

# Metro | *Agenda*

Meeting: Metro Council and Washington County Board of Commissioners Joint Hearing  
Date: Tuesday, March 15, 2011  
Time: 10 a.m.  
Place: Charles D. Cameron Public Services Building, Shirley Huffman Auditorium  
155 N. First Ave., Suite 300 MS 22, Hillsboro, OR 97124

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## **CALL TO ORDER**

- 1. Consider a Revision to the Supplemental Intergovernmental Agreement Between Washington County and Metro Concerning Urban and Rural Reserves (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5, & 6)**
  - 1.1 Staff Presentation on Intergovernmental Agreement **Brent Curtis, Washington County  
John Williams, Metro**
  - 1.2 Overview Proposed Reserves Map **Brent Curtis, Washington County  
John Williams, Metro**
  - 1.3 Public Hearing
  - 1.4 **Resolution No. 11-4245**, For the Purpose of Approving an Intergovernmental Agreement Between Metro and Washington County to Re-Designate Urban Reserves in the County. **Council President Tom Hughes, Metro**

## **ADJOURN**

**Note:** Washington County's agenda and meeting packet may be accessed online at:  
<http://www.co.washington.or.us/upload/BCC-Agenda-03-15-11.pdf>

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN	)	RESOLUTION NO. 11-4245
INTERGOVERNMENTAL AGREEMENT	)	
BETWEEN METRO AND WASHINGTON	)	Introduced by Council President Tom Hughes
COUNTY TO RE-DESIGNATE URBAN	)	
RESERVES IN THE COUNTY	)	

WHEREAS, Washington County and Metro entered into an Intergovernmental Agreement, executed March 2, 2010, and February 25, 2010, respectively, with an amendment executed May 25 and June 10, 2010, respectively, that set forth tasks and a process for designating Urban and Rural reserves in the county pursuant to ORS 195.137 to 195.145 and OAR 660 Division 27 (the “Reserves IGA”); and

WHEREAS, Washington County and Metro adopted ordinances designating Rural Reserves (county ordinance) and Urban Reserves (Metro ordinance) in the county, following the Reserves IGA; and

WHEREAS, the Land Conservation and Development Commission, on October 29, 2010, orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in re-designation of Urban Reserves in response to the remand; and

WHEREAS, Washington County and Metro wish to supplement the Reserves IGA with a new map of Urban and Rural Reserves in the county to respond to the direction from LCDC in the oral remand; now, therefore,

BE IT RESOLVED that the Metro Council:

1. Approves the proposed Intergovernmental Agreement between Metro and Washington County attached to this resolution as Exhibit "A" as the final proposal for designation of Urban Reserves to be adopted in the county by Metro and the Rural Reserves to be adopted by Washington County.
2. Authorizes the Metro Council President to sign the agreement on behalf of Metro.
3. Directs the Chief Operating Officer to prepare an ordinance that would amend Ordinance No. 10-1238A (“For the Purpose of Adopting Urban Reserves and Conforming amendments to the Regional Framework Plan and the Urban Growth Management Functional Plan”), adopted June 3, 2010, to implement the agreement, and set the ordinance for public hearing and possible adoption on April 30, 2011.

4. 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 in Washington County. The Council will submit the ordinance as a final land use decision to LCDC to respond to the remand as part of periodic review.

ADOPTED by the Metro Council this 15th day of March, 2011.

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Tom Hughes, Council President

Approved as to Form:

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Alison Kean Campbell, Acting Metro Attorney

**Supplemental Intergovernmental Agreement  
Between Metro and Washington County  
To Adopt Urban and Rural Reserves On Remand**

This Agreement is entered into by and between Metro and Washington County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of addressing the pending Land Conservation and Development Commission remand of certain Urban Reserves and the Rural Reserves, all in Washington County.

WHEREAS, Washington County and Metro entered into an Intergovernmental Agreement, executed February 23, and March 2, 2010, respectively, with the amendment executed May 25 and June 10, 2010, respectively, that set forth tasks and a process for designating urban and rural reserves pursuant to ORS 195.137 to 195.145 and implementing Administrative Rules (hereafter “Reserves IGA”); and

WHEREAS, Washington County and Metro, together with Clackamas and Multnomah Counties, adopted ordinances designating urban and rural reserves; and

WHEREAS, the Land Conservation and Development Commission, on October 29, 2010, orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in re-designation of Urban Reserves in response to the remand;

WHEREAS, Washington County and Metro desire to supplement the prior Reserves IGA to set forth tasks and a process for adopting Urban and Rural Reserves on remand;

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

**AGREEMENT**

A. Except as otherwise provided herein, the Metro policies previously adopted and applied to the designation of Urban Reserves shall apply to the consideration and designation of Urban Reserves on remand.

B. Except as otherwise provided herein, the Washington County policies previously adopted and applied to the designation of Rural Reserves shall apply to the consideration and designation of Rural Reserves on remand.

C. Washington County and Metro approve the map entitled “Revised Urban and Rural Reserves,” dated March 15, 2011 and incorporated herein as Exhibit ‘A,’ setting forth the designations proposed to be adopted by ordinance by Washington County and Metro.

D. This IGA is limited to addressing the LCDC oral remand and shall apply only to the revised designations depicted on Exhibit 'A' and described in Exhibit 'B' together with the Rural Reserve areas depicted on Exhibit 'A.'

E. Washington County and Metro agree to follow this process for adoption of the ordinances that will carry out the designation of Rural and Urban Reserves on remand:

1. Each government will hold at least one public hearing on its ordinance prior to its adoption.
2. Each government shall consult with Clackamas and Multnomah Counties prior to adopting ordinances containing a final designation of Urban and Rural Reserves in Washington County.
3. Metro and Washington County will take final action on their respective ordinances no later than April 30, 2011. Metro and Washington 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.
4. Should Metro or Washington County decide that it is necessary to amend its respective ordinance to vary from the Exhibit 'A' map as a result of the public hearings process, it shall continue the ordinance and propose an amendment to the other party to this Agreement. The parties shall consult and make reasonable good faith efforts to reach a consensus on the amendment.
5. On or before May 13, 2011, Washington County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.

F. Metro and Washington County acknowledge that the LCDC remand order has not been issued. Further, Washington County reserves the right to appeal all or any part of the LCDC remand order. Other parties to the LCDC reserves decision may appeal. Accordingly, up to the date of adoption of the ordinances described in sections D and E of this agreement, Metro or Washington County shall be entitled to initiate good faith negotiations with the other party hereto regarding any amendments to, or termination of, this Agreement as may be prudent in light of the LCDC remand order or any appeal. After 30 days, either Metro or Washington County may provide 10 days written notice of termination of this Agreement and the Reserves IGA to the other.

G. Minor revisions to the boundaries between Urban Reserves and undesignated land at the concept planning stage may be considered as provided in the Reserves IGA.

H. Unless terminated earlier as provided in Section F, this Agreement terminates on December 31, 2060.

WASHINGTON COUNTY

METRO

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Andy Duyck  
Chair, Washington County  
Board of Commissioners

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Tom Hughes  
Metro Council President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to form:

Approved as to form:

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Dan Olsen  
Washington County Counsel

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Alison Kean Campbell  
Deputy Metro Attorney

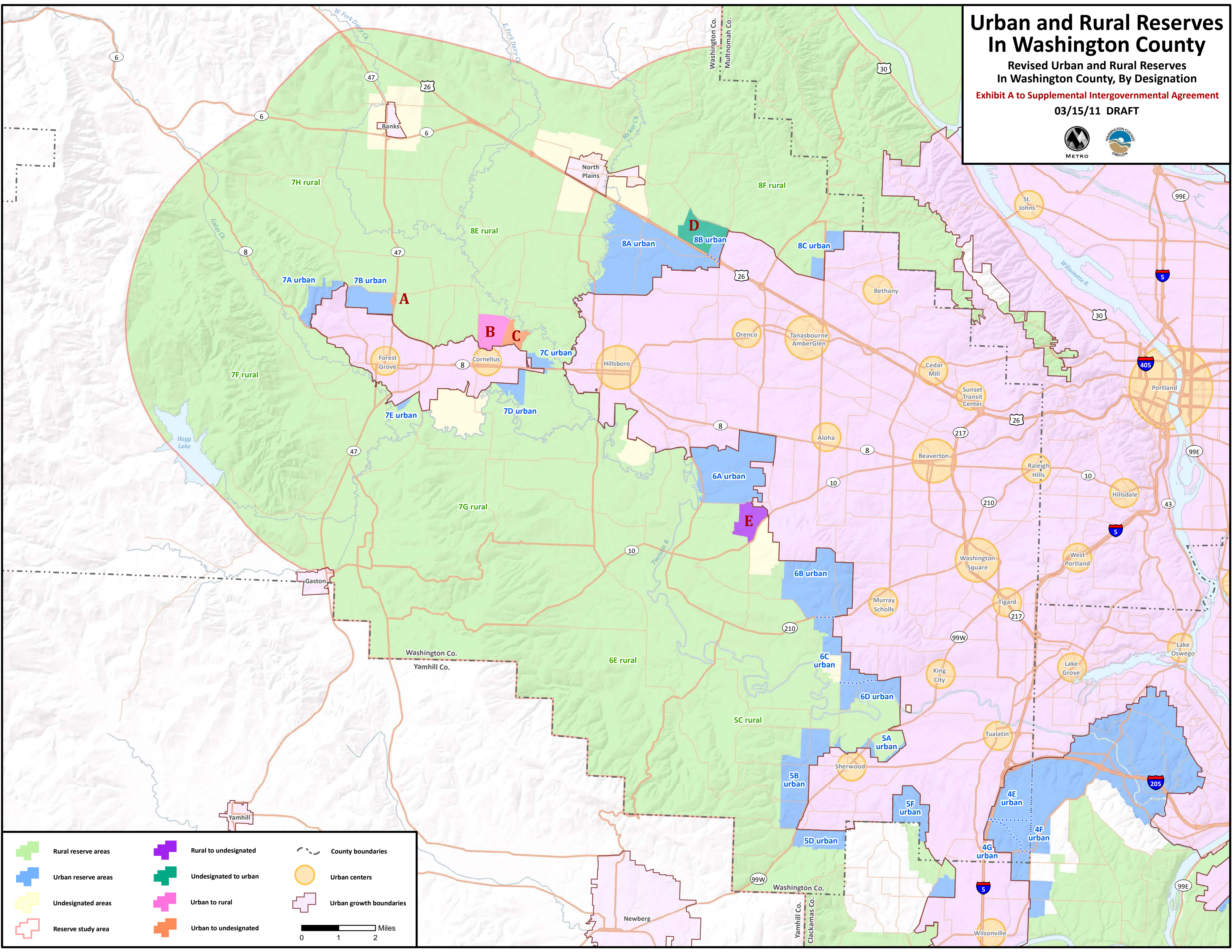


# Urban and Rural Reserves In Washington County

Revised Urban and Rural Reserves  
In Washington County, By Designation

Exhibit A to Supplemental Intergovernmental Agreement

03/15/11 DRAFT



	Rural reserve areas		Rural to undesignated		County boundaries
	Urban reserve areas		Undesignated to urban		Urban centers
	Undesignated areas		Urban to rural		Urban growth boundaries
	Reserve study area		Urban to undesignated		Miles



**Exhibit B to Supplemental Intergovernmental Agreement  
between Metro and Washington County**

**Adjustments to Proposed Urban and Rural Reserves Map for Washington County  
March 2011**

<b>Adjustment Area</b>	<b>Total Acres</b>
<p><b>Area A – Urban Reserve 7B</b> Change from Urban Reserve to Undesignated</p> <p>These 28 acres are located between Council Creek and Highway 47 in the vicinity of the intersection of NW Purdin Road/NW Verboort Road and Highway 47</p>	28
<p><b>Area B – West Portion of Former Urban Reserve 7I</b> Change from Urban Reserve to Rural Reserve</p> <p>This portion of former urban reserve 7I is south of NW Long Road between NW Susbauer Road and NW Cornelius-Schefflin Road</p>	426
<p><b>Area C – East Portion of Former Urban Reserve 7I</b> Change from Urban Reserve to Undesignated</p> <p>This portion of former urban reserve 7I is east of NW Susbauer Road and includes the area around NW Hobbs Road</p>	197
<p><b>Area D – Adjacent to Urban Reserve 8B</b> Change from Undesignated to Urban Reserve</p> <p>This area is north of Highway 26, south of NW West Union Road and includes land on both sides of NW Groveland Road</p>	585
<p><b>Area E – South of SW Rosedale Road</b> Change from Rural Reserve to Undesignated</p> <p>This area is south of SW Rosedale Road, west of SW Farmington Road and includes the parcels along SW Riggs Road</p>	383



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION 11-4245, FOR THE PURPOSE OF APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN METRO AND WASHINGTON COUNTY TO RE-DESIGNATE URBAN RESERVES IN THE COUNTY

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Date: March 11, 2011

Prepared by: John Williams, x1635

#### BACKGROUND

Washington County and Metro entered into an Intergovernmental Agreement (IGA), executed on March 2, 2010 and February 25, 2010 respectively, that set forth tasks and a process for designating Urban and Rural Reserves in the county. The IGA was amended by Washington County on May 25, 2010 and Metro on June 10, 2010. On June 3, 2010 and June 15, 2010, respectively, Metro and Washington County adopted ordinances designating Urban Reserves (Metro ordinance) and Rural Reserves (county ordinance) in Washington County consistent with the Reserves IGA.

The Land Conservation and Development Commission (LCDC), on October 29, 2010, orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in re-designation of Urban Reserves in response to the remand.

The proposed IGA would implement a proposal announced on February 22, 2011 by Metro Council President Tom Hughes and Washington County Chair Andy Duyck. It features the following changes from the 2010 Urban and Rural Reserves map, as shown on Exhibit A of the supplemental IGA:

- A. Twenty-eight acres of proposed urban reserve 7B (between Highway 47 and Council Creek) located north of Forest Grove are converted to undesignated land.
- B. The prior urban reserve 7I north of Cornelius (623 acres) is removed. The area west of NW Susbauer Road (426 acres) is now proposed to be rural reserve. The 197 acres east of NW Susbauer Road in the vicinity of NW Hobbs Road is undesignated land (land that is neither urban reserve nor rural reserve).
- C. A new urban reserve of 585 acres is added on formerly undesignated land adjacent to existing urban reserve 8B north of Highway 26 and south of NW West Union Road.
- D. A new undesignated area of 383 acres is added, from former rural reserve land, south of SW Rosedale Road and west of SW Farmington Road.

In total, these proposed changes would add 43 acres of new rural reserve and remove 67 acres of urban reserve land from the proposal submitted to LCDC last year. If adopted by the two governing bodies and acknowledged by LCDC, there would be 13,745 acres of urban reserve in Washington County (and 28,476 acres across all three counties) and 151,372 acres of rural reserve in Washington County (with a total of 266,791 acres of rural reserve across all three counties). Please note the final acreages for both urban and rural reserve designations in Washington County reflect refinements that Metro and Washington County completed regarding the boundaries of the reserve designations as they relate to street right-of-way, floodplain and improved tax lot alignment.

The final reserves map for Washington County, if adopted as proposed in this supplemental IGA, is shown in attachment A to this staff report.

## ANALYSIS/INFORMATION

- 1. Known Opposition:** There is approximately 165,000 acres proposed for designation as either urban or rural reserves in Washington County that are designed to stand for the next 50 years. It is expected that some citizens and stakeholders would disagree with elements of the proposed IGA. The staff report does not attempt to address any of the concerns that have been expressed over the multi-year process.
- 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 an intergovernmental agreement.
- 3. Anticipated Effects:** The adoption of Resolution 11-4245 will lead to adoption of an ordinance that designates Urban Reserves in Washington County. The Metro Council will submit the ordinance as a final land use decision to LCDC to respond to the remand. Metro's current work program anticipates the adoption of urban and rural reserves prior to an urban growth boundary/growth management decision before the end of 2011.
- 4. Budget Impacts:** We expect the reserves to simplify growth management decisions, facilitating more efficient decision-making. If reserves are not adopted, any future urban growth boundary expansion decision would need to be based on the "old rules" based on soil hierarchy, which would have a significant impact on the cost and timeline of the process.

## RECOMMENDED ACTION

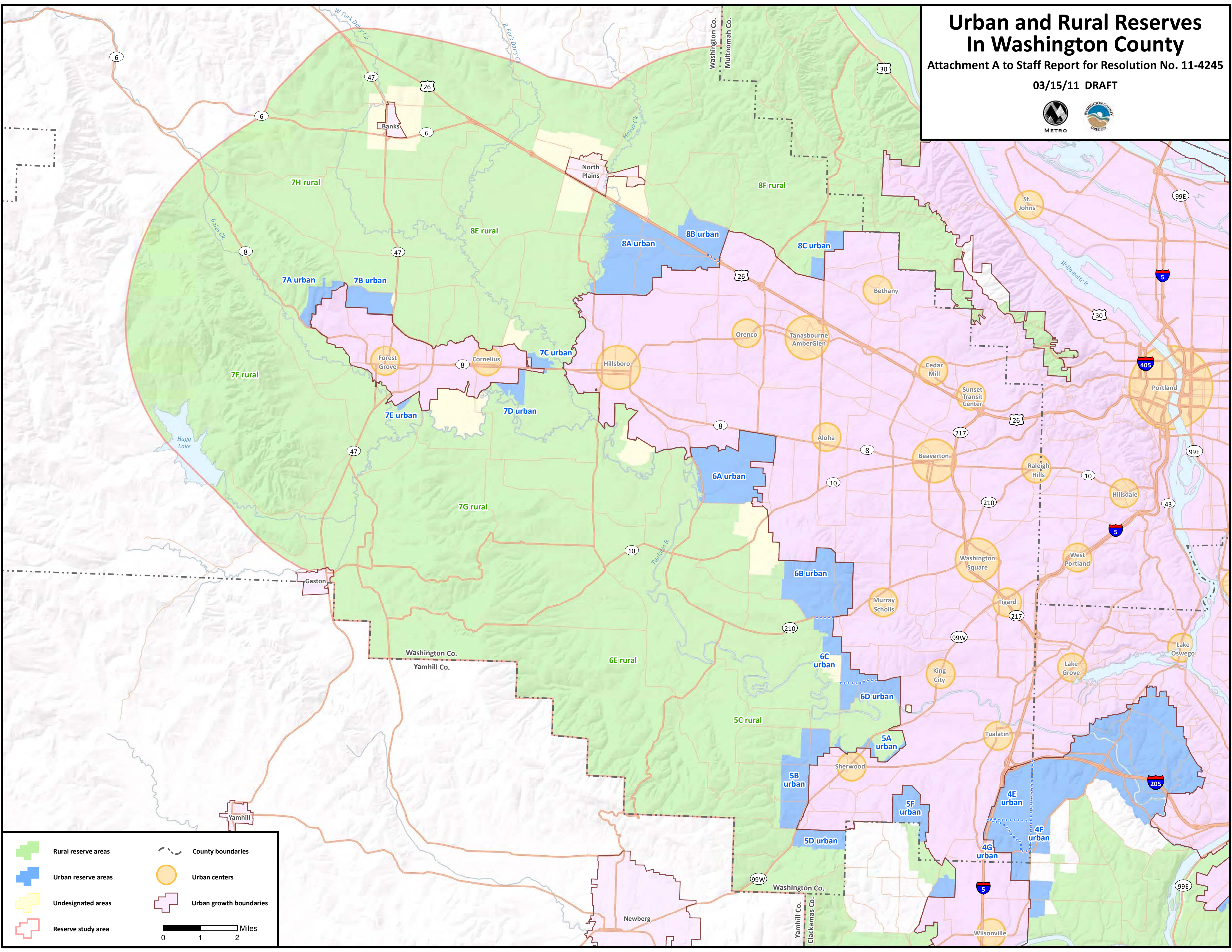
Staff recommends adoption of Resolution 11-4245.



# Urban and Rural Reserves In Washington County

Attachment A to Staff Report for Resolution No. 11-4245

03/15/11 DRAFT



	Rural reserve areas		County boundaries
	Urban reserve areas		Urban centers
	Undesignated areas		Urban growth boundaries
	Reserve study area		

0 1 2 Miles