000, the redevelopment factor shall be*
8 *two percent.*

9 *(B) For cities with a UGB population greater than 10,000 but less than 25,000, the*
10 *redevelopment factor shall be five percent.*

11 *(C) For cities with a UGB population equal to or greater than 25,000, the redevelopment*
12 *factor shall be between five and 10 percent.*

13 *(b) Subtract the resulting number in subsection (a) from the number of new commercial jobs*
14 *forecast to be accommodated on commercial lands in the UGB determined in either OAR*
15 *660-038-0100(7) or OAR 660-038-0110(5). The result is the number of new commercial jobs*
16 *adjusted to account for redevelopment of commercial land.*

17 *(2) Account for redevelopment of industrial land anticipated during the planning period, as*
18 *follows:*

19 *(a) Multiply the number of new industrial jobs forecast for the planning period to be*
20 *accommodated on employment lands in the UGB in either OAR 660-038-0100(7) or OAR*
21 *660-038-0110(5) by the applicable percentages in paragraphs (A) or (B) of this subsection:*

22 *(A) For cities with a UGB population less than 10,000, the redevelopment factor shall be*
23 *one-half of a percent.*

24 *(B) For cities with a UGB population equal to or greater than 10,000, the redevelopment*
25 *factor shall be one percent.*

26 *(b) Subtract the resulting number in subsection (a) from the number of new industrial jobs*
27 *forecast to be accommodated on employment lands in the UGB determined in either OAR*
28 *660-038-0100(7) or OAR 660-038-0110(5). The result is the number of new industrial jobs*
29 *adjusted to account for redevelopment of industrial land.*

30 *(3) Determine the current density (jobs per acre) for developed commercial land, as follows:*

- 1 (a) Identify all developed lots and parcels and partially vacant lots and parcels within the
2 UGB that are zoned for and developed with commercial uses and calculate the total area of
3 such land (from OAR 660-038-0120).
- 4 (b) Determine current number of commercial jobs in the UGB from Table 63.
- 5 (c) Subtract 20 percent from (b) to account for current commercial jobs that occur on land not
6 zoned commercial or industrial.
- 7 (d) Divide the number of jobs determined in subsection (c) by the amount of developed
8 commercial land determined in subsection (a). The result is the current density of commercial
9 uses (jobs per acre) on commercial land in the UGB.
- 10 (4) Determine the current density (jobs per acre) for developed industrial land, as follows:
- 11 (a) Identify all developed lots and parcels and partially vacant lots and parcels within the
12 UGB that are zoned for and developed with industrial uses and calculate the total area of
13 such land (from OAR 660-038-0120).
- 14 (b) Determine current number of industrial jobs in the UGB from Table 63.
- 15 (c) Subtract 20 percent from (b) to account for current industrial jobs that occur on land not
16 zoned commercial or industrial.
- 17 (d) Divide the number of jobs determined in subsection (c) by the amount of developed
18 industrial land determined in subsection (a). The result is the current density of industrial
19 uses (jobs per acre) on industrial land in the UGB.
- 20 (5) To account for [redevelopment and] the anticipated long term increase in efficiency of
21 employment land, the city must:
- 22 (a) Multiply the result of section (3) for commercial uses, and section (4) for industrial uses,
23 by the applicable factors in paragraphs (A) or (B) of this subsection:
- 24 (A) For cities with a UGB population less than 10,000, the factor shall be a range from
25 one to three percent for commercial, and one-half of a percent for industrial.
- 26 (B) For cities with a UGB population equal to or greater than 10,000 the factor shall be a
27 range of three to five percent for commercial and one percent for industrial.
- 28 (b) Add the result from subsection (a) to the result in sections (3) for commercial uses, and
29 section (4) for industrial uses. The result is the anticipated density of commercial and
30 industrial land (jobs per acre) in the UGB.

1 (6) Divide the number of commercial and industrial jobs forecast in sections (1) and (2) by the
2 applicable results in section (5) to determine the net new land need for commercial and industrial
3 uses over the planning period.

4 (7) The city must increase the results of section (6) by 15 percent to convert net land need to
5 gross land need in consideration of land need for streets, roads and other public facilities due to
6 employment land growth over the planning period.

7 |

8 **OAR 660-038-0150**

9 **Determine if UGB Expansion is Necessary to Accommodate Employment Needs**

10 (1) To determine whether to expand the UGB, a city using the method in this division must
11 compare the amount ~~of new~~ land needed for new commercial and industrial development
12 determined under OAR 660-038-0140 with the amount of vacant or partially vacant buildable
13 employment land designated for commercial and industrial development as determined in the
14 employment BLI as per OAR 660-038-0130.

15 (2) If the amount of buildable ~~employment~~commercial land in the UGB is greater than the
16 amount of land needed for ~~both commercial and new commercial development, and the amount~~
17 of buildable industrial land is greater than the amount of land needed for new industrial
18 development, then no UGB expansion for employment land need is allowed.

19 (3) If the amount of buildable employment land in the UGB is less than the amount of land
20 needed for either commercial or industrial development, then the UGB may be expanded to
21 provide the amount of land needed, provided that:

22 (a) If the amount of buildable industrial land is less than the amount of land needed for
23 industrial development, but is greater than the amount of land needed for commercial
24 development, then the city must ~~consider re-designating~~ determine whether the industrial
25 land need can be reasonably accommodated by redesignating the surplus of buildable
26 commercial land within the ~~existing UGB for industrial development provided the city~~
27 determines that the land is suitable to meet that industrial need, as provided in (cite goal 9
28 rule), and, except as provided in section (4) of this rule.

29 (b) If the amount of buildable commercial land available is less than the amount of land
30 needed for commercial development, but is greater than the amount of land needed for new
31 industrial development, then the city must ~~consider re-designating~~ determine if the
32 commercial land need can be reasonably accommodated by redesignating the surplus of
33 industrial land within the ~~existing UGB for commercial development provided the land is~~
34 suitable to meet that need, as provided in (cite goal 9 rule), and, except as provided in section
35 (4) of this rule.

- 1 (c) A city must also ~~consider redesignating-determine whether~~ surplus residential land as
2 determined in OAR 660-038-0080 ~~to satisfy~~ can reasonably accommodate all or part of an
3 employment land deficit, except as provided in OAR 660-038-0080(5).
- 4 (4) The following existing commercial or industrial lands may not be re-designated for another
5 use under this division, including in response to section (3):
- 6 (a) Land within industrial sanctuaries identified on the acknowledged comprehensive plan,
7 including lands added to UGB as Regional Large Lot Industrial Land under to OAR 660-
8 024-0045.
- 9 (b) Land owned by a port district or other public entity for the purpose of economic
10 development.
- 11 (c) Land within
- 12 (A) An urban renewal district;
- 13 (B) An enterprise zone, rural enterprise zone, or urban enterprise zone, as defined in ORS
14 285C.050; or
- 15 (C) A strategic investment zone, as defined in ORS 285C.623.
- 16 (d) Sites served by state or regional infrastructure investments, such as the Strategic Reserve
17 Fund (ORS chapter 285B), Connect Oregon, Immediate Opportunity Fund, or grant or loan
18 programs administered by the Infrastructure Finance Authority.
- 19 (e) Sites that include working port access or Class A rail access (e.g., access to existing
20 sidings or loops).
- 21 (f) Sites that have been certified as a shovel ready site by the Oregon Business Development
22 Department, or has received designation as a Regionally Significant Industrial Area by the
23 Economic Recovery Review Council.
- 24 (g) Land that was previously designated as industrial under rules under this division and may
25 not be redesignated as provided in OAR 660-038-0180(6).
- 26 (h) Land that is designated for a particular land need under OAR 660-024-0065(10).

1 **OAR 660-038-0160**

2 **Establishment of Study Area to Evaluate Land for Inclusion in the UGB**

3 Cities ~~outside of Metro~~ shall comply with this rule and OAR 660-038-0170 when determining
4 which lands to include within the UGB in response to a deficit of land to meet long-term needs
5 that has been determined under OAR 660-038-0080, OAR 660-038-0150, or both.

6 (1) The city shall determine which land to add to the UGB by evaluating alternative locations
7 within a “study area” established pursuant to this rule. To establish the study area, the city must
8 first identify a “preliminary study area” which shall not include land within a different UGB or
9 the corporate limits of a city within a different UGB. The preliminary study area shall include:

10 (a) All lands in the city’s acknowledged urban reserve, if any;

11 (b) All lands that are within the following distance from the acknowledged UGB, except as
12 provided in subsection (d) of this section:

13 (A) For cities with a UGB population less than 10,000: one-half mile;

14 (B) For cities with a UGB population equal to or greater than 10,000: one mile;

15 (c) All exception areas that are within the following distance from the acknowledged UGB
16 provided they are contiguous to an exception area that includes land within the distance
17 specified in subsection (b):

18 (A) For cities with a UGB population less than 10,000: one mile;

19 (B) For cities with a UGB population equal to or greater than 10,000: one and one-half
20 miles;

21 (d) At the discretion of the city, land that is beyond the distance specified in subsections (b)
22 and (c).

23 (2) The city may exclude land from the preliminary study area if it determines that any of the
24 conditions in this section apply to the land:

25 (a) Based on the standards in section (5) of this rule, it is impracticable to provide necessary
26 public facilities or services to the land;

27 (b) The land is subject to significant development hazards, due to a risk of:

- 1 (A) Landslides: The land consists of a landslide deposit or scarp flank that is described
2 and mapped on the Statewide Landslide Information Database for Oregon (SLIDO)
3 Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral
4 Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the
5 data source is mapped at a scale of 1:40,000 or finer;
- 6 (B) Flooding, including inundation during storm surges: the land is within the SFHA
7 identified on the applicable FIRM; or
- 8 (C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS
9 455.446.
- 10 (c) The land consists of a significant scenic, natural, cultural or recreational resource
11 described in this subsection:
- 12 (A) Lands that are designated on an acknowledged comprehensive plan prior to initiation
13 of the UGB amendment, or that are mapped on a published state or federal inventory at a
14 scale sufficient to determine its location for purposes of this rule, as:
- 15 (i) Critical or essential habitat for a species listed by a state or federal agency as
16 threatened or endangered;
- 17 (ii) Core habitat for Greater Sage Grouse; or
- 18 (iii) Big game winter range or migration corridors.
- 19 (B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related
20 Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal
21 agency responsible for that scenic program;
- 22 (C) Designated Natural Areas on the Oregon State Register of Natural Heritage
23 Resources;
- 24 (D) A wellhead protection area described under OAR 660-023-0140 and delineated on a
25 local comprehensive plan;
- 26 (E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or
27 Conservation management unit designated in an acknowledged comprehensive plan;
- 28 (F) Lands subject to acknowledged comprehensive plan provisions that implement
29 Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

- 1 (G) Lands subject to acknowledged comprehensive plan provisions that implement
2 Statewide Planning Goal 18, Implementation Requirement 2.
- 3 (d) The land is owned by the federal government and managed primarily for rural uses.
- 4 (3) After excluding land from the preliminary study area under section (2), the city must adjust
5 the study area, if necessary, so that it includes an amount of land that is at least twice the amount
6 of land needed to satisfy the combined need deficiency determined under OAR 660-038-0080
7 and OAR 660-038-0150. Such adjustment shall be made by expanding the applicable distance
8 specified under section (1) and applying section (2) to the expanded area.
- 9 (4) For purposes of evaluating the priority of land under OAR 660-038-0170, the “study area”
10 shall consist of all land that is included in the preliminary study area described in section (1) of
11 this rule after adjustments to the area based on sections (2) and (3).
- 12 (5) For purposes of subsection (2)(a), the city may consider it impracticable to provide necessary
13 public facilities or services to the following lands:
- 14 (a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of
15 25 percent or greater. Slope shall be measured as the increase in elevation divided by the
16 horizontal distance at maximum ten-foot contour intervals;
- 17 (b) Lands requiring the construction of a new freeway interchange, overpass, underpass, or
18 similar improvement to accommodate planned urban development providing such
19 improvement is not currently identified in the Statewide Transportation Improvement
20 Program (STIP) for construction within the planning period;
- 21 (c) Land that is isolated from existing service networks by physical, topographic, or other
22 impediments to service provision such that it is impracticable to provide necessary facilities
23 or services to the land within the planning period. The city’s determination shall be based on
24 an evaluation of:
- 25 (A) The likely amount of development that could occur on the land within the planning
26 period;
- 27 (B) The likely cost of facilities and services; and,
- 28 (C) Any substantial evidence collected by or presented to the city regarding how
29 similarly situated land has, or has not, developed over time.

1 (d) As used in this section, “impediments to service provision” may include but are not
2 limited to:

3 (A) Major rivers or other water bodies that would require new bridge crossings to serve
4 planned urban development;

5 (B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and
6 vertical relief of greater than 80 feet;

7 (C) Freeways, rail lines, or other restricted access corridors that would require new grade
8 separated crossings to serve planned urban development;

9 (D) Significant scenic, natural, cultural or recreational resources on an acknowledged
10 plan inventory and subject protection measures under the plan or implementing
11 regulations, or on a published state or federal inventory, that would prohibit or substantially
12 impede the placement or construction of necessary public facilities and services.

13 (6) Land may not be excluded from the preliminary study area based on a finding of
14 impracticability that is primarily a result of existing development patterns. However, a city may
15 forecast development capacity as provided in OAR 660-038-0170(1)(c).

16 (7) A city that has a population of 10,000 or more that evaluates or amends its UGB using a
17 method described in this division, must notify districts and counties that have territory within the
18 study area as required by ORS 197A.315 and meet other applicable requirements in that statute.

19 **OAR 660-038-0170**

20 **Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities**

21 (1) A city considering a UGB amendment must decide which land to add to the UGB by
22 evaluating all land in the study area determined under OAR 660-038-0160, as follows:

23 (a) Beginning with the highest priority category of land described in section (2), the city must
24 apply section (5) of this rule to determine which land in that priority category is suitable to
25 satisfy the need deficiency determined under OAR 660-038-0080 and OAR 660-038-0150
26 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

27 (b) If the amount of suitable land in the first priority category is not adequate to satisfy the
28 identified need deficiency, the city must apply section (5) to determine which land in the next
29 priority is suitable and select for inclusion in the UGB as much of the suitable land in that
30 priority as necessary to satisfy the need. The city must proceed in this manner until all the
31 land need is satisfied.

1 (c) If the amount of suitable land in a particular priority category in section (2) exceeds the
2 amount necessary to satisfy the need deficiency, the city must choose which land in that
3 priority to include in the UGB by applying the criteria in section (7) of this rule.

4 (d) In evaluating the sufficiency of land to satisfy a need under this section, the city may
5 consider factors that reduce the capacity of the land to meet the need, including factors
6 identified in sections (5) and (6) of this rule.

7 (e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need
8 deficiency determined under OAR 660-038-0080 or OAR 660-038-0150 is not required to be
9 selected for inclusion in the UGB unless its inclusion is necessary to serve other higher
10 priority lands.

11 (2) Priority of Land for inclusion in a UGB:

12 (a) First priority is urban reserve, exception land, and nonresource land. Lands in the study
13 area that meet the description in paragraphs (A) through (C) of this subsection are of equal
14 (first) priority:

15 (A) Land designated as an urban reserve under OAR chapter 660, division 21, in an
16 acknowledged comprehensive plan;

17 (B) Land that is subject to an acknowledged exception under ORS 197.732; and

18 (C) Land that is nonresource land.

19 (b) Second priority is marginal land: land within the study area that is designated as marginal
20 land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

21 (c) Third priority is farm or forest land that is not predominantly high-value farmland: land
22 within the study area that is designated for agriculture or forest uses in the acknowledged
23 comprehensive plan that is not predominantly high-value farmland, as defined in ORS
24 195.300, or that does not consist predominantly of prime or unique soils, as determined by
25 the United States Department of Agriculture Natural Resources Conservation Service. In
26 selecting as much of the suitable land as necessary to satisfy the need, the city must use the
27 predominant agricultural land capability classification system or the predominant cubic foot
28 site class system, as appropriate for the acknowledged comprehensive plan designation, to
29 select lower capability or cubic foot site class lands first.

30 (d) Fourth priority is farmland that is predominantly high-value farmland: land within the
31 study area that is designated as farmland agricultural land in an acknowledged comprehensive
32 plan and is predominantly high-value farmland as defined in ORS 195.300~~(10)~~. A city may
33 not select land that is predominantly made up of prime or unique farm soils, as defined by the
34 United States Department of Agriculture Natural Resources Conservation Service, unless

1 there is an insufficient amount of other land to satisfy its land need. In selecting as much of
 2 the suitable land as necessary to satisfy the need, the city must use the
 3 ~~predominant agricultural land~~ capability classification system ~~or the predominant cubic site~~
 4 ~~class, as appropriate for the acknowledged comprehensive plan designation,~~ to select lower
 5 capability ~~or cubic site class~~ lands first.

6 (3) Notwithstanding subsections (2)(c) or (d) of this rule, land that would otherwise be excluded
 7 from a UGB may be included if:

8 (a) The land contains a small amount of third or fourth priority land that is not important to
 9 the commercial agricultural enterprise in the area and the land must be included in the UGB
 10 to connect a nearby and significantly larger area of land of higher priority for inclusion
 11 within the UGB; or

12 (b) The land contains a small amount of third or fourth priority land that is not predominantly
 13 high-value farmland or predominantly made up of prime or unique farm soils and the land is
 14 completely surrounded by land of higher priority for inclusion into the UGB.

15 **OPTION 1** (Recommended) regarding sorting land into priorities

16 (4) For purposes of subsections (2)(c) and (d) and section (3) of this rule:

17 (a) Areas of land not larger than 200 acres may be grouped together and studied as a single
 18 unit of land;

19 (b) Areas of land larger than 200 acres that are similarly situated and have similar soils may
 20 be grouped together provided, however, that soils of lower agricultural or forest capability
 21 may not be grouped with soils of higher capability in a manner inconsistent with the intent of
 22 section (2) of this rule which establishes that higher capability resource lands are the last
 23 priority for inclusion in a UGB;

24 (c) Notwithstanding subsection (4)(a), if a city initiated the evaluation or amendment of its
 25 UGB prior to January 1, 2016, and if the analysis involves more than one ~~lot or~~ parcel or
 26 area within a particular priority category for which circumstances are reasonably similar,
 27 these ~~lots, parcels or,~~ and areas may be considered and evaluated as a single group;

28 (d) When determining whether the land is predominantly high-value farmland, or
 29 predominantly prime or unique, ~~or when using the predominant capability classification~~
 30 ~~system or the predominant cubic site class of the subject land, “predominantly” means more~~
 31 ~~than 50 percent. (b) Notwithstanding subsection (4)(a), where a city initiated the evaluation~~
 32 ~~or amendment of its UGB prior to January 1, 2016, where the analysis involves more than~~
 33 ~~one parcel or area within a particular priority category for which circumstances are~~
 34 ~~reasonably similar, these parcels or areas may be considered and evaluated as a single~~
 35 ~~group; “predominantly” means more than 50 percent.~~

1 **OPTION 2**

2 (a) When evaluating the agricultural or forest capability of land within a study area, “land”
3 means the land in a tract as defined at ORS 215.010.

4 (b) When determining whether the land is predominantly high-value farmland, or
5 predominantly made up of prime or unique farm soils, “predominantly” means at least 50
6 percent of a tract as defined at ORS 215.010.

7 (5) With respect to subsection (1) of this rule, a city must assume that vacant or partially vacant
8 land in a particular priority category is “suitable” to satisfy a need deficiency identified in OAR
9 660-038-0080 or OAR 660-038-0150, whichever is applicable, unless it demonstrates that the
10 land cannot satisfy the need based on one or more of the conditions described in subsections (a)
11 through (d) ~~[(e)]~~ of this section:

12 **OPTION 1 (contained in Draft 3):**

13 (a) Existing parcelization, lot sizes or development patterns of rural residential land make
14 the land unsuitable for an identified employment need.

15 **OPTION 2**

16 (a) Existing parcelization, lot sizes or development patterns of rural residential land make
17 the land unsuitable for an identified employment need; as follows:

18 (A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or

19 (B) Existing development patterns: the land cannot be reasonably redeveloped or infilled
20 within the planning period due to the location of existing structures and infrastructure.”

21 (b) The land would qualify for exclusion from the preliminary study area under the factors in
22 OAR 660-038-0160(2) but the city declined to exclude it pending more detailed analysis.

23 (c) The land is, or would be upon inclusion in the UGB, subject to natural resources
24 protections under Statewide Planning Goals 5 such that that no development capacity should
25 be forecast with respect to the need.

26 (d) With respect to needed industrial uses only, the land is over 10 percent slope, as measured
27 in the manner described in OAR 660-038-0160(5), or is an existing lot or parcel that is
28 smaller than 5 acres in size, or both.

29 (e) The land is subject to a conservation easement described in ORS 271.715 that prohibits
30 urban development.

31 (6) For vacant or partially vacant lands added to the UGB to provide for residential uses:

- 1 (a) Existing lots or parcels one acre or less may be assumed to have a development capacity
2 of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less
3 than two acres shall be assumed to have an aggregate development capacity of two dwelling
4 units per acre.
- 5 (b) In any subsequent review of a UGB pursuant to this division, the city may use a
6 development assumption for land described subsection (a) of this section for a period of 14
7 years from the date the lands were added to the UGB.
- 8 (7) As provided in subsection (1)(c), if the amount of suitable land in a particular priority
9 category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city
10 must choose which land in that priority to include in the UGB by first applying the Boundary
11 Location Factors of Goal 14 and then applying applicable criteria in the comprehensive plan and
12 land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The
13 city may not apply local comprehensive plan criteria that contradict the requirements of the
14 Boundary Location Factors of Goal 14. The Boundary Location Factors are not independent
15 criteria; when the factors are applied to compare alternative boundary locations and to determine
16 the UGB location the city must demonstrate that it considered and balanced all the factors.
- 17 (8) The city must apply the Boundary Location Factors in coordination with service
18 providers and state agencies, including the Oregon Department of Transportation with
19 respect to Factor 2 regarding impacts on the state transportation system, and the Oregon
20 Department of Fish and Wildlife and the Oregon Department of State Lands with respect to
21 Factor 3 regarding environmental consequences. “Coordination” includes timely notice to
22 agencies and service providers and consideration of any recommended evaluation
23 methodologies.
- 24 (9) In applying Boundary Location Factor 2, to evaluate alternative locations under
25 section(6), the city must compare relative costs, advantages and disadvantages of alternative
26 UGB expansion areas with respect to the provision of public facilities and services needed to
27 urbanize alternative boundary locations. For purposes of this section, the term “public
28 facilities and services” means water, sanitary sewer, storm water management, and
29 transportation facilities. The evaluation and comparison under Boundary Location Factor 2
30 must consider:
- 31 (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities
32 that serve nearby areas already inside the UGB;
- 33 (b) The capacity of existing public facilities and services to serve areas already inside the
34 UGB as well as areas proposed for addition to the UGB; and
- 35 (c) The need for new transportation facilities, such as highways and other roadways,

1 interchanges, arterials and collectors, additional travel lanes, other major improvements
2 on existing roadways and, for urban areas of 25,000 or more, the provision of public
3 transit service.

4 (10) The adopted findings for UGB adoption or amendment must describe or map all of the
5 alternative areas evaluated in the boundary location alternatives analysis.

6 **OAR 660-038-0180**

7 **Planning Requirements for Land added to a UGB**

8 (1) A city must plan and zone lands included within the UGB:

9 (a) For categories of land uses in amounts that are roughly proportional to the land need
10 determined for each category of use; and

11 (b) For an intensity of use that is generally consistent with the estimates that were used to
12 determine the amount of land needed.

13 (2) All land added to a UGB under this division must be planned and zoned such that the lands
14 will not significantly affect a state highway, a state highway interchange, or a freight route
15 designated in the Oregon Highway Plan, based on the requirements of OAR 660-012-0060(1)
16 and on written concurrence provided by the Department of Transportation. However, a city may
17 add land that does not meet this requirement provided the land is planned and zoned either:

18 (a) For industrial uses only, or

19 (b) Compact urban development consisting of a mixed-use, pedestrian friendly center or
20 neighborhood as described in OAR 660-012-0060(8).

21 (3) For lands added to the UGB to provide for residential uses, the city must also satisfy
22 applicable requirements of OAR 660-038-0190.

23 (4) If factual information is submitted demonstrating that a Goal 5 resource site, or the impact
24 areas of such a site, is included in the area proposed to be added to the UGB, the city shall apply
25 the applicable requirements of OAR chapter 660, division 23, concurrent with adoption of a
26 UGB amendment. For purposes of this section, “impact area” is a geographic area within which
27 conflicting uses could adversely affect a significant Goal 5 resource, as described in OAR 660-
28 023-0040(3).

29 (5) Concurrently with adoption of a UGB amendment pursuant to this division, a city must
30 assign appropriate urban plan designations to land added to the UGB consistent with the need
31 determination. The city must also apply appropriate zoning to the added land consistent with the
32 plan designation or may maintain the land as urbanizable land until the land is rezoned for the
33 planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the

1 boundary or by applying other interim zoning that maintains the land’s potential for planned
2 urban development.

3 (6) When lands added to the UGB pursuant to rules in this division are planned and zoned for
4 industrial or residential uses, the lands must remain planned and zoned for the use for 20 years
5 beyond the date of adoption of the UGB amendment by the city.

6 (7) The UGB and amendments to the UGB must be shown on the applicable city and county
7 plan and zone maps at a scale sufficient to determine which particular lots and parcels are
8 included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide
9 sufficient information to determine the precise UGB location.

10 (8) Amendment of a UGB shall be a cooperative process among cities and counties. A UGB and
11 amendments to the UGB shall be adopted by all cities within the boundary and by the county or
12 counties within which the boundary is located. Cities and counties shall follow the requirements
13 of OAR 660-018-0021 regarding coordinated notice of a UGB amendment.

14 (9) “Roughly proportional” means, with respect to planning of land added to a UGB in response
15 to a need determination, the amount of land provided for a particular category of need is within
16 five percent of the amount needed or within 10 acres, whichever is less.

17 **OAR 660-038-0190**

18 **Additional Planning for Residential Lands Added to the UGB**

19 Cities that use the method in this division to provide land for needed housing must plan for
20 residential lands added to the UGB as provided in this rule, in addition to the requirements in
21 OAR 660-038-0180.

22 (1) The comprehensive plan and implementing zoning shall allow the housing types and
23 densities determined to be needed in OAR 660-038-0040 and 660-038-0050 under clear and
24 objective standards and shall meet other applicable needed housing requirements specified in
25 ORS 197.307 and OAR chapter 660, division 8.

26 (2) The city and appropriate counties must assign appropriate urban plan designations to the
27 added residential land consistent with the need determination, and either:

28 (a) Apply appropriate zoning to the added land consistent with the plan designation, or

29 (b) Adopt measures to maintain the land as urbanizable land until the land is rezoned for the
30 planned urban uses by retaining the zoning that was assigned prior to inclusion in the
31 boundary or by applying other interim zoning that maintains the land's potential for planned
32 urban development. Measures for rezoning urbanizable land for needed housing shall be
33 clear and objective and consistent with other requirements of ORS 197.307.

- 1 (3) Cities with UGB population of 10,000 or greater must either:
- 2 (a) Consider the housing measures listed in the Table 85 and adopt at least one high impact
3 measure or three low impact measures, or
- 4 (b) Satisfy the alternate performance standard in section (4).
- 5 (4) A city has satisfied the alternate performance standard section (3)(b) if the city:
- 6 (a) Has a development code that contains the provisions specified in items 1 through 5 and 29
7 through 31 of Table 85; and
- 8 (b) Demonstrates with substantial evidence in the record that, during the preceding planning
9 period or preceding seven years, whichever is less, development in the city equaled or
10 exceeded the maximum percentage set forth in the ranges for redevelopment in residentially
11 zoned and developed areas and mixed use residential development in commercially zoned
12 areas in OAR 660-038-0030(6)(a) through (c).

13 **OAR 660-038-0200**

14 **Serviceability**

- 15 (1) Pursuant to ORS 197A.310(3) or 197A.312(3), a city that amends its UGB using this division
16 shall demonstrate that lands included within the UGB:
- 17 (a) Provide sufficient serviceable land for at least a seven-year period, and
- 18 (b) Can all be serviceable over a 14-year period.
- 19 (2) For purposes of subsection (1)(a) of this rule, a city shall demonstrate adequate sewer, water
20 and transportation capacity to serve at least seven years of planned urban development based on
21 system capacity and system improvements that are identified and described in an acknowledged
22 public facilities plan, an acknowledged Transportation System Plan, a capital improvement plan,
23 or the findings adopted by a city in support of a decision to amend its UGB. This shall consist of
24 sewer, water and transportation capacity that is available or can be provided based on subsection
25 (a) or (b) of this section, or both:
- 26 (a) Capacity is available: existing sewer, water and transportation system capacity sufficient
27 to serve some or all of the anticipated seven-year demand is available. To demonstrate
28 available sewer and water capacity, a city may rely upon the system capacity documentation
29 contained in the acknowledged Public Facilities Plan adopted pursuant to OAR chapter 660,
30 division 11, and documentation from city or other service provider records of current system
31 condition and demand. To demonstrate available transportation system capacity, a city may
32 rely upon the system capacity documentation contained in an acknowledged Transportation
33 System Plan (TSP) adopted pursuant to OAR chapter 660, division 12;

1 (b) Capacity can be provided within seven years: sewer, water and transportation system
2 capacity sufficient to serve the anticipated seven-year demand can be provided by identified
3 system improvements that:

4 (A) Are fully funded and scheduled for construction within a seven-year period;

5 (B) Can be made subject to committed financing, which means a city or other service
6 provider has one or more dedicated funding mechanisms in place that will generate
7 sufficient revenue to fund the construction of such improvements within a seven-year
8 period; or

9 (C) Can have committed financing in place, which means a city or other service provider
10 does not have dedicated funding mechanisms in place but has identified funding sources
11 and methods that will be implemented by the city or other service provider, and that will
12 generate sufficient revenues to fund the construction of such improvements within a
13 seven-year period.

14 (3) For purposes of subsection (1)(b) of this rule, to demonstrate that adequate sewer, water and
15 transportation capacity can be in place for that portion of the 14-year period for which capacity
16 has not been demonstrated in accordance with section (2) of this rule, a city shall:

17 (a) Identify the type and amount of the needed capacity;

18 (b) Identify the system improvements required to provide the needed capacity; and,

19 (c) Identify the funding method(s) that is or can be in place to provide committed financing
20 in an amount sufficient to provide the needed capacity within the 14-year period. This
21 identification shall include:

22 (A) The type of proposed funding method(s);

23 (B) The statutory or other legal authority for establishing the proposed funding
24 method(s);

25 (C) The timing of the establishment of the proposed funding method(s); and,

26 (D) The projected revenues to be generated by the proposed funding method(s).

27 (4) For purposes of this rule, “sewer, water and transportation capacity for planned urban
28 development” includes:

29 (a) Sewer capacity, which consists of wastewater treatment facility capacity and collection
30 system capacity, including interceptors, lift or pump stations, force mains, and main sewer
31 lines;

- 1 (b) Water capacity, including:
- 2 (A) Available water rights;
- 3 (B) Water treatment capacity;
- 4 (C) Water storage capacity, including system reserves needed for fire suppression; and,
- 5 (D) Distribution system capacity, including pumping facilities, primary and secondary
- 6 feeders, and distributor mains; and
- 7 (c) Transportation capacity, including:
- 8 (A) Networks of pedestrian, bicycle, transit, and street facilities; and
- 9 (B) Performance of the planned transportation system measured against adopted
- 10 transportation performance standards set forth in the applicable acknowledged TSP.
- 11 (5) For purposes of this rule, “committed financing” means financing methods for which a city or
- 12 other service provider has identified and documented the following: the authority to establish and
- 13 implement the method, the amount of funding to be generated, the purpose to which the funding
- 14 will be dedicated, and the repayment method and schedule for any bonded or credit indebtedness
- 15 is identified and documented. Committed financing includes, but is not limited to, funding that
- 16 is:
- 17 (a) Included in the adopted budget of the service provider;
- 18 (b) Designated for projects included in the Statewide Transportation Improvement Program;
- 19 (c) Provided by the Department of Interior through the BIA Tribal Transportation Plan (TTP)
- 20 program pursuant to 25 CFR Part 170;
- 21 (d) Provided through a development agreement entered into pursuant to ORS 94.504 to
- 22 94.528;
- 23 (e) Provided by system development charges established pursuant to ORS 223.997 to
- 24 223.314 or by other authorized development fees and exactions;
- 25 (f) Provided by utility fees;
- 26 (g) Provided through Local Improvement District or Reimbursement District assessments; or
- 27 (h) Provided by revenue bonds, financing agreements, voter approved general obligation
- 28 bonds or other authorized debt instruments.

1 (6) For lands that are added to a UGB pursuant to a method described in this this division but not
2 made “serviceable” within 20 years after the date of their inclusion:

3 (a) The lands must be removed from within the UGB the next time the city evaluates the
4 UGB; or

5 (b) If there have been significant increases in the cost of making the lands serviceable, the
6 planned development capacity of the lands must be reduced by an amount based on such
7 costs the next time the city evaluates the need for land in the UGB.

8

9

1

Tables for OAR chapter 660, division 382 **Table 1: Housing Mix**

Table 1 OAR 660-038-0040(3): A city shall project the mix of housing types needed for new development over the 14-year period using the ranges of numbers in Table 1

UGB POPULATION	MEDIUM DENSITY		HIGH DENSITY	
	Existing	Required*	Existing	Required*
UNDER 2,500	0-9 percent	n+3 to n+13 percent	N/A	N/A
	9-15 percent	n+1 percent to n+15 percent	N/A	N/A
	>15 percent	n percent to n+15 percent	N/A	N/A
2,500-10,000	0-11 percent	n+3 to n+13 percent	0-11 percent	n+3 to n+13 percent
	11-16 percent	n+1 percent to n+11 percent	11-17 percent	n+1 percent to n+11 percent
	>16 percent	n percent to n+10 percent	>17 percent	n percent to n+10 percent
10,000-25,000	0-14 percent	n+3 to n+13 percent	n+3 to n+13 percent	14-24 percent
	14-17 percent	n+1 percent to n+11 percent	14-17 percent	n+1 percent to n+11 percent
	>17 percent	n percent to n+10 percent	>17 percent	n percent to n+10 percent
OVER 25,000	0-17 percent	17-27 percent	0-17 percent	17-27 percent
	17-18 percent	n+1 percent to n+11 percent	17-21 percent	n+1 percent to n+11 percent
	>18 percent	n percent to n+10 percent	>21 percent	n percent to n+10 percent

3 *n = existing percentage of medium or high density housing within the city boundaries*4 ** Required percentage may be any whole number or whole number plus a fraction of a whole*5 *number within the allowed range*

6

1 **Table 2: Land Need**

Table 2 OAR 660-038-0050(1): To determine the net land needed for each category of residential development over the 14-year period, the city must divide the number of needed units determined in OAR 660-038-0040 by the number of dwelling units per acre from the ranges in Table 2.

	Low	Medium	High
Eastern Oregon*			
Population Less than 2,500	5 to 6.5 du/ac.	10-15 du/ac.	
Population 2,500-10,000	5 to 6.5 du/ac.	10-12 du/ac.	15-24 du/ac.
Population 10,000-25,000	5 to 6.5 du/ac.	10-12 du/ac.	15-24 du/ac.
Population 25,000 or greater	5 to 6.5 du/ac.	10-14 du/ac.	15-33 du/ac.
Outside of Eastern Oregon			
Population Less than 2,500	5 to 6 du/ac.	10-15 du/ac.	
Population 2,500-10,000	5 to 6 du/ac.	10-12 du/ac.	15-24 du/ac.
Population 10,000-25,000	6 to 7 du/ac.	10-12 du/ac.	15-24 du/ac.
Population 25,000 or greater	6 to 7 du/ac.	12-15 du/ac.	20-33 du/ac.

2 *Eastern Oregon consists of the following counties: Baker, Gilliam, Grant, Harney, Klamath,
3 Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

4
5 ~~Table 3: UGB Expansion Determination for cities less than 2,500 population~~

6 ~~Table 4: UGB Expansion Determination for cities between 2,500 and 10,000 population~~

~~Table 5: UGB Expansion Determination for cities 10,000 or more~~

7 ~~Table 6: Jobs currently in the UGB~~

8 ~~Determine the jobs currently in the UGB, sorted into two categories: “commercial” and~~
9 ~~“industrial”~~

10 ~~(NOTE: This “look up table” has been provided to DLCD by the Employment Department and~~
11 ~~will be provided via a link. The table is available on request from DLCD).~~

12 ~~Table 7: As an option to forecast new commercial and industrial jobs in the city for the 14 year~~
13 ~~planning period, the city must use the growth rate of “new” jobs projected to occur in the region~~
14 ~~that includes the city, by the Oregon Employment Department (OED) long term Employment~~
15 ~~Forecast. Growth rates are sorted into two “commercial” and “industrial” categories.~~

1 **Table 3: Current Employment**

Table 3: Current Employment

Table 3: Current Employment		
City	Industrial Employment	Commercial Employment
Adair Village	13	172
Adams	-c-	-c-
Adrian	23	73
Albany	4,228	15,998
Amity	60	203
Antelope	-c-	-c-
Arlington	-c-	127
Ashland	1,132	8,616
Astoria	763	4,811
Athena	66	139
Aumsville	261	311
Aurora	88	109
Baker City	915	3,222
Bandon	213	1,158
Banks	246	364
Barlow	-c-	25
Bay City	308	129
Bend	8,493	36,916
Boardman	1,629	738
Bonanza	24	81
Brookings	857	2,976
Brownsville	105	176
Burns	148	1,027
Butte Falls	26	78
Canby	2,574	3,080
Cannon Beach	96	1,321
Canyon City	78	163
Canyonville	130	1,229
Carlton	140	209
Cascade Locks	109	165
Cave Junction	-c-	649
Central Point	1,000	2,903
Chiloquin	5	218
Clatskanie	133	550
Coburg	708	541
Columbia City	38	74
Condon	28	279
Coos Bay	1,425	7,737
Coquille	565	1,199
Corvallis	3,968	26,398
Cottage Grove	617	2,597
Cove	5	90
Creswell	266	831

Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department
 Source: Oregon Employment Department (2015)

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2

Table 3: Current Employment

Table 3: Current Employment		
City	Industrial Employment	Commercial Employment
Culver	74	105
Dallas	334	3,370
Dayton	37	274
Dayville	-c-	30
Depoe Bay	60	317
Detroit	-c-	70
Donald	367	21
Drain	133	180
Dufur	54	112
Dundee	231	258
Dunes City	22	12
Eagle Point	108	1,088
Echo	10	71
Elgin	437	197
Elkton	13	54
Enterprise	266	1,017
Estacada	383	816
Eugene	16,801	71,868
Falls City	20	74
Florence	249	3,030
Fossil	16	156
Garibaldi	111	225
Gaston	17	147
Gates	-c-	7
Gearhart	135	356
Gervais	154	210
Glendale	153	88
Gold Beach	280	1,028
Gold Hill	59	178
Grants Pass	3,352	15,273
Grass Valley	-c-	25
Haines	6	69
Halfway	-c-	152
Halsey	118	147
Harrisburg	487	376
Helix	-c-	38
Heppner	112	569
Hermiston	2,143	5,441
Hines	158	354
Hood River	1,211	5,775
Hubbard	768	194
Huntington	-c-	38
Idanha	-c-	-c-

Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department

Source: Oregon Employment Department (2015)

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Table 3: Current Employment

Table 3: Current Employment		
City	Industrial Employment	Commercial Employment
Imbler	35	65
Independence	700	1,163
Ione	21	62
Irrigon	28	172
Island City	239	750
Jacksonville	88	726
Jefferson	96	233
John Day	467	1,034
Jordan Valley	12	57
Joseph	106	299
Junction City	542	1,696
Klamath Falls	3,000	14,069
La Grande	920	5,005
La Pine	236	1,044
Lafayette	79	151
Lakeside	18	85
Lakeview	453	1,137
Lebanon	1,626	4,275
Lexington	-c-	16
Lincoln City	294	4,948
Long Creek	-c-	24
Lostine	42	34
Lowell	66	127
Lyons	377	97
Madras	1,189	2,384
Malin	91	106
Manzanita	25	327
Maupin	36	212
McMinnville	3,603	10,580
Medford	8,897	38,757
Merrill	156	145
Metolius	-c-	70
Metro	215,150	615,025
Mill City	285	211
Millersburg	2,067	537
Milton-Freewater	470	1,527
Mitchell	-c-	24
Molalla	1,046	1,514
Monmouth	99	2,311
Monroe	44	132
Monument	-c-	26
Moro	161	86
Mosier	19	48

Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department

Source: Oregon Employment Department (2015)

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Table 3: Current Employment

Table 3: Current Employment		
City	Industrial Employment	Commercial Employment
Mt Angel	325	865
Mt Vernon	19	66
Myrtle Creek	203	806
Myrtle Point	137	438
Nehalem	20	183
Newberg	2,564	6,342
Newport	970	6,363
North Bend	515	3,849
North Plains	443	380
North Powder	41	75
Nyssa	407	427
Oakland	75	130
Oakridge	128	441
Ontario	1,681	6,045
Paisley	41	50
Pendleton	1,775	6,525
Philomath	500	843
Phoenix	180	948
Pilot Rock	122	128
Port Orford	103	245
Powers	40	91
Prairie City	-c-	117
Prineville	1,964	3,030
Rainier	388	366
Redmond	2,813	8,652
Reedsport	233	848
Richland	22	40
Riddle	34	112
Rockaway Beach	-c-	285
Rogue River	241	575
Roseburg	2,128	16,613
Rufus	-c-	34
Salem/Keizer	16,729	100,633
Sandy	630	2,746
Scappoose	417	1,454
Scio	57	363
Scotts Mills	-c-	32
Seaside	210	3,407
Seneca	-c-	19
Shady Cove	54	293
Shaniko	-c-	-c-
Sheridan	236	782
Siletz	5	332

Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department

Source: Oregon Employment Department (2015)

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Table 3: Current Employment

Table 3: Current Employment		
City	Industrial Employment	Commercial Employment
Silverton	814	2,717
Sisters	382	1,262
Sodaville	-c-	60
Spray	-c-	31
Springfield	7,274	20,849
St. Helens	796	3,339
St. Paul	81	176
Stanfield	24	239
Stayton	1,376	2,032
Sublimity	20	503
Summerville	-c-	-c-
Sumpter	6	29
Sutherlin	548	1,143
Sweet Home	492	1,392
Talent	377	617
Tangent	527	341
The Dalles	1,443	6,854
Tillamook	773	2,680
Toledo	727	453
Turner	261	182
Ukiah	11	12
Umatilla	679	1,100
Union	14	166
Unity	-c-	-c-
Vale	228	803
Veneta	123	855
Vernonia	129	260
Waldport	52	466
Wallowa	61	105
Warrenton	863	2,279
Wasco	29	23
Waterloo	-c-	14
Westfir	3	-c-
Weston	413	53
Wheeler	-c-	146
Willamina	-c-	262
Winston	120	707
Woodburn	3,177	6,556
Yachats	18	401
Yamhill	46	187
Yoncalla	79	87

Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department
Source: Oregon Employment Department (2015)

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Table 4: Projected Regional Long-Term Employment Growth Rates

(NOTE: This is a “look-up table” provided to DLCD by the Employment Department. The table provides the growth rate for commercial and industrial jobs in various OED regions. ~~OED has provided the information for the table but it has not been formatted at the time of this draft; it will be available prior to rule adoption).~~

Region	Commercial	Industrial
Lane	15%	17%
Northwest	12%	11%
Douglas	13%	19%
Central Oregon	16%	20%
Marion, Polk, Yamhill	13%	15%
Linn-Benton-Lincoln	12%	13%
South Coast	7%	7%
Rogue Valley	13%	12%
Columbia Gorge	15%	12%
South Central	10%	18%
Columbia Basin	8%	12%
Northeast	9%	12%
Southeast	7%	15%
Clackamas	15%	18%
Multnomah-Washington	17%	14%

Data Source: Oregon Employment Department (2015)

Table 8: Measures to Accommodate Housing Needs

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Table 5: Measures to Accommodate Housing Needs

<u>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</u>			
Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
1	Does not allow accessory dwelling units	Allows accessory dwelling units: No off-street parking requirement Any type of structure Owner may live in either dwelling Allowed in any zoning district that allows detached single-family No Systems Development Charges for Water or , Sewer, <u>or Transportation</u>	High
2	No minimum density standards	Minimum density standard at least 70 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-38-0070 and for minor partitions.	High
3	Single-family detached homes allowed in medium density zoning district (as defined by residential need path standards)	No more than 25 percent of residences in development application in medium density zoning district may be single-family detached homes ; <u>unless the detached home is on a lot less than or equal to 3,000 square feet.</u> Minor partitions exempted.	High
4	Off-street parking requirements of one space per multi-family dwelling or greater	Change parking requirements to maximum of no more than one space per multi-family dwelling and no more than .75 spaces per multi-family dwelling within ¼ mile of high frequency transit service (defined as transit service with weekday peak hour service headway of 20 minutes or less). Allow provision of on-street parking spaces to meet off-street parking requirements. Allow reductions below one space per multi-family dwelling for developments that provide spaces for car-share vehicles or free transit passes to residents.	High
5	No density bonus for affordable housing	Establish density bonus for affordable housing of at least 25 20 percent with no additional development review standards vs. development applications that do not include a density bonus. The affordable housing units shall constitute at least 25 20 percent of the overall dwelling units in the development application granted the density bonus. The affordable housing units must be reserved as affordable housing for a minimum of 50 years.	High

Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:

Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
		Affordable housing is defined at housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80percent 80 percent of a city's mean household income.	
6	Current land use/zoning designations	Rezone from low density to medium or high density: City UGB 10,000 to 25,000: at least 10 acres City UGB 25,000 to 50,000: at least 25 acres City UGB > 50,000: at least 50 acres	High
7	Does not allow duplexes in single-family residential zoning districts	Permit duplexes on any lot in single-family residential zoning districts with no additional development review standards vs. single-family detached residences.	High
8	Current public street standards	Reduction in public street right of way width standard by at least two feet.	High
9	Does not allow residences in some commercial zoning districts	Allow residences above the first floor and behind commercial uses on additional commercially-zoned lands, with no off-street parking requirement greater than one space per residence, with provisions for additional parking reductions for shared commercial and residential uses and in areas with approved parking management districts. UGB population 10,000 to 25,000: at least 20 acres UGB population 25,000 to 50,000: at least 50 acres UGB population > 50,000: at least 100 acres	High
10	Systems Development Charges reductions or waivers	Adopt provisions that eliminate systems development charges for affordable housing units, or reduce systems development charges for such units by a minimum of 75 percent of the total systems development charges assessed to similar units that are not reserved for affordable housing. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined at housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	High
11	Does not authorize property	Authorizes property tax exemptions for low income	High

Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:

Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
	tax exemptions for low income housing development pursuant to ORS 307.515 to 307.537	housing development pursuant to ORS 307.515 to 307.537 under both the criteria set forth in ORS 307.517 and the criteria set forth in ORS 307.518, for all zoning districts within the city that permit multiple-family dwellings, with no additional development review standards vs. equivalent residential development that does not receive the exemption.	
12	Does not authorize property tax exemptions for non-profit corporation low-income housing development pursuant to ORS 307.540 to 307.548.	Authorizes property tax exemptions for non-profit corporation low-income housing development pursuant to ORS 307.540 to 307.548, with no additional development review standards vs. equivalent residential development that does not receive the exemption.	High
13	Does not authorize property tax exemptions for multiple-unit housing pursuant to ORS 307.600 to 307.637	Authorizes property tax exemptions for multiple-unit housing pursuant to ORS 307.600 to 307.637, with no additional restrictions on location of such exemptions above those set in the statutes, and with required benefits pursuant to ORS 307.618 that are clear and objective and do not have the effect of discouraging the use of the property tax exemption by otherwise qualifying developments through the imposition of unreasonable cost or delay.	High
14	Allows accessory dwelling units, but missing one or more of desired attributes	Allows accessory dwelling units: No off-street parking requirement Any type of structure Owner may live in either dwelling Any zoning district that allows detached units No Systems Dev. Charges for Water or Sewer	Low
15	Does not allow accessory dwelling units	Allows accessory dwelling units, but with at least one of the attributes from measure #14 above not adopted.	Low
16	Off-street parking requirements greater than one space per multi-family dwelling	Change parking requirements to maximum of one space per multi-family dwelling.	Low
17	No minimum density standards	Minimum density standards at least 50 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-38-0070 and for minor partitions.	Low
18	Minimum density standard less than 70percent of maximum density	Raise minimum density standards to at least 70 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as	Low

Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:			
Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
		defined in OAR 660-038-0070 and for minor partitions.	
19	Current land use/zoning designations	Rezone from low density to medium or high density: City UGB 10,000 to 25,000: 5 to 10 acres City UGB 25,000 to 50,000: 10 to 25 acres City UGB > 50,000: 20 to 50 acres.	Low
20	Density bonus for affordable housing less than 25 percent or with additional development review restrictions vs. standard housing	Increase density bonus for affordable housing to at least 25 percent with no additional development review standards vs. standard housing	Low
21	Current land use/zoning designations	Reduce minimum lot size for single-family residential zoning districts by at least one-quarter of the current minimum: City UGB 10,000-25,000: at least 25 acres City UGB 25,000-50,000: at least 50 acres City UGB >50,000: at least 100 acres	Low
22	Does not allow residences in some commercial zoning districts	Allow residences above the first floor and behind commercial uses on additional commercially-zoned lands, with no off-street parking requirement greater than one space per residence. UGB population 10,000 to 25,000: 10 to 20 acres UGB population 25,000 to 50,000: 20 to 50 acres UGB population > 50,000: at least 40 to 100 acres	Low
23	Does not have a cottage housing code provision	Adopt a cottage housing code provision authorizing at least 12 du/ac.	Low
24	Does not allow duplexes in single-family residential zoning districts	Permit duplexes on corner lots in single-family residential zoning districts with no additional development review restrictions vs. single-family detached residence.	Low
25	Off-street parking requirements for detached single-family units, attached single-family units, duplexes, or triplexes greater than one space per unit.	Reduce parking requirements for detached single-family units, attached single-family units, duplexes, and triplexes to no greater than one space per unit.	Low
26	No systems development charge deferrals	Adopt provisions that defer payment of systems development charges for affordable housing units to the date of occupancy of the unit. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable	Low

Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:

Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
		housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	
27	Does not authorize property tax exemptions for single-unit housing in distressed areas pursuant to ORS 307.651 to 307.687	Authorizes property tax exemptions for single-unit housing pursuant to ORS 307.651 to 307.687, with design standards pursuant to ORS 307.657(3) that are clear and objective and do not have the effect of discouraging the use of the property tax exemption by otherwise qualifying developments through the imposition of unreasonable cost or delay.	Low
28	Does not authorize freeze in property tax assessment valuation for rehabilitated residential property pursuant to ORS 308.450 to 308.481	Authorizes freeze in property tax assessment valuation for rehabilitated residential property pursuant to ORS 308.450 to 308.481. The boundaries of the area that qualifies for the assessment freeze shall be between 10 percent and 20 percent of the city's total land area. The city shall promulgate standards and guidelines for review of applications under the program pursuant to ORS 308.456(3) that are clear and objective and do not have the effect of discouraging use of the program by otherwise qualifying rehabilitations through the imposition of unreasonable cost and delay.	Low
29	Single-family homes allowed in high density zoning district (as defined by residential need path standards)	New single-family homes not allowed in high density zoning district	Low
30	Does not allow attached-single family residences in a single-family residential district with a minimum lot size 5,000 square feet or less	Permit attached single-family residences in a single-family residential district with a minimum lot size of 5,000 square feet or less.	Low
31	No maximum lot size for single-family detached dwellings in zoning districts that permit attached and multi-family housing	Maximum lot size for single-family detached dwellings in zoning districts that permit attached and multi-family housing of 5,000 square feet. Minor partitions exempted.	Low

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Version: http://intranet.dlcd.state.or.us/projects/UGBRAC/Reference Documents/660-038_4thPublicDraft_2015-12-02_FINAL.docxhttp://intranet.dlcd.state.or.us/projects/UGBRAC/Reference Documents/660-038_Redline_4thPublicDraft_Final.docx