

W. S. A.



**Memo Date:** September 18, 2008  
**Board Meeting Date:** October 22, 2008

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**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**DEPARTMENT:** Public Works Dept./Land Management Division

**PRESENTED BY:** Kent Howe, Planning Director

**AGENDA ITEM TITLE:** Urban Transition Agreements and the Eugene-Springfield Metro Plan: Termination Work Program and Alternative Approaches

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1. **PROPOSED MOTION**

No motion necessary. This is a discussion item only.

2. **ISSUE/PROBLEM**

For the last several years, the functionality and equitability of the building and land use Urban Transition Agreements (UTAs) between Lane County and the cities of Eugene and Springfield have come under question. Apparent consensus among Board members is that the agreements are no longer appropriate or in the best interest of Lane County citizens residing within the Urban Growth Area (UGA) of the Metro Plan around cities of Eugene and Springfield. The Board has directed the Land Management Division (LMD) to provide information outlining the actions necessary and resources required to reassume responsibility for administering building and planning administration functions within the UGA of Eugene and Springfield should the Board elect to terminate the UTAs.

Parallel and related to the discussion concerning UTA termination, the Board has expressed interest in exploring other possible options in the Metro Plan that may be pursued in conjunction with, or as alternatives to, UTA termination. These have included:

1. Adjustments to the Metro Plan boundary that would enable the county to reassume full jurisdictional autonomy outside of the Urban Growth Areas of Eugene and Springfield;
2. The concept of rural reserves;
3. Substantive amendments to the Metro Plan that would address the issues of concern that have been identified by Lane County and presented to the Joint Elected Officials (JEO); and
4. The development of joint management agreements between Lane County and the cities of Eugene and Springfield that are similar to the agreements currently in effect with the small cities in Lane County.

This memo presents an outline of the actions and resources that would be required to terminate the UTAs, followed by a discussion of each of the four ancillary or alternative Metro Plan Area options listed above.

### **3. BOARD HISTORY AND OTHER BACKGROUND**

On March 13, 1985, the Lane County Board of Commissioner adopted Order No. 85-3-13-1, recognizing the cities of Eugene and Springfield as the principal and logical providers of urban services within their respective Urban Growth Boundaries (UGBs). With this understanding, the County agreed to transfer the services it provided in the metropolitan area and delegated its administrative authority for processing planning and building permits to each of the two cities within the UGA. Between 1986 and 1987 this transfer of services was effectuated through the adoption of a series of intergovernmental agreements generally referred to as the "Urban Transition Agreements" or "190 agreements", after Oregon Revised Statutes Chapter 190 addressing intergovernmental cooperation for local governments.

Within recent years, the Board has entertained several discussions concerning the appropriateness of the UTAs (now, over 20 years old) and their impact on county citizens. A central topic of concern in these discussions has been the perception of disenfranchisement among Lane County residents who rely on building and land use services provided by the cities in which they cannot vote. Responsiveness to citizens concerns by the cities seems to be a significant issue at times.

On August 2, 2005, the Board developed a list of Metro Plan-related issues in need of examination. The list, which is included as Attachment "A" to this memo, identified 11 separate areas of concern. Potential problems with the UTAs as well concerns regarding the boundaries of the Metro Plan were included on the list.

At meetings of the Board of Commissioners on September 12, 19 and 26, 2007, the Board reviewed the status of several of the metropolitan area issues of concern that had been identified 2005 and in an October 1, 2007, memo to the Mayors and City Councilors of Eugene and Springfield, the Board narrowed its list of concerns to focus on four primary issues. The appropriateness of the UTAs and the growth policies of the Metro Plan were among the issues identified in this memo, which has been included as Attachment "B".

At a work session on July 9, 2008, the Board directed the Land Management Division to develop a work program outlining the required transition steps, timeframe and staff requirements to reassume planning and building authority within the UGA if the UTAs were to be terminated.

On August 5, 2008, the Board ranked termination of Urban Transition Agreements and the development of related amendments to the Eugene-

Springfield Metropolitan Area General Plan as top priorities on the LMD Long-Range Planning work program.

During a work session on September 3, 2008, concerning updates to the Metropolitan Area Transportation System Plan (TransPlan), the Board expressed an interest in including a dialogue about Rural Reserves into the upcoming UTA termination and Metro Plan growth policies work program discussion.

#### **4. DISCUSSION / ANALYSIS**

##### **4.1 UTAs – Impacted Area and Population**

Terminating the Urban Transition Agreements would result in the County assuming responsibility for planning and building permitting authority in the UGA –the area outside the Eugene and Springfield city limits and within the urban growth boundary. The combined land area of the Eugene-Springfield UGA is approximately 11,170 acres in size, or roughly 17.5 square miles. Just over 10 square miles of this area lie west of Interstate-5, within the UGB of the City of Eugene. The bulk of this area is in the River Road / Santa Clara neighborhoods and the Hwy. 99 corridor. Smaller UTA pockets exist on the extreme fringes of north, south and west Eugene. The remaining 7+ square miles are within the Springfield UGB. These areas include portions of Glenwood, West Centennial, Dorris Ranch and its surrounding environs, the Game Farm and Hayden Bridge areas and Thurston and Jasper Road areas. Attachment “C” to this memo is a map depicting the Urban Growth Area of Eugene and Springfield.

