

DIVISION __

URBAN RESERVES IN THE PORTLAND METROPOLITAN AREA

DRAFT RULES	COMMENTS (from discussions of ad hoc stakeholder group)
<p>660-000-0005</p> <p>Purpose</p> <p>This division is intended to implement the provisions of 2007 Oregon Laws Chapter ____ (Senate Bill 1011) that relate to urban reserves in the Portland metropolitan area. The purpose of the division is 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 UGB. The division establishes procedures for designation of urban reserves in the Portland metropolitan area by agreement between and among local governments in the area. The division also prescribes factors that local governments must consider when choosing lands for designation as urban reserves.</p>	
<p>660-000-0010</p> <p>Definitions</p> <p>The definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR Chapter 660, Division 015) apply to this division. The following definitions also apply:</p> <p>(1) “Intergovernmental agreement” means an agreement made pursuant to ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658.</p>	

<p>(2) “Metro” means a metropolitan service district established under ORS chapter 268.</p> <p>(3) “Regional framework plan” means the plan adopted by Metro pursuant to ORS chapter 268.</p> <p>(4) “Rural reserve” means land outside any UGB reserved to provide long-term protection for agriculture, forestry or important natural landscape features that limit urban development or help define appropriate natural boundaries of urbanization, including plant, fish and wildlife habitat, steep slopes and floodplains.</p> <p>(5) “UGB” means an urban growth boundary established under Statewide Planning Goal 14 (Urbanization).</p> <p>(6) “Urban reserve” means land outside an urban growth boundary that will provide for:</p> <p>(a) Future expansion over a long-term period; and</p> <p>(b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.</p>	
<p>660-000-0020</p> <p>Authority to Designate Urban Reserves</p> <p>As an alternative to the authority to designate urban reserve areas granted by OAR Division 021, Metro and a county may enter into an intergovernmental agreement to designate urban reserves under this division.</p>	<p>SB 1011 requires that urban reserves established under the new process created by the bill provide capacity for 20-30 years of urban development beyond the planning period for the existing UGB. This requirement applies to the region as a whole rather than on a county-by-county basis. While the group agreed not to include any language in the rules about the larger regional context, it is understood that Metro and the counties of the region (Clackamas/Multnomah/Washington) will enter into a single coordinated process to designate both urban and rural reserves in those three counties.</p>
<p>660-000-0030</p> <p>Urban Reserve Intergovernmental Agreements</p> <p>(1) An intergovernmental agreement between Metro and a</p>	

<p>county to establish urban reserves under this division shall provide for a coordinated and concurrent process for adoption by the county of comprehensive plan provisions and by Metro of regional framework plan provisions to implement the agreement. The agreement shall provide for simultaneous consideration by Metro and the county of designation of urban reserves and rural reserves under OAR 660 Division ____.</p> <p>(2) A county and Metro may not enter into an intergovernmental agreement to designate urban reserves in the county under this division unless the county and Metro also agree to designate rural reserves in the county under OAR 660 Division ____.</p> <p>(3) An agreement made under this rule is not a land use decision under ORS 197.015(11).</p>	
<p>660-000-0040</p> <p>Designation of Urban Reserves</p> <p>(1) Urban reserves designated under this division must be planned to accommodate population and employment growth for at least 20 years, and not more than 30 years, after the 20-year period for which Metro has demonstrated a buildable land supply 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.</p> <p>(2) If Metro designates urban reserves under this division prior to December 31, 2009, the reserves shall be planned to accommodate population and employment growth for at least 20 years, and not more than 30 years, after 2029.</p> <p>(3) Metro may not designate urban reserves under this division in a county until the county and Metro have entered into an intergovernmental agreement under this division that identifies the land to be designated as urban reserves.</p> <p>(4) Designation by Metro and a county in the metropolitan area</p>	

of urban reserves under this division shall be coordinated with the local governments and special districts that may provide services to the urban reserves when they are added to the UGB.

(5) When designating urban reserves under this division, Metro and a county shall base the designation upon consideration of factors including, but not limited to, whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

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

(b) Include sufficient development capacity to support a healthy economy;

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

(d) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;

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

(f) Includes sufficient land suitable for a range of housing types.

(6) Metro and the county need not demonstrate that a proposed urban reserve satisfies each factor in section (5) of this rule. Metro and the county must consider each factor and explain, by reference to the factors, why the chosen land was designated as urban reserves.

(7) If Metro designates urban reserves under this division it shall adopt policies to implement the reserves and show the reserves on its regional framework plan map. A county in which urban reserves are designated under this division shall adopt policies to implement

0040 (5) includes the factors to be considered when designating urban reserves. These factors come directly from SB 1011. They are derived from the “great communities” factors developed as part of the ag/urban study.

We discussed a couple of potential modifications to these factors:

- Should parks be specifically added to (5)(c)? The group agreed that parks are public facilities that should be part of urban reserve planning but did not feel that it was necessary to specifically call this out in the rule. However, we discussed the possibility of defining “public facilities and services.”
- Should trails be specifically added to (5)(d)? After discussion, it was suggested that language referring to pedestrian and bicycle facilities that is consistent with the Transportation Planning rule be added. This issue merits further discussion.
- 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 issue merits further discussion.
- Should language in the existing urban reserve rule having to do with mitigating impacts on nearby farm and forest practices be added to this rule? The following language was considered but set aside for further discussion: “(g) Can be designed to mitigate adverse effects on farm and forest practices on nearby resource land or on land designated as rural reserve under OAR 660-XXX-XXXX.”

<p>the reserves and show the reserves on its comprehensive plan map.</p>	<ul style="list-style-type: none"> • If a factor is included on mitigating impacts on farm and forest practices, should another factor be added on mitigating impacts on natural landscape features? This issue was also left unresolved.
<p>660-000-0050 Planning of Urban Reserves</p> <p>In order to maintain opportunities for orderly and efficient provision of urban services when urban reserves are added to the UGB, counties within the Portland metropolitan area 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.</p>	<p>With respect to this anti-backsliding language, a concern was raised about the possibility that new non-farm uses could be authorized by the Legislature and that such a statutory change would conflict with this provision. Most new non-farm uses authorized by the Legislature in recent years have been conditional uses, which, because they are discretionary, would not conflict with this provision. In any event, we agreed that, because statute overrides rules, any language we included to accommodate a possible conflict with statute would have no effect, so we did not include any such language.</p> <p>Another issue left unresolved relates to whether language should be added that would lift this restriction not only when land is added to a UGB, but also when it is added to an unincorporated community. For now we agreed to leave this language out, but it merits further discussion.</p> <p>Two broader issues related to the planning of urban reserves will require discussion by the rulemaking work group. First, should the rules specifically authorize or otherwise address the adoption of conceptual plans for the urbanization of urban reserves? Second, should the rules include deadlines or other provisions having to do with the adoption of urban service agreements? While early drafts included language on these two issues, the group agreed to drop that language but to flag these issues for LCDC and the rulemaking work group.</p>
<p>660-000-0060 Adoption and Review of Urban Reserve Areas</p> <p>Designation or amendment of urban reserves under this division</p>	

shall follow periodic review procedures in ORS 197.628 through 197.644.	
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