MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190th Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/landuse

Land Use & Transportation Planning
Planning Commission Agenda

DATE/TIME: **April 5, 2010 @ 6:30 p.m.**
PLACE: **Multnomah County Building, Room 100**
501 SE Hawthorne Blvd., Portland, OR

1. Call to Order
2. Roll Call
3. Approval of Minutes from March 1, 2010 meeting.
4. Opportunity for Public Comment on Non-Agenda Items.
5. Hearing: Amendments to the County Framework Plan and Zoning Map to Implement Urban and Rural Reserves in Multnomah County – PC-08-010.
6. Director's comments.

If bringing written materials to the meeting, please give the Commission staff twelve copies for the Commission members, staff and permanent record.

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The next Planning Commission meeting is scheduled for May 3, 2010.

DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF MARCH 1, 2010

I. **Call to Order- Chair John Ingle** called the meeting to order at 6:35 p.m. on Monday, March 1, 2010 at the Multnomah Building, Room 101, located at 501 S.E. Hawthorne Blvd., Portland, OR.

II. **Roll Call-** Present- Chair Ingle; Chris Foster; John Rettig; Patrick Brothers; Julie Cleveland; Michelle Gregory; Katharina Lorenz
Absent- William Kabeiseman; Greg Strebin

III. **Approval of Minutes of January 4, 2010.**
Motion by Commissioner Foster, with correction noted by the Chair to reflect Commissioner Gregory's attendance at January meeting. Motion seconded by Gregory.
Motion passed unanimously.

IV. **Opportunity to Comment on Non-Agenda Items.**
None

V. **Work Session: Zoning Code Updates Related to Variances and Adjustments - PC-10-002**

Don Kienholz, Planner, presented his staff report on proposed zoning code updates regarding variances, adjustments, and vision clearance regulations. Currently, there is ambiguity in the code language as to whether or not an adjustment or a variance to a yard or a setback is allowed on property that has a Significant Environmental Concern (SEC) or Willamette River Greenway (WRG) overlay. The current code language lists a number of things that are eligible for a variance, such as: minimum front lot line length, forest practice setbacks, yards and setbacks; then goes on to say "except the following: reduction of a yard/setback/buffer requirements within the SEC and WRG". The intent of the code was not to prohibit property owners from requesting a reduction for a structure to a property line, but to prohibit an adjustment to a variance to a protected resource setback or buffer. The distinction can sometimes be difficult for staff to convey to property owners. The adjustment and variance regulations contain provisions that are intended to clarify which standards are eligible for modification, on a case by case basis, and the approval criteria that apply.

Staff proposes two options for the Planning Commission to consider. Option 1 would modify the language of the code to clearly delineate that while adjustments and variances are allowed on properties with the SEC or WRG overlay, they cannot be used to reduce a buffer required to protect a resource.

The second option is proceed with the code clarification, and also consider including language that would allow for the processing of those adjustments or variances within the specific overlay zones if the result of the request is because of a buffer. Such requests would no longer need to be

processed through a separate permit application, since they would be processed in the overlay permit such as the SEC or WRG.

The third element of this work session is in our sign code. If we approve an adjustment or variance to a structure or building, there could potentially be a vision clearance area that would be impacted. This doesn't come up that often, but since we're proposing this housecleaning, we thought it might be something to consider.

Commissioner Gregory said, are you asking if we have any other thoughts about vision clearance obstructions apart from signs, or just with respect to the sign code itself?

Kienholz said if we approve a variance or adjustment that puts a structure into the vision clearance area, do we also want to look at the potential for an adjustment or variance to the vision clearance language?

Gregory said other things that could be vision clearance issues are vegetation and school bus stop shelters.

Commissioner Foster said I'm all for clarification. I think you explained it very well.

Commissioner Brothers said I agree. We want to simplify the process for the applicant, rather than require two applications. But there is more to that issue, because there are many things besides signage that can get in the way of lines of sight.

Foster said, but staff is talking about a specific situation where a setback is reduced to cause that problem, right?

Kienholz said we are just talking about instances where, whether or not approving an adjustment would put the structure into a vision clearance area and how that could impact the flow of that traffic. Is this something that you want to consider that should be looked at?

Commissioner Rettig said I saw mention in the text a question on fences and mailboxes?

Kienholz said yes, and those are things we don't typically regulate, except in the National Scenic Area (NSA). There could be instances where a bus shelter may require a permit that could potentially be in that vision clearance area.

Rettig said is there ever a case where someone exceeds some structural threshold for a mailbox and has to apply for a permit? I'm trying to think of the mechanism that would even trigger whether we wanted to address this.

Kienholz said typically, with signs, a business wants to get a sign for the property as a permanent marker or something similar, and we ensure that's not going to be in the vision clearance area. I can think of two circumstances recently that involved signage in the vision clearance, but I've never seen a structure or a building.

Foster said it seems to me that is unlikely. Chances seem slim to none of getting an actual building in the area.

The general consensus was not to worry about the vision clearance.

Rettig then asked the Chair whether a member of the audience, who was using an audio recording device, needed permission to do so.

The audience member said no, it's a public meeting.

Ingle said he didn't know and asked staff if they could clarify.

Sandy Duffy, County Counsel said I believe that is permissible.

VI. Work Session: CFU Zone Updates - PC-10-004

George Plummer, Planner, informed the Commissioners that he had copies of the Commercial Forest Use-1 (CFU-1) code, if anyone wanted to refer to it during this discussion.

Our proposed changes to the code include the following: reconciling "Allowed Uses" and "Review Uses" in the CFU zones to match the type of review process we do for each; make amendments to the Forest Setbacks and Safety Zone Table; amend the Forest Development Standards; add Lots of Exception as a review use in the CFU-3 code, and add a definition to the "access easement".

A few years ago, we amended our code to allow for a Type I review. We have a Form A for that review, and a Form B for a Type II review. Currently in our CFU code, if a property owner does an expansion, a replacement, or restoration of an existing dwelling, it's under the Review Uses. We review it as a Type I, which is a building permit type of review. We do it at the counter, we do it without notice, it's non-discretionary and should be allowed under Allowed Uses. There are standards to be met if you're going beyond 100 ft., such as there must be a cleared area that's large enough so the disturbance area isn't going to be too large, etc. If those standards are met, it can also be a Type I review. We are proposing to move those uses into the Allowed Use section of the code, and keep the ones that have discretion under the Review Uses.

Let me explain some changes to the staff report you received in your packets. We deleted references to Form A in the code, and changed some of the language on the second page. On page 3, under "Accessory Structures" we deleted that they had to meet the CFU Development Standards. The reason we decided not to include that is because there is a reference to having to meet the development standards under the heading of "Uses" in the CFU code. That section requires that all uses need to meet the development standards. On page 5 under "Accessory Buildings" we eliminated the word "new" accessory and we eliminated "farm buildings". Some of staff thought we should put farm buildings in, but the senior planner believes those are considered accessory buildings. We were proposing to add "legally established" to the "addition to an existing accessory structure", which would allow it to maintain non-conforming setbacks. We generally don't put legally established into our code, except for the dwellings, because we're required by

state law to have that. We assume that anything that's established is legally established; if not, we require them to go through a review to get a building permit. So if they wanted to add on to a structure, the first thing we would check is if it was legally established. That should be a given, it needs to be legally established in order to add on.

In regards to Allowed Uses and Review Uses, often at the counter, we make a distinction between 100 feet, and that which is greater than 100 feet. We wanted to hear from the Planning Commission whether or not that should be the dividing point of a Review Use and Allowed Use. If a replacement dwelling or accessory building is within 100 ft of an existing dwelling, and you're replacing it, there shouldn't be increased impacts to the surrounding forest. The impacts that exist are already there, you're just replacing the dwelling. When the code was amended last time, we added section 2061(d) which states, if you are more than 100 ft, but in a cleared area, it allows for a non-discretionary permit. It requires the 30' property line setback, the structure has to be located in an existing cleared area that's 1,000 sq.ft., and has tree spacing standards of the primary fire safety zone. Which means that the trees would have to have their crowns separated by 15 ft of space so fires won't go from one tree to another. To meet that standard, generally if the area is cleared, it would be fairly easy to prove that at our counter, and we would be able to issue the permit. If there are several trees, it would be questionable whether someone could prove that at the counter. That could get discretionary, and we would treat it as a Type II case.

The other standard for non-discretionary is, if the structure is sited within 300 ft. of the front line of a public road, the driveway is a maximum of 500 ft in length, and the local fire district is able to reach the structure using the driveway. So they can have it reviewed, even if it's over 100 ft., using those standards. It is difficult to explain all those standards to someone at the counter, or a real estate agent trying to sell the property. What they usually latch on to is, if you build your house within 100 feet of an existing house, you can do it just through the building permit process. If it's more than that, you have to do a Type II review.

There is some feeling that we shouldn't be amending the code so often, this was designed a few years ago and thought to be a good remedy for doing a Type 1 permit. However, a lot of staff supports making it more definitive; if you're beyond 100 ft, you go through the Type II review. We wanted to ask the Planning Commission what your thoughts are on that.

Foster said I would like to go back to your comment about replacement dwellings; making those like a building permit or over the counter. I've read some court cases regarding the standard of a habitable dwelling; how can you make that assessment at the counter?

Plummer said we look at County assessment records to see what kind of value they have on the property, and we ask for dated photographs of the features that are listed as necessary for a habitable dwelling.

Foster said there has been a lot of abuse in the past, people taking long since abandoned houses and trying to get a replacement dwelling.

Plummer said, even if a house is abandoned or hadn't been lived in for a number of years, as long as it has the features of a habitable dwelling, it would technically be a habitable dwelling. It must

have intact walls, a roof, heating, plumbing attached to a sanitary disposal system, bathing facilities, kitchen and electricity, and lawfully established. If it was built after 1958, they would have to demonstrate they had a building permit and final.

Foster asked, what about when it's a non-conforming use and it's been abandoned, even though it might still be habitable, is that a problem?

Plummer said the State wanted to eliminate counties from reviewing dwellings in forest zones as to whether or not they were non-conforming. When they passed the laws for forest and farm zones, all dwellings became non-conforming. They did not want people to have to go through a non-conforming use determination, so they included this description of a lawfully habitable dwelling. They also did not want people trying to replace a hunting cabin in the woods that didn't have any of the features, so they came up with a description of what a habitable dwelling must be. Lawfully established is either through a building permit or predating the requirements for that.

Gregory said I have some concerns about nixing the language about "lawfully established" just because it's assumed that you always check that. Maybe you could make me more comfortable by explaining how you establish lawfully established.

Plummer said that language will still appear for dwellings, we're not going to nix it for dwellings, but the senior planner decided that it wasn't necessary because if you put it in one place, you have to start putting it into a number of other places, was his reasoning.

Gregory asked if it's prominently figured somewhere in the beginning of information for the prospective applicant.

Plummer said I believe where it talks about uses…no, it doesn't mention lawfully established.

Foster said it's still a requirement, correct?

Plummer said it is still a requirement. Right now, when someone comes in for a building permit or calls about a property, we check the file to see whether the structures on the property have permits. It's routine to do that.

Gregory said my concern is someone would have a good chance of winning a challenge if the language wasn't there, but if it's part of your common practice, I'm more comfortable with it not being there.

Plummer asked how the Commission feels about the requirements of the 100 foot threshold versus the existing code that lists other things you can do if you're not under 100 feet? (He passed out copies of the code.) If you look under 2061(b)(1), page 4-12…

Ingle said, just to restate, what are the two options at this point?

Plummer said the predominance of staff would like to have a threshold of 100 feet being the hard line as to whether you go through a Type I or Type II review. If you are within 100 feet, the

impacts you're going to have are similar to the existing impacts. If you are beyond 100 feet, it would become more discretionary. Previously, the Planning Commission adopted this T-1 saying if you met these things, it was non-discretionary. We don't know of a single dwelling that has been approved under (b)(1) since you approved it. Possibly, that is because people have gone for the 100 feet cut-off. But these standards were approved as non-discretionary, and staff is finding they are hard to convey to the public because it's a bit confusing. They seem to only hear the 100 ft. and that's what they use as their guide.

Ingle said, if we go with the concept of the 100 foot threshold, what happens to the various requirements that are currently listed?

Plummer said I believe we would eliminate (b)(1), and anything beyond 100 feet would go to the discretionary review of B-2 and B-3.

Ingle said you earlier made a comment that surprised me, that we don't want to be in the habit of revising our code. But when you're simplifying it, I think it makes sense.

Rettig said we'll have a hearing on this, won't we?

Plummer said yes, we are scheduled for a hearing on May 3. I will put together the code language changes and get them into the staff report for that hearing.

Ingle and Foster both agreed they are all for clarity and simplification.

Gregory asked about the 100 foot rule; does it mean 100 feet from the existing structure in any direction, or are there practical limitations to it?

Plummer said it is in any direction, and the setbacks speak to what you need for setbacks if you're within 100 feet.

Gregory said I think simplifying makes sense, but if we strike language at your recommendation, I'm concerned that we would lose valuable performance standards that won't be caught in the Type II review.

Plummer said, right now, those standards wouldn't apply in a Type II review. If you don't meet 1, then you don't have to meet any of 1, and you would go to (b)(2), which requires a Type II. What we were doing, under 1 was figuring out a way to meet those requirements without having discretion.

Foster said for a point of clarification; "within 100 feet" means all portions of the replacement dwelling within 100 feet?

Plummer said no, my understanding is it's any portion of the existing house within 100 feet. We basically use that standard when you're within the SEC zone, as long as a portion of the house is within 200 feet, you meet the standard. The whole house doesn't have to be, and that's the standard we use.

Ingle said I believe we have consensus on approving the 100 foot cut-off for determining a Type I or Type II review.

Continuing on with the Forest Setbacks portion, we are adding accessory structures located more than 100 feet from a dwelling, and the addition to an existing accessory structure in which we're allowing the non-conforming setbacks, if less than 30 feet. If they meet the 30 ft. or are greater than 30 feet, they can go down to 30 feet. But if the building is already less than, we would allow them a continuation of the current non-conforming set back, but not further into it. And we are striking out "other accessory structures and other structures".

Foster said that seems to pretty routine practice, to allow people to continue along the same line. I don't have a problem with that. Ingle concurred.

Plummer said you might remember a couple of years ago, I brought before you definitions for various transportation features. When we defined "private road", we realized later that we eliminated the possibility for an easement to be part of the private road definition. We didn't really want it to be, because private road is something that's on a separate lot from the other properties. But "private road" still existed in our CFU code, and it said "including approved easements". We do have a number of situations where we have easements, and many of them aren't approved, but pre-existed the code. But we didn't have a mechanism to work with these, and it was a bit confusing because our definition did not include easements. We are proposing to strike "including easements" as part of private roads and add the word "access easement" as its own description of the type of access.

We are also proposing to change "accessing two or more dwellings", which would have required them to go up to a 20 foot all-weather surface width to build a dwelling. We would like to increase that to serving "three or more dwellings" because that is the number we have in our adopted Chapter 29 fire codes. That standard applies to all other zones except forest; when you get up to three dwelling units, the roadway must be expanded to 20 feet wide. So, if you had an easement with two dwellings and want to add another one at the end of it, it would have to be 20 feet wide until you get to the first one. Then you could go down to 12 feet wide with pull outs and a turn out in excess of 200 feet, for a length of 400 ft. The reason for that is, when you start getting up around three or four dwellings in the forest, and there's a fire, you have people leaving, and fire vehicles coming in the other direction, so it's useful to have wide enough roads to pass each other. We are trying to reconcile between our codes as much as possible to eliminate confusion. I called some of the fire service district personnel and ran this by them. I also called the Oregon Department of Forestry jurisdictions, we have three in our county, and none of the people who review fire standards had any objections to this.

Ingle said I don't think we have any opposition.

Foster said I'm fine with that, but you say the easements are a category that are similar, but not the same, as private roads, but we're regulating them the same, aren't we? I'm familiar with these easement roads, and they are private roads for the property that they're on, aren't they? So they're both a private road and an easement.

Plummer said it technically could be called private road by people, but our code defines private road as having its own lot. That's the kind of situation you get in with subdivisions, when you have a private road that's jointly owned by all parties. That's a common definition for private road.

Foster said an easement is not an ownership, someone still owns that.

Plummer said right, but it's not its own entity.

Foster asked how are they regulated differently?

Plummer said if someone proposes a private road, we have access way standards, whereas to propose an easement, you might not have to meet some of those. Actually, I'm not certain, I would have to look at that.

Foster said I'm thinking of a case where on an existing easement, the easement holder is asked to widen the road. Since you only hold an easement on somebody else's property, you're asking them to improve someone else's property, or to see that it's done?

Plummer said yes. We have that situation right now. Some property owners were issued a building permit in the Forest Zone with five dwellings along a 10 foot wide easement driveway. The easement itself is 25 feet wide, so they have the ability to do that. But they would have to take down some old trees, and the people who own the property don't want that to happen.

Foster said, can't they prevent it from happening?

Plummer said I don't think they can because they own access rights that they surveyed for access. Hopefully they could come to an agreement and move that somewhere else. We don't get many new easements, and this is why, there are a lot of problems with easements.

Foster felt the Commissioners had no opposition to either proposal.

The next section is; for some reason "Lots of Exception" was left out of CFU-3. If you have two dwellings on a property, and want to divide the property so each dwelling is on its own property, a Lot of Exception would allow them to do that. They would have to be lawfully established, habitable dwellings, and limit the size of the smaller parcel that's created to no larger than 5 acres. We took the wording from the other zones and propose to add it to Commercial Forest Use-3 properties.

The Commissioners had no objections.

Plummer said the last item is; we are proposing to add the definition "access easement" as an easement granted for the purpose of ingress or egress which crosses a property or properties owned by others, so we have a definition in the code.

Also, at the bottom of section 3, under (a) we have an issue that arises where an existing driveway currently utilized by a habitable dwelling may be extended to a replacement dwelling without compliance with the road driveway access easement standards. We also say, nothing in this exception removes the requirements under the county's Fire Apparatus means of Approach Standards. We wanted to ask if you thought it was reasonable to continue that practice. If someone is replacing a dwelling, build it out at a greater distance, and need to build a driveway, is it reasonable to allow them to extend that driveway and not have to meet the standards listed above?

Foster said there are Type II requirements; you wonder why they wouldn't also have to meet a requirement like this?

Plummer said they would still have to do the 12 foot wide driveway, because that's a fire code; and still have to do the turnouts.

Commissioner Cleveland said they have to get a service provider form from their fire district, so if it's all right with their fire district if they continue, why not?

Plummer said they would have to meet most of these standards, but the fire department could waive some of them, such as the grade standard.

Foster said I'm a little uncomfortable with leaving that to the discretion of whoever happens to be reviewing it from the fire department. There is something to be said for having that in writing rather than leaving it up to one person to decide; in terms of fairness and equal treatment. This leaves you open to someone feeling like the Fire Marshal has a grudge against them and is unnecessarily putting requirements on them, or visa versa.

How do the two differ? You say they might be relieved of some of the requirements…I know there is a great deal of overlapping in what our code says and the separate fire section.

Plummer said the fire chief can waive some of those standards; that's where it differs. The fire chief cannot waive our CFU standards, those are hard and fast standards, but they can waive, for instance, the grading standard on the fire form.

Foster said as a means of understanding this a little better, apparently you are coming back to the Planning Commission for some changes to Chapter 29, was that it? If we're making these changes, but there's something coming down the road that sort of overlaps, it would be nice to know about it.

Plummer said I'm not sure what changes are being proposed with that section. Chuck may know.

Chuck Beasley, Senior Planner, said one thing we are doing with Chapter 29 is getting the language into compliance with the state fire code; it's all been changed. There's a new standards table as well that people will need to comply with. And we'll be looking at reconciling the road standards in the CFU and Chapter 29, they're a little bit different. In Chapter 29, for example, there is a lot of discretion for certain aspects of road design that's given to the fire districts, and we

don't have a corollary kind of discretion in the CFU code. So we'll be working those out to make them a better fit. And we'll be making sure we're in sync on this before it gets to hearing.

Foster said maybe that's the time to review this part, about whether we should waive those standards? If we're going to be taking a look at reconciling the CFU, maybe we could postpone this part you're talking about right now.

Beasley said, I'd suggest we might be able to have a work session on the Chapter 29 amendments at the same time in May that you're considering this; they could both be in front of you at the same time.

Foster said, like I said, I'm a little worried about turning it over to one person; it's not good public policy. We need to minimize the perception of unfairness, and maybe having some written rules is a better way to go.

Ingle said I'm a little confused. The Chapter 29 discussion would be a worksession, right? So that would happen in May, but what we're working on right now would go to a public hearing in May, right?

Beasley said right, so you'd have them both in front of you at the same time.

Ingle said, yes we would, but obviously one's a worksession where the public can listen and not provide any input, whereas the other is a hearing.

Beasley said we can look at it and see how good of a fit it is. There may not be much concern between the two. You raise a good point, and we'll consider that as we schedule what comes next.

Gregory said I think it would be valuable to have a little more worksession time on this topic before we go to a public hearing, because I don't really feel like I have a good grasp of this last issue.

That was the general consensus among the Commissioners.

VII. Work Session: Amendments to the County Framework Plan and Map to Implement Urban and Rural Reserves in Multnomah County - PC-08-010

Beasley distributed a supplementary table for the Commissioners to use as a quick reference to help understand where the proposed plan policies and strategies fit with the Intergovernmental Agreement (IGA).

The Board and Metro both adopted Urban and Rural IGA's last Thursday. Clackamas County also had their hearing on Thursday and Washington County had their final hearing on Tuesday. This is a preliminary decision, which is a prerequisite to plan amendments, and we are now at the stage of implementing that. The rule requires that the counties and Metro amend their plans to adopt policies to implement reserves, show the reserves on their comp plan and zoning map, and submit a joint set of findings to LCDC for acknowledgment. This worksession marks the start of the last

local phase in the process, the legislative process. In a month there will be a public hearing on the plan amendments and map, and in early May we will have the initial Board hearing. By June, we should have it to LCDC, who will hear it in October.

In looking at the maps; the map on the left is the regional map and the dark blue areas are urban reserves. In Multnomah County we have the one area adjacent to Gresham that's between Lusted and close to Johnson Creek and west of 302, which Gresham would serve. We had proposed an area for urban reserve adjacent to the City of Troutdale, but that was deemed undesignated. The entire Sandy River Canyon is within rural reserve, and we used the tax lot boundary that approximates the SEC scenic waterways boundary from the Stark Street Bridge south. The scenic waterway does not extend north of Stark Street, but we have closed that with the reserves following the east edge of the canyon up to the scenic area boundary. This leaves out most of Springdale from the rural reserve, which should help us plan that area, yet still protect the canyon resources and areas to the East. Government Island is not designated, which has been that way throughout much of the process. On the West side; the middle portion from Portland to Scappoose had been undesignated, but the Board decided they wanted that to be rural reserve. That includes the Channel, Sauvie Island, and this band to the north of Portland. We were thinking that the two areas adjacent to North Bethany and this bridge between Area 93 and the city of Portland would be undesignated, but the Board decided on Thursday to designate those rural reserve; and Metro agreed.

Gregory said could you clarify again the Springdale area east of the Sandy, is that non-designated or is it rural?

Beasley said it is undesignated.

I have included in your packets several documents relevant to this issue. There is a text of the agreements and the Principles for Concept Planning (attachment B) we are proposing to incorporate as strategies in our plan. There is also a copy of the administrative rules, which is part of the plan policy document *Introduction to the Urban and Rural Growth Management Policies*, and Policy 6, which is Urban Land Area. Also included are Metro's proposed amendments to implement reserves.

Parts A and B of the "Agreement" section speak of the reciprocal agreements between Metro and the counties. Metro implements urban reserve, we implement rural reserves, but it takes both sides to make this program work. This is a 50 year plan. There had been much discussion about whether this should be a 40, 45 or 50-year plan. We had to demonstrate, as a region, that there was enough land in urban reserve sufficient to accommodate population and employment needs for the next 40 or 50 years. The areas of urban reserves that we were able to get consensus on added up to enough land to fit Metro's 50 year supply forecast range. Metro did a very long term population and employment forecast, and decided the highest probability of the real answer would be in the middle third of this range.

In Section A, Metro has the task of managing the concept planning process before land moves from urban reserve into the Urban Growth Boundary (UGB). This moves the planning process for facilities and governance to earlier in the urbanization process. That would happen before the

UGB gets moved. The IGA indicates that it will include elements that, for the most part, are already in Metro's Title 11 Concept Planning requirements. The key difference is, areas added to the UGB will be governed by, and planned by, cities. This is an important distinction. For the most part, counties are on board with that and the regional governments were interested in making this clarification.

Ingle said referring to Policy 6A, Urban and Rural Reserves (4), it says "County will participate together with an appropriate city in development of a concept plan for an area of Urban Reserve that is under consideration for addition to the UGB". But in Strategies(B), it says the "The County will participate with Metro in concept planning of urban reserves areas under consideration for inclusion within the UGB…". It appears that Policy 4 is not in agreement with Strategy B.

Beasley said we could amend Policy 4 to say "with Metro and an appropriate city" to make that consistent.

Gregory said all of the first policies seem to include a temporal reference; something is going to happen in 20 years or 50 years. But the concept planning is more vague, at least on this side of the IGA. Is there more specific reference as to when the concept planning process will begin on the Metro side of the IGA? At what point is it an appropriate use of public resources to start the concept planning?

Beasley said I haven't heard a clear answer on how the region would decide which areas to study first. Metro could, for example, come up with a screening process for all the UGB; they might take into account sub-regional need along with other factors associated with infrastructure, cost, aspiration - who's willing and ready to be brought in. Maybe they'll do it all with a more refined filter than what we've done for urban reserves, and try to set out a priority that way.

On the county side, it almost mirrors the Metro provisions. The parties agree to look at this decision in 20 years, or sooner, and reevaluate it. At that time, areas that are not currently designated either rural or urban reserve, could be designated one or the other if it's agreed by all parties to go through that process. For instance, we might be thinking about the Troutdale area in 20 years, or sooner, if we need to. There's quite a bit of undesignated in Clackamas County. I'm referring to undesignated near the UGB, because those are the areas that may have some future urbanization potential. Alternately, if we feel at that time we didn't set aside enough rural reserve, we could designate more of that.

Subsection C of the IGA is more of a process section that has provisions for how we would manage any potential changes to the map between now and final adoption. Since we are having public hearings about the comp plan map, we may get information that prompts a change. So we have tried to build enough time in the process and provide a process in the agreement to allow consideration of changes on the map based on new information.

The staff report and the proposed urban and rural reserves plan amendments seems to be a straightforward approach, we're trying to not make it too complicated. However, our existing policy document needs updating, especially the aspects that deal with urban. Multnomah County did quite a bit of urban planning in the 70's and 80's, but that has all changed. This part of the plan

has not yet had a lot of attention. Now we're back to the consideration of what lands should be urban and rural, whereas before, we had a pretty clear line. So considering our existing plan structure, I am proposing that we add a sub-policy to Policy 6. The plan in Policy 6 deals with the issue of what lands in the future should be urban, what should be rural; so the context is there. If you read the introductory part of the Urban and Rural policies, there is some logic to putting this as a sub-policy to Urban Land Policy 6.

The policies I have written reflect the IGA provisions. The strategies are not binding, they are recommendations; and they reflect, for the most part, principals that are attached to the IGA. However, Strategy (B)(h) is not in the principals. I am hoping that Metro will adopt something generally similar to the provisions we adopt. For instance, when there are urban reserves adjacent to rural reserves that are either farm land or a landscape feature, Metro's proposed plan does not include managing that interface appropriately to minimize impacts. That is one of the factors in the urban rule. While Metro has tools they use to manage and help generate elements of great communities, they don't really have this one, so it will be interesting to see where it goes in the process. Many of these edge areas butt up against features that can form urban edges. That was one of the evaluation aspects of urban areas we took into account when we were developing the suitability. For example, the Troutdale piece does not have an edge between that area and adjacent farmland, so some kind of management of that would be useful.

Ingle said I have a quick question; on the Urban and Rural Growth Management Policy, page 9-2, where it talks about urban, there is a definition that ends with "to accommodate all projected land use needs to the year 2000".

As I said, this part of the plan hasn't been updated in quite awhile.

Gregory said I have a comment about H; in trying to anticipate these edge issues, the last sentence tries to identify a key one, and it seems to me another key issue that will become more, if not equally, important as time goes on, is water use in those edge areas, and it might be worth mentioning as well.

Beasley said let me check that out. The idea is minimizing conflicts between urban and rural, and that may be worth looking at.

In closing, I asked about the Commissioners' availability to meet the second Monday in April. I am not sure we'll get a lot of testimony on April 5th about the map.

Ingle said, so the second meeting will be contingent upon the activity at the April 5 hearing?

Beasley said right. If we have a quorum for the second meeting, we could continue it until then, because we really cannot postpone or continue a hearing for a month.

VIII. Director's Comments.

Beasley noted there are two elements added, at your direction, to the finalized Work Program under *Projects Not Scheduled for Work in 2010*. Number 18 - Potential zoning code amendment to

address appropriate scope of business uses in rural areas, and Number 19 - Potential zoning code amendment regarding guest houses and second dwellings. We will develop these more when we get closer to that time, but I tried to capture the tenor of our conversation and ideas you thought might be worth looking at.

Also, we have a personnel change in Land Use and Transportation. We have been advised that we will lose an FTE position on the Planning side this year. However, we had an open Transportation Planner position and we successfully filled that position internally with Joanna Valencia, which we are very pleased about.

Meeting was adjourned at 8:00 p.m.

The next Planning Commission meeting will be April 5, 2010, with the potential for a second meeting on April 12, 2010.

Recording Secretary,

Kathy Fisher

MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/landuse

STAFF REPORT TO THE PLANNING COMMISSION FOR THE PUBLIC HEARING ON APRIL 5, 2010

AMENDMENTS TO THE COUNTY FRAMEWORK PLAN AND ZONING MAP TO IMPLEMENT URBAN AND RURAL RESERVES CASE FILE # PC 08-010

PART I. INTRODUCTION

The proposal before the Commission is intended to lead to adoption of an ordinance amending the Comprehensive Framework Plan Policies and plan and zoning map to implement the Intergovernmental Agreement for Urban and Rural Reserves between Multnomah County and Metro (IGA). Adoption of the proposed policies and map is the final phase in the reserves designation process that began after the state legislature adopted enabling legislation in SB 1011(2007) followed by LCDC adoption of Oregon Administrative Rule Division 27 (OAR) in January of 2008. The reserves designation phase was preceded by a coordinated effort by Multnomah, Clackamas, and Washington Counties and Metro to identify important farm land, landscape features, and develop criteria to create great urban communities that started in early 2006.

The proposed plan policies and plan and zoning map amendments carry out the procedure authorized in the OAR to finalize the reserves plan by amending the plan to conform to the IGA between the County and Metro. The IGA serves as "a preliminary decision that is a prerequisite" to plan amendments to county and Metro plans. Action by both governments is necessary to complete the reserves program because the county has authority to plan for rural areas, and Metro has authority to designate urban reserves. For these reasons, while Multnomah County will amend our plan map by adopting rural reserves, the proposed map also shows land proposed for designation by Metro as urban reserve. The proposed county plan policies recognize these urban reserves as well as the rural reserves, and set out measures needed to continue to coordinate management of these areas in the future.

Multnomah County, along with Clackamas and Washington Counties, and Metro are required in the Urban and Rural Reserves OAR to concurrently submit amended plans to LCDC for acknowledgement. The joint regional decision will be considered for acknowledgement by LCDC pursuant to the OAR provisions in 660-027-0080. This section of the rule lists the elements that LCDC will consider in their review of the decision, and these can be understood to be the fundamental approval standards. In addition to compliance with statewide planning goals, the decision will be evaluated pursuant to the purpose and objective of the reserves rules, the

designation standards, and that the factors for urban and rural reserve were appropriately considered (see -0080(4)(a)-(c)). The proposed county policies incorporate the provisions in the IGA that the County agreed to adopt to address elements of the designation section of the rule in OAR 660-027-0040, and the reserve planning provisions of -0070.

This staff report includes a discussion of how the proposed plan and map amendments meet the provisions of the joint IGA with Metro below, and includes the proposed plan language in Part III. The exhibits in Part IV include the proposed Plan and Zoning Map in Exhibit 1. A draft Statement of Reasons and findings document that explains the reasoning for the proposed reserves map designations makes up Exhibit 2. The Multnomah County process for evaluating the County study area and reaching the proposed reserves designation is described in the Reasons document. The results of the Citizen Advisory Committee analysis of the suitability of the study area for urban and rural reserves pursuant to the factors, along with the CAC recommendations map, is included in Exhibit 3. Additional information including the applicable OAR and the IGA comprise the other exhibits.

PART II. APPROACH TO PROPOSED PLAN AND MAP AMENDMENTS

The proposal amends the Framework Plan Volume 2 Policies document to add a new set of policies and strategies, and amends the Plan and Zoning Map to adopt rural reserves and recognize urban reserves. The "best fit" location in the county plan for Urban and Rural Reserve policies is within the Policy 6 Urban Land Area framework because that policy area considers coordination of new urban areas. The Urban and Rural Reserves policy objectives while unique, do address elements of the existing county growth management approach including directing growth to appropriate locations, providing for orderly growth over time, resource conservation, managing conflicts between urban and rural uses, and building compact livable urban communities.

A new section, Policy 6A Urban and Rural Reserves, is proposed to be added to Policy 6. Together with adoption of the map in Exhibit 1, the amendments fulfill the county's agreements in the reserves IGA with Metro. The IGA consists of actions that Metro will take in section A, actions that Multnomah County will take in section B, joint actions in section C, and the map. The proposed policy statements incorporate the elements from IGA section B. into the Framework Plan. Proposed Policy 6A also includes a number of strategies, which are recommendations about how the reserves program should be implemented. Strategy section A. indicates that the county will show the reserves on its maps, will participate in any reserves amendment process, and will consider the status of lands that have no designation in the future. The Strategies in section B. focus on concept planning for urban reserve areas and include the planning principles from IGA Exhibit B, and additional strategies proposed by staff. A copy of the approved IGA is attached to this report as Exhibit 4.

PART III. PROPOSED FRAMEWORK PLAN POLICIES AND STRATEGIES

The proposed Policy 6A below is all new language proposed for addition to the county plan:

POLICY 6A: URBAN AND RURAL RESERVES

INTRODUCTION

The purposes of Urban and Rural Reserves are to facilitate planning for urbanization of the Portland metro region over the 50 year plan period from 2010 to 2060. Urban reserves provide greater certainty to the agricultural and forest industries, urban industries, and service providers about the future location of urban growth boundary expansion. Rural reserves are intended to provide long-term protection of agricultural and forest land and landscape features that enhance the unique sense of place of the region.

The reserves plan is an alternative approach to manage urban growth through a coordinated regional process provided for in SB 1011(2007) and implementing Oregon Administrative Rules Division 27(2008). The reserves plan supplements Policy 6 Urban Land Area with a specific map and implementing policies that define limits to urban growth for a time period much longer than the 20 -25 year UGB plan period.

The reserves plan relies on designation of urban reserves land which can only be designated by Metro, and on protection of rural reserve areas that can only be designated by the County. Because of this division of authority in the reserves plan, the County has amended the plan map to adopt rural reserves, and also shows urban reserve designations on the map.

POLICY 6-A Urban and Rural Reserves

It is the County's policy to establish and maintain rural reserves in coordination with urban reserves adopted by Metro and in accord with the following additional policies:

1. Areas shown as Rural Reserve on the County plan and zone map shall be designated and maintained as Rural Reserves.

2. Rural Reserves designated on the plan map shall not be included within the UGB of any city in the county for 50 years from the date of the ordinance adopting the reserves designations.

3. Areas designated Rural Reserves in the county shall not be re-designated as Urban Reserves for 50 years from the date of the ordinance adopting the reserves designations.

4. The County will participate together with an appropriate city in development of a concept plan for an area of Urban Reserve that is under consideration for addition to the UGB.

5. The County will review the designations of Urban and Rural Reserves, in coordination with Metro and Clackamas and Washington Counties, 20 years from the date of the ordinance adopting the reserves designations, or earlier upon agreement of Metro and the other three counties.

6. The County will not amend the zoning to allow new uses or increased density in rural and urban reserve areas in order to comply with applicable state rules.

STRATEGIES

A. The urban and rural reserve growth management program for the Portland Metro region is predicated on coordination between Multnomah, Clackamas, and Washington Counties and Metro. As a part of continuing efforts to implement this long-term program, the County has agreed to:

   1. Amend the Multnomah County plan and zoning map to show areas designated by Metro as urban reserve and areas designated by Multnomah County as rural reserve.

   2. Participate with the counties and Metro to consider proposals for major or minor amendments to the reserves maps that may occur prior to the end of the 50 year reserves planning period.

   3. Consider the suitability of any lands not designated as urban or rural reserve for such designation during the reserves plan review that is intended to occur within 20 years of the initial reserves designations.

B. A key element of the reserves program is that identification of land suitable for urban reserve provides the certainty needed for local governments and service providers to plan for future service needs in specific areas. The County will participate with Metro and an appropriate city in concept planning of urban reserve areas under consideration for inclusion within the UGB subject to the principles:

   a. Concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times.

   b. A concept plan for any Urban Reserve area must be approved by the county, the city or cities who will govern the area, and by Metro.

   c. Concept plans shall provide that any area added to the UGB shall be governed by an existing city, or by a new city, and shall include provision for the orderly efficient transition from urbanizable to urban land. The preferred approach is for existing county zoning and rural level of services to remain in effect until new urban areas are annexed into the designated city.

   d. Concept planning for Urban Reserve areas that are suitable for industrial and other employment uses will recognize the opportunity to provide jobs in this part of the region.

   e. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses will recognize the opportunity to provide employment and mixed-use centers with

housing at higher densities and employment at higher floor-to-area ratios, and will include designs for a walkable, transit-supportive development pattern.

f. Concept planning shall recognize environmental and topographic constraints and habitat areas and will reduce housing and employment capacity expectations accordingly.

g. Concept plans shall be designed to avoid or minimize adverse effects on farm and forest practices, and on important natural landscape features, on nearby rural land.

PART IV. EXHIBITS

The attached documents contain information that is intended to assist the Planning Commission in their evaluation of the proposed policies and strategies in Policy 6A. Exhibit 1, the map, is proposed for adoption by ordinance by the Board of County Commissioners, along with the final findings in the Statement of Reasons.

Exhibit 1: Proposed Urban and Rural Reserves Plan and Zoning Map dated March 26, 2010

Exhibit 2: Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves draft March 26, 2010

Exhibit 3: Multnomah County Citizen Advisory Committee Suitability Assessment Summary Results, Table and Maps, September 2009

Exhibit 4: Intergovernmental Agreement Between Metro and Multnomah County, February 25, 2010
Attachment A: Map – Urban and Rural Reserves in Multnomah County
Attachment B: Principles for Concept Planning of Urban Reserves

Exhibit 5: Oregon Administrative "Reserves" Rule OAR 660 Division 27

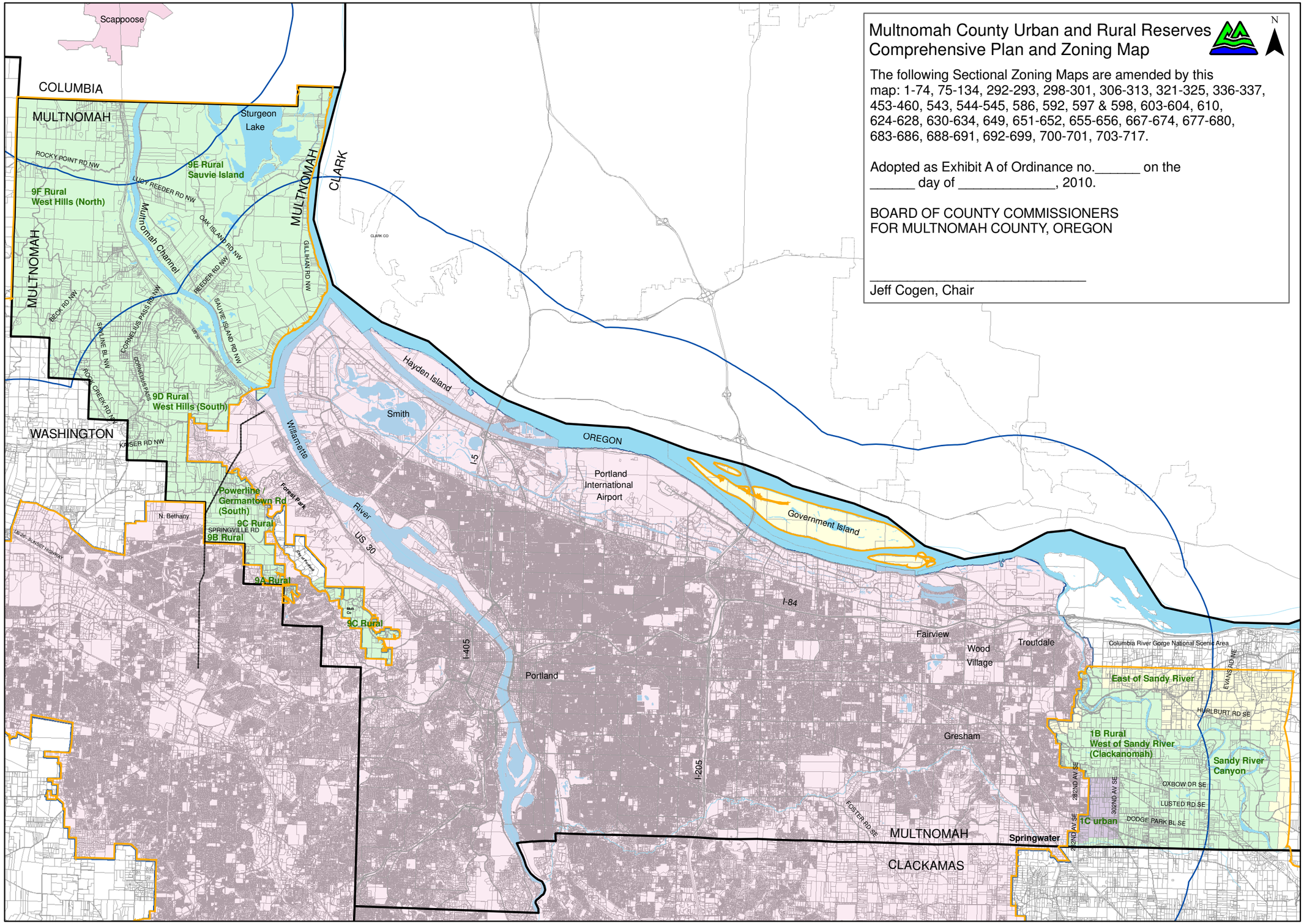
Multnomah County Urban and Rural Reserves Comprehensive Plan and Zoning Map

The following Sectional Zoning Maps are amended by this map: 1-74, 75-134, 292-293, 298-301, 306-313, 321-325, 336-337, 453-460, 543, 544-545, 586, 592, 597 & 598, 603-604, 610, 624-628, 630-634, 649, 651-652, 655-656, 667-674, 677-680, 683-686, 688-691, 692-699, 700-701, 703-717.

Adopted as Exhibit A of Ordinance no._____ on the _____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair



Map Date: March 26, 2010

Rural Reserve | Undesignated | Existing Urban Areas
Urban Reserve | Study Area Boundary | UGB 3-mi Buffer

Draft March 26, 2010
Exhibit __ to Ordinance _____

Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves

I. Introduction

Reserves designations proposed for Multnomah County were developed analysis of the urban and rural reserves factors by the County's Citizen Advisory Committee (CAC), consideration of the analysis in briefings and hearings before the Multnomah County Planning Commission and Board of County Commissioners, discussion in regional forums including the Reserves Steering Committee, Core 4, and public and government input derived through the county Public Involvement Plan for Urban and Rural Reserves and the regional Coordinated Public Involvement Plan. Record Index #____.

The Multnomah County Board appointed a CAC to consider technical analysis of the statutory and administrative rule factors, to make recommendations to County decision makers, and to involve Multnomah County citizens and stakeholders in development of the proposed County reserves plan. The make up of the 15 member committee was structured to include a balance of citizens with both rural and urban values. The rural members were nominated by County recognized neighborhood organizations from the four affected rural plan areas to the extent possible. The CAC developed a suitability assessment and reserves recommendations in monthly meetings between May 2008 and August 2009.

The approach to developing the proposed reserves plan began with analysis of the study area by the CAC. The county study area was divided into areas corresponding to the four affected county Rural Area Plans, and further segmented using the Oregon Department of Agriculture (ODA) mapping for a total of eight county subareas. Record Index #_____. The phases of the CAC work included 1) setting the study area boundary, 2) identification of candidate urban and rural reserve areas, and 3) suitability recommendations based on how the subareas met the urban factors in OAR 660-027-0050 and the rural factors in -0060. The results of the suitability assessment are summarized in the attached ranking table and maps. Record Index #___.

The Multnomah County Planning Commission considered the CAC results and public testimony in a public hearing in April 2009, and the Board of County Commissioners conducted a public hearing to forward recommendations to Core 4 for regional consideration in September, 2009. Additional Board hearings, public outreach, and regional discussion resulted in the Intergovernmental Agreement (IGA) between Multnomah County and Metro approved February 25, 2010. The IGA is a preliminary reserves decision that is the prerequisite to this proposed plan amendment as provided in the administrative rule. Record Index #____.

II. CAC Analysis, Candidate Areas and Suitability Rankings

The initial phase of analysis by the CAC considered the location of the regional study area boundary in Multnomah County. This, together with an overview of the various studies and the factors was the content of CAC meetings 1 through 3. Record Index #____. The first major phase of the analysis, identifying Candidate areas for urban and rural reserve focused on the first rural factor, the potential for urbanization to narrow the amount of land for further study as rural reserve. This occurred in CAC meetings 3 through 9, and resulted in agreement that all of the study area in Multnomah County should continue to be studied for rural reserve. Data sources studied included the Oregon Departments of Agriculture and Forestry (ODA) and (ODF) studies, Landscape Features study, aerial photos, existing land use, and information from committee members, and the public. Record Index #____.

The urban candidate areas assessment focused on urban factors in Oregon Administrative Rule (OAR 660-027-0050(1) and (3) to consider the relative efficiency of providing key urban services. This work relied on the technical memos and maps provided by the regional water, sewer, and transportation work groups comprised of technical staff from each of the participating jurisdictions. This information resulted in rankings on the efficiency of providing services to the study area. The CAC also considered information related to urban suitability including the Great Communities study, a report on industrial lands constraints, infrastructure rating criteria, and physical constraint (floodplain, slope, and distance from UGB) maps in their analysis. In addition, input from Multnomah County "edge" cities and other local governments, and testimony by property owners informed the assessment and recommendations. Rankings were low, medium, or high for suitability based on efficiency. Throughout this process effort was made to provide both urban and rural information at meetings to help balance the work. Record Index #____.

The suitability recommendations phase studied information relevant to ranking each of the urban and rural factors for all study areas of the county and took place in CAC meetings 10 through 16. Record Index #____. The approach entailed application of all of the urban and rural factors and suitability rankings of high, medium, or low for their suitability as urban or rural reserve based on those factors. Technical information included data from the prior phases and hazard and buildable lands maps, Metro 2040 design types maps, extent of the use of exception lands for farming, zoning and partitioning. During this period, the CAC continued to receive information from citizen participants at meetings, from local governments, and from CAC members. Record Index #____. The group was further informed of information present in the regional Steering Committee forum, and of regional public outreach results. Record Index #____ through____. The product of the CAC suitability assessment is a report dated 8/26/09 that contains rankings and rationale for urban and rural reserve for each area. Record Index #____.

III. Urban Reserves in Multnomah County

Urban Reserve 1C: East of Gresham

This 855-acre area lies east of and adjacent to the Springwater employment area that was added to the UGB in 2002 as a Regionally Significant Industrial Area (RSIA). Record Index #____. It is bounded by Lusted Rd on the north, SE 302nd Ave. and Bluff Rd. on the east, and properties on the north side of Johnson Creek along the south edge. The area is identified as Foundation Agricultural Land.

However, the urban reserve area contains three public schools within the Gresham Barlow School District that were built prior to adoption of the statewide planning goals. It also includes the unincorporated rural community of Orient. The area is the most suitable area proximate to Troutdale and Gresham to accommodate additional growth of the Springwater employment area and is the only area adjacent to the UGB on the northeast side of the region with characteristics that make it attractive for industrial use.

The urban factors suitability analysis produced by the CAC and staff ranked this area as medium on most factors. The analysis notes that there are few topographic constraints for urban uses including employment, that the existing rural road grid integrates with Gresham, and that it is near employment land within Springwater that has planned access to US 26. Concern about minimizing adverse effects to farming was noted, although this factor was ranked medium also.

The rural reserve suitability assessment generally considers the larger Foundation Agricultural Land area between Gresham/Troutdale and the Sandy River Canyon as a whole. The analysis notes the existence of scattered groups of small parcels zoned as exception land in the southwest part of the area, including the Orient rural community. The lack of effective topographic buffering along the Gresham UGB, and the groups of small parcels in the rural community resulted in a "medium" ranking on the land use pattern/buffering factor. The CAC found the area as highly suitable for rural reserve, and indicated that the north half of the area was most suitable for urban reserve if needed.

This area was ranked as the most suitable for urbanization in Multnomah County in the suitability assessment. Gresham indicated its ability and desire to provide services to this area primarily for employment. The area is also suitable for continued agricultural use. However, as noted above, the presence of the Orient community, areas of small parcels, and lack of topography that buffers the area from adjacent urban development make this the most appropriate area for urbanization.

Additional support for urban/industrial designation in this general area was received from several sources including Metro in the Chief Operating Officer's report, the State of Oregon agency letter, Port of Portland, and Economic Development stakeholder group. Record Index #____, _____. Concern for protection of Johnson Creek was expressed by environmental stakeholders, and is addressed by holding the southern urban reserve edge to the north of the creek. Record Index #____. The position of the area on the east edge of the region adds balance to the regional distribution of urban reserve, and employment land in particular. All

of the rural land in this area is Foundation land, however, the proposed urban reserve is the best choice to address employment land needs in this part of the region.

IV Rural Reserve in Multnomah County

Area 1B West of Sandy River (Clackanomah in Multnomah County)
This map area includes the northeast portion of the regional study area. Record Index #____. Subareas studied by the CAC in the suitability assessment include Government, McGuire and Lemon Islands (Area 1), East of Sandy River (Area 2), Sandy River Canyon (Area 3), and West of Sandy River (Area 4). Record Index #____. The Troutdale/Gresham UGB forms the west edge, the Columbia River Gorge National Scenic Area is the north boundary, and the Study Area edge and county line are the east and south boundaries. With the exception of the Government Islands group, all of this area is either Foundation or Important Agricultural Land. In addition, all except the southeast quadrant is within 3 miles of the UGB. Record Index #____.

Rural reserve is proposed from the eastside of the UGB eastward to the eastern edge of the Sandy River Canyon except for the urban reserve area 1C (see Section III above). An area adjacent to the City of Troutdale in the northwest corner of the area is proposed to remain undesignated in order to provide potential expansion for future land needs identified by the City. The Government Islands group would remain rural land since it already has long term protection from urbanization as indicated by the Port of Portland .

The Sandy River Canyon is a high value landscape feature and is made up of either Foundation or Important Agricultural Land. The canyon and associated uplands are not suitable for urbanization due to steep slopes associated with the river and its tributaries. The canyon forms a landscape-scale edge between urban areas on the west and for rural lands to the east and ranked high in the suitability analysis on additional key rural factors of: sense of place, wildlife habitat, and access to recreation. The east rural reserve edge corresponds approximately to the county Scenic River overlay zone, and maintains continuity of the canyon feature by continuing the reserve designation further than 3 miles from the UGB to the county line.

Areas 9A through 9E West Multnomah County
This map area includes the north portion of the regional study area. Subareas studied by the CAC in the suitability assessment include NW Hills North (Area 5), West Hills South (Area 6), Powerline/Germantown Road-South (Area7), Sauvie Island (Area 8), and Multnomah Channel (Area 9). Record Index #____.

Area 9A – 9C –Powerlines/Germantown Road-South
This area lies south of Germantown Road and the Powerline corridor where it rises from the toe of the west slope of the Tualatin Mountains up to the ridge at Skyline Blvd. Record Index #____. The north edge of the area is the start of the Conflicted Agricultural Land section that extents south along the Multnomah/Washington County line to the area around Thompson Rd. and the Forest Heights subdivision in the City of Portland. The area is adjacent to

unincorporated urban land in Washington County on the west, and abuts the City of Portland on the east. Most of the area is mapped as Important Landscape Features that begin adjacent to Forest Park and continue west down the slope to the county line. Areas along the lower flatter areas at the county line are not mapped as Important Landscape Features. The area is a mix of headwaters streams, upland forest and open field wildlife habitat.

The CAC ranked the area "medium-high suitability" for rural reserve based on Important Landscape Features mapping, local observations of wildlife use of the area, Metro target acquisition, extent of county and Metro protections for habitat, and proximity to Forest Park. The CAC further ranked factors for sense of place, ability to buffer urban/rural interface, and access to recreation as high. While there was conflicting evidence regarding capability of the area for long-term forestry and agriculture, the CAC ranked the area as medium under this factor. Record Index #____.

The CAC also evaluated the area against the urban factors and ranked it "low suitability" for urban generally, with the exception of areas 9A and 9B. Areas 9A and 9B resulted in a split of the CAC between "low" and "medium" rankings. The majority of the area contains topography that limits efficient urban service provision and would result in unacceptable impacts to Important Landscape Features should urban development occur. Subsequent information, including letters from the City of Portland that describe difficulties for urbanization in the area generally and these subareas in particular is instructive. Record Index #____. Limitations cited by the City include unresolved governance similar to the situation the county has struggled with in regard to the Bonny Slope (Area 93) UGB expansion area, off-site impacts to rural roads that connect the area to Portland, and potential traffic impacts to Forest Park among others. Record Index #____ and ____.

The proposed rural reserve designation for all of area 9A – 9C recognizes and preserves the landscape features values that there has been so much testimony about in the reserves process. Record Index #____. The small scale agriculture and woodlots should be able to continue and provide local amenities for the area. Rural reserve for this area is supported not only by the weight of responses from the public, but by the Planning Commission and the regional deliberative body MPAC as well. Record Index #____ and ____.

Governance is cited as one of the most important factors in the Great Community study, and because Multnomah County does not provide urban services, resolution requires that a city be in a position to plan and serve new urban communities. At this time there is not a city in a position to provide urban services. Beaverton is over 2 miles to the south and the time within which it could become contiguous is uncertain. Proposed rural reserve isolates Portland from these areas precluding annexation during the reserves planning period. Record Index #____.

<u>9D and 9F – West Hills North and South, Multnomah Channel</u>
This area extends from the Powerlines/Germantown Rd. area northward to the county line, with Sauvie Island and the west county line as the east/west boundaries. All of the area is proposed as rural reserve. Agricultural designations are Important Agricultural Land in 9D, and Foundation Land in area 9F. All of area 9D is within 3 miles of the UGB, and the 3 mile line from Scappoose extends south to approximately Rocky Point Road in area 9F.

All of the Multnomah Channel area is an Important Landscape Feature, and the interior area from approximately Rocky Point Rd. south to Skyline Blvd. is a large contiguous block on the Landscape Features map. Record Index #____. This interior area is steeply sloped and heavily forested, and is known for high value wildlife habitat and as a wildlife corridor between the coast range and Forest Park. It is also recognized as having high scenic value as viewed from both east Portland and Sauvie Island, and from the US 26 corridor on the west. Landscape features mapping south of Skyline includes both Rock Creek and Abbey Creek headwaters areas that abut the City of Portland on the east and follow the county line on the west.

The potential for urbanization north of the Cornelius Pass Rd. and Skyline intersection in area 9D, and all of 9F, was ranked by the CAC as low. Limitations to development in the Tualatin Mountains include steep slope hazards, difficulty to provide urban transportation systems and other key services of sewer and water. Areas along Multnomah Channel were generally ranked low by due to physical constraints including the low lying land that is unprotected from flooding. Additional limitations are due to the narrow configuration of the land form between US 30 and the river coupled with extensive public ownership, and low efficiency for providing key urban services. Record Index #____. Subsequent information suggested a higher ranking for urban development is appropriate given proximity of US 30 to the area.

This area is proposed for rural reserve even though urbanization potential is low. Of greater importance is the high sense of place value of the area. The significant public response in favor of rural reserve affirms the CAC rankings on this factor. In addition, the high value wildlife habitat connections to Forest Park and along Multnomah Channel, the position of this part of the Tualatin Mountains as forming edges to the urban areas of both Scappoose and the Portland Metro region further support the rural reserve designation.

<u>9F - Sauvie Island</u>

This area was assessed as Area 8 by the County CAC. Record Index #____. The island is entirely Foundation Agricultural Land, and is mapped as an Important Landscape Feature. Large areas at the north and south extents of the island are within 3 miles of the Scappoose and Portland UGBs. The low lying land presents difficulties for efficient urbanization including the need for improved infrastructure to protect it from flooding, and additional costly river crossings that would be needed for urban development. The CAC ranked the island low on all urban factors indicating low potential for urbanization.

The island is a key Landscape Feature in the region, ranking high for sense of place, wildlife habitat, and recreation access. The island defines the northern extent of the Portland-Metropolitan region at a broad landscape scale. These characteristics justify a rural reserve designation of the island even though potential for urbanization is low.

V. Statewide Planning Goals Compliance

MCC Chapter 11.05.180 Standards for Plan and Revisions requires legislative plan amendments comply with the applicable Statewide Planning goals pursuant to ORS 197.175(2)(a). These findings show that the reserves plan amendments are consistent with the goals, and they therefore comply with them.

GOAL 1: CITIZEN INVOLVEMENT
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The process of studying, identifying, and designating reserves began in January of 2008, with formation of the regional Reserves Steering Committee, adoption of a Coordinated Public Involvement Plan to coordinate the work flow, and formation of county committees to assess reserve areas and engage the public. Record Index ##___and ___.

Multnomah County incorporated the coordinated plan into the plan followed for the county process, and this plan was reviewed by the Multnomah County Office of Citizen Involvement Board. Record Index #____. In addition to providing opportunity for public involvement listed below, the county plan incorporated a number of tools including internet pages with current and prior meeting agendas and content, web surveys, mailed notices to property owners, email meeting notifications, news releases and meeting and hearing notices, neighborhood association meetings, and an internet comment link.

Key phases of the project in Multnomah County included:

- The Multnomah County Reserves Citizen Advisory Committee (CAC) developed their suitability assessments and recommendations in 16 public meetings between May 2008 and July 30, 2009. Record Index ##___and ___. The Planning Commission conducted a hearing on Aug 10, 2009 to consider the CAC suitability recommendations and recommendations for reserve designations in the county. Record Index #____. Consensus of the Planning Commission endorsed the CAC recommendations.

- The Board adopted Resolution No. 09-112 at their September 10, 2009 public hearing, forwarding to Core 4 and the Reserves Steering Committee, urban and rural reserves suitability recommendations developed by the Multnomah County (CAC). Record Index #____. The Board focused on suitability of areas for reserves rather than on designations of urban and rural reserves pending information about how much growth can occur within the existing UGB and how much new land will be sufficient to accommodate long term growth needs.

- The Board adopted Resolution No. 09-153 at their December 10, 2009 public hearing, forwarding to Core 4, recommendations for urban or rural reserve for use in the regional public outreach events in January 2010. Record Index #____. These recommendations were developed considering public testimony and information from the Regional Steering

Committee stakeholder comment, discussion with Multnomah County cities, and information and perspectives shared in Core 4 meetings. Record Index ##___and ___.

- The Board approved the IGA with Metro at a public hearing on February 25, 2010. Exhibit #___; Record Index___ [recordings and documents]. Additional public and agency input was considered in deliberations including results of the January public outreach, results of deliberations by the regional Metropolitan Planning Advisory Committee, and interested cities.

Public outreach included three region wide open house events and on-line surveys. The first was conducted in July of 2008 to gather input on the Reserves Study Area Map. Record Index #____. The second occurred in April of 2009, for public input on Urban and Rural Reserve Candidate Areas - lands that will continue to be studied for urban and rural reserves. Record Index #____. The third regional outreach effort to gather input on the regional reserves map prior to refinement of the final map for Intergovernmental Agreements occurred in January of 2010. Record Index #____.

The Multnomah County Board of Commissioners heard briefings on the reserves project on 2/14/08, 4/16/09, and 8/20/09, and conducted public hearings indicated above. The Planning Commission conducted a public hearing on 8/10/09 and received regular briefings during the reserves project. Record Index #____.

Public testimony has been an important element in the process and has been submitted to Multnomah County in addition to public hearings in several ways including open house events that took place in July of 2008, April of 2009, and January of 2010, and in testimony provided at CAC meetings. Record Index ##___and ___.

GOAL 2: LAND USE PLANNING
To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The County's Plan policies and map amendments put in place the framework needed to carry out the objectives of the reserves plan by identifying areas where rural resources will be protected from urbanization. The County rural plan has been coordinated with Metro's urban plan to identify where urbanization should occur during the 50 year plan. The County's policies and map ensure that rural reserve areas will remain rural and not be included within urban areas. The amendments further contain policies and strategies to support the on-gong planning processes to facilitate availability of urban reserve areas for urban use as appropriate.

<u>Coordination with Multnomah County Cities</u>
Understanding the land needs and service potential of cities is of critical importance because the County would look to a city to provide urban governance and services should areas designated urban reserve come into the UGB in the future. Input from cities with an interest

in reserves within Multnomah County during CAC development of the suitability assessments and these reserve designations is briefly summarized below.

- Beaverton – The City has indicated that it may be able to provide urban governance for areas on the west edge of the county, however whether that city would eventually provide these services is uncertain, and timing for resolution of all outstanding issues that would set the stage for extending Beaverton governance to this area is likely many years away.

- Gresham – The City indicated in their 2/25/09 letter that areas east of the city should continue to be studied for urban reserve, recognizing that the recommendation is made without a complete picture of urban land needs. Record Index #____. There should be some rural reserve east of the city, the region should minimize UGB expansions, and the City wants to focus on areas within the current UGB. The City provided a follow up letter dated 10/24/09 requesting urban reserve between SE 302nd and the Gresham UGB. Record Index #____. That area is shown as urban reserve on the proposed reserves plan map.

- Portland – City coordination efforts have occurred regarding potential reserve designations, particularly along the west edge of Multnomah County. Focus has been on the efficiency of providing urban services, and how governance services could be provided by the City. The City has indicated that the county line is an appropriate urban/rural edge, has identified service difficulties, the importance of landscape features in the area, and stated their interest in focusing limited resources on existing centers, and corridors and employment areas rather than along the west edge of the County. Therefore Portland has recommended rural reserve for this area.

- Troutdale – Troutdale requested approximately 775 acres of land for expansion, including the area north of Division and east out to 302nd Ave., indicating a need for housing land and ability to provide services to the area. Record Index #____. The proposed plan map leaves an approximately 187 acre area adjacent to the city without reserves designation. Proposed Policy 5 provides for a review of the reserves plan that can consider this and other areas in the region 20 years after the plan is adopted.

Additional agency coordination efforts related to Multnomah County reserves that occurred in addition to the regional process included Port of Portland, City of Scappoose, Gresham Barlow School District, Sauvie Island Drainage District, and East and West Multnomah Soil and Water Conservation Districts. Record Index ##___and ___.

GOAL 3: AGRICULTURAL LANDS
To preserve and maintain agricultural lands.

Agricultural lands in the county are protected for farm use by existing zoning and plan policies, and these are unchanged by the proposed amendments. The proposed policies and map add a new element, rural reserve, that ensures protection from urbanization of farmland important to the long-term viability of agriculture in the County. This protection is consistent with the goal of maintaining agricultural lands for farm use.

GOAL 4: FOREST LANDS
To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands in the county are protected for forest use by existing zoning and plan policies that are unchanged by the proposed amendments. The proposed policies and map add long-term protection from urbanization of Goal 4 resources consistent with this goal by designating these areas as rural reserve.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
To protect natural resources and conserve scenic and historic areas and open spaces.

The Goal 5 resources in the county are protected by existing zoning and plan policies that are unchanged by the proposed amendments. The reserves factors require consideration of the importance of resources of the type that are protected by Goal 5 plans though the Landscape Features factors. The factors also require consideration of how these resource areas could be protected when included within urban reserve and subsequently urbanized. Goal 5 protections will apply to land included within the UGB in the future. The reserves plan considered natural and scenic resources as it was developed, and existing county protections are maintained consistent with Goal 5. Record Index #____.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
To maintain and improve the quality of the air, water and land resources of the state.

The proposed plan policies and map have no bearing on existing waste management plans and are therefore consistent with this goal.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS
To protect people and property from natural hazards.

Existing zoning contains safeguards intended to protect rural development from identified hazards. The factors required consideration of areas of potential hazard including flood, landslide, and fire in forming reserves designations. Record Index #____. Consideration of hazard areas in the reserves plan and continuation of existing protections is consistent with this goal.

GOAL 8: RECREATIONAL NEEDS
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The factors that applied to consideration of rural reserve to protect Landscape Features from urbanization include access to recreation areas including trails and parks. Record Index #____. Urban factors consider how parks can be provided in urban reserve areas. Existing plan and zoning provisions for parks are unchanged by the proposed reserves plan. The proposed reserves designations are consistent with Goal 8.

GOAL 9: ECONOMIC DEVELOPMENT
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed urban reserve east of Gresham includes land that has potential to support additional economic development. Record Index #____. This puts in place the potential for greater diversity of economic development in this area while minimizing loss of economically important farm land consistent with this goal.

GOAL 10: HOUSING
To provide for the housing needs of citizens of the state.

The proposed reserves plan increases potential for additional housing opportunity by designating additional land as urban reserve consistent with this goal. Record Index #____.

GOAL 11: PUBLIC FACILITIES AND SERVICES
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The reserves factors analysis used in consideration of urban reserve included assessment of how efficiently the key public facilities could be provided to potential reserve areas. Record Index #____. Further, the 50 year urban reserve plan allows service planning to occur over a longer time frame. These elements support timely orderly and efficient provision of services consistent with this goal.

GOAL 12: TRANSPORTATION
To provide and encourage a safe, convenient and economic transportation system.

The proposed reserves plan policies and map do not cause any change to the County rural transportation system. Transportation planning to support urban uses within the proposed urban reserve east of Gresham will occur at the concept planning stage prior to including areas within the UGB. The relative efficiency of providing adequate transportation services in potential reserve areas was considered in the factors analysis. The proposed plan policies and map are consistent with Goal 12.

GOAL 13: ENERGY CONSERVATION
To conserve energy.

The evaluation of the suitability of land for urban reserve took into account the potential for efficient transportation and other infrastructure, and sites that can support walkable, well-

connected communities. These are energy conserving approaches to urban development, and the proposed urban reserve ranks moderately well on these factors and is consistent with this goal. Record Index #____.

GOAL 14: URBANIZATION
To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The reserves plan and policies implement an approach to the transition from rural to urban land that increases understanding of the future location of new urban areas and the time to plan for the transition. Urban reserves are expected to thereby improve this process consistent with this goal.

GOAL 15: WILLAMETTE RIVER GREENWAY
To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Land planned under this goal in Multnomah County is located along Multnomah Channel and is zoned with the county Willamette River Greenway overlay zone. The reserves plan does not change that zoning. The proposed rural reserve along the channel protects the Greenway from urban development during the 50 year plan period, and this protection is consistent with the goal.

Multnomah County Rural Suitability Assessments (Staff and CAC)

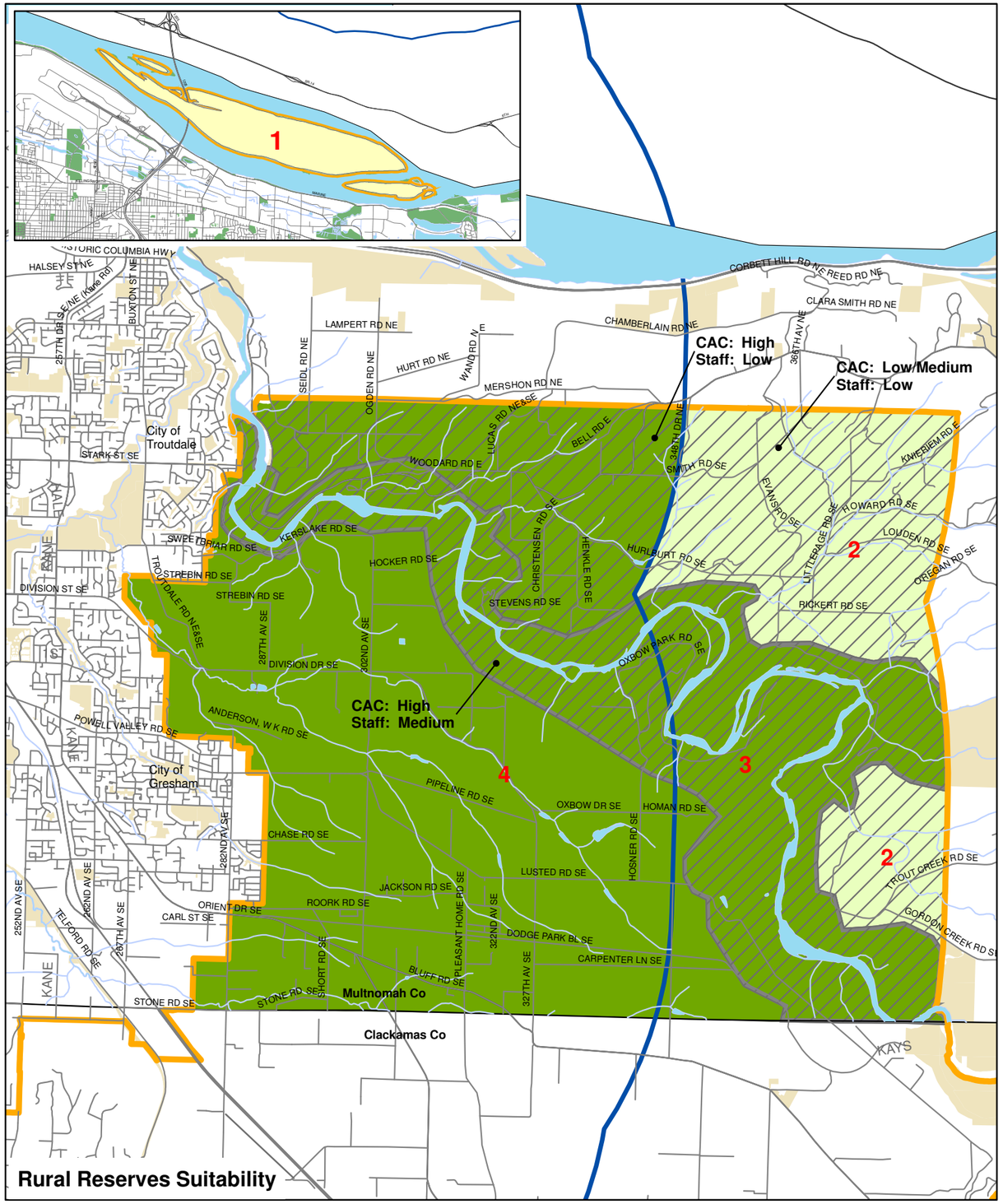
Rural Reserve Factor		Area 1: Government, McGuire, Lemon Islands	Area 2: East of Sandy River	Area: 3 Sandy River Canyon	Area: 4 West of Sandy River	Area 5: NW Hills North	Area 6: West Hills South	Area 7: Powerline/ Germantown Road-South	Area 8: Sauvie Island	Area 9: Multnomah Channel
Factor 2a/3a: Situated in an area otherwise subject to urbanization		Low	Low. CAC: High for area within 1 or 2 miles of UGB, low for remaining area.	Low	High	Low- except Plainview area = High	Low north of Skyline. High- south of Skyline. CAC: Low east of McNamee, high west of McNamee.	Low above mid-slope. High below. CAC: High for all Area 7.	Low.	Low north of Sauvie Island bridge High south of the bridge
Factor 2b: Capable of sustaining long-term agriculture or forestry		Low	High	Low	High	High	High	Low. CAC: Med	High	Low
Factor 2c: Suitable soils and water	Soils	Low	High	High	High	High	Med: farm. High: Forest	High	High	Low
	Water	High	Med	High	High	Med	Med: farm	Med	High	Low
Factor 2d: Is suitable to sustain long-term agricultural or forestry operations, taking into account.	Large block, concentration or clusters of farm or forest uses. Land use pattern including parcelization, tenure and ownership	Low	High	Med	High	High	High	Low: Farm blocks. Low/Med: woodlots	High	Low
	Adjacent land use pattern, existence of buffers	High	High	Med	High: north and east. Med: other areas.	High	High	Low	Med	Low
	The land use pattern including parcelization, tenure and ownership	Low	High	Med	Med/High	High	High	Low/Med	High	Low
	Sufficiency of agricultural or forestry infrastructure	Unknown	High	High	Med	High	Med/High	Med/High	Med	Low
Factor 3: For land intended to protect important natural landscape features, consider areas on the Landscape Features Inventory and other pertinent information and consider whether the land										
Factor 3b: Subject to disasters or hazards		High	Low	High	Low	High	Low south of Skyline. High north of Skyline.	Med	Med	High
Factor 3c: Important fish and wildlife habitat		High	High	High	High	High	High. Med for the Kaiser Rd and east of Abbey Cr. Areas.	High	High	Med
Factor 3d: Necessary to protect water quality		Low	Low	Low. CAC. High	Med for Beaver Cr. Canyon. Low for Johnson Cr.	Low. CAC split between Low and Med/High	Low. Med- Abbey Creek headwaters.	Low, except Med for Abbey Cr. Headwaters. CAC Split: Low-6 Med- 3. High-2.	Low	Med/low
Factor 3e: Provides a sense of place		High	Low	High	Low	High	High	High	High	Med/low
Factor 3f: Can serve as a boundary or buffer between urban and rural uses or natural resource uses.		Low	Low	High	High: Beaver Cr. Low: other areas.	Med	Low. High south of Skyline.	High	Low	Low
Factor 3g: Provides for separation between cities		Low	Low	Low	Low	Low	Low	Low. CAC Split between Low and Med/High.	Low	Low
Factor 3h: Provides easy access to recreational		Low	Low	High	High	Unknown	High	High	High	Low
Foundation or Important Ag Land?		No	Important	Fdn/Imp	Foundation	Foundation	Important	No	Foundation	Foundation
Staff Rural Suitability Assessment		Low Suitability	Low - Isolated from urban area by Sandy River canyon.	Low suitability to protect forest resources; medium suitability to protect landscape features.	High suitability for rural reserve to protect farm resources. Med suitability for rural reserve to protect landscape features for the Beaver Cr. area.	High suitability for rural reserve to protect farm/forest resources, and Med to protect landscape features in the Plainview area; Low suitability elsewhere.	High suitability of the area south of Skyline Blvd. for rural reserve to protect farm and forest resources and to protect landscape features.	Low suitability for farm and forest resources. High for landscape features, except east edge of N. Bethany planning area within the Lower Springville Rd. area = Low.	High suitability for farm and landscape features.	Low Suitability
CAC Rural Suitability Assessment		Low Suitability	High suitability west of 3-mile UGB line; Low/medium suitability east of 3-mile UGB line.	High Suitability	High Suitability	CAC high suitability to protect farm and forest features and landscape features.	High suitability West of McNamee; Low suitability east of McNamee	Split between medium and high suitability.	Med/High suitability for rural reserve. All factors received a high or medium ranking for Area 8 save factor 2a/3a. However, Sauvie Island is close enough in proximity to be concerned about. Thus Area 8 is worth designating at a higher suitability for rural reserve. Additionally, part of Sauvie Island lies within safe harbor.	Low Suitability

September 16, 2009

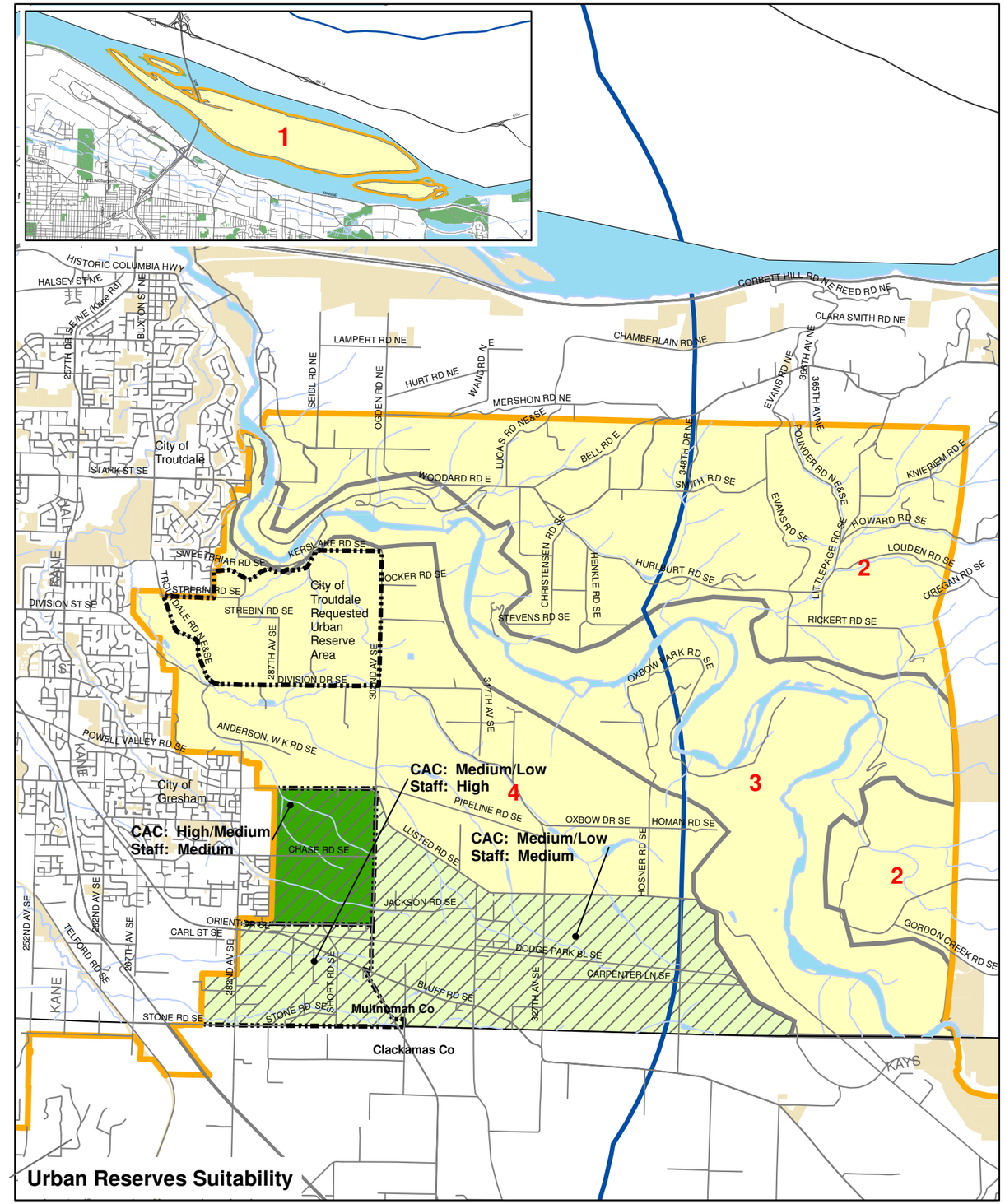
Multnomah County Urban Suitability Assessments (CAC and Staff)

Urban Reserves Factor		Area 1: Government, McGuire, Lemon Islands	Area 2: East of Sandy River	Area: 3 Sandy River Canyon	Area: 4 West of Sandy River		Area 5: NW Hills North	Area 6: West Hills South		Area 7: Powerline/ Germantown Road- South		Area 8: Sauvie Island	Area 9: Multnomah Channel
					4a	4b		6a	6b	7a	7b		
Factor 1: Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;	Sanitary Sewer	Low	Low	Low	High	High	Low. exc Plainview = medium	Low	Low east of Abbey Creek N. fork High N. of Kaiser Rd. CAC all Low	Low	Low except Lower Springville Rd. unverified	Low	Low
	Water	Low	Low	Low	Med	Med	Low. exc Plainview = High	Low	High	Med	Med	Low	Low
Factor 3:Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers.	Transportation	Low	Low	Low	Low	High	Low	Low	Low east of Abbey Creek N. fork Med/low N. of Kaiser Rd.	Low	Low. except Lower Springville Rd. area rates Med	Low	Low
Factor 2. Includes sufficient development capacity to support a healthy economy.	Developable Land (Buildable Land). Gross/Buildable	Low	Low	Low	3,600/2,070 ac Low	2,880/1,940 ac Medium	Low	Low	800/500 ac Low	Low	Lower Springville: 480/250ac. E Laidlaw Rd 80/15 ac. Low	Low	Only small land area outside of flood/right of way. Low
	Employment Land	Low	Low	Low	Low	Med	Low	Low	Low	Low	Low	Low	Low
Factor 4. Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers.		Low	Low	Low	Low	Med	Low	Low	Low	Low	Low. except Springville Rd adjacent to N. Bethany = Medium. CAC: Agree with staff ranking.	Low	Low
Factor 5: Can be designed to preserve and enhance natural ecological systems.		Med	Med	Low	Yes- Med/Low	Yes- Med	Low	Low	Staff. High CAC: Med	Yes- Low	Staff: Low. Except for noted area are Med. CAC: all Low	Low	N of Sauvie Island Bridge: Low S. of Sauvie Island Bridge: Med
Factor 6: Includes sufficient land suitable for a range of needed housing types		Low	Low	Low	Low	Med	Low	Low	Low-Med	Low	Staff: Low. Except Med along Springville Rd adjacent to N. Bethany. CAC: Split between Low and Med.	Low	Low
Factor 7: Can be developed in a way that preserves important natural landscape features included in urban reserves;.		Low	Med	Low	Yes-Med	Yes-High	Low	Low	Low	Yes-Med	Low. except Medium adjacent to N. Bethany.	Low	N. of Sauvie Island Bridge: Low. S. of Sauvie Island Bridge Yes, Med.
Factor 8: Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land, including land designated as rural reserves.		Low	Med	Low	Staff- High CAC- Med	Med	Med	Med	Med	Med	Med	Low	Yes, Med.
Candidate Urban Reserve?		No	No	No	Yes	Yes	No	No	Yes	No	Yes	No	No N. of Sauvie Br Yes south of bridge
Foundation or Important Agriculture Land?		No	Important	Imp/Fdn	Foundation	Foundation	Foundation	Important	Important	No	No	Fdn	Fdn
Staff Urban Suitability Assessment		Low Suitability	Low Suitability	Low Suitability	Low Suitability	Med/High suitability, especially SE area near Hwy 26	Low Suitability	Low Suitability	Low Suitability for subarea east of the n. fork of Abbey creek, Med/Low for subarea N of Kaiser Rd (w. of Abbey Creek).	Low Suitability	Medium between Bonny Slope West (Area 93) and Portland Medium/low along lower Springville Rd adjacent to the N. Bethany planning area; Low for remaining area	Low Suitability	Low Suitability
CAC Urban Suitability Assessment		Low Suitability	Low Suitability	Low Suitability	Low Suitability	Med/Low Suitability, except Med/High suitability for the area north of Orient Rural Center/west of 302nd	Low Suitability	Low Suitability	Split between Med and Low. Most agreed to low suitability for the subarea e. of the n. fork of Abbey Creek. Split between low and med/low suitability for subarea N. of Kaiser Rd (w. of Abbey Creek).	Low Suitability	Med/low. CAC split between Bonny Slope West (Area 93) and City of Portland, and along lower Springville Rd adjacent to N. Bethany planning area; Low suitability for remaining area	Low Suitability	Low Suitability

September 16, 2009



Rural Reserves Suitability

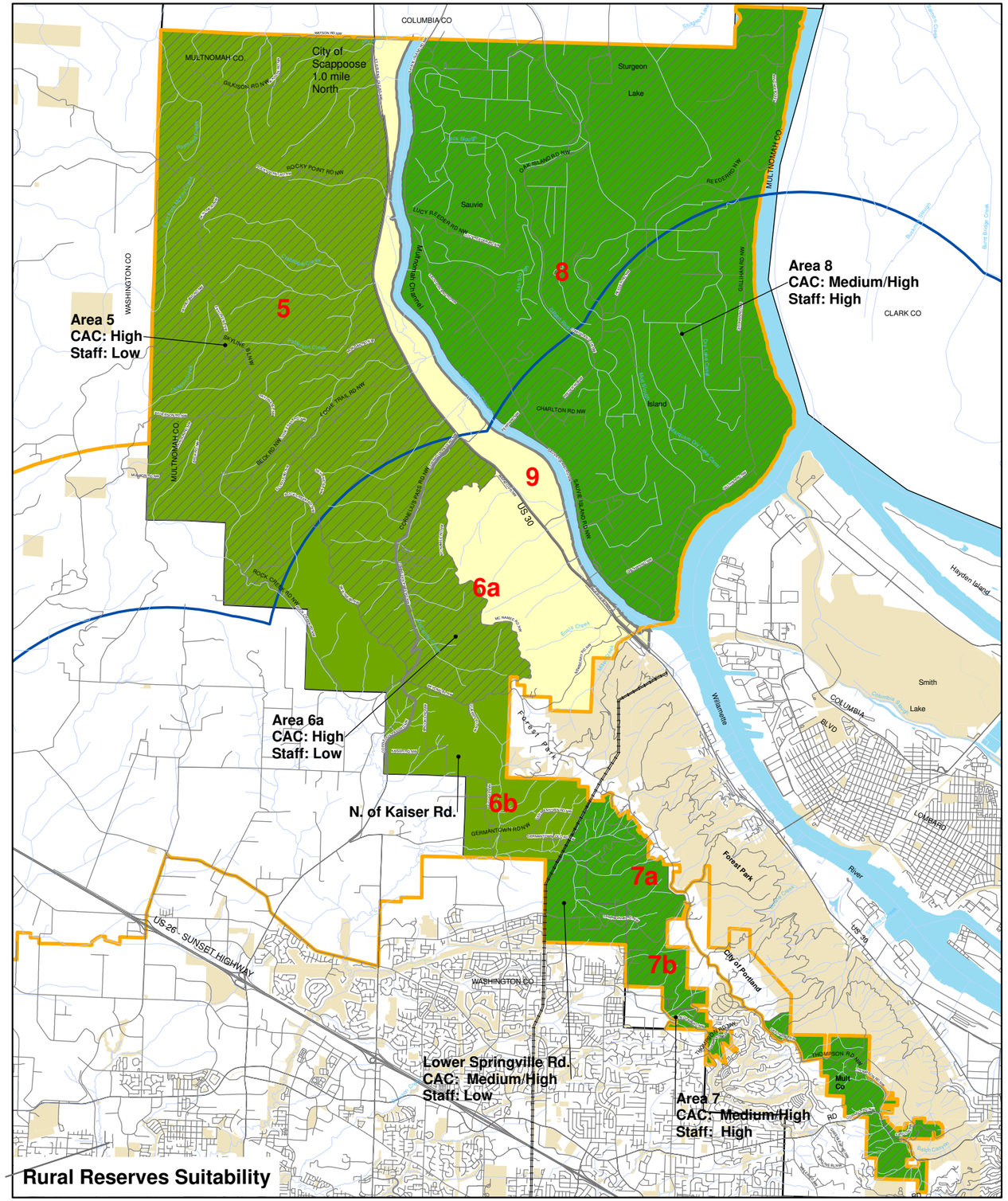


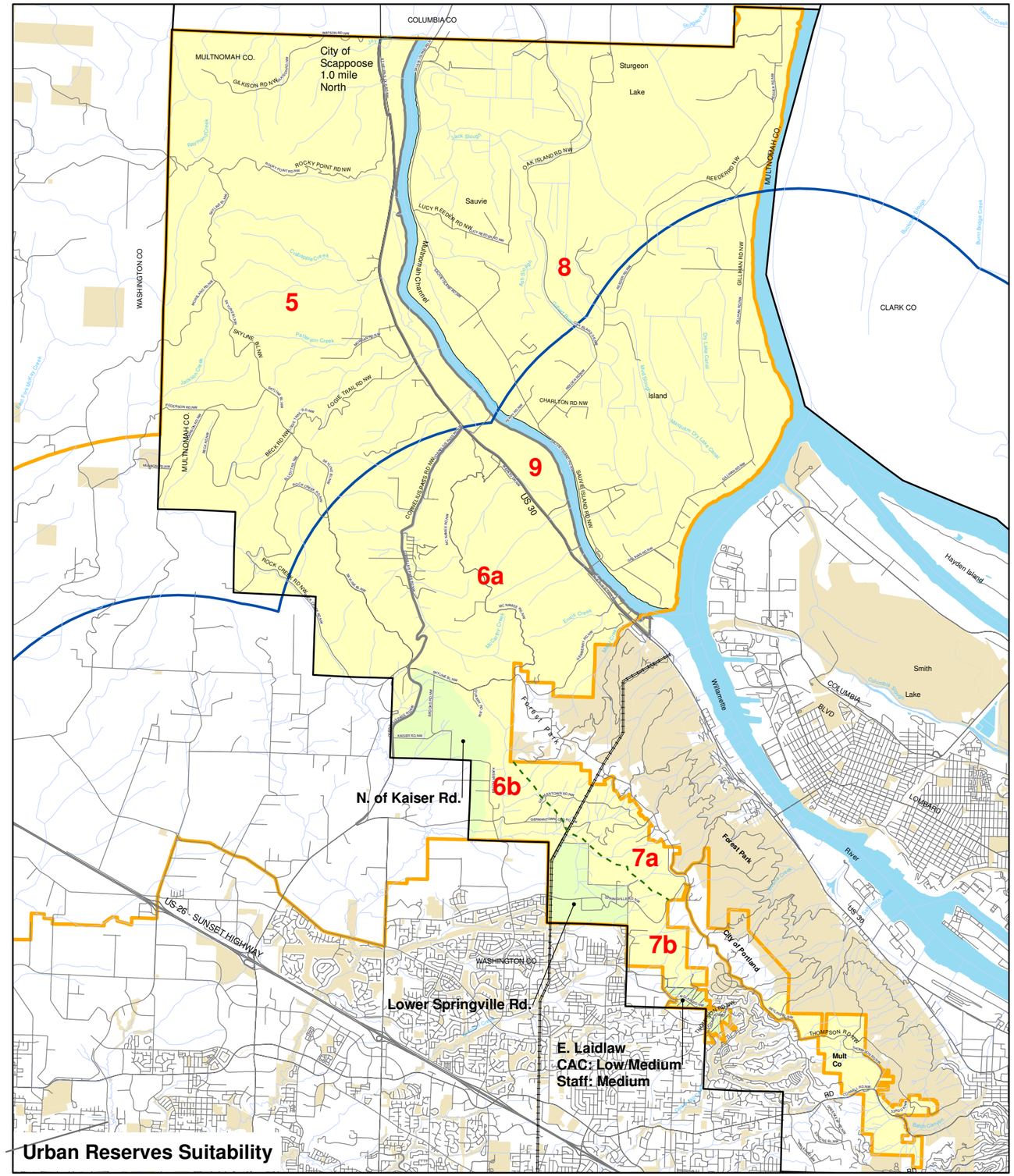
Urban Reserves Suitability

East Multnomah County Reserves Suitability Assessments:
Areas 1, 2, 3 & 4 - Government Island, East of Sandy River,
Sandy River Canyon & West of Sandy River
Draft - 09/26/09

Low Suitability
Medium/Low Suitability
Medium Suitability
Medium/High Suitability
High Suitability
Staff Assessment Differs
UGB 3-mi Buffer
Study Area Boundary

N





West Multnomah County Reserves Suitability Assessments:
Areas 5, 6, 7, 8 & 9 - NW Hills North, NW Hills South, Powerline/Germantown, Sauvie Island, Multnomah Channel
Draft - 09/26/09

Low Suitability
Medium/Low Suitability
Medium Suitability
Medium/High Suitability
High Suitability
Staff Assessment Differs
UGB 3-mi Buffer
Study Area Boundary

N

Intergovernmental Agreement
Between Metro and Multnomah County
To
Adopt Urban and Rural Reserves

This Agreement is entered into by and between Metro and Multnomah 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 Multnomah County designating Rural Reserves, all in Multnomah 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 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 Multnomah 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 Multnomah 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 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 local governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

B. **Multnomah 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 Multnomah 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 Multnomah County will not re-designate Rural Reserves as Urban Reserves in the county for 50 years from the date of adoption of the ordinance designating the reserves.

5. A policy that commits Multnomah County, together with an appropriate city, 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 Clackamas 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. **Multnomah 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 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 Multnomah County that it should revise its ordinance in a way that would make it inconsistent with this agreement, then it shall

Urban and Rural Reserves In Multnomah County

Exhibit A to Intergovernmental Agreement between Metro and Multnomah County

02/25/10

EXHIBIT A

Scappoose
Columbia Co.
Washington Co.
Multnomah Co.
Sturgeon Lake
Multnomah Channel
Vancouver Lake
Salmon Ck.
Salmon Creek
Orchards
Vancouver
Columbia R.
Willamette R.
St. Johns
Camas
Washougal
Bethany
Tanasbourne
Orenco
Cedar Mill
Sunset Transit Center
Aloha
Beaverton
Raleigh Hills
Hillsdale
Washington Square
West Portland
Tigard
Lake Grove
Lake Oswego
Milwaukie
Portland
Hollywood
Gateway
Fairview
Wood Village
Troutdale
Rockwood
Gresham
Lents
Pleasant Valley
Happy Valley
Clackamas
Damascus
Johnson Ck.
Sandy R.
Columbia River Gorge National Scenic Area
Clark Co.
Multnomah Co.
Clackamas Co.
9E rural
9F rural
9D rural
9C rural
9B rural
9A rural
1B rural
1C urban
Rural reserve areas
Urban reserve areas
Undesignated areas
Reserve study area
County boundaries
Urban centers
Urban growth boundaries
Miles
0 1 2

EXHIBIT B

Exhibit B to Agreement between Metro and Multnomah County

PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times.

2. A concept plan for any Urban Reserve area must be approved by the county, the city or cities who will govern the area, and by Metro.

3. The City of Gresham shall be invited to participate in concept planning of Urban Reserve in the area south of Lusted Road and west of SE 302nd, identified as Area 1C (Clackanomah) on the regional reserve map.

4. Concept plans shall provide that any area added to the UGB shall be governed by an existing city, or by a new city.

5. Concept planning for Urban Reserve areas that are suitable for industrial and other employment uses – such as portions of Clackanomah - will recognize the opportunity to provide jobs in this part of the region.

6. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses – such as Area 1C – will recognize the opportunity to provide employment and mixed- use centers with housing at higher densities and employment at higher floor-to-area ratios, and will include designs for a walkable, transit-supportive development pattern.

7. Concept planning shall recognize environmental and topographic constraints and habitat areas and will reduce housing and employment capacity expectations accordingly.

continue the hearing and propose an amendment to the agreement to the other party and to Clackamas and Washington Counties.

4. If Multnomah 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, Multnomah County and Metro may agree to an amendment.

5. Metro and Multnomah 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 Multnomah County will establish, in coordination with Clackamas 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, Multnomah County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.

D. This agreement terminates on December 31, 2060.

MULTNOMAH COUNTY

Ted Wheeler
Chair, Multnomah County
Board of Commissioners

Dated:_____

Reviewed:

Sandra Duffy

METRO

David Bragdon,
Metro Council President

Dated: 17 March 2010

Approved as to form:

Одобренный Approved Metro Council Совет метро METRO COUNCIL

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT
ADOPTED NEW OAR 660, DIVISION 27
URBAN AND RURAL RESERVES IN THE PORTLAND METROPOLITAN AREA

Adopted by LCDC January 24, 2008
Effective February 8, 2008

660-027-0005
Purpose and Objective

(1) This division is intended to implement the provisions of Oregon Laws 2007, chapter 723 regarding the designation of urban reserves and rural reserves in the Portland metropolitan area. This division provides an alternative to the urban reserve designation process described in OAR chapter 660, division 21. This division establishes procedures for the designation of urban and rural reserves in the metropolitan area by agreement between and among local governments in the area and by amendments to the applicable regional framework plan and comprehensive plans. This division also prescribes criteria and factors that a county and Metro must apply when choosing lands for designation as urban or rural reserves.

(2) Urban reserves designated under this division are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to other industries and commerce, to private landowners and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary. Rural reserves under this division are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization. The objective of this division 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.

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723, sections 3, 6 and 11.
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723
Hist.:

660-027-0010
Definitions

The definitions contained in ORS chapters 195 and 197 and the Statewide Planning Goals (OAR chapter 660, division 15) apply to this division, unless the context requires otherwise. In addition, the following definitions apply:

(1) "Foundation Agricultural Lands" means those lands mapped as Foundation Agricultural Lands in the January 2007 Oregon Department of Agriculture report to Metro entitled "*Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.*"

(2) "Important Agricultural Lands" means those lands mapped as Important Agricultural Lands in the January 2007 Oregon Department of Agriculture report to Metro entitled "*Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.*"

(3) “Intergovernmental agreement” means an agreement between Metro and a county pursuant to applicable requirements for such agreements in ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658, and in accordance with the requirements in this division regarding the designation of urban and rural reserves and the performance of related land use planning and other activities pursuant to such designation.

(4) “Livable communities” means communities with development patterns, public services and infrastructure that make them safe, healthy, affordable, sustainable and attractive places to live and work.

(5) “Metro” means a metropolitan service district organized under ORS chapter 268.

(6) “Important natural landscape features” means landscape features that limit urban development or help define appropriate natural boundaries of urbanization, and that thereby provide for the long-term protection and enhancement of the region’s natural resources, public health and safety, and unique sense of place. These features include, but are not limited to, plant, fish and wildlife habitat; corridors important for ecological, scenic and recreational connectivity; steep slopes, floodplains and other natural hazard lands; areas critical to the region’s air and water quality; historic and cultural areas; and other landscape features that define and distinguish the region.

(7) “Public facilities and services” means sanitary sewer, water, transportation, storm water management facilities and public parks.

(8) “Regional framework plan” means the plan adopted by Metro pursuant to ORS 197.015(17).

(9) “Rural reserve” means lands outside the Metro UGB, and outside any other UGB in a county with which Metro has an agreement pursuant to this division, reserved to provide long-term protection for agriculture, forestry or important natural landscape features.

(10) “UGB” means an acknowledged urban growth boundary established under Goal 14 and as defined in ORS 195.060(2).

(11) “Urban reserve” means land outside an urban growth boundary designated to provide for future expansion of the UGB over a long-term period and to facilitate planning for the cost-effective provision of public facilities and services when the lands are included within the urban growth boundary.

(12) “Walkable” describes a community in which land uses are mixed, built compactly, and designed to provide residents, employees and others safe and convenient pedestrian access to schools, offices, businesses, parks and recreation facilities, libraries and other places that provide goods and services that are used on a regular basis.

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723, sections 3, 6 and 11
Other Auth.: Statewide planning goals (OAR 660, div 15).

Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723
Hist.:

660-027-0020
Authority to Designate Urban and Rural Reserves
(1) As an alternative to the authority to designate urban reserve areas granted by OAR chapter 660, division 21, Metro may designate urban reserves through intergovernmental agreement**s** with counties and by amendment of the regional framework plan to implement such agreements in accordance with the requirements of this division.

(2) A county may designate rural reserves through intergovernmental agreement with Metro and by amendment of its comprehensive plan to implement such agreement in accordance with the requirements of this division.

(3) A county and Metro may not enter into an intergovernmental agreement under this division to designate urban reserves in the county unless the county and Metro simultaneously enter into an agreement to designate rural reserves in the county.

660-027-0030
Urban and Rural Reserve Intergovernmental Agreements
(1) An intergovernmental agreement between Metro and a county to establish urban reserves and rural reserves under this division shall provide for a coordinated and concurrent process for Metro to adopt regional framework plan provisions, and for the county to adopt comprehensive plan and zoning provisions, to implement the agreement. The agreement shall provide for Metro and the county to concurrently designate urban reserves and rural reserves, as specified in OAR 660-027-0040.

(2) In the development of an intergovernmental agreement described in this division, Metro and a county shall follow a coordinated citizen involvement process that provides for broad public notice and opportunities for public comment regarding lands proposed for designation as urban and rural reserves under the agreement. Metro and the county shall provide the State Citizen Involvement Advisory Committee an opportunity to review and comment on the proposed citizen involvement process.

(3) An intergovernmental agreement made under this division shall be deemed a preliminary decision that is a prerequisite to the designation of reserves by amendments to Metro's regional framework plan and amendments to a county's comprehensive plan pursuant to OAR 660-027-0040. Any intergovernmental agreement made under this division shall be submitted to the Commission with amendments to the regional framework plan and county comprehensive plans as provided in OAR 660-027-0080(2) through (4).

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723, sections 3, 6 and 11
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723
Hist.:

660-027-0040
Designation of Urban and Rural Reserves
(1) Metro may not designate urban reserves under this division in a county until Metro and applicable counties have entered into an intergovernmental agreement that identifies the land to be designated by Metro as urban reserves**.** A county may not designate rural reserves under this division until the county and Metro have entered into an agreement that identifies the land to be designated by the county as rural reserves.

(2) Urban reserves designated under this division shall be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land, based on the estimated land supply necessary for urban population and employment growth in the Metro area for that number of years. The 20 to 30-year supply of land specified in this rule shall consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030.

(3) If Metro designates urban reserves under this division prior to December 31, 2009, it shall plan the reserves to accommodate population and employment growth for at least 20 years, and not more than 30 years, beyond 2029. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land.

(4) Neither Metro nor a local government may amend a UGB to include land designated as rural reserves during the period described in section (2) or (3) of this rule, whichever is applicable.

(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.

(6) If Metro designates urban reserves under this division it shall adopt policies to implement the reserves and must show the reserves on its regional framework plan map. A county in which urban reserves are designated shall adopt policies to implement the reserves and must show the reserves on its comprehensive plan and zone maps.

(7) If a county designates rural reserves under this division it shall adopt policies to implement the reserves and must show the reserves on its comprehensive plan and zone maps. Metro shall adopt policies to implement the rural reserves and show the reserves on its regional framework plan maps.

(8) When evaluating and designating land for urban reserves, Metro and a county shall apply the factors of OAR 660-027-0050 and shall coordinate with cities, special districts and school districts that might be expected to provide urban services to these reserves when they are added to the UGB, and with state agencies.

(9) When evaluating and designating land for rural reserves, Metro and a county shall apply the factors of OAR 660-027-0060 and shall coordinate with cities, special districts and school districts in the county, and with state agencies.

(10) Metro and any county that enters into an agreement with Metro under this division shall apply the factors in OAR 660-027-0050 and OAR 660-027-0060 concurrently and in coordination with one another. Metro and those counties that lie partially within Metro with which Metro enters into an agreement shall adopt a single, joint set of findings of fact, statements of reasons and conclusions explaining why areas were chosen as urban or rural reserves, how these designations achieve the objective stated in OAR 660-027-0005(2), and the factual and policy basis for the estimated land supply determined under section (2) of this rule.

(11) Because the January 2007 Oregon Department of Agriculture report entitled "*Identification and Assessment of the Long-Term Commercial viability of Metro Region Agricultural Lands"* indicates that Foundation Agricultural Land is the most important land for the viability and vitality of the agricultural industry, if Metro designates such land as urban reserves, the findings and statement of reasons shall explain, by reference to the factors in OAR 660-027-0050 and 660-027-0060(2), why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this division.

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723, sections 3, 6 and 11
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723
Hist.:

660-027-0050
Factors for Designation of Lands as Urban Reserves
Urban Reserve Factors: When identifying and selecting land for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

(2) Includes sufficient development capacity to support a healthy economy;

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

(5) Can be designed to preserve and enhance natural ecological systems;

(6) Includes sufficient land suitable for a range of needed housing types;

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723, sections 3, 6 and 11
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723
Hist.:

660-027-0060
Factors for Designation of Lands as Rural Reserves
(1) When identifying and selecting land for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.

(2) Rural Reserve Factors: When identifying and selecting land for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the land proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land**;**

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:
(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;
(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and
(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

(3) Rural Reserve Factors: When identifying and selecting land for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's February 2007 "*Natural Landscape Features Inventory*" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

(c) Are important fish, plant or wildlife habitat;

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;

(g) Provide for separation between cities; and

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

(4) Notwithstanding requirements for applying factors in OAR 660-027-0040(9) and section (2) of this rule, a county may deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation under OAR 660-027-0040(10).

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723, sections 3, 6 and 11.
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723.
Hist.:

660-027-0070
Planning of Urban and Rural Reserves
(1) Urban reserves are the highest priority for inclusion in the urban growth boundary when Metro expands the UGB, as specified in Goal 14, OAR chapter 660, division 24, and in ORS 197.298.

(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.

(4) 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.

(5) Metro shall ensure that lands designated as urban reserves, considered alone or in conjunction with lands already inside the UGB, are ultimately planned to be developed in a manner that is consistent with the factors in OAR 660-027-0050.

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723 sections 3, 6 and 11
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 195.145; Or Laws 2007, chapter 723
Hist.:

660-027-0080
Local Adoption and LCDC Review of Urban and Rural Reserves
(1) Metro and county adoption or amendment of plans, policies and other implementing measures to designate urban and rural reserves shall be in accordance with the applicable procedures and requirements of ORS 197.610 to 197.650.

(2) After designation of urban and rural reserves, Metro and applicable counties shall jointly and concurrently submit their adopted or amended plans, policies and land use regulations implementing the designation to the Commission for review and action in the manner provided for periodic review under ORS 197.628 to 197.650.

(3) Metro and applicable counties shall:

(a) Transmit the intergovernmental agreements and the submittal described in section (2) in one or more suitable binders showing on the outside a title indicating the nature of the submittal and identifying the submitting jurisdictions.

(b) Prepare and include an index of the contents of the submittal. Each document comprising the submittal shall be separately indexed, and

(c) Consecutively number pages of the submittal at the bottom of the page, commencing with the first page of the submittal.

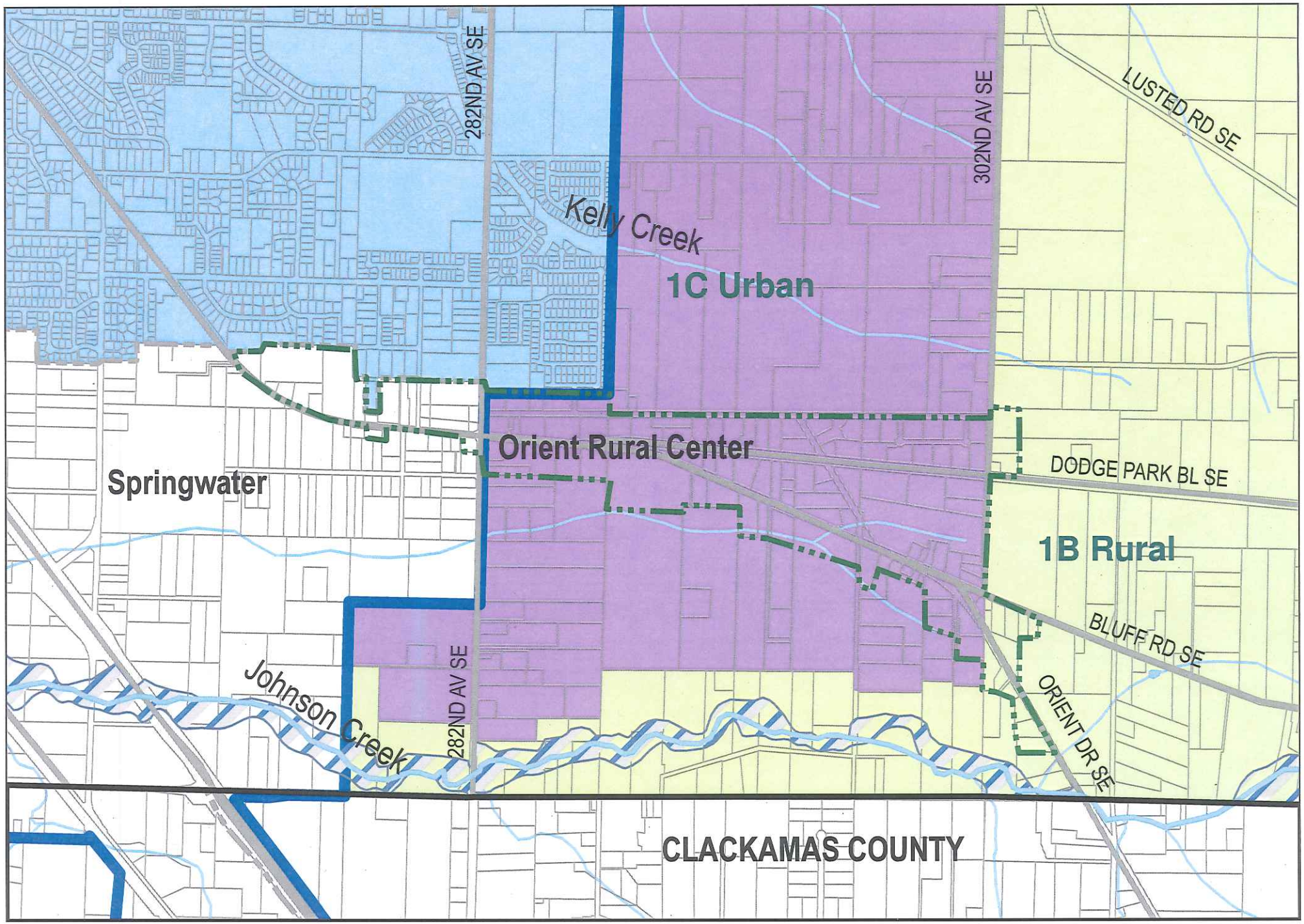
(4) The joint and concurrent submittal to the Commission shall include findings of fact and conclusions of law that demonstrate that the adopted or amended plans, policies and other implementing measures to designate urban and rural reserves comply with this division, the applicable statewide planning goals, and other applicable administrative rules. The Commission shall review the submittal for:

(a) Compliance with the applicable statewide planning goals. Under ORS 197.747 "compliance with the goals" means the submittal on the whole conforms with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. To determine compliance with the Goal 2 requirement for an adequate factual base, the Commission shall consider whether the submittal is supported by substantial evidence. Under ORS 183.482(8)(c), substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding;

(b) Compliance with applicable administrative rules, including but not limited to the objective provided in OAR 660-027-0005(2) and the urban and rural reserve designation standards provided in OAR 660-027-0040; and

(c) Consideration of the factors in OAR 660-027-0050 or 660-027-0060, whichever are applicable.

Stat. Auth.: ORS 197.040; Or Laws 2007, chapter 723 sections 3, 6 and 11
Other Auth.: Statewide planning goals (OAR 660, div 15).
Stats. Implemented: ORS 183.482(8)(c); ORS 195.145; ORS 197.747; Or Laws 2007, chapter 723
Hist.:



Multnomah County Urban and Rural Reserves
Orient Rural Center

Urban Reserve
Rural Reserve
City of Gresham
Urban Growth Boundary
100 Year Floodplain
Orient Rural Center

Map Date: March 26, 2010

N

13900 NW Old Germantown Road
Portland, Oregon 97231
April 5, 2010

Multnomah County Planning Commission
c/o Multnomah County Land Use Planning
1600 SE 190th Avenue
Portland, Oregon 97233

RE: PC-08-010, Amendments to County Framework Plan (etc.)

Dear Multnomah County Planning Commissioners,

The proposed Urban and Rural Reserves Map which is before you today deserves your endorsement, along with its associated agreements.

First, it is the product of extensive data-gathering and discussions over many months by diverse parties, including Multnomah County's Reserves Citizens Advisory Committee, the Metro Reserves Steering Committee, the numerous groups and individuals providing testimony, professional planning staff, and the elected officials of this County and this region. Many differences in forecasts, opinions, visions, and desires had to be resolved to arrive at this consensus. This comprehensive process should be supported.

Second, the outcome is reasonable, especially in Multnomah County. Cities have room to meet their 50-year projections with the incentive to keep infrastructure and energy costs efficient. Farmland, forestlands, and natural features are protected to provide for the needs, enjoyment, and options for future generations.

Your favorable recommendation is one of the critical steps towards adoption of this pathbreaking legislation. Please approve this Urban and Rural Reserves package. Thank you.

Sincerely,

Jim Emerson, Vice-President
Forest Park Neighborhood Association

Judith Emerson

cc: Commissioner Deborah Kafoury, District 1
Jerry Grossnickle, FPNA President

Title: Input To Multnomah County Planning Commission Re Urban and Rural Reserves IGA

From: Joseph C Rayhawk
15248 NW Germantown Road
Portland, OR 98231

Date: April 5, 2010

My name is Joe Rayhawk. My wife and I own and live on a 34-acre farm immediately north of North Bethany in Multnomah County. We operate Abbey Creek Stables for 30 horses with an annual gross income over $100,000.

My written testimony includes discussion of issues that I will not discuss verbally.
Let me concentrate on some important issues. Most will be from the 4 pages of the IGA.

1) Section A Paragraph 8 at top of Page 2 and Section B Paragraph 6 both say that Metro and the county will review the Urban and Rural designations in 20 years. These paragraphs are quite simply in violation of the base state law. In addition, they violate the basic reason for this whole process that has taken up literally thousands of hours of citizens' time.

As written, 15 years from now all of the lands designated Rural Reserve would revert to the status they had under the old UGB rules. That status was bad for the land owners, bad for the community and led to decisions by public officials that appeared to have them acting against the interests of the people.

I believe this commission should not endorse the IGAs as they stand with these offensive paragraphs.

In particular, these paragraphs are issues most likely to cause DLCD to remand these submissions back to the local governments.

2) Section C Paragraphs 3 and 4 describe a process for amending elements of the IGA.
These sections have two problems
1) They appear to make it optional for Metro and Multnomah County to make changes even though the other two counties do not agree.
This appears to violate the state law which gives all 4 entities full veto power.
2) Paragraph 4 does not clearly state that it applies only to processes that occur before the submission to LCDC.
As written, Metro and Multnomah County could change the IGA at any time in the future.
It should be changed to indicate that it applies only to the process leading to the LCDC submission.

3) A general issue I have with sections A and B is that they reference everything as implementing "Policies".
Does this commission know how easy or difficult it would be to un-implement such a policy at some point in the future?
It would appear that once a policy is implemented, the letter of the IGA has been fulfilled and hence, the policies could be eliminated in the future. I believe the state law would make such changes difficult, but the IGA is problematic.
FYI: these same 'policy' phrases appear in IGAs of the other counties.

Now, referencing Exhibit B Principles of Concept Planning for Urban Reserves.

Paragraph 7 is a very weak version of earlier language about protecting habitat and environment. It also leaves out any reference to mitigating impacts on adjacent rural areas.
I refer you to page 5 of the staff report (page 20 of the packet)
Paragraph B-g - One interpretation of this is that in any conflict, the conflict must be fixed outside of the rural area.
I believe this is the proper goal.
Paragraph 7 of the IGA should be strengthened. It may also be better to discuss protection of agricultural and forestry in an 8th paragraph to be in compliance with the state law.

Paragraph 3 says County cannot change their land use regulations for Rural Reserve area to uses that were not allowed or to smaller lots than were allowed at the time of designation as RR.

There have been recommendations to DLCD to weaken this.
Those recommendations are unnecessary as uses that make sense are already allowed under MC rules.

These include especially the ability to subdivide the land so that part can be transferred to the county under the Natural Areas program.

Thank you for your attention.
and please keep up your good work.

==========
End of Planned Verbal Testimony
==========
Lesser but not Insignificant Issues

Page 19 Pg 4 of 5 of Staff Report

Paragraph 6 at top of page.
Says County will not amend zoning, etc, in order to comply with states rules.

Recommend changing this to : except to comply with applicable state or federal rules.

Page 19 Pg 4 of 5 of Staff Report

Strategies

A-2 Suggests that county plans to change the maps at any time
This is not consistent with the law.

A-3 Makes sense in that some process is needed for undesignated to get designated.

B-c - There seems to be a problem: Zoning changes cannot happen until annexation occurs.
I hope we do not get into a Catch-22 of being able to move forward with development until annexation and developers not being able to commit enough funds to help with the planning needed before annexation.

Pg 31 aka 10 OF 12 of Exhibit 2 PC Hearing 4/5/10

Goal 6: Air, Water and Land Resource Quality
Staff statement makes no sense in context.
Actual plan and policies will help with:
`- Portions of the Rural Reserves should help minimize impacts of threatened waterways, especially Rock Creek and Abbey Creek.
- Reduced congestion and travel to Areas 9A, 9B and 9C should reduce fuel use and hence help air quality and avoid waste of citizens' time and money.

Pg 32 aka 11 of 12 of Exhibit 2 PC Hearing 4/5/10

Goal 12 Transportation
Part of Area 9 was designated Rural Reserves in order to avoid urbanization that would stress roads whose improvement is doubtful. The actual result of urbanization would have led to decrease in public safety and significant negative economic impacts.
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Pg 39 aka Pg 2 of IGA

A1 references subsections 3 and 4 of Section C with respect to changes to Map

This is a problem unless these sections are fixed as recommended above.

A3 Highest priority to UR for addition to UGB. This is weak with respect to saying Undesignated cannot be considered before running out of UR.
Should at least suggest some criteria as to why Undesignated would be taken before Urban Reserves.

A5 and A6 define a Policy to not add RR to UGB or UR for 50 years
When can a policy be overridden?

A7 references a Policy - again how can this be overridden?

Pg 40 aka Pg 2 of IGA

A8 A policy that the review of UR and RR will be done in 20 years.
I object to the 20 years above.

Section B all the same issues with "Policy"

Again 6 is egregious in that it says that 15 years from now we revert to the same status of UGB threats that this process was designed to fix.

C3 paragraph is incomplete. Missing part is critical to understanding what the county would do if the wanted to abrogate important decision may of the earlier votes of MC and Metro.
Apparently continued on Page 43 (that is, document out of order)

Pg 43 Apparently Page 4 of IGA

Paragraph 6 is good in that it allows changes to Urban Reserves and Undesignated and only additions to Rural Reserves.

Pg 42 Exhibit B - Language here is much stronger than that of IGA

Except language regarding protection of nearby agricultural, forestry and habitat has been significantly weakened.

As issue that has been raised to DLCD:
Page 46 aka Pg 4 of the LCDC 'Rules"

Paragraph 4 and 5 appear to constrain County from changing RR to Urban Reserves for fifty years (the period identified elsewhere in County Documents.) This is stronger than the language in the IGA. The language in the IGA suggesting reevaluation at 20 years does not appear to meet the letter of these paragraphs.

Page 50 aka Pg 8 of LCDC 'Rules'
Paragraph 3 says County cannot change their land use regulations with respect to Rural Reserves to uses that were not allowed or to smaller lots than were allowed at the time of designation as Rural Reserves. This was discussed above in the planned verbal testimony

Page 52 aka Pg 9 of LCDC Rules

First paragraph says submittal must have all pages numbered in sequence page.
Current packet does not meet this requirement.

Carol Chesarek
13300 NW Germantown Road
Portland, Oregon 97231

April 5, 2010

Chair John Ingle and the Multnomah County Planning Commission
c/o Chuck Beasley, Senior Planner
Multnomah County Land Use Planning
1600 SE 190th Avenue
Portland, Oregon 97233

RE: Rural and Urban Reserves

Chair Ingle and Planning Commissioners,

Thank you for this opportunity to provide comments about Urban and Rural Reserves implementation.

I was fortunate to serve on the Multnomah County Reserves Citizen Advisory Committee (CAC). I started following the "Reserves" process very early, and I was able to closely follow the development of SB 1011, its passage through the legislature, and I attended all of the task force meetings as the Administrative Rules were developed.

First, I want to say that I support the Urban and Rural Reserves map for Multnomah County. The map adopted by the Board of Commissioners in February is very close to the recommendations of the CAC and the planning commission. I especially support the county decision to designate all of the West Hills as Rural Reserves – this decision is well supported. I've brought with me tonight one piece of new information that supports this decision.

A few weeks ago I received a high-resolution version of the Willamette Valley Synthesis Map that was developed by The Nature Conservancy in consultation with ODF&W, and a variety of other significant conservation experts. This map combines the best available science about Willamette Valley habitats. Most of the West Hills is identified as Synthesis Conservation Opportunity Areas, including a significant portion of the controversial area 9B. This reinforces the high value of conserving the upland and riparian habitat in these areas.

I have one over-riding comment about the proposed Framework Plan policy changes. The task force that developed the Administrative Rules spent many, many hours carefully crafting the wording of the Purpose and Objective section. I am very concerned that the draft Introduction section summarizes and rewrites these words, and that important meaning may easily be lost to future policy makers who may rely on this document when applying this new policy. So I urge the planning commission and county staff to amend the Introduction section to follow the language of the Administrative Rules and SB 1011 as closely as possible. I have attached a revised draft for your consideration that I think comes closer to following the original language of the rules and the law while adapting it for this context.

I'd also like to suggest including the definition of Important natural landscape features from the Administrative rules in the policy statements. This definition was also carefully crafted, and some elements are unexpected, so it would be convenient to have it included here for future reference.

I support including Policy 6 (explaining that the county will not amend zoning to allow new uses or increased density in rural and urban reserves) because I think this policy reference will be a valuable reference in the future. And I support Strategy B(g) requiring concept plans to be designed to avoid or minimize adverse effects on farm and forest practices, and on important natural landscape features on nearby rural land.

The attachment includes other minor suggested changes for clarity. A few of these suggested changes require short explanations:

- Policy 2 would be clearer if it referred to "any" UGB instead of city UGBs – the metro region's UGB does not belong to any one city.
- I would reword Policy 6 to make it clear that we aren't refusing to comply with applicable state rules.
- I would delete the words "growth management" from Strategy A – these words make me think we're trying to manage the number of people coming to the area, which is not the intent of this policy, and I don't think these words add value here.
- In Strategy B, I found it unclear what "specific" referred to. I think it's clearer to mention UGB expansion areas.
- As written, Strategy B(a) could be taken to mean that only "enumerated" Urban Reserves could be planned separately and at different times. I think we mean to say that the region could choose to concept plan any portion of an Urban Reserve separately and at different times.
- It may not prove relevant for Multnomah County, but in some situations more than one city might be involved in concept planning, and that possibility should be left open.
- I also suggested two additions under Strategy B to echo points about concept planning made in some Metro documents.

Thank you again for this opportunity to provide comments.

Sincerely,

Carol Chesarek

Carol Chesarek

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POLICY 6A: URBAN AND RURAL RESERVES

INTRODUCTION

Urban and Rural Reserves are intended to facilitate long-range planning and to provide greater certainty for population and employment growth in the Portland metro region over the 50 year plan period from 2010 to 2060.

Urban Reserves are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to other industries and commerce, to private landowners and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary. Rural Reserves are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development, define natural boundaries of urbanization, or enhance the unique sense of place of the region.

The designation of urban and rural reserves is intended to achieve livable communities, viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

Urban and Rural Reserves are an alternative approach to manage urban growth through a coordinated regional process provided for in SB 1011 (2007) and implementing Oregon Administrative Rules 660 Division 27 (2008). Policy 6A Urban and Rural Reserves supplements Policy 6 Urban Land Area with a specific map and implementing policies for Urban and Rural Reserves that define limits to urban growth for a time period much longer than the 20-25 year UGB plan period.

Urban reserves can only be designated by Metro, and rural reserves can only be designated by the County. Because of this division of authority, the County has amended the (?) Framework plan map to adopt rural reserves, and also shows urban reserve designations on the map.

POLICY 6-A Urban and Rural Reserves

It is the County's policy to establish and maintain rural reserves in coordination with urban reserves adopted by Metro and in accord with the following policies:

POLICY 6A: URBAN AND RURAL RESERVES

INTRODUCTION

~~The purpose of~~ Urban and Rural Reserves are intended to facilitate long-range planning and to provide greater certainty for population and employment growth ~~for urbanization of~~ in the Portland metro region over the 50 year plan period from 2010 to 2060. ~~Urban Reserves provide greater certainty to the agricultural and forest industries, urban industries, and service providers about the future location of urban growth boundary expansion. Rural reserves are intended to provide long-term protection of agricultural and forest land and landscape features that enhance the unique sense of place of the region.~~

Urban Reserves are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to other industries and commerce, to private landowners and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary. Rural Reserves are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development, define natural boundaries of urbanization, or enhance the unique sense of place of the region.

The designation of urban and rural reserves is intended to achieve livable communities, viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

Urban and Rural Reserves are ~~The reserves plan is~~ an alternative approach to manage urban growth through a coordinated regional process provided for in SB 1011 (2007) and implementing Oregon Administrative Rules 660 Division 27 (2008). Policy 6A Urban and Rural Reserves ~~The reserves plan~~ supplements Policy 6 Urban Land Area with a specific map and implementing policies for Urban and Rural Reserves that define limits to urban growth for a time period much longer than the 20-25 year UGB plan period.

~~The reserves plan relies on designation of u~~Urban reserves ~~land which~~ can only be designated by Metro, and ~~on protection of~~ rural reserves ~~areas that~~ can only be designated by the County. Because of this division of authority ~~in the reserves plan~~, the County has amended the (?) Framework plan map to adopt rural reserves, and also shows urban reserve designations on the map.

NOTE: If we refer to a "reserves plan" we should identify what that "plan" is, but this section might be clearer without references to a "reserves plan."

POLICY 6-A Urban and Rural Reserves

It is the County's policy to establish and maintain rural reserves in coordination with urban reserves adopted by Metro and in accord with the following policies:

1. Areas shown as Rural Reserve on the County plan and zone map shall be designated and maintained as Rural Reserves to protect agricultural land, forest land, and important natural landscape features.
2. Rural Reserves designated on the plan map shall not be included within any~~the~~ UGB ~~of any city~~ in the county for 50 years from the date of the ordinance adopting the reserves designations.
3. Areas designated Rural Reserves in the county shall not be re-designated as Urban Reserves for 50 years from the date of the ordinance adopting the reserves designations.
4. The County will participate together with an appropriate city in development of a concept plan for an area of Urban Reserve that is under consideration for addition to the UGB.
5. The County will review the designations of Urban and Rural Reserves, in coordination with Metro and Clackamas and Washington Counties, 20 years from the date of the ordinance adopting the Reserves designations, or earlier upon agreement of Metro and the other ~~three~~ two counties.
6. In order to comply with applicable state rules, ~~T~~the County will not amend the zoning to allow new uses or increased density in rural and urban reserve areas ~~in order to comply with applicable state rules~~.
7. "Important natural landscape features" means landscape features that limit urban development or help define appropriate natural boundaries of urbanization, and that thereby provide for the long-term protection and enhancement of the region's natural resources, public health and safety, and unique sense of place. These features include, but are not limited to, plant, fish and wildlife habitat; corridors important for ecological, scenic and recreational connectivity; steep slopes, floodplains and other natural hazard lands; areas critical to the region's air and water quality; historic and cultural areas; and other landscape features that define and distinguish the region.

STRATEGIES

(A) The urban and rural reserve ~~growth management~~ program for the Portland Metro region is predicated on coordination between Multnomah, Clackamas, and Washington Counties and Metro. As part of continuing efforts to implement this long-term program, the County has agreed to: