

RESOLUTION NO. 5350-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH METRO, WASHINGTON COUNTY, AND THE CITY OF WILSONVILLE SEEKING A NON-APPEALABLE DECISION FROM METRO REGARDING THE CENTRAL SUBAREA OF THE BASALT CREEK PLANNING AREA.

WHEREAS, in 2004 the Metro Council added two areas between Tualatin and Wilsonville to the Urban Growth Boundary (UGB), known as the Basalt Creek and West Railroad Planning Areas; and

WHEREAS, Metro conditioned the UGB expansion areas to undergo Title 11 concept planning; and

WHEREAS, in 2011, Metro, Washington County, Tualatin, and Wilsonville entered into an Intergovernmental Agreement, as amended, for concept planning the Basalt Creek Planning Area; and

WHEREAS, located within the Basalt Creek Planning Area is a distinct subarea referred to as the "Central Subarea;" and

WHEREAS, a disagreement has arisen with respect to the land use designation for the Central Subarea; and

WHEREAS, all parties agree to have Metro settle the dispute and make a final, binding, non-appealable decision on the sole issue of designation of the land use for the Central Subarea;


NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute an IGA with Metro, Washington County, and the City of Wilsonville, which is attached as Exhibit 1 and incorporated by reference, seeking a non-appealable decision from Metro regarding the land use designation for the Central Subarea of the Basalt Creek Planning Area.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 11 day of December 2017.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO FORM

BY 
City Attorney

ATTEST:

BY 
City Recorder

**INTERGOVERNMENTAL AGREEMENT
BETWEEN METRO, WASHINGTON COUNTY, AND THE CITIES OF
TUALATIN AND WILSONVILLE SEEKING A BINDING NON-APPEALABLE
DECISION FROM METRO CONCERNING ONE AREA, THE CENTRAL SUBAREA,
OF THE BASALT CREEK PLANNING AREA**

This Intergovernmental Agreement (IGA) is entered into by the following parties: Metro, a metropolitan service district organized under the laws of the State of Oregon (hereinafter referred to as "Metro"), Washington County, a political subdivision in the State of Oregon (hereinafter referred to as "County"), and the City of Tualatin ("Tualatin") and City of Wilsonville ("Wilsonville"), incorporated municipalities of the State of Oregon (hereinafter referred to as "Cities").

Whereas, in 2004 the Metro Council added two areas, known as the Basalt Creek and West Railroad Planning Areas, located generally between the Cities, to the Urban Growth Boundary (UGB) via Metro Ordinance No. 04-1040B; and

Whereas, Metro conditioned that these UGB expansion areas undergo Title 11 concept planning, as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP); and

Whereas, County and Cities agreed to consider the Basalt Creek and the West Railroad areas in a single concept planning effort and to refer to the two areas generally as the Basalt Creek Planning Area; and

Whereas, located within the Basalt Creek Planning Area is a distinct subarea consisting of the following parcels identified by Washington County tax lot identification 2S135CB00400, 2S135CB00500, 2S135CC00300, 2S135CC00100, 2S135CC00800, 2S135CC00900, 2S135CC00500, 2S135CC00600, 2S135CC00700, as reflected in Exhibit 1, attached hereto and incorporated by reference herein, which subarea is hereafter referred to as the "Central Subarea"; and

Whereas, in 2011, Metro, County, and Cities entered into an Intergovernmental Agreement (2011 IGA) for concept planning the Basalt Creek Planning Area; and

Whereas, in 2013, Metro, County, and Cities entered into the First Addendum to the 2011 IGA, acknowledging the Basalt Creek Transportation Refinement Plan; and

Whereas, in 2013, Cities began concept planning the Basalt Creek Planning Area; and

Whereas, a disagreement has arisen with respect to what the land use designation should be for the Central Subarea; and

Whereas, Tualatin wants the land use in the Central Subarea to be designated for housing; and

Whereas, Wilsonville wants the land use in the Central Subarea to be designated for employment; and

Whereas, representatives from the Cities jointly met with County representatives in an attempt to identify a process to move forward and complete the Basalt Creek land use Concept Plan map, but were unable to do so; and

Whereas, the governing bodies for the Cities and County agreed to ask Metro to settle the dispute and to make a final, binding, non-appealable decision on the sole issue of designation of the land use for the Central Subarea; and

Whereas, Metro has agreed to accommodate this request, based on the Cities' joint assertion that they cannot agree, with the clear understanding that this is not a role Metro intended, wanted, or asked for itself, but is willing to take on at the request of the Cities and the County;

Now, therefore, incorporating the above Recitals as if fully set forth below, the Cities, County, and Metro agree as follows:

1. FINAL BINDING AND NON-APPEALABLE DECISION BY METRO

Metro will act as the decision-maker to resolve the issue of the land use designation for the area known as the Central Subarea. In that capacity, Metro will have sole discretion to determine what to call this decision making process, where and when to hold the process, who Metro will appoint to make the decision, a briefing schedule, whether or not to hear oral argument, and ground rules that must be adhered to by the Cities and County throughout the process. Metro may require the Cities and County to sign ground rules and decision protocol, as determined solely by Metro. Once designated by Metro, the Parties agree that the Central Subarea will be designated in the final Concept Plans and in the Urban Planning Area Agreement between the Parties, as determined by Metro.

2. CITIES AND COUNTY AGREEMENT

The Cities agree to follow whatever decision-making process and rules are created by Metro, including timelines for submitting evidence and argument. The County may participate and advocate for its preference or may elect to be neutral. Cities and County agree that Metro's decision will be binding and non-appealable by any of them and, once made, all of their respective governing bodies and staff will support the decision to move the Basalt Creek Planning effort to completion without delay and in accordance with the decision of Metro. Each City agrees that it will prepare concept plans for the Basalt Creek Planning Area consistent with Metro's final decision and with Title 11 of Metro's Urban Growth Management Functional Plan. Each City agrees to adopt a resolution accepting the concept plan, reflecting the Metro decision, within 120 days after the date Metro's decision becomes final and effective, and to adopt an ordinance amending each City's comprehensive plan to include and/or reflect the concept plan within one year after the Metro decision. Cities and County further agree that if the designation is appealed by any third party, each will vigorously defend and support the

decision and will not support or assist in the appeal of the designation determined by Metro through this process. At the conclusion of Metro's decision, a binding agreement will be signed by all Parties to this effect, with any future disputes or violations with respect to the agreement to be resolved in accordance with the specified requirements of that binding decision. Hereafter the Parties will work in good faith to reach agreement on all other issues so that the final Concept Plans and Urban Planning Area Agreement can be finalized.

This Agreement is effective the _____ day of _____, 2017.

Exhibit 1 – Map

CITY OF WILSONVILLE, OREGON

By: _____

Tim Knapp

As Its: Mayor

Date: _____

ATTEST:

By: _____

[Signatures continue on following pages]

CITY OF TUALATIN, OREGON

By: 
Lou Ogden
As Its: Mayor

Date: 12-11-2017

ATTEST:

By: 

[Signatures continue on following pages]

WASHINGTON COUNTY, OREGON

By: _____
Andy Duyck
As Its: Chair, Board of County Commissioners

Date: _____

ATTEST:

By: _____

[Signatures continued on following page]

ACCEPTED AND AGREED TO BY METRO:

By: _____

Martha Bennett
As Its: Chief Operating Officer

Date: _____

ATTEST:

By: _____

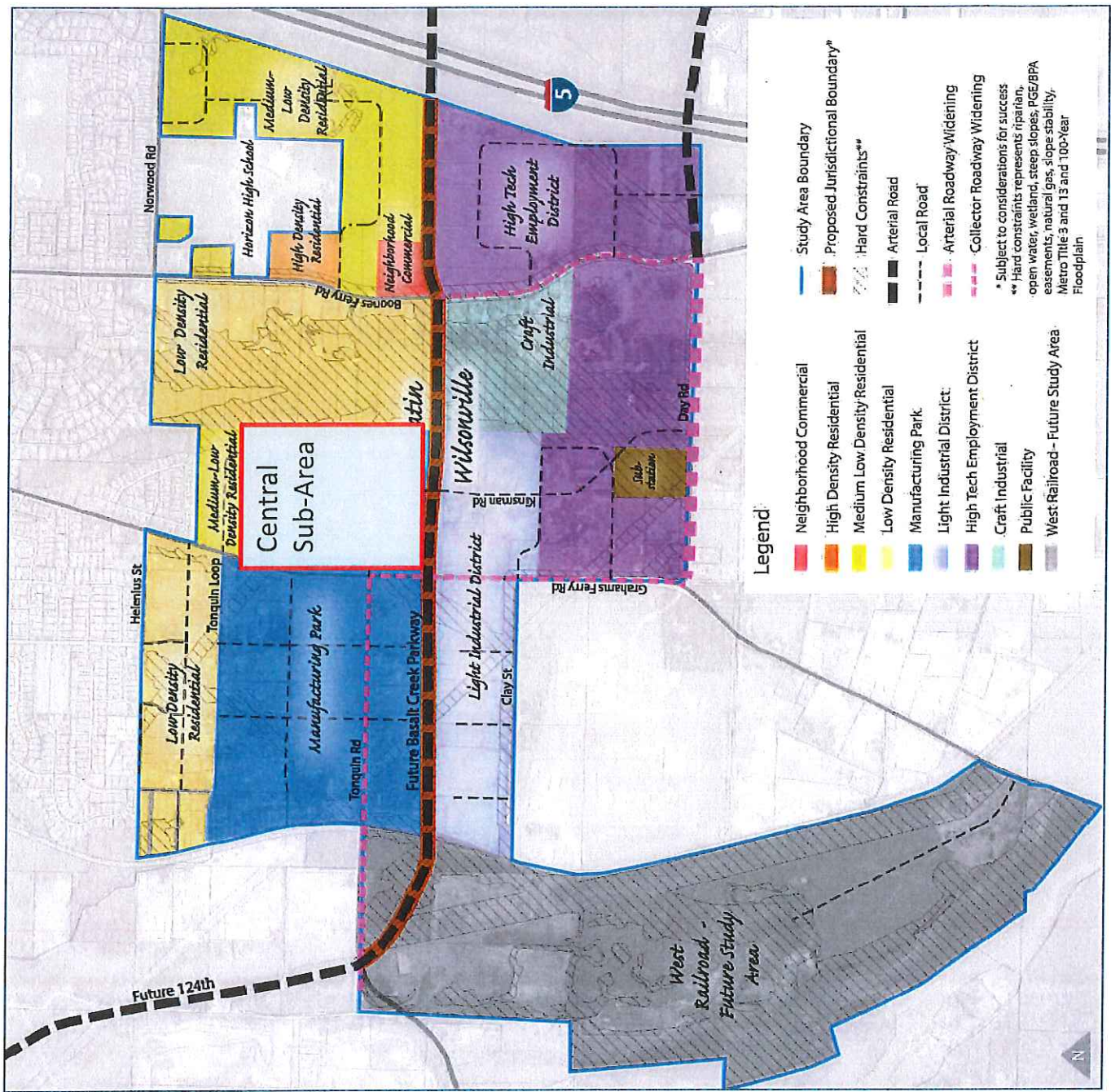
Exhibit 1: Central Sub Area



Central Sub Area



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is".



Central Sub-Area

Legend:

- Neighborhood Commercial
 - High Density Residential
 - Medium Low Density Residential
 - Low Density Residential
 - Manufacturing Park
 - Light Industrial District
 - High Tech Employment District
 - Craft Industrial
 - Public Facility
 - West Railroad - Future Study Area
- Study Area Boundary
 - Proposed Jurisdictional Boundary*
 - Hard Constraints**
 - Arterial Road
 - Local Road
 - Arterial Roadway Widening
 - Collector Roadway Widening
- * Subject to considerations for success
 ** Hard constraints represent riparian, open water, wetland, steep slopes, PGE/BPA easements, natural gas, slope stability, Metro Title 3 and 13 and 100-Year Floodplain