

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 21

URBAN RESERVES [AREAS]

As Amended by LCDC January 24, 2008

660-021-0000

Purpose

This division authorizes planning for areas outside urban growth boundaries to be reserved for eventual inclusion in an urban growth boundary and to be protected from patterns of development that would impede urbanization.

Stat. Auth.: ~~ORS 183~~ & ORS 197.**040**

Stats. Implemented: ORS 197~~5~~.145 & ~~ORS 197.040~~

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0010

Definitions

For purposes of this division, the definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR ~~Chapter 660, Division 015~~) apply. In addition, the following definitions apply:

(1) "Urban Reserve ~~Area~~": Lands outside of an urban growth boundary ~~identified as highest priority for inclusion in the urban growth boundary when the boundary is expanded in accordance with Goal 14.~~ **that will provide for:**

(a) Future expansion over a long-term period; and

(b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.

(2) "Resource Land": Land subject to the Statewide Planning Goals listed in OAR 660-004-0010(1)(a) through (f), except subsection (c).

(3) "Nonresource Land": Land not subject to the Statewide Planning Goals listed in OAR 660-004-0010(1)(a) through (f) except subsection (c). Nothing in this definition is meant to imply that other goals do not apply to nonresource land.

(4) "Exception Areas": Rural lands for which an exception to Statewide Planning Goals 3 and 4, as defined in OAR 660-004-0005(1), have been acknowledged.

(5) "Developable Land": Land that is not severely constrained by natural hazards, nor designated or zoned to protect natural resources, and that is either entirely vacant or has a portion of its area unoccupied by structures or roads.

(6) "Adjacent Land": Abutting land.

(7) "Nearby Land": Land that lies wholly or partially within a quarter mile of an urban growth boundary.

Stat. Auth.: ~~ORS 183~~ & ORS 197.**040**

Stats. Implemented: ORS 197~~5~~.145 & ~~ORS 197.040~~

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0020

Authority to Establish Urban Reserve [Areas]

(1) Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan area urban growth boundary, may designate urban reserves ~~areas~~ under the requirements of this ~~rule~~ **division**, in coordination with special districts listed in OAR 660-021-0050(2) and other affected local governments, including neighboring cities within two miles of the urban growth boundary. Where urban reserves ~~areas~~ are adopted or amended, they shall be shown on all applicable comprehensive plan and zoning maps, and plan policies and land use regulations shall be adopted to guide the management of these ~~areas~~ **reserves** in accordance with the requirements of this division.

(2) As an alternative to designation of urban reserves under the requirements of this division, Metro may designate urban reserves for the Portland Metropolitan area urban growth boundary under OAR chapter 660, division 027.

Stat. Auth.: ~~ORS 183~~ & ORS 197.**040**

Stats. Implemented: ORS 197~~5~~.145 & ~~ORS 197.040~~

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0030

Determination of Urban Reserves [Areas]

(1) Urban reserves ~~areas~~ shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary. Local governments designating urban reserves shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land.

(2) Inclusion of land within an urban reserve ~~area~~ shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. Cities and counties cooperatively,

and the Metropolitan Service District for the Portland Metropolitan Area Urban Growth Boundary, shall first study lands adjacent to, or nearby, the urban growth boundary for suitability for inclusion within urban reserves ~~[areas]~~, as measured by the factors and criteria set forth in this section. Local governments shall then designate for inclusion within urban reserves ~~[areas]~~ that suitable land[s] which satisfies the priorities in section (3) of this rule.

(3) Land found suitable for an urban reserve may be included within an urban reserve ~~[area]~~ only according to the following priorities:

(a) First priority goes to land adjacent to, or nearby, an urban growth boundary and identified in an acknowledged comprehensive plan as an exception area or nonresource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;

(b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, second priority goes to land designated as marginal land pursuant to **former ORS 197.247 (1991 edition)**;

(c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged 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.

(4) Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:

(a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or

(b) Maximum efficiency of land uses within a proposed urban reserve ~~area~~ requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

(5) Findings and conclusions concerning the results of the above consideration shall be adopted by the affected jurisdictions

Stat. Auth.: ~~ORS 183~~ & **ORS 197.040**

Stats. Implemented: ORS 197~~5~~.145 & ~~ORS 197.040~~

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDC 7-1996, f. & cert. ef. 12-31-96; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0040

Urban Reserve [~~Area~~] Planning and Zoning

(1) Until included in the urban growth boundary, lands in ~~the~~ urban reserves ~~area~~ shall continue to be planned and zoned for rural uses in accordance with the requirements of this section, but in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary.

(2) Urban reserve [~~area~~] land use regulations shall ensure that development and land divisions in exception areas and nonresource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. These measures shall be adopted by the time the urban reserves [~~area~~ is] **are** designated, or in the case of those local governments with planning and zoning responsibility for lands in the vicinity of the Portland Metropolitan Area Urban Growth Boundary, by the time such local governments amend their comprehensive plan and zoning maps to implement urban reserve [~~area~~] designations made by the Portland Metropolitan Service District. The measures may include:

- (a) Prohibition on the creation of new parcels less than ten acres;
- (b) Requirements for clustering as a condition of approval of new parcels;
- (c) Requirements for preplatting of future lots or parcels;
- (d) Requirements for written waivers of remonstrance against annexation to a provider of sewer, water or streets;
- (e) Regulation of the siting of new development on existing lots for the purpose of ensuring the potential for future urban development and public facilities.

(3) For exception areas and nonresource land in urban reserves [~~area~~s], land use regulations shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserves [~~area~~]. Such regulations shall remain in effect until such time as the land is included in the urban growth boundary.

(4) Resource land that is included in urban reserves [~~area~~s] shall continue to be planned and zoned under the requirements of applicable Statewide Planning Goals.

(5) Urban reserve [~~area~~] agreements consistent with applicable comprehensive plans and meeting the requirements of OAR 660-021-0050 shall be adopted for urban reserves [~~area~~s].

(6) Cities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves [~~area~~s]. However, this division is not intended to

authorize urban levels of development or services in urban reserves ~~[areas]~~ prior to their inclusion in the urban growth boundary. This division is not intended to prevent any planning for, installation of, or connection to public facilities or services in urban reserves ~~[areas]~~ consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect on the applicable date of this division.

(7) A local government shall not prohibit the siting of a single family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve ~~[area]~~.

Stat. Auth.: ~~ORS 183 &~~ ORS 197.040

Stats. Implemented: ORS 1975.145 & ~~ORS 197.040~~

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDC 5-1994, f. & cert. ef. 4-20-94; LCDD 2-1997(Temp), f. & cert. ef. 5-21-97; LCDD 3-1997, f. & cert. ef. 8-1-97; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0050

Urban Reserve [Area] Agreements

Urban reserve ~~[area]~~ planning shall include the adoption and maintenance of urban reserve agreements among cities, counties and special districts serving or projected to serve the designated urban reserves ~~[area]~~. These agreements shall be adopted by each applicable jurisdiction and shall contain:

(1) Designation of the local government responsible for building code administration and land use regulation in the urban reserves ~~[area]~~, both at the time of reserve designation and upon inclusion of these ~~[areas]~~ **reserves** within the urban growth boundary.

(2) Designation of the local government or special district responsible for the following services: sewer, water, fire protection, parks, transportation and storm water. The agreement shall include maps indicating areas and levels of current rural service responsibility and areas projected for future urban service responsibility when included in the urban growth boundary.

(3) Terms and conditions under which service responsibility will be transferred or expanded for areas where the provider of the service is expected to change over time.

(4) Procedures for notification and review of land use actions to ensure involvement by all affected local governments and special districts.

Stat. Auth.: ~~ORS 183~~ & ORS 197.040
Stats. Implemented: ORS 1975.145 & ~~ORS 197.040~~
Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0060
Urban Growth Boundary Expansion

All lands within urban reserves ~~[areas]~~ established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve ~~[area]~~.

Stat. Auth.: ~~ORS 183~~ & ORS 197.040
Stats. Implemented: ORS 1975.145 & ~~ORS 197.040~~
Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0070
Adoption and Review of Urban Reserves [Areas]

(1) Designation and amendment of urban reserves ~~[areas]~~ shall follow the procedures in ORS 197.610 through 197.650.

(2) Disputes between jurisdictions regarding urban reserve ~~[area]~~ boundaries, planning and regulation, or urban reserve agreements may be mediated by the Department or Commission upon request by an affected local government or special district.

Stat. Auth.: ~~ORS 183~~ & ORS 197.040
Stats. Implemented: ORS 1975.145 & ~~ORS 197.040~~
Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 2-1997(Temp), f. & cert. ef. 5-21-97; LCDD 3-1997, f. & cert. ef. 8-1-97; LCDD 4-2000, f. & cert. ef. 3-22-00

660-021-0080
Applicability

The provisions of this rule are effective upon filing with the Secretary of State. ~~The amendments to OAR 660-021-0030 adopted by the commission on January 27, 2000, do not apply to the urban reserve designations made by the Portland Metropolitan Service District on March 6, 1997, or to any decision by the District on remand of those designations from the Land Use Board of Appeals or a court of competent jurisdiction;~~

and the version of that rule effective on December 31, 1996, shall continue to apply to those designations.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDC 5-1994, f. & cert. ef. 4-20-94;
LCDD 2-1997(Temp), f. & cert. ef. 5-21-97; LCDD 3-1997, f. & cert. ef. 8-1-97;
LCDD 4-1997, f. & cert. ef. 12-23-97; LCDD 4-2000, f. & cert. ef. 3-22-00

(Repeal the following rules)

[660-021-0090

Implementation Schedule

(1) Local governments listed in OAR 660-021-0080(3) shall complete urban reserves area planning under the following schedule:

(a) Adopt final urban reserves area boundaries, including all mapping, planning, and land use regulation requirements specified in OAR 660-021-0040 within 24 months from the effective date of this rule; and

(b) Adopt urban reserves area agreements meeting OAR 660-021-0050 within one year from adoption of urban reserves areas.

(2) The Director may grant an extension to time lines under subsections (1)(a) or (b) of this rule if the Director determines that the local government has provided proof of good cause for failing to complete urban reserve requirements on time.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 195.145 & ORS 197.040

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0100

Interim Protection of Potential Reserve Areas

(1) The following interim protection measures apply to all land use decisions concerning exception areas and nonresource lands within two miles of the urban growth boundary of Medford, and to those areas designated as an urban reserve by Metro (for the Portland area urban growth boundary) on March 6, 1997:

~~(a) Amendments of comprehensive plans or land use regulations are prohibited if they would allow an increase in the density of residential development relative to existing acknowledged plan and land use regulation provisions;~~

~~(b) Amendments of comprehensive plans or land use regulations are prohibited if they would allow additional commercial or industrial uses relative to existing acknowledged plan and land use regulation provisions, except that mineral and aggregate sites inventoried in an acknowledged plan may be rezoned to authorize mining activities;~~

~~(c) No subdivision or partition shall be permitted within two miles of the urban growth boundary of Medford; and~~

~~(d) No subdivision or partition creating a lot or parcel of less than 20 acres shall be permitted within those areas designated as urban reserves by Metro on March 6, 1997.~~

~~(2) Any local government reviewing a proposed land use decision that includes a decision under (1)(a) - (d) of this rule shall notify the department in writing of the proposal at least ten days prior to the close of the record on the decision.~~

~~(3) The provisions of this section are effective until the earlier of the following:~~

~~(a) December 31, 2000;~~

~~(b) When the commission adopts a rule under Goal 14 limiting the circumstances in which land divisions are allowed on rural exceptions lands; or~~

~~(c) For the Portland area urban growth boundary, when Metro's urban reserve designations are acknowledged, and all affected local governments have adopted the measures required under OAR 660-021-0040 and 0050 and those measures are acknowledged.~~

~~Stat. Auth.: ORS 183, ORS 195 & ORS 197~~

~~Stats. Implemented: ORS 195.145~~

~~Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-1997, f. & cert. ef. 12-23-97;~~

~~LCDD 4-2000, f. & cert. ef. 3-22-00]~~