

**Intergovernmental Agreement
Between Metro and Clackamas County
To
Adopt Urban and Rural Reserves**

This Agreement is entered into by and between Metro and Clackamas 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 Clackamas County designating Rural Reserves, all in Clackamas 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 Metro and Clackamas County (“the parties”) to designate reserves and to enter into a formal agreement between 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 parties have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the parties have completed an extensive and coordinated public involvement effort; and

WHEREAS, the parties 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 Clackamas 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 Clackamas 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 four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

B. Clackamas 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 Clackamas 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 the county will not re-designate Rural Reserves as Urban Reserves for a city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
5. A policy that commits the county, together with an appropriate city or cities, 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 Multnomah 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.

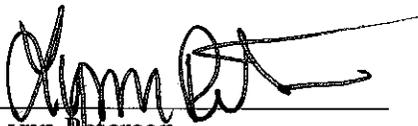
C. Clackamas County and Metro agree to follow this process for adoption of the ordinances that will carry out this agreement:

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 the 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 Multnomah and Washington Counties.
 4. If Clackamas 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, Clackamas County and Metro may agree to an amendment.
 5. Metro and Clackamas 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 Clackamas County will establish, in coordination with Multnomah 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, Clackamas County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- D. **Clackamas County and Metro further agree** to work with the city of Sandy to revise their three-party Intergovernmental Agreement on Green Corridors and Rural Reserve and Population Coordination, dated December 3, 1997, to ensure protection of visual resources along U.S. Highway 26 between the Metro urban growth boundary and the Sandy urban growth boundary.

E. This agreement terminates on December 31, 2060.

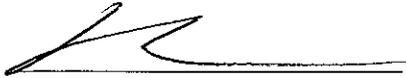
CLACKAMAS COUNTY



Lynn Peterson
Chair, Clackamas County
Board of Commissioners

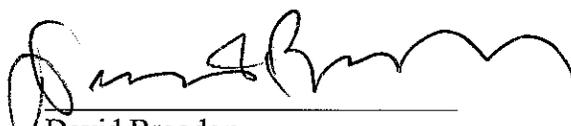
Dated: 2-25-10 III.2.

Approved as to form:



Dan Chandler, County Counsel

METRO



David Bragdon,
Metro Council President

Dated: 3 March 2010

Approved as to form:



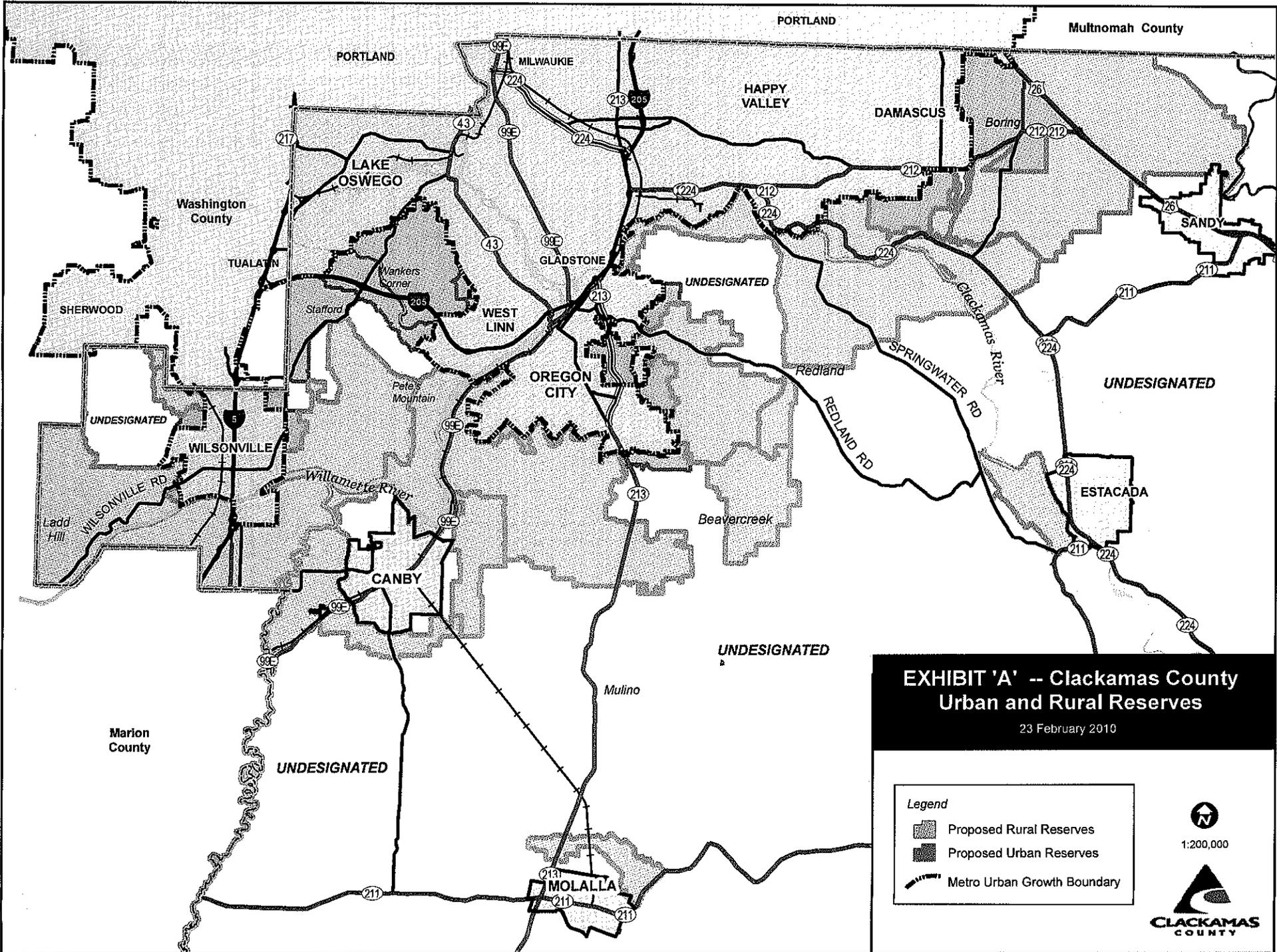



EXHIBIT B
PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Except for Areas 4A, 4C, and 4D concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times. Concept planning for Areas 4A, 4C, and 4D must be coordinated so that Area 4C (Borland Road) is planned and developed as the town center serving the vast majority of Area 4A (North Stafford) and Area 4D (South Stafford).
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 Metro, with ample opportunities for public involvement, including recognized citizen involvement entities, such as community planning organizations, hamlets and neighborhood associations. Concept plans will recognize community-based planning efforts such as the Stafford Hamlet Values & Vision Statement.
3. The following cities shall be invited to participate in concept planning of the following Urban Reserves:
 - Areas 1D and 1F (Clackanomah) – Damascus, Gresham and Sandy
 - Area 3C (Newell Creek Canyon/Holly Lane) – Oregon City
 - Area 4A and 4B (North Stafford Area) – Tualatin, Lake Oswego and West Linn
 - Area 4C (Borland Road) - Tualatin, Lake Oswego and West Linn
 - Area 4D (South Stafford) - Tualatin, Lake Oswego, West Linn, and Wilsonville
4. Concept plans shall provide that any area added to the UGB shall be governed by one or more of the following cities, or a new city, with preferences to the following:
 - Areas 1D and 1F (Clackanomah) – Damascus and Gresham
 - Area 3C (Newell Creek Canyon/Holly Lane) – Oregon City
 - Area 4A and 4B (North Stafford Area) – Tualatin, Lake Oswego and West Linn
 - Area 4C (Borland Road) - Tualatin, Lake Oswego and West Linn
 - Area 4D (South Stafford) - Tualatin, Lake Oswego, West Linn, and Wilsonville
5. Concept planning for Urban Reserve areas that are suitable for industrial and other employment uses – such as portions of Clackanomah and the Borland Road area - will recognize the need to provide jobs in this part of the region, and that the areas were brought into the Urban Reserves principally meet those needs.
6. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses – such as the Borland Road area – will ensure the areas are developed with the opportunity to provide employment and mixed- use centers with housing at higher densities and intense 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, such as the buttes in the Clackanomah area, Newell Creek Canyon in Urban Reserve Area 3C and the riparian areas along creeks in the North Stafford Area, recognizing that these areas include important natural features, and sensitive areas that may not be appropriate for urban development. Concept planning will reduce housing and employment capacity expectations accordingly
8. Concept planning for the portion of the Clackanomah area along Highway 26 will recognize the need to provide and protect a view corridor considering, among other things, landscaping, signage and building orientation. Metro and Clackamas County also recognize the need to work with the City of Sandy to revise the existing intergovernmental agreement among the parties.

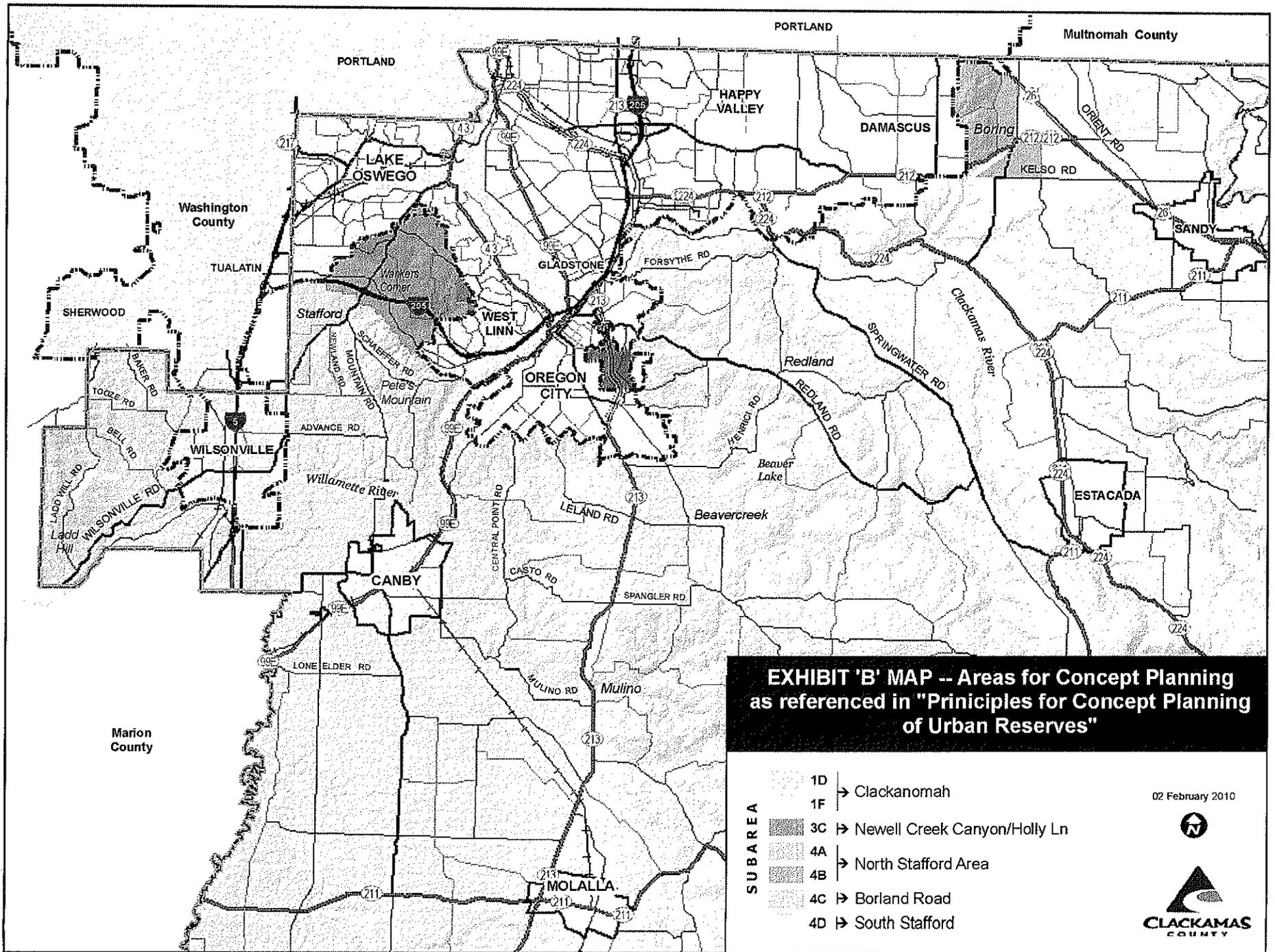


EXHIBIT 'B' MAP -- Areas for Concept Planning as referenced in "Principles for Concept Planning of Urban Reserves"

- | | | |
|-----------------|----|--------------------------------|
| SUB AREA | 1D | → Clackanomah |
| | 1F | → Clackanomah |
| | 3C | → Newell Creek Canyon/Holly Ln |
| | 4A | → North Stafford Area |
| | 4B | → North Stafford Area |
| | 4C | → Borland Road |
| | 4D | → South Stafford |

02 February 2010



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an Intergovernmental Agreement to Consider Designating Urban and Rural Reserves in the Clackamas County Comprehensive Plan



Resolution No. 2010-17,
Page 1 of 2

This matter having come before the Clackamas County Board at its regularly scheduled Business Meeting on February 25, 2010, and

It appearing to the Board that pursuant to ORS 195.141 and 190.003 to 190.110, Metro and Clackamas County are authorized to enter into an Intergovernmental Agreement (IGA) to identify urban and rural reserves and to establish a coordinated process designating reserves in the Metro regional framework plan and Clackamas County Comprehensive Plan; and

It appearing to the Board that Clackamas County implemented a coordinated public involvement plan consistent with state law to develop and analyze reserve study areas including public open houses, citizen organization meetings, coordinating committee meetings and other stakeholder meetings; and

It appearing to the Board that the Clackamas County Reserves Policy Advisory Committee was convened and made recommendations to the Board for designation of urban and rural reserves in Clackamas County; and

It appearing that the Clackamas County Planning Commission held a public hearing on August 10, 2009 to receive public testimony regarding the designation of Urban and Rural reserves in Clackamas County and forwarded a recommendation to the Board; and

It appearing that the Clackamas County Board of County Commissioners conducted a public hearing on September 8, 2009 to consider further public input on the urban and rural reserves map; and

It appearing that pursuant to OAR 660-027-0030(3) an intergovernmental agreement ("Reserves IGA") is a preliminary, non-appealable decision that is required prior to designating urban and rural reserves in the Clackamas County Comprehensive Plan; and

It appearing to the Board that, while there are minor disagreements with our partner governments on specific land designations in other counties, the overall land need, and overall reserves designations strike the correct balance under state law; and

It appearing that Exhibit B to the Reserves IGA addresses important planning principles to be applied to specific Urban Reserve areas when they are planned for inclusion in the Urban Growth Boundary; and

It appearing that the Reserves IGA attached hereto includes all of the necessary elements required by state law;

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NOW, THEREFORE, BE IT RESOLVED that:

1. The Reserves IGA is approved, and the Chair is authorized to sign and forward the Reserves IGA to Metro.
2. Clackamas County is committed to working as an equal partner with Metro, Multnomah County and Washington County to maintain and enhance the livability and prosperity of the region through the implementation of the Reserves IGA.

ADOPTED this 25th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary