

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING)	RESOLUTION NO. 11-4302
AMENDMENTS TO THE 1998 "GREEN)	
CORRIDOR" INTERGOVERNMENTAL)	Introduced by Councilor Shirley Craddick
AGREEMENT AMONG METRO, CLACKAMAS)	
COUNTY AND THE CITY OF SANDY AND)	
AUTHORIZING THE COUNCIL PRESIDENT TO)	
SIGN THE AMENDED AGREEMENT)	

WHEREAS, the "Neighbor Cities" Policy (1.11) of Metro's Regional Framework Plan calls upon Metro to pursue agreements with neighboring cities to establish "green corridors" along state highways that link the cities with the Metro UGB; and

WHEREAS, Metro, Clackamas County ("the county") and the city of Sandy ("the city") entered into an intergovernmental agreement (IGA) to establish a green corridor along Highway 26 between the Metro UGB and the Sandy UGB, with an attached map showing the territory subject to the agreement, in 1998; and

WHEREAS, the city requested amendments to the agreement during consideration by Metro and Clackamas, Multnomah and Washington counties of the designation of urban and rural reserves; and

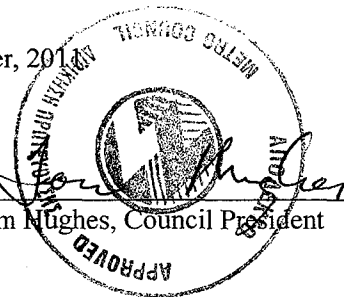
WHEREAS, in 2010 the Metro Council designated urban reserves and the county designated rural reserves in Clackamas County that affect the portions of the territory subject to the 1998 IGA; and

WHEREAS, Metro, the county and the city have agreed to revisions to the 1998 IGA to reconcile the agreement with Metro's UGB and designated urban and rural reserves; now, therefore,

BE IT RESOLVED THAT the Metro Council:


1. Adopts the amendment to the 1998 IGA, as shown on Exhibit A, attached to this agreement.
2. Authorizes the Council President to sign the agreement on Metro's behalf.

ADOPTED by the Metro Council this 27th day of October, 2011



Tom Hughes, Council President

Approved as to form:



Alison Kean Campbell, Acting Metro Attorney

Exhibit A to Resolution No. 11-4302

INTERGOVERNMENTAL AGREEMENT ON
HIGHWAY 26 CORRIDOR
AMONG CITY OF SANDY, CLACKAMAS COUNTY,
METRO

This Agreement is entered into by and between the City of Sandy ("City"), Clackamas County ("County") and Metro ("Metro") (collectively, the "Parties") pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, The Portland metropolitan region and neighboring cities outside Metro's jurisdictional boundaries are expected to experience substantial population and employment growth by the year 2060; and

WHEREAS, Anticipated urban growth and development in the Metro area will affect neighboring cities outside Metro's jurisdictional boundaries, and anticipated urban growth and development in the neighboring cities will affect jurisdictions within Metro's boundaries; and

WHEREAS, The City wishes to maintain its own identity, separate and distinct from the metropolitan area; and

WHEREAS, Metro and the County share the City's desire to maintain a separation between the City and the metropolitan area; and

WHEREAS, Highway 26 eastbound between the cities of Gresham and Sandy is the gateway to the Mount Hood recreational area, a nationally-recognized scenic and recreational resource; and

WHEREAS, pursuant to Senate Bill 1011 (2007) County and Metro have adopted both Urban and Rural Reserves in and around the Highway 26 Corridor between Gresham and Sandy; and

WHEREAS, the County, City and Metro previously entered into an Intergovernmental Agreement (the Green Corridor/Rural Reserve Agreement) for the purpose of preserving the rural character of the area between the Metro UGB and the Sandy Urban Reserve; and

WHEREAS, The City, the County and Metro are interested in preserving and protecting the visual character of the Highway 26 Corridor as it passes through the area subject to this Agreement; and

NOW, THEREFORE, the City, the County and Metro agree as follows:

AGREEMENT

I. Purpose

The Parties agree that they are mutually interested in and will work together to:

- A. Preserve the distinct and unique identities of the City and the metropolitan area by maintaining a separation between the City and the metropolitan area.
- B. Preserve and protect the rural and natural resource character and values of Rural Reserve areas along the corridor that separate the City from the metropolitan area.
- C. Establish a plan to protect the unique visual character of the Highway 26 Corridor.

II. Definitions

- A. "Highway 26 Corridor" means the area along State Highway 26 between the cities of Gresham and Sandy.
- B. "Clackanomah Urban Reserve" means Urban Reserve Areas 1D and 1F as designated in Metro's Regional Framework Plan, and shown on Exhibit A hereto.

III. Pre-Development Buffering

The Parties:

- A. Intend that urban development along the Highway 26 Corridor shall be screened from the Highway in a fashion that reasonably retains the rural visual character of the corridor. The parties agree that a 50-foot wide buffer containing a thick screen of evergreen trees will achieve this goal.

The County and the City:

- B. Will work together in good faith to establish buffers in advance of urban development, either within the existing highway right of way or through the acquisition of appropriate easements on private land adjacent to the highway.
- C. If one or more owners of real property within the Highway 26 Corridor grants an appropriate easement(s), will establish a vegetated buffer within the easement(s) consistent with the terms of this Agreement.
- D. Where an affected property owner is willing to grant an easement(s), will seek funding to establish evergreen plantings within the buffer. Funds provided by any of the Parties for the buffer may be reimbursed through fees paid by future development in the urban reserve area.

E. If an affected property owner does not grant an appropriate easement to establish the buffer, will discuss alternative methods and or incentives to obtain the necessary easements.

IV. Concept Planning for Clackanomah Urban Reserves.

A. The Parties recognize that the addition of any portion of the Clackanomah Urban Reserve into the Urban Growth Boundary will be preceded by and conditioned upon development of a concept plan by the appropriate local governments pursuant to Title 11 of the Metro's Urban Growth Management Functional Plan. The Parties further recognize that the concept planning process is a collaborative process between the jurisdiction that will ultimately provide services to the Clackanomah Urban Reserve and other affected jurisdictions, including the Parties. Metro's regulations do not prescribe a precise outcome to the concept planning process.

B. Prior to approving an amendment to the UGB to add any portion of the Clackanomah Urban Reserve, Metro shall determine that the appropriate city or the County has complied with the provisions of Title 11 for any portion of the Clackanomah Urban Reserve. The Parties will strive to ensure that the concept plan calls for the following in land use regulations adopted following addition to the UGB:

- a. Prior to approval of any commercial, industrial or urban-level residential development in the concept plan area, parcels located within the Clackanomah Urban Reserve and abutting Highway 26 shall provide a vegetated buffer screen along the entire highway frontage, to a depth of 50 feet where such a buffer can be imposed as a condition of development. Within the buffer area existing trees shall be preserved to the greatest extent possible. New evergreen trees at least eight feet in height at planting and capable of growing to at least 30 feet in height shall be planted at a density that will create a visual screen within five years. This provision shall not apply to the development of roads, utilities, or other public facilities;
- b. Appropriate limitations on signs oriented to Highway 26 except where required for reasons of public safety;
- c. Achievement of the principles relating to the Clackanomah Urban Reserves set forth in Exhibit B of the Intergovernmental Agreement between Metro and Clackamas County to Adopt Urban and Rural Reserves, attached to this Agreement; and
- d. Orientation of commercial retail development toward the interior of the Clackanomah Urban Reserves and away from the Highway 26 Corridor.

As used above, “strive to ensure” means the Parties will individually and collectively use their best efforts.

C. Metro will require that provisions in the concept plan that implement paragraphs IV.B.a through d of this Agreement be adopted into the comprehensive plan and land use regulations of the County or the city responsible for urban planning in the portion, or both.

V. Notice and Coordination Responsibilities

A. The County shall provide the City and Metro with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on plan amendments or zone changes within the Clackanomah Urban Reserve.

B. The County shall provide the City, Metro and ODOT with notice and an opportunity to comment at least 15 days prior to administrative action on any development applications (including, but not limited to, conditional use permits and design review) within the Clackanomah Urban Reserve.

C. The County shall provide the City and Metro with notice and an opportunity to comment on any proposed concept plan for any portion of the Clackanomah Urban Reserve.

D. In order to fulfill the cooperative planning provisions of this agreement the City, County and Metro shall provide each other with needed data, maps, and other information in hard copy or digital form in a timely manner without charge.

VI. Amendments to this Agreement

This Agreement may be amended in writing by the concurrence of all three Parties. The terms of this agreement may be reviewed at the time that the Parties adopt modifications to related agreements.

VII. Effectiveness and Termination

A. This agreement will be effective upon acknowledgement of the designation by Metro of urban reserves in Clackamas County pursuant to ORS 195.145(1)(b) and a final decision on any appeal of the acknowledgement. This agreement shall continue until terminated by any of the Parties, following a written explanation for the proposed termination and consultation with the other Parties, by written notice from the Party. The agreement shall terminate 60 days following receipt of the notice by the other Parties.

VIII. Severability

If any section, clause or phrase of this agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the agreement shall be severed from the invalid parts and shall remain in full force and effect.

<p>CITY OF SANDY</p> <p>_____</p> <p>Mayor, City of Sandy</p> <p>ATTEST:</p> <p>By: _____</p> <p>City Recorder</p> <p>METRO</p> <p>_____</p> <p>Metro Council President</p> <p>ATTEST:</p> <p>By: _____</p>	<p>CLACKAMAS COUNTY</p> <p>_____</p> <p>Chair, Board of Commissioners</p> <p>ATTEST:</p> <p>By: _____</p> <p>Recording Secretary</p>
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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4302, FOR THE PURPOSE OF ADOPTING AMENDMENTS TO THE 1998 "GREEN CORRIDOR" INTERGOVERNMENTAL AGREEMENT AMONG METRO, CLACKAMAS COUNTY AND THE CITY OF SANDY AND AUTHORIZING THE COUNCIL PRESIDENT TO SIGN THE AMENDED AGREEMENT

Date: October 27, 2011

Prepared by: Dick Benner
X1532

BACKGROUND

Metro signed an IGA with Sandy and Clackamas County in 1998 to keep a separation between the Sandy and Metro urban areas and to protect the rural portion of the Highway 26 corridor between them. The designation of urban and rural reserves persuaded representatives of the three governments that the IGA should be revised to provide for long-term changes to the area. Discussions among the three governments produced a draft revised IGA intended to achieve the original objectives in a manner consistent with the new urban and rural reserves. The reserves themselves ensure a separation; the revised IGA would assign duties to each of the three governments to protect a "green corridor" through portions that would be urbanized. Metro and the county agree to include Sandy in concept planning for the Clackanomah Urban Reserve, through which Highway 26 passes. The three governments agree to "strive to ensure" that the plan provides for a vegetated buffer screen of trees along the corridor.

ANALYSIS/INFORMATION

- 1. Known Opposition** There is no known opposition
- 2. Legal Antecedents** Metro's Regional Framework Plan Policy 1.11.2 calls upon Metro to pursue agreements with "Neighbor Cities" (Sandy is one) to establish "green corridors" along state highways that link the cities with the metro region to maintain a rural separation between them and the regional UGB. Metro is a party to an existing IGA with Sandy and Clackamas County. Metro has authority to enter into an IGA for this purpose pursuant to ORS 268.385 and 195.020.
- 3. Anticipated Effects** If the IGA is amended, the three parties will coordinate efforts, especially during Title 11 planning for territory to be added to the UGB, to protect a green corridor along Highway 26.
- 4. Budget Impacts** Because Metro would be a participant in Title 11 planning for the Clackanomah Urban Reserve even if there were no IGA, it is unlikely that the IGA will have a significant effect on Metro's budget.

RECOMMENDED ACTION

The Council can (1) approve the IGA as presented; (2) provide direction on changes it would like to make to the draft; or (3) decide not to enter into the IGA. The Council should approve the IGA as presented.