

**LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**  
**PROPOSED NEW OAR 660, DIVISION 27**  
**URBAN AND RURAL RESERVES IN THE PORTLAND METROPOLITAN AREA**  
November 8, 2007  
*Draft Rules for LCDC Public Hearing November 29, 2007*

1 **660-027-0005**

2 **Purpose**

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

11  
12 (2) Urban reserves designated under this division are intended to facilitate long-term planning  
13 for urbanization in the Portland metropolitan area and to provide greater certainty to the  
14 agricultural and forest industries, to other industries and commerce, to private landowners and to  
15 public and private service providers, about the locations of future expansion of the Metro Urban  
16 Growth Boundary. Rural reserves under this division are intended to provide long-term  
17 protection for large blocks of agricultural land and forest land, and for natural landscape features  
18 that limit urban development or define natural boundaries of urbanization. The objective of this  
19 division is the designation of urban and rural reserves that, together, help ensure livable  
20 communities, the viability and vitality of the agricultural and forest industries and protection of  
21 the natural landscape features that define the region for its residents.

22  
23 **660-027-0010**

24 **Definitions**

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

28  
29 (1) "Foundation Agricultural Lands" means those lands mapped as Foundation Agricultural  
30 Lands in the January 2007 Oregon Department of Agriculture report to Metro entitled  
31 "*Identification and Assessment of the Long-Term Commercial Viability of Metro Region*  
32 *Agricultural Lands.*"

33  
34 (2) "Important Agricultural Lands" means those lands mapped as Important Agricultural Lands  
35 in the January 2007 Oregon Department of Agriculture report to Metro entitled "*Identification*  
36 *and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.*"

37  
38 (3) "Intergovernmental agreement" means an agreement between Metro and a county pursuant to  
39 applicable requirements for such agreements in ORS 190.003 to 190.130, 195.025 or 197.652 to  
40 197.658, and in accordance with the requirements in this division regarding the designation of  
41 urban and rural reserves and the performance of related land use planning and other activities  
42 pursuant to such designation.

1  
2 (4) “Livable communities” means communities with development patterns, public services and  
3 infrastructure that make them safe, healthy, affordable, sustainable and attractive places to live  
4 and work.

5  
6 (5) “Metro” means a metropolitan service district organized under ORS chapter 268.  
7

8 (6) “Important natural landscape features” means landscape features that limit urban  
9 development or help define appropriate natural boundaries of urbanization, and that thereby  
10 provide for long-term protection and enhancement of the region's natural resources, public health  
11 and safety, and unique sense of place. These features include, but are not limited to, plant, fish,  
12 and wildlife habitat; corridors important for ecological, scenic, and recreational connectivity;  
13 steep slopes, floodplains, and other natural hazard lands; areas critical to the region's air and  
14 water quality; and historic, cultural, or other geographic features that define and distinguish the  
15 region.  
16

17 (7) “Public facilities and services” includes, but are not limited to, sanitary sewer, water,  
18 transportation, and storm water management facilities and public parks.  
19

20 (8) “Regional framework plan” means the plan adopted by Metro pursuant to ORS 197.015(17).  
21

22 (9) “Rural reserve” means lands outside the Metro UGB, and outside any other UGB in a county  
23 with which Metro has an agreement pursuant to this division, reserved to provide long-term  
24 protection for agriculture, forestry or important natural landscape features.  
25

26 (10) “UGB” means an acknowledged urban growth boundary established under Goal 14 and as  
27 defined in ORS 195.060(2).  
28

29 (11) “Urban reserve” means land outside an urban growth boundary designated to provide for  
30 future expansion of the UGB over a long-term period and to facilitate planning for the cost-  
31 effective provision of public facilities and services when the lands are included within the urban  
32 growth boundary.  
33

34 (12) “Walkable” means a community in which land uses are mixed, built compactly, and  
35 designed to provide residents and employees with safe and convenient pedestrian access to  
36 schools, offices, businesses and other places that provide goods and services needed on a regular  
37 basis.  
38

39 **660-027-0020**

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

41 (1) As an alternative to the authority to designate urban reserve areas granted by OAR chapter  
42 660, division 21, Metro may designate urban reserves through intergovernmental agreements  
43 with counties and by amendment of the regional framework plan to implement such agreements  
44 in accordance with the requirements of this division. If Metro designates urban reserves under  
45 this division, it may not designate reserves under OAR chapter 660, division 21.  
46

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

4  
5 (3) A county and Metro may not enter into an intergovernmental agreement under this division to  
6 designate urban reserves in the county unless the county and Metro simultaneously enter into an  
7 agreement to designate rural reserves in the county.

8  
9 **660-027-0030**

10 **Urban and Rural Reserve Intergovernmental Agreements**

11 (1) An intergovernmental agreement between Metro and a county to establish urban reserves and  
12 rural reserves under this division shall provide for a coordinated and concurrent process for  
13 Metro to adopt regional framework plan provisions, and the county to adopt comprehensive plan  
14 and zoning provisions, to implement the agreement. The agreement shall provide for Metro and  
15 the county to concurrently designate urban reserves and rural reserves, as specified in OAR 660-  
16 027-0040.

17  
18 (2) In the development of an intergovernmental agreement described in this division, Metro and  
19 a county shall follow a coordinated citizen involvement process that provides for broad public  
20 notice and opportunities for public comment regarding lands proposed for designation as urban  
21 and rural reserves under the agreement. Metro and the county shall provide the State Citizen  
22 Involvement Advisory Committee an opportunity to review and comment on the proposed  
23 citizen involvement process.

24  
25 (3) An intergovernmental agreement made under this division shall be deemed a preliminary  
26 decision that is a prerequisite to the designation of reserves by amendments to Metro's regional  
27 framework plan and amendments to a county's comprehensive plan pursuant to OAR 660-027-  
28 0040. Any intergovernmental agreement made under this division shall be submitted to LCDC  
29 with amendments to the regional framework plan and county comprehensive plans as provided in  
30 OAR 660-027-0080(2) and (3).

31  
32 **660-027-0040**

33 **Designation of Urban and Rural Reserves**

34 (1) Metro may not designate urban reserves under this division in a county until Metro and  
35 applicable counties have entered into an intergovernmental agreement that identifies the land to  
36 be designated by Metro as urban reserves. A county may not designate rural reserves under this  
37 division until the county and Metro have entered into an agreement that identifies the land to be  
38 designated by the county as rural reserves.

39  
40 (2) Urban reserves designated under this division shall be planned to accommodate urban  
41 population and employment growth in the Metro area for at least 20 years, and not more than 30  
42 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply  
43 inside the UGB in the most recent inventory, determination and analysis performed under ORS  
44 197.296. Metro shall specify the particular number of years for which the urban reserves are  
45 intended to provide a supply of land. The 20 to 30-year amount of land specified in this rule

1 shall consist of the combined total of lands designated for urban reserves in all counties that have  
2 executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030.

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

8  
9 (4) Neither Metro nor a local government may amend a UGB to include land designated as rural  
10 reserves during the period described in section (2) or (3) of this rule, whichever is applicable.

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

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

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

25  
26 (8) Designation of urban reserves and rural reserves under this division shall be coordinated  
27 with the cities in any county where such reserves are considered, and shall be coordinated with  
28 local governments, state agencies, special districts and school districts that may provide services  
29 to the urban reserves when they are added to the UGB.

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

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

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 division,

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

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

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

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

11  
12 (d) Can be designed to be walkable and served with a well-connected system of streets,  
13 bikeways, and recreation trails by appropriate service providers;

14  
15 (e) Can be designed to preserve and enhance natural ecological systems;

16  
17 (f) Includes sufficient land suitable for a range of needed housing types;

18  
19 (g) Can be developed in a way that preserves important natural landscape features included in  
20 urban reserves; and

21  
22 (h) Can be designed to avoid or minimize adverse effects on farm and forest practices and on  
23 natural landscape features on nearby resource land, including land designated as rural reserves.

24  
25 **660-027-0060**

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

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

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

37  
38 (a) Are situated in an area that is otherwise potentially subject to urbanization during the  
39 applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB  
40 or proximity to properties with fair market values that significantly exceed agricultural values,  
41 for farmland, or forestry values, for forest land;

42  
43 (b) Are capable of sustaining long-term agricultural operations, for agricultural land, or are  
44 capable of sustaining long-term forestry operations, for forest land;

45  
46 (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and,

1 for agricultural land, have available water where needed to sustain long-term agricultural  
2 operations;

3  
4 (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

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

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

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

13 (D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.  
14

15 (3) When identifying and selecting land for designation as rural reserves intended to protect  
16 important natural landscape features, a county shall base its decision on whether the lands:

17  
18 (a) Are situated in an area that is otherwise potentially subject to urbanization during the  
19 applicable period described OAR 660-027-0040(2) or (3);

20  
21 (b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject  
22 to landslides;

23  
24 (c) Are important fish, plant or wildlife habitat;

25  
26 (d) Are necessary to protect water quality or water quantity, such as streams, wetlands and  
27 riparian areas;

28  
29 (e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

30  
31 (f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts  
32 between urban uses and rural uses, or conflicts between urban uses and natural resource uses;

33  
34 (g) Provide for separation between cities; and

35  
36 (h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.  
37

38 (4) Notwithstanding section (2) of this rule, a county may deem that Foundation Agricultural  
39 Land or Important Agricultural Lands qualify for designation as rural reserves under section (2)  
40 without further explanation under OAR 660-027-0040(10).  
41

#### 42 **660-027-0070**

#### 43 **Planning of Urban and Rural Reserves**

44 (1) Urban reserves are the highest priority for inclusion in the urban growth boundary when  
45 Metro expands the UGB, as specified in Goal 14, OAR chapter 660, division 24, and ORS  
46 197.298.

1  
2 (2) In order to maintain opportunities for orderly and efficient development of urban uses and  
3 provision of urban services when urban reserves are added to the UGB, counties shall not amend  
4 land use regulations for urban reserves designated under this division to allow uses that were not  
5 allowed, or smaller lots or parcels than were allowed, at the time of designation as urban reserves  
6 until the reserves are added to the UGB.  
7

8 (3) Counties that designate rural reserves under this division shall not amend their land use  
9 regulations to allow uses that were not allowed, or smaller lots or parcels than were allowed, at  
10 the time of designation as rural reserves unless and until the reserves are re-designated,  
11 consistent with this division, as land other than rural reserves.  
12

13 (4) Counties, cities and Metro may adopt conceptual plans for the eventual urbanization of urban  
14 reserves designated under this division, including plans for eventual provision of public facilities  
15 and services for these lands, and may enter into urban service agreements among cities, counties  
16 and special districts serving or projected to serve the designated urban reserve area.  
17

18 **660-027-0080**

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

20 (1) Metro and county adoption or amendment of plans, policies and other implementing  
21 measures to designate urban and rural reserves shall be in accordance with the applicable  
22 procedures and requirements of ORS 197.610 to 197.650.  
23

24 (2) After designation of urban and rural reserves, Metro and applicable counties shall jointly and  
25 concurrently submit their adopted or amended plans, policies and land use regulations  
26 implementing the designation to the Land Conservation and Development Commission for  
27 review and action in the manner provided for periodic review under ORS 197.628 to 197.650.  
28

29 (3) Metro and applicable counties shall:

30  
31 (a) Transmit the submittal described in section (2) in one or more suitable binders showing on  
32 the outside a title indicating the nature of the submittal and identifying the submitting  
33 jurisdictions.  
34

35 (b) Prepare and include an index of the contents of the submittal. Each document comprising the  
36 submittal shall be separately indexed, and  
37

38 (c) Consecutively number pages of the submittal at the bottom of the page, commencing with the  
39 first page of the submittal.  
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