



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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June 5, 2008



TO: Land Conservation and Development Commission

FROM: Bob Rindy, DLCD 

SUBJECT: **Agenda Item 8, June 18-20, 2008, LCDC Meeting**

## Informational Briefing on Designation of Urban and Rural Reserves In the Metro Tri-County Area

### AGENDA ITEM SUMMARY

Under this agenda item, Metro and other invited officials will update the Commission on the ongoing process to identify and designate urban and rural reserves in the Tri-county Metro area.

For more information about this agenda item, contact Bob Rindy, at (503) 373-0050, Ext. 229, or email at [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us)

### **Background**

Senate Bill 1011, enacted by the 2007 legislature required that LCDC adopt rules to establish a process and criteria for designating Metro area urban and rural reserves. SB 1011, codified as Oregon Laws 2007, chapter 723, took effect immediately upon the Governor's signature last July, and specifies that LCDC must adopt the implementing administrative rules by January 31, 2008. The Commission adopted rules for this new process in January of this year (see Attachment C). Once Metro and the three Metro area counties adopt urban and rural reserves, the reserve designation will be submitted to LCDC for evaluation. Based on LCDC's rules and SB 1011, LCDC may either approve the designations, or may remand them to Metro and the Counties if the designation is not in accordance with the requirements of the rules and statutes. It is anticipated that Metro will designate reserves in 2009.

SB 1011 was supported by a broad coalition of interests in the region, and was based on research conducted under Metro's 2007 "Shape of the Region" study (see link below). Metro joined with Washington, Multnomah, and Clackamas counties, DLCD and the Oregon Department of Agriculture (ODA), to conduct the "Shape of the Region" study "in order to better inform the region's approach to growth management and future urban expansion." The study examined land outside Metro's UGB and asked three broad questions:

- What lands are functionally critical to the region's agricultural economy?
- What natural landscape features are important in terms of ecological function and defining a sense of place for residents of the region?

- What attributes allow lands to most efficiently and effectively be integrated into the urban fabric of the region to create sustainable and complete communities?

Upon adoption of LCDC rules last January, Metro region governments began a process to designate the reserves. A Reserves Steering Committee (See Attachment A) was established to identify potential urban and rural reserve study areas and advise the Metro Council and the Commissions of Clackamas, Multnomah and Washington counties on the eventual designation of reserves. Designation of urban and rural reserves will be made through agreements between Metro and the counties, and is scheduled to occur in 2009 (see Attachment B).

The designation of urban and rural reserves will assist the Metro Council and local communities in the implementation of the 2040 Growth Concept, the region's long-range plan for managing growth that was adopted in 1995. The 2040 Growth Concept seeks to:

- encourage more efficient use of land in cities, in business centers, on main streets and on major transit routes
- protect natural areas, parks, streams and farmland both inside and outside the urban growth boundary
- promote a transportation system that includes all types of travel, such as bicycling, walking and using mass transit, as well as cars and freight
- work with neighboring cities outside of the Metro region – such as Canby, Newberg and Sandy – to keep the separation between communities
- promote diverse housing options for all residents of the region.

The “Shape of the Region” report, “symposium” and related studies are available on Metro’s website at the following link:

<http://www.metro-region.org/index.cfm/go/by.web/id=25147>

### **RECOMMENDED LCDC ACTION**

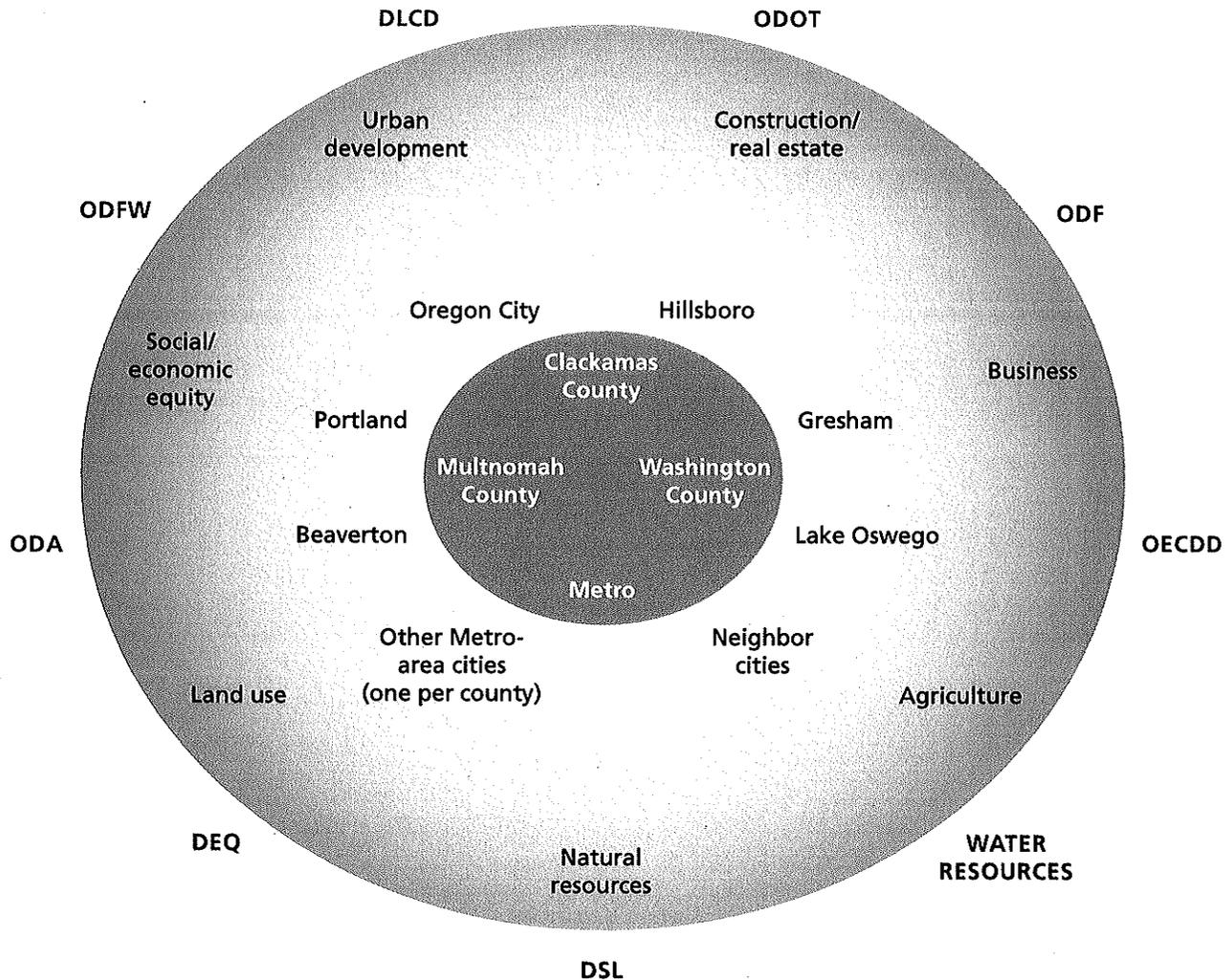
This item is an informational briefing only and is not intended for LCDC action.

### **ATTACHMENTS**

- A. Urban Reserves Steering Committee List
- B. Steering Committee 2008 Meeting Schedule
- C. Urban and Rural Reserves Key Milestones and Work Program chart
- D. Proposed Reserves Study Area
- E. LCDC Administrative Rules for Metro Urban and Rural Reserves

**Attachment A**  
**Urban Reserves Steering Committee List**

# Reserves Steering Committee



- Four votes (Metro and counties); all decisions unanimous
- All other steering committee members serve in non-voting advisory positions
- Each steering committee member serves as the representative of an entity or community named on this diagram and is expected to coordinate with members of that entity or community
- Decisions that require governing body approval are tentative (e.g., IGAs)
- Charge is limited to creating IGA on urban and rural reserves
- Independent chair or facilitator

**Reserves Steering Committee Members**  
as of March 14, 2008

**Core 4**

<b>Metro Council</b>	<b>Kathryn Harrington</b>
<b>Clackamas County</b>	<b>Martha Schrader</b>
<b>Multnomah County</b>	<b>Jeff Cogen</b>
<b>Washington County</b>	<b>Tom Brian</b>

<u>Cities</u>	<u>Member</u>	<u>Alternate</u>
<b>Portland</b>	<b>Gil Kelley</b>	<b>Bob Clay</b>
<b>Beaverton</b>	<b>Rob Drake</b>	
<b>Gresham</b>	<b>Shane Bemis</b>	
<b>Hillsboro</b>	<b>Tom Hughes</b>	<b>Aron Carleson</b>
<b>Lake Oswego</b>	<b>Judie Hammerstad</b>	<b>Donna Jordan</b>
<b>Oregon City</b>	<b>Alice Norris</b>	<b>Doug Neeley</b>
<b>Other cities – Clackamas County</b>	<b>Charlotte Lehan, Wilsonville mayor</b>	<b>Norm King, West Linn mayor</b>
<b>Other cities – Multnomah County</b>	<b>David Fuller, Wood Village mayor</b>	<b>Julie Odell, Wood Village</b>
<b>Other cities – Washington County</b>	<b>Chris Barhyte, Tualatin city councilor</b>	<b>Richard Kidd, Forest Grove mayor</b>
<b>Neighbor cities</b>	<b>Bob Austin, Estacada mayor</b>	<b>Kathy Figley, Woodburn mayor</b>

<u>Non-governmental stakeholders</u>	<u>Member</u>	<u>Alternate</u>
<b>Business</b>	<b>Greg Manning</b>	
<b>Construction/Real Estate</b>	<b>Greg Specht</b>	<b>Bob LeFeber</b>
<b>Urban Development</b>	<b>Craig Brown</b>	<b>Drake Butsch</b>
<b>Agriculture</b>	<b>Jeff Stone</b>	<b>Shawn Cleave</b>
<b>Natural Resources</b>	<b>Mike Houck</b>	<b>Jim Labbe</b>
<b>Land Use</b>	<b>Mary Kyle McCurdy</b>	
<b>Social/Economic Equity</b>	<b>Sue Marshall</b>	<b>Ron Carley</b>

<u>State Agencies – serving in coordination roles</u>	<u>Member</u>	<u>Alternate</u>
<b>Department of Land Conservation and Development</b>	<b>Richard Whitman</b>	<b>Bob Rindy</b>
<b>Department of Transportation</b>	<b>Lainie Smith</b>	<b>Lidwein Rahman</b>
<b>Department of Forestry</b>	<b>David Morman</b>	<b>Doug Decker</b>
<b>Economic and Community Development Department</b>	<b>Karen Goddin</b>	<b>John Rakowitz</b>
<b>Water Resources Department</b>	<b>Bill Ferber</b>	
<b>Department of State Lands</b>	<b>Kirk Jarvie</b>	<b>Peter Ryan</b>
<b>Department of Environmental Quality</b>	<b>Keith Johnson</b>	
<b>Department of Agriculture</b>	<b>Katy Coba</b>	<b>Jim Johnson</b>
<b>Department of Fish and Wildlife</b>	<b>Jeff Boechler</b>	<b>Susan Barnes</b>

## The Reserves Steering Committee

The Reserves Steering Committee, co-led by Metro and Clackamas, Multnomah and Washington counties, will oversee the study of potential urban and rural reserves and advise the Metro Council and county commissions on the formal designations of these areas.

To assist with the study and development of urban and rural reserves, a Reserves Steering Committee has been formed, consisting of officials from local cities, counties and Metro, as well as representatives of various business sectors, the agricultural community, the environmental conservation community, and social and economic equity organizations. As urban and rural reserves will be formally designated through agreements between the Metro Council and Clackamas, Multnomah and Washington counties, the representatives of the Metro Council and the three counties are the only voting members of the Reserves Steering Committee. These four representatives, who co-chair the Reserves Steering Committee, are:

- **Metro** Councilor Kathryn Harrington
- **Clackamas County** Commissioner Martha Schrader
- **Multnomah County** Commissioner Jeff Cogen
- **Washington County** Chair Tom Brian

The steering committee also has seats for representatives from the two largest cities in each county, as well as one seat apiece representing the smaller cities of each county. There is also one representative for the neighboring cities outside Metro's urban growth boundary. The city representatives are:

- **Portland:** Gil Kelley, Planning Director (Bob Clay, Chief Planner, alternate)
- **Gresham:** Shane Bemis, Mayor
- **Beaverton:** Rob Drake, Mayor
- **Hillsboro:** Tom Hughes, Mayor (Aron Carleson, Councilor, alternate)
- **Lake Oswego:** Judie Hammerstad, Mayor (Donna Jordan, Councilor, alternate)
- **Oregon City:** Alice Norris, Mayor (Doug Neeley, Commissioner, alternate)
- **Clackamas County's other cities:** Charlotte Lehan, Wilsonville Mayor (Norm King, West Linn Mayor, alternate)
- **Multnomah County's other cities:** David Fuller, Wood Village Mayor (Julie Odell, Wood Village staff, alternate)
- **Washington County's other cities:** Chris Barhyte, Tualatin City Councilor (Richard Kidd, Forest Grove Mayor, alternate)
- **Neighboring cities:** Bob Austin, Estacada Mayor (Kathy Figley, Woodburn Mayor, alternate)

In addition, the representatives of various non-governmental stakeholder groups include:

- **Business:** Greg Manning, First Horizon Construction Lending

- **Construction/Real Estate:** Greg Specht, Specht Development, Inc. (Bob LeFeber, Commercial Realty Advisors, LLC, alternate)
- **Urban Development:** Craig Brown, Matrix Development (Drake Butsch, First American Title Insurance Co., alternate)
- **Agriculture:** Jeff Stone, Oregon Association of Nurseries (Shawn Cleave, Oregon Farm Bureau, alternate)
- **Natural Resources:** Mike Houck, Urban Greenspaces Institute (Jim Labbe, Audubon Society of Portland, alternate)
- **Land Use:** Mary Kyle McCurdy, 1000 Friends of Oregon
- **Social and Economic Equity:** Sue Marshall, Coalition for a Livable Future (Ron Carley, Coalition for a Livable Future, alternate)

State agencies are also working closely with the Reserves Steering Committee to provide policy and technical expertise. These agencies and their representatives are:

- **Department of Land Conservation and Development:** Richard Whitman (Bob Rindy, alternate)
- **Department of Transportation:** Lainie Smith (Lidwien Rahman, alternate)
- **Department of Agriculture:** Katy Coba (Jim Johnson, alternate)
- **Department of Forestry:** David Morman (Doug Decker, alternate)
- **Economic and Community Development Department:** Karen Goddin
- **Water Resources Department:** Bill Ferber (Sabrina White-Scarver, alternate)
- **Department of State Lands:** Kirk Jarvie (Peter Ryan, alternate)
- **Department of Environmental Quality:** Keith Johnson
- **Department of Fish and Wildlife:** Jeff Boechler (Susan Barnes, alternate)

The Reserves Steering Committee meets once each month. A copy of the 2008 meeting schedule is available to download below; with a few exceptions, the meetings are held on the second Wednesday of the month from 9 a.m. to noon. All meetings of the Reserves Steering Committee are open to the public and held at Metro Regional Center, located at 600 NE Grand Avenue in Portland.

**Need assistance?**

Ken Ray

503-797-1508

[reserves@metro-region.org](mailto:reserves@metro-region.org)

**Attachment B**  
**Steering Committee 2008 Meeting Schedule**

## **Reserves Steering Committee 2008 Meeting Schedule**

The Reserves Steering Committee will meet once each month during 2008. With the exception of January, March and June, these meetings will be held on the second Wednesday of the month from 9:00 a.m. to noon.

**All meetings are open to the public and will be held in the Council Chamber at Metro Regional Center, located at 600 NE Grand Avenue in Portland.**

For more information about this schedule, please contact Ken Ray at 503-797-1508 or [rayk@metro.dst.or.us](mailto:rayk@metro.dst.or.us).

**Monday, January 28  
9:30 a.m. to noon**

**Wednesday, July 9  
9:00 a.m. to noon**

**~~Wednesday, February 13 (CANCELLED)  
9:00 to 11:00 a.m.~~**

**Wednesday, August 13  
9:00 a.m. to noon**

**Friday, March 14  
9:00 a.m. to noon**

**Wednesday, September 10  
9:00 a.m. to noon**

**Wednesday, April 9  
9:00 a.m. to noon**

**Wednesday, October 8  
9:00 a.m. to noon**

**Wednesday, May 14  
9:00 a.m. to noon**

**Wednesday, November 12  
9:00 a.m. to noon**

**Monday, June 9  
9:00 a.m. to noon**

**Wednesday, December 10  
9:00 a.m. to noon**

Attachment C  
Urban and Rural Reserves Key Milestones and Work Program chart



# Coordinated Reserves Work Program Overview

2007

**PHASE 1**

*Establish committees and public involvement process*

November 2007 – March 2008

- Establish Reserves Steering Committee
- Establish county coordination committees
- Create coordinated public involvement plan
- Develop analytical approach

**OBJECTIVES**

- Focus on the need for reserves and an introduction to the reserves process

**PUBLIC INVOLVEMENT**

Agreement on analytical approach and the public involvement process

**KEY MILESTONE**

Reserves Steering Committee Meetings 1-2

**STEERING COMMITTEE**

2008

**PHASE 2**

*Develop Reserve Study Areas*

April 2008 – August 2008

- Identify broad reserve study areas
- Review initial 40 – 50 year population and employment forecasts
- Develop indicators to evaluate urban and rural reserve factors
- Review data needs and begin to assemble data

- Focus on the selection of reserve study areas for further analysis

Reserve study areas endorsed

Reserves Steering Committee Meetings 3-7

2009

**PHASE 3**

*Analyze Reserve Study Areas*

September 2008 – April 2009

- Analyze how reserve study areas meet urban and rural reserve factors
- Refine 40 – 50 year population and employment forecasts and allocations
- Develop preliminary urban and rural reserves

- Focus on the application of factors to reserve study areas and how factors should be weighed

Preliminary reserve areas recommended

Reserves Steering Committee Meetings 8-15

**PHASE 4**

*Recommend Reserve Designations*

May 2009 – September 2009

- Finalize reserve areas
- Draft and adopt intergovernmental agreements

- Focus on review of urban and rural reserves recommended by the Reserves Steering Committee

Reserve areas recommended via intergovernmental agreements

Meetings scheduled as needed

**PHASE 5**

*Adoption of Urban and Rural Reserves*

October 2009 – December 2009

- Draft and adopt required plan and code ordinances
- Draft and adopt joint decision findings
- Adopt reserve areas
- LCDC review and acknowledgement of reserve areas

- Focus on technical issues relating to the adoption of amendments to existing codes and plans

Metro designates urban reserves  
Counties designate rural reserves

Meetings scheduled as needed

2010 – 11

January 2010 – December 2011

- Following the adoption of reserves, the Metro Council will make Urban Growth Management decisions:
- Review Urban Growth Report and evaluate existing Urban Growth Boundary
- Consider efficiency measures
- Select specific lands for inclusion within Metro UGB as needed

Counties implement rural reserves by conforming their comprehensive plans

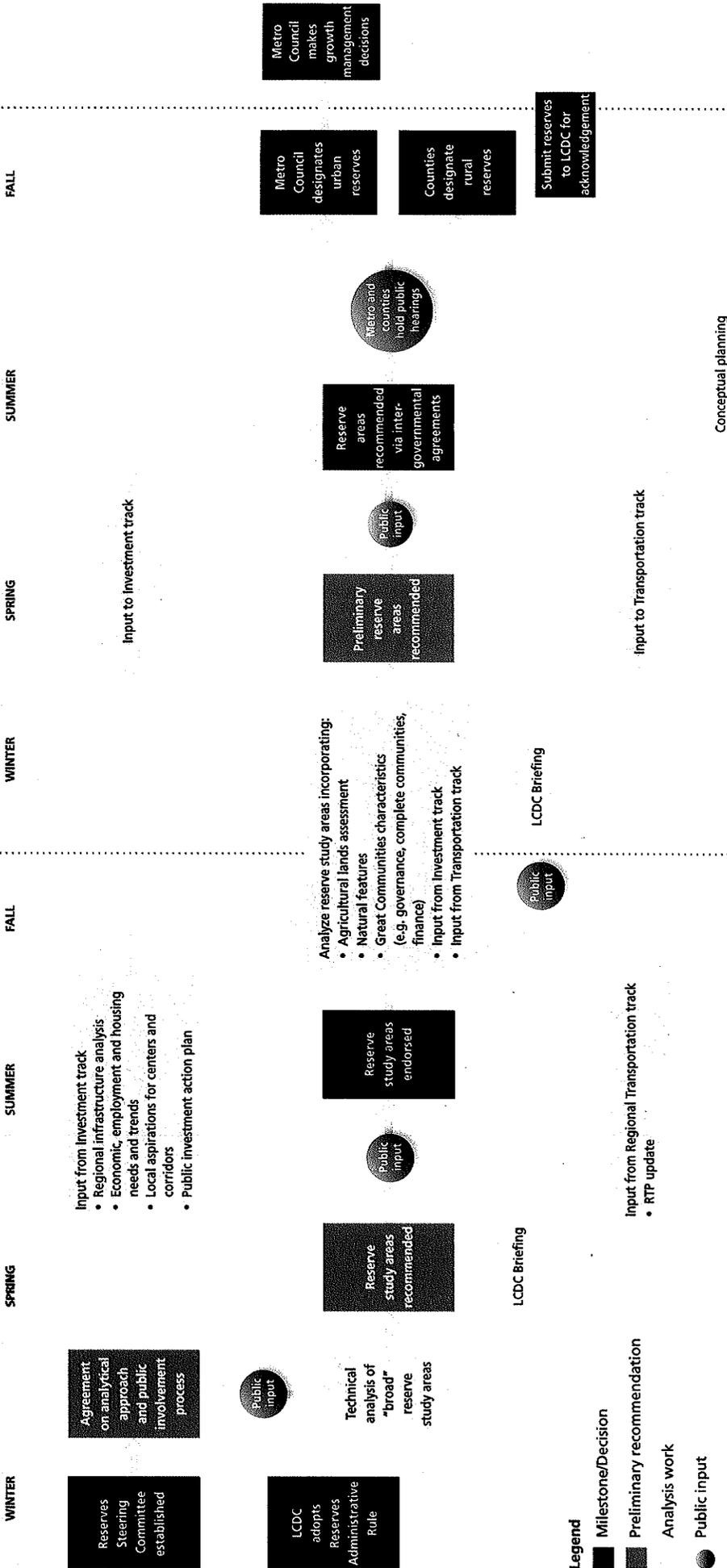


081969 Draft 3, 3/13/08

# DRAFT Key Milestones for Designating Urban and Rural Reserves

**2008** **2009** **2010**  
*work in progress* *Final analysis and decisions on urban and rural reserves* *Future decisions*

*Identifying and analyzing options for urban and rural reserves study areas*



**Legend**

- Milestone/Decision
- Preliminary recommendation
- Analysis work
- Public input

073899, Draft 1, 12/20/07

**Attachment D**  
**Proposed Reserves Study Area**

# MEMORANDUM



DATE: May 30, 2008

TO: Councilor Kathryn Harrington, Metro  
Commissioner Martha Schrader, Clackamas County  
Commissioner Jeff Cogen, Multnomah County  
Chair Tom Brian, Washington County  
Reserve Steering Committee Members

FROM: Core Four Technical Team

RE: ***Proposed Reserves Study Area Map***

## **Introduction**

This memo provides a summary of the process by which the draft urban and rural reserves study area map has been developed and refined and seeks direction and consent from the Core Four and Reserves Steering Committee (RSC) to send the draft study area map out for public comment prior to its formal adoption by the Core Four at the September 10 RSC meeting.

## **Background**

The Key Milestones for Designating Urban and Rural Reserves chart calls for the identification of a broad urban and rural reserve study area to take out for public input. At the April 9 RSC meeting, Metro staff outlined a proposal, developed with staff from Clackamas, Multnomah and Washington counties, for identifying a broad urban and rural reserve study area using a starting point of five-miles from the current urban growth boundary (UGB). This five-mile area included approximately 400,000 acres of land, or 2.5 times the amount of land within the current UGB. The area extended from Sandy in the east to Marion and Yamhill counties in the south, out to Hagg Lake in the west and most of Sauvie Island in the north (see attachment A). Staff also proposed adjustments to this five-mile study area as outlined below.

- Remove the study area from the Columbia River Gorge National Scenic Area
- Adjust the study area to exclude the Sandy urban reserve areas
- Extend the study area to include the area between the five-mile edge and Estacada and Molalla
- Remove the study area from Marion and Yamhill Counties
- Extend the study area to the Washington County line in the Chehalem ridge location
- Extend the study area to include the junctions of Highway 26 with Highway 6 and Highway 47 in the Banks area
- Extend the study area to include all of Sauvie Island in Multnomah County and the forested area extending from Forest Park to the Columbia and Washington county lines.

Also on April 9, the RSC discussed the proposed five-mile broad study area and amendments, generally agreeing with them with the exception of removing Marion and Yamhill counties from the study area. Furthermore, it was suggested that additional land to the south in Marion County should be included in the study area. The Core Four decided that they would contact commissioners from Marion and Yamhill counties to determine their willingness to be involved in the process. In addition, Metro staff would look into the legal issues involved in including these two counties in the reserves process.

At the May 14 RSC meeting, Dick Benner of the Office of Metro Attorney summarized three legal issues surrounding the extension of the study area into Yamhill and Marion counties. Although not mentioned in the discussion, the same legal issues relate to Columbia County.

- Metro cannot designate urban reserves in Yamhill, Marion and Columbia counties. The statute providing authority for Metro limits its potential jurisdiction to Clackamas, Multnomah and Washington counties and Metro cannot have a UGB that extends beyond the limits of that jurisdiction.
- Other counties can designate urban and rural reserves, however they would not be designating reserves under Senate Bill 1011 but under other statutes that allow them to do so.
- Metro could enter into an agreement with Yamhill, Marion and Columbia counties to designate reserves in those counties. The counties could designate rural reserves, however there is the limitation that their rural designation does not trump the UGB process under Goal 14.

On May 14, Commissioner Cogen reported that Core Four members have had conversations with their colleagues in Marion and Yamhill counties to inform them of the process and to let them know that their participation in the process was discussed by the RSC. Marion and Yamhill counties both declined to join the process, although they will track the progress of the RSC. Commissioner Cogen noted that the Core Four is determined to continue to communicate with the neighboring counties regarding the designation of urban and rural reserves. The RSC agreed that land beyond the three county areas should not be represented on the broad urban and rural reserve study area map.

The Metro Council, the Clackamas, Multnomah and Washington county commissions, and the three local urban and rural reserve advisory committees set up by counties, have also reviewed the proposed five-mile study area map.

### **Proposed Study Area Map**

Based on the discussion at the April 9 and May 14 RSC meetings, staff revised the proposed five-mile area to include additional areas and remove some areas from consideration as can be seen in Attachment B. In general, the proposed study area map is defined by the original five-mile edge, county and watershed boundaries, and in a few instances roads. The proposed study area contains approximately 404,482 acres.

Based on a review of the reserve factors contained in the LCDLDC rules, staff felt that watershed boundaries were a logical tool to define the edge in those areas where extensions of the five-mile edge were identified. Watershed boundaries relate to both urban and rural reserves by defining the natural landscape and the more efficient ability to provide some urban services such as water and sewer services. After identifying the proposed boundary, staff evaluated it against the following data sets to determine if any

changes should occur: Oregon Dept. of Agriculture's Agricultural Land Hierarchy (foundation important, conflicted), Metro's Natural Landscape Features Inventory, Oregon Dept. of Forestry's Forestlands Development Zones, topography, floodplains, zoning, aerial photography, and major roadways, streams and railroad tracks.

The following amendments were made:

- The Columbia River Gorge National Scenic Area was removed
- The area between the scenic area and the City of Sandy is defined by the five-mile edge and the Sandy River
- The City of Sandy urban reserve areas are removed
- The area between Sandy, Estacada and Molalla is defined by watershed boundaries with the exception of three locations defined by Highway 211 near Sandy, S Hayden Road near Estacada and S Beaver Creek Road near Molalla
- The area between Molalla and the Clackamas County line is defined by the watershed boundary
- County boundaries define the area between the Pudding River and the City of Gaston
- The area between Gaston and Highway 6 is defined by the 5-mile edge
- As there is no defining edge or landmark in the area around the City of Banks and the junctions of Highway 26 with Highway 6 and Highway 47, staff extended the area a reasonable distance from the highway intersections and continued the area east to the five-mile boundary north of North Plains
- Include all of Multnomah County in the Sauvie Island area and the forested area extending from Forest Park.

In addition, the Clackamas County Reserves Policy Advisory Committee reviewed the proposed study area at their May 27 meeting and suggested extending the area to Highway 211 between Estacada and Molalla and between Molalla and the Clackamas County line.

### **Recommendation**

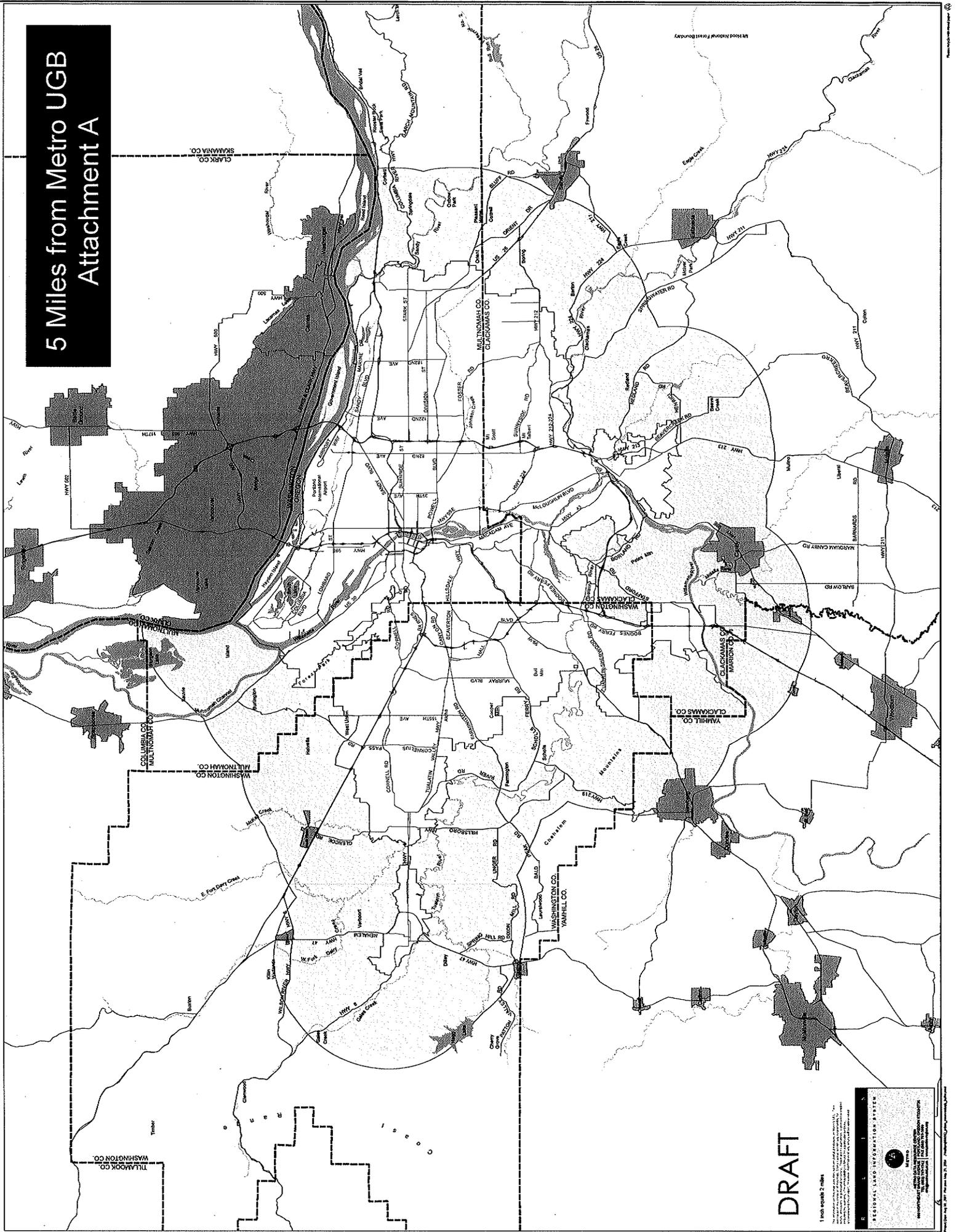
The Core Four technical staff recommends that the Core Four release the proposed urban and rural reserves study area map for public comment.

### **Next Steps**

A series of six public forum events are scheduled throughout the region in June and July to raise public understanding of the urban and rural reserves process and receive public comment on the proposed broad urban and rural reserves study area. These public forums are being developed by the Core Four public involvement team and will be staffed by representatives from all four jurisdictions.

This outreach effort is intended to inform a Steering Committee discussion on September 9, at which time a final study reserves area map is scheduled to be endorsed. To facilitate the September decision, results of the public outreach effort will be summarized and made available to each county's coordinating committee, county commissions, Metro Council, and stakeholder groups in August.

# 5 Miles from Metro UGB Attachment A



**DRAFT**

1 inch equals 2 miles

**REGIONAL LAND INFORMATION SYSTEM**

CLACKAMAS COUNTY

CLACKAMAS COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

1000 NE Oregon Street, Suite 200, Clackamas, OR 97015

503.646.2300

www.clackamas.gov



**Attachment E**  
**LCDC Administrative Rules for Metro Urban and Rural Reserves**

# LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

## DIVISION 27

### URBAN AND RURAL RESERVES IN THE PORTLAND METROPOLITAN AREA

#### 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.

(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. 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.

Stat. Auth.: ORS 195.141; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 195.137 to ORS 195.145.

Hist.:

#### 660-027-0010

##### **Definitions**

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

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

- (2) "Important Agricultural Lands" means those lands mapped as Important Agricultural Lands in the January 2007 Oregon Department of Agriculture report to Metro entitled "*Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.*"
- (3) "Intergovernmental agreement" means an agreement between Metro and a county pursuant to applicable requirements for such agreements in ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658, and in accordance with the requirements in this division regarding the designation of urban and rural reserves and the performance of related land use planning and other activities pursuant to such designation.
- (4) "Livable communities" means communities with development patterns, public services and infrastructure that make them safe, healthy, affordable, sustainable and attractive places to live and work.
- (5) "Metro" means a metropolitan service district organized under ORS chapter 268.
- (6) "Important natural landscape features" means landscape features that limit urban development or help define appropriate natural boundaries of urbanization, and that thereby provide for the long-term protection and enhancement of the region's natural resources, public health and safety, and unique sense of place. These features include, but are not limited to, plant, fish and wildlife habitat; corridors important for ecological, scenic and recreational connectivity; steep slopes, floodplains and other natural hazard lands; areas critical to the region's air and water quality; historic and cultural areas; and other landscape features that define and distinguish the region.
- (7) "Public facilities and services" means sanitary sewer, water, transportation, storm water management facilities and public parks.
- (8) "Regional framework plan" means the plan adopted by Metro pursuant to ORS 197.015(17).
- (9) "Rural reserve" means lands outside the Metro UGB, and outside any other UGB in a county with which Metro has an agreement pursuant to this division, reserved to provide long-term protection for agriculture, forestry or important natural landscape features.
- (10) "UGB" means an acknowledged urban growth boundary established under Goal 14 and as defined in ORS 195.060(2).
- (11) "Urban reserve" means lands outside an urban growth boundary designated to provide for future expansion of the UGB over a long-term period and to facilitate planning for the cost-effective provision of public facilities and services when the lands are included within the urban growth boundary.
- (12) "Walkable" describes a community in which land uses are mixed, built compactly, and designed to provide residents, employees and others safe and convenient pedestrian access to schools, offices, businesses, parks and recreation facilities, libraries and other places that provide goods and services used on a regular basis.

Stat. Auth.: ORS 195.141; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 195.137; ORS 195.145.

Hist.:

#### **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.

(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.

(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.

Stat. Auth.: ORS 195.141; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 195.137 to ORS 195.145.

Hist.:

#### **660-027-0030**

##### **Urban and Rural Reserve Intergovernmental Agreements**

(1) An intergovernmental agreement between Metro and a county to establish urban reserves and rural reserves under this division shall provide for a coordinated and concurrent process for Metro to adopt regional framework plan provisions, and for the county to adopt comprehensive plan and zoning provisions, to implement the agreement. The agreement shall provide for Metro and the county to concurrently designate urban reserves and rural reserves, as specified in OAR 660-027-0040.

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

(3) An intergovernmental agreement made under this division shall be deemed a preliminary decision that is a prerequisite to the designation of reserves by amendments to Metro's regional

framework plan and amendments to a county's comprehensive plan pursuant to OAR 660-027-0040. Any intergovernmental agreement made under this division shall be submitted to the Commission with amendments to the regional framework plan and county comprehensive plans as provided in OAR 660-027-0080(2) through (4).

Stat. Auth.: ORS 195.41; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 195.137 to 195.145.

Hist.:

#### **660-027-0040**

##### **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 lands 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 lands 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.

(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) When evaluating and designating land for urban reserves, Metro and a county shall apply the factors of OAR 660-027-0050 and shall coordinate with cities, special districts and school districts that might be expected to provide urban services to these reserves when they are added to the UGB, and with state agencies.

(9) When evaluating and designating land for rural reserves, Metro and a county shall apply the factors of OAR 660-027-0060 and shall coordinate with cities, special districts and school districts in the county, and with state agencies.

(10) Metro and any county that enters into an agreement with Metro under this division shall apply the factors in OAR 660-027-0050 and OAR 660-027-0060 concurrently and in coordination with one another. Metro and those counties that lie partially within Metro with which Metro enters into an agreement shall adopt a single, joint set of findings of fact, statements of reasons and conclusions explaining why areas were chosen as urban or rural reserves, how these designations achieve the objective stated in OAR 660-027-0005(2), and the factual and policy basis for the estimated land supply determined under section (2) of this rule.

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

Stat. Auth.: ORS 195.141; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 195.137 to 195.145.

Hist.:

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

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

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

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

- (2) Includes sufficient development capacity to support a healthy economy;
- (3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;
- (4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;
- (5) Can be designed to preserve and enhance natural ecological systems;
- (6) Includes sufficient land suitable for a range of needed housing types;
- (7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and
- (8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Stat. Auth.: ORS 195.141; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 195.137 to ORS 195.145.

Hist.:

#### **660-027-0060**

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

- (1) When identifying and selecting lands for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.
- (2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:
  - (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;
  - (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's February 2007 "*Natural Landscape Features Inventory*" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

(c) Are important fish, plant or wildlife habitat;

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;

(g) Provide for separation between cities; and

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

(4) Notwithstanding requirements for applying factors in OAR 660-027-0040(9) and section (2) of this rule, a county may deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation under OAR 660-027-0040(10).

Stat. Auth.: ORS 195.141; ORS 197.040.  
Other Auth.: Statewide planning goals (OAR chapter 660, division 15).  
Stats. Implemented: ORS 195.137 to ORS 195.145.  
Hist.:

**660-027-0070**

**Planning of Urban and Rural Reserves**

- (1) Urban reserves are the highest priority for inclusion in the urban growth boundary when Metro expands the UGB, as specified in Goal 14, OAR chapter 660, division 24, and in ORS 197.298.
- (2) In order to maintain opportunities for orderly and efficient development of urban uses and provision of urban services when urban reserves are added to the UGB, counties shall not amend land use regulations for urban reserves designated under this division to allow uses that were not allowed, or smaller lots or parcels than were allowed, at the time of designation as urban reserves until the reserves are added to the UGB.
- (3) Counties that designate rural reserves under this division shall not amend their land use regulations to allow uses that were not allowed, or smaller lots or parcels than were allowed, at the time of designation as rural reserves unless and until the reserves are re-designated, consistent with this division, as land other than rural reserves.
- (4) Counties, cities and Metro may adopt conceptual plans for the eventual urbanization of urban reserves designated under this division, including plans for eventual provision of public facilities and services for these lands, and may enter into urban service agreements among cities, counties and special districts serving or projected to serve the designated urban reserve area.
- (5) Metro shall ensure that lands designated as urban reserves, considered alone or in conjunction with lands already inside the UGB, are ultimately planned to be developed in a manner that is consistent with the factors in OAR 660-027-0050.

Stat. Auth.: ORS 195.141; ORS 197.040.  
Other Auth.: Statewide planning goals (OAR chapter 660, division 15)  
Stats. Implemented: ORS 195.137 to 195.145.  
Hist.:

**660-027-0080**

**Local Adoption and Commission 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 designations to the 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:

(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;

(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.

Stat. Auth.: ORS 195.141; ORS 197.040.

Other Auth.: Statewide planning goals (OAR chapter 660, division 15).

Stats. Implemented: ORS 183.482(8)(c); 195.145; ORS 197.626; ORS 197.747.

Hist.: