

Proposed Portland Planning Bureau Changes to January, 2008 Draft

660-027-0005

Purpose and Objective

(1) This division is intended to implement the provisions of Oregon Laws 2007, chapter 723 regarding the designation of urban reserves and rural reserves in the Portland metropolitan area. This division provides an alternative to the urban reserve designation process described in OAR chapter 660, division 21. This division establishes procedures for the designation of urban and rural reserves in the metropolitan area by agreement between and among local governments in the area and by amendments to the applicable regional framework plan and comprehensive plans. This division also prescribes criteria and factors that a county and Metro must apply when choosing lands for designation as urban or rural reserves. This division also prescribes the criteria that a county and Metro must meet, and the factors that a county and Metro must apply when choosing lands for designation as urban or rural reserves.

(2) Urban reserves designated under this division are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to other industries and commerce, to private landowners and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary. Rural reserves under this division are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization.

(3) The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

660-027-0010

Definitions

No changes

660-027-0020

Authority to Designate Urban and Rural Reserves

(1) As an alternative to the authority to designate urban reserve areas granted by OAR chapter 660, division 21, Metro may designate urban reserves through intergovernmental agreements with counties and by amendment of the regional framework plan to implement such agreements in accordance with the requirements of this division. If Metro designates urban reserves under this division, it may not simultaneously designate reserves under OAR chapter 660, division 21 also designate reserves under OAR chapter 660, division 21 within five years of the acknowledgement of any designation made under this division.

(2) A county may designate rural reserves through intergovernmental agreement with Metro and by amendment of its comprehensive plan to implement such agreement in accordance with the requirements of this division.

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(3) A county and Metro may not enter into an intergovernmental agreement under this division to designate urban reserves in the county unless the county and Metro simultaneously enter into an agreement to designate rural reserves in the county.

660-027-0030

Urban and Rural Reserve Intergovernmental Agreements

No changes

660-027-0040

Criteria for Designating ~~Designation of~~ Urban and Rural Reserves

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

(2) Urban reserves designated under this division shall be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land, based on the estimated land supply necessary for urban population and employment growth in the Metro area for that number of years. The 20 to 30-year supply of land specified in this rule shall consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030.

(3) If Metro designates urban reserves under this division prior to December 31, 2009, it shall plan the reserves to accommodate population and employment growth for at least 20 years, and not more than 30 years, beyond 2029. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land.

(4) Neither Metro nor a local government may amend a UGB to include land designated as rural reserves during the period described in section (2) or (3) of this rule, whichever is applicable.

(5) Metro shall not re-designate rural reserves as urban reserves, and a county shall not re-designate land in rural reserves to another use, during the period described in section (2) or (3) of this rule, whichever is applicable.

(6) If Metro designates urban reserves under this division it shall adopt policies to implement the reserves and must show the reserves on its regional framework plan map. A county in which urban reserves are designated shall adopt policies to implement the reserves and must show the reserves on its comprehensive plan and zone maps.

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(7) If a county designates rural reserves under this division it shall adopt policies to implement the reserves and must show the reserves on its comprehensive plan and zone maps. Metro shall adopt policies to implement the rural reserves and show the reserves on its regional framework plan maps.

~~(8) Designation of urban reserves and rural reserves under this division shall be coordinated with the cities in any county where such reserves are considered, and shall be coordinated with local governments, state agencies, special districts and school districts that may provide services to the urban reserves when they are added to the UGB.~~

(8) When identifying, considering, evaluating, comparing and designating land for urban reserves Metro shall apply the factors of OAR 660-27-0050 in coordination with any local government, state agency, special district, or school district that might be expected to provide urban services to these reserves after they are added to the urban growth boundary

~~(9) When identifying and selecting land for designation as urban and rural reserves under this division, Metro and the counties shall base their decision on consideration of the factors specified in OAR 660-027-0050 or 660-027-0060, whichever are applicable.~~

(9) When identifying, considering, evaluating, comparing and designating land for rural reserves a county shall apply the factors of OAR 660-27-0060 in coordination with any city adjoining or within three miles of a rural reserve.

~~(10) Metro and those counties with which Metro has an agreement under this division shall identify, consider, evaluate and designate proposed urban and rural reserves concurrently and in coordination with one another. These local governments shall adopt a single, joint set of findings and statement of reasons that demonstrates how they applied the factors in OAR 660-027-0050 and OAR 660-027-0060 when identifying, considering, evaluating and comparing areas for designation. The findings and statement of reasons shall explain why the local governments selected the areas designated as urban and rural reserves and how the designated reserves achieve the objective set forth in OAR 660-027-0005(2).~~

(10) Metro and any county that has entered into agreement with Metro under this division shall apply the factors of OAR 660-27-0050 or OAR 660-27-0060 concurrently and in coordination with one another. These local governments shall jointly adopt a single set of findings of fact, statements of reasons, and conclusions explaining why areas were chosen as urban or rural reserves and how these designations achieve the objective stated in OAR 660-27-0005(3).

(11) Because the January 2007 Oregon Department of Agriculture report entitled "*Identification and Assessment of the Long-Term Commercial viability of Metro Region Agricultural Lands*" indicates that Foundation Agricultural Land is the most important land for the viability and vitality of the agricultural industry, if Metro designates such land as urban reserves, the findings and statement of reasons shall explain, by reference to the factors in OAR 660-027-0050 and

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660-027-0060(2), why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this rule.

660-027-0050

Factors for Designation of Lands as Urban Reserves

No changes

660-027-0060

Factors for Designation of Lands as Rural Reserves

No changes

660-027-0070

Planning of Urban and Rural Reserves

No changes

660-027-0080

Local Adoption and LCDC Review of Urban and Rural Reserves

(1) Metro and county adoption or amendment of plans, policies and other implementing measures to designate urban and rural reserves shall be in accordance with the applicable procedures and requirements of ORS 197.610 to 197.650.

(2) After designation of urban and rural reserves, Metro and applicable counties shall jointly and concurrently submit their adopted or amended plans, policies and land use regulations implementing the designation to the Land Conservation and Development Commission for review and action in the manner provided for periodic review under ORS 197.628 to 197.650.

(3) Metro and applicable counties shall:

(a) Transmit the intergovernmental agreements and the submittal described in section (2) in one or more suitable binders showing on the outside a title indicating the nature of the submittal and identifying the submitting jurisdictions.

(b) Prepare and include an index of the contents of the submittal. Each document comprising the submittal shall be separately indexed, and

(c) Consecutively number pages of the submittal at the bottom of the page, commencing with the first page of the submittal.

(4) The joint and concurrent submittal to the Commission shall include findings of fact and conclusions of law that demonstrate that the adopted or amended plans, policies and other implementing measures to designate urban and rural reserves comply with this division, the applicable statewide planning goals, and other applicable administrative rules. The Commission shall review the submittal for:

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(a) Compliance with the applicable statewide planning goals. Under ORS 197.747 “compliance with the goals” means the submittal on the whole conforms with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. To determine compliance with the Goal 2 requirement for an adequate factual base, the Commission shall consider whether the submittal is supported by substantial evidence. Under ORS 183.482(8)(c), substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding; and

~~(b) Compliance with applicable administrative rules, including but not limited to the objective provided in OAR 660-027-0005(2) and the urban and rural reserve designation standards provided in OAR 660-027-0040; and~~

~~(c) Consideration of the factors in OAR 660-027-0050 or 660-027-0060, whichever are applicable.~~

(b) Compliance with applicable administrative rules; this includes, but is not limited to:

(i) Meeting the criteria for designating urban and rural reserves provided in OAR 660-027-0040;

(ii) Application of the factors provided in OAR 660-027-0050 and OAR 660-027-0060; and

(iii) Achievement of the objective stated in OAR 660-27-0005(3).