A survey of the regional GIS parcel file indicates that there are 11, 219 parcels wholly or partially within the UGA of Eugene. There are 4,519 parcels within Springfield’s the UGA. Recent estimates place the population of the Eugene-Springfield UGA at approximately 31,000 residents.

##### **4.2 Necessary Actions**

Reassuming building and planning authority within the UGA will involve several actions. The first step would involve notification to the cities. The termination clauses contained in each of UTAs between Lane County and the cities of Eugene and Springfield stipulate that the county must provide 12 months advance written notification of its intent to terminate. The Board could instigate this action by adopting an order directing the County Administrator to provide the required notices to each of the cities as called for in the UTAs and begin talks with the cities to address details and timing of transfer.

Sometime after the official notifications to the cities have been sent, a public information campaign would need to be developed and distributed to residents within the UGA notifying them of the impending service provider change. Individual mailings to property owners, builders, contractors and real estate professionals who frequently work within the UGA should be mailed out. In

addition, several notices should be run in the Register Guard in the weeks preceding the change. Costs for the development of these materials, including postage, and advertisement in the Register Guard are estimated at \$9,000-\$12,000.

Next, dissolution of the UTAs with the Metro Partners of Eugene and Springfield will compel a series of fundamental Metro Plan policy changes. These changes would be logical because current Metro Plan principles and policies identify the cities of Eugene and Springfield as the logical providers of services accommodating urban levels of development within the UGB. One or more Post Acknowledgment Plan Amendments (PAPAs) to the Metro Plan will be required for these changes to be applicable. Metro Plan amendments of this nature are no small undertaking and will, at a minimum, commit .75 -1.0 FTE over the course of the project. Costs associated with this work are estimated at \$92,000 - \$123,000.

Additionally, LMD would need to coordinate with the Eugene and Springfield staff to acquire approximately 15,000 individual hardcopy paper files for each of the properties within the UGA. Additional space in Land Management would need to be found to accommodate these files – as the current property file storage area in LMD is full. In addition to the hardcopy files, the cities of Eugene and Springfield each maintain electronic permit records for the parcels within their jurisdiction. Substantial assistance from the information services departments of each city would be required to migrate these records into the county's permit tracking software. Costs associated with these activities are difficult to determine but likely would run anywhere from \$10,000 - \$20,000.

Finally, and perhaps the most intensive task associated with UTA termination would involve training LMD staff to administer the existing land use development codes that the cities currently enforce. Because Eugene and Springfield each administer a different code within their UGB, county staff will need to come up to speed on two new and foreign codes. This will be a monumental undertaking and one that should begin immediately after the cities are sent termination notification. During that time period the productivity of all land use permits will be hampered. It's estimated that staff training will consume approximately 1 FTE, at a cost of roughly \$120,000 - \$130,000. As an alternative to administering the existing city codes long term, the county could adopt its own land use ordinances applicable within the UGA. These ordinances would need to be consistent with the applicable Metro Plan policies and land use plan designations.

#### **4.3 Amendments to Lane Code Chapter 10 – An Opportunity**

Due to Lane County's diverse physical geography it is the only jurisdiction in Oregon where all 19 of the Statewide Planning Goals apply. As a result, Lane County must implement what is arguably the most complex county land use system in the state. Compounding this complexity is the fact that within Lane County not one, but two separate land use development codes are in use. Lane Code Chapter 16 applies within the rural areas of the county and Lane Code

Chapter 10 governs land within the UGAs of the small cities. Chapter 10 is the older of the two codes and is very outdated. It was the earliest codification of comprehensive land use regulation and was replaced by Chapter 16 in most of Lane County during the 1980s but still remains in effect within the small city UGAs. In addition to its age, Chapter 10 is poorly organized and is not intuitive to the general public or staff. It contains outdated terminology and is very inconsistent with Chapter 16.

In the months following actual termination of the UTAs staff will need to enforce the existing city codes applicable in the UGA. This will mean that one of four separate land use development codes may apply to a citizen's property depending on where they live. Multiple rural residential, commercial, industrial and agricultural zones will apply -each with its own unique complexities and nuances. Citizens and staff seeking answers to basic land use questions will need to navigate through a highly convoluted and patch-work set of development codes.

An obvious solution to this problem would be to modify Chapter 10 of Lane Code and adopt ordinances that would apply it to the UGA of Eugene and Springfield. Chapter 10 is currently applicable within the UGAs of all the small cities, so this action would greatly simplify the regulatory landscape within the county. During this process outdated provisions of Chapter 10 could be removed and extensive amendments could be made to further simplify and modernize the code. It's estimated that a minimum of .40 FTE would be required to incorporate the existing Eugene and Springfield UGA ordinance language into Chapter 10. These updates would need to remain consistent with the applicable Metro Plan policies and designations. Additional staff resources (up to 1.5 FTE) would be required to implement needed house keeping and organizational code amendments. Costs for these services would range between \$49,000 – and \$184,000

As presented during the LMD Long Range Planning Work Program discussion on August 5, 2008, actions resulting from the termination of the UTAs and the associated Metro Plan amendments will consume approximately 2.4 FTE for a period of one year with a total a cost of \$231,000 - \$285,000. Additional cost will be incurred if amendments to Lane Code Chapter 10 are made, bringing the total costs of this work to \$280,000 - \$469,000.

#### **4.4 UGA Building and Planning Services: Workload and Staff Impacts**

Sections 4.2 and 4.3 outlined the actions and resources required to reassume building and planning authority inside the UGA. What follows is an overview of the potential effect this expanded authority could have on staff resources.

Presently the cities of Eugene and Springfield provide building and planning services within the UGA. The cities issue building, electrical, mechanical and plumbing permits and process a range of land use applications including special

use permits and land division applications. City inspectors work inside the UGA to ensure that building projects meet code requirements.

The City of Eugene estimates that it annually processes about 120 land use permits in the UGA. Over 90% of these permits typically involve development that triggers an annexation. Specific building permit data within the UGA was not readily available from Eugene but the City does estimate that building permit activity in the UGA generates approximately \$135,000 annually. Building and Planning Permit figures for the Springfield UGA were unavailable at the drafting of this memo. However, estimates of the anticipated permit volume of this area can be gleaned through a comparison of current county permit numbers by population.

According to data extrapolated from the 2006 state certified population figures for Lane County cities, there are nearly 100,000 residents residing outside of an incorporated city who receive building and planning services from Lane County. In the 2007-2008 Fiscal Year, Lane County issued 1,932 building permits (this figure includes specialty permits for electrical, mechanical and plumbing work). During this same timeframe LMD staff processed 1,429 land use applications. This figure includes all sub-types of land-use permits except specific land use approvals in conjunction with building permits. This equates to one building permit per 51 residents per year and one land use permit per 70 residents per year. Following this logic, the addition of 31,000 residents could potentially augment the annual workload of the LMD Building and Planning programs by 608 and 442 permits, respectively.

In addition to the issuance of permits, a major element of administering a building and planning program is customer service – responding to public inquiries and delivering timely and accurate development related information to property owners. Data quantifying the amount of customer service the cities provide specifically to UGA residents was not available - but it is likely substantial. Again, a comparison of county services by population is helpful.

In an average month, LMD Planning Program staff will respond either in person or over the phone to 660 general land use information requests. This translates to roughly 1 information request per 12.5 residents. Once again, increasing LMD's customer base by 31,000 additional residents could result in 2,480 information requests per year. Specific data on building-related information requests is not maintained but is estimated that its volume is about a 75% less than what the Planning Program handles.

Translating these hypothetical figures into actual FTE requirements is problematic. This is primarily because it's not certain that residents within the UGA will have the same permit needs as other county residents. Nor can it be determined exactly what types of permits will be applied for or how complex they will be. Additionally, the current slump in the housing and real estate markets has

some effect on both the city and county permit data.

Despite these unknowns it is a safe assumption that reassuming planning and building authority inside the UGA will require a substantial increase in staffing. At a minimum it is likely that three additional positions would be needed. These would include a Building Inspector, a Land Management Technician and a Planner. Based on current salaries and operational overheads (calculated at Step 3) it would cost approximately \$298,000 per year to fund all three positions. Revenues from increased permit activity would cover a portion of these costs. However, a large bulk of the work that would result from UTA termination would involve general information requests. Because the majority of development resulting from these inquires would require annexation, cost recovery for these services would be low to nonexistent.

#### 4.5 UTA Termination Cost Summary

The total costs resulting from UTA termination as described in sections 4.2 - 4.4 are summarized in Table 1, below.

Table 1. UTA Termination Expenses	Costs
<b>Initial Required Expenses</b> (Section 4.2)	
Public information campaign	\$9,000 - \$12,000
Fundamental Metro Plan amendments	\$92,000 - \$123,000
Electronic and hardcopy file transfer	\$10,000 - \$20,000
Eugene and Springfield ordinance training	<u>\$120,000 - \$130,000</u>
<b>subtotal:</b>	\$231,000 - \$285,000
<b>Optional but Recommended Expenses</b> (Section 4.3)	
Lane Code Chapter 10 amendments	<u>\$49,000 - \$184,000</u>
<b>subtotal:</b>	\$280,000 - \$469,000
<b>Annual Expenses</b> (Section 4.4)	
1 FTE Building Inspector	\$103,950
1 FTE Planner	\$106,575
1 FTE Land Management Technician	<u>\$87,475</u>
<b>subtotal:</b>	\$298,000
<b>Total 1st Year Costs for UTA Termination:</b>	<b>\$529,000 - \$767,000</b>
<b>Annual Costs Thereafter:</b>	<b>\$298,000</b>

#### 4.6 Alternatives to UTA Termination

The Board has identified several metro plan-related issues in need of examination. These include concerns about: growth and the loss of high value farmland, the role of the Metropolitan Policy Committee in dispute resolution, citizen representation within the UTA and others. Dissolution of the UTAs will not address all of these complex issues. Furthermore, terminating the UTAs and

adopting necessary amendments to the RCP and Lane Code Chapter 10 will carry a high price tag. As discussed above, it's estimated that an initial outlay of \$280,000 - \$469,000 will be required. Additionally, depending on the increased workload resulting from UTA termination, LMD may need to hire up to three additional staff with an annual cost of approximately \$298,000. Considering these high costs, coupled with the fact that abrogating the UTAs will not be the panacea to all identified metro issues, the Board may wish to consider other approaches in lieu of, or in combination with, UTA termination.

#### **A. Adjustments to the Metro Plan Boundary**

Recent events, such as the inability of the Metropolitan Policy Committee (MPC) to reach consensus on Delta Sand and Gravel Co.'s application for an expansion of their quarry operations, have brought into focus problems of jurisdictional authority within the metro area. Specifically, Commissioners have expressed frustration about the ability of the cities to override Board decisions on land use issues outside of the urban growth area. These problems stem from Ch. IV, Policy 7 of the Metro Plan, which requires that any proposed amendments to the Metro Plan be jointly approved by the County and the partner city or otherwise, the amendment shall be referred to the MPC for conflict resolution. The current bylaws and operation of the MPC makes resolution unlikely if one of the jurisdictions does not desire resolution.

Consensus among the Metro partners on amendments to the Metro Plan is undoubted logical. However, this requirement may be too far reaching when it impedes the county's ability to make land use decisions on lands beyond both the city limits and the UGB. A possible remedy to this problem would be to pursue a Type I Metro Plan amendment (per Ch. 4, Policy 3. a) to modify the Metro Plan to make its boundaries coterminous with the UGBs of Eugene and Springfield. This modification would enable the cooperative partnership between the two cities and the county to continue within the UGB but would prevent the cities from usurping decision making authority on lands regulated by the county. Ironically, modifying the boundary of the Metro Plan would require an amendment to the Metro Plan which, in turn, would require consensus among the metro partners.

#### **B. Urban and Rural Reserves Concept**

Senate Bill 1011, enacted by the 2007 Legislature, enables Portland-Metro and Metro area counties to designate "Urban and Rural Reserves". These reserves determine where urban growth boundaries in the Portland Metro region will — and will not — expand to accommodate population and employment growth over the next 40 to 50 years. The provisions of SB 1011 have been codified in ORS 195.137 – 197.145, included as Attachment "D" to this memo and in DLCD Administrative Rules 660-027-0005 - 660-027-0080, included as Attachment "E".



Urban reserves designated under OAR 660-027 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, private landowners and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary.

Rural reserves are intended to provide long-term protection for large blocks of agricultural and forest land and for important natural landscape features that limit urban development or define natural boundaries of urbanization.

OAR 660-027 seeks to achieve balance in the designation of both 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."*

Articulated in OAR 660-027 are two fundamental principles regarding the process for designation of urban and rural reserves: (1) intergovernmental agreements are a prerequisite to formal designation, and (2) the identification and selection of reserves requires the consideration of several specific "factors."

Under 660-027-0030, an intergovernmental agreement between Portland-Metro and a county must be established as prerequisite to the designation of reserves. This IGA requirement prevents the unilateral determination by a jurisdiction of what areas shall be deemed reserves. Following the development and signing of an IGA an analysis of specific factors is required.

Per 660-027-0050 areas under consideration for an urban reserve designation will be analyzed against several factors to demonstrate that the lands:

- *Can be developed at urban densities in a way that makes efficient use of existing and future public and private 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 by appropriate and financially capable service providers;*
- *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;*
- *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 included in urban reserves; and*

- *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.*

Similarly, ORS 660-027-0060 provides several factors for consideration in the selection of rural reserves. The list of factors is lengthy and in certain cases particular to the Portland metropolitan area, but generally they seek to determine if the land(s) in question:

- Are situated in an area that is otherwise potentially subject to urbanization;
- Are suitable to sustain long-term agricultural or forestry operations
- Are important fish, plant or wildlife habitat;
- Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;
- Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;
- Can provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;
- 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;
- Can provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

At this point the Land Conservation and Development Department has not adopted by goal or rule a process and criteria for the establishment of rural reserves outside of the Portland Metro area. The county could, through its intergovernmental relations officer, pursue a legislative change that would enable reserves to be established statewide. If these changes were enacted then it is likely that the fundamental criteria of intergovernmental agreements (between the county and any cooperating cities) and the consideration of specific factors would be applicable to any new process.

Alternately, the Board could elect to develop a local process to allow the creation of rural reserves within Lane County. Any such process would require a Post Acknowledgment Plan Amendment to the RCP or a joint amendment to the RCP and the Eugene Springfield Metro Plan, if reserves are to be established within the Metro Plan boundary.

Finally, OAR 660, Division 21, commonly referred to as the Urban Reserves Rule, authorizes cities and counties (statewide) to plan for areas outside of UGBs to be reserved for eventual inclusion in an urban growth boundary and to be protected from patterns of development that would impede urbanization.

Under the Urban Reserves Rule, cities and counties must cooperatively determine which lands are the highest priority for inclusion in the UGB when the boundary is expanded. Per OAR 660-021-0060, all lands within urban reserves must be included in future UGB expansions before inclusion of other lands. Therefore, by designating suitable urban reserves Lane County could in effect establish de-facto rural reserves.

### **C. Metro Plan Amendments**

The Metro Plan is a broad public policy document and as such, it is *intended* to be adaptable to the changing needs of the communities which rely upon it. As a Metro Partner, the county may initiate amendments to the plan at anytime in order to ensure that it remains consistent with needs of Lane County and its citizens. Any number of substantive changes may be proposed. These could include amendments that would change the geographical boundaries of the plan or establish a process to designate rural reserves, as discussed above. Or, amendments could be proposed to modify the underlying growth management and service delivery policies found in the plan. The Board has the discretion to determine what components of the Metro Plan are functioning, which are not and what changes should be made. To date, the Board has been clear in identifying what problems it perceives within the metro area. To progress beyond this stage the Board could direct staff to systematically analyze the plan to determine what specific policies are at odds with the needs of the county and to recommend amendments to address needed changes.

### **D. Joint Management Agreements**

As a practical matter and under the statewide planning program, implementing substantive changes to the Metro Plan will likely require that one or more joint management agreements be put in place between the county and the cities of Eugene and Springfield. These agreements could be substantially similar to existing agreements between the county and the small cities, which articulate the roles, responsibilities and critical administrative procedures each jurisdiction carries out with regards to the UGBs. Depending on how any future metro area joint management agreements are structured, they may provide the county an important vehicle to further address some of the underlying problems inherent in the administration of the Metro Plan.

## **5. ACTION**

The information presented in this memo was provided at the direction of the Board for discussion purposes only. Therefore, no action is requested at this time.

## **6. FOLLOW-UP**

Staff will provide additional information or clarifications at the request of the Board.

7. **ATTACHMENTS**

**Attachment A:** August 2, 2005, list of Metro Plan-related issues in need of examination

**Attachment B:** October 1, 2007, memo to the Mayors and City Councilors of Eugene and Springfield regarding refined list of metro issues

**Attachment C:** Map of the Urban Growth Area of Eugene and Springfield

**Attachment D:** ORS 195.137 through 195.145 (Urban and Rural Reserves)

**Attachment E:** OAR 660-027-0005 through 660-027-0080 (Urban and Rural Reserves in the Portland Metropolitan Area)

**Draft List of Metro Issues in Need of Examination**  
**Board of County Commissioners**  
**August 2, 2005**

1. **Plan Architecture/Structure – 1 Metro Plan or Separate Plans?**  
Should the jurisdictions dissolve the Metro Plan and adopt separate comprehensive plans for the City of Eugene and Springfield? The Board requested staff develop a matrix of the pros and cons of the Metro Plan.
2. **Metro Plan/refinement plan amendment procedures**  
The Board expressed interest in reviewing the Metro Plan amendment procedures and requested staff to compile a table of information on the plan amendments processed during the last 5 years. Are there Plan amendments that are located wholly within Eugene or Springfield City Limits that are regional in character? If so, should all three jurisdictions, or the initiating city and the county jointly make the decision?
3. **Regional impacts – County/other City roles inside City Limits**  
The Board is interested in reviewing significant development proposals that have a regional impact, even if they are located within the City Limits. An example is ODOT's request for \$8 million match for I-5/Beltline improvements arising out of the agreement with PeaceHealth.
4. **Urbanizable Land (inside UGB, outside City Limits) Administration**
  - a. **Who does planning and building permits?**  
The Board is interested in looking at the Urban Transition Agreement that delegated the planning and building permitting authority to the two cities inside the UGB.
  - b. **Representation of citizens inside UGB, outside City Limits**  
The Board wants to explore ways to improve how County citizens can be effectively dealt with by the City elected officials under the Urban Transition Agreement. Are differential fees for applications within and outside the city for the same permit appropriate? Should land owners between the City Limits and UGB have a right of appeal to their elected representatives?
5. **Statutory Coordination Role – LCOG or Lane County?**  
Currently, the county has to be involved with all 12 cities for amendments to comprehensive plans located between the City Limits and the UGB. Does this result in duplication of service? The Board wants to look at the coordination role currently being provided by the LCOG and determine if it would be in the city's and county's interest to return the coordination role to Lane County.
6. **Role of MPC – Policy Development and Dispute Resolution**  
The Board recalls when the role of MPC was policy development and dispute resolution. However, now when a dispute resolution comes up, the approach seems to be that each representative goes back to its governing body to determine a position rather than seek to resolve the dispute at the MPC table. MPC has also been consumed by the MPO role for transportation issues in the Metro area. The Board wants to look at the appropriateness of MPC in that function.
7. **Fundamental Principles**
  - a. **Compact Urban Growth?**  
The Metro Plan is approaching 30 years of age. No UGB expansions are even on the horizon. Whereas, satellite communities such as Junction City, Creswell, Coburg and Veneta are growing rapidly and all but Veneta have recently expanded their UGB's. Portions of the Metro Area's infrastructure are enduring stress (roads) and others are expanding (MWMC). Do the compact urban growth policies still work today?
  - b. **With Measures 5, 47/50, are cities logical providers of urban services?**  
Recently Eugene, Springfield and Lane County are learning that property tax revenue growth is not adequate to maintain current service levels. Are there certain services best provided by a district, be it special or county service to alleviate the steady erosion in service levels?

**8. Inventory Development (Responsibility and Methodology)**

**a. Residential, Commercial and Industrial land**

**b. Goal 5 Natural Resources**

Recently Eugene, Springfield and Lane County have developed separate inventories since they couldn't agree on significant criteria or who should conduct the inventory. Private parties are using the LCOG data to produce their own inventories. One of the advantages of the Metro Plan is avoiding duplication on these sorts of work tasks. Are we getting away from this advantage of the Metro Plan?

**9. RTP / TransPlan**

The effort involved with three jurisdictions having both a regional and a comprehensive transportation plan for the Metro Area seems duplicative. Can one transportation plan meet both the local and regional needs and requirements?

**10. Effects of Ballot Measure 37**

Identify mutual city/county issues of BM37 claims adjoining the UGB such as the effects new, urban-type uses may have on the fiscal and social health of the nearby city; the impacts such claims might have on current metro initiatives/questions regarding adequacy of commercial/industrial/residential inventories; the Goal 14 rule-making establishing new UGB amendment procedures; and the potential domino effect on surrounding land and the need for urban service extension.

**11. Metro Plan area outside UGB**

Should the Metro Plan boundary extend beyond the UGB? If so, the same issue is relevant in reviewing significant development proposals that have a regional impact, even if they are wholly located in the county jurisdiction, outside the UGB.

October 1, 2007  
WD bc/fs/07042/T

Mayor Sid Leiken  
and Springfield City Council  
225 Fifth St.  
Springfield, OR 97477

Mayor Kitty Piercy  
and Eugene City Council  
City of Eugene  
777 Pearl St., Room 105  
Eugene, OR 97401

Re: Joint Elected Officials Meeting/Metro Area Issues

Dear Mayors Leiken and Piercy, and City Councilors:

At our meetings on September 12, 19 and 26, 2007, the Board of County Commissioners reviewed the status of several metropolitan area issues of concern to Lane County. In the two years since we transmitted a list of 11 issues, several new laws have passed (abolishment of the Lane County Boundary Commission and the requirement for separate city Urban Growth Boundaries around Eugene and Springfield) and two new issues have arisen for Lane County. Recognizing that up to 15 issues would be too large to tackle all at once, Lane County would like to present four issues in need of immediate consideration by the three governing bodies. We therefore respectfully request that the three governing bodies convene a Joint Elected Officials meeting soon to consider the following issues:

- 1) A formal request by Lane County for the cities to authorize and begin collecting Lane County's Parks SDC's on all development inside both the urban growth boundary and the city limits, and agreement to do likewise in the future, should Lane County enact an SDC with regard to roads. The bottom line is that city residents use Lane County parks and roads. Lane County is facing a very uncertain future due to the potential non-renewal of Secure Rural Schools. Assistance in the collection of SDCs could be very helpful for the infrastructure of both parks and road facilities.
- 2) Right now the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) provides that cities are the logical provider of urban services. With the passage of Ballot Measure 5 and then 47/50, is this policy still appropriate? Lane County requests the three governments consider amendments to allow the creation of mutually agreed upon special districts.

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- 3) Current policies of the Metro Plan support the concept of compact urban growth. Are there strategies we can employ to allow this anticipated growth to occur but avoid the loss of high value farmland as well as preserving and allowing for some urban farming to continue inside the urban area? For example, how should the Metro Plan deal with the area south of the Jasper Extension/Natrol sites that are currently designated as agriculture and aggregate resource?
- 4) Representation of citizens between the urban growth boundary and the city limits. Right now, under ORS 190 agreements, we have transferred land use and building permit administrative authority to the cities, and this is logical because this land is by definition urbanizable and will eventually be inside the city. Unfortunately, however, this creates a strong feeling of disenfranchisement for the citizens just outside the city limits. Are there strategies we can employ to give those citizens greater voice in urbanization and annexation decisions?

In addition, we realize that elections are pending in both cities on urban renewal districts. Lane County would like to have a discussion on the effects those districts (if they are approved) and existing districts could have on Lane County's general fund revenue.

We would suggest the development of a common work plan for consideration of amendments to the Metro Plan which could apply to issues 2), 3) and 4), and the development of intergovernmental agreements to address issue 1). We envision development of collaborative intergovernmental teams to research the issues, develop strategies and then report back to the three governing bodies for implementation on a date certain.

Sincerely yours,

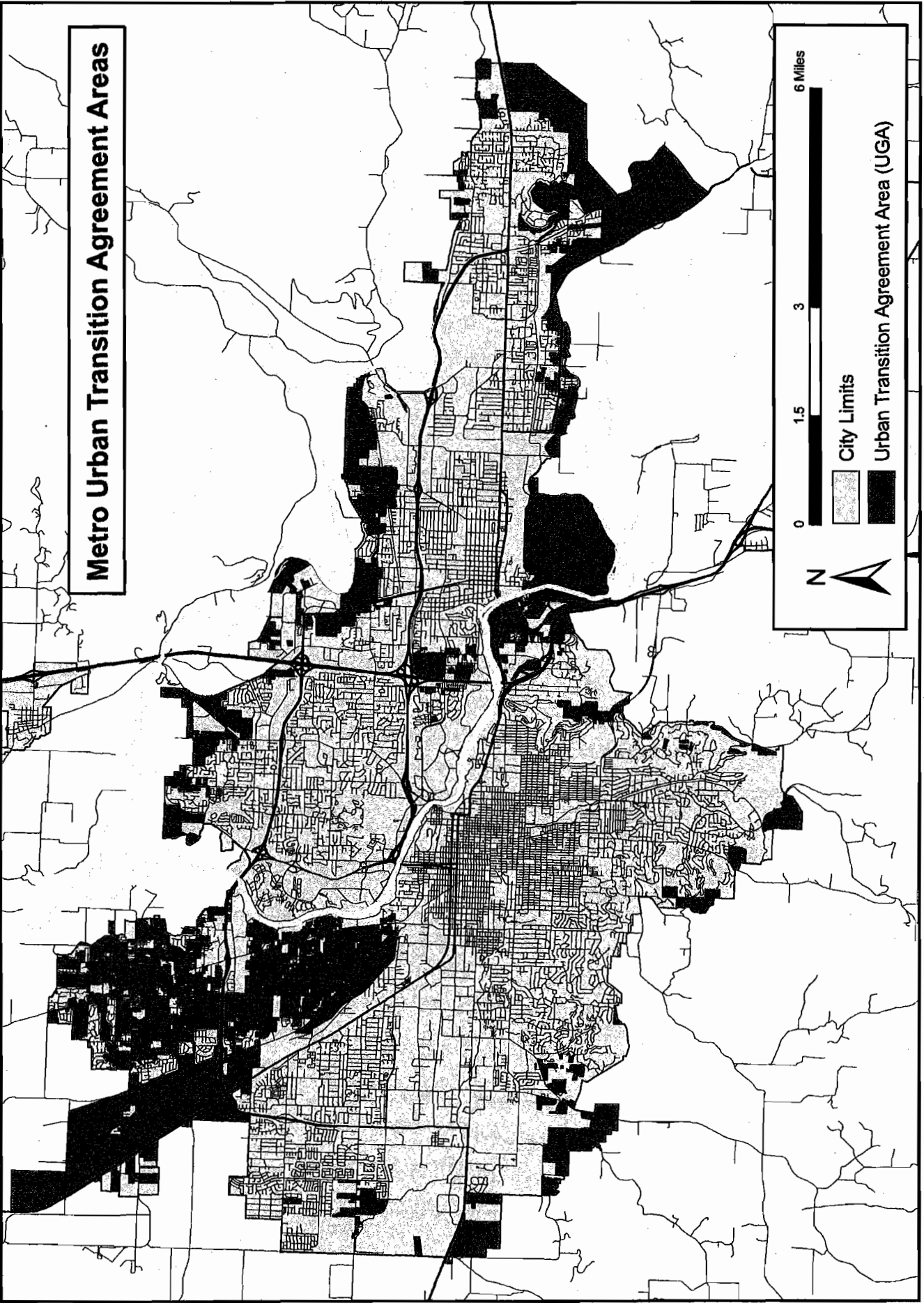
Faye Stewart, Chair  
Lane County Board of Commissioners

c: Lane County Board of Commissioners



**Attachment C**

**Metro Urban Transition Agreement Areas**



**URBAN AND RURAL RESERVES**

**195.137 Definitions for ORS 195.137 to 195.145.** As used in ORS 195.137 to 195.145:

(1) "Rural reserve" means land 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.

(2) "Urban reserve" means lands outside an urban growth boundary that will provide for:

(a) Future expansion over a long-term period; and

(b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary. [2007 c.723 §1]

**195.139 Legislative findings.** The Legislative Assembly finds that:

(1) Long-range planning for population and employment growth by local governments can offer greater certainty for:

(a) The agricultural and forest industries, by offering long-term protection of large blocks of land with the characteristics necessary to maintain their viability; and

(b) Commerce, other industries, other private landowners and providers of public services, by determining the more and less likely locations of future expansion of urban growth boundaries and urban development.

(2) State planning laws must support and facilitate long-range planning to provide this greater certainty. [2007 c.723 §2]

**195.141 Designation of rural reserves and urban reserves pursuant to intergovernmental agreement; rules.** (1) A county and a metropolitan service district established under ORS chapter 268 may enter into an intergovernmental agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658 to designate rural reserves pursuant to this section and urban reserves pursuant to ORS 195.145 (1)(b).

(2) Land designated as a rural reserve:

(a) Must be outside an urban growth boundary.

(b) May not be designated as an urban reserve during the urban reserve planning period described in ORS 195.145 (4).

(c) May not be included within an urban growth boundary during the period of time described in paragraph (b) of this subsection.

(3) When designating a rural reserve under this section to provide long-term protection to the agricultural industry, a county and a metropolitan service district shall base the designation on consideration of factors including, but not limited to, whether land proposed for designation as a rural reserve:

(a) Is situated in an area that is otherwise potentially subject to urbanization during the period described in subsection (2)(b) of this section, as indicated by proximity to the urban growth boundary and to properties with fair market values that significantly exceed agricultural values;

(b) Is capable of sustaining long-term agricultural operations;

(c) Has suitable soils and available water where needed to sustain long-term agricultural operations; and

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

(A) The existence of a large block of agricultural or other resource land with a concentration

## Attachment D

or cluster of farms;

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

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

(D) The sufficiency of agricultural infrastructure in the area.

(4) The Land Conservation and Development Commission shall, after consultation with the State Department of Agriculture, adopt by goal or by rule a process and criteria for designating rural reserves pursuant to this section. [2007 c.723 §3]

**Note:** Sections 10 and 11, chapter 723, Oregon Laws 2007, provide:

**Sec. 10.** Notwithstanding ORS 195.145 (4), if urban reserves are designated by a metropolitan service district and a county pursuant to ORS 195.145 (1)(b) on or before December 31, 2009, the urban reserves 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 the district has demonstrated a buildable land supply in the next inventory, determination and analysis required under ORS 197.299 on or after the effective date of this 2007 Act [June 28, 2007]. [2007 c.723 §10]

**Sec. 11.** The Land Conservation and Development Commission shall adopt the goals or rules required by section 3 of this 2007 Act [195.141] and by the amendments to ORS 195.145 by section 6 of this 2007 Act not later than January 31, 2008. [2007 c.723 §11]

**195.143 Coordinated and concurrent process for designation of rural reserves and urban reserves.** (1) A county and a metropolitan service district must consider simultaneously the designation and establishment of:

(a) Rural reserves pursuant to ORS 195.141; and

(b) Urban reserves pursuant to ORS 195.145 (1)(b).

(2) An agreement between a county and a metropolitan service district to establish rural reserves pursuant to ORS 195.141 and urban reserves pursuant to ORS 195.145 (1)(b) must provide for a coordinated and concurrent process for adoption by the county of comprehensive plan provisions and by the district of regional framework plan provisions to implement the agreement. A district may not designate urban reserves pursuant to ORS 195.145 (1)(b) in a county until the county and the district have entered into an agreement pursuant to ORS 195.145 (1)(b) that identifies the land to be designated by the district in the district's regional framework plan as urban reserves. A county may not designate rural reserves pursuant to ORS 195.141 until the county and the district have entered into an agreement pursuant to ORS 195.141 that identifies the land to be designated as rural reserves by the county in the county's comprehensive plan.

(3) A county and a metropolitan service district may not enter into an intergovernmental agreement to designate urban reserves in the county pursuant to ORS 195.145 (1)(b) unless the county and the district also agree to designate rural reserves in the county.

(4) Designation and protection of rural reserves pursuant to ORS 195.141 or urban reserves pursuant to ORS 195.145 (1)(b):

(a) Is not a basis for a claim for compensation under ORS 195.305 unless the designation and protection of rural reserves or urban reserves imposes a new restriction on the use of private real property.

## Attachment D

(b) Does not impair the rights and immunities provided under ORS 30.930 to 30.947. [2007 c.723 §4]

**195.145 Urban reserves; when required; limitation; rules.** (1) To ensure that the supply of land available for urbanization is maintained:

(a) Local governments may cooperatively designate lands outside urban growth boundaries as urban reserves subject to ORS 197.610 to 197.625.

(b) Alternatively, a metropolitan service district established under ORS chapter 268 and a county may enter into a written agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658 to designate urban reserves. A process and criteria developed pursuant to this paragraph are an alternative to a process or criteria adopted pursuant to paragraph (a) of this subsection.

(2)(a) The Land Conservation and Development Commission may require a local government to designate an urban reserve pursuant to subsection (1)(a) of this section during its periodic review in accordance with the conditions for periodic review under ORS 197.628.

(b) Notwithstanding paragraph (a) of this subsection, the commission may require a local government to designate an urban reserve pursuant to subsection (1)(a) of this section outside of its periodic review if:

(A) The local government is located inside a Primary Metropolitan Statistical Area or a Metropolitan Statistical Area as designated by the Federal Census Bureau upon November 4, 1993; and

(B) The local government has been required to designate an urban reserve by rule prior to November 4, 1993.

(3) In carrying out subsections (1) and (2) of this section:

(a) Within an urban reserve, neither the commission nor any local government shall prohibit the siting on a legal parcel of a single family dwelling that would otherwise have been allowed under law existing prior to designation as an urban reserve.

(b) The commission shall provide to local governments a list of options, rather than prescribing a single planning technique, to ensure the efficient transition from rural to urban use in urban reserves.

(4) Urban reserves designated by a metropolitan service district and a county pursuant to subsection (1)(b) of this section 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 the district has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296.

(5) A district and a county shall base the designation of urban reserves under subsection (1)(b) of this section 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 urban growth boundary:

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

(b) Includes sufficient development capacity to support a healthy urban 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;

## Attachment D

- (e) Can be designed to preserve and enhance natural ecological systems; and
  - (f) Includes sufficient land suitable for a range of housing types.
- (6) The commission shall adopt by goal or by rule a process and criteria for designating urban reserves pursuant to subsection (1)(b) of this section. [1993 c.804 §19; 1999 c.622 §6; 2007 c.723 §6]

**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;

## Attachment E

(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.: