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Roger A. Alfred, Senior Assistant Attorney

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Urban and Rural Reserves Specialist
Department of Land Conservation & Development
635 Capitol Street N.E., Suite 150
Salem, OR 97301

Re: Objections to Metro Urban and Rural Reserves

Dear Urban and Rural Reserves Specialist:

This letter provides Metro's "written correspondence" pursuant to OAR 660-025-0130(4) regarding certain objections filed with DLCD to the findings adopted by the Metro Council in Metro Ordinance No. 17-1405 in support of urban and rural reserves in the Metro region. The majority of submitted objections relate to rural reserve designations in Multnomah County, which are being addressed in separate correspondence from Multnomah County Counsel. This letter relates to issues raised by Metropolitan Land Group (MLG) concerning the applicable regionwide standards, *i.e.*, the amount of urban reserves and the "best achieves" standard.

Metropolitan Land Group Objections

MLG raises seven objections. The first objection relates to the adequacy of the findings in support of designating the MLG property as rural reserve, which is addressed by Multnomah County.

The second and third MLG objections include two related assertions that the reserves decision fails to demonstrate that the overall balance of urban and rural reserves across the region "best achieves" certain goals, particularly in light of changes made by HB 4078. These issues are addressed in Section V.B of the findings, located at pages 0023-0028 of the Metro record.

The fourth MLG objection asserts that Metro's designation of urban reserves is not sufficient to meet the region's needs over the relevant planning period. This issue is addressed in Section V.A of the findings, located at pages 0021-0023 of the Metro record, in the staff report to the Metro Council dated February 23, 2017 (page 1192 of the Metro record), and in the Metro staff memorandum dated February 22, 2017 (page 1196 of the Metro record).

The fifth MLG objection asserts that Metro improperly relied on the 2014 Urban Growth Report (UGR) in making its decisions regarding the amount of urban reserves. This is a curious assertion, since Metro is required by state law to rely on the buildable land inventory included in the most recent UGR to determine the amount of necessary urban reserves. OAR 660-027-0040(2). Nonetheless, in the fifth objection MLG claims Metro should have discounted 300 acres of employment land on West Hayden Island from the 2014 inventory because a particular development opportunity recently fell through. The 2014 UGR is subject to judicial notice because it was adopted by Metro Council ordinance. The inventory and forecast adopted by that ordinance shows a surplus of 990 acres of industrial land and 380 acres of commercial land.

2014 UGR, pages 24-26. The Metro staff analysis regarding adjustments to the 2014 employment need forecast for purposes of the challenged decision is in the Metro record at page 1199.

The sixth MLG objection is similar to the fifth, but relates to the disincorporation of the City of Damascus. MLG claims that the decision improperly kept as urban reserves certain areas located to the east and south of the former City of Damascus. These are areas that were designated urban reserve as part of the original reserve decision in 2010. This issue is addressed in response to a similar argument raised by Barkers Five LLC in the staff memorandum to the Metro Council dated April 6, 2017, at page 0289 of the Metro record.

The seventh MLG objection relates to the designation of Stafford as urban reserve. The essence of this objection appears to be that because the adjacent cities have historically objected to the urbanization of Stafford, in MLG's opinion it is "unlikely" that any portion of the Stafford urban reserves will ever be urbanized between now and 2065. However, it is not clear how MLG's speculation regarding the future political climate in those cities over the next 50 years is related to any applicable legal standards.

The second paragraph of this objection at least suggests that MLG is challenging the designation of Stafford under the applicable urban reserve factors (which do not require consideration of whether current city councils have expressed a political desire to annex). If that is the case, those issues are addressed in Section VIII of the findings (pages 0055-0072 of the Metro record) and in Section VII.B of the findings (pages 0038-0044 of the Metro record).

The third paragraph states that "a documented explanation is required" regarding how Metro concludes that Stafford can be urbanized, given that the adjacent cities have expressed unwillingness to extend services to that area, and have been provided authority to concept plan the area prior to urbanization under an intergovernmental agreement (IGA) between the cities, Clackamas County, and Metro. Again, the "documented explanation" regarding why Stafford was designated urban reserve under the applicable factors is set forth at pages 0038-0044 and 0055-0072 of the Metro record. The IGA is included in the Metro record at page 0096, and is addressed in the findings at page 0044.

The final paragraph of this objection includes a vague reference to the "best achieves" standard, stating that the decision will not "best achieve" regional planning needs for employment land. If MLG is contending that the overall balance of urban and rural reserves across the region does not "best achieve" the goals of livable communities, viability of farm and forest industries, and protection of natural landscape features, those issues are addressed in Section V.B of the findings, at page 0023 of the Metro record.

Sincerely,



Roger A. Alfred

cc: Jed Tomkins, Multnomah County Counsel
Nate Boderman, Clackamas County Counsel
Peter Watts, Jordan Ramis PC
Steve Pfeiffer, Perkins Coie LLP
Chris James, James Law Group LLC

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