

**Jeff Stone**

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**From:** Jim Johnson [jjohnson@oda.state.or.us]  
**Sent:** Wednesday, March 17, 2010 1:04 PM  
**To:** Jeff Stone; Shawn Cleave  
**Cc:** Katy Coba  
**Subject:** Foundation Agricultural land in Washington County

Gentlemen

You have ask me to respond to the statement that the proposed urban reserve designations in Washington County only involve less than 3% of the foundation agricultural land in Washington County.

I too have both seen and heard this statement in meetings and the press. The less than 3% figure in my opinion is misleading. Upon closer examination of the numbers, I have concluded that the statement is based on the use of 348,254 acres as the total number of foundation ag land in the county. This acreage includes all forest land in the county. It is important to note that when ODA did the analysis for Metro, we did not in several areas establish an outer boundary to map poloygons. This is evident in several of the ODA subregions including the Tualatin Valley and Dairy Creek/McKay Creek subregions in Washington County. If one reads the descriptions of each subregion, it is evident that agricultural land "extends into private and public forestlands." There really was no reason for ODA to establish an outer boundary as we had no idea at the time that our "designations" would be employed in the reserves process/rules (there was no Metro reserves process).

So with all this in mind, I asked our GIS specialist to run some numbers for me after subtracting out all lands in Washington County that are zoned EFC (their commercial forest zone). These lands are located out on the edges of the county. According to our data, there are 219,935 acres of EFC land in the county that also show up as foundation agricultural land. With these EFC lands subtracted out from the total 348,254 acres of "mapped" foundation land, the number changes to 128,319 acres of foundation agricultural land (that is not zoned EFC). Using this base number, the 9,567 acres of foundation ag land proposed by Metro as urban reserves in Washington County accounts for 7.4% (not less than 3%) of the foundation agricultural land in the county.

I hope this addresses your question. Please feel free to contact me if I can be of further assistance.

Jim Johnson  
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Oregon Department of Agriculture  
Natural Resources Division  
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3/17/2010



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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March 4, 2010

TO: Land Conservation and Development Commission

FROM: Bob Rindy, Senior Policy Analyst

SUBJECT: **Agenda Item 4, March 17-19, 2010, LCDC Meeting**

**Public Hearing and Appointment of Hearings Officer**  
**Proposed Amendments to Rules (OAR 660, division 27) regarding**  
**Urban and Rural Reserves in the Portland Metro Area**

**I. AGENDA ITEM SUMMARY**

This agenda item is a public hearing on proposed amendments to the administrative rules regarding planning for future uses that are allowed within urban and rural reserves in the Portland Metro area. The Department of Land Conservation and Development (DLCD) is proposing clarifying amendments to rules under OAR 660, division 27 (see Attachments A and B). The department is also asking the Land Conservation and Development Commission (LCDC) to appoint a hearings officer to conduct a follow-up public hearing in the Metro region on the proposed rule amendments. These proposed rules will not be acted on until after the hearing in the Metro region.

The proposed rule amendments are in response to concerns by Metro and Metro area counties, as well as others in the region, regarding ambiguity in the current LCDC rules that control what land uses would be allowed within urban and rural reserves once they are designated. At the time of this report Metro and Metro area counties have tentatively agreed on a map of urban and rural reserves, but local land use regulations to implement the reserves have not been approved.

The proposed rule amendments are to three sections under OAR 660-27-0070. These rule sections prohibit future amendments to local land use plans for the area within urban and rural reserves to allow new uses that were not allowed at the time of the reserves designations. Certain uses of rural lands are expressly allowed, but only through a plan amendment process. These uses include certain types of transportation facilities, certain types of park improvements, and certain resource uses under Statewide Land Use Planning Goal 5.

The department is proposing that the commission schedule its final public hearing to consider these amendments at the April 22 LCDC meeting in Lincoln City. Prior to that, a hearings officer would hold a public hearing from 9:00 a.m. – 12:00 p.m. on April 15, at the City of Portland Bureau of Planning Building, Room 2500, 1900 SW 4th Ave, in Portland. Testimony to the

hearings officer at that hearing will be summarized for the commission prior to the proposed final hearing on April 22. If adopted by the commission at the April 22<sup>nd</sup> meeting, the proposed rule amendments will be effective shortly thereafter, upon filing with the Secretary of State.

For additional information on this item, please contact Bob Rindy at (503) 373-0050 ext. 229; email [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).

## **II. SUMMARY OF RECOMMENDED ACTION**

The department recommends that the commission receive testimony and comments regarding the proposed rule amendments and appoint DLCD director Richard Whitman as a hearings officer to receive testimony at a second public hearing on the proposed rules. The department recommends that the commission hold the final public hearing and adopt the proposed rule amendments at its meeting in Lincoln City on April 22, 2010.

## **III. BACKGROUND**

### **A. Reasons for Proposed Rule Amendments**

In December the department was informed of concerns by Metro area local governments (and other interests) about current LCDC administrative rules that prohibit amendments to county land use plans that would allow new land uses that were not allowed at the time of designation of the urban or rural reserves. OAR 660-027-0070. The two specific subsections in question read as follows:

"(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."

Certain types of land uses are expressly allowed on rural lands, but only by going through a plan amendment process. These include:

- (1) Certain types of transportation improvements;
- (2) Many types of public park facilities (which require a parks master plan or master plan amendment); and

(3) Plan or regulation amendments in response to new or amended Goal 5 inventories. Such inventories concern natural resources, scenic and historic areas, parks or open space, mineral or aggregate sites, energy resources, water areas, and several other categories of “resources” described by Goal 5 and its interpretive rules under OAR 660, division 23. Under Goal 5, new or amended Goal 5 inventories of “significant resources,” and measures to “protect” such resources, must be adopted as amendments to local plans and land use regulations.

It is the department’s belief that the commission did not intend to prohibit all future land uses that are expressly allowed on rural lands, but only through a plan amendment process. The three categories listed above were not specifically discussed by the commission’s workgroup in 2007 that drafted the division 27 reserve rules. Given the language of the rule, the department recommends that the commission amend the urban and rural reserve rules under OAR 660, division 27, to clarify that these three types of uses are allowed within urban and rural reserve areas, even though they require a plan amendment. The department emphasizes that these uses would still require a plan amendment in order to be allowed within reserves. Other types of uses that are not currently allowed within reserves, such as new rural residential areas, rural commercial areas and rural industrial uses (as well as other unique types of uses requiring Goal 3 or 4 exceptions) would continue to be prohibited within both urban and rural reserves.

The department has scheduled an initial hearing for consideration of this issue and related rule amendments, and appointment of a hearings officer, for the March 18 LCDC meeting. We note that, although this rulemaking is not on the commission’s Policy Agenda for the 2009-2011 biennium, the department scheduled this rule hearing after conferring with the commission chair in order to provide the opportunity for LCDC to act on the concerns expressed by Metro and counties in the region prior to the pending adoption of local plans and regulations implementing urban and rural reserves.

The department issued notices (see Attachment D) for the initial hearing in March, as required by law. However, statutes for rule adoption under ORS 183.335 require a hearing in a specific region of the state for any rule amendment that affects only that region. Therefore, since the commission is not scheduled to meet in the Metro area in the near future, the department is also recommending that LCDC appoint a hearings officer, and schedule a rule hearing conducted by the hearings officer in Portland on April 15. The department has scheduled the final hearing for LCDC consideration and possible adoption of any proposed rule amendments at the commission’s April 22 meeting in Lincoln City. The department will issue a second set of notices regarding the two additional hearings described above. (See Attachment D)

#### **Additional Concerns Raised Following Initial Rule Notice**

After the department’s initial notice of rulemaking, the department received a copy of a February 19 memo from Brent Curtis to the Washington County Board of Commissioners, which outlined a number of concerns in addition to the three concerns described above (see Attachment E). In summary, the county is concerned that the prohibition on future amendments to reserve regulations will preclude other types of amendments likely to be proposed in the future, including amendments concerning (1) state or federal statute changes; (2) new land use case law; (3) new interpretations of resource zoning needing codification by ordinance; (4) authorization

for new sewer lines or replacement drain fields; (5) quasi-judicial plan amendments to rezone farm or forest land to other resource uses (e.g., rezoning from EFU to mixed farm/forest zoning); (5) recreational trail alignments and overlay designations; (6) airport safety zones; (7) state or regional park overlays; and (8) new Goal exceptions necessary to locate schools, private parks and campgrounds within 3 miles of a UGB.

The department is not recommending that the Metro reserve rules should be amended in order to authorize this longer list of possible future amendments to local land use regulations suggested by Washington County, with the exception of changes necessary to authorize new trails or other park uses provided for in new or amended regional park plans. The list of rule changes suggested by the county would authorize a wide range of new uses in farm and forest zones. Thus, in the case of rural reserves, these areas would no longer have any special protection other than the requirement that they could not be included in a UGB for 50 years. The department believes the authorization of this much wider array of uses would be counter to the intent for rural reserves expressed by the commission's work group that initially recommended the rules, and may also be counter to the understandings of the *ad hoc* group of interests that initially drafted and recommended passage of SB 1011 in 2007. In the case of urban reserves, the department notes that the primary reason for restrictions on new uses is to maximize the opportunity for future efficient urban development and "great communities." Thus, new uses in urban reserves may hinder future urban development or the efficient provision of roads and public facilities in these areas once they are brought into the UGB.

The legislative history of the rules in question indicate that the commission's work group proposing OAR 660, division 27, intended that uses within rural reserves generally be limited to uses allowed at the time of designation. The workgroup's intent is summarized in the January 11, 2008, department staff report to LCDC supporting the initial adoption of division 27, which indicated the restrictions on future land use regulation amendments were intended to "*carry out the primary directive of SB 1011, that rural reserves are intended to "provide long-term protection for agriculture, forestry or important natural landscape features. (Emphasis added).*" (see summary of legislative history, below).

The Washington County memo also raises similar concerns with regard to a different rule in division 27, which states:

*"OAR 660-027-0040(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."*

The department believes this rule does NOT restrict, nor was it intended to restrict, any amendment of rural reserve regulations so as to allow additional uses not allowed at the time reserves were designated. That prohibition is clear in a different rule, OAR 660-027-0070. The proper interpretation of the 0040(5) rule is that it only prevents the removal of a county's rural reserve designation from lands in the county, once designated, and prevents the redesignation of rural reserves either as urban reserves or as urban land (i.e., placement inside the UGB). As such, the department does not agree that amendment of OAR 660-027-0040(5) is necessary to address

the concerns described in this report regarding future land use amendments that may be necessary but are prevented under OAR 660-027-0070.

**B. History of Metro Reserves**

In 2007, the Oregon Legislature enacted Senate Bill 1011 (see Attachment C) authorizing the Metropolitan service district (Metro) and the three Metro area counties to designate Urban Reserves and Rural Reserves. That statute required LCDC to adopt rules to provide detailed procedures and requirements for designation and planning of reserves. In response, LCDC adopted Metro reserves rules, OAR 660, division 27, in January 2008.

Urban Reserves in the Metro area under SB 1011 are adopted by Metro and the counties under a different process than the process specified in LCDC's previous (1991) urban reserve rules under OAR 660, division 21 (which provide an option for adoption of urban reserves anywhere in the state). However, in most respects, urban reserves both in the Metro area under SB 1011 and statewide under division 21 serve the same function: urban reserves provide a 10 to 30-year future urban planning area beyond the 20-year area for urban growth boundaries (UGBs), i.e., urban reserves are intended to allow 30-50-year urbanization planning. Under ORS 197.298, urban reserves are the highest priority land that local governments (including Metro) must consider when a UGB is amended. SB 1011's preamble indicates that urban reserves are intended to provide "greater certainty for ... 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."

Rural Reserves had no precedent in Oregon law prior to SB 1011 and are currently only authorized (voluntarily) for Metro area counties. Under statute, rural reserves are intended to provide "greater certainty for ... the agricultural and forest industries, by offering long-term protection of large blocks of land with the characteristics necessary to maintain their viability." Under division 27, rural reserves are also intended "to provide long-term protection of important natural landscape features." Rural reserves, once designated, cannot be included within an UGB and cannot be re-designated as urban reserves for a period of time equal to the 30 to 50 year time period determined by the region for urban reserves, described above. Rural reserves are further protected by rules under OAR 660-027-0070 (the subject of this report) that limit future amendments to land use regulations applied to the reserves.

Designation of urban and rural reserves is not mandatory; Metro and metro area county governments may choose whether or not to declare these reserves. However, if reserves are designated, Metro and counties must consider and establish rural **and** urban reserves simultaneously. Reserves must be designated by "an agreement," and such agreement "must provide for a coordinated and concurrent process" for adoption of comprehensive plan provisions by the counties and regional framework plan provisions to implement the agreement by the district. The stated objective "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."

Once urban and rural reserves are adopted by Metro and Metro area counties, LCDC must review and approve the designation based on applicable statutes and rules. Under ORS 197.626, a “metropolitan service district that ... amends the district’s regional framework plan or land use regulations implementing the plan to establish urban reserves ... or a county that amends the county’s comprehensive plan or land use regulations implementing the plan to establish rural reserves ... shall submit the amendment or designation to the Land Conservation and Development Commission in the manner provided for periodic review ...”.

As indicated above, Metro and Metro area counties reported that they have reached agreement on a map of urban and rural reserves. Later this spring the counties will pass ordinances designating rural reserves and will adopt policies in their comprehensive plans to implement them. Metro will pass an ordinance designating urban reserves and will adopt policies within its Regional Framework Plan to implement urban reserves. The reserves map, intergovernmental agreements and joint set of findings will be submitted to LCDC for review sometime this year, but at this point the department cannot provide a more precise estimated submittal date.

**C. Legislative History of OAR 660, division 27**

In the department’s January 11, 2008 staff report to the commission proposing the adoption of Metro reserve rules, the “intent” of specific proposed rule provisions under OAR 660-027-0070 is described as follows:

*“The second section of the 0070 rules ensures that land in urban reserves is maintained in larger parcel sizes (unless it was previously parcelized), so as to preserve opportunities for orderly and efficient development of urban uses and provision of urban services when urban reserves are added to the UGB.*

*“The proposed rules also direct counties to maintain the zoning for uses on rural reserves allowed at the time they were designated, and to not allow smaller lots or parcels on land designated as rural reserves. This provision was recommended by Metro’s ad hoc group that met in the summer of 2007 prior to LCDC’s workgroup meetings, but was embraced by the workgroup. It provides a powerful protection for rural reserves that is in addition to other protection already provided in statute and in 660-027-0040 (4) and (5). These provisions together carry out the primary directive of SB 1011, that rural reserves are intended to “provide long-term protection for agriculture, forestry or important natural landscape features.” (Emphasis added).*

*“... [T]he proposed urban reserve ‘planning’ rules provide that ‘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.’ Part of this provision was recommended by Metro’s ad hoc [work] group, but was embraced by the [LCDC appointed] workgroup, and augmented by the department, to include some of the provisions currently in rules for urban reserves under OAR 660, division 21, that clarify the ability to plan for services in urban reserves.”*

# WASHINGTON COUNTY

## *Inter-Office Memorandum*

February 19, 2010

To: Washington County Board of Commissioners

From: Brent Curtis, Planning Manager

Re: Reserves Rule Impacts in Washington County

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A review of the current language in Oregon Administrative Rule (OAR) 660-027, Urban and Rural Reserves in the Portland Metropolitan Area, revealed several potential conflicts for land use planning in Washington County. Section 0040 of the OAR prohibits the re-designation of land within rural reserves to another use (or plan designation). Section 0070 bans amendments to land use regulations that would allow new uses or smaller lots and parcels than were allowed prior to designation as an urban or rural reserve.

Oregon Administrative Rule 660-027-0040(5) states: *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 the reserves areas are in effect.*

Subsections 2 (relating to urban reserves) and 3 (relating to rural reserves) of OAR 660-027-0070 state that counties *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 urban or rural reserves.*

Though Section 0040 of the rule bans the re-designation of land only within rural reserve areas, county counsel has reviewed the language in Section 0070 and believes that the prohibition on changing land use regulations within reserve areas also precludes the county's ability to process plan amendments within urban reserves.

Counsel's reading of the rule is that re-designating property to another use within an urban reserve area allows for an entirely new list of land use regulations for that property. Because Section 0070 prohibits land use regulation amendments that would add new uses, counsel believes plan amendments to different land use districts would not be permitted under the reserves rule.

The county processes plan map and text amendments for various types of uses and facilities within the rural area that could be potentially affected by OAR 660-027's prohibition on re-designation of land and land use regulation changes. Certain policy, rule or statute changes that are made at the state or federal level are compulsory, and county counsel believes that the ability to make conforming amendments for these changes will be preserved through the preemption process (i.e. constitutional law interpretations and mandatory state statute changes). However, the reserves rule takes away the county's ability to make policy decisions about whether to implement discretionary changes (i.e. types of uses that counties *may* allow on resource land and certain Statewide Planning Goal exceptions).



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The Department of Land Conservation and Development (DLCD) has proposed amendments to OAR 660-027-0010 and 660-027-0070 that would allow for plan amendments to do the following:

1. Authorize improvements to road, highways, or other transportation facilities, or
2. Authorize amendments to local plans and ordinances in response to new or amended inventories of Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) resources.

DLCD's proposed amendments resolve two significant issues: the siting of roads within areas designated as reserves, and the county's ability to apply overlay district designations to land that meets the Goal 5 criteria for historic and cultural or mineral and aggregate resources.

However, the proposed rule amendments do not provide for other types of comprehensive plan amendments or land use regulation updates that are necessary to accommodate typical rural uses. Described below are several situations that would not be allowed by the rule, even following the adoption of DLCD's amendments.

### **Changes in Land Use Regulations**

The restriction on amending land use regulations in urban and rural reserves may affect all rural land use districts, which includes **EFU/AF-20** (exclusive farm use), **EFC** (exclusive forest use), **AF-10**, **AF-5** and **RR-5** (rural residential), **R-COM** (rural commercial), **R-IND** and **MAE** (rural industrial).

The amendments proposed by DLCD to OAR 660-027-0070 do not provide for the following types of changes to county land use regulations:

- ! *State/Federal rule or statute changes* - the county often adopts land use regulations for both resource and non-resource land use districts. Typically, changes to uses allowed in resource districts are made by the state to ORS 215.213 (farm land) or OAR 660-006 (forest land), and the county adopts conforming amendments. It is unclear whether these conforming amendments would still be authorized under OAR 660-027.
- ! *Case law updates* – for example, *Young v. Jackson County*, which deemed the ORS 215.213 restriction on churches within three miles of an urban growth boundary ran afoul of the Religious Land Use and Institutionalized Persons Act (RLUIPA). The restriction is currently in place both in statute and the county's Community Development Code. Conforming the county's Code to reflect this case law would require land use regulation amendments. County counsel believes that constitutional law issues such as this would pre-empt the reserves rule, but it is unclear whether case law unrelated to constitutional issues would also pre-empt the rule.
- ! *Amendments to special use standards* - there are certain interpretations regarding allowed uses in nonresource land use districts that have been codified by the county's Board. An example is Ordinance No. 719, adopted last year, which clarified the types of farm- and forest-related items that could be sold, stored or distributed in R-COM and R-IND districts.

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OAR 660-027-0070's restriction on amending land use regulations within reserves also prevents the county from accommodating requests for changes from other agencies and members of the public. As part of the 2010 Land Use Ordinance Work Program, the county has received several requests for comprehensive plan amendments, some of which would require land use regulation changes. These requests are:

- ! Implementing standards for wind and solar energy facilities
- ! Modifying standards for wineries
- ! Defining the extent and associated activities for farmstand and community supported agriculture uses, and developing standards to mitigate impacts to surrounding properties resulting from these uses
- ! Scoggins Valley Dam expansion at Hagg Lake

**Public Facility and Utility Siting**

In order to locate certain uses outside the urban growth boundary, local governments must process plan amendments and at times take exceptions to Statewide Planning Goals. These uses include:

- ! *Sewer lines* – a goal exception must be justified to construct a new sewer system outside the UGB or to connect rural lands to sewer systems located inside the UGB, even in the case of a health hardship.
- ! *Replacement septic drainfields* – when septic systems serving small rural parcels reach the end of their useful life (typically 40-50 years) it may become necessary to establish a replacement drainfield. In the event that the only available land is adjacent resource land, a Reasons exception must be taken in order to site the drainfield).

**Quasi-Judicial Plan Amendments**

Currently, property owners have the ability to submit requests for plan map amendments for a variety of situations. The reserves rule prohibits plan amendments, which means that applicants would no longer have the opportunity to request plan map changes, which typically fall into one of the following three general categories:

- ! *Resource-to-resource district plan amendments* that will not result in additional density, such as exclusive farm use land to exclusive forest land. These resource districts all have an 80 acre minimum to create new parcels, and occasionally property owners pursue these applications to conform their land use designation to match the current use of the land and tax deferral status. Resource-to-resource plan amendments, such as those between agricultural and forest districts often easily meet the criteria for a plan amendment with sufficient evidence to demonstrate that one resource designation is appropriate over another.
- ! *Nonresource-to-nonresource district plan amendments* that do not require new exceptions such as those between rural residential districts or from rural commercial to rural industrial designations. DLCD changed the criteria for these types of plan amendments to no longer require new goal exceptions for a change of use between nonresource properties. Rather than taking a new exception for the new nonresource use, these requests must demonstrate that they meet the criteria for the desired land use district. The approval of these types of requests is very dependent upon the site and the specific use proposed.

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- ! *Plan amendments that require exceptions to Statewide Planning Goals*, such as committed exceptions (the county has three pending plan amendments for committed exceptions) and Reasons exceptions (one application for a Reasons exception has been filed to site a replacement septic drainfield on a site adjacent to a existing rural commercial site). Reasons exceptions have often been utilized for expanding existing developed and committed exceptions such as the Helvetia Tavern and Midway Pub. Plan amendments that require goal exceptions are often exceptionally difficult to justify.

**Trail and Overlay District Designations**

The application or removal of trail alignments and overlay designations are processed through legislative plan amendments, which are not authorized by OAR 660-027. Listed below are some examples of these types of amendments:

- ! *Tonquin Trail alignment* – this trail is not currently shown on the county's transportation system plan. The trail is undergoing a master planning process that is expected to culminate in the adoption of the selected alignment as part of the county's 2020 Transportation Plan.
- ! *Airport safety zones and use overlays* – the county's airport overlays affect both private and public airports. The county designates a public and private airport land use overlays that authorize uses such as hangars, taxiways and pilot lounges. Additionally, both types of airports include safety overlays that can range from limiting height of structures on adjacent properties (near private airports) to ensuring land use compatibility by imposing standards for noise, outdoor lighting, glare and restricting some uses around public use airports. These uses can include athletic fields, landfills, mining sites and water impoundment areas (example: see the two rural public and private use airports maps)
- ! *State and regional park overlays* – for the Cooper Mountain Nature Park, Metro completed a master planning process which culminated in the adoption of the county's State and Regional Park Overlay for the rural land included within the park boundary. The overlay designation allows for additional uses (campgrounds, caretaker residences) that would not typically be allowed on agricultural lands without an exception to statewide planning goals. With Metro's recent acquisition of 1,143 acres on the Chehalem Ridge, the agency may be interested in pursuing a park overlay designation (example: see Metro's Chehalem Ridge park acquisition map)

**Authorization of Certain Uses on High Value Farmland**

OAR 660-033 and the county's Community Development Code prohibit certain uses on high value farmland within three miles of the UGB unless an exception has been granted. Exceptions must be taken in order to locate schools, private parks and campgrounds within three miles of an urban growth boundary. These exceptions must include a request to change the underlying land use designation to a district that allows the requested use, which may be considered a change in land use regulations for the property, which is prohibited by OAR 660-027-0070.

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**Attachment: Reserves Rule Impacts in Washington County Matrix**

April 15th - ~~MA~~ Bureau of Planning  
Richard Whidman - Reserves Rule



COUNCILOR ROD PARK, DISTRICT 1

August 13, 2010

The Honorable Ray LaHood  
Secretary of Transportation  
US Department of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

**RE: TIGER II Grant Proposal – NW Graham Road Construction and NW Swigert Way Extension**

Dear Secretary LaHood:

On behalf of Metro's District 1, I am writing in support of the NW Graham Road Construction and NW Swigert Way Extension grant proposal for \$10 million under the Transportation Investments Generating Economic Recovery II (TIGER II) program.

Metro works with our partners in the region to support and facilitate positive outcomes associated with transportation investments such as livability, economic competitiveness, equity and reductions to vehicle miles traveled and greenhouse gas emissions. This project will help us to achieve these outcomes.

NW Graham Road Construction and NW Swigert Way Extension will reconstruct and add bicycle and pedestrian facilities to a roadway that provides access to one of the region's largest industrial sites. Upgrades to the roadway to accommodate truck weight and volume associated with the area and enhanced freeway access will increase the area's attractiveness for existing and potential distribution, logistics, and manufacturing businesses, which will not only create but retain jobs in the region. Furthermore, the project supports the region's livability and environmental sustainability goals with the addition of bicycle and pedestrian facilities which will provide commuters with a safe alternative to auto travel.

NW Graham Road Construction and NW Swigert Way Extension project will strongly enhance the region's economic competitiveness, environmental sustainability and livability through a series of highway and bicycle and pedestrian improvements as well as supporting the outcomes called for in the region's Regional Transportation Plan. I urge you to fund this important project.

Sincerely,

Rod Park  
Metro Councilor, District 1