

# WHEELER, OREGON

## PLANNING COMMISSION MEETING

7:00 pm, Thursday, October 5, 2017 at City Hall: 775 Nehalem Blvd, Wheeler, Oregon 97147

# PUBLIC INVITED

## AGENDA

1. Call to Order
2. Administration
  - a. Roll Call
  - b. Minutes: September 7, 2017 .....2.
  - c. Correspondence: None
  - d. Visitors: None
  - e. Citizen Initiated Discussion Topics
  - f. Hazard Mitigation: None
  - g. Emergency Response: None
  - h. Administrative Decisions: 2017-07ZP
  - i. Non-Agenda Items
3. Public Hearings: None
4. Unfinished Business:
  - a. None
5. New Business:
  - a.) WRI – Water Related Industrial Zoning (Housing Discussion).....5.
  - b.) UGB – Urban Growth Boundary (Amendment Discussion).....7.
    - 1.) Department of Land Conservation and Development – OAR 660, Division 38.....9.
6. Land Use Trainings; Upcoming Meetings; Comments
  - a. Land Use Trainings
  - b. Upcoming Meetings: Next Planning Commission Meeting November 2, 2017 7:00 p.m.
  - c. Planning Commissioner Comments
  - d. City Manager Comments
  - e. Staff Comments
  - f. City Planner Comments
7. Adjournment

The Botts Marsh property upland is made up of two areas of zoning, Water Related Commercial (WRC) and Water Related Industrial (WRI). At the request of the Planning Commission, City Administration has reviewed the options for street level housing within the currently zoned Water Related Industrial area of the upland. This is of consideration as WRI currently does not allot for housing to be occupied on the ground floor of any structure, it only permits housing as accessory on the top floor of a building once a retail establishment has been installed below.

There are a number of parameters that create restriction for a developer who is interested in building ground floor housing in the upland (WRI) area and they will be investigated here. This will be followed by findings as to what actions may be taken to address the possibility of ground floor housing development.

The Botts Marsh WRI upland is currently outside of City limits but within the City's Urban Growth (UGB) Boundary. *See Figure 1.* All parcels listed under Block 56-6 are the area of WRI consideration and are slated for future development with the intent of building cottage cluster (one story) housing. Any development within the City's UGB must adhere to the Wheeler Zoning Ordinance and Comprehensive Plan. This does not require the City to provide utilities to the future development unless the property is annexed into the City limits. As of current, the land owner would like to begin developing the land and will apply for annexation at a later date.

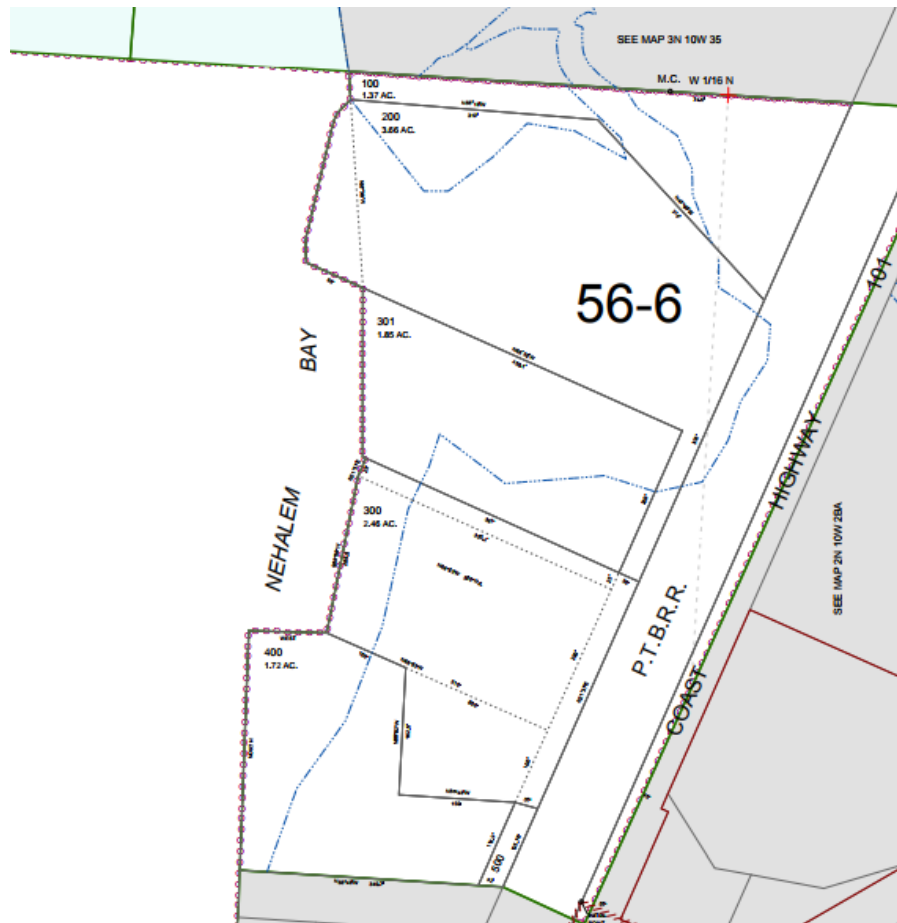


Figure 1.

## Possible Solutions

Re-Zoning: As it currently stands, the applicant is eligible to apply for a new base zone to the parcel in question. Within the current Wheeler zoning both Residential 1 (R1) and Residential 2 (R2) zones permit housing at ground level. R1 requires a lot size of 5,000 sq. ft. with an additional 2,500 sq. ft. for each additional unit, while R2 permits a single family or duplex on the first 5,000 sq. ft. and requires an additional 2,500 sq. ft. for each unit.

The intent of the cottage cluster development is to promote high density/workforce housing that will take advantage of the limited buildable land available in Wheeler. As this is the goal of the development, R2 should be the only current zoning of consideration that is available in Wheeler. This does not answer the question though whether R2 would permit density to the standards that the developer hopes to achieve.

Under Goal 10. (Housing) of the recently updated Wheeler Comprehensive Plan, the City recognizes the following:

“A major problem for Wheeler and the County continues to be the lack of available long term rentals, workforce, low income, and affordable housing, and access to financing options to purchase property. In order to sustain a workforce, for the downtown business core and economic base of the City, housing needs must be addressed.”

In furtherance:

“The City will zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, modular homes, duplexes, and multi-family dwellings.”

Thus the City is compelled to not only meet the proposed plans of the intended development, but is given direction in a format by which to do this through re-zoning.

The re-zoning process in Wheeler is multi-tiered, as not only will a re-zoning take place, but an amendment to the City’s Comprehensive Plan must be made as the zoning map for the town is part of the Comprehensive Plan. This will require the City to hold two public hearings, one with the Planning Commission and one with the City Council in which an Ordinance must be passed. This ordinance will serve as an adopted plan amendment decision. The City is then required to submit this to DLCDC with an agency produced document. As a new ordinance will serve as law, the City Council will be required to have two readings of the legislation at two separate meetings (a minimum of 60 days). Any amendment to the current Comprehensive Plan must measure against the remainder of the Wheeler Comprehensive plan though to meet compliance. For the purpose of this analysis though, this exercise will be saved for application at a later date.

The City should also speak with the landowner to compare anticipated densities to current R2 zoning. As the Comprehensive Plan directs the City to zone adequate land to meet identified housing needs, the City should also research alternative residential zoning code that will permit for the estimated density. For example, the City of Portland currently has residential zoning that allows for lot size as small as 1,013 sq. ft., and does permit even higher density based on Floor Area Ratio (FAR) limits that generally provide for up to 125 units per acre. As the developer is interested in 25-35 units over a buildable area of roughly 5 acres, R2 should suffice.

Additionally the City would be best advised to add a definition of “Cottage Cluster” in the amendment process, to its zoning ordinance, and to include this as an outright permitted use under R2 zoning. The City is relatively protected from this being used as a tool at a future date by an applicant trying to squeeze increased density into another established R2 zone within the residential area proper, as the small remaining designated R2 zone is currently completely built out.

#### Planned Development:

Another option that has been suggested for the developer is the consideration of a Planned Development. This provision under Article 10. of the Wheeler Zoning Ordinance allows for developments which are planned and developed to done as a unit. At this time though, this approach will ultimately not work as it requires the parent zone to either outright or conditionally permit the type of development sought. Cottage Clusters are not currently permitted in WRI, and as previously stated the only outright or conditionally permitted housing must meet the requirements for storefront space on the ground floor.

#### Other Requirements

When a jurisdiction removes land from one zoning designation to another, a measurement of remaining lands in the original zoning must be taken account of by a comparison study review of its UGB pursuant to ORS 197.296 . DLCD requires that a jurisdiction carry and adequate balance of different zoning to provide for multi-faceted development and the protection of farm and forest land. As it currently stands, the City does have an “inventory” of buildable residential land as catalogued by its Buildable Lands Inventory (BLI), but much of this land is now diminished in its carrying capacity due to geologic and geographic concerns. With this in mind, the City does have a starting point by which to argue that more housing dependent land be brought into the City’s BLI.

The Oregon Legislature passed new legislation (HB 2253 & HB 2254) in 2013 that improved the UGB amendment process. This took effect as of January 1<sup>st</sup>, 2016. The intent was to improve in urban efficiency in allowing communities to meet their growing needs. The new plan has made it easier to carry out planned developments in urban areas, reduced the time and expense of UGB amendments, focused planning on areas that are growing most rapidly and continued to conserve farm and forest land.

The principle of this bill was to permanently assign new population forecasting to the Portland State University Population Research Center; individual counties had previously handled it. The PSU Population Research Center now updates these forecasts every three years, and these forecasts serve, as the basis for a jurisdiction to begin the process of amending its UGB through estimating how much land the community will require for urban growth. The new process is laid out in a series of steps, which will be discussed below.

### Step 1.

Population forecasts are made for each city within the state every three years. These forecasts are not all applied at once, and are broken down into three regions. Wheeler is in Region 3. and the new forecast was released as of 03/10/17. These forecasts are open to review and comment but not to judicial appeal.

### Step 2.

The jurisdiction then converts the population forecast into forecast of land need based upon factors and ranges established by LCDC (Land Conservation and Development Commission) rule. This Administrative Rule (OAR 660 Division 38 is attached to this document for consideration). The jurisdiction determines need based on forecast of population change over the next fourteen years which is provided by the forecast. A residential buildable lands inventory is employed and if a deficit is found, the jurisdiction may proceed with adding lands. There is only judicial review allowed for math errors, there is no LCDC review.

Employment need is then determined by translating population and employment growth to land need. This too is based upon factors and ranges established by LCDC through an employment buildable lands inventory. If a deficit of lands is found, land can be added. Again, judicial review is only allowed for math error.

### Step 3.

Existing land supply and net land need: The jurisdiction determines how much of the land need can be met inside its existing UGB. The infill is calculated based on inventory of vacant and partially vacant lots. Redevelopment is calculated based on the same LCDC rules.

### Step 4.

The jurisdiction then studies all adjacent land within a set distance for possible addition to the UGB, excluding:

- a. Lands impracticable to serve with urban services;
- b. Lands with particular hazard categories or with significant resources; and
- c. Lands without required site characteristics (e.g. employment lands)

Step 5.

The jurisdiction adds lands from study area according to the following priorities:

- a. Exception, non-resource and urban reserves added first;
- b. Lower – value resource lands next;
- c. High – value resource lands last

This new streamlined process assures cities maintain a supply of land that is ready for development, reduces cost and litigation, speeds up review if there is a challenge, replaces the old periodic review process, and protects farms and forests land by tracking trends and adjusting if needed.

## DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

### OAR CHAPTER 660, DIVISION 38

#### SIMPLIFIED URBAN GROWTH BOUNDARY METHOD

##### **OAR 660-038-0000**

##### **Purpose**

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0010**

### **Definitions**

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

(1) "Buildable lands" means land in urban or urbanizable areas that are suitable for urban uses, as provided in ORS 197A.300(1). Note: This definition applies to this division only; a different definition of "buildable lands" is provided in laws and rules concerning needed housing (ORS 197.295; OAR 660-007-0005 and 660-008-0005 and OAR 660-024-0010).

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

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

(4) "Initiate" means that the local government issues a public notice specified in OAR 660-018-0020, including a notice to the Department of Land Conservation and Development, for a proposed plan amendment that concerns evaluating or amending a UGB.

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

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



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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0020**

### **Applicability**

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

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

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

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

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

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

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

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

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

(5) A city that adopts a UGB amendment using this division must evaluate whether the city needs to include additional land for residential or employment uses within the UGB before the population of the city has grown by 100 percent of the population growth forecast to occur in conjunction with the city's previous use of this division.

(6) A city that adopts a UGB amendment using this division may subsequently add land to the UGB using division 24 instead of the method described in this division. However, a city's determination of land need resulting from the previous use of this method shall not be considered by itself sufficient to support a housing or employment need determination under OAR chapter 660, division 24.

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

(8) A city that elects to use this division shall notify the Department of Land Conservation and Development in the manner required by ORS 197.610, ORS 197.615 and OAR chapter 660, division 18, regarding a proposed change to an acknowledged comprehensive plan or a land use regulation. The city may revoke its election under this section at any time until the city makes a final decision to amend the UGB.

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

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

(11) A city that amends a UGB under this division is not required to also satisfy the requirements of ORS 197.296 applicable to a UGB amendment for cities subject to that statute.

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

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

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

(b) Goals 3 and 4 are not applicable;

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

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

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

(f) Goals 16 through 18 are not applicable to land added to the UGB unless the land is subject to acknowledged comprehensive plan or land use regulations that implement these goals;

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

(14) A city considering a UGB evaluation or amendment must apply its acknowledged citizen involvement program to ensure adequate notice and participation opportunities for the public and

must assist the public in understanding the major local government decisions that are likely to determine the form of the city's growth.

(15) A city that is scheduled to commence periodic review as required by OAR 660-025-0030 is not required to commence periodic review if the city has amended its UGB pursuant to this division, or if the city has evaluated its UGB need and land supply using this division and determined that the UGB contains sufficient buildable land for a 14-year period, including a supply that is serviceable for a seven-year period and a supply that can be serviceable for a 14-year period as provided in OAR 660-038-0200.

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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0030**

#### **Residential Land Need**

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

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

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

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

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

(3) The city must subtract from the forecast population growth the number of persons projected to live in group quarters in the UGB during the planning period. The city shall determine this number by calculating the percentage of the city's population living in group quarters at the last decennial United States Census and subtracting the same percentage from projected population growth. For the purpose of this rule, "group quarters," as defined by the United States Census, are places where people live or stay, in a group living arrangement, which is owned or managed by an entity or organization providing housing or services for the residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0040**

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

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

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

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

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

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

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

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

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

(3) A city must project the mix of housing types needed for new development over the 14-year period using the ranges of numbers in Table 1. The percentage of low density residential development is calculated by subtracting the percentage of medium density and high density residential development selected by the city from the table.

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0050**

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

A city must:

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

(2) Calculate the overall net density (total dwelling units divided by total land need) for all residential land need in terms of dwellings units per acre and compare the result with the current

density of the developed lands shown in the buildable lands inventory within the city's UGB completed under OAR 660-038-0060(5).

(3) If necessary, adjust the density assumptions used in the residential land need analysis so that the overall net density for all residential land need is at least equal to the density determined in section (2).

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

#### **OAR 660-038-0060**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(b) For lots and parcels at least one-half acre in size that contain more than one single-family residence, multiple-family residences, non-residential uses, or ancillary uses such as parking areas and recreational facilities, the city must identify vacant areas using an orthophoto or other map of comparable geometric accuracy. For the purposes of this identification, all publicly

owned park land shall be considered developed. If the vacant area is at least one-quarter acre, the city shall consider that portion of the lot or parcel to be vacant land.

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

(5) The city must, within the city limits,

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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0070**

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

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

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

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

(A) Rivers; and

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

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

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

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

(e) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and

(f) Lands subject to development prohibitions, natural resource protections, or both in acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 15, 16, 17, or 18.

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

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

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

(c) For lands within the tsunami inundation zone: no reduction unless the acknowledged comprehensive plan or land use regulations applicable to such areas prohibits or reduces residential development, in which case the reduction shall be based upon the maximum density allowed by the acknowledged comprehensive plan or land use regulation.

(d) For lands with slopes that are greater than 25 percent: a 100 percent reduction. However, if the lot or parcel includes land with slopes less than 25 percent, the reduction applies only to the land with slopes greater than 25 percent. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(e) For lands subject to development restrictions in an acknowledged comprehensive plan or land use regulations developed pursuant to Statewide Planning Goals 5, 6, or 7: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

(f) For lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implements Statewide Planning

Goals 15, 16, 17 or 18: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0080**

#### **Compare Residential Land Need to Land Supply**

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

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

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

(4) A city must also determine whether surplus employment land as determined in OAR 660-038-0150, or publicly-owned land not designated for employment or residential use that has been declared surplus by the public entity, can reasonably accommodate all or part of a residential land deficit except as provided in OAR 660-038-0150(4).

(5) A city:

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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

#### **OAR 660-038-0090**

##### **Employment Land Need**

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

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

(a) Must forecast the amount of buildable lands that will be needed for projected employment in the UGB over a 14-year period using rules in OAR 660-038-0100 through 660-038-0150, and

(b) Must provide within its UGB sufficient buildable lands and other development capacity to accommodate the growth in employment that is forecast to occur over a 14-year period and plan those lands as required by OAR 660-038-0180.

(2) The city must forecast employment growth within the UGB for a 14-year period from the year in which the UGB analysis was initiated. As provided in ORS 197A.310(4) and 197A.312(4), the city may forecast employment growth based on either:

(a) The population growth forecast for the city's UGB in the most recent final forecast issued by the Portland State University Population Research Center under ORS 195.033 applying the requirements of OAR 660-038-0100, or

(b) The most recent long term employment growth forecast issued by the Oregon Employment Department (OED) for the applicable region, applying the requirements of OAR 660-038-0110.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0100**

### **Forecast Employment Growth Based on Population Growth**

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

- (1) Determine the forecast population of the city's UGB for the 14-year period from the year in which the UGB analysis was initiated based on the most recent forecast issued by the Portland State University Population Research Center.
- (2) Determine the current population of the UGB using the most recent population estimate issued by the Portland State University Population Research Center.
- (3) Determine the rate of population growth for the city over the 14-year period based on sections (1) and (2).
- (4) Using Table 3, determine the current number of "commercial" and "industrial" jobs in the UGB, based on the definitions in OAR 660-038-0010.
- (5) To forecast the number of new commercial and new industrial jobs anticipated to occur in the UGB for the 14-year planning period, the city must:
  - (a) Multiply the number of commercial jobs currently in the UGB determined in section (4) by the rate of population growth rate determined in section (3), and
  - (b) Multiply the number of industrial jobs currently in the UGB determined in section (4) by the rate of population growth determined in section (3).
- (6) To account for jobs that are likely to occur on land that is zoned for uses other than commercial or industrial (and which therefore will not require buildable "employment land"), the city must reduce the forecast of new jobs determined in section (5) by 20 percent.
- (7) The result is the number of new commercial and industrial jobs forecast for the 14-year planning period to be accommodated on employment lands in the UGB. The city must use this

result or the result in OAR 660-038-0110 as a basis for determining land needs under OAR 660-038-0140.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0110**

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

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

- (1) Determine the number of “commercial” and “industrial” jobs currently in the UGB as provided in Table 3.
- (2) Using Table 4, determine the long-term growth rates forecast by OED for commercial jobs and for industrial jobs in the OED region that includes the city. For purposes of this rule, “OED region” means Workforce Innovation and Opportunity Act (WIOA) Areas for which OED forecasts long-term job growth.
- (3) To forecast the number of new commercial and new industrial jobs anticipated to occur in the UGB for the 14-year planning period, the city must:
  - (a) Multiply the number of commercial jobs currently in the UGB determined in section (1) by the forecast rate of growth determined in section (2), and
  - (b) Multiply the number of industrial jobs currently in the UGB determined in section (1) by the forecast rate of growth determined in section (2).
- (4) To account for jobs that are likely to occur on land that is zoned for uses other than commercial or industrial (and which therefore will not require buildable “employment land”), the city must reduce the forecast of new commercial and industrial jobs determined in subsections (3)(a) and (3)(b) by 20 percent.
- (5) The result is the number of new commercial and industrial jobs forecast for the 14-year planning period to be accommodated on employment lands in the UGB. The city must use this result or the result in OAR 660-038-0100 as a basis for determining employment land needs under OAR 660-038-0140.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0120**

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

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

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

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

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

(b) A city may assume that a lot or parcel is partially vacant if either:

(A) The real market improvement value of the lot or parcel is greater than five percent and less than 40 percent of the real market land value, in which case, the city must assume that 50 percent of the lot or parcel is developed and 50 percent is vacant, or

(B) Based on an orthomap, the lot or parcel is greater than one acre in size and at least one-half acre is not improved.

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

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



Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0130**

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

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

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

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

(A) Rivers; and

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

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

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

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

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

(f) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and

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

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

- (a) For lands within floodways and water bodies: a 100 percent reduction.
  - (b) For other lands within the Special Flood Hazard Area (SFHA) as identified on the applicable Flood Insurance Rate Map (FIRM), either (at the city's option):
    - (A) A 50 percent reduction, or
    - (B) A reduction to the levels required by the acknowledged comprehensive plan or land use regulations.
  - (c) For lands within the tsunami inundation zone: no reduction unless the acknowledged comprehensive plan or land use regulations applicable to such areas prohibits or reduces allowed development, in which case the reduction shall be based upon the maximum density allowed by the acknowledged comprehensive plan or land use regulations.
  - (d) For lands designated for commercial use, contiguous lands of at least one acre with slope greater than 25 percent: a 100 percent reduction, provided that if such land includes slopes less than 25 percent, the reduction applies only to those areas with slopes greater than 25 percent. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;
  - (e) For lands designated for industrial use, contiguous lands of at least one acre with slope greater than 10 percent: a 100 percent reduction, provided that a lot or parcel with slopes greater than 10 percent that has at least five contiguous acres with slopes less than 10 percent, this authorized reduction does not apply to those areas.
  - (f) For lands subject to restrictions in density or location of development in an acknowledged comprehensive plan or land use regulations developed pursuant to Statewide Planning Goals 5, 6, or 7: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.
  - (g) For lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implements Statewide Planning Goals 15, 16, 17, or 18: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.
- (3) The amount of buildable land in the UGB designated for commercial and industrial uses is that amount determined in OAR 660-038-0120 reduced by the constraints determined under section (2) of this rule.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0140**

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

(1) Determine the current density (jobs per acre) of developed commercial land, as follows:

(a) Based on the determination from OAR 660-038-0120, for all lots and parcels zoned for commercial uses, identify the area (acreage) of “developed” lots and parcels, and the developed portion (acreage) of “partially vacant” lots and parcels. The sum of these equals the total area of “developed commercial land” for purposes of this rule.

(b) Determine current number of commercial jobs in the UGB from Table 3.

(c) Subtract 20 percent from (b) to account for current commercial jobs that occur on land not zoned commercial or industrial.

(d) Divide the number of jobs determined in subsection (c) by the amount of developed commercial land determined in subsection (a). The result is the current density of commercial uses (jobs per acre) on commercial land in the UGB.

(2) Determine the current density (jobs per acre) for developed industrial land in the UGB, as follows:

(a) Based on the determination in OAR 660-038-0120, for all lots and parcels zoned for industrial uses, identify the area (acreage) of “developed” lots and parcels, and the developed portion (acreage) of “partially vacant” lots and parcels. The sum of these equals the total area of “developed industrial land” for purposes of this rule.

(b) Determine current number of industrial jobs in the UGB from Table 3.

(c) Subtract 20 percent from the determination in subsection (b) to account for current industrial jobs that occur on land not zoned commercial or industrial.

(d) Divide the number of jobs determined in subsection (c) by the amount of developed industrial land determined in subsection (a). The result is the current density of industrial uses (jobs per acre) on industrial land in the UGB.

(3) To account for redevelopment and the anticipated long term increase in efficiency of employment land, the city must:

(a) Multiply the result of section (1) for commercial uses, and section (2) for industrial uses, by the applicable factors in paragraphs (A) or (B) of this subsection:

(A) For cities with a UGB population less than 10,000, the factor shall be a range from one to three percent for commercial, and one-half of a percent for industrial.

(B) For cities with a UGB population equal to or greater than 10,000 the factor shall be a range of three to five percent for commercial and one percent for industrial.

(b) Add the result from subsection (a) to the result in section (1) for commercial uses, and to the result in section (2) for industrial uses. This is the anticipated density of commercial and industrial land (jobs per acre) in the UGB.

(4) Divide the number of commercial and industrial jobs forecast in OAR 660-038-0100 and 660-038-0110 by the applicable results in section (3) to determine the net new land need for commercial and industrial uses over the planning period.

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0150**

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

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

(2) If the amount of buildable commercial land in the UGB is greater than the amount of land needed for new commercial development, and the amount of buildable industrial land is greater

than the amount of land needed for new industrial development, then no UGB expansion for employment land need is allowed.

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

(a) If the amount of buildable industrial land is less than the amount of land needed for industrial development, but is greater than the amount of land needed for commercial development, then the city must determine whether the industrial land need can be reasonably accommodated by redesignating the surplus of buildable commercial land within the UGB, except as provided in section (4) of this rule.

(b) If the amount of buildable commercial land is less than the amount of land needed for commercial development, but is greater than the amount of land needed for new industrial development, then the city must determine if the commercial land need can be reasonably accommodated by redesignating the surplus of industrial land within the UGB, except as provided in section (4) of this rule.

(c) A city must also determine whether surplus residential land as determined in OAR 660-038-0080, or publicly-owned land not designated for employment or residential use that has been declared surplus by the public entity, can reasonably accommodate all or part of an employment land deficit, except as provided in OAR 660-038-0080(5).

(4) The following existing commercial or industrial lands may not be re-designated for another use under this division, including in response to section (3):

(a) Land within industrial sanctuaries identified on the acknowledged comprehensive plan, including lands added to UGB as Regional Large Lot Industrial Land under to OAR 660-024-0045.

(b) Land owned by a port district or other public entity for the purpose of economic development.

(c) Land within:

(A) An urban renewal district;

(B) An enterprise zone, rural enterprise zone, or urban enterprise zone, as defined in ORS 285C.050; or

(C) A strategic investment zone, as defined in ORS 285C.623.

(d) Sites served by state or regional infrastructure investments, such as the Strategic Reserve Fund (ORS chapter 285B), Connect Oregon, Immediate Opportunity Fund, or grant or loan programs administered by the Infrastructure Finance Authority.

(e) Sites that include working port access or Class A rail access (e.g., access to existing sidings or loops).

(f) Sites that have been certified as a shovel ready site by the Oregon Business Development Department (OBDD), or has received designation as a Regionally Significant Industrial Area by the Economic Recovery Review Council.

(g) Land that was previously designated as industrial under rules under this division and may not be redesignated as provided in OAR 660-038-0180(6).

(h) Land that is designated for a particular land need under OAR 660-024-0065(10).

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0160**

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

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

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

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

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

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

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

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

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

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

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

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

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

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

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446.

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

(ii) Core habitat for Greater Sage Grouse; or

(iii) Migration corridors or big game winter range, except where located on lands designated as urban reserves or exception areas;

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for that scenic program;

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2.

(d) The land is owned by the federal government and managed primarily for rural uses.

(3) After excluding land from the preliminary study area under section (2), the city must adjust the study area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed to satisfy the combined need deficiency determined under OAR 660-038-0080 and OAR 660-038-0150. Such adjustment shall be made by expanding the applicable distance specified under section (1) and applying section (2) to the expanded area.

(4) For purposes of evaluating the priority of land under OAR 660-038-0170, the “study area” shall consist of all land that remains in the preliminary study area described in section (1) of this rule after adjustments to the area based on sections (2) and (3).

(5) For purposes of subsection (2)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:



(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater; provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(b) Lands requiring the construction of a new freeway interchange, overpass, underpass, or similar improvement to accommodate planned urban development providing such improvement is not currently identified in the Statewide Transportation Improvement Program (STIP) for construction within the planning period;

(c) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

(B) The likely cost of facilities and services; and,

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

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

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

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

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

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0170**

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

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

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

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

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

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

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

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

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

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

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

(C) Land that is nonresource land.

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

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

(d) Fourth priority is farmland that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting as much of the suitable land as necessary to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

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

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

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

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule:

(a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

(c) When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, “predominantly” means more than 50 percent.

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

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

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

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

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

(c) The land is, or will be upon inclusion in the UGB, subject to natural resources protection under Statewide Planning Goals 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.

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

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

(f) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:

(A) Public park, church, school, or cemetery, or

(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan or land use regulations.

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

(a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.

(b) In any subsequent review of a UGB pursuant to this division, the city may use a development assumption for land described in subsection (a) of this section for a period of up to 14 years from the date the lands were added to the UGB.

(7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the comprehensive plan and land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must demonstrate that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

(8) The city must apply the boundary location factors in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to

Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. “Coordination” includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

(9) In applying Goal 14 Boundary Location Factor 2, to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term “public facilities and services” means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0180**

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

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

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

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

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

(a) For industrial uses only, or

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

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

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

(5) Concurrently with adoption of a UGB amendment pursuant to this division, a city must assign appropriate urban plan designations to land added to the UGB consistent with the need determination. The city must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land’s potential for planned urban development.

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

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

(8) Amendment of a UGB shall be a cooperative process among cities and counties. A UGB and amendments to the UGB shall be adopted by all cities within the boundary and by the county or

counties within which the boundary is located. Cities and counties shall follow the requirements of OAR 660-018-0021 regarding coordinated notice of a UGB amendment.

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

### **OAR 660-038-0190**

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

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

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

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

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

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

(3) Cities with UGB population of 10,000 or greater must either:

(a) Consider the housing measures listed in the Table 5 and adopt at least one high impact measure or three low impact measures, or

(b) Satisfy the alternate performance standard in section (4).



(4) A city has satisfied the alternate performance standard section (3)(b) if the city:

(a) Has a development code that contains the provisions specified in items 1 through 5 and 29 through 31 of Table 5; and

(b) Demonstrates with substantial evidence in the record that, during the preceding planning period or preceding seven years, whichever is less, development in the city equaled or exceeded the maximum percentage set forth in the ranges for redevelopment in residentially zoned and developed areas and mixed use residential development in commercially zoned areas in OAR 660-038-0030(6)(a) through (c).

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: f. 12-30-15

## **OAR 660-038-0200**

### **Serviceability**

(1) Pursuant to ORS 197A.310(3) or 197A.312(3), a city that amends its UGB using this division shall demonstrate that lands included within the UGB:

(a) Provide sufficient serviceable land for at least a seven-year period, and

(b) Can all be serviceable over a 14-year period.

(2) For purposes of subsection (1)(a) of this rule, a city shall demonstrate adequate sewer, water and transportation capacity to serve at least seven years of planned urban development based on system capacity and system improvements that are identified and described in an acknowledged public facilities plan, an acknowledged Transportation System Plan, a capital improvement plan, or the findings adopted by a city in support of a decision to amend its UGB. This shall consist of sewer, water and transportation capacity that is available or can be provided based on subsection (a) or (b) of this section, or both:

(a) Capacity is available: existing sewer, water and transportation system capacity sufficient to serve some or all of the anticipated seven-year demand is available. To demonstrate available sewer and water capacity, a city may rely upon the system capacity documentation contained in the acknowledged Public Facilities Plan adopted pursuant to OAR chapter 660, division 11, and documentation from city or other service provider records of current system condition and demand. To demonstrate available transportation system capacity, a city may rely upon the

system capacity documentation contained in an acknowledged Transportation System Plan (TSP) adopted pursuant to OAR chapter 660, division 12;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Water capacity, including:

(A) Available water rights;

(B) Water treatment capacity;

(C) Water storage capacity, including system reserves needed for fire suppression; and,

(D) Distribution system capacity, including pumping facilities, primary and secondary feeders, and distributor mains; and

(c) Transportation capacity, including:

(A) Networks of pedestrian, bicycle, transit, and street facilities; and

(B) Performance of the planned transportation system measured against adopted transportation performance standards set forth in the applicable acknowledged TSP.

(5) For purposes of this rule, “committed financing” means financing methods for which a city or other service provider has identified and documented the following: the authority to establish and implement the method, the amount of funding to be generated, the purpose to which the funding will be dedicated, and the repayment method and schedule for any bonded or credit indebtedness is identified and documented. Committed financing includes, but is not limited to, funding that is:

(a) Included in the adopted budget of the service provider;

(b) Designated for projects included in the Statewide Transportation Improvement Program;

(c) Provided by the Department of Interior through the Bureau of Indian Affairs Tribal Transportation Plan (TTP) program pursuant to 25 CFR Part 170;

(d) Provided through a development agreement entered into pursuant to ORS 94.504 to 94.528;

(e) Provided by system development charges established pursuant to ORS 223.997 to 223.314 or by other authorized development fees, conditions of approval or exactions;

(f) Provided by utility fees;

(g) Provided through Local Improvement District or Reimbursement District assessments; or

(h) Provided by revenue bonds, financing agreements, voter approved general obligation bonds or other authorized debt instruments.

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

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

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

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315,  
197A.320 & 197A.325

Hist.: f. 12-30-15

**Table 1: Housing Mix**

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

*n = existing percentage of medium or high density housing within the city boundaries*

*\* Required percentage may be any whole number or whole number plus a fraction of a whole number within the allowed range*

**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.

	<b>Low</b>	<b>Medium</b>	<b>High</b>
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.

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

**Table 3: Current Employment**

<b>Table 3: Current Employment</b>					
<b>City</b>	<b>Industrial Employment</b>	<b>Commercial Employment</b>	<b>City</b>	<b>Industrial Employment</b>	<b>Commercial Employment</b>
Adair Village	13	172	Columbia City	38	74
Adams	-c-	-c-	Condon	28	279
Adrian	23	73	Coos Bay	1,425	7,737
Albany	4,228	15,998	Coquille	565	1,199
Amity	60	203	Corvallis	3,968	26,398
Antelope	-c-	-c-	Cottage Grove	617	2,597
Arlington	-c-	127	Cove	5	90
Ashland	1,132	8,616	Creswell	266	831
Astoria	763	4,811	Culver	74	105
Athena	66	139	Dallas	334	3,370
Aumsville	261	311	Dayton	37	274
Aurora	88	109	Dayville	-c-	30
Baker City	915	3,222	Depoe Bay	60	317
Bandon	213	1,158	Detroit	-c-	70
Banks	246	364	Donald	367	21
Barlow	-c-	25	Drain	133	180
Bay City	308	129	Dufur	54	112
Bend	8,493	36,916	Dundee	231	258
Boardman	1,629	738	Dunes City	22	12
Bonanza	24	81	Eagle Point	108	1,088
Brookings	857	2,976	Echo	10	71
Brownsville	105	176	Elgin	437	197
Burns	148	1,027	Elkton	13	54
Butte Falls	26	78	Enterprise	266	1,017
Canby	2,574	3,080	Estacada	383	816
Cannon Beach	96	1,321	Eugene	16,801	71,868
Canyon City	78	163	Falls City	20	74
Canyonville	130	1,229	Florence	249	3,030
Carlton	140	209	Fossil	16	156
Cascade Locks	109	165	Garibaldi	111	225
Cave Junction	-c-	649	Gaston	17	147
Central Point	1,000	2,903	Gates	-c-	7
Chiloquin	5	218	Gearhart	135	356
Clatskanie	133	550	Gervais	154	210
Coburg	708	541	Glendale	153	88

*Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department*  
*Source: Oregon Employment Department, data for covered employment (provided 2015)*

<b>Table 3: Current Employment</b>					
<b>City</b>	<b>Industrial Employment</b>	<b>Commercial Employment</b>	<b>City</b>	<b>Industrial Employment</b>	<b>Commercial Employment</b>
Gold Beach	280	1,028	Lostine	42	34
Gold Hill	59	178	Lowell	66	127
Grants Pass	3,352	15,273	Lyons	377	97
Grass Valley	-c-	25	Madras	1,189	2,384
Haines	6	69	Malin	91	106
Halfway	-c-	152	Manzanita	25	327
Halsey	118	147	Maupin	36	212
Harrisburg	487	376	McMinnville	3,603	10,580
Helix	-c-	38	Medford	8,897	38,757
Heppner	112	569	Merrill	156	145
Hermiston	2,143	5,441	Metolius	-c-	70
Hines	158	354	Metro	215,150	615,025
Hood River	1,211	5,775	Mill City	285	211
Hubbard	768	194	Millersburg	2,067	537
Huntington	-c-	38	Milton- Freewater	470	1,527
Idanha	-c-	-c-	Mitchell	-c-	24
Imbler	35	65	Molalla	1,046	1,514
Independence	700	1,163	Monmouth	99	2,311
Ione	21	62	Monroe	44	132
Irrigon	28	172	Monument	-c-	26
Island City	239	750	Moro	161	86
Jacksonville	88	726	Mosier	19	48
Jefferson	96	233	Mt Angel	325	865
John Day	467	1,034	Mt Vernon	19	66
Jordan Valley	12	57	Myrtle Creek	203	806
Joseph	106	299	Myrtle Point	137	438
Junction City	542	1,696	Nehalem	20	183
Klamath Falls	3,000	14,069	Newberg	2,564	6,342
La Grande	920	5,005	Newport	970	6,363
La Pine	236	1,044	North Bend	515	3,849
Lafayette	79	151	North Plains	443	380
Lakeside	18	85	North Powder	41	75
Lakeview	453	1,137	Nyssa	407	427
Lebanon	1,626	4,275	Oakland	75	130
Lexington	-c-	16	Oakridge	128	441
Lincoln City	294	4,948	Ontario	1,681	6,045
Long Creek	-c-	24	Paisley	41	50

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



<b>Table 3: Current Employment</b>					
<b>City</b>	<b>Industrial Employment</b>	<b>Commercial Employment</b>	<b>City</b>	<b>Industrial Employment</b>	<b>Commercial Employment</b>
Pendleton	1,775	6,525	St. Helens	796	3,339
Philomath	500	843	St. Paul	81	176
Phoenix	180	948	Sublimity	20	503
Pilot Rock	122	128	Summerville	-c-	-c-
Port Orford	103	245	Sumpter	6	29
Powers	40	91	Sutherlin	548	1,143
Prairie City	-c-	117	Sweet Home	492	1,392
Prineville	1,964	3,030	Talent	377	617
Rainier	388	366	Tangent	527	341
Redmond	2,813	8,652	The Dalles	1,443	6,854
Reedsport	233	848	Tillamook	773	2,680
Richland	22	40	Toledo	727	453
Riddle	34	112	Turner	261	182
Rockaway Beach	-c-	285	Ukiah	11	12
Rogue River	241	575	Umatilla	679	1,100
Roseburg	2,128	16,613	Union	14	166
Rufus	-c-	34	Unity	-c-	-c-
Salem/Keizer	16,729	100,633	Vale	228	803
Sandy	630	2,746	Veneta	123	855
Scappoose	417	1,454	Vernonia	129	260
Scio	57	363	Waldport	52	466
Scotts Mills	-c-	32	Walla	61	105
Seaside	210	3,407	Warrenton	863	2,279
Seneca	-c-	19	Wasco	29	23
Shady Cove	54	293	Waterloo	-c-	14
Shaniko	-c-	-c-	Westfir	3	-c-
Sheridan	236	782	Weston	413	53
Siletz	5	332	Wheeler	-c-	146
Silverton	814	2,717	Willamina	-c-	262
Sisters	382	1,262	Winston	120	707
Sodaville	-c-	60	Woodburn	3,177	6,556
Spray	-c-	31	Yachats	18	401
Springfield	7,274	20,849	Yamhill	46	187
Stanfield	24	239	Yoncalla	79	87
Stayton	1,376	2,032			

*Key: "-c-" denotes confidential data has been withheld by the Oregon Employment Department  
Source: Oregon Employment Department, data for covered employment (provided 2015)*

#### **Table 4: Projected Regional Long-Term Employment Growth Rates**

NOTE: This table provides the projected long-term regional growth rate for commercial and industrial jobs in each of the “regions” (Workforce Innovation and Opportunity Act Areas) for which OED forecasts long-term job growth (see OAR 660-038-0110).

<b>Region</b>	<b>Commercial</b>	<b>Industrial</b>
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 (provided 2015)*

**Table 5: Measures to Accommodate Housing Needs**

<b>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</b>			
<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
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, Sewer, or Transportation	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, unless the detached home is on a lot less than or equal to 3,000 square feet. 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

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

<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
5	No density bonus for affordable housing	Establish density bonus for affordable housing of at least 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 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. Affordable 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.	High
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

**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
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 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.	High
11	Does not authorize property tax exemptions for low income housing development pursuant to ORS 307.515 to 307.537	Authorizes property tax exemptions for low income 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.	High
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

**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
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 defined in OAR 660-038-0070 and for minor partitions.	Low
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	Low

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

<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
		detached residence.	
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 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.	Low
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-	Permit attached single-family residences in a single-family residential district with a minimum lot size of	Low

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

<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
	family residential district with a minimum lot size 5,000 square feet or less	5,000 square feet or less.	
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