



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R.1 DATE 5/11/17
MARINA BAKER, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 5/11/17
Agenda Item #: R.1
Est. Start Time: 9:40 am
Date Submitted: 5/5/17

2nd hearing is continued to June 1, 2017.

Agenda Title: **Second Reading and Hearing of Ordinance Adopting Supplemental Findings
Relating to Urban and Rural Reserve Designations.**

Requested

Meeting Date: May 11, 2017 Time Needed: 30mins

Department: Community Services Division: Land Use Planning

Contact(s): Jed Tomkins; Michael Cerbone Michael.cerbone@multco.us

Phone: 503.988.3138 Ext. Email: jed.tomkins@multco.us

Presenters: Jed Tomkins, Sr. Asst. County Attorney

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve Ordinance Adopting Supplemental Findings Relating to Urban and Rural Reserve Designations.

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

The matter of Urban and Rural Reserve Designations, originally identified in County files as PC-08-010, has come before the Board on multiple prior occasions and now returns to the Board on remand from the Oregon Court of Appeals and the Oregon Department of Land Conservation and Development Commission (LCDC). A brief history of this matter is recited in the findings statement prefacing the Ordinance.

On remand, the court and LCDC require the County to meaningfully explain why, in light of certain dissimilarities between the northern and southern portions of Area 9D, the County's consideration of the rural reserve factors yields a rural reserve designation of all land in Area 9D. Further, a determination must be made regarding the effect of the foregoing error on the designations of reserves in Multnomah County in its entirety.

The Supplemental Findings in this Ordinance respond to these remand issues and, thereby, re-affirm, continue, and, to the extent necessary, re-adopt the previous actions taken by the Board on this matter. Further, to the extent necessary, especially in regard to the coordination requirements in the Urban and Rural Reserve Program and addressing certain region-wide standards, the additional findings adopted by Metro (Ord. 17-1397) and Clackamas County (Ord. 06-2017) are adopted through this ordinance.

Of note, with respect to Area 9D and "designations of reserves in Multnomah County in its entirety," the court did not identify any issue of conflicting evidence, lack of substantial evidence, or any other evidentiary issue. Further, the existing evidentiary record is sufficient for purposes of responding to the specific issues identified by the court. Accordingly, in order to respond to the specific issues identified by the court, there is no need to re-open the evidentiary record in this matter and the hearing on this ordinance has been scheduled to proceed on the existing evidentiary record.

Notwithstanding the limited scope of issues remanded to the County, the Board remains open to considering all arguments in support of or opposition to this ordinance, including any part thereof and any designation therein.

Background

"Rural reserve" means land reserved to provide long-term protection for agriculture, forestry or important natural landscape features that limit urban development or help define appropriate natural boundaries of urbanization, including plant, fish and wildlife habitat, steep slopes and floodplains. Such land may not be included within an urban growth boundary for a period of 40 to 50 years. ORS 195.137(1), 195.141(2)(c).

"Urban reserve" means lands outside an urban growth boundary that will provide for future expansion over a long-term period and the cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary. Urban reserves must be planned to accommodate long-term population and employment growth. ORS 195.137(2), 195.144(4).

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

This program is supported within existing budget.

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

This matter comes before the Board on remand from the Oregon Court of Appeals and LCDC and is subject to statutory and administrative regulations. This matter has also been the subject of federal court litigation.

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

This matter has been the subject of an extensive public involvement program. That outreach program followed a regional Coordinated Public Involvement program and a County Public Involvement program. Outreach to the public 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. Further, the Citizen Advisory Committee met monthly for 16 months to consider evidence (amassing a record of nearly 10,000 pages) and make recommendations, which were subsequently reviewed and approved by the Multnomah County Planning Commission and the Board. Coordination with affected local governments was been frequent and an important element in support of this matter.

Required Signature

**Elected
Official or
Department
Director:**

/s/ Kim Peoples

Date:

May 5, 2017