

MEMORANDUM

February 28, 2010

TO: Mayor Galle and City Council Members

FROM: Tom Coffee, Consultant *TC*

SUBJECT: Stafford Area Report

Overview

By now I am sure that you all know of the preliminary decision made by Metro Council and the Clackamas County Board of Commissioners regarding the future of the Stafford Area. They have decided in the form of an Intergovernmental Agreement (Attached) that it should be urbanized. They have agreed that they will "consider" amending their plan policies and maps to designate 6,956 acres, north and south of 1-205, Urban Reserve.

The County and Metro Decisions

Around noon on February 25, 2010, the Clackamas County Commissioners voted unanimously to authorize their Chairperson to sign the attached IGA with Metro with one amendment. They changed "other governments" in the Recitals to "other parties" thereby making it a bi-lateral agreement rather than an agreement with all CORE 4 members.

In making their decision, they cited the extensive public involvement process, their reliance on the urban reserve factors and criteria, the importance of making a regional decision that protects foundation farmland and one Commissioner acknowledged that Metro wanted it this way. Much emphasis was also given to the requirements for concept planning in accordance with planning principles that are attached to the IGA. This planning, as directed by the principles would, according to the Commissioners, ensure that Stafford Hamlet's Vision for the area would be implemented.

Later that day the Metro Council voted unanimously to authorize its President to sign the IGA with Clackamas County.

The Fine Print

The IGA between Clackamas County and Metro includes a reference to the Metro Urban Growth Management Functional Plan in Section A.7. related to the "concept plan" requirement. Title 11, Section 3.07.1105 of the current Functional Plan sets out the requirements for a concept plan AFTER an area is added to the UGB. A draft amendment to this title and section (DRAFT 4) is attached. That amendment is needed because now under the IGA concept planning is required BEFORE an area can be added to the UGB.

Please refer to the last sentence in 3.07.1105.C. on page 2 of DRAFT 4. It states that: **"Failure to reach agreement on a concept plan does not preclude addition of the area to the UGB by the Metro Council."**

So much for the application of the IGA's planning principles to the Stafford Area.

The Next Steps in the Process

The process now moves on to the land use decision step which will be the public hearings by the Clackamas County Planning Commission and Board of Commissioners and the Metro Council. The County Planning commission will hold a hearing on March 8, 2010 at 6:30 pm in the Development Services Building in Oregon City. The Commissioners are scheduled to hold a public hearing on April 21, 2010 and MPAC will be reviewing the urban reserve map and policy amendments on April 28, 2010 and May 12, 2010. The Metro Council hearing has not yet been scheduled.

Because the next step in the urban reserve process will be a land use decision by Metro it can be appealed.

The Urban Growth Boundary Decision

Meanwhile Metro is also involved in its UGB decision process wherein they are required to determine by the end of 2010 whether or not the current UGB has sufficient land supply for the next 20 years of population growth. That process will take up where it left off with the issuance of the Urban Growth Report last fall which concluded that expansion of the UGB may or may not be required depending on the assumptions the region is prepared to make regarding infill, redevelopment and infrastructure investments. That discussion will be restarted at MTAC and MPAC in the coming weeks and concluded with a decision by Metro Council in December.

Observation

Even though higher levels of government have set in motion the prospect of an urbanized Stafford Area, the residents of the area and the three adjoining cities still have the ability to determine its ultimate destiny within their collective interest.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an
Intergovernