

SUPPLEMENTAL STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1397 FOR THE PURPOSE OF ADDRESSING STATE RULE REQUIREMENTS REGARDING THE AMOUNT OF URBAN RESERVES AND THE BALANCE OF URBAN AND RURAL RESERVES IN THE METRO REGION

Date: April 6, 2017

Prepared by: Roger Alfred, Senior Assistant Attorney

PROPOSED ACTION

Adoption of Ordinance No. 17-1397 including supplemental findings addressing two state rule requirements that apply to the amount of urban reserves regionwide and to the “balance” of urban and rural reserve designations, in light of the Oregon legislature’s reduction of urban reserve acreage in 2014 via House Bill 4078, and the Metro Council’s adoption of the most recent Urban Growth Report.

BACKGROUND

This staff report supplements the prior staff report dated February 23, 2017. The Metro Council held public hearings on March 2, 2017 and March 16, 2017. At the close of the March 16, 2017 public hearing the Council held the record open for additional written submittals until March 23, 2017. A considerable amount of oral and written testimony has been submitted, much of it related to existing rural reserve designations in Multnomah County. Metro staff prepared a memorandum dated March 23, 2017 responding to issues that had been raised by the date of the second hearing. On March 23, 2017, the date the record was closed, Metro received a letter from the Jordan Ramis law firm on behalf of Barkers Five, LLC with accompanying exhibits. That letter raises issues regarding the Metro staff analysis of the sufficiency of existing urban reserves to provide a 50-year supply of urbanizable land.

In response to the letter from Jordan Ramis, Metro staff prepared a memorandum dated April 6, 2017 that addresses relevant concerns. That memorandum is Attachment 1 to this staff report. Staff has also prepared a revised set of supplemental findings (Exhibit A to the Ordinance), which are included in the Council packet. The revised findings are nearly identical to the draft findings that were provided to the Council for the March 16 hearing, with the primary change being the addition of a new Section C at the end, which incorporates the April 6 staff memorandum and provides other findings in response to issues raised by opponents in the public hearings and during the open record period.

PROPOSED FINDINGS

Staff has provided a set of proposed supplemental findings. The findings are “supplemental” in that they are in addition to the reserve findings previously adopted by the Council in 2011 in support of the original urban and rural reserve decision and in 2016 regarding the remand from the Court of Appeals of urban reserve designations in the Stafford area. The supplemental findings will replace Section V of the previous findings from 2016 addressing issues regarding the 50-year supply of urban reserves and the regionwide balance of urban and rural reserves. In adopting Ordinance No. 17-1397 the Council will re-adopt the entire set of findings that were adopted in 2016, with the new Section V included in that document.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 16-1368. As described in the proposed findings, staff's analysis of the evidence in the record supports the conclusion reached by Metro staff in the February 22, 2017 that there is a sufficient amount of urban reserves to provide a 50-year supply, and supports the conclusion that the regionwide balance of urban and rural reserves best achieve the goals of creating livable communities while protecting farms, forests and important natural landscape features.