



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

### Board Clerk Use Only

Meeting Date: \_\_\_\_\_

Agenda Item #: \_\_\_\_\_

Est. Start Time: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

**Agenda Title: Approval of an Intergovernmental Agreement Between Multnomah County and Metro to Adopt Urban and Rural Reserves in Multnomah County**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

<b>Requested Meeting Date:</b>	<u>February 25, 2010</u>	<b>Amount of Time Needed:</b>	<u>1 hour</u>
<b>Department:</b>	<u>Non-departmental</u>	<b>Division:</b>	<u>District 2</u>
<b>Contact(s):</b>	<u>Chuck Beasley</u>		
<b>Phone:</b>	<u>503-988-3043</u>	<b>Ext.:</b>	<u>22610</u>
<b>Presenter(s):</b>	<u>Jeff Cogen</u>		
<b>I/O Address:</b>	<u>455/116</u>		

## General Information

### 1. What action are you requesting from the Board?

Approve the attached Intergovernmental Agreement (IGA) that sets out elements of an ordinance that Multnomah County will adopt to designate rural reserves, and an ordinance that Metro will adopt to designate urban reserves in Multnomah County. The IGA includes a map depicting land to be designated as urban or rural reserves, and a statement of principles that the parties agree will be addressed in concept planning for urban reserve areas under consideration for inclusion within the Urban Growth Boundary (UGB). The reserves map is included as Exhibit A to the IGA, and the principles are included as Exhibit B.

The proposed reserves map in Exhibit A has been refined from the map the Board approved in Resolution No. 09-153. That map was used to depict Multnomah County reserve and option areas for the regional map used in the January 2010 public outreach events. The results of the public outreach effort, together with regional discussion and input, have been considered in arriving at the reserves designations on the map in Exhibit A. The map increases the acreage of rural reserve identified in Resolution 09-153 by 69%, from 31,700 to 53,720 acres, and reduces urban reserve acres by 18% from 1,017 to 830 acres. These map changes are consistent with Board endorsement

in Resolution No. 09-153 of wildlife habitat and areas that help define the “sense of place” for the region, and of the Region 2040 plan, including goals for achieving a compact urban form, highly livable walkable communities, and reduction in the use of fossil fuel.

**2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

The IGA is the result of two years of work by Multnomah, Clackamas, and Washington Counties and Metro, in a coordinated long-term planning effort to identify lands likely to be urbanized and land to be protected from urbanization. This effort has been led by Commissioner Jeff Cogen, Clackamas County Commissioner Charlotte Lehan, Washington County Commission Chair Tom Brian, and Metro Councilor Kathryn Harrington, collectively working as the Core 4.

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. Key phases of the project in Multnomah County have included:

- The Multnomah County Reserves Citizen Advisory Committee (CAC) developed their suitability assessments and recommendations in 16 public meetings between May of 2008 and July 30, 2009. The Planning Commission conducted a hearing on Aug 10 to consider the CAC suitability recommendations and recommendations for reserve designations in the county. 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) The Board took the approach of focusing 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 Metro Chief Operating Officer’s Report was released on September 15, 2009, and included population and employment forecasts for the years 2050 and 2060 that provide and understanding of the scale of growth coming to the region. The report finds that a range of between 15,700 and 29,100 acres of urban reserves will be needed for both population and employment growth over the next 40 – 50 years. The counties identified a total of approximately 49,000 acres of land suitable for urban reserves.
- The Board adopted Resolution No. 09-153 at their December 10, 2009 public hearing, forwarding to Core 4, recommendations for designation of urban or rural reserve, and areas with no reserves designation. These recommendations were developed considering information from a number of sources with a regional and local perspective. These include Regional Steering Committee stakeholder comment, discussion with Multnomah County cities, and information and perspectives shared in Core 4 meetings.

**3. Explain the fiscal impact (current year and ongoing).**

Staff resources and project support for adoption of an ordinance to implement this agreement is accommodated within existing budget. This agreement anticipates future county participation in concept planning for areas considered for addition to the UGB, and to participate in a review of the reserves program within 20 years. Resources for these efforts will come from future budgets.

**4. Explain any legal and/or policy issues involved.**

The IGA has been developed with the involvement of the Multnomah County Counsel office, coordinated with Counsel of our partner governments, Clackamas and Washington County and Metro.

The IGA contains policy concepts that both Metro and Multnomah County agree to consider and incorporate into their respective plans by ordinance. These are located in Agreement sections A and B. Because the final policy framework and reserves map will be decided upon in the legislative plan amendment process which includes public hearings, the IGA includes a process in Agreement section C for reconciling any changes to the IGA map or policies with our partner governments.

The IGA and Exhibits include a number of choices arrived at through discussion, debate, negotiation though out the reserves process. A major choice that is reflected in the map is what amount of land is adequate to accommodate population and employment needs over the next 40 – 50 years. Choices on the amount of foundation agricultural land designated as urban reserve, as well as the location of land for urban reserve, are key choices that underlie the map.

The agreement endorses policy changes by both Multnomah County and Metro that would require cities to govern and plan areas added to the UGB. The County, Metro, and the appropriate city would participate in concept planning prior to expansion of the UGB. Additional principles that should be addressed in future concept plans for areas under consideration for inclusion within the UGB are within the “principles” document Exhibit B.

The Agreement commits the County to participating, along with our regional partners, in a “check-in” evaluation of growth management/reserves results in approximately 20 years.

**5. Explain any citizen and/or other government participation that has or will take place.**

The outreach program has followed a regional Coordinated Public Involvement program and a County Public Involvement program. Coordination with affected local governments has been an important element in support of reserves evaluation and decisions. Outreach to the public has occurred in a number of ways including newspaper notifications, use of the internet, individual property owner mailings, open house events, public meetings, and public hearings.

Coordination with Multnomah County Cities

Understanding the land needs and service potential of cities is of critical importance because the County would look to a city to provide urban 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 recommendations for reserve designations is briefly summarized below. Coordination efforts are expected to continue throughout the process.

- Beaverton – The City has indicated that it may be able to provide urban governance for areas on the west edge of the county, however timing for resolution of all outstanding issues that would set the stage for extending Beaverton governance to this area is uncertain at this time.
- 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. 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 302<sup>nd</sup> and the Gresham UGB. That area is shown as urban reserve on the recommended map.
- Portland – City staff level coordination efforts have occurred regarding urban candidate areas, particularly along the west edge of Multnomah County. Focus has been on the efficiency of providing urban services to this area, 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 302<sup>nd</sup>. The proposed 187 acre urban reserve seeks to balance limitations to future urban use of the area with desire of the City for additional housing in this area.

Public outreach has 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. 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. The third regional outreach effort to gather input on the regional reserves map prior to refinement of the final map for Intergovernmental Agreements occurred January of 2010.

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 for the purpose of forwarding suitability recommendations for reserves to Core 4 and the Regional Steering Committee on 9/10/09 and 12/10/09. The Planning Commission conducted a public hearing on 8/10/09 and received regular briefings during the reserves project.

Public testimony has been an important element in the process and has been submitted to Multnomah County in several ways including open house events that took place in July of 2008, April of 2009, and January of 2010, in testimony provided at CAC meetings, testimony to the Planning Commission and the Board, and testimony to Metro Council at hearings in January of 2010. Written testimony received during the January 2010 public involvement events, along with a report on the results of the January regional survey, have been compiled and made available on the Board 2/25/10 hearing web page:

<http://www2.co.multnomah.or.us/reserves>

Additional opportunities for public input into final reserves designations are:

Opportunity for public testimony in Planning Commission and Board of Commissioners hearings to consider comprehensive plan and zoning amendments needed to formally adopt the Reserves map and policies.

Tentative Reserves Hearing Dates:

April 5, 2010. Planning Commission hearing to recommend reserves plan and map to the Board of Commissioners.

May 6, 2010 BOCC – Hearing and adoption of reserves plan amendment and map.

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## Required Signature

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**Elected Official or  
Department/  
Agency Director:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**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 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

METRO

\_\_\_\_\_  
Ted Wheeler  
Chair, Multnomah County  
Board of Commissioners

\_\_\_\_\_  
David Bragdon,  
Metro Council President

Dated:

Dated:

Approved as to form:

Approved as to form:

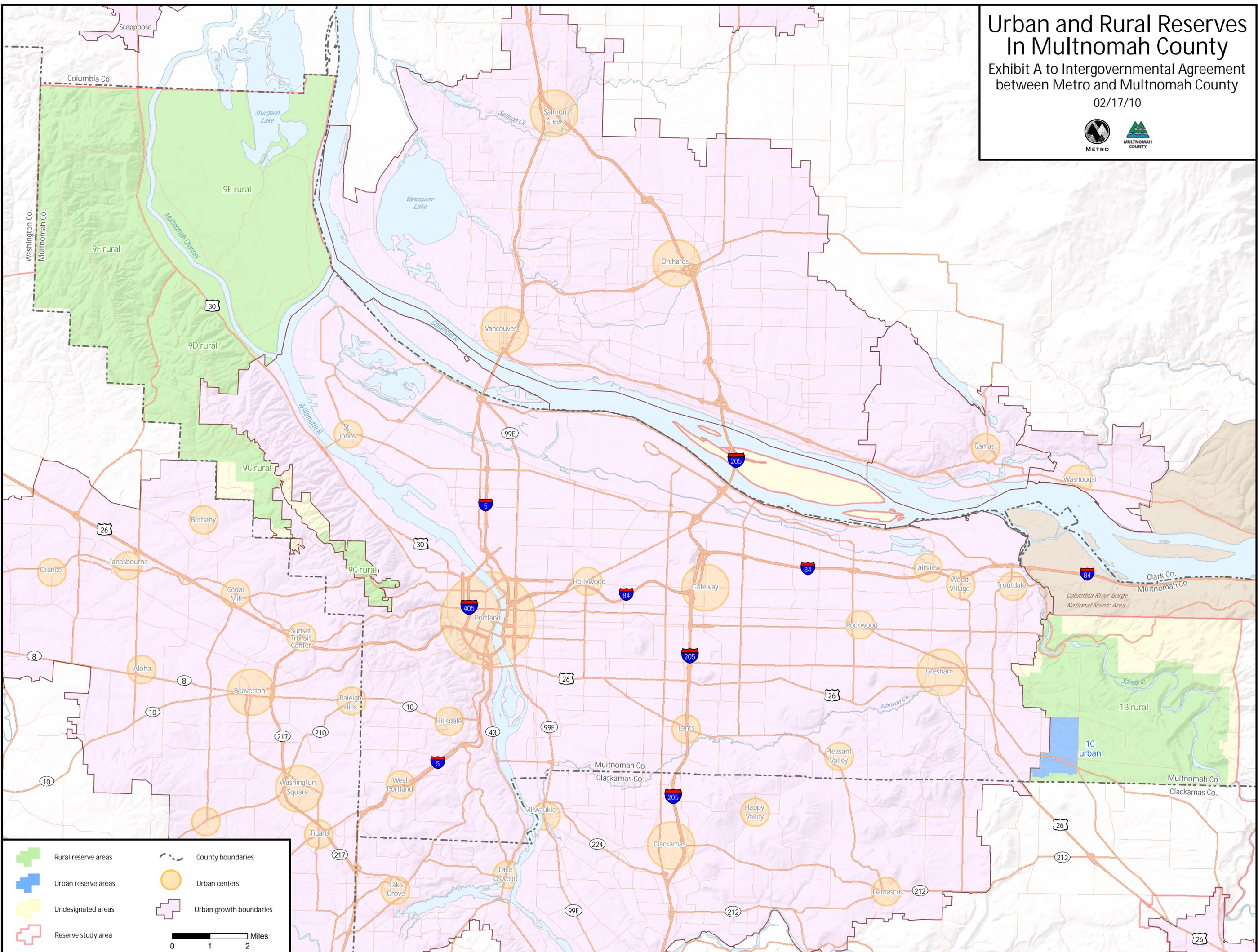
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# Urban and Rural Reserves In Multnomah County

Exhibit A to Intergovernmental Agreement  
between Metro and Multnomah County

02/17/10



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

0 1 2 Miles

**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 302<sup>nd</sup>, 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.