



Urban Reserves and Rural Reserves in the Portland Metro Area

LCDC Briefing and Overview

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SB 1011

A new approach to Urban Reserves

- Senate Bill 1011 - enacted in 2007 - enabled Metro and metro counties to designate "Urban Reserves and Rural Reserves" under new procedures and standards
- Reserves determine where the urban growth boundary for the Portland Metro region will - and will not - expand to accommodate population and employment growth over the next 40 to 50 years.





Designation of Urban Reserves Changes UGB Expansion Hierarchy

ORS 197.298:

- » Consider, in order: Urban Reserves, Exception land and Non-resource land, Marginal land, Farm or Forest land
- » Without Reserves, the first priority is exception land (and non-resource)
- » With Reserves, the first priority is Urban Reserves.



“Problems” Resolved

- Metro’s first attempt at urban reserves in 1998 was abandoned, in part due to “problems” with the “hierarchy” for selecting reserves
 - » Exceptions areas (“high priority”, such as Damascus) are not the most economical to serve
 - » Some low priority (farm and forest) areas are more suitable for development as “great communities”
- Resource interests believe Urban Reserve designation is a problem because it sidesteps the hierarchy and therefore reduces protection of the best farm and forest land





SB 1011 Requires an integrated planning process

- Urban and Rural Reserves must be considered concurrently
- Designated by agreements between Metro and each county
- No requirement that ALL land in the region be either UR or RR - some land is “Undesignated”



New Standards for Urban Reserves

- Under the “old process”, Urban Reserves are chosen under hierarchy:
 - » 1. exception land and non-resource
 - » 2. marginal land
 - » 3. farm or forest land.
- Under SB 1011, Urban Reserves are selected under factors emphasizing suitability for urban development





Rural Reserves

Simultaneous with Urban Reserves

- Under SB 1011 reserve designation is optional
- If designated, Urban AND Rural Reserves must be simultaneous
- Rural Reserves are off-limits for urban expansion over a 40 to 50-year planning period



Rural Reserves

- Selected based on importance to agriculture and forest industry - large blocks of farm or forest land
- Provide long-term protection for the most important farm and forest land
- ODA study of “Foundation Farm land”
- Also protects natural systems and landscape features
- LCDC rules provide more criteria than SB 1011





SB 1011 specifies a planning timeline of 40 to 50 years

- Extends Metro's deadline for "UGB capacity analysis" to December, 2009
- Metro may use 2009-2029 to determine a 40 to 50 year Reserves planning period
 - » Metro completed capacity analysis in December 2009
 - » Metro will respond to the capacity analysis by December 2010



LCDC Review

- LCDC must review and approve Urban and Rural Reserves “in the manner of periodic review”

LCDC required to adopt rules to guide reserves process (division 27)

- Rules provide “factors” for local selection and also guide state approval
- Appeal of an LCDC order is to Court of Appeals, with timelines for the court





Measure 37 & 49

- Designation of urban or rural reserves does not give rise to a Measure 37 claim
 - » Provided neither the county nor Metro impose new restrictions on the use of private real property in reserves
 - » Comprehensive plan amendments and Regional Framework Plan policies are not restrictions on private real property
 - » Maintains existing rights and immunities under Oregon's "right to farm" law



LCDC Workgroup

- In 2007, in response to SB1011, LCDC appointed a work group
- The group, with a great deal of cooperation, agreed to draft rules that LCDC adopted in January 2008
- The reserve rules, OAR 660, division 27, are under consideration for amendments
 - » the same work group is guiding consideration of those amendments.



Urban and Rural Reserves Designated June 2010

- Metro and counties began working on designation of urban reserves and rural reserves in 2008.
- A local steering committee helped with the analysis and discussion
- The adopted reserves have been submitted to DLCDC for review
- LCDC is to consider acknowledgment of the reserves in October 2010





- Metro must adopt policies to implement urban reserves and must show reserves on its regional framework plan map
- Counties must adopt policies to implement urban reserves and show the reserves on plan and zone maps
- Counties must adopt policies to implement rural reserves and show the reserves on plan and zone maps.
- Metro must adopt policies to implement rural reserves and show the reserves on its regional framework plan maps





- Metro and counties must coordinate with state agencies, and with cities, special districts and school districts that might provide urban services to urban reserves when they are added to the UGB
- Metro and counties must follow a coordinated citizen involvement process that provides for broad public notice and opportunities for public comment regarding lands proposed for designation, and must provide CIAC an opportunity to review and comment on the proposed citizen involvement process





- Metro and counties must apply “the factors” concurrently and in coordination with one another
- Metro and counties 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 stated objectives, and the factual and policy basis for the estimated 40-50 year land supply





LCDC shall review the reserves for:

- Compliance with the applicable statewide planning goals.
- Whether the submittal is supported by substantial evidence (when the record, viewed as a whole, would permit a reasonable person to make that finding)
- Compliance with applicable administrative rules, including the rule's objectives and the urban and rural reserve designation standards
- Consideration of the factors for urban or rural reserves, whichever are applicable.





Factors for Urban Reserves

- Can be developed at urban densities with efficient use of existing and future infrastructure investments
- Includes sufficient development capacity to support a healthy economy
- Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services
- Can be designed to be walkable with a well-connected system of streets, bikeways, recreation trails and transit
- Can be designed to preserve and enhance natural ecological systems
- Includes sufficient land suitable for a range of needed housing types
- Can be developed in a way that preserves important natural landscape features
- Can avoid or minimize adverse effects on farm and forest practices and important natural landscape features



Factors for Rural Reserves

- Are situated in an area potentially subject to urbanization due to proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural or forestry values
- Are capable of sustaining long-term agricultural or forestry operations
- Have suitable soils where needed to sustain long-term agricultural or forestry operations, with available water
- Are suitable to sustain long-term agricultural or forestry operations, taking into account:
 - » The existence of a large block of agricultural or other resource land with a concentration of farm operations, or a large block of forested land with a concentration of managed woodlots
 - » The adjacent land use pattern, in relation to adjacent non-farm or non-forest uses, and buffers between agricultural or forest operations and non-farm or non-forest uses
 - » The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns
 - » The sufficiency of agricultural or forestry infrastructure



Factors for Rural Reserves Natural Landscape Features

- Are in areas potentially subject to urbanization during the 40–50 year period
- Are subject to natural disasters or hazards, such as floodplains, steep slopes and landslides
- Are important fish, plant or wildlife habitat
- Are necessary to protect water quality or quantity, such as streams, wetlands and riparian areas
- Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands
- Can serve as a boundary or buffer to reduce conflicts between urban and rural uses or natural resource uses, such as rivers, cliffs and floodplains
- Provide for separation between cities
- Provide easy access to recreational opportunities in rural areas, such as rural trails and parks

