

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOMMENDING THAT) RESOLUTION NO. 00-2941A
THE LAND CONSERVATION AND)
DEVELOPMENT COMMISSION ADOPT) Introduced by Growth Management
REGULATIONS TO PROTECT EXCEPTION LANDS) Committee
ADJACENT TO THE METRO URBAN GROWTH)
BOUNDARY FROM FURTHER PARCELIZATION)

WHEREAS, the Land Conservation and Development Commission (“LCDC”) adopted regulations in 1997 to require counties to maintain 20 acre minimum lot sizes to avoid further parcelization of exception lands adjacent to the Metro urban growth boundary (“UGB”) designated by Metro as urban reserve areas; and

WHEREAS, the extensive litigation and remand of Metro’s designation of urban reserves resulted in LCDC’s 2000 revision of its 1992 Urban Reserve Rule; and

WHEREAS, the current 20 acre minimum lot size regulation to protect exception lands adjacent to the Metro UGB from further parcelization in the 2000 Urban Reserve Rule expires upon adoption of the Rural Residential Lands Rule; and

WHEREAS, the issue of whether or how to regulate “urban fringe” areas statewide was included in LCDC’s current consideration of a Rural Residential Lands Rule which will regulate divisions on exception lands zoned for residential use outside UGBs statewide; and

WHEREAS, Metro, Portland and Gresham have supported continuation of an LCDC rule requiring a 20 acre minimum lot size extended to the area within two miles of the current Metro UGB in the working group; and

WHEREAS, other working group members generally have opposed any one-size-fits-all minimum lot size greater than five acres anywhere in the state; and

WHEREAS, the working group generally has supported some urban fringe protection for the area adjacent to the Metro UGB; and

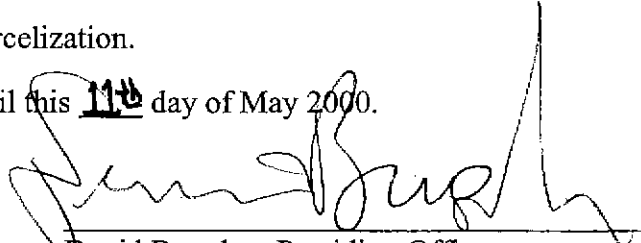
WHEREAS, Metro is responsible under ORS 268.390(3) for establishing, amending, and administering the regional UGB; and

WHEREAS, the Metro Council received a recommendation from the Metro Policy Advisory Committee ("MPAC") of cities, counties, special districts and citizens supporting an LCDC regulation establishing a 20 acre minimum lot size extending to the area one mile from the current Metro regional UGB; now, therefore,

BE IT RESOLVED,

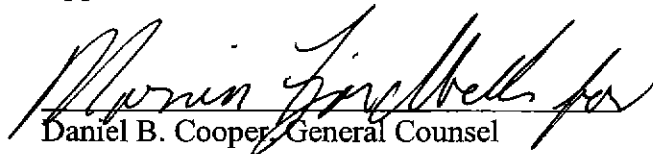
That the Metro Council concurs with MPAC's recommendation that the Land Conservation and Development Commission adopt regulations to require a 20 acre minimum lot size for exception lands zoned for residential use within one mile of the current Metro urban growth boundary to protect exception lands adjacent to the Metro urban growth boundary from further parcelization.

ADOPTED by the Metro Council this 11th day of May 2000.



David Bragdon, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

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WHEREAS, the extensive litigation and remand of Metro’s designation of urban reserves resulted in LCDC’s 2000 revision of its 1992 Urban Reserve Rule; and

WHEREAS, the current 20 acre minimum lot size regulation to protect exception lands adjacent to the Metro UGB from further parcelization in the 2000 Urban Reserve Rule expires upon adoption of the Rural Residential Lands Rule; and

WHEREAS, the issue of whether or how to regulate “urban fringe” areas statewide was included in LCDC’s current consideration of a Rural Residential Lands Rule which will regulate divisions on exception lands zoned for residential use outside UGBs statewide; and

WHEREAS, Metro, Portland and Gresham have supported continuation of an LCDC rule requiring a 20 acre minimum lot size extended to the area within two miles of the current Metro UGB in the working group; and

WHEREAS, other working group members generally have opposed any one-size-fits-all minimum lot size greater than five acres anywhere in the state; and

WHEREAS, the working group generally has supported some urban fringe protection for the area adjacent to the Metro UGB; and

WHEREAS, Metro is responsible under ORS 268.390(3) for establishing, amending, and administering the regional UGB; and

WHEREAS, the Metro Council received a recommendation from the Metro Policy Advisory Committee ("MPAC") of cities, counties, special districts and citizens supporting an LCDC regulation establishing a 20 acre minimum lot size extending to the area one mile from the current Metro regional UGB; now, therefore,

~~WHEREAS, LCDC has authorized Metro to designate urban reserve areas in its 1992 and 2000 Urban Reserve Rule consistent with ORS 268.390(3); and~~

~~WHEREAS, Metro is an appropriate forum for applying state standards to determine the appropriate minimum lot sizes in different areas of exception lands zoned for residential use adjacent to the Metro UGB; and~~

~~WHEREAS, the Metro Council is willing to apply state standards to establish appropriate minimum lot sizes to protect exception lands within two miles of the current Metro UGB; now, therefore,~~

BE IT RESOLVED,

That the Metro Council concur with MPAC's recommendation~~recommends~~ that the Land Conservation and Development Commission ~~either~~ adopt regulations to require a 20 acre minimum lot size for exception lands zoned for residential use within ~~two~~ one miles of the current Metro urban growth boundary to protect exception lands adjacent to the Metro urban growth boundary from further parcelization.~~UGB or authorize Metro to establish an appropriate 10-20 acre minimum lot size for exception lands zoned for residential use within two miles of the current Metro UGB consistent with the proposed regulation text of a state regulation in Exhibit "A," attached and incorporated herein.~~

ADOPTED by the Metro Council this ____ day of ~~April~~ May 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOMMENDING THAT) RESOLUTION NO. 00-2941
THE LAND CONSERVATION AND)
DEVELOPMENT COMMISSION ADOPT) Introduced by Growth Management
REGULATIONS TO PROTECT EXCEPTION LANDS) Committee
ADJACENT TO THE METRO URBAN GROWTH)
BOUNDARY FROM FURTHER PARCELIZATION)

WHEREAS, the Land Conservation and Development Commission ("LCDC") adopted regulations in 1997 to require counties to maintain 20 acre minimum lot sizes to avoid further parcelization of exception lands adjacent to the Metro urban growth boundary ("UGB") designated by Metro as urban reserve areas; and

WHEREAS, the extensive litigation and remand of Metro's designation of urban reserves resulted in LCDC's 2000 revision of its 1992 Urban Reserve Rule; and

WHEREAS, the current 20 acre minimum lot size regulation to protect exception lands adjacent to the Metro UGB from further parcelization in the 2000 Urban Reserve Rule expires upon adoption of the Rural Residential Lands Rule; and

WHEREAS, the issue of whether or how to regulate "urban fringe" areas statewide was included in LCDC's current consideration of a Rural Residential Lands Rule which will regulate divisions on exception lands zoned for residential use outside UGBs statewide; and

WHEREAS, Metro, Portland and Gresham have supported continuation of an LCDC rule requiring a 20 acre minimum lot size extended to the area within two miles of the current Metro UGB in the working group; and

WHEREAS, other working group members generally have opposed any one-size-fits-all minimum lot size greater than five acres anywhere in the state; and

WHEREAS, the working group generally has supported some urban fringe protection for the area adjacent to the Metro UGB; and

WHEREAS, Metro is responsible under ORS 268.390(3) for establishing, amending, and administering the regional UGB; and

WHEREAS, LCDC has authorized Metro to designate urban reserve areas in its 1992 and 2000 Urban Reserve Rule consistent with ORS 268.390(3); and

WHEREAS, Metro is an appropriate forum for applying state standards to determine the appropriate minimum lot sizes in different areas of exception lands zoned for residential use adjacent to the Metro UGB; and

WHEREAS, the Metro Council is willing to apply state standards to establish appropriate minimum lot sizes to protect exception lands within two miles of the current Metro UGB; now, therefore,

BE IT RESOLVED,

That the Metro Council recommends that the Land Conservation and Development Commission either adopt regulations to require a 20 acre minimum lot size for exception lands zoned for residential use within two miles of the Metro UGB or authorize Metro to establish an appropriate 10-20 acre minimum lot size for exception lands zoned for residential use within two miles of the current Metro UGB consistent with the proposed regulation text of a state regulation in Exhibit "A," attached and incorporated herein.

ADOPTED by the Metro Council this ____ day of April 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

**Exhibit "A" to
Resolution No. 00-2941**

Amendments to March 2, 2000 DRAFT: Proposed Rural Residential Rule OAR 660-04-0040, Section 7(e) (Option 3).

Metro Urban Fringe Lot Size Authority

- (e) If any part of a lot or parcel to be divided is less than two miles from the urban growth boundary for the acknowledged Portland metropolitan area on the effective date of this rule and is in an area which allows rural residential uses, and if the Portland Metropolitan Area does not have an urban reserve area that contains at least a twenty year reserve of land that has been acknowledged to comply with OAR 660 Division 021, Metro shall adopt provisions relating to the regional urban growth boundary as part of comprehensive plans, to assure that the minimum area of any new lot or parcel shall be at least a designated size from 10 to 20 acres to be determined by Metro. If the lot or parcel to be divided also lies within the area governed by the Columbia River Gorge National Service Area Act, the division shall be done in accordance with the provisions of that act.
- (f) Metro shall consider existing parcelization, likelihood of urbanization consistent with acknowledged regional policies, and patterns of urban service facilities in determining the appropriate minimum lot size for areas of rural residential exception lands.
- (g) Until Metro acts to establish minimum lot sizes consistent with this rule, the existing minimum lot size rule in OAR 660, Division 021 shall remain in effect."

STAFF REPORT

CONSIDERATION OF RESOLUTION 00-2941, FOR THE PURPOSE OF RECOMMENDING THAT THE LAND CONSERVATION AND DEVELOPMENT COMMISSION ADOPT REGULATIONS TO PROTECT EXCEPTION LANDS ADJACENT TO THE METRO URBAN GROWTH BOUNDARY FROM FURTHER PARCELIZATION.

Date: April 25, 2000

Presented by: Councilor Rod Park

FACTUAL BACKGROUND AND ANALYSIS

In 1997, after Metro adopted urban reserves, LCDC adopted a 20-acre minimum lot size for exception lands in the 15,600 acres of exception lands designated by Metro. When the 2000 Urban Reserve Rule was adopted the 20-acre rule was continued until December 31, 2000 or until a replacement rule provision was adopted inside the Rural Residential Rule.

Gresham suggested and Metro and Portland have supported an LCDC rule establishing a 20-acre minimum lot size for all rural residential exception lands within 2 miles of the Metro UGB.

DLCD staff have suggested in the March 2, 2000 draft at Section 7(a)-(c) that LCDC require a 10-acre minimum lot size within one mile of the UGB for 9 cities outside the Metro area which have not elected to adopt urban reserves. Clackamas County has, generally, support a ten acre minimum lot size for rural residential lands around the Metro UGB preferably at the county's discretion and not as far as two miles from the Metro UGB. I believe Washington County supports a locally adopted five year minimum lot size. That is the minimum lot size under consideration for all rural residential lands.

For the Metro UGB, if Metro elects not to adopt urban reserves, the March 2 draft Rural Residential rule has 2 options in Section 7(e)-(f) for Metro urban fringe minimum lot size. Option 1 is a version of Gresham's 20 acres for 2 miles proposal. Option 2, from DLCD staff, would continue the 20-acre minimum lot size for exceptional land within former Metro-designated urban reserves (about one mile from the current UGB).

While Metro area staff representatives disagreed about whether the Metro urban fringe protection should be 10 or 20-acre minimum lot size. Metro area staff representatives agreed that it is desirable to avoid holding up or getting the Metro urban fringe issue washed out of the Rural Residential Rule (with the current 20-acre rule lapsing on December 31, 2000). Only after the working group seemed to be united in recommending to LCDC that no "one size fits all" lot size be required by LCDC rule did Portland suggest and Metro and Gresham agree to the following as an alternative to the 20 acre minimum lot size within two miles of the Metro UGB:

1. Delegate Authority to Metro to set minimum lot sizes in its Code for exception lands in an "Urban Fringe Management Area" ("UFMA") within 2 miles of the Metro UGB. This determination would be based upon analysis of all fringe areas and likelihood of their urbanization, current parcelization patterns and ability of local governments to serve those lands efficiently with urban services at the density levels in the 2040 Concept Plan.
2. Minimum lot sizes in the UFMA would be 10-20 acre range.
3. Until Metro acts to set UFMA lot sizes, existing 20-acre minimums will apply in the former Urban Reserves (beyond December 31, 2000).

LCDC Commissioner McRoberts requested that staff work on a discussion draft rule language to accomplish these steps and that it be taken to MPAC for comment.

Resolution No. 00-2941 reflects these developments and the Metro Growth Management Committee position in favor of LCDC giving Metro authority to establish minimum lot sizes within two miles of the Metro UGB from 10-20 acres if LCDC decides not to continue the 1997 20 acre minimum lot size.

LCDC HAS A WORK SESSION ON THE RURAL RESIDENTIAL RULE, INCLUDING THIS ITEM ON THIS FRIDAY, APRIL 28, 2000. A Metro position would be appropriate to communicate to LCDC Commissioner McRobert as head of the working group and the full commission by that time.

EXISTING LAW: LCDC Rural Residential OAR 660-04-0040.

BUDGET IMPACT: None.