

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN)	RESOLUTION NO. 10-4127
INTERGOVERNMENTAL AGREEMENT)	
BETWEEN METRO AND CLACKAMAS)	Introduced by Councilor Rod Park and
COUNTY TO DESIGNATE URBAN RESERVES)	Councilor Robert Liberty
AND RURAL RESERVES IN THE COUNTY)	
AND AUTHORIZING THE COUNCIL)	
PRESIDENT TO SIGN THE AGREEMENT)	

WHEREAS, the Metro Council and the Boards of Commissioners of Clackamas, Multnomah and Washington Counties have declared their mutual interest in long-term planning for three-county area for which they share land use planning authority in order to achieve livable communities, viable and vital agricultural and forest industries and protected natural landscape features that define the region; and

WHEREAS, the Metro Council intends these agreements and the designation of Urban and Rural Reserves will, together with other actions by the Council, help achieve the following outcomes for the region adopted by the Council upon recommendation by the Metropolitan Policy Advisory Committee (MPAC):

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

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 Clackamas, Multnomah and Washington 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 (“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 between Metro and each county to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, Metro and the counties sought and received comments on the preliminary analyses of suitability of land for designation of land for Urban Reserves and Rural Reserves from the Reserves Steering Committee, MPAC, the county advisory committees, reserves partner governments Multnomah County and Washington County, other local governments in the region, state agencies and public, private and non-profit organizations and citizens at numerous open houses and public hearings; now, therefore,

BE IT RESOLVED that the Metro Council:

1. Approves the proposed Intergovernmental Agreement ("IGA") between Metro and Clackamas County, attached to this resolution as Exhibit A, and authorizes the Council President to sign the agreement on behalf of Metro.
2. Directs the Chief Operating Officer to prepare an ordinance that would designate Urban Reserves and adopt implementing policies, consistent with the IGA, and set the ordinance for public hearing prior to June 8, 2010.
3. Recognizes that adoption of this resolution is not a land use decision. It is a preliminary decision that will lead to adoption of an ordinance that designates urban reserves and adopts implementing policies and land use regulations. The Council will submit the ordinance as a final land use decision to the Land Conservation and Development Commission pursuant to ORS 197.626.

ADOPTED by the Metro Council this ~~24~~ day of February 2010.

WITHDRAWN
David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

**Intergovernmental Agreement
Between Metro and Clackamas County
To
Adopt Urban and Rural Reserves**

This Agreement is entered into by and between Metro and Clackamas 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 Clackamas County designating Rural Reserves, all in Clackamas County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. Designation of the Urban and Rural Reserves by this agreement will help accomplish the purpose of the 2007 Oregon Legislature in enacting Senate Bill 1011, now codified in ORS 195.137 to 195.145 (“the statute”):

Facilitate long-term planning for urbanization in the region that best achieves

- Livable communities;
- Viability and vitality of the agricultural and forest industries; and
- Protection of the important natural landscape features that define the region.

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 achieve the purpose set forth in the statute; and

WHEREAS, the Oregon Legislature enacted the statute 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, 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

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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 Clackamas County agree as follows:

AGREEMENT

- A. **Metro agrees** to consider the following policies and Urban Reserve designations at a public hearing and to incorporate them in the Regional Framework Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
1. A policy that designates as Urban Reserves those areas shown as proposed Urban Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of 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 between 2010 and 2060, a total of 50 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 Clackamas 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 50 years.
 6. A policy that Metro will not designate Rural Reserves as Urban Reserves for 50 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

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completed prior to the addition. Concept plans shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other subjects critical to the creation of great communities. Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.

8. A policy that Metro will review the designations of urban and rural reserves, in coordination with Clackamas, Multnomah and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.
- B. Clackamas County agrees** to consider the following policies and Rural Reserve designations at a public hearing and to incorporate them in its Comprehensive Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
1. A policy that designates as Rural Reserves the areas shown as proposed Rural Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of 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 Clackamas County will not include Rural Reserves designated pursuant to this agreement in the UGB of any city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
 4. A policy that the county will not re-designate Rural Reserves as Urban Reserves for a city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
 5. A policy that commits the county, together with an appropriate city or cities, to participation in development of a concept plan for an area of Urban Reserves under consideration for addition to the UGB.
 6. A policy that the county will review the designations of Urban and Rural Reserves, in coordination with Metro and Multnomah and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.
- C. Clackamas 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.

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2. Metro and the county will hold their final hearings and adopt their ordinances no later than June 8, 2010.
 3. If testimony at a hearing persuades Metro or the 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 Multnomah and Washington Counties.
 4. If Clackamas County or Metro proposes an amendment to the agreement, the party proposing the agreement will convene the four governments to consider the amendment. Any objections or concerns raised by a government that is not party to this IGA shall be considered carefully and the four governments shall take reasonable, good faith steps to reach consensus on the amendment. After this consultation, Clackamas County and Metro may agree to an amendment.
 5. Metro and Clackamas 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. Metro and the county will incorporate maps into their respective plans that show both the Urban and Rural Reserves in Exhibit A to this agreement, with the county showing only the reserves in the county.
 6. Metro and Clackamas County will establish, in coordination with Multnomah and Washington Counties, a process for making minor revisions to boundaries between Urban Reserves and undesignated land that can be made at the time of concept planning, and a process for making minor additions to Rural Reserves, with notice to, but without convoking all four reserves partners.
 7. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, Clackamas County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- D. **Clackamas County and Metro further agree** to work with the city of Sandy to revise their three-party Intergovernmental Agreement on Green Corridors and Rural Reserve and Population Coordination, dated December 3, 1997, to ensure protection of visual resources along U.S. Highway 26 between the Metro urban growth boundary and the Sandy urban growth boundary.
- E. This agreement terminates on December 31, 2060.

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Exhibit A to Resolution No. 10-4127

CLACKAMAS COUNTY

METRO

Lynn Peterson
Chair, Clackamas County
Board of Commissioners

David Bragdon
Metro Council President

Dated: _____

Dated: _____

Approved as to form:

Approved as to form:

By: _____

By: _____

Exhibit A Map of Urban Reserves and Rural Reserves in Clackamas County
Exhibit B Principles That Apply to Reserves in Clackamas County