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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED: 10/30/2026 12:34 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Housing in Unincorporated Areas

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/13/2026 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/04/2026
TIME: 9:30 AM
OFFICER: LCDC

IN-PERSON HEARING DETAILS
ADDRESS: Eugene City Hall, 500 E. 4th Ave., Eugene, OR 97401
SPECIAL INSTRUCTIONS:
Sign-up in advance to testify https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 253-205-0468
CONFERENCE ID: 98233803246
SPECIAL INSTRUCTIONS:
Passcode:696556
Sign-up in advance to testify https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx

NEED FOR THE RULE(S):

The rules are needed as a contribution to the work of the State Housing Interagency Partnership (SHIP), which is aimed at addressing housing production across the State of Oregon. The rules clarify and improve opportunities to expand unincorporated communities in the right locations and in ways that support those who live and work in these communities and the surrounding rural areas.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Documents relied upon include OAR chapter 660, divisions 4, 11, 14, and 22. These documents are available at: https://www.oregon.gov/lcd/LAR/Pages/OARs.aspx

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The State of Oregon requires that a rulemaking notice include "a statement identifying how adoption of the rule will affect racial equity in this state" (ORS 183-335(2)(b)(F). For the purposes of this statement, racial equity has been defined as treating people of all races fairly, justly, and without bias. The agency is required to attempt to determine the racial groups that will be affected by the rule, and how the rule will increase or decrease disparities currently experienced by those groups. In this context, a disparate treatment of racial groups may be supportable if it addresses current disparities.

There is nothing inherent in the draft rule that will create disparate impacts on different racial groups if Fair Housing law is followed.

This rule relates to increasing flexibility around the ways unincorporated communities can expand, especially in housing and employment land development. Denser housing forms than are typically found in rural areas, including multifamily rental housing, manufactured home parks, ADUs, duplexes, and triplexes may be allowed in these new expansion areas. Groups that have historically been discriminated against in housing, including exclusion from some areas, redlining in lending, and facing other structural affordability issues can benefit from new housing supply in formats that, in theory, could be more economical to build and lower cost to rent or buy.

The proposed rules also support multigenerational and flexible household structures through the explicit inclusion of accessory dwelling units (ADUs) in single-family residential zoning districts (OAR 660-022-0050(4)) and the allowance of larger lot sizes for multigenerational housing. Multigenerational living is more common among some Black, Indigenous, and People of Color (BIPOC) households and immigrant cultures. Accessory dwelling units allow parents to support their children for longer while still allowing them freedom, as well as allowing children to support their parents and transition into a caregiver role. Additionally, permitting ADUs allows for opportunities for family wealth building through a rental unit and mitigates the chance of displacement due to the addition of lower cost housing units.

The draft rule does not directly imply any disparate impacts for different racial groups. To the extent that the rules lead to some combination of greater housing availability, affordability, rental opportunities, multigenerational opportunities, and workforce housing, they represent a potential benefit to any group that has historically faced obstacles to attaining these.

FISCAL AND ECONOMIC IMPACT:

As part of the rulemaking process, a Fiscal Impact Statement is required to assess the expected degree to which "state agencies, units of local government, and the public that may be economically affected by the adoption, amendment or repeal of the rule" and must estimate the economic impact on those entities. ORS 183.335(2)(b)(E) also requires that, in

determining economic impact, the agency shall "project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected."

This section provides a summary of the expected fiscal impact on these groups.

The proposed draft rules relate to the expansion of unincorporated communities (UC), to include more land. While UCs may include commercial or industrial uses, the main focus of this rulemaking process is housing. Most of the new rules are discretionary, meaning the additional impact from these changes may be negligible to counties that do not choose to pursue the new discretionary approach.

However, the overall intention of the rulemaking is to add flexibility and make expansion more efficient. If effective, this is expected to increase the amount of UC expansion across the state somewhat. Therefore, much of this impact discussion relates to UC expansion itself.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

State Agency Impacts

The proposed rule is expected to have a modest fiscal impact primarily on DLCD among state agencies, although other state agencies that are part of the coordination outreach may be impacted. A modest amount of staff time may be required to become familiar with the new provisions and advise local governments on applicability.

Additionally, there is the potential for DLCD to incur Department of Justice legal fees in situations where DLCD files, or is a party to, an appeal of a local government's actions that are not consistent with this administrative rule to the Land Use Board of Appeals (LUBA) or is brought to intervene in a LUBA case between two other parties regarding an appeal. DLCD also maintains authority to enact an enforcement order, which would incur legal fees and demand a modest increase in staff effort in time to review and compile legal records. We would expect this risk to be low due to the limited impact of these rules.

The fiscal impact associated with additional DLCD staff time is expected to be low and no additional staffing is expected to be required.

To the extent that UC expansion areas include land located in natural hazard areas there may be a marginal increase in demands on state resources for response and recovery to emergencies. Oregon has experienced intensifying and increasingly expensive wildfire seasons over recent decades, with fire-fighting costs in the hundreds of millions of dollars (estimated at $350M in 2026). This trend persists without UC expansion, so the impact of adding small expansion areas should not be overstated, but expansions may add some residential areas at the wildland-urban interface that could need more rigorous defense during wildfire season.

Local Government Impacts

Responsibility for planning for unincorporated communities falls to counties, under the existing or draft rules. The draft rule changes are intended to consolidate the rules governing UCs in OAR chapter 660, division 22. Satisfying the provisions of division 22 will effectively satisfy the requirements of other divisions, streamlining the planning process and administration of UCs somewhat.

At the same time there are new provisions in the draft rules, such as new community engagement requirements, that add minor administrative or planning burdens and therefore would be expected to increase demands on staff time and compliance costs. For the most part these are minor and/or discretionary provisions, so impact is expected to be low.

Expansion of residential uses in unincorporated areas should have positive impact on local jurisdictions in the form of higher revenues associated with development fees, system development charges, and ongoing property taxes. This will be offset somewhat by cost of providing services to these new households. For some counties and UCs new residential development may be a net positive, while for others the service costs may exceed the fiscal benefit of increased property tax revenue. However, these trade-offs exist under the current rules and are not changed by the draft rules.

The fiscal impact of the changes included in the proposed rules is expected to be low for local jurisdictions. While counties may face significant planning process and costs to go through the process of UC expansion, those requirements are present under the current rules, and some of the draft provisions are intended to offer new safe harbors or other alternatives that can provide additional flexibility in the process.

Impact on Tribes

There is no distinct fiscal impact identified for tribes by these draft rules. To the extent that tribal members live or work in UCs across the state, the potential impacts are assumed to be similar to those described for the general public below, or to the impacts described for small and large businesses to the extent there may be tribal enterprises owned in or near UCs. The general housing impacts described in the following section may also benefit tribal members who live in, or near, UCs.

Impact on General Public

The public in the general area of a UC may experience increased housing options and availability from the expansion of UCs. The increase in housing supply and new housing forms could have a marginal positive benefit on affordability.

The area workforce benefits from more local housing options, perhaps closer to employment in resource areas. This could include dedicated farmworker housing, or attainable housing for those working in forest industries. Additional housing in UCs reduces the required commute times for some workers who had to search farther to find available housing and rent and home prices are typically lower in rural areas. (See the Housing Impact Statement below for full discussion.)

The owners of land brought into an expanded UC boundary would see an economic benefit in increased land value that comes with additional development entitlements.

Small and Large Businesses

Among businesses, the proposed rules are expected to have the most substantive impact on those directly involved in land development or housing production. Increasing expansion of UCs would provide these businesses with new opportunities and locations for homebuilding. If expansion induces a higher level of residential construction activity, it will support additional employment and construction trades and related fields in the area.

If the program has a positive impact on housing availability and affordability, it would be supportive of small and large businesses in the area by providing better housing alternatives for their workforce. Resource land industries such as agriculture, timber, food and wood product manufacturing, are location dependent on rural areas and their workforce must either live nearby, or endure longer commutes, often from more expensive housing markets.

Existing rural businesses in a UC or nearby (i.e. a rural service center type business) will benefit from UC expansion with increase in traffic and customers in the immediate area.

There are no identified costs of compliance for businesses directly affected by the existing or proposed draft rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were involved in the development of these rules through representation on the Rules Advisory Committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

ORS 183.335(2)(b)(E) and ORS 183.530 require that rules adopted by the Land Conservation and Development Commission include an "estimate of the effect of a proposed rule or ordinance on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel." (ORS 183.534). This Housing Impact Statement (HIS) is described in ORS 183.534, and is supplied on a specified form attached to this report.

This section includes a broader discussion of the expected impact on housing from the draft rules.

The main impact of the draft rules is to facilitate expansion of incorporated communities by consolidating rules in division 22, simplifying and reorganizing language, and adding flexibility and alternatives to planning for expansions. The net effect should be to make the process marginally easier for counties to pursue, and therefore an increase (likely modest) in expansion activity in unincorporated areas across the state.

This rulemaking is taking place in the context of many new housing initiatives undertaken by the state over the last few years. The goals of those efforts are generally to increase housing production, choice, and affordability. These new housing initiatives reflect current planning best practices and policies.

In this context, it is fair to assume that UC expansion areas will have a land use plan and development pattern that looks different than the traditional development in many UCs. Specifically, expansion areas are likely to encourage or require greater density and permissible housing types.

An expansion to a UC that applied these or similar standards may have the following general impacts on the housing market:

Increased housing supply in the area

Increased density: The proposed rules could increase density in a number of ways. The suggested maximum lot size of 8,000 square feet would be denser than the traditional housing in many UCs which often feature larger lots and low-density single-family development. ADUs, duplex, triplex and multifamily units are inherently more dense than single family homes. Similarly, manufactured home parks tend to be significantly denser than traditional single-family neighborhoods, particularly in rural areas. A combination of these housing types in expansion areas will very likely provide greater housing density than the existing development pattern.

Increased housing choice including rental options: For similar reasons, this more diverse housing mix would offer greater

choice for different households and life stages. It would also encourage the inclusion of more rental housing, which can be difficult to find in many rural settings with little multi-family or -plex housing. The suggested standards also include provisions for multigenerational housing, though a more detailed definition might be needed.

Improved affordability: The draft rules and UC expansion in general may improve housing affordability in a few ways. First, an increased supply of homes on the market relative to demand would be expected to moderate prices. Second, most of the denser housing forms discussed above tend to be less expensive than single family detached housing. Duplexes, triplexes, and multi-family would all be expected to offer housing at a lower price point than single-family detached housing. Manufactured home parks are also a long-standing source of more affordable housing options in a denser format.

Challenges to Development

Infrastructure costs: As noted, the cost of extending infrastructure including sewer and water, but also streets and other utilities is high and, in many cases, will represent a large up front cost to land developers. While developers may be responsible for the cost of extension of infrastructure onto expansion lands, systemwide improvements including facility and capacity improvements may require additional funding and higher utility rates for other customers. In some cases, these infrastructure costs may be prohibitive until grants or other external funding is secured.

Achievable pricing: In many rural areas, market rent and home prices are lower than in urban areas due to location and distance to some amenities such as shopping, services, and employment areas. While lower home costs are to the benefit of households, they can make housing development challenging. While rural land is likely to be less expensive, the cost of construction materials and labor will likely not be appreciably lower than in the region's urban areas. This means that returns to the developer may be lower for development in some UCs, making the project less attractive.

Environmental Constraints and Hazards: Development in rural areas and near resource lands often faces challenges from natural features such as wetlands, topography, or natural hazards. This may limit the options for expansion in some UCs. If an expansion relies on mitigating wetlands or hazard risk, this tends to add to development costs.

Note: These challenges to UC expansion are also present under the existing rules, and not a result of the draft rules.

RULES PROPOSED:
660-004-0000, 660-004-0018, 660-004-0020, 660-004-0022, 660-011-0000, 660-011-0060, 660-011-0065, 660-014-0040, 660-022-0000, 660-022-0010, 660-022-0020, 660-022-0030, 660-022-0040, 660-022-0045, 660-022-0050, 660-022-0055, 660-022-0060, 660-022-0065, 660-022-0080, 660-022-0090, 660-022-0100

AMEND: 660-004-0000

RULE SUMMARY: Identified that when a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(2)(c) and OAR 660-022-0050 and OAR 660-022-0055, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent. Removes provisions otherwise applicable to a Reasons exception for the expansion of an unincorporated community. Identifies that OAR 660-022-0050 and 660-022-0055 contain the provisions for a reasons exception to expand an unincorporated community.

CHANGES TO RULE:

660-004-0000

Purpose ¶

(1) The purpose of this division is to interpret the requirements of Goal 2 and ORS 197.732 regarding exceptions. This division explains the three types of exceptions set forth in Goal 2 "Land Use Planning, Part II, Exceptions." Rules in other divisions of OAR chapter 660 provide substantive standards for some specific types of goal exceptions. Where this is the case, the specific substantive standards in the other divisions control over the more general standards of this division. However, the definitions, notice, and planning and zoning requirements of this division apply to all types of exceptions.¶
(2) The types of exceptions that are subject to specific standards in other divisions are:¶
(a) Standards for a demonstration of reasons for sanitary sewer service to rural lands are provided in OAR 660-011-0060(9);¶
(b) Standards for a demonstration of reasons for urban transportation improvements on rural land are provided in OAR 660-012-0070;¶
(c) Standards to determine irrevocably committed exceptions pertaining to urban development on rural land are provided in OAR 660-014-0030, and standards for demonstration of reasons for urban development on rural land are provided in OAR 660-014-0040.¶
(~~2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons that explains why the proposed use not allowed by the applicable goal, or a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use, should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.¶~~
~~(3) The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to:¶~~
~~(a) Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and¶~~
~~(b) Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide goal.¶~~
~~(4) When taking an exception, a local government may rely on information and documentation prepared by other groups or agencies for the purpose of the exception or for other purposes, as substantial evidence to support its findings of fact. Such information must be either included or properly incorporated by reference into the record of the local exceptions proceeding. Information included by reference must be made available to interested persons for their review prior to the last evidentiary hearing on the exception~~d) Standards for demonstration of reasons for the expansion of unincorporated communities are provided in OAR chapter 660, division 22.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040, ORS 197.712, ORS 197.717, ORS 197.732, ORS 197.736

AMEND: 660-004-0018

RULE SUMMARY: Identified that when a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(2)(c) and OAR 660-022-0050 and OAR 660-022-0055, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent. Removes provisions otherwise applicable to a Reasons exception for the expansion of an unincorporated community. Identifies that OAR 660-022-0050 and 0055 contain the provisions for a reasons exception to expand an unincorporated community.

CHANGES TO RULE:

660-004-0018
Planning and Zoning for Exception Areas ¶

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 and 660-014-0030 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.¶
(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b) or (c) and, if applicable, (d):¶
(a) That are the same as the existing land uses on the exception site;¶
(b) That meet the following requirements:¶
(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals, and are consistent with all other applicable goal requirements;¶
(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and¶
(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;¶
(c) For uses in unincorporated communities, the uses are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if the county chooses to designate the community under the applicable provisions of OAR chapter 660, division 22 including provisions of OAR 660-022-0050 and OAR 660-022-0055 for the expansion of an unincorporated community;¶
(d) For industrial development uses and accessory uses subordinate to the industrial development, the industrial uses may occur in buildings of any size and type provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.¶
(3) ~~U~~A local government may approve uses, density, and public facilities and services on rural land not meeting section (2)~~ of this rule may be approved on rural land~~ only under provisions for a reasons exception as ~~outlin~~provided in section (4)~~ of this rule~~ and applicable requirements of:¶
(a) OAR 660-004-0020 through 660-004-0022, ¶
(b) OAR 660-011-0060 with regard to sewer service on rural lands, ¶
(c) OAR 660-012-0070 with regard to transportation improvements on rural land, ~~or~~¶
(d) OAR 660-014-0030~~ or,~~ 660-014-0040 or 660-014-0090 with regard to urban development on rural land, or ¶
(e) OAR 660-022-0050 or OAR 660-022-0055 with regard to the expansion of unincorporated communities on rural land.¶
(4) "Reasons" Exceptions:¶
(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(~~1~~2)(c) and ~~OAR 660-004-0020 through 660-004-0022, OAR 660-014-0040, or OAR 660-014-0090~~the rules identified in (3)(a) through (e), plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.¶
(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required.¶
(c) When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(~~1~~2)(c) and OAR 660-004-0020 through 660-004-0022 was previously adopted, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those

that were justified in the exception or OAR 660-022-0030, whichever is more stringent.¶
(d) When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(2)(c) and OAR 660-022-0050 and OAR 660-022-0055, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197. 732 - 197.734

AMEND: 660-004-0020

RULE SUMMARY: Identified that when a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(2)(c) and OAR 660-022-0050 and OAR 660-022-0055, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent. Removes provisions otherwise applicable to a Reasons exception for the expansion of an unincorporated community. Identifies that OAR 660-022-0050 and 0055 contain the provisions for a reasons exception to expand an unincorporated community.

CHANGES TO RULE:

660-004-0020
Goal 2, Part II(c), Exception Requirements ¶

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.¶
(2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:¶
(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;¶
(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:¶
(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;¶
(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:¶
(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?¶
(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?¶
(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?¶
(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?¶
(C) The "alternative areas" standard in paragraph ~~B~~(B) may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.¶
(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have

significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;¶
(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.¶
(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.¶
~~(4) For the expansion of an unincorporated community described under OAR 660-022-0010, including an urban unincorporated community pursuant to OAR 660-022-0040(2), the reasons exception requirements necessary to address standards 2 through 4 of Goal 2, Part II(c), as described in of subsections (2)(b), (c) and (d) of this rule, are modified to also include the following:¶~~
~~(a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land; and¶~~
~~(b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:¶~~
~~(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land;¶~~
~~(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or¶~~
~~(C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.~~
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.732

AMEND: 660-004-0022

RULE SUMMARY: Identified that when a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(2)(c) and OAR 660-022-0050 and OAR 660-022-0055, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent. Removes provisions otherwise applicable to a Reasons exception for the expansion of an unincorporated community. Identifies that OAR 660-022-0050 and 0055 contain the provisions for a reasons exception to expand an unincorporated community.

CHANGES TO RULE:

660-004-0022
Reasons Necessary to Justify an Exception Under Goal 2, Part II(c) ¶

An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule. Reasons that may allow an exception to Goal 11 to provide sewer service to rural lands are described in OAR 660-011-0060. Reasons that may allow transportation facilities and improvements that do not meet the requirements of OAR 660-012-0065 are provided in OAR 660-012-0070. Reasons that rural lands are irrevocably committed to urban levels of development are provided in OAR 660-014-0030. Reasons that may justify the establishment of new urban development on undeveloped rural land are provided in OAR 660-014-0040. Reasons that may justify the establishment of temporary natural disaster related housing on undeveloped rural lands are provided in OAR 660-014-0090.¶
(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 ~~or,~~ 660-014-0040, 660-022-0050, and 660-022-0055, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either:¶
(a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or¶
(b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.¶
(2) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned that require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.¶
(3) Rural Industrial Development: A local government may consider a photovoltaic solar power generation facility as defined in OAR 660-033-0130(38)(f) to be a rural industrial use. For the siting of rural industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:¶
(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;¶
(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or¶
(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.¶

(4) A site justified for a photovoltaic solar power generation facility under section (3) and is also found to satisfy OAR 660-004-0020 shall remain zoned for exclusive farm use, forest use or mixed farm and forest; whichever is applicable. A county shall also continue to apply the relevant approval criteria at OAR 660-033-0130(38), OAR 660-033-0130(44), or OAR 660-006-0025(4)(k).¶
(5) ~~Expansion of Unincorporated Communities: For the expansion of an Unincorporated Community defined under OAR 660-022-0010(10) the requirements of subsections (a) through (c) of this section apply:¶~~
~~(a) Appropriate reasons and facts may include findings that there is a demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3-19 and a demonstration that either:¶~~
~~(A) The use requires a location near a resource located on rural land; or¶~~
~~(B) The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:¶~~
~~(i) For industrial use, it would have a significant comparative advantage due to its location such as, for example, that it must be near a rural energy facility, or near products available from other activities only in the surrounding area, or that it is reliant on an existing work force in an existing unincorporated community;¶~~
~~(ii) For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial, or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodated in an existing exception area or urban growth boundary, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, nor on a projected continuation of past rural population distributions.¶~~
~~(b) The findings of need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and urban growth boundaries in the area. For purposes of this subsection, "area" includes those communities, exception areas, and urban growth boundaries that may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors.¶~~
~~(c) Expansion of the unincorporated community boundary requires a demonstrated ability to serve both the expanded area and any remaining infill development potential in the community, at the time of development, with the level of facilities determined to be appropriate for the existing unincorporated community.¶~~
~~(6) Expansion of Urban Unincorporated Communities: In addition to the requirements of section (4) of this rule, the expansion of an urban unincorporated community defined under OAR 660-022-0010(9) shall comply with OAR 660-022-0040.¶~~
~~(7)~~ Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses that are neither water-dependent nor water-related within the setback line required by section C.3.k of Goal 15 may be approved where reasons demonstrate the following:¶
(a) The use will not have a significant adverse effect on the greenway values of the site under consideration or on adjacent land or water areas;¶
(b) The use will not significantly reduce the sites available for water-dependent or water-related uses within the jurisdiction;¶
(c) The use will provide a significant public benefit; and¶
(d) The use is consistent with the legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by the commission under ORS 390.322.¶
(~~8~~6) Goal 16 - Water-Dependent Development: To allow water-dependent industrial, commercial, or recreational uses that require an exception in development and conservation estuaries, an economic analysis must show that there is a reasonable probability that the proposed use will locate in the planning area during the planning period, considering the following:¶
(a) Goal 9 or, for recreational uses, the Goal 8 Recreation Planning provisions;¶
(b) The generally predicted level of market demand for the proposed use;¶
(c) The siting and operational requirements of the proposed use including land needs, and as applicable, moorage, water frontage, draft, or similar requirements;¶
(d) Whether the site and surrounding area are able to provide for the siting and operational requirements of the proposed use; and¶
(e) The economic analysis must be based on the Goal 9 element of the County Comprehensive Plan and must consider and respond to all economic needs information available or supplied to the jurisdiction. The scope of this analysis will depend on the type of use proposed, the regional extent of the market and the ability of other areas to provide for the proposed use.¶
(~~9~~7) Goal 16 - Other Alterations or Uses: An exception to the requirement limiting dredge and fill or other reductions or degradations of natural values to water-dependent uses or to the natural and conservation management unit requirements limiting alterations and uses is justified, where consistent with ORS chapter 196, in any of the circumstances specified in subsections (a) through (e) or (g), of this section:¶
(a) Dredging to obtain fill for maintenance of an existing functioning dike where an analysis of alternatives

demonstrates that other sources of fill material, including adjacent upland soils or stockpiling of material from approved dredging projects, cannot reasonably be utilized for the proposed project or that land access by necessary construction machinery is not feasible;¶
(b) Dredging to maintain adequate depth to permit continuation of the present level of navigation in the area to be dredged;¶
(c) Fill or other alteration for a new navigational structure where both the structure and the alteration are shown to be necessary for the continued functioning of an existing federally authorized navigation project such as a jetty or a channel;¶
(d) An exception to allow minor fill, dredging, or other minor alteration of a natural management unit for a boat ramp or to allow piling and shoreline stabilization for a public fishing pier;¶
(e) Dredge or fill or other alteration for expansion of an existing public non-water-dependent use or a nonsubstantial fill for a private non-water-dependent use (as provided for in ORS 196.825) where:¶
(A) A Countywide Economic Analysis based on Goal 9 demonstrates that additional land is required to accommodate the proposed use;¶
(B) An analysis of the operational characteristics of the existing use and proposed expansion demonstrates that the entire operation or the proposed expansion cannot be reasonably relocated; and¶
(C) The size and design of the proposed use and the extent of the proposed activity are the minimum amount necessary to provide for the use.¶
(f) In each of the situations set forth in subsections (a) to (e) or (g), of this section, the exception must demonstrate that the proposed use and alteration (including, where applicable, disposal of dredged materials) will be carried out in a manner that minimizes adverse impacts upon the affected aquatic and shoreland areas and habitats.¶
(g) For deep draft navigational channel improvements, an exception to Goal 16 may be taken as provided in ~~section 2, chapter 544, Oregon Laws 2023~~ORS 197.428.¶
(~~10~~8) Goal 17 - Incompatible Uses in Coastal Shoreland Areas: Exceptions are required to allow certain uses in Coastal Shoreland areas consistent with subsections (a) through (e) of this section, where applicable:¶
(a) For purposes of this section, "Coastal Shoreland Areas" include:¶
(A) Major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources and historic and archaeological sites;¶
(B) Shorelands in urban and urbanizable areas, in rural areas built upon or irrevocably committed to non-resource use and shorelands in unincorporated communities pursuant to OAR chapter 660, division 22 (Unincorporated Communities) that are suitable for water-dependent uses;¶
(C) Designated dredged material disposal sites; and¶
(D) Designated mitigation sites.¶
(b) To allow a use that is incompatible with Goal 17 requirements for coastal shoreland areas listed in subsection (9)(a) of this rule, the exception must demonstrate:¶
(A) A need, based on Goal 9, for additional land to accommodate the proposed use;¶
(B) Why the proposed use or activity needs to be located on the protected site, considering the unique characteristics of the use or the site that require use of the protected site; and¶
(C) That the project cannot be reduced in size or redesigned to be consistent with protection of the site and, where applicable, consistent with protection of natural values.¶
(c) Exceptions to convert a dredged material disposal site or mitigation site to another use must also either not reduce the inventory of designated and protected sites in the affected area below the level identified in the estuary plan or be replaced through designation and protection of a site with comparable capacity in the same area.¶
(d) Uses that would convert a portion of a major marsh, coastal headland, significant wildlife habitat, exceptional aesthetic resource, or historic or archaeological site must use as little of the site as possible and be designed and located and, where appropriate, buffered to protect natural values of the remainder of the site.¶
(e) Exceptions to designate and protect, for water-dependent uses, an amount of shorelands less than that amount required by Goal 17 Coastal Shoreland Uses Requirement 2 must demonstrate that:¶
(A) Based on the Recreation Planning requirements of Goal 8 and the requirements of Goal 9, there is no need during the next 20-year period for the amount of water-dependent shorelands required by Goal 17 Coastal Shoreland Uses Requirement 2 for all cities and the county in the estuary. The Goal 8 and Goal 9 analyses must be conducted for the entire estuary and its shorelands, and must consider the water-dependent use needs of all local government jurisdictions along the estuary, including the port authority, if any, and be consistent with the Goal 8 Recreation Planning elements and Goal 9 elements of the comprehensive plans of those jurisdictions; and¶
(B) There is a demonstrated need for additional land to accommodate the proposed use(s), based on one or more of the requirements of Goals 3 to 18.¶
(~~11~~9) Goal 18 - Foredune Breaching: A foredune may be breached when the exception demonstrates that an existing dwelling located on the foredune is experiencing sand inundation and the sand grading or removal:¶
(a) Does not remove any sand below the grade of the dwelling;¶

(b) Is limited to the immediate area in which the dwelling is located;¶
(c) Retains all graded or removed sand within the dune system by placing it on the beach in front of the dwelling; and¶
(d) Is consistent with the requirements of Goal 18 "Beaches and Dunes" implementation requirement 1.¶
(1~~2~~0) Goal 18 - Foredune Development: An exception may be taken to the foredune use prohibition in Goal 18 "Beaches and Dunes", implementation requirement 2. Reasons that justify why this state policy embodied in Goal 18 should not apply shall demonstrate that:¶
(a) The use will be adequately protected from any geologic hazards, wind erosion, undercutting ocean flooding and storm waves, or the use is of minimal value;¶
(b) The use is designed to minimize adverse environmental effects; and¶
(c) The exceptions requirements of OAR 660-004-0020 are met.¶
(1~~3~~1) Goal 18 - Beachfront Protective Structures: An exception may be taken to the requirements of Goal 18, implementation requirement 5 to permit beachfront protective structures for the primary purpose of protecting and stabilizing ocean-fronting public roads and highways that were developed on January 1, 1977. As used in this section, "public roads and highways" mean roadways that are owned, operated, maintained, or any combination thereof by federal, tribal, state, county, or city government or a special district as defined in ORS 197.015(19). Roads that dead end at the ocean shore as defined in ORS 390.605(2) or otherwise generally run perpendicular to the ocean shore are not eligible for this exception. Uses such as parking lots, waysides, and campgrounds are not roads and are not eligible for this exception. Only a public body that owns, operates, or maintains the public roadway may apply for an exception under this section. Reasons that justify why the requirements of Goal 18, implementation requirement 5 should not apply shall include the following:¶
(a) Justification that the beachfront protective structure will provide a significant public benefit by protecting and stabilizing the ocean-fronting public road or highway;¶
(b) Feasibility Assessment: Evaluation of alternatives to a beachfront protective structure that would not require an exception and that shows there are no reasonable alternatives to the proposed activity or project modifications that would better protect public rights, reduce or eliminate the detrimental effects on the ocean shore, or avoid long-term costs to the public. This feasibility assessment shall describe why alternatives are not achievable, or if tried, why they were not successful. Relevant factors may include topographic limitations, environmental constraints, limits of area for relocation, or cost. If, and only if, the feasibility assessment does not identify a viable option that would not require an exception, then the assessment shall also include a description and justification of the preferred erosion mitigation technique that does require an exception. This feasibility assessment shall evaluate, at a minimum, the following alternatives:¶
(A) Hazard avoidance options, including removing, moving, or relocating the road or highway;¶
(B) Non-structural stabilization methods (e.g., foredune enhancement, beach nourishment, vegetation plantings, cobble berms);¶
(C) Site modifications for the control of erosion such as vegetation management, drainage controls, slope regrading, and structure reinforcements; and¶
(D) Bioengineering techniques (e.g., clay burritos and vegetated terraces).¶
(c) Demonstration that the proposed beachfront protective structure will:¶
(A) Minimize visual impacts;¶
(B) Maintain access to and along the ocean shore, including access to the Oregon Coast Trail;¶
(C) Minimize negative impacts on adjacent property;¶
(D) Minimize adverse impacts on water currents, erosion, and accretion patterns;¶
(E) Account for the impacts of local sea level rise and climate change for the design life of the structure; and¶
(F) Avoid or mitigate long-term and recurring costs to the public. As used in this subsection, "mitigate" means the reduction of adverse effects of a proposed beachfront protective structure on beach habitats and beach access by evaluating, in the following order:¶
(i) Avoiding the effect altogether by not taking a certain action or parts of an action;¶
(ii) Minimizing the effect by limiting the degree or magnitude of the action and its implementation;¶
(iii) Rectifying the effect by repairing, rehabilitating, or restoring the affected ocean shore area;¶
(iv) Reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;¶
(v) Compensating for the effect by creating, restoring, enhancing, or preserving beach habitat, beach access to and along the ocean shore, or both, and within the same general vicinity of the proposed beachfront protective structure. Compensation should consider the Oregon Parks and Recreation Department's Ocean Shore Management Strategy.¶
(d) Assessment of how the exception requirements of OAR 660-004-0020 are met.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.012, ORS 197.040, ORS 197.712, ORS 197.717, ORS 197.732, ORS

197.428

AMEND: 660-011-0000

RULE SUMMARY: Establishes that components of a sewer system that serve lands inside an unincorporated community (UC) may be placed on lands outside the UC boundary in order to more efficiently serve lands inside the UC, or to serve lands inside a nearby urban growth boundary or UC. Also establishes that for lands included within an unincorporated community as defined at OAR 660-022-0010(11), satisfying the provisions applicable provisions OAR 660-022-0050 or OAR 660-022-0055, shall have the effect of justifying an exception to Goal 11.

CHANGES TO RULE:

660-011-0000
Purpose ¶

The purpose of this division is to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement ORS 197.712(2)(e), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11. The division contains definitions relating to a public facility plan, procedures and standards for developing, adopting, and amending such a plan, the date for submittal of the plan to the Commission and standards for Department review of the plan.¶
~~[ED. NOTE: Goals referenced are available from the agency.]~~
Statutory/Other Authority: ORS 1~~83, 197~~97.040
Statutes/Other Implemented: ORS 197.712

AMEND: 660-011-0060

RULE SUMMARY: Establishes that components of a sewer system that serve lands inside an unincorporated community (UC) may be placed on lands outside the UC boundary in order to more efficiently serve lands inside the UC, or to serve lands inside a nearby urban growth boundary or UC. Also establishes that for lands included within an unincorporated community as defined at OAR 660-022-0010(11), satisfying the provisions applicable provisions OAR 660-022-0050 or OAR 660-022-0055, shall have the effect of justifying an exception to Goal 11.

CHANGES TO RULE:

660-011-0060
Sewer Service to Rural Lands ¶

(1) As used in this rule, unless the context requires otherwise:¶
(a) "Establishment of a sewer system" means the creation of a new sewage system, including systems provided by public or private entities;¶
(b) "Extension of a Sewer System" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer system in order to provide service to a use, regardless of whether the use is inside the service boundaries of the public or private service provider. The sewer service authorized in section (8) of this rule is not an extension of a sewer;¶
(c) "No practicable alternative to a sewer system" means a determination by the Department of Environmental Quality (DEQ) or the Oregon Health Division, pursuant to criteria in OAR chapter 340, division 71, and other applicable rules and laws, that an existing public health hazard cannot be adequately abated by the repair or maintenance of existing sewer systems or on-site systems or by the installation of new on-site systems as defined in OAR 340-071-0100;¶
(d) "Public health hazard" means a condition whereby it is probable that the public is exposed to disease-caused physical suffering or illness due to the presence of inadequately treated sewage;¶
(e) "Sewage" means the water-carried human, animal, vegetable, or industrial waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present;¶
(f) "Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. The following are not considered a "sewer system" for purposes of this rule:¶
(A) A system provided solely for the collection, transfer ~~and/or~~ disposal of storm water runoff, or any combination thereof;¶
(B) A system provided solely for the collection, transfer ~~and/or~~ disposal of animal waste from a farm use as defined in ORS 215.303, or any combination thereof.¶
(2) Except as provided in sections (3), (4), (8), and (9) of this rule, and consistent with Goal 11, a local government shall not allow:¶
(a) The establishment of new sewer systems outside urban growth boundaries or unincorporated community boundaries;¶
(b) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries;¶
(c) The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve uses that are outside such boundaries and are not served by the system on July 28, 1998.¶
(3) Components of a sewer system that serve lands inside an urban growth boundary (UGB) or lands inside an unincorporated community (UC) may be placed on lands outside the UGB or UC boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:¶
(a) Such placement is necessary to:¶
(A) Serve lands inside the UGB or UC more efficiently by traversing lands outside the boundary;¶
(B) Serve lands inside a nearby UGB or ~~unincorporated community~~UC;¶
(C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;¶
(D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or¶
(E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;¶

(b) The local government:¶
(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and¶
(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.¶
(4) A local government may allow the establishment of a new sewer system, or the extension of an existing sewer system, to serve land outside urban growth boundaries and unincorporated community boundaries in order to mitigate a public health hazard, provided that the conditions in subsections (a) and (b) of this section are met, as follows:¶
(a) The DEQ or the Oregon Health Division initially:¶
(A) Determines that a public health hazard exists in the area;¶
(B) Determines that the health hazard is caused by sewage from development that existed in the area on July 28, 1998;¶
(C) Describes the physical location of the identified sources of the sewage contributing to the health hazard; and¶
(D) Determines that there is no practicable alternative to a sewer system in order to abate the public health hazard; and¶
(b) The local government, in response to the determination in subsection (a) of this section, and based on recommendations by DEQ and the Oregon Health Division where appropriate:¶
(A) Determines the type of sewer system and service to be provided, pursuant to section (5) of this rule;¶
(B) Determines the boundaries of the sewer system service area, pursuant to section (6) of this rule;¶
(C) Adopts land use regulations that ensure the sewer system is designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries described under paragraph (B) of this subsection, except for urban reserve areas as provided under OAR 660-021-0040(6);¶
(D) Adopts land use regulations to prohibit the sewer system from serving any uses other than those existing or allowed in the identified service area on the date the sewer system is approved;¶
(E) Adopts plan and zone amendments to ensure that only rural land uses are allowed on rural lands in the area to be served by the sewer system, consistent with Goal 14 and OAR 660-004-0018, unless a Goal 14 exception has been acknowledged;¶
(F) Ensures that land use regulations do not authorize a higher density of residential development than would be authorized without the presence of the sewer system; and¶
(G) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.¶
(5) Where the DEQ determines that there is no practicable alternative to a sewer system, the local government, based on recommendations from DEQ, shall determine the most practicable sewer system to abate the health hazard considering the following:¶
(a) The system must be sufficient to abate the public health hazard pursuant to DEQ requirements applicable to such systems; and¶
(b) New or expanded sewer systems serving only the health hazard area shall be generally preferred over the extension of a sewer system from an urban growth boundary. However, if the health hazard area is within the service area of a sanitary authority or district, the sewer system operated by the authority or district, if available and sufficient, shall be preferred over other sewer system options.¶
(6) The local government, based on recommendations from DEQ and, where appropriate, the Oregon Health Division, shall determine the area to be served by a sewer system necessary to abate a health hazard. The area shall include only the following:¶
(a) Lots and parcels that contain the identified sources of the sewage contributing to the health hazard;¶
(b) Lots and parcels that are surrounded by or abut the parcels described in subsection (a) of this section, provided the local government demonstrates that, due to soils, insufficient lot size, or other conditions, there is a reasonably clear probability that onsite systems installed to serve uses on such lots or parcels will fail and further contribute to the health hazard.¶
(7) The local government or agency responsible for the determinations pursuant to sections (4) through (6) of this rule shall provide notice to all affected local governments and special districts regarding opportunities to participate in such determinations.¶
(8) A local government may allow a residential use to connect to an existing sewer line provided the conditions in subsections (a) through (h) of this section are met:¶
(a) The sewer service is to a residential use located on a parcel as defined by ORS 215.010(1), or a lot created by subdivision of land as defined in ORS 92.010;¶
(b) The parcel or lot is within a special district or sanitary authority sewer service boundary that existed on January 1, 2005, or the parcel is partially within such boundary and the sewer service provider is willing or obligated to provide service to the portion of the parcel or lot located outside that service boundary;¶

(c) The sewer service is to connect to a residential use located within a rural residential area, as described in OAR 660-004-0040, which existed on January 1, 2005;¶
(d) The nearest connection point from the residential parcel or lot to be served is within 300 feet of a sewer line that existed at that location on January 1, 2005;¶
(e) It is determined by the local government to be practical to connect the sewer service to the residential use considering geographic features or other natural or man-made constraints;¶
(f) The sewer service authorized by this section shall be available to only those parcels and lots specified in this section, unless service to other parcels or lots is authorized under sections (4) or (9) of this rule;¶
(g) The existing sewer line, from where the nearest connection point is determined under subsection (8)(d) of this rule, is not located within an urban growth boundary or unincorporated community boundary; and¶
(h) The connection of the sewer service shall not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and shall not be used as a basis for an exception to Goal 14 as required by OAR 660-004-0040(6).¶
(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:¶
(a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or¶
(b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.¶
(c) For lands included within an unincorporated community as defined at OAR 660-022-0010(11), satisfying the provisions applicable provisions OAR 660-022-0050 or OAR 660-022-0055, shall have the effect of justifying an exception to Goal 11.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712

AMEND: 660-011-0065

RULE SUMMARY: Establishes that components of a sewer system that serve lands inside an unincorporated community (UC) may be placed on lands outside the UC boundary in order to more efficiently serve lands inside the UC, or to serve lands inside a nearby urban growth boundary or UC. Also establishes that for lands included within an unincorporated community as defined at OAR 660-022-0010(11), satisfying the provisions applicable provisions OAR 660-022-0050 or OAR 660-022-0055, shall have the effect of justifying an exception to Goal 11.

CHANGES TO RULE:

660-011-0065
Water Service to Rural Lands ¶

(1) As used in this rule, unless the context requires otherwise:¶
(a) "Establishment" means the creation of a new water system and all associated physical components, including systems provided by public or private entities;¶
(b) "Extension of a water system" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing water system in order to provide service to a use that was not served by the system on the applicable date of this rule, regardless of whether the use is inside the service boundaries of the public or private service provider.¶
(c) "Water system" shall have the same meaning as provided in Goal 11, and includes all pipe, conduit, pipeline, mains, or other physical components of such a system.¶
(2) Consistent with Goal 11, local land use regulations applicable to lands that are outside urban growth boundaries and unincorporated community boundaries shall not:¶
(a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;¶
(b) Allow a higher density for residential development served by a water system than would be authorized without such service; or¶
(c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.¶
(3) Applicable provisions of this rule, rather than conflicting provisions of local acknowledged zoning ordinances, shall immediately apply to local land use decisions filed subsequent to the effective date of this rule.¶
~~[ED. NOTE: Goal referenced is available from the agency.]~~
Statutory/Other Authority: ORS 1~~83, 197~~97.040
Statutes/Other Implemented: ORS 197.712

AMEND: 660-014-0040

RULE SUMMARY: Establishes that a proposal to expand the boundary of an unincorporated community found to satisfy the applicable provisions of OAR 660-022-0050, OAR 660-022-0055, OAR 660-022-0060, OAR 660-022-0065, and OAR 660-022-0090 shall also be determined to satisfy the requirements of Goal 2, Part II(c) for exceptions to Goals 3, 4, 11, and 14 as needed.

CHANGES TO RULE:

660-014-0040
Establishment of New Urban Development on Undeveloped Rural Lands ¶

(1) As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.¶
(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.¶
(3) To approve an exception under section (2) of this rule, a county must also show:¶
(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;¶
(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:¶
(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and¶
(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.¶
(c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:¶
(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and¶
(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.¶
(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and¶
(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.¶
(4) Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in exception areas that were planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.¶
(5) Any proposal to expand the boundary of an unincorporated community found to satisfy the applicable provisions of OAR 660-022-0050, OAR 660-022-0055, OAR 660-022-0060, OAR 660-022-0065, and OAR 660-022-0090 shall also be determined to satisfy the requirements of Goal 2, Part II(c) for exceptions to Goals 3, 4, 11, and 14 as needed.
Statutory/Other Authority: ORS 197
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0000

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0000
Purpose ¶

(1) The purpose of this division is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.¶
(2) This division interprets Goals 11 and 14 concerning urban and rural development outside urban growth boundaries and applies only to unincorporated communities defined in OAR 660-022-0010.¶
(3) This division does not apply to areas approved as destination resorts under the destination resort statute, ORS 197.435 through 197.467.
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0010

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0010
Definitions ¶

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OAR chapter 660, division 15) apply. In addition, the following definitions apply:¶
(1) "Commercial Use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution centers.¶
(2) "Community Sewer System" means a sewage disposal system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.¶
(3) "Community Water System" means a system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.¶
(4) "~~Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.¶~~
(~~5~~Developable land" means for the purposes of this rule land designated or zoned to allow residential use or serviceable land designated for industrial or other employment use, or both. Developable land includes vacant land, partially vacant land, and developed land likely to be redeveloped, that is suitable and available. Publicly owned land is generally not considered available for the development of unless otherwise determined by the local government to be available through coordination with public entities. Land is generally considered "suitable and available" unless it:¶
(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;¶
(b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;¶
(c) Has slopes of 25 percent or greater;¶
(d) Is within the 100-year flood plain or floodway; or¶
(e) Cannot be provided with public facilities.¶
(5) "Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.¶
(6) "Long-range growth potential" refers to a planning-level estimate that coordinates existing and future infrastructure capacity with population forecasting to determine the ability of an unincorporated community to provide enough developable land for identified land uses.¶
(7) "Middle Housing" refers to those housing types defined in ORS 197A.420(1)(e)(A).¶
(8) "Multi-Unit Housing" refers to those housing types defined in OAR 660-008-0005(34).¶
(9) "Permanent residential dwellings" includes manufactured homes~~,~~ but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground.¶
(~~6~~10) "Resort Community" is an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes; and¶
(a) Includes residential and commercial uses; and¶
(b) Provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.¶
(~~7~~11) "Rural Community" is an unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.¶

(~~8~~12) "Rural Service Center" is an unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.¶
(~~9~~13) "Urban Unincorporated Community" is an unincorporated community which has the following characteristics:¶
(a) Include at least 150 permanent residential dwellings units;¶
(b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;¶
(c) Includes areas served by a community sewer system; and¶
(d) Includes areas served by a community water system.¶
(1~~0~~4) "Unincorporated Community" means a settlement with all of the following characteristics:¶
(a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;¶
(b) It was either identified in a county's acknowledged comprehensive plan as a "rural community," "service center," "rural center," "resort community," or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997, "Survey of Oregon's Unincorporated Communities";¶
(c) It lies outside the urban growth boundary of any city;¶
(d) It is not incorporated as a city; and¶
(e) It met the definition of one of the four types of unincorporated communities in sections (~~6~~10) through (~~9~~13) of this rule, and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0020

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0020
Designation of Community Areas ¶

(1) Except as provided in OAR 660-022-01~~07~~0, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-022-0010. Counties may amend these designations as circumstances change over time.¶
(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands, and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.¶
(3) Only land meeting the following criteria may be included within an unincorporated community boundary:¶
(a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:¶
(A) Commercial, industrial, or public uses; ~~and/or~~¶
(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities; and¶
(C) Both (A) and (B).¶
(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.¶
(4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:¶
(a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;¶
(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;¶
(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and¶
(d) The land remains planned and zoned under Goals 3 or 4.¶
(5) Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes land designated for farm or forest use that does not meet the criteria in section (4) of this rule.¶
(6) Communities which meet the definitions in both OAR 660-022-0010(~~6~~10) and (~~9~~13) shall be classified and planned as either resort communities or urban unincorporated communities.¶
(7) In addition to those lands described in subsections (3) and (4), a county establishing the boundary of an urban unincorporated community may include a supply of developable land capable of supporting a long-range growth potential of up to 20 years. Long-range growth potential shall be determined consistent with the provisions of OAR 660-022-0050, and OAR 660-022-0060 or OAR 660-022-0065, whichever is applicable.
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0030

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0030
Planning and Zoning of Unincorporated Communities
(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.¶
(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.¶
(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:¶
(a) Uses authorized under Goals 3 and 4;¶
(b) Expansion of a use existing on the date of this rule;¶
(c) Small-scale, low impact uses;¶
(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);¶
(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;¶
(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure that:¶
(A) ~~That s~~Such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;¶
(B) ~~That s~~Such uses would not rely upon a work force employed by uses within urban growth boundaries; and¶
(C) Th~~at th~~e determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.~~;~~¶
(g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:¶
(A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or¶
(B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.¶
(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:¶
(a) Uses authorized under Goals 3 and 4;¶
(b) Small-scale, low impact uses;¶
(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.¶
(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as ~~provided in subsections (a) through (c) of this section~~follows:¶
(a) Any number of new motel and hotel units may be allowed in resort communities;¶
(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service

center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;¶
(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.¶
(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.¶
(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).¶
(8) County plans and land use regulations should consider adaptive re-use of former public, commercial, industrial or municipal buildings that have closed or are otherwise no longer in service.¶
(9) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:¶
(~~A~~a) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and¶
(~~B~~b) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.¶
(~~9~~10) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.¶
(1~~0~~1) For purposes of subsection (~~b) of section (4) of this rule~~4)(b), a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.¶
(1~~1~~2) For purposes of subsection (~~c) of section (3) of this rule~~3)(c), a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.¶
(1~~2~~3) Notwithstanding sections (1) and (2), a county may approve the uses in subsections (a) and (b) without amendments to the county plan or land use regulations when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county and, furthermore, has resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. Uses approved under this section shall be consistent with all applicable provisions of law including adopted comprehensive plan provisions and land use regulations to protect people and property from flood, geologic, and wildfire hazards.¶
(a) Temporary residential uses in conjunction with a dwelling that either existed or had received land use approval to be constructed on July 5, 2020. Such uses must be removed or converted to an allowed use within 120 months from the date of the Governor's emergency declaration. Temporary residential uses approved under this subsection are limited to the following;¶
(A) A single manufactured dwelling;¶
(B) Use of an existing building or buildings;¶
(C) Up to two yurts;¶
(D) Up to five recreational vehicles; or¶
(E) Up to five fabric structures, tents or similar accommodations.¶
(b) Transitional housing accommodations as described at ORS 197A.452(2) and (4) when homes and other private property on lands within the county or an adjacent county have received damage from a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610.
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0040

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0040
Urban Unincorporated Communities ¶

~~(1)~~ Counties with qualifying communities shall adopt plans and land use regulations for urban unincorporated communities (UUC's). All statewide planning goals applicable to cities shall also apply to UUC's, except for those goals provisions relating to urban growth boundaries and related requirements regarding the accommodation of long-term need for housing and employment growth.¶
~~(2) Counties may expand the boundaries of those UUC's with the following characteristics in order to include developable land to meet a demonstrated long-term need for housing and employment:¶~~
~~(a) The UUC is at least 20 road miles from an urban growth boundary with a population over 25,000; and¶~~
~~(b) The UUC is at least 10 road miles from an urban growth boundary with a population of 25,000 or less.¶~~
~~(3) To expand the boundary of a UUC, a county shall demonstrate a long-term need for housing and employment in the community. The county shall base its demonstration upon population growth estimates from a reputable forecast service (such as Portland State University). The county shall coordinate its estimates with those for other cities and communities in the county. The county shall consider:¶~~
~~(a) Plans to extend facilities and services to existing community land; and¶~~
~~(b) The infill potential of existing land in the community.¶~~
~~(4) If a county determines that it must expand the boundary of a UUC to accommodate a long-term need for housing and employment, it shall follow the criteria for amendment of an urban growth boundary in statewide planning Goal 14 and shall select land using the following priorities:¶~~
~~(a) First priority goes to that developable land nearest to the UUC which is identified in an acknowledged comprehensive plan as exception area or nonresource land;¶~~
~~(b) If land described in subsection (a) of this section is not adequate to accommodate the need demonstrated pursuant to section (3) of this rule, second priority goes to land designated in a comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use, with designated marginal land considered the lowest capability (highest priority for selection);¶~~
~~(c) Land described in subsection (4)(b) of this section may be included if land of higher priority is inadequate to accommodate the need projected according to section (3) of this rule for any one of the following reasons:¶~~
~~(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or¶~~
~~(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or¶~~
~~(C) Maximum efficiency of land use within the UUC requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.¶~~
~~(5) Counties shall apply plans and land use regulations to ensure that land added to a UUC:¶~~
~~(a) Is used only to satisfy needs identified pursuant to section (3) of this rule; and¶~~
~~(b) Is provided with sewer and water services at the time of development; and¶~~
~~(c) Is planned and zoned according to the requirements of this division; and¶~~
~~(d) If designated for residential use, meets the requirements of statewide planning Goal 10 and ORS 197.314; and¶~~
~~(6) Counties shall not rely upon the use of land included within a UUC as the basis for determining that nearby land designated in compliance with goals relating to agriculture or forestry is committed to nonresource use as defined in OAR 660-004-0005(3).¶~~
~~(7) Counties shall include findings of fact and conclusions of law demonstrating compliance with the provisions of~~

~~this rule in their comprehensive plans.¶~~
~~(8) For purposes of this rule, "developable land" shall have the meaning given that term in OAR 660-021-0010(5).¶~~
~~(9) For purposes of this rule, "long-term need" means needs for the UUC anticipated for the next 10 years.~~
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

ADOPT: 660-022-0045

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0045
Exceptions for Expanding Unincorporated Community Boundaries
Any proposal to expand the boundary of an unincorporated community found to satisfy the applicable provisions of OAR 660-022-0050, OAR 660-022-0055, OAR 660-022-0060, OAR 660-022-0065, and OAR 660-022-0090 shall also be determined to satisfy the requirements of Goal 2, Part II(c) for exceptions to Goals 3, 4, 11, and 14 as needed.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0050

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0050
~~Community Public Facility Plans~~ Expanding Unincorporated Community Boundaries, Long-range Growth Potential ¶

(1) ~~In~~A co~~ordination with special districts, counties shall adopt p~~unty may expand the boundary of an UUC or Rural Communities (RC) with at least 75 residences that has the following characteristics in order to include developable land to meet a demonstrated long-range growth potential for housing and employment:¶
(a) The UUC or RC is served by community sewer and water systems with the ability to accommodate the long-term growth potential as demonstrated by a Community Public ~~f~~Facilit~~y plans meeting the requirements of OAR 660, division 11, and include them~~ies Plan pursuant to OAR 660-022-0080 that describes the existing services available to accommodate the long-range growth potential or, if not currently available, how and when services will be made available at the time of development.¶
(b) Expanding the ~~comprehensive plan for unincorporated communities over 2,500 in population. A~~boundary of the UUC or RC will not interfere with the efficient functioning of urban growth boundaries because:¶
(A) The UUC or RC is at least 20 road miles from an urban growth boundary with a population of 2,500 or less and located in the same co~~mmun~~ity ~~public facility plan addressing sewer and water is required if the unincorporated comm~~; and¶
(B) The UUC or RC is at least 15 road miles from an urban growth boundary with a population greater than 2,500 but no more than 10,000 and located in the same cou~~n~~ity ~~is designated as an urban unincorporated community under OAR 660-022-0010 and 660-022-0020. For all~~; and¶
(C) The UUC or RC is at least 10 road miles from an urban growth boundary with a population greater than 10,000 but no more than 25,000 and located in the same co~~mmunities, a sewer and water community public facility plan is required if:¶~~
~~(a) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state~~unty; and¶
(D) The UUC or RC is at least five road miles from an urban growth boundary with a population greater than 25,000 and located in the same county; or¶
(E) For an UUC only, the county demonstrates in the manner provided for review of a work task under ORS 197.633 that expansion of the UUC boundary will not interfere with the efficient functioning of any urban growth boundary within the distances identified in paragraphs (A) through (D). Appropriate reasons and facts to demonstrate that the requirements of this subsection are met may include but are not limited to the following:¶
(i) The ability to expand an urban growth boundary described in paragraphs (A) through (D) is severely constrained due to topography, the presence of natural hazards, or operation o~~r~~f federal ~~standards~~law; or¶
(~~b~~ii) The ~~plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanit~~UCC will provide housing opportunities for those who live and work in the UUC or in the nearby rural area that are not being suitably accommodated within the urban growth boundaries; and¶
(iii) Consistent with sections (3) and (4), the county will adopt planning, zoning, and other housing and financial related tools in the expansion area to make it reasonably likely the housing will be affordable to those who live and work in the UUC or in the nearby ~~systems or by existing community facilities and services; or¶~~
~~(c)~~rural area.¶
(2) The county shall demonstrate a long-range growth potential for housing and employment in the community based upon:¶

(a) Population growth estimates from a reputable forecast service (such as Portland State University). The commuñity ~~relies on groundwater and is within a groundwater limi~~shall coordinate its estimates with those for other cities and communities in the county. Alternatively, a county may utilize:¶
(A) An annual average growth rate of 1.0 percent for an UUC; or¶
(B) An annual average growth rate~~d or groundwater critical area as identified by the Oregon Department of Water Resources; or~~¶
~~(d) Land in the community has been declared a health hazard or has a history of failing septic systems or wells.~~¶
~~(2) A community~~f 0.5 percent for a RC.¶
(b) Consideration of plans to extend facilities and services to existing community land. For areas planned and zoned for residential use the requirements of this subsection are satisfied when:¶
(A) Will serve letters are provided from each special district or adjacent city to extend the necessary utility services for the community, indicating full coverage of the existing community boundary, including but not limited to: potable water, wastewater conveyance/treatment, fire, emergency medical service; and¶
(B) Evidence of financial planning to achieve full build-out of the services identified in (A) for the existing community boundary is provided in an adopted public facilit~~y~~ies plan ~~shall include inventories, projected needs, policies and regulations for the water and sewerage facilities which are existing or needed to serve the unincorporated community, including.~~¶
(c) Consideration of the infill potential of existing land in the community, which requires:¶
(A) Evaluation of existing housing stock, and its ability to meet regional (county) area median income levels of affordability; and¶
(B) Land use efficiency measures, consistent with OAR 660-008-0150(1)(b), are effectuated within the existing community boundary, consistent with utility service availability; or¶
(C) As an alternative to conducting a specific analysis, a county may find that the requirement of paragraph (B) is satisfied if the resulting zoning designations align with the following housing type mix safe harbor for the community boundary area:¶
(~~a~~i) ~~An inventory of the condition and capacity of existing public facilities and services;~~Single-unit detached housing represents no more than 70 percent of the area;¶
(ii) Middle housing and duplexes are an outright permitted use on at least 20 percent of the area; and¶
(iii) Multi-unit housing is allowed on at least 10 percent of the area.¶
(~~b~~3) ~~An assessment of the level of facilities and services needed to adequately serve the planned buildout within the community area boundary; and~~¶
~~(c) Coordination agreements consistent with ORS chapter 195.~~¶
~~(3) If existing comm~~Counties shall apply plans and land use regulations to ensure that land added for housing and employment:¶
(a) Is used only to satisfy the long-range growth potential for housing identified pursuant to section (2); and¶
(b) Is provided with sewer and water services at the time of development; and¶
(c) Is planned and zoned according to the requirements of this division.¶
(d) County plans and land use regulations shall ensure the opportunity for residential uses and densities that support housing that is affordable across all income levels as defined in ORS 184.453 and of diverse housing types, consistent with regional data and Goal 10. As an alternative to conducting a specific analysis, a coun~~i~~ty ~~facilities and services are not currently adequate to serve the development allowed in the plan and zoning ordinance, the community public facility plan shall contain either:~~may find that requirements of this subsection are satisfied if, in addition to the provisions at OAR 660-022-0030, implementing zoning measures require:¶
(A) Accessory dwelling units as defined at ORS 197A.425(1)(b)(A) are allowed as an outright permitted use in all residential zoning districts.¶
(B) Zoning for single-unit detached housing represents no more than 70 percent of the area;¶
(C) Middle housing and duplexes are an outright permitted use on at least 20 percent of the area;¶
(D) Multi-unit housing is allowed on at least 10 percent of the area; and¶
(~~a~~E) ~~Development restrictions to ensure development will not exceed the capacity of the land to absorb waste and provide potable water and will not exceed the capacity of public facilities; or~~New lots created for single dwelling units are no larger than 8,000 square feet.¶
(4) Counties shall not rely upon the use of land included within a UUC as the basis for determining that nearby land designated in compliance with goals relating to agriculture or forestry is committed to nonresource use as defined in OAR 660-004-0005(3).¶
(5) Counties shall include findings of fact and conclusions of law demonstrating compliance with the provisions of this rule in their comprehensive plans.¶
(~~b~~6) ~~A list of new facilities, and improvements for existing public facilities, necessary to adequately serve the planned buildout in the unincorporated community, including the projected costs of these improvements and an identification of the provider or providers of these improvements; and~~Long-range growth potential is measured

over the following planning horizons:¶
(a) The next 10 years if the community is a RC.¶
(b) At least the next 10 years, but no more than the next 20 years if the community is a UUC.¶
(7) Counties may choose not to include lands subject to natural hazards identified in an acknowledged comprehensive plan or development code that the county determines present a significant risk to life or property when considering the expansion of an unincorporated community. If such lands are included within an unincorporated community boundary, implementing zoning shall, in addition to the provisions of OAR 660-022-0030, include:¶
(a) Provisions requiring development to comply with locally adopted defensible space and home hardening standards, including but not limited to defensible space standards that meet or exceed the state's model defensible space code and meet the Oregon Residential Specialty Code (ORSC) section R327 (Wildfire Hazard Mitigation) if wildfire is an identified natural hazard. Where locally adopted defensible space and home hardening standards are not present, a county may:¶
(A) Adopt defensible space and home hardening standards that meet or exceed the state's model defensible space code and meet ORSC section R327 (Wildfire Hazard Mitigation) prior to authorizing new development within the expansion area; or¶
(~~c~~B) A~~ discussion of the provider's funding~~pply the Fire-Siting Standards for Dwellings and Structures identified at OAR 660-006-0035 to all new development within the expansion area until the county has adopt defensible space and hom~~e c~~ ha~~nisms and the ability of these and possibly new mechanisms to fund the development of each community public facility project; and~~¶
~~(d) A requirement that development not occur u~~rdening standards that meet or exceed the state's model defensible space code and meet ORSC section R327 (Wildfire Hazard Mitigation).¶
(b) Requirements that proposed development on lands within the Special Flood Hazard Area (SFHA) must meet the jurisdiction's adopted floodplain ordinance or code.¶
(c) Development standards that mitigate risks and protect life and property for natural hazards other than wildfire or flood.¶
(8) Expanding the boundary of a UUC for a long-range growth potential ~~the necessary public facilities are available for that development~~of greater than 10 years but no more than 20 years shall be considered in the manner provided for review of a work task under ORS 197.633.¶
(9) Expanding the boundary of a UUC for a long-range growth potential of 10 years shall be subject to the land priorities described at OAR 660-022-0060.¶
(10) Expanding the boundary of a RC for long-range growth potential of 10 years and expanding the boundary of a UUC for a long-range growth potential of greater than 10 years but no more than 20 years shall be subject to the land priorities described at OAR 660-022-0065.
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

ADOPT: 660-022-0055

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0055
Expanding Unincorporated Community Boundaries. Accommodating a Specific Rural Use
(1) In addition to the opportunities identified at OAR 660-022-0050, a county may expand an Unincorporated Community defined under OAR 660-022-0010(14) when there is a demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3 through 18. Appropriate reasons and facts necessary to satisfy this section may include findings that:¶
(a) The use requires a location near a resource located on rural land; or¶
(b) The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:¶
(A) For industrial use, it would have a significant comparative advantage due to its location such as, for example, that it must be near a rural energy facility, or near products available from other activities only in the surrounding area, or that it is reliant on an existing work force in an existing unincorporated community;¶
(B) For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by industrial, commercial, or other economic activity located within the community or in the surrounding rural area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodated in an existing exception area or urban growth boundary, and is most appropriate at the particular proposed location¶
(c) The findings of need must be coordinated and consistent with the county comprehensive plan for other exception areas, unincorporated communities, and the unincorporated portions of urban growth boundaries in the area. For purposes of this subsection, "area" includes those communities, exception areas, and urban growth boundaries that may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors.¶
(d) Expansion of the unincorporated community boundary requires a demonstrated ability to serve both the expanded area and any remaining infill development potential in the community, at the time of development, with the level of facilities determined to be appropriate for the existing unincorporated community.¶
(2) A county may choose not to include lands subject to natural hazards identified in an acknowledged comprehensive plan or development code that the county determines present a significant risk to life or property when considering the expansion of an unincorporated community. If such lands are included within an unincorporated community boundary, implementing zoning shall, in addition to the provisions of OAR 660-022-0030, include:¶
(a) Provisions requiring development to comply with locally adopted defensible space and home hardening standards, including but not limited to defensible space standards that meet or exceed the state's model defensible space code and meet the Oregon Residential Specialty Code (ORSC) section R327 (Wildfire Hazard Mitigation) if wildfire is an identified natural hazard. Where locally adopted defensible space and home hardening standards are not present, a county may:¶
(A) Adopt defensible space and home hardening standards that meet or exceed the state's model defensible space code and meet ORSC section R327 (Wildfire Hazard Mitigation) prior to authorizing new development within the expansion area; or¶
(B) Apply the Fire-Siting Standards for Dwellings and Structures identified at OAR 660-006-0035 to all new development within the expansion area until the county has adopt defensible space and home hardening standards that meet or exceed the state's model defensible space code and meet ORSC section R327 (Wildfire Hazard Mitigation).¶
(b) Requirements that proposed development on lands within the Special Flood Hazard Area (SFHA) must meet the

jurisdiction's adopted floodplain ordinance or code.¶
(c) Development standards that mitigate risks and protect life and property for natural hazards other than wildfire or flood.¶
(3) Expanding an unincorporated community boundary to accommodate a specific rural use shall be subject to the land priorities described at OAR 660-022-0060.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040

AMEND: 660-022-0060

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities. Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0060
~~Coordination and Citizen Involvement~~ Land Priorities ¶

~~(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phas~~UUC's 10-year long-range grow potential and all UC's responding to a specific rural use shall select land using the following priorities:¶
(1) First priority goes to~~f~~ that developable ~~p~~lan~~ning process. Counties shall provide such opportunities in accordance with their~~d nearest to the UC which is identified in an acknowledged c~~itizen involvement programs.¶~~
(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:¶~~
~~(a) How residents of the community and surrounding area will be informed about t~~omprehensive plan as exception area or nonresource land;¶
(2) If land described in section (1) is not adequate to accommodate the growth potential demonstrated pursuant to OAR 660-022-0050(2) or to accommodate a specific rural use pursuant to OAR 660-022-0055(1), second priority goes to land designated in a comprehensive plan for agriculture or forestry, or both. Higher pr~~oposal;¶~~
~~(b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;¶~~
~~(c) Which citizen advisory committees will be notified of the proposal.¶~~
~~(3) The information on these three points shall~~iority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use, with designated marginal land considered the lowest capability (highest priority for selection);¶
(3) Land described in section (2) may be included i~~n the appropriate plan amendment proposals or periodic review work task.¶~~
~~(4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with t~~f land of higher priority is inadequate to accommodate the growth potential demonstrated pursuant to OAR 660-022-0050(2) or to accommodate a specific rural use pursuant to OAR 660-022-0055(1) for any one of the following reasons:¶
(a) Specific types of identified land uses cannot be reasonably accommodated on higher pr~~ovisions of Goal 1, Citizen Involvement.¶~~
~~(5) Proposals to designate, plan, or zone unincor~~iority land;¶
(b) Public facilities and services cannot reasonably be provided to the higher priority area due to topogra~~ted communities shall be coordinated with all special districts, metropolitan ser~~phic or other physical constraints;¶
(c) Maximum efficiency of land use within the UUC requires inclusion of lower priority land in order to provi~~e~~de ~~districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).~~public facilities and services to higher priority land; or¶
(d) Inclusion of lower priority land is necessary to avoid:¶
(A) Historic, cultural, or archaeological resources that may be present on higher priority land.¶
(B) Areas subject to natural hazards identified in an acknowledged comprehensive plan or development code that the county determines present a significant risk to life or property
Statutory/Other Authority: ORS 197.040, ORS 197.245
Statutes/Other Implemented: ORS 197.040

ADOPT: 660-022-0065

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0065
Land Priorities
Expanding the boundary of a RC for long-range growth potential of 10 years and expanding the boundary of a UUC for a long-range growth potential of greater than 10 years but no more than 20 years shall select land using the following priorities:¶
(1) Land priorities for expansion of RC eligible to consider long-range growth potential shall follow the process identified at OAR 660-022-0060, except that the following categories may not be included:¶
(a) Soils that are irrigated or not irrigated and classified prime, unique, Class I or Class II by the Natural Resources Conservation Service (NRCS) when present on lands protected under Goal 3.¶
(b) Lands designated as Core Sage-Grouse Habitat.¶
(c) High Use and Very High Use Wildlife Migration Corridors designated by the Oregon Department of Fish and Wildlife (ODFW). The county may refine the exact location of high use and very high use wildlife mitigation corridors but must consult with ODFW.¶
(d) Wildlife habitat characterized by ODFW as Category 1. The county may refine the exact location and characterization of Category 1 wildlife habitat but must consult with ODFW.¶
(2) Land priorities for expansion of a UUC considering long-range growth potential greater than 10 years shall follow the process identified at OAR 660-022-0060, except that a county may not include lands identified in subsections (1)(b) through (d).
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040

ADOPT: 660-022-0080

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0080
Community Public Facility Plans
(1) In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR chapter 660, division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-022-0010 and 660-022-0020. For all communities, a sewer and water community public facility plan is required if:¶
(a) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards;¶
(b) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services;¶
(c) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or¶
(d) Land in the community has been declared a health hazard or has a history of failing septic systems or wells.¶
(2) A community public facility plan shall include inventories, projected needs, policies and regulations for the water and sewerage facilities which are existing or needed to serve the unincorporated community, including:¶
(a) An inventory of the condition and capacity of existing public facilities and services;¶
(b) An assessment of the level of facilities and services needed to adequately serve the planned buildout within the community area boundary; and¶
(c) Coordination agreements consistent with ORS chapter 195.¶
(3) If existing community facilities and services are not currently adequate to serve the development allowed in the plan and zoning ordinance, the community public facility plan shall contain either:¶
(a) Development restrictions to ensure development will not exceed the capacity of the land to absorb waste and provide potable water and will not exceed the capacity of public facilities; or¶
(b) A list of new facilities, and improvements for existing public facilities, necessary to adequately serve the planned buildout in the unincorporated community, including the projected costs of these improvements and an identification of the provider or providers of these improvements; and¶
(c) A discussion of the provider's funding mechanisms and the ability of these and possibly new mechanisms to fund the development of each community public facility project; and¶
(d) A requirement that development not occur until the necessary public facilities are available for that development.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040

ADOPT: 660-022-0090

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0090
Coordination and Community Engagement
(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.¶
(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:¶
(a) How residents of the community and surrounding area will be informed about the proposal;¶
(b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;¶
(c) Which citizen advisory committees will be notified of the proposal.¶
(3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.¶
(4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.¶
(5) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0050(1)(b)(A) thru (D).¶
(6) In addition to the coordination responsibilities described in section (5), counties shall also conduct the following items when considering an unincorporated community boundary expansion:¶
(a) Solicit input from applicable service providers and affected public agencies including but not limited to:¶
(A) School districts.¶
(B) Fire districts.¶
(C) Law enforcement providers.¶
(D) Local utility providers.¶
(E) Transportation system managers.¶
(b) Obtain a list of tribes with an ancestral connection to land within their jurisdiction from the Legislative Commission of Indian Services (LCIS).¶
(c) Hold two or more public meetings in the unincorporated community to solicit input prior to conducting a public hearing.¶
(A) The county must provide mailed notice of the meetings to tribes identified by LCIS, incorporated cities within a 20 mile radius, and property owners of lands within the existing community boundary and lands being considered for expansion. For communities receiving direct mail service, the county must also provide mailed notice to any physical address assigned to property located within the lands requiring notice as shown in county assessor records that are not the same as the property owner's address.¶
(B) Public meetings conducted pursuant to this subsection should use best practices for community engagement identified in documents such as "Putting the People in Planning A guide for local governmental agencies in Oregon" June 30, 2019.¶
(d) Coordinate with Federally recognized Indian tribes that may be affected by the application. For any unincorporated community expansion proposal, such coordination shall include, but not be limited to, mailed notice to all tribes identified by LCIS subsequent to last public meeting held pursuant to subsection (b), and a minimum of 45 days in advance of the first evidentiary hearing. The written notice shall provide a reasonable

description of the public meeting outcomes, how the county intends to proceed based on those outcomes, and how the tribes may participate further.¶
(e) As an alternative to the mailed notice described in subsection (d) above the information otherwise conveyed in writing may be offered through a meeting between the county elected officials and the council of tribes identified by LCIS.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040

ADOPT: 660-022-0100

RULE SUMMARY: Adds some flexibility for designating Urban Unincorporated Communities.
Consolidates of provisions for expanding an unincorporated community into Division 22. Revises to the distance limitations and planning horizons for long-range growth potential. Extends opportunity for a limited subset of Rural Communities to plan for future growth. Adds guidance for application of existing provisions and includes several safe-harbor type provisions, including for Goal 10, Housing. Adds new provisions related to natural hazards, including wildfire. Establishes that UUC boundaries may be expanded for purposes of accommodation a "specific rural use" as a separate, distinct process. Adjusts land priorities for certain new unincorporated community expansion opportunities. Adds of new community engagement requirements for unincorporated community expansion proposals, including coordination with Tribes. Adjusts applicability provisions.

CHANGES TO RULE:

660-022-0100
Applicability
Planning for unincorporated communities shall be done according to this division, however:¶
(1) Counties obligated to plan for unincorporated communities by an existing Periodic Review Work Program (Work Program) approved prior to January 1, 2026, may choose to continue operating under the rules of this division in place at the time the Work Program was approved. A county need not amend a Work Program or otherwise inform the Land Conservation and Development Commission of their choice to use one set of rules or another. Instead, the completed work task submittal shall indicate which rules were applied.¶
(2) Counties not obligated to plan for unincorporated communities by an existing Work Program approved prior to January 1, 2026, may choose to apply the provisions of this division as:¶
(a) A work task as part of a new Work Program, voluntary or otherwise; or¶
(b) A Post Acknowledgement Plan Amendment (PAPA) consistent with the provisions of OAR chapter 660, division 18.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040