

DIVISION 24
URBAN GROWTH BOUNDARIES

The department proposes to repeal OAR 660-024-0030, and to amend OAR 660-024-0040, as provided below. Other rules in OAR 660, div 24, would be unchanged.

~~660-024-0030~~

Population Forecasts

~~(1) Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.~~

~~(2) The forecast must be developed using commonly accepted practices and standards for population forecasting used by professional practitioners in the field of demography or economics, and must be based on current, reliable and objective sources and verifiable factual information, such as the most recent long-range forecast for the county published by the Oregon Office of Economic Analysis (OEA). The forecast must take into account documented long-term demographic trends as well as recent events that have a reasonable likelihood of changing historical trends. The population forecast is an estimate which, although based on the best available information and methodology, should not be held to an unreasonably high level of precision.~~

~~(3) For a population forecast used as a basis for a decision adopting or amending a UGB submitted under ORS 197.626, the director or Commission may approve the forecast if they determine that a failure to meet a particular requirement of section (2) of this rule is insignificant in nature and is unlikely to have a significant effect on the needs determined under OAR 660-024-0040.~~

~~(4) A city and county may apply one of the safe harbors in subsections (a), (b), or (c) of this section, if applicable, in order to develop and adopt a population forecast for an urban area:~~

~~(a) If a coordinated population forecast was adopted by a county within the previous 10 years but does not provide a 20-year forecast for an urban area at the time a city initiates an evaluation or amendment of the UGB, a city and county may adopt an updated forecast for the urban area consistent with this section. The updated forecast is deemed to comply with applicable goals and laws regarding population forecasts for purposes of the current UGB evaluation or amendment provided the forecast:~~

~~(A) Is adopted by the city and county in accordance with the notice, procedures and requirements described in section (1) of this rule; and~~

**Draft Repeal or Amendment of rules in OAR 660, div 24,
Concerning Population Forecasting**

DRAFT January 9, 2015

1 ~~(B) Extends the current urban area forecast to a 20-year period commencing on the date determined~~
2 ~~under OAR 660-024-0040(2) by using the same growth trend for the urban area assumed in the county's~~
3 ~~current adopted forecast.~~

4 ~~(b) A city and county may adopt a 20-year forecast for an urban area consistent with this section. The~~
5 ~~forecast is deemed to comply with applicable goals and laws regarding population forecasts for~~
6 ~~purposes of the current UGB evaluation or amendment provided the forecast:~~

7 ~~(A) Is adopted by the city and county in accordance with the notice, procedures and requirements~~
8 ~~described in section (1) of this rule;~~

9 ~~(B) Is based on OEA's population forecast for the county for a 20-year period commencing on the date~~
10 ~~determined under OAR 660-024-0040(2); and~~

11 ~~(C) Is developed by assuming that the urban area's share of the forecasted county population~~
12 ~~determined in subsection (B) of this rule will be the same as the urban area's current share of county~~
13 ~~population based on the most recent certified population estimates from Portland State University and~~
14 ~~the most recent data for the urban area published by the U.S. Census Bureau.~~

15 ~~(c) A city may adopt a revised 20-year forecast for its urban area by following the requirements in ORS~~
16 ~~195.034.~~

17

18 **660-024-0040**

19 **Land Need**

20 (1) The UGB must be based on the ~~adopted~~ **appropriate** 20-year population forecast for the urban area
21 **as [described in] determined under Rules in OAR 660, div 32** ~~[OAR 660-024-0030]~~, and must provide for
22 needed housing, employment and other urban uses such as public facilities, streets and roads, schools,
23 parks and open space over the 20-year planning period consistent with the land need requirements of
24 Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best
25 available information and methodologies, should not be held to an unreasonably high level of precision.
26 Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional
27 Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.

28 (2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-
29 year planning period must commence on the date initially scheduled for completion of the appropriate
30 work task. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment
31 under ORS 197.610 to 197.625, the 20-year planning period must commence either:

32 (a) On the date initially scheduled for final adoption of the amendment specified by the local
33 government in the initial notice of the amendment required by OAR 660-018-0020; or

34 (b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period
35 specified in the **appropriate** coordinated population forecast for the urban area ~~[adopted by the city and~~

1 ~~county pursuant to OAR 660-024-0030]~~ **as determined under Rules in OAR 660, div 32**, unless ORS
2 197.296 requires a different date for local governments subject to that statute.

3 (3) A local government may review and amend the UGB in consideration of one category of land need
4 (for example, housing need) without a simultaneous review and amendment in consideration of other
5 categories of land need (for example, employment need).

6 (4) The determination of 20-year residential land needs for an urban area must be consistent with the
7 **appropriate** ~~adopted~~ 20-year coordinated population forecast for the urban area **determined under**
8 **Rules in OAR 660, div 32**, and with the requirements for determining housing needs in Goals 10 and 14,
9 OAR chapter 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to
10 197.490.

11 (5) Except for a metropolitan service district described in ORS 197.015(13), the determination of 20-year
12 employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR
13 chapter 660, division 9, and must include a determination of the need for a short-term supply of land for
14 employment uses consistent with 660-009-0025. Employment land need may be based on an estimate
15 of job growth over the planning period; local government must provide a reasonable justification for the
16 job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional
17 to population growth. Local governments in Crook, Deschutes or Jefferson Counties may determine the
18 need for Regional Large-Lot Industrial Land by following the provisions of 660-024-0045 for areas
19 subject to that rule.

20 (6) Cities and counties may jointly conduct a coordinated regional EOA for more than one city in the
21 county or for a defined region within one or more counties, in conformance with Goal 9, OAR chapter
22 660, division 9, and applicable provisions of ORS 195.025. A defined region may include incorporated
23 and unincorporated areas of one or more counties.

24 (7) The determination of 20-year land needs for transportation and public facilities for an urban area
25 must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11
26 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school
27 facility needs must also comply with 195.110 and 197.296 for local governments specified in those
28 statutes.

29 (8) The following safe harbors may be applied by a local government to determine housing need under
30 this division:

31 (a) A local government may estimate persons per household for the 20-year planning period using the
32 persons per household for the urban area indicated in the most current data for the urban area
33 published by the U.S. Census Bureau.

34 (b) If a local government does not regulate government-assisted housing differently than other housing
35 types, it is not required to estimate the need for government-assisted housing as a separate housing
36 type.

- 1 (c) If a local government allows manufactured homes on individual lots as a permitted use in all
2 residential zones that allow 10 or fewer dwelling units per net buildable acre, it is not necessary to
3 provide an estimate of the need for manufactured dwellings on individual lots.
- 4 (d) If a local government allows manufactured dwelling parks required by ORS 197.475 to 197.490 in all
5 areas planned and zoned for a residential density of six to 12 units per acre, a separate estimate of the
6 need for manufactured dwelling parks is not required.
- 7 (e) A local government outside of the Metro boundary may estimate its housing vacancy rate for the 20-
8 year planning period using the vacancy rate in the most current data published by the U.S. Census
9 Bureau for that urban area that includes the local government.
- 10 (f) A local government outside of the Metro boundary may determine housing needs for purposes of a
11 UGB amendment using the combined Housing Density and Housing Mix safe harbors described in this
12 subsection and in Table 1, or in combination with the Alternative Density safe harbor described under
13 subsection (g) of this section and in Table 2. To meet the Housing Density safe harbor in this subsection,
14 the local government may Assume For UGB Analysis that all buildable land in the urban area, including
15 land added to the UGB, will develop at the applicable average overall density specified in column B of
16 Table 1. Buildable land in the UGB, including land added to the UGB, must also be Zoned to Allow at
17 least the average overall maximum density specified as Zone To Allow in column B of Table 1. Finally, the
18 local government must adopt zoning that ensures buildable land in the urban area, including land added
19 to the UGB, cannot develop at an average overall density less than the applicable Required Overall
20 Minimum density specified in column B of Table 1. To meet the Housing Mix safe harbor in this
21 subsection, the local government must Zone to Allow the applicable percentages of low, medium and
22 high density residential specified in column C of Table 1.
- 23 (g) When using the safe harbor in subsection (f), a local government may choose to also use the
24 applicable Alternative Density safe harbors for Small Exception Parcels and High Value Farm Land
25 specified in Table 2. If a local government chooses to use the Alternative Density safe harbors described
26 in Table 2, it must
- 27 (A) Apply the applicable Small Exception Parcel density assumption and the High Value Farm Land
28 density assumption measures specified in the table to all buildable land that is within these categories,
29 and
- 30 (B) Apply the Housing Density and Mix safe harbors specified in subsection (f) of this section and
31 specified in Table 1 to all buildable land in the urban area that does not consist of Small Exception
32 Parcels or High Value Farm Land.
- 33 (h) As an alternative to the density safe harbors in subsection (f) and, if applicable, subsection (g), of this
34 section, a local government outside of the Metro boundary may assume that the average overall density
35 of buildable residential land in the urban area for the 20-year planning period will increase by 25
36 percent over the average overall density of developed residential land in the urban area at the time the
37 local government initiated the evaluation or amendment of the UGB. If a local government uses this

- 1 Incremental Housing Density safe harbor, it must also meet the applicable Zoned to Allow density and
2 Required Overall Minimum density requirements in Column B of Table 1 and, if applicable, Table 2, and
3 must use the Housing Mix safe harbor in Column C of Table 1.
- 4 (i) As an alternative to the Housing Mix safe harbor required in subsection (f) of this section and in
5 Column C of Table 1, a local government outside the Metro boundary that uses the housing density safe
6 harbor in either subsection (f), (g) or (h) of this section may estimate housing mix using the Incremental
7 Housing Mix safe harbor described in paragraphs (A) to (C) of this subsection, as illustrated in Table 3:
- 8 (A) Determine the existing percentages of low density, medium density, and high density housing on
9 developed land (not “buildable land”) in the urban area at the time the local government initiated the
10 evaluation or amendment of the UGB;
- 11 (B) Increase the percentage of medium density housing estimated in paragraph (A) of this subsection by
12 10 percent, increase the percentage of high density housing estimated in paragraph (A) of this
13 subsection by five percent, as illustrated in Table 3, and decrease the percentage of low density single
14 family housing by a proportionate amount so that the overall mix total is 100 percent, and
- 15 (C) Zone to Allow the resultant housing mix determined under subparagraphs (A) and (B) of this
16 subsection.
- 17 (j) Tables 1, 2 and 3 are adopted as part of this rule, and the following definitions apply to terms used in
18 the tables:
- 19 (A) “Assume For UGB Analysis” means the local government may assume that the UGB will develop over
20 the 20-year planning period at the applicable overall density specified in Column B of Tables 1 and 2.
- 21 (B) “Attached housing” means housing where each unit shares a common wall, ceiling or floor with at
22 least one other unit. “Attached housing” includes, but is not limited to, apartments, condominiums, and
23 common-wall dwellings or row houses where each dwelling unit occupies a separate lot.
- 24 (C) “Average Overall Density” means the average density of all buildable land in the UGB, including
25 buildable land already inside the UGB and buildable land added to the UGB, including land zoned for
26 residential use that is presumed to be needed for schools, parks and other institutional uses.
- 27 (D) “Coordinated 20-year Population Forecast” **and “20-year Population Forecast”** under Column A of
28 the Tables refers to the **appropriate** population forecast for the urban area [~~described under OAR 024-~~
29 ~~0030~~] **determined under rules in OAR 660, div 32.**
- 30 (E) “Density” means the number of dwelling units per net buildable acre.
- 31 (F) “High Value Farm Land” has the same meaning as the term defined in ORS 195.300(10).

- 1 (G) "Required Overall Minimum" means a minimum allowed overall average density, or a "density
2 floor," that must be ensured in the applicable residential zones with respect to the overall supply of
3 buildable land for that zone in the urban area for the 20-year planning period.
- 4 (H) "Single Family Detached Housing" means a housing unit that is free standing and separate from
5 other housing units, including mobile homes and manufactured dwellings under ORS 197.475 to
6 197.492.
- 7 (I) "Small Exception Parcel" means a residentially zoned parcel five acres or less with a house on it,
8 located on land that is outside a UGB prior to a proposed UGB expansion, subject to an acknowledged
9 exception to Goal 3 or 4 or both.
- 10 (J) "Zone To Allow" or "Zoned to Allow" means that the comprehensive plan and implementing zoning
11 shall allow the specified housing types and densities under clear and objective standards and other
12 requirements specified in ORS 197.307(3)(b) and (6).
- 13 (9) The following safe harbors may be applied by a local government to determine its employment
14 needs for purposes of a UGB amendment under this rule, Goal 9, OAR chapter 660, division 9, Goal 14
15 and, if applicable, ORS 197.296.
- 16 (a) A local government may estimate that the current number of jobs in the urban area will grow during
17 the 20-year planning period at a rate equal to either:
- 18 (A) The county or regional job growth rate provided in the most recent forecast published by the Oregon
19 Employment Department; or
- 20 (B) The population growth rate for the urban area in the [adopted] **appropriate** 20-year coordinated
21 population forecast [~~specified in OAR 660-024-0030~~] **determined under Rules in OAR 660, div 32.**
- 22 (b) A local government with a population of 10,000 or less may assume that retail and service
23 commercial land needs will grow in direct proportion to the forecasted urban area population growth
24 over the 20-year planning period. This safe harbor may not be used to determine employment land
25 needs for sectors other than retail and service commercial.
- 26 (10) As a safe harbor during periodic review or other legislative review of the UGB, a local government
27 may estimate that the 20-year land needs for streets and roads, parks and school facilities will together
28 require an additional amount of land equal to 25 percent of the net buildable acres determined for
29 residential land needs under section (4) of this rule, and in conformance with the definition of "Net
30 Buildable Acre" as defined in OAR 660-024-0010(6).