



COPY

**WASHINGTON COUNTY**  
**OREGON**

January 5, 2011

Michael Jordan, Chief Operating Officer  
Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736

Dear Mr. Jordan:

On December 14, 2010, the Washington County Board of Commissioners adopted the enclosed Resolution and Order No. 10-118 in response to LCDC's oral remand regarding Urban and Rural Reserves.

Chair Duyck is available and ready to continue discussions with Council President Hughes and the Metro Councilors.

Two original copies of Resolution and Order No. 10-118 with the Supplemental Intergovernmental Agreement between Metro and Washington County to Adopt Urban and Rural Reserves on Remand are enclosed for signature.

Sincerely,

Brent Curtis  
Planning Manager

Enclosures

- c: Andy Duyck, Chair – Board of Commissioners  
Dan Olsen, County Counsel  
Andrew Singelakis, Director – Dept. of Land Use & Transportation

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

(All rural CPOs and CPOs 9, 12F, 12C, 4B, 5, & 6)

Agenda Category: Action - Land Use & Transportation

Agenda Title: CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES

Presented by: Brent Curtis, Planning Manager *Brent Curtis*

**SUMMARY** (Attach Supporting Documents if Necessary)

Washington County and Metro entered into an Intergovernmental Agreement (IGA) setting forth tasks and a process for designating urban and rural reserves. That IGA was amended designating specific reserves which, in turn, were reviewed by the Land Conservation and Development Commission (LCDC). On October 29, 2010, LCDC orally remanded two county urban reserves and all rural reserves to allow flexibility in redesignation of urban reserves in response to the remand.

The reserves process has been lengthy and the issues are complex. It is important that the Metro and County officials with reserves experience and expertise have an opportunity to reach conceptual agreement on how best to implement the remand. Accordingly, following careful consideration of the LCDC proceeding record, staff proposes revisions to supplement the Reserves IGA. These include changes to reserves areas, tasks, and a process leading to adoption of Comprehensive Plan amendments by March 31, 2011.

LCDC's oral decision included removal of one approximately 624 acre urban reserve north of the City of Cornelius and a request for additional findings to support a portion of urban reserves north of the City of Forest Grove. LCDC also orally remanded the entire 151,800 acres of rural reserves, but provided the County and Metro an opportunity to consider replacement lands for those urban reserves removed and to consider making additional lands undesignated.

(continued)

**DEPARTMENT'S REQUESTED ACTION:**

- 1) Authorize the Chair to execute the Supplemental IGA, but if Metro does not approve the Supplemental IGA on or before February 15, 2011, this authorization and approval shall be automatically null and void;
- 2) Authorize filing a land use ordinance to incorporate the urban and rural reserves amendments into the Comprehensive Plan.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

*RO 10-118*

Agenda Item No.	<i>5.b.</i>
Date:	12/14/10

REVISED

Action - Land Use & Transportation

**CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN WASHINGTON COUNTY AND METRO CONCERNING URBAN AND  
RURAL RESERVES**

December 14, 2010

Page 2

The proposed amendments identify replacement urban reserves lands in an amount not to exceed the gross amount of those lands removed and that will serve a similar function. The urban reserves north of the City of Cornelius were identified as lands suitable for employment. The replacement lands will be used for a similar purpose. Proposed replacement urban reserves are identified on the draft map of Adjusted Urban and Rural Reserves in Washington County included as Attachment A of the December 14th Addendum Staff Report.

The proposed revisions also respond to the oral decision by identifying additional lands to become undesignated by removing reserves designation. Those lands also are identified on the Attachment A map of the December 14th Addendum Staff Report.

Staff recommends that approval of the Supplemental IGA be conditioned on the Metro Council approving it on or before February 15, 2011. Should Metro not approve the Supplemental IGA by that date, the Board's approval would automatically be rescinded. This will preserve all of the County's options going forward. The Supplemental IGA could be returned to the Board for consideration after that date if appropriate.

The updated resolution and order, Supplemental IGA and updated draft Exhibit A map will be included with the December 14th Addendum Staff Report, which will be provided to the Board and the Board's clerk prior to the meeting. These materials also will be posted on the following web link:

<http://www.co.washington.or.us/Reserves/>

Adoption of the proposed Supplemental IGA map is through a resolution and order and is not a land use decision. This action also authorizes filing of an ordinance to incorporate these revisions into the Comprehensive Plan.

1 IN THE BOARD OF COUNTY COMMISSIONERS  
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting an ) RESOLUTION AND ORDER  
4 Intergovernmental Agreement ) No. 10-118  
5 Supplementing the Reserves IGA and )  
6 Identifying Urban and Rural Reserves in )  
7 Washington County )

8 This matter having come before the Washington County Board at its regularly scheduled  
9 meeting on December 14, 2010; and

10 It appearing to the Board that an intergovernmental agreement identifying urban and rural  
11 reserves ("Reserves IGA") was entered into with Metro pursuant to ORS 195.141 and 190.003 to  
12 190.110 on March 2, 2010 and amended on May 25, 2010; and

13 It appearing to the Board that the Land Conservation and Development Commission on  
14 October 29, 2010 orally remanded certain designated reserves; and

15 It appearing to the Board that the IGA will be forwarded to Metro for concurrence on  
16 proposed amendments to the Urban and Rural Reserves Map to respond to the oral remand,  
17 subject to a final decision by ordinance after public hearings; and

18 It appearing that the IGA supplementing the Reserves IGA, as attached hereto includes all  
19 of the necessary elements; now, therefore, it is

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RESOLVED AND ORDERED that the Supplemental Agreement to Adopt Urban and Rural Reserves on Remand attached hereto is hereby approved, subject to Metro adopting the IGA and map on or before February 15, 2011 and if Metro does not adopt by that date, this approval shall be null and void without the necessity of further Board action.

DATED this 14th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tom Brian  
CHAIR

Maurice Larkin  
RECORDING SECRETARY

**Supplemental Intergovernmental Agreement  
Between Metro and Washington County  
To Adopt Urban and Rural Reserves On Remand**

This Agreement is entered into by and between Metro and Washington County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of addressing the pending Land Conservation and Development Commission remand of certain Urban Reserves and the Rural Reserves, all in Washington County.

WHEREAS, Washington County and Metro entered into an Intergovernmental Agreement, executed February 23, and March 2, 2010, respectively, with the amendment executed May 25 and June 10, 2010, respectively, that set forth tasks and a process for designating urban and rural reserves pursuant to ORS 195.137 to 195.145 and implementing Administrative Rules (hereafter "Reserves IGA"); and

WHEREAS, Washington County and Metro, together with Clackamas and Multnomah Counties, adopted ordinances designating urban and rural reserves; and

WHEREAS, the Land Conservation and Development Commission, on October 29, 2010, orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in re-designation of Urban Reserves in response to the remand;

WHEREAS, Washington County and Metro desire to supplement the prior Reserves IGA to set forth tasks and a process for adopting Urban and Rural Reserves on remand;

NOW, THEREFORE, Metro and Washington County agree as follows:

**AGREEMENT**

- A. Except as otherwise provided herein, the Metro policies previously adopted and applied to the designation of Urban Reserves shall apply to the consideration and designation of Urban Reserves on remand.
- B. Except as otherwise provided herein, the Washington County policies previously adopted and applied to the designation of Rural Reserves shall apply to the consideration and designation of Rural Reserves on remand.
- C. Washington County and Metro approve the map entitled "Urban and Rural Reserves in Washington County" dated 12/14/10 and incorporated herein as Exhibit 'A' hereto, setting forth the designations proposed to be adopted by ordinance by Washington County and Metro.

- D. Nothing in this IGA is intended to, or shall be construed as, being applicable to or otherwise affecting the Urban and Rural Reserve designations outside of Washington County. Nor shall it be applicable to or affect the Urban Reserve designations in Washington County not orally remanded by LCDC, the "Principles for Concept Planning" previously adopted relating to Urban Reserves Areas 6B and 8C or the undesignated lands surrounding the City of Banks and the City of North Plains.
- E. Washington County and Metro agree to follow this process for adoption of the ordinances that will carry out the designation of Rural and Urban Reserves on remand:
1. Each government will hold at least one public hearing on its ordinance prior to its adoption.
  2. Each government shall consult with Clackamas and Multnomah Counties prior to adopting ordinances containing a final designation of Urban and Rural Reserves in Washington County.
  3. Metro and Washington County will take final action on their respective ordinances no later than March 31, 2011. Metro and Washington 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.
  4. Should Metro or Washington County decide that it is necessary to amend its respective ordinance to vary from the Exhibit 'A' map as a result of the public hearings process; it shall continue the ordinance and propose an amendment to the other party to this Agreement. The parties shall consult and make reasonable good faith efforts to reach a consensus on the amendment.
  5. On or before April 8, 2011, Washington County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- F. Metro and Washington County acknowledge that the LCDC remand order has not been issued. Further, Washington County reserves the right to appeal all or any part of the LCDC remand order. Other parties to the LCDC reserves decision may appeal. Accordingly, Metro or Washington County shall be entitled to initiate good faith negotiations with the other party hereto regarding any amendments to, or termination of, this Agreement as may be prudent in light of the LCDC remand order or any appeal. After 30 days, either Metro or Washington County may provide 10 days written notice of termination of this Agreement and the Reserves IGA to the other.
- G. Minor revisions to the boundaries between Urban Reserves and undesignated or Rural Reserve land at the concept planning stage may be considered as provided in the Reserves IGA.
- H. Unless terminated earlier as provided in Section F, this Agreement terminates on December 31, 2060.

WASHINGTON COUNTY

METRO

Tom Brian  
Tom Brian  
Chair, Washington County  
Board of Commissioners

\_\_\_\_\_  
Metro Council President

Dated: 12-14-10

Dated: \_\_\_\_\_

Approved as to form:

Approved as to form:

[Signature]

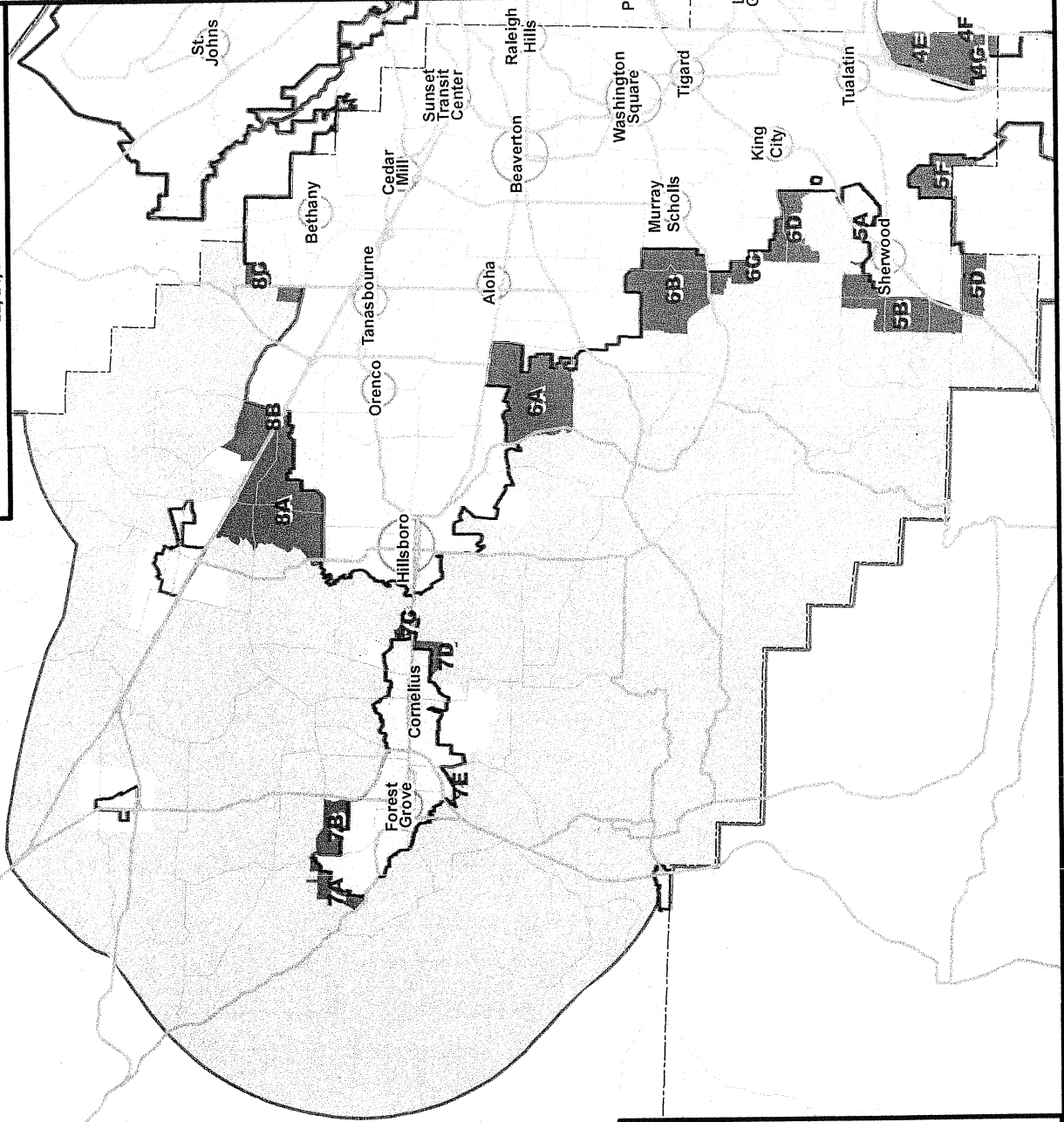
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	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

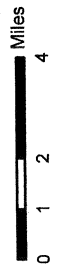
# Urban and Rural Reserves In Washington County

Exhibit A to Supplemental Intergovernmental Agreement  
between Metro and Washington County

12/14/10 - DRAFT



- Rural reserve areas
- Urban reserve areas
- Undesignated areas
- Reserves study area
- County boundaries
- Urban centers
- Urban growth boundaries





December 14, 2010

To: Washington County Board of Commissioners

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation

Subject: **CONSIDERATION OF PROPOSED AMENDMENTS TO THE URBAN  
AND RURAL RESERVES MAP OF THE RESERVES  
INTERGOVERNMENTAL AGREEMENT BETWEEN METRO AND  
WASHINGTON COUNTY**

**ADDENDUM STAFF REPORT**

**For the December 14, 2010 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 6:30 PM)*

**I. STAFF RECOMMENDATION**

Authorize the Chair to execute the Supplemental Intergovernmental Agreement (IGA) between Washington County and Metro for Urban and Rural Reserves. Staff recommends that approval of the Supplemental IGA be conditioned on Metro approving the agreement on or before February 15, 2011. Should Metro not approve the IGA by that date, the Board's approval would automatically be rescinded. Additionally, staff asks the Board to authorize the filing of a land use ordinance to amend Washington County's Reserves designations.

**II. OVERVIEW**

On December 7th, a staff report was provided to the Board for its December 14th hearing on the proposed Supplemental IGA with Metro for Urban and Rural Reserves. Since that time, the Chair and Chair-Elect have continued to meet and talk with stakeholders regarding the county's proposed changes to comply with LCDC's oral remand.

Based on these discussions, and after reviewing the principles upon which the maps were constructed, several changes were made to the map attached to the December 6, 2010 staff report. However, to more clearly illustrate which adjustments are being carried forward for consideration by the Board and the Metro Council, only changes from the adopted Reserves ordinance, Ordinance No. 733 adopted in June 2010, are described in this addendum staff report.

The proposed amendments to the Exhibit A map attempts to respond to LCDC's oral remand provided at its October 2010 hearing. Though the Commission has not yet provided a written final order regarding its decision, the adjustments described in the following section represent staff's suggested response to the Commission's concerns.

When the Commission's final order is released, the Board will have the opportunity to review all of the county's potential responses regarding the decision. By initiating adjustments to the IGA now, the Board is not foreclosed from exercising additional options once the final order is completed.

### III. ANALYSIS

The fundamental changes to the IGA since the adoption of Ordinance No. 733 are described in the table below. The map shown on *Attachment A* to this staff report illustrates the five areas where staff has recommended changes to the map. Also provided is *Attachment B*, the modified Reserves map included as Exhibit A to the Supplemental IGA between Washington County and Metro. The text of the Supplemental IGA has been amended to note that previous decisions are carried forward, and to update deadlines agreed to by both parties in responding to LCDC's remand.

Adjustment Areas	Total Acres	Constrained Acres	Buildable Acres
<p><b>Area A (Change from Urban Reserve to Undesignated)</b>            A portion of Forest Grove North, east of Council Creek</p> <p>The Board of County Commissioners, after reviewing LCDC's proceedings with staff, determined that using Council Creek as a boundary would be appropriate. Therefore, the Board recommended that 28 acres of Urban Reserve Area 7B on the east side of Council Creek be changed to Undesignated. The area surrounding the intersection of Purdin/Verboort/Highway 47 is also recommended for Undesignated status in order to facilitate any needed future road improvements.</p>	28	12	16
<p><b>Area B (Change from Urban Reserve to Rural Reserve)</b>            West side of former Urban Reserve Area 7I, west of Susbauer</p> <p>In accordance with LCDC's directive, the Board recommended elimination of this area featuring large lots from Urban Reserve designation.</p>	430	106	324
<p><b>Area C (Change from Urban Reserve to Undesignated)</b>            East side of former Urban Reserve Area 7I, east of Susbauer</p> <p>The Board has asked that this area be changed from Urban</p>	194	48	146

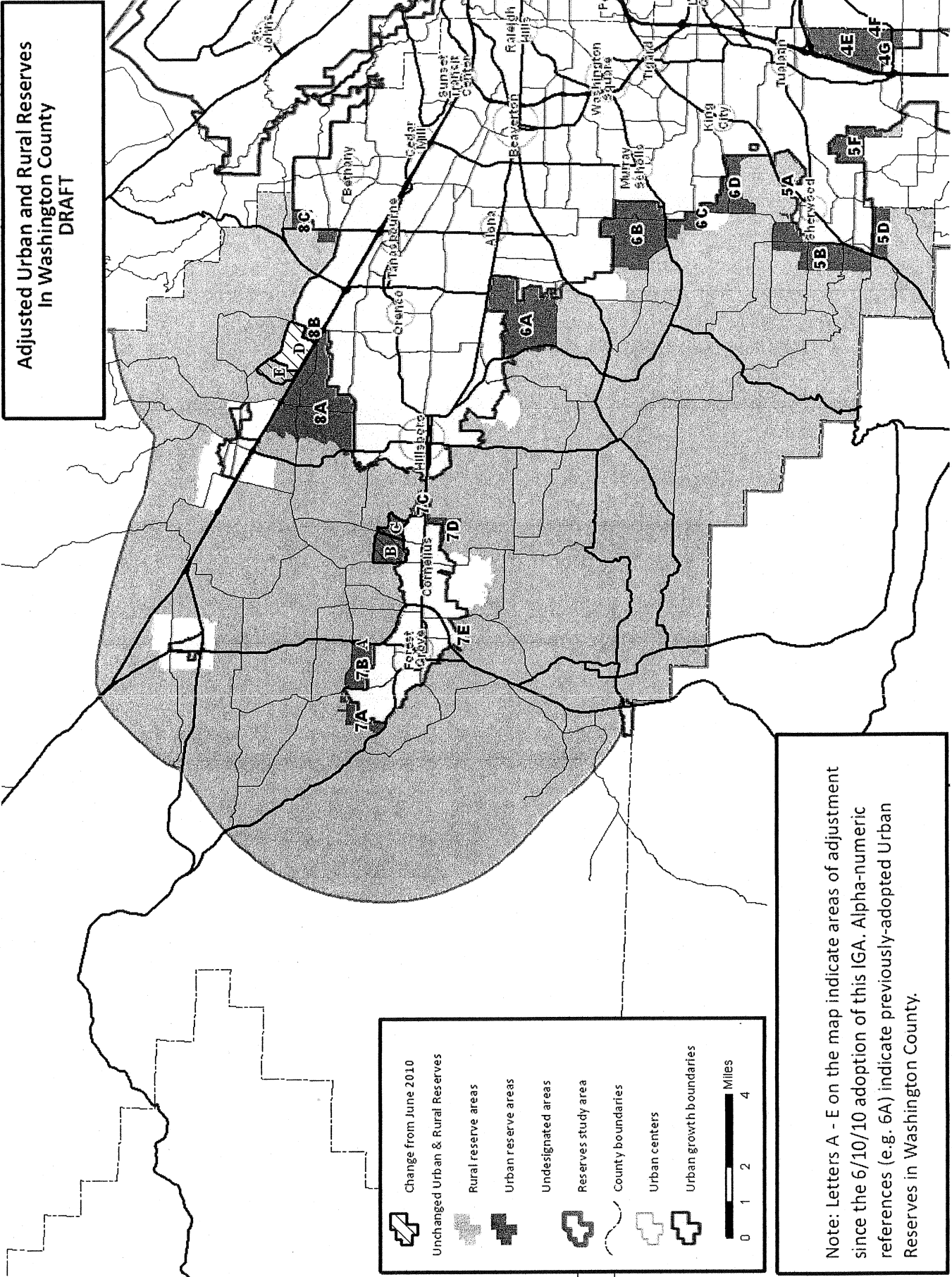
Reserve to Undesignated land. The area, designated as Tier 2 agricultural land, is appropriate for industrial uses and features many small exception land parcels as well as a strong natural boundary.			
<b>Area D (Change from Undesignated to Urban Reserve)</b> North of Sunset Highway, adjacent to Urban Reserve Area 8B  In an attempt to replace 652 gross acres of industrial/employment land lost from 7B and 7I, the Board proposes to change this portion of Undesignated land to Urban Reserve. The land stretches north and west of Urban Reserve Area 8B. The land provides 585 acres towards replacing the 652 acres lost in Areas 7B and 7I.	585	193	392
<b>Area E (Change from Rural Reserve to Undesignated)</b> North of Sunset Highway, directly west of Area D  This area, previously designated Rural Reserve land, would provide an additional 290 acres of Undesignated land. <i>Note: Metro's Nature in Neighborhoods data does not completely cover this area.</i>	290	30	260

Review of this supplement to the IGA is the first step in resolving LCDC's remand of the county's Urban and Rural Reserves work. To be fully executed, the Metro Council must also adopt the Supplemental IGA. Staff recommends that approval of the Supplemental IGA be conditioned on Metro approving the agreement on or before February 15, 2011. Should Metro not approve the IGA by that date, the Board's approval would automatically be rescinded. This will preserve all of the County's options going forward. The IGA could be returned to the Board for consideration after that date if appropriate.

If the IGA is adopted, staff requests that the Board authorize staff to file a land use ordinance reflecting the adjustments described in this staff report for hearings beginning in March 2011. During the ordinance process, additional findings addressing the factors for designating reserves will be prepared for the Board's review.

# ATTACHMENT A

## Adjusted Urban and Rural Reserves In Washington County DRAFT



Note: Letters A - E on the map indicate areas of adjustment since the 6/10/10 adoption of this IGA. Alpha-numeric references (e.g. 6A) indicate previously-adopted Urban Reserves in Washington County.

# ATTACHMENT B

**Urban and Rural Reserves  
In Washington County**  
Exhibit A to Supplemental Intergovernmental Agreement  
between Metro and Washington County  
12/14/10 - DRAFT

