

**LAND CONSERVATION AND DEVELOPMENT DEPARTMENT  
PROPOSED NEW OAR 660, DIVISION 27  
URBAN AND RURAL RESERVES IN THE PORTLAND METROPOLITAN  
AREA**

October 31, 2007

Conceptual Draft Rules for Workgroup Discussion

1 **660-027-0005**

2 **Purpose**

3 (1) This division is intended to implement the provisions of 2007 Oregon Laws Chapter  
4 723 regarding the designation of urban reserves and rural reserves in the Portland  
5 metropolitan area. This division provides an alternative to the urban reserve designation  
6 process described in OAR 660, Division 21. The division establishes procedures for  
7 designation of urban and rural reserves in the metropolitan area by agreement between  
8 and among local governments in the area, and by amendments to the applicable regional  
9 framework plan and comprehensive plans. The division also prescribes criteria and  
10 factors that local governments must apply when choosing lands for designation as urban  
11 or rural reserves.

12  
13 (2) Urban reserves under this division are intended to facilitate long-term planning for  
14 urbanization in the Portland metropolitan area and to provide greater certainty to the  
15 agricultural and forest industries, to other industries and commerce, to private landowners  
16 and to public and private service providers about the locations of future expansion of the  
17 Metro Urban Growth Boundary. Rural reserves under this division are intended to  
18 provide long-term protection for large blocks of agricultural land and forest land for  
19 natural landscape features that limit urban development or define natural boundaries of  
20 urbanization. **The objective of this division is the designation of urban and rural  
21 reserves that, together, help ensure livable communities, the viability and increasing  
22 vitality of the agricultural and forest industries and protection of the natural  
23 landscape features that define the region for its residents.**

24  
25 **660-027-0010**

26 **Definitions**

27 The definitions contained in ORS 195 and 197 and the Statewide Planning Goals (OAR  
28 Chapter 660, division 15) apply to this division. The following definitions also apply:

29  
30 (1) “Intergovernmental agreement” means an agreement between Metro and a county  
31 pursuant to applicable requirements for agreements in ORS 190.003 to 190.130, 195.025  
32 or 197.652 to 197.658, and in accordance with the requirements in this division,  
33 regarding the designation of urban and rural reserves and the performance of related land  
34 use planning and other activities pursuant to such designation.

35  
36 (2) “Livable communities” means communities with development patterns, public  
37 services and infrastructure that make them safe, healthy, affordable, sustainable  
38 and attractive place to live and work.

39  
40 (3) “Metro” means a metropolitan service district established under ORS chapter 268.

41  
42 (4) “Important natural landscape features” means landscape features that limit

1 **urban development, help define appropriate natural boundaries of urbanization, or**  
2 **provide for long-term protection and enhancement of the region's natural resources,**  
3 **public health and safety, and unique sense of place. These features include, but are**  
4 **not limited to, plant, fish, and wildlife habitat; corridors important for ecological,**  
5 **scenic, and recreational connectivity; steep slopes, floodplains, and other natural**  
6 **hazard lands; areas critical to the region's air and water quality; and historic,**  
7 **cultural, or other geographic features that define and distinguish the region.**

8  
9 (5) “Public facilities and services” means sanitary sewer, water, transportation, and storm  
10 water management facilities and public parks.

11  
12 (6) “Regional framework plan” means the plan adopted by Metro pursuant to ORS  
13 chapter 268.

14  
15 (7) “Rural reserve” means land outside the Metro UGB, and outside any other UGB in a  
16 county with which Metro has an agreement pursuant to this division, reserved to provide  
17 long-term protection for agriculture, forestry or important natural landscape features.

18  
19 (8) “UGB” means an acknowledged urban growth boundary established under Goal 14,  
20 and as defined in ORS 195.060(2).<sup>1</sup>

21  
22 (9) “Urban reserve” means land outside an urban growth boundary designated to provide  
23 for future expansion of the UGB over a long-term period, and *encourage planning for* the  
24 cost-effective provision of public facilities and services when the lands are included  
25 within the urban growth boundary.

26  
27 (10) “Walkable” means a community in which land uses are mixed, built compactly, and  
28 designed to provide residents and employees with safe and convenient pedestrian travel  
29 to schools, libraries, public offices and retail businesses that provide goods and services  
30 needed on a regular basis.

31  
32 **660-027-0020**

33 **Authority to Designate Urban and Rural Reserves**

34 (1) As an alternative to the authority to designate urban reserve areas granted by  
35 OAR 660, division 021, Metro may designate urban reserves through intergovernmental  
36 agreements with counties and by amendment of the regional framework plan to  
37 implement such agreements in accordance with the requirements of this division.

38  
39 (2) A county may designate rural reserves through intergovernmental agreement with  
40 Metro and by amendment of its comprehensive plan to implement such agreement in  
41 accordance with the requirements of this division.

42  
43 (3) A county and Metro may not enter into an intergovernmental agreement under this

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<sup>1</sup>ORS 195.060 (2) definition of UGB: “means an acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390 (3).”

1 division to designate urban reserves in the county unless the county and Metro  
2 simultaneously enter into an agreement to designate rural reserves in the county.

3  
4 **660-027-0030**

5 **Urban and Rural Reserve Intergovernmental Agreements**

6 (1) An intergovernmental agreement between Metro and a county to establish urban  
7 reserves and rural reserves under this division shall provide for a coordinated and  
8 concurrent process for adoption by Metro of regional framework plan provisions, and  
9 adoption by the county of comprehensive plan and zoning provisions, to implement the  
10 agreement. The agreement shall provide for concurrent adoption by Metro and the county  
11 of urban reserves and rural reserves, as specified in OAR 660-027-0040.

12  
13 (2) In the development of an intergovernmental agreement described in this division,  
14 Metro and any county shall follow a coordinated citizen involvement process that  
15 provides for broad public notice and opportunities for public comment regarding lands  
16 proposed for designation as urban and rural reserves under the agreement. The State  
17 Citizen Involvement Advisory Committee shall be provided an opportunity to review and  
18 comment on the proposed citizen involvement process.

19  
20 (3) An intergovernmental agreement made under this division shall be deemed a  
21 preliminary decision that is a prerequisite to the designation of reserves by amendments  
22 to Metro's regional framework plan and amendments to a county's comprehensive plan  
23 pursuant to 660-027-0040. Any intergovernmental agreement made under this division  
24 shall be submitted to LCDC with amendments to the regional framework plan and county  
25 comprehensive plans as provided in 660-027-0080(2).<sup>2</sup>

26  
27 **660-027-0040**

28 **Designation of Urban and Rural Reserves**

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

34  
35 (2) Urban reserves designated under this division shall be planned to accommodate  
36 population and employment growth for at least 20 years, and not more than 30 years,  
37 beyond the 20-year period for which Metro has demonstrated a buildable land supply  
38 inside the UGB in the most recent inventory, determination and analysis performed under  
39 ORS 197.296. Metro shall specify the particular number of years for which the urban  
40 reserves are intended to provide a supply of land. **The 20 to 30-year amount of land  
41 specified in this rule shall consist of the combined total of lands designated for  
42 urban reserves in all counties that have executed an intergovernmental agreement  
43 with Metro in accordance with OAR 660-027-0030.**

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<sup>2</sup> See DLCD email 10/11/07 to the workgroup explaining the reasons for this proposed wording amendment drafted by Dick Benner. On 10/15/07 the workgroup agreed to email Bob Rindy prior to the November 5 meeting regarding support for or concerns regarding this proposal.

1  
2 (3) If Metro designates urban reserves under this division prior to December 31, 2009, the  
3 reserves shall be planned to accommodate population and employment growth for at least  
4 20 years, and not more than 30 years, beyond 2029. Metro shall specify the particular  
5 number of years for which the urban reserves are intended to provide a supply of land.  
6

7 (4) Neither Metro nor a county may add rural reserves to any UGB during the period  
8 described in section (2) or (3) of this rule, whichever is applicable.  
9

10 (5) Metro may not re-designate rural reserves as urban reserves, and a county shall not re-  
11 designate land in rural reserves to another use, during the period described in section (2)  
12 or (3) of this rule, whichever is applicable.  
13

14 (6) If Metro designates urban reserves under this division it shall adopt policies to  
15 implement the reserves and must show the reserves on its regional framework plan map.  
16 A county in which urban reserves are designated shall adopt policies to implement the  
17 reserves and show the reserves on its comprehensive plan and zone maps.  
18

19 (7) If a county designates rural reserves under this division it shall adopt policies to  
20 implement the reserves and must show the reserves on its comprehensive plan and zone  
21 maps. Metro shall adopt policies to implement the rural reserves and show the reserves  
22 on its regional framework plan maps.  
23

24 (8) Designation of urban reserves and rural reserves under this division shall be  
25 coordinated **with cities in those counties that have executed an intergovernmental**  
26 **agreement with Metro** and shall be coordinated with local governments, state agencies,  
27 special districts and school districts that may provide services to the urban reserves when  
28 they are added to the UGB.  
29

30 (9) When identifying and selecting land to for designation as urban and rural reserves  
31 under this division, Metro and the counties shall base its decision on the factors specified  
32 in OAR 660-027-0050 or 660-027-0060, whichever are applicable.  
33

34 (10) Metro and those counties that lie partially within Metro shall identify, consider,  
35 evaluate and designate proposed urban and rural reserves concurrently and in  
36 coordination with one another. These local governments shall adopt a single, joint set of  
37 findings and statement of reasons that demonstrates how they applied the factors in OAR  
38 660-027-0050 and OAR 660-027-0060 when identifying, considering, evaluating and  
39 comparing areas for designation. **The findings and statement of reasons shall explain**  
40 **why the local governments selected the areas adopted as urban and rural reserves,**  
41 **and how the adopted reserves achieve the objectives set forth in section 660-027-**  
42 **0005.**  
43

#### 44 **660-027-0050**

#### 45 **Factors for Designation of Lands as Urban Reserves**

46 (1) When identifying and selecting land for designation as urban reserves under this

1 division, Metro shall base its decision on whether land proposed for designation as urban  
2 reserves, alone or in conjunction with land inside the UGB:<sup>3</sup>

3  
4 (a) Can be developed at urban densities in a way that makes efficient use of existing and  
5 future public and private infrastructure investments;

6  
7 (b) Can provide sufficient development capacity to support a healthy economy;

8  
9 (c) Can be efficiently and cost-effectively served with public schools and other urban-  
10 level public facilities and services by appropriate and financially capable service  
11 providers;

12  
13 (d) Can be designed to be walkable and served, by appropriate service providers, with a  
14 well-connected system of streets, bikeways, and recreation trails;

15  
16 (e) Can be designed to preserve and enhance natural ecological systems;

17  
18 (f) Includes sufficient land suitable for a range of needed<sup>4</sup> housing types;

19  
20 (g) Can be developed in a way to preserve important natural landscape features included  
21 in urban reserves; and

22  
23 (h) Can be designed to mitigate adverse effects on farm and forest practices and natural  
24 landscape features on nearby resource land, including land designated as rural reserves.

25  
26 **660-027-0060**

27 **Factors for Designation of Lands as Rural Reserves**

28 (1) When identifying and selecting land for designation as rural reserves under this  
29 division, a county shall indicate whether lands were considered and designated in order to  
30 provide long-term protection to agriculture and forest industries, or to provide long-term  
31 protection of natural landscape features, or both. Based on this choice, the county shall  
32 apply the factors in either section (2) or (3) of this rule, whichever are appropriate.<sup>5</sup>

33  
34 (2) When identifying and selecting land for designation as rural reserves intended to  
35 provide long-term protection to the agricultural industry or forest industry, a county shall  
36 base its decision on whether the lands:

37  
38 (a) Are situated in an area that is otherwise potentially subject to urbanization during the  
39 period described in the applicable section (2) or (3) of OAR 660-027-0040, as indicated  
40 by proximity to a UGB **or** proximity to properties with fair market values that

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<sup>3</sup> The as hoc workgroup asked: “Should a factor be added that allows for the inclusion in urban reserves of areas that may not otherwise rate highly based on the “great communities” factors (due to topography, parcelization, etc.), but that might make sense to urbanize over the long term for other reasons (e.g., urban form, governance)?” This has not been discussed.

<sup>4</sup> At the last meeting Randy Tucker suggested the group discuss this term at our next meeting.

<sup>5</sup> This scheme does not indicate the way to treat land that is in both farm and forest use. The workgroup should discuss this.

- 1 significantly exceed agricultural or forestry values;  
2
- 3 (b) Are capable of sustaining long-term agricultural or forestry operations;  
4
- 5 (c) Have suitable soils where needed to sustain long-term agricultural or forestry  
6 operations, and have available water where needed to sustain long-term agricultural  
7 operations;  
8
- 9 (d) Are suitable to sustain long-term agricultural or forestry operations, taking into  
10 account:  
11 (A) for farm land, the existence of a large block of agricultural or other resource land  
12 with a concentration or cluster of farm operations, or, for forest land, the existence of a  
13 large block of forested land with a concentration or cluster of managed woodlots;  
14 (B) The adjacent land use pattern, including its location in relation to adjacent non-farm  
15 uses or non-forest uses, and the existence of buffers between agricultural or forest  
16 operations and non-farm or non-forest uses;  
17 (C) The agricultural or forest land use pattern, including parcelization, tenure and  
18 ownership patterns; and  
19 (D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is  
20 applicable.  
21
- 22 (3) When identifying and selecting land for designation as rural reserves intended to  
23 protect important natural landscape features, a county shall base its decision on whether  
24 the lands:  
25
- 26 (a) Are situated in an area that is otherwise potentially subject to urbanization during the  
27 period described in the applicable section (2) or (3) of OAR 660-027-0040, whichever is  
28 applicable;  
29
- 30 (b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas  
31 subject to landslides;  
32
- 33 (c) Are important fish, plant or wildlife habitat;  
34
- 35 (d) Are necessary to protect water quality or water quantity, such as streams, wetlands  
36 and riparian areas;  
37
- 38 (e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive  
39 wetlands;  
40
- 41 (f) Can serve as a boundary or buffer to reduce conflicts between urban uses and rural  
42 uses and natural resources, such as rivers, cliffs and floodplains;  
43
- 44 (g) Provide for separation between cities; and  
45

1 (h) Provide easy access to recreational opportunities in rural areas, such as rural trails and  
2 parks.

3  
4 **660-027-0070**

5 **Planning of Urban and Rural Reserves**

6 (1) Urban reserves are the highest priority for inclusion in the urban growth boundary  
7 when the boundary is expanded, as specified in Goal 14, OAR 660, division 24, and ORS  
8 197.298.

9  
10 (2) In order to maintain opportunities for orderly and efficient development of urban uses  
11 and provision of urban services when urban reserves are added to the UGB, counties shall  
12 not amend land use regulations for urban reserves designated under this division to allow  
13 uses that were not allowed, or smaller lots or parcels than were allowed, at the time of  
14 designation as urban reserves until the reserves are added to the UGB.

15  
16 (3) Counties that designate rural reserves under this division shall not amend their land  
17 use regulations to allow uses that were not allowed, or smaller lots or parcels than were  
18 allowed, at the time of designation as rural reserves unless and until the reserves are re-  
19 designated, consistent with this division, as land other than rural reserves.

20  
21 (4) Counties, cities and Metro may adopt conceptual plans for the eventual urbanization  
22 of urban reserves designated under this division, and may enter into urban service  
23 agreements among cities, counties and special districts serving or projected to serve the  
24 designated urban reserve area.

25  
26 **660-027-0080**

27 **Adoption and LCDC Review of Urban and Rural Reserves**

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

31  
32 (2) After adoption or amendment of urban and rural reserves, Metro and applicable  
33 counties shall **jointly and concurrently** submit the adopted or amended reserves to the  
34 Land Conservation and Development Commission for approval in the manner provided  
35 for periodic review under ORS 197.628 to 197.650.