MEMORANDUM

December 31, 2009

TO: Mayor Galle and City Council Members

FROM: Tom Coffee, Consultant

SUBJECT: Stafford Area Report for December 2009

OVERVIEW

In December, the CORE 4 made its preliminary recommendations to the Metro Council on the future designation of urban and rural reserves. The Metro Council accepted the recommendations as the basis for further public review in January. The Map published for public comment identifies the Stafford Area as the 7th of 9 areas where "options remain under consideration." The options for Area 7 are to designate North Stafford as urban reserve or leave undesignated.

Clackamas County Position

On December 7, 2009, the County provided Metro with a letter outlining its reasons for recommending that the Stafford Area north of the Tualatin River be undesignated. The letter from Chair Peterson and Commissioner Lehan is attached.

Under state law the County and Metro Council must concur through an intergovernmental agreement in order to designate an area for urban or rural reserves. The County has indicated that, if additional land is needed for urban reserves in Clackamas County to protect farmland in Washington County, areas northeast of Wilsonville and east of Oregon City should be designated urban reserve before North Stafford is.

Metro Council Position

In a letter dated December 16, 2009, a majority of Metro Council (President Bragdon and Councilors Hosticka, Harrington and Collette) responded to Clackamas County in a letter that stated their reasons for supporting an urban reserve designation for the North Stafford Area. The letter from Metro Council is attached.

CORE 4 Position

As noted above in the Overview, the CORE 4 has not resolved the North Stafford issue. They are scheduled to meet on January 11th and February 8th to finalize

their recommendations to Metro Council.

Open Houses and Public Hearings

In January Metro will be conducting six open houses and three public hearings. Open houses only will be held at Metro on the 14th, Washington County on the 16th and Clackamas County on the 19th. Open houses followed by a public hearing at 6:00 pm will be in Gresham on the 11th, at Sherwood on the 20th and at Wilsonville on the 21st. Maps and background information will be available on Metro's website: www.oregonmetro.gov.

Observation

At this point in the process testimony is being prepared for presentation at the January 21st public hearing that will demonstrate that the North Stafford Area does not meet the suitability factors for designation as urban reserve. The testimony will become part of the record going forward in this process which will culminate in land use decisions in May in the form of map amendments to County and Metro maps. Those decisions may be appealed if North Stafford is designated an urban reserve.

MEMORANDUM

January 31, 2010

TO: Mayor Galle and City Council Members

FROM: Tom Coffee, Consultant TC

SUBJECT: Stafford Area Report for January 2010

Overview

The focus of activity in January was the preparation of testimony for submittal to Metro and the CORE 4 at their outreach hearing and participation at MPAC in advance of the impending intergovernmental agreements in February regarding urban and rural reserves.

Outreach Hearing on January 21, 2010

The Metro hearing on urban and rural reserves in Wilsonville was well attended with 73 people signing up to speak. Councilor Cummings submitted written testimony that demonstrated that the North Stafford area did not meet the factors for designation as an urban reserve. She and Mayor Galle also testified in opposition to the urban reserve designation. In addition to Mayor Galle and Councilor Cummings, Councilor Olson of Lake Oswego, a representative of the League of Women Voters, the President of the Lake Oswego Neighborhood Action Coalition and several residents of the Stafford area testified in opposition to the urban reserve designation.

MPAC Meeting on January 27, 2010

MPAC is in the process of reviewing the potential urban and rural reserve areas. At its meeting on January 27, 2010, MPAC reviewed the Stafford area. Councilor Carson and Lake Oswego Mayor Jack Hoffman both explained to their fellow MPAC members why North Stafford should not be urbanized. After discussion of the issues, MPAC voted to recommend to the CORE 4 and Metro Council that the majority of the North Stafford area (Area 4A) should be undesignated and that Areas 4B (167 acres west of West Linn) and 4C (Borland Road area) should be urban reserve.

Draft Intergovernmental Agreement

Metro and county attorneys and planning staffs have been working on draft intergovernmental agreements (IGA'S) that would set forth the areas and

conditions related to the designated urban and rural reserves. Attached is the 7th Draft related to the IGA Clackamas County would have with Metro. Also attached is a draft of Exhibit B described as "planning principles" that would be the conditions attached to the IGA. Of particular importance to West Linn and the adjoining cities of Lake Oswego and Tualatin is Principle 2 of the Principles for Concept Planning which requires concurrence by the city or cities that will be governing the area. It should also be noted that Area 4B (the area west of West Linn) was apparently inadvertently left off the list in Principle 3.

Decision Time

On February 8, 2009, the CORE 4 is expected to make its recommendation to Metro Council regarding the urban and rural reserve designations and related IGA's. On February 10, 2009, MPAC is scheduled to make its recommendation on the IGA's. The Metro Council will then make its decisions on the reserves and IGA's no later that February 25, 2010.

Observation

The existence of the well developed drafts of the IGA and Exhibit with specific reference to all of Stafford north of 205 as urban reserve appears to be a foreshadowing of the outcome of this process despite the so-called extensive outreach process.

DRAFT 7
February 1, 2010
Intergovernmental Agreement Between Metro and Clackamas County To Adopt Urban and Rural Reserves

This Agreement is entered into by and between Metro and Clackamas County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of agreeing on the elements of an ordinance to be adopted by Metro designating Urban Reserves and of an ordinance to be adopted by Clackamas County designating Rural Reserves, all in Clackamas County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. Designation of the Urban and Rural Reserves by this agreement will help accomplish the purpose of the 2007 Oregon Legislature in enacting Senate Bill 1011, now codified in ORS 195.137 to 195.145 ("the statute"):

Facilitate long-term planning for urbanization in the region that best achieves

- *Livable communities;*
- *Viability and vitality of the agricultural and forest industries; and*
- *Protection of the important natural landscape features that define the region.*

RECITALS

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties ("the four governments") have declared their mutual interest in long-term planning for the three-county area in which they exercise land use planning authority to achieve the purpose set forth in the statute; and

WHEREAS, the Oregon Legislature enacted the statute in 2007, at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission ("LCDC") adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the four governments have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the four governments have completed an extensive and coordinated public involvement effort; and

WHEREAS, the four governments have coordinated their efforts with cities, special districts, school districts and state agencies in the identification of appropriate Urban and Rural Reserves;

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

AGREEMENT

A. **Metro agrees** *to consider the following policies and Urban Reserve designations at a public hearing and to incorporate them in the Regional Framework Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:*

1. A policy that designates as Urban Reserves those areas shown as proposed Urban Reserves on Exhibit A, attached to this Agreement, *or on any amendment to Exhibit A adopted pursuant to section C of this Agreement.*

2. A policy that determines that the Urban Reserves designated by the Regional Framework Plan pursuant to this Agreement are intended to provide capacity for population and employment for the __ years between 2010 and ____, a total of __ years from the date of adoption of the ordinance designating the reserves.

3. A policy that gives highest priority to Urban Reserves for future addition to the urban growth boundary (UGB).

4. A map depicting the Urban Reserves adopted by Metro and the Rural Reserves adopted by Clackamas County following this Agreement.

5. A policy that Metro will not add Rural Reserves designated by ordinance following this Agreement to the regional UGB for __ years.

6. A policy that Metro will not re-designate Rural Reserves as Urban Reserves for __ years.

7. A policy that Metro will require a "concept plan", the required elements of which will be specified in the Urban Growth Management Functional Plan in consultation with the county, for an area of Urban Reserves under consideration for addition to the UGB to be completed prior to the addition. Concept plans *will* address finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other elements critical to the creation of great communities. *Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.*

8. A policy that Metro will review the designations of urban and rural reserves, in coordination with Clackamas, Multnomah and Washington Counties, within 20 years after the adoption of reserves by the four governments pursuant to this agreement.

B. **Clackamas County agrees** *to consider the following policies and Rural Reserve designations at a public hearing and to incorporate them in its Comprehensive Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement*:

1. A policy that designates as Rural Reserves the areas shown as proposed Rural Reserves on Exhibit A, attached to this Agreement, *or on any amendment to Exhibit A adopted pursuant to section C of this Agreement.*

2. A map depicting the Rural Reserve" designated by the Comprehensive Plan and the Urban Reserves adopted by Metro following this Agreement.

3. A policy that Clackamas County will not include Rural Reserves designated pursuant to this Agreement in the UGB of any city in the county for __ years from the date of adoption of the ordinance designating the reserves.

4. A policy that the county will not re-designate Rural Reserves as Urban Reserves for a city in the county for __ years from the date of adoption of the ordinance designating the reserves.

5. A policy that commits the county to participation in development of a concept plan for an area of Urban Reserves under consideration for addition to the UGB.

6. A policy that the county will review the designations of Urban and Rural Reserves, in coordination with Metro and Multnomah and Washington Counties, within 20 years after the adoption of reserves by the four governments pursuant to this agreement.

C. **Clackamas County and Metro agree** to follow this process for adoption of the ordinances that will carry out this Agreement:

1. Each government will hold at least one public hearing on its draft ordinance prior to its adoption.

2. Metro and the county will hold their final hearings and adopt their ordinances no later than _____, 2010.

3. If testimony at a hearing persuades Metro or the county that it should revise its ordinance in a way that would make it inconsistent with this Agreement, then it shall continue the hearing and propose an amendment to the Agreement to the other party and to Multnomah and Washington Counties.

4. If Clackamas County or Metro proposes an amendment to the Agreement, the two parties will convene the four governments to consider the amendment. *If the four governments decide to revise the agreement, Clackamas County and Metro shall make conforming revisions to this agreement.*

5. Metro and Clackamas 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.

6. *Metro and Clackamas County will establish, in coordination with Multnomah and Washington Counties, a process for making minor revisions to boundaries between Urban Reserves and undesignated land that can be made at the time of concept planning, and a process for making minor additions to Rural Reserves, with notice to, but without convoking all four reserves partners.*

7. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, Clackamas County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.

D. ***Clackamas County and Metro further agree*** *to work with the city of Sandy to revise their three-party Intergovernmental Agreement on Green Corridors and Rural Reserve and Population Coordination, dated December 3, 1997, to ensure protection of visual resources along U.S. Highway 26 between the Metro urban growth boundary and the Sandy urban growth boundary.*

CLACKAMAS COUNTY

Lynn Peterson
Chair, Clackamas County
Board of Commissioners

METRO

David Bragdon,
Metro Council President

DRAFT*
February 1/2010

Exhibit B to Agreement between Metro and Clackamas County

PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times.

2. A concept plan for any Urban Reserve area must be approved by the county, the city or cities who will govern the area and Metro.

3. The following cities shall be invited to participate in concept planning of the following Urban Reserves:

   - Areas 1D and 1F (Clackanomah) – Damascus, Gresham and Sandy
   - Area 3C (Newell Creek Canyon/Holly Lane) – Oregon City
   - Area 4A (North Stafford Area) – Tualatin, Lake Oswego and West Linn
   - Area 4C (North Borland Road) - Tualatin, Lake Oswego and West Linn

4. Concept plans shall provide that any area added to the UGB shall be governed by one or more of the following cities, or a new city, with preferences to the following:

   - Areas 1D and 1F (Clackanomah) – Damascus and Gresham
   - Area 3C (Newell Creek Canyon/Holly Lane) – Oregon City
   - Area 4A (North Stafford Area) – Tualatin, Lake Oswego and West Linn
   - Area 4C (North Borland Road) - Tualatin, Lake Oswego and West Linn

5. Concept planning for Urban Reserve areas that are suitable for industrial and other employment uses – such as portions of Clackanomah and the Borland Road area - will recognize the opportunity to provide jobs in this part of the region.

6. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses – such as the Borland Road area – will recognize the opportunity to provide employment and mixed-use centers with housing at higher densities and employment at higher floor-to-area ratios, and will include designs for a walkable, transit-supportive development pattern.

7. Concept planning shall recognize environmental and topographic constraints and habitat areas, such as the buttes in the Clackanomah area, Newell Creek Canyon in Urban Reserve Area 3C and the riparian areas along creeks in the North Stafford Area and will reduce housing and employment capacity expectations accordingly.

8. Concept planning for the portion of the Clackanomah area along Highway 26 will recognize the need to provide and protect a view corridor considering, among other things,

landscaping, signage and building orientation. Metro and Clackamas County also recognize the need to work with the City of Sandy to revise the existing intergovernmental agreement among the parties.

**The Clackamas County Board has not yet reviewed and accepted this statement of principles for purposes of attachment to the IGA.*