

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RELEASING A DRAFT) RESOLUTION NO. 09-4100
MODEL INTERGOVERNMENTAL)
AGREEMENT BETWEEN METRO AND) Introduced by Council President David
CLACKAMAS, MULTNOMAH AND) Bragdon and Councilor Carl Hosticka
WASHINGTON COUNTIES TO DESIGNATE
URBAN RESERVES AND RURAL RESERVES
FOR PUBLIC COMMENT

WHEREAS, Metro and Clackamas, Multnomah and Washington Counties have declared their mutual interest in long-term planning for the portions of the three-county area that currently lie outside the Metro UGB in order to ensure the development of great communities within the urban growth boundary surrounded by prosperous farms, ranches, woodlots, forests, and natural landscape features; and

WHEREAS, the 2007 Oregon Legislature enacted Senate Bill 1011, codified at ORS 195.137 to 195.145 (“the statute”), at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes Metro to designate Urban Reserves and the three counties to designate Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their efforts to designate reserves and to enter into formal agreements between Metro and each county to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the Metro Council will direct its efforts in reaching agreements with the three counties on the designation of urban and rural reserves toward achieving the Outcomes that are part of Metro’s overall Making the Greatest Place initiative, as indicated by performance measures; and

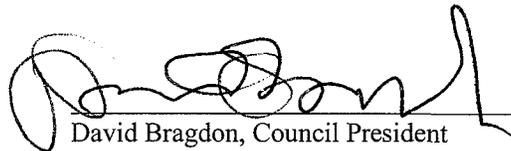
WHEREAS, Metro and the three counties have developed a draft intergovernmental agreement, including a map showing proposed urban reserves and rural reserves, to release for public comment at hearings and open houses; and

WHEREAS, the four governments have planned public open houses and hearings for the period between January 6 and January 22, 2010; now, therefore,

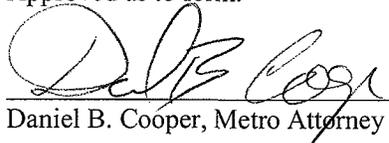
BE IT RESOLVED that the Metro Council

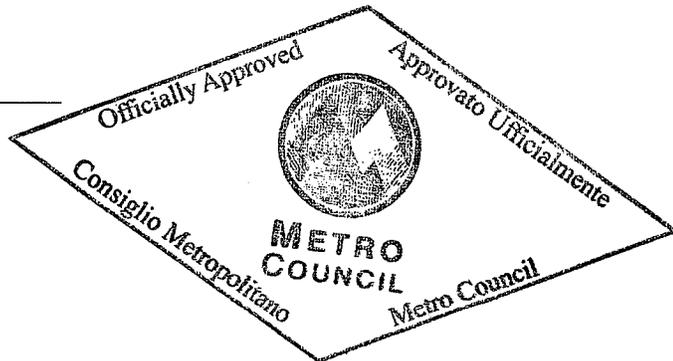
1. Accepts the draft model intergovernmental agreement between Metro and Clackamas, Multnomah and Washington Counties, attached to this resolution as Exhibit A, with a map of proposed urban reserves and rural reserves, attached as Exhibit B, for the purpose of obtaining public comment.
2. Directs the Chief Operating Officer to release the draft model intergovernmental agreement and map to the public for comment at public hearings and open houses between January 6, and January 22, 2010, as shown in the "Schedule for Phase IV Public Events", attached to this resolution as Exhibit C.

ADOPTED by the Metro Council this 17th day of December, 2009.


David Bragdon, Council President

Approved as to form:


Daniel B. Cooper, Metro Attorney



DRAFT 4
(December 17, 2009)
Intergovernmental Agreement
Between Metro and XXXX County
To
Adopt Urban and Rural Reserves

This Agreement is entered into by and between Metro and XXXX County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of agreeing on the elements of an ordinance to be adopted by Metro designating Urban Reserves and of an ordinance to be adopted by XXXX County designating Rural Reserves, all in XXXX County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. These reserves will become elements of the region’s overall long-term strategy to attain a sustainable and prosperous region. The reserves will work toward that goal in conjunction with other elements of the strategy – focusing investments in our existing communities and using our infrastructure, community assets and urban land efficiently - to achieve the following six outcomes adopted by the Metro Council as endorsed by the Metro Policy Advisory Committee:

- Vibrant Communities
- Economic Prosperity
- Safe and Reliable Transportation
- Leadership on Climate Change
- Clean Air and Water
- Equity

These reserves will provide long-term direction for investments in our communities.

RECITALS

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties (“the four governments”) have declared their mutual interest in long-term planning for the three-county area in which they exercise land use planning authority to ensure the development of Great Communities, to maintain the viability and vitality of the region’s farm and forest industries and to protection the important natural landscape features that limit urban development or help define appropriate boundaries of urbanization; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1011 in 2007, at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, Senate Bill 1011, codified at ORS 195.137 to 195.145 (“the statute”), authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission (“LCDC”) adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the four governments have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the four governments have completed an extensive and coordinated public involvement effort; and

WHEREAS, the four governments have coordinated their efforts with cities, special districts, school districts and state agencies in the identification of appropriate Urban and Rural Reserves;

NOW, THEREFORE, Metro and XXXX County agree as follows:

AGREEMENT

- A. **Metro agrees** to adopt the following policies and map and incorporate them in the Regional Framework Plan:
1. A policy that designates as “Urban Reserves” those areas shown as proposed Urban Reserves on Exhibit A, attached to this Agreement.
 2. A policy that determines that the “Urban Reserves” designated by the Regional Framework Plan pursuant to this Agreement are intended to provide capacity for population and employment for the __ years between 2010 and ____, a total of __ years from the date of adoption of the ordinance designating the reserves.
 3. A policy that gives highest priority to Urban Reserves for future addition to the urban growth boundary (UGB).
 4. A map depicting the “Urban Reserves” adopted by Metro and the “Rural Reserves” adopted by XXXX County following this Agreement.

5. A policy that Metro will not add “Rural Reserves” designated by ordinance following this Agreement to the regional UGB for __ years.
 6. A policy that Metro will not re-designate “Rural Reserves” as “Urban Reserves” for __ years.
 7. A policy that Metro will require a “concept plan”, the required elements of which will be specified in the Urban Growth Management Functional Plan in consultation with the county, for an area of Urban Reserves under consideration for addition to the UGB to be completed prior to the addition. Concept plans may address finance, provision of infrastructure, natural resource protection, governance and other elements critical to the creation of great communities.
 8. A policy that Metro will review the designations of urban and rural reserves, in coordination with Clackamas, Multnomah and Washington Counties, within 20 years after the adoption of reserves by the four local governments pursuant to this agreement.
- B. **XXXX County agrees** to adopt the following policies and map and incorporate them in the XXXX County Comprehensive Plan:
1. A policy that designates as “Rural Reserves” the areas shown as proposed Rural Reserves on Exhibit A, attached to this Agreement.
 2. A map depicting the “Rural Reserves” designated by the Comprehensive Plan and the “Urban Reserves” adopted by Metro following this Agreement.
 3. A policy that XXXX County will not include “Rural Reserves” designated pursuant to this Agreement in the UGB of any city in the county for __ years from the date of adoption of the ordinance designating the reserves.
 4. A policy that XXXX County will not re-designate “Rural Reserves” as “Urban Reserves” for a city in the county for __ years from the date of adoption of the ordinance designating the reserves.
 5. A policy that XXXX County will not amend its Comprehensive Plan or any land use regulation that applies to land designated “Urban Reserve” or “Rural Reserve” to allow uses not allowed, or to allow creation of new lots or parcels smaller than allowed, on the date of adoption of the ordinance designating the reserves.
 6. A policy that commits the county to participation in development of a “concept plan” for an area of Urban Reserves under consideration for addition to the UGB.
 7. A policy that XXXX County will review the designations of urban and rural reserves, in coordination with Metro and XXXX and XXXX Counties, within 20 years after the adoption of reserves by the four local governments pursuant to this agreement.

C. **XXXX County and Metro agree** to follow this process for adoption of the ordinances that will carry out this Agreement:

1. Each government will hold at least one public hearing on its draft ordinance prior to its adoption.
2. Metro will hold its final hearing and adopt its ordinance no later than _____, 2010.
3. XXXX County will hold its final hearing and adopt its ordinance no later than _____, 2010.
4. If testimony at a hearing persuades Metro or XXXX County that it should revise its ordinance in a way that would make it inconsistent with this Agreement, then it shall continue the hearing and propose an amendment to the Agreement to the other party and to YYYY and ZZZZ Counties.
5. If XXXX County or Metro proposes an amendment to the Agreement, the two parties will convene a meeting of the four governments to consider the amendment.
6. Metro and XXXX County will adopt a common set of findings, conclusions and reasons that explain their designations of “Urban Reserves” and “Rural Reserves” as part of their ordinances adopting the reserves.
7. Metro and XXXX County will establish, in coordination with XXXX and XXXX Counties, and will adopt a process for making minor revisions to the boundaries between urban reserves and lands not designated rural reserves that can be made at the time of “concept planning” prior to adding urban reserves to the UGB.
8. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, XXXX County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.

XXXX COUNTY

METRO

Chair, XXXX County
Board of Commissioners

Council President

This map represents the Core 4 discussion on proposed urban and rural reserve areas as of 12/16/09. Additional clarification of the proposed reserve areas and options under consideration, including detailed descriptions, labeling and rationale for proposed identification as a reserve area will be available prior to the public open houses in January 2010.

EXHIBIT B TO RESOLUTION
09-4100

12/16/09 CORE 4 URBAN AND RURAL RESERVE PROPOSAL FOR PUBLIC COMMENT
Overview of discussion areas and options (detailed maps to follow)
 Area 1. Options: designate most of this area as rural reserve, with either undesignated or urban reserve areas along Springville Road and in the "Area 93 bridge" near NW Thompson Road
 Area 2. Option: designate this entire area to the Columbia County line as rural reserve.
 Area 3. Option: designate the area south of Highway 26 and North Plains as rural reserve.
 Area 4. Options: designate this area south of Sherwood as urban reserve or leave undesignated.
 Area 5. Option to exchange lands between two urban reserve areas on the NE side of Wilsonville.
 Area 6. Options: designate the SW Stafford area urban reserve or leave undesignated.
 Area 7. Options: designate the N Stafford area urban reserve or leave undesignated.
 Area 8. Options: designate the Clackamas Heights area north of Oregon City urban reserve or leave undesignated.
 Area 9. Option: extend urban reserves in the Boring area to Highway 26 and/or reduce urban reserves along Highway 212 near Highway 26.
 Note: Areas 4, 6, 7, and 8 were linked by the Core 4 in a discussion of their potential as urban reserves to offset the total amount of important and foundation farmland included within urban reserves and to balance urban reserve lands across the region.

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|--|------------------------------|--|-------------------------------------|--|---------------|
| | Proposed Urban Reserve Areas | | Urban Growth Boundaries | | Urban Centers |
| | Proposed Rural Reserve Areas | | Columbia River Gorge Scenic Area | | County Lines |
| | Additional Discussion Areas | | Urban and Rural Reserves Study Area | | |
| | Options Under Consideration | | Undesignated areas are shaded white | | |



Schedule for Phase IV Public Events, Jan. 6-21, 2010
 Draft 5, Dec. 17, 2009

The following dates and locations are tentative, pending confirmation from the Core 4 of desirability of open houses versus joint county/Metro public hearings in conjunction with open houses.

Date	Time	Location	Event type	Notes
Wed., Jan. 6	5:30-7:30 p.m.	Wilsonville City Hall	Open house, potential joint hearing	Seeking Jan 11 or later date*
Thurs., Jan. 7	Evening			
Sat., Jan. 9	10 am – 2 pm	Multnomah County East, Gresham (or JAN 21)	Open house	One of two alternative dates
**Mon., Jan. 11	Evening			Open date
Tues., Jan. 12	5:30-7:30 pm	Clackamas County DSB, Oregon City (or JAN 19)	Open house, potential joint hearing	One of two alternative dates
Wed., Jan. 13	5:30-7:30 pm	Tigard High School	Open house	
Thurs., Jan. 14	5:00-7:30 pm	Metro Regional Center	Open house, potential joint hearing	
Sat., Jan. 16	10 am-2 pm	Washington County PSB (or JAN 21)	Open house	One of two alternative dates
Mon., Jan. 18				MLK Holiday
Tues., Jan. 19	6:00-8:00 pm	Clackamas County facilities, Oregon City (or JAN 12)	Open house, potential joint hearing	One of two alternative dates
Wed., Jan. 20	Evening			Open date
Thurs., Jan. 21	Evening	Multnomah County East, Gresham (or JAN 9)	Open house, potential joint hearing	One of two alternative dates
Thurs. Jan 21	4-8 pm	Hillsboro Civic Center, Hillsboro (or JAN 16)	Open house, potential joint hearing	One of two alternative dates

* Later dates are being explored for Wilsonville event to provide more time for materials preparation and mailings.

** Core 4 meeting scheduled 9 a.m.-noon at Metro

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4100, FOR THE PURPOSE OF RELEASING DRAFT INTERGOVERNMENTAL AGREEMENTS BETWEEN METRO AND CLACKAMAS, MULTNOMAH AND WASHINGTON COUNTIES TO DESIGNATE URBAN RESERVES AND RURAL RESERVES FOR PUBLIC COMMENT

Date: December 9, 2009

Prepared by: John Williams, x1635

BACKGROUND

The Reserves Core 4 group, representing Clackamas, Multnomah and Washington counties and Metro, has been working towards a set of preliminary agreed-upon areas for designation as urban reserves and rural reserves. This agreement is the culmination of over one and a half years of work and meetings, including the time and effort of the regional Reserves Steering Committee members. The mapped areas of preliminary agreement are included in a draft Intergovernmental Agreement (IGA), which has been agreed to by the Core 4 members. The Core 4 wishes to release the draft IGA, including maps of the areas, for public comment during January 2010. The IGA is scheduled to be finalized and adopted by all four governments by the end of February 2010.

Resolution 09-4100 endorses the release of this material to the public for comment in January. Phase Four of the Coordinated Public Involvement Plan, agreed to by the four governments, requires that public input be sought on preliminary urban and rural designations. Releasing the draft IGA at this time will enable project staff adequate time to prepare materials for public review and comment during mid- January. The results of this effort will be used to inform the Core 4 and four governments of general public and other stakeholder concerns regarding the preliminary areas of agreement. This information, in turn, will be factored into the decision by the Core 4 to finalize the IGAs for adoption in February.

The draft IGA includes a map depicting the urban reserve and rural reserve areas of preliminary agreement; short narrative descriptions of the rationale and context for each area will be available as well to support and clarify the map choices.

ANALYSIS/INFORMATION

- 1. Known Opposition:** There is no known opposition to releasing the draft products for public review. The draft IGA and map have been reviewed and agreed to by the Reserves Core 4.
- 2. Legal Antecedents:** Oregon Revised Statute (ORS) 195.137 to 195.145 and 197.651 (from SB 1011) and Oregon Administrative Rule (ORA) 660 Division 27 Urban and Rural Reserves in the Portland Metropolitan Area authorize the designation of urban and rural reserves by Metro and a county through intergovernmental agreements; Coordinated Public Involvement Plan that was reviewed by the State Citizen Involvement Advisory Committee.
- 3. Anticipated Effects:** The adoption of Resolution 09-4100 will facilitate completion of the reserves project for the reasons outlined above and supports the continued collaboration between Metro and Clackamas, Multnomah and Washington counties on this project.
- 4. Budget Impacts:** None; the Council has previously approved budget amendments for Reserves funding through the project completion date in May 2010.

RECOMMENDED ACTION

Staff recommends adoption of Resolution 09-4100.