

ORDINANCE NO. _____

An Ordinance for the Purpose of Responding to the Remand from the Oregon Court of Appeals and the Land Conservation and Development Commission Regarding the Designation of Urban and Rural Reserves in the Metro Region

WHEREAS, in 2007 the Oregon Legislative Assembly enacted SB 1011, authorizing Clackamas County, Multnomah County, Washington County and Metro 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 HB 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, in April 2017, Metro adopted additional findings addressing 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, Clackamas County held public hearings on April 12, 2017 and April 19, 2017 at which time the Clackamas County Board of County Commissioners accepted testimony related to the findings of fact, statements of reasons and conclusions that address the remand issues arising out of the Court of Appeals opinion and other issues associated with the urban and rural reserve designations in the Metro Region; and

WHEREAS, Clackamas County held an additional public hearing on April 26, 2017 at which time the Clackamas County Board of County Commissioners voted 5-0 to direct staff to draft an ordinance adopting findings of fact, statements of reasons and conclusions, and to add language to the findings referencing an intergovernmental agreement between Clackamas County, Metro and the cities of Lake Oswego, Tualatin and West Linn as evidence that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively, as required by state law; and

WHEREAS, the Clackamas County Board of County Commissioners has reviewed the staff report, the testimony submitted by interested parties, and all other materials in the record, and now concludes that the findings of fact, statements of reasons and conclusions attached as Exhibit A are sufficient to respond to the remand issues arising out of the Court of Appeals and demonstrate that the urban and rural reserve designations adopted in 2011 by Clackamas County Ordinance No. ZDO-223, as modified by the 2014 Oregon legislature in House Bill 4078, are consistent with state law; and

WHEREAS, Oregon Administrative Rule 660-027-0040 requires Clackamas County and Metro to adopt a single, joint set of findings of fact, statements of reasons and conclusions that explain why the urban and rural reserve designations are consistent with state law; and

WHEREAS, Oregon Administrative Rule 660-027-0080 requires Metro and the applicable counties to jointly and concurrently submit their adopted ordinances implementing the urban and rural reserve designations to the Oregon Land Conservation and Development Commission for review; now therefore,

The Board of Commissioners of Clackamas County ordains as follows:

- Section 1:** Clackamas County Ordinance No. ZDO-223, which includes the revised findings of fact, statements of reasons and conclusions dated April 21, 2011, previously adopted by the Clackamas County Board of County Commissioners, is hereby re-affirmed, continued, and, to the extent necessary to maintain uninterrupted continuity in the effectiveness of such ordinance and for any other reason, re-adopted.
- Section 2:** The findings of fact, statements of reasons and conclusions in Exhibit A, attached and incorporated into this ordinance, explain how the urban and rural reserve designations adopted by Clackamas County Ordinance No. ZDO-223, as modified by the 2014 Oregon legislature in House Bill 4078, are consistent with state law.
- Section 3:** The findings of fact, statements of reasons and conclusions set forth in Metro Ordinance Nos. 16-1368 and 17-1397 are adopted.
- Section 4:** The findings of fact, statements of reasons and conclusions set forth in Multnomah County Ordinance No. 1246 are adopted.
- Section 5:** Metro is authorized to compile, as necessary, all adopted findings of fact, statements of reasons and conclusions, and conclusions of law relating to this matter of Urban and Rural Reserve Designations and file the same with the

Oregon Land Conservation and Development Commission on Clackamas
County's behalf.

ADOPTED and EFFECTIVE this 11th day of May, 2017.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary