

- The city cannot justify one criterion under any of the suitability options: excluding lots smaller than 3 acres with a dwelling.
- The city may be able to justify the rest of its suitability criteria on remand, either as either screens or as locational factors.

Recommendation for sub-issues 1, 6 & 7: The dept. recommends that the Commission remand the city's UGB location analysis, directing the city to:

- For each suitability criterion that the city wants to use, provide findings supported by an adequate factual base that justify
 - Excluding parcels under OAR 660-008-0005(2), OAR 660-009-0005, or ORS 197.298(3) (b);
 - Including parcels under ORS 197.298(3)(a) or (c); or
 - Using the criterion as a G 14 location factor when the city is comparing alternative boundary locations in a single ORS 197.298(1) priority of land.
- Revise the city's UGB location analysis by applying substantiated suitability criteria at the correct step in the location analysis;
- For parcels 3 acres or smaller with a house, provide findings supported by an adequate factual base for the following:
 - Demonstrate the number of additional housing units that these parcels are likely to yield within the 20-year planning period, based on recent and continuing trends;
 - Justification of projected yields for those parcels for which the city has determined future yield assumptions that are lower than past yields for similar parcels inside the existing UGB; and
 - Revise the residential land need outside the existing UGB to take into account for the additional numbers, types, and densities of housing units that will be accommodated on developed rural residential parcels.
- Otherwise provide a revised UGB location analysis consistent with the Director's Decision, Goal 14, the Commission's rules in division 24, and other relevant state laws.

Sub-issue 2: RW

Sub-issue 3: RW

Sub-issue #4 questions:

- Are parcels zoned Urban Area Reserve exception lands or resource lands under the ORS 197.298 priorities?
- Has the Director correctly applied ORS 197.298(2)?

UAR parcels are exception lands because LCDC acknowledged them in the city's comp plan as exception lands. [Ex A to the Director's Decision is a copy of July 7, 1981 LCDC acknowledgment order, which states that exceptions were taken to Goals 3 & 4 for the land zoned UAR.]

EXHIBIT: 4 AGENDA ITEM: 2
 LAND CONSERVATION & DEVELOPMENT
 COMMISSION
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 SUBMITTED BY: DLCD - Gardiner