

MEMO

TO: M49 TDC RAC

FROM: DLCD Staff

SUBJECT: Proposed Amendments to Divisions 4 and 27

DATE: December 29, 2014

The following two proposed amendments to divisions 4 and 27 are necessary to allow existing Rural Residential exceptions areas to accommodate new lots or parcels as small as two acres where they are designated as receiving areas under OAR 660-029-0080(1). While it had been our intent to propose additional amendments to division 4 to allow for a reasons exception to accommodate infill in existing Substantially-developed Subdivisions as allowed in OAR 660-029-0080(2), legal counsel has recommended that we do so in a new rule. Because we provided notice for amendments to existing rules and not a new rule, we must delay proposing those changes until the commission's March 12-13 meeting. We will send you that proposed wording in January for your review.

1. Amend OAR 660-027-0070(5) *Planning of Urban and Rural Reserves* to read:

Notwithstanding the prohibition in sections (2) through (4) of this rule a county may amend its comprehensive plan or land use regulations as they apply to land in an urban or rural reserve that is subject to an exception to Goals 3 or 4, or both, acknowledged prior to designation of the subject property as urban or rural reserves, in order to authorize an alteration or expansion of uses **or lot or parcel sizes** allowed on the land under the exception provided:

- (a) The alteration or expansion would comply with the requirements described in ORS 215.296, applied whether the land is zoned for farm use, forest use, or mixed farm and forest use;
- (b) The alteration or expansion conforms to applicable requirements for exceptions and amendments to exceptions under OAR chapter 660, division 4, and all other applicable laws; [~~and~~]
- (c) The alteration or expansion would not expand the boundaries of the exception area unless such alteration or expansion is necessary in response to a failing on-site wastewater disposal system[~~;~~; **and**]
- (d) **An alteration to allow creation of smaller lots or parcels than was allowed on the land under the exception complies with the requirements of OAR chapter 660, division 29.**

2. Amend OAR 660-004-0040(8) *Application of Goal 14 to Rural Residential Areas* to read:

(h) Notwithstanding the provisions of subsection (g), a county may allow the creation of lots or parcels as small as two acres without an exception to Goal 14 to allow for infill in an existing rural residential exception area as a designated receiving area for the transfer of Measure 49 development interests, where such infill meets the requirements of OAR 660-029-0080 and 660-029-0090.

DRAFT