

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RESPONDING TO)	Ordinance No. 17-1405
THE REMAND FROM THE OREGON)	
COURT OF APPEALS AND THE LAND)	Introduced by Chief Operating Officer
CONSERVATION AND DEVELOPMENT)	Martha Bennett in concurrence with
COMMISSION REGARDING THE)	Council President Tom Hughes
DESIGNATION OF URBAN AND RURAL)	
RESERVES IN CLACKAMAS COUNTY)	
AND MULTNOMAH COUNTY)	

WHEREAS, in 2007 the Oregon Legislative Assembly enacted SB 1011, authorizing Metro and the three counties in the Metro region to designate urban and rural reserves; and

WHEREAS, between 2008 and 2010 Metro and the three counties conducted an extensive public process bringing together citizens, stakeholders, local governments and state agencies to consider and apply the urban and rural reserve factors to land surrounding the Metro urban growth boundary (UGB); and

WHEREAS, in 2010 Metro and each of the three counties entered into intergovernmental agreements mapping the areas that were determined to be most appropriate as urban and rural reserves under the applicable factors; and

WHEREAS, in 2011 Metro and the three counties submitted ordinances and findings formally adopting the urban and rural reserve designations to LCDC for acknowledgement, and those designations were approved and acknowledged by LCDC in 2012; and

WHEREAS, in 2014 the LCDC acknowledgement order was remanded by the Oregon Court of Appeals, and the Oregon Legislative Assembly enacted House Bill 4078, which legislatively designated a revised map of urban and rural reserve areas in Washington County; and

WHEREAS, in 2015 LCDC issued an order remanding the remaining urban and rural reserve designations to Metro, Multnomah County, and Clackamas County for further review consistent with the Court of Appeals opinion; and

WHEREAS, in 2016 the Metro Council addressed the remand issues arising out of Clackamas County via Ordinance No. 16-1368, which adopted findings concluding that the urban reserve study areas identified as areas 4A, 4B, 4C, and 4D (generally referred to as "Stafford") were correctly designated as urban reserve areas; and

WHEREAS, on April 13, 2017 the Metro Council adopted Ordinance No. 17-1397, which addressed two state rule requirements that apply to the designation of urban and rural reserves across the entire region, in light of (a) the Metro Council's adoption of newer regional urban growth projections in the 2014 Urban Growth Report, and (b) the reduction of urban reserve acreage in Washington County via HB 4078; and

WHEREAS, in order for reserve designations to become effective, OAR 660-027-0040 requires Metro and each county that designates reserves to adopt a single joint set of findings and conclusions explaining why areas were chosen as urban or rural reserves under the applicable factors; and

WHEREAS, on May 23, 2017 the Clackamas County Board of Commissioners adopted Ordinance No. 06-2017, which includes supplemental findings and conclusions explaining why the Stafford area was designated as urban reserves under the applicable factors; and

WHEREAS, on June 1, 2017 the Multnomah County Board of Commissioners adopted Ordinance No. 1246, which includes supplemental findings and conclusions explaining why Area 9D was designated as rural reserve under the applicable factors; and

WHEREAS, the purpose of this ordinance is for the Metro Council to adopt and incorporate all of the findings and conclusions adopted by Clackamas County and Multnomah County into a single set of findings to be transmitted to LCDC for review and acknowledgment; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The urban and rural reserves in Clackamas County and Multnomah County that were designated in 2011 by Metro Ordinance No. 11-1255 are hereby re-adopted as depicted on the map attached as Exhibit A, attached and incorporated into this ordinance;
2. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the urban and rural reserve designations depicted on Exhibit A are consistent with state law.
3. The prior record of proceedings before the Metro Council in Ordinance No. 16-1368 and Ordinance No. 17-1397 are hereby adopted and incorporated as part of the record in this proceeding.
4. The prior record of proceedings before LCDC in the 2011 acknowledgment review resulting in LCDC Order 12-ACK-001819 is hereby adopted and incorporated as part of the record in this proceeding.

ADOPTED by the Metro Council this 15th day of June 2017.

Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney