

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 27

URBAN AND RURAL RESERVES IN THE PORTLAND METROPOLITAN AREA

DRAFT - PROPOSED AMENDMENTS

August 2, 2010

For consideration by LCDC at a public hearing on September 2, 2010

*Proposed new words **are underlined in bold**, deletions are [~~struck and bracketed~~]*

1 *[Note: No changes are proposed for the first set of rules in this division, at OAR 660-027-*
2 *0000] ...*

3 **660-027-0010**

4 **Definitions**

5 *[Note: The department provided formal notice indicating that LCDC may consider new*
6 *or changed definitions in OAR 660-027-0000. However, no changes to definitions in this*
7 *rule are proposed at this time. Instead, the department suggests that, if LCDC agrees to*
8 *adopt new or amended definitions for terms used in rules at OAR 660-027-0070, these*
9 *definitions should be adopted as part of 0070 rather than in this (0010) collection of*
10 *definitions that are applicable to the entire division 27]*

11 The definitions contained in ORS chapters 195 and 197 and the Statewide Planning Goals
12 (OAR chapter 660, division 15) apply to this division, unless the context requires
13 otherwise. In addition, the following definitions apply:

14 (1) "Foundation Agricultural Lands" means those lands mapped as Foundation Agricultural
15 Lands in the January 2007 Oregon Department of Agriculture report to Metro entitled
16 "Identification and Assessment of the Long-Term Commercial Viability of Metro Region
17 Agricultural Lands."

18 (2) "Important Agricultural Lands" means those lands mapped as Important Agricultural
19 Lands in the January 2007 Oregon Department of Agriculture report to Metro entitled
20 "Identification and Assessment of the Long-Term Commercial Viability of Metro Region
21 Agricultural Lands."

22 (3) "Intergovernmental agreement" means an agreement between Metro and a county
23 pursuant to applicable requirements for such agreements in ORS 190.003 to 190.130,
24 195.025 or 197.652 to 197.658, and in accordance with the requirements in this division
25 regarding the designation of urban and rural reserves and the performance of related land
26 use planning and other activities pursuant to such designation.

27 (4) "Livable communities" means communities with development patterns, public services
28 and infrastructure that make them safe, healthy, affordable, sustainable and attractive
29 places to live and work.

- 1 (5) "Metro" means a metropolitan service district organized under ORS chapter 268.
- 2 (6) "Important natural landscape features" means landscape features that limit urban
3 development or help define appropriate natural boundaries of urbanization, and that
4 thereby provide for the long-term protection and enhancement of the region's natural
5 resources, public health and safety, and unique sense of place. These features include, but
6 are not limited to, plant, fish and wildlife habitat; corridors important for ecological, scenic
7 and recreational connectivity; steep slopes, floodplains and other natural hazard lands;
8 areas critical to the region's air and water quality; historic and cultural areas; and other
9 landscape features that define and distinguish the region.
- 10 (7) "Public facilities and services" means sanitary sewer, water, transportation, storm water
11 management facilities and public parks.
- 12 (8) "Regional framework plan" means the plan adopted by Metro pursuant to ORS
13 197.015(17).
- 14 (9) "Rural reserve" means lands outside the Metro UGB, and outside any other UGB in a
15 county with which Metro has an agreement pursuant to this division, reserved to provide
16 long-term protection for agriculture, forestry or important natural landscape features.
- 17 (10) "UGB" means an acknowledged urban growth boundary established under Goal 14
18 and as defined in ORS 195.060(2).
- 19 (11) "Urban reserve" means lands outside an urban growth boundary designated to provide
20 for future expansion of the UGB over a long-term period and to facilitate planning for the
21 cost-effective provision of public facilities and services when the lands are included within
22 the urban growth boundary.
- 23 (12) "Walkable" describes a community in which land uses are mixed, built compactly,
24 and designed to provide residents, employees and others safe and convenient pedestrian
25 access to schools, offices, businesses, parks and recreation facilities, libraries and other
26 places that provide goods and services used on a regular basis.

27 *[NOTE: No changes are proposed for rules 0020 and 0030] ...*

28 **660-027-0040**

29 **Designation of Urban and Rural Reserves**

- 30 (1) Metro may not designate urban reserves under this division in a county until Metro and
31 applicable counties have entered into an intergovernmental agreement that identifies the
32 lands to be designated by Metro as urban reserves. A county may not designate rural
33 reserves under this division until the county and Metro have entered into an agreement that
34 identifies the lands to be designated by the county as rural reserves.

- 1 (2) Urban reserves designated under this division shall be planned to accommodate
2 estimated urban population and employment growth in the Metro area for at least 20 years,
3 and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a
4 buildable land supply inside the UGB in the most recent inventory, determination and
5 analysis performed under ORS 197.296. Metro shall specify the particular number of years
6 for which the urban reserves are intended to provide a supply of land, based on the
7 estimated land supply necessary for urban population and employment growth in the Metro
8 area for that number of years. The 20 to 30-year supply of land specified in this rule shall
9 consist of the combined total supply provided by all lands designated for urban reserves in
10 all counties that have executed an intergovernmental agreement with Metro in accordance
11 with OAR 660-027-0030.
- 12 (3) If Metro designates urban reserves under this division prior to December 31, 2009, it
13 shall plan the reserves to accommodate population and employment growth for at least 20
14 years, and not more than 30 years, beyond 2029. Metro shall specify the particular number
15 of years for which the urban reserves are intended to provide a supply of land.
- 16 (4) Neither Metro nor a local government may amend a UGB to include land designated as
17 rural reserves during the period described in section (2) or (3) of this rule, whichever is
18 applicable.
- 19 (5) Metro shall not re-designate rural reserves as urban reserves, and a county shall not re-
20 designate land in rural reserves to another use **except as provided in OAR 660-027-0070**
21 during the period described in section (2) or (3) of this rule, whichever is applicable.
- 22 (6) If Metro designates urban reserves under this division it shall adopt policies to
23 implement the reserves and must show the reserves on its regional framework plan map. A
24 county in which urban reserves are designated shall adopt policies to implement the
25 reserves and must show the reserves on its comprehensive plan and zone maps
- 26 (7) If a county designates rural reserves under this division it shall adopt policies to
27 implement the reserves and must show the reserves on its comprehensive plan and zone
28 maps. Metro shall adopt policies to implement the rural reserves and show the reserves on
29 its regional framework plan maps.
- 30 (8) When evaluating and designating land for urban reserves, Metro and a county shall
31 apply the factors of OAR 660-027-0050 and shall coordinate with cities, special districts
32 and school districts that might be expected to provide urban services to these reserves
33 when they are added to the UGB, and with state agencies.
- 34 (9) When evaluating and designating land for rural reserves, Metro and a county shall
35 apply the factors of OAR 660-027-0060 and shall coordinate with cities, special districts
36 and school districts in the county, and with state agencies.
- 37 (10) Metro and any county that enters into an agreement with Metro under this division
38 shall apply the factors in OAR 660-027-0050 and 660-027-0060 concurrently and in

1 coordination with one another. Metro and those counties that lie partially within Metro
2 with which Metro enters into an agreement shall adopt a single, joint set of findings of fact,
3 statements of reasons and conclusions explaining why areas were chosen as urban or rural
4 reserves, how these designations achieve the objective stated in OAR 660-027-0005(2),
5 and the factual and policy basis for the estimated land supply determined under section (2)
6 of this rule.

7 (11) Because the January 2007 Oregon Department of Agriculture report entitled
8 "Identification and Assessment of the Long-Term Commercial viability of Metro Region
9 Agricultural Lands" indicates that Foundation Agricultural Land is the most important land
10 for the viability and vitality of the agricultural industry, if Metro designates such land as
11 urban reserves, the findings and statement of reasons shall explain, by reference to the
12 factors in OAR 660-027-0050 and 660-027-0060(2), why Metro chose the Foundation
13 Agricultural Land for designation as urban reserves rather than other land considered under
14 this division.

15 *[NOTE: No changes are proposed for rules 0050 and 0060] ...*

16 **660-027-0070**

17 **Planning of Urban and Rural Reserves**

18 (1) Urban reserves are the highest priority for inclusion in the urban growth boundary
19 when Metro expands the UGB, as specified in Goal 14, OAR chapter 660, division 24, and
20 in ORS 197.298.

21 (2) In order to maintain opportunities for orderly and efficient development of urban uses
22 and provision of urban services when urban reserves are added to the UGB, counties shall
23 not amend comprehensive plan provisions or land use regulations for urban reserves
24 designated under this division to allow uses that were not allowed, or smaller lots or
25 parcels than were allowed, at the time of designation as urban reserves until the reserves
26 are added to the UGB, **except as specified in Sections (4) through (6) of this rule.**

27 (3) Counties that designate rural reserves under this division shall not amend
28 comprehensive plan provisions or land use regulations to allow uses that were not allowed,
29 or smaller lots or parcels than were allowed, at the time of designation as rural reserves
30 unless and until the reserves are re-designated, consistent with this division, as land other
31 than rural reserves, **except as specified in Sections (4) through (6) of this rule.**

32 (4) Notwithstanding the prohibitions in sections (2) and (3) of these rules, counties may
33 adopt or amend comprehensive plan provisions or land use regulations as they apply to
34 lands in urban reserves, rural reserves or both, unless an exception to Goals 3, 4, 11 or 14
35 is required, in order to allow:

36 (a) Uses that the county inventories as significant Goal 5 resources, including programs to
37 protect inventoried resources as provided under OAR chapter 660, division 23, or
38 inventoried cultural resources as provided under OAR chapter 660, division 16;

- 1 (b) Public park uses, subject to the adoption or amendment of a park master plan as
2 provided in OAR chapter 660, division 34;
- 3 (c) Roads, highways and other transportation and public facilities and improvements, as
4 provided in ORS 215.213 and 215.283, OAR 660-012-0065, and 660-033-0130
5 (agricultural land) or OAR chapter 660, division 6 (forest lands);
- 6 (d) Uses and land divisions that are allowed by state statute or administrative rule at the
7 time of the designation of urban and rural reserves;
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9 **ISSUE 1- Options for discussion regarding plan or zoning amendments from one**
10 **resource designation to another (such as EFU to Forest or vice versa, including**
11 **amendments to or from mixed farm/forest zoning)**

12 **OPTION A**

13 **(e) A comprehensive plan or zoning amendment from one farm or forest designation**
14 **to another farm or forest designation consistent with other applicable law.**

15 **OPTION B**

16 **(e) A comprehensive plan or zoning amendment from one farm or forest designation**
17 **to another farm or forest designation consistent with other applicable law, and**
18 **provided that the number of dwellings and land divisions that could be allowed as a**
19 **result of the amendment is not increased relative to the number allowed before the**
20 **amendment.**

21 **OPTION C**

22 ***Either OPTION A or OPTION B above, but add at the end: ... and provided the***
23 **amendment will not adversely effect the protection of important natural landscape**
24 **features that are the basis for a “rural reserve” designation.**

26 **ISSUE 2 - Options for discussion regarding future proposals for transportation**
27 **improvements that require an exception (usually to Goal 3, 4, 11, or 14), in rural or**
28 **urban reserves, or both.**

29 **OPTION A**

30
31
32 **(5) Notwithstanding the prohibitions in subsections (2) through (4) of this rule, a**
33 **county may amend its comprehensive plan or land use regulations as they apply to**
34 **lands in urban reserves, rural reserves or both to allow a transportation facility that**
35 **requires an exception to Goals 3, 4, 11, or 14 provided the amendment meets the**
36 **requirements of subsections (a) through (d) of this section:**

1
2 **(a) The amendment is consistent with the applicable requirements of OAR 660-012-**
3 **0070;**

4
5 **(b); The transportation facility would meet a regional transportation need, and the**
6 **need for the transportation facility is identified either in:**

7
8 **(A) A concept plan authorized by section (7) of this rule, or**

9
10 **(B) A regional transportation plan described in OAR 660-012-0015;**

11
12 **(c) The need, function and mode for the facility are included in the appropriate**
13 **transportation system plan, with a refinement plan that complies with OAR 660-012-**
14 **0025(3); and**

15
16 **(d) For a proposed road improvement consistent with (a) through (c) of this section,**
17 **the need cannot reasonably be accommodated by any one or any combination of the**
18 **following:**

19
20 **(A) Improvements to transit;**

21
22 **(B) Road improvements to an arterial that would also require an exception but that**
23 **would have a lesser impact on accepted farm and forest practices;**

24
25 **(C) Transportation system or demand management actions or techniques.**

26
27
28 **OPTION B**

29
30 **(5) Notwithstanding the prohibitions in subsections (2) through (4) of this rule, a**
31 **county may amend its comprehensive plan or land use regulations as they apply to**
32 **lands in urban reserves, rural reserves or both to allow a transportation facility that**
33 **requires an exception to Goals 3, 4, 11, or 14 provided the amendment meets the**
34 **requirements of subsections (a) through (c) of this section:**

35
36 **(a) The amendment is consistent with the applicable requirements of OAR 660-012-**
37 **0070;**

38
39 **(b) The transportation facility would meet a regional transportation need and either:**

40
41 **(A) The need for the transportation facility is identified in a concept plan authorized**
42 **by section (7) of this rule or in a regional transportation plan described in OAR 660-**
43 **012-0015; or**

1 **(B) The need, function and mode for the facility are included in the appropriate**
2 **transportation system plan, with a refinement plan that complies with OAR 660-012-**
3 **0025(3);**

4
5 **(c) For a proposed road improvement, the need cannot reasonably be accommodated**
6 **by any one or any combination of the following:**

7
8 **(A) Improvements to public or private transit;**

9
10 **(B) Road improvements that do not require an exception, or road improvements to**
11 **an arterial that would also require an exception but that would have a lesser impact**
12 **on accepted farm and forest practices;**

13
14 **(C) Transportation system or demand management actions or techniques.**

15
16
17 *OPTION C: The same as OPTION B or C above, but add an additional requirement to*
18 *subsection (5)(c) as follows:*

19
20 **(D) Road improvements that do not require an exception, or road improvements to**
21 **an arterial that would also require an exception but that would have a lesser impact**
22 **on accepted farm and forest practices and on the protection of important natural**
23 **landscape features on the subject property or nearby properties;**
24

25

26 **ISSUE 3 – Alteration or expansion of existing (currently acknowledged) exceptions in**
27 **urban or rural reserves.**

28
29 **OPTION A**

30
31 **(6) Notwithstanding the prohibition in subsection (3) of this rule, a county may**
32 **amend its comprehensive plan or land use regulations as they apply to a property**
33 **subject to an exception to Goals 3 or 4 or both that was acknowledged prior to**
34 **designation of the subject property as urban or rural reserves in order to authorize**
35 **an alteration or expansion of an existing use provided:**

36
37 **(a) The alteration or expansion would not have a greater adverse impact on**
38 **surrounding lands, and**

39
40 **(b) The amendment conforms to applicable requirements for amending an exception**
41 **and all other applicable laws.**

42 ~~(57)~~ Counties, cities and Metro may adopt and amend conceptual plans for the eventual
43 urbanization of urban reserves designated under this division, including plans for eventual

1 provision of public facilities and services, roads, highways and other transportation
2 facilities, and may enter into urban service agreements among cities, counties and special
3 districts serving or projected to serve the designated urban reserve area.

4 ~~(68)~~ Metro shall ensure that lands designated as urban reserves, considered alone or in
5 conjunction with lands already inside the UGB, are ultimately planned to be developed in a
6 manner that is consistent with the factors in OAR 660-027-0050.

7 **(9) In addition to the definitions in OAR 660-027-0010, the definitions in OAR 660-**
8 **012-0005 apply to this rule.**

9

10 **660-027-0080**

11 **Local Adoption and Commission Review of Urban and Rural Reserves**

12 *[Rule 0080 not proposed to change]*