

## Highlights of LCDC's Recent Amendments to Goal 14

The amendments were intended to clarify and streamline the goal rather than make policy changes. In some cases the amendments codify interpretations from past LCDC decisions and court cases. Although there are many changes to the wording of the goal, the following are the most significant:

- Both the city (or cities) and the county must adopt a UGB amendment, except for Metro.
- A UGB amendment must be based on a 20-year population forecast. This is a long-standing interpretation of goals and statutes, so codifying it in Goal 14 does not change current policy.
- The “seven factors” are clearly divided into two groups: “Land Need” and “Boundary Location.” This dichotomy had been recognized by LCDC and the courts but is now clearly displayed in the goal, although the two Need Factors are now requirements rather than “Factors.” Local governments must first determine the 20-year need for land and then determine whether the need can be met inside the UGB. If not, local governments must apply ORS 197.298 and the four Location Factors to determine the location of a UGB amendment.
- Need requirement 2 allows a UGB amendment for any particular need or combination of needs (an amendment might address only industrial needs, for example). Need requirement 2 now lists additional types of land needs, including streets, parks and schools. In part, this change is intended to indicate that a UGB may be amended to provide (for example) a needed park or school site, alone or in conjunction with other land needs.
- The local determination of need may describe “characteristics” that confine local consideration to certain areas or parcels prior to applying the “priorities” of ORS 197.298. This was LCDC’s intent in its 2001 approval of the City of North Plains UGB amendment in which the city determined a need for housing land proximate and walkable to downtown.
- A UGB amendment no longer requires Goal 2 “exceptions” findings – the exceptions standards are essentially incorporated into Goal 14. This eliminates the overlap of Goal 14 and exceptions findings (and eliminates the unanswerable question: “Exception to what?”).
- Location Factors are renumbered. The previous Location Factor 4, “Maximum efficiency,” is replaced by a new Location Factor 1 “Efficient accommodation . . .” The term “maximum efficiency” was extremely difficult to define and was considered by some cities as unachievable.
- Factor 6, intended to conserve farm and forest land, was eliminated and replaced with a reference to ORS 197.298. The “priorities” in that statute conserve farm and forest land.
- The four Urbanizable Land “Conversion Factors” are replaced with a narrative statement. The changes in wording are intended to be consistent with past practice, to encourage local governments to provide needed services to land brought in to UGBs, and to clarify findings necessary when property already in the UGB is annexed or rezoned for urban development.
- A new guideline has been added to the goal, it suggests that local government land use plans within the boundary encourage more efficient and livable communities. Since this is a “guideline,” it is not mandatory.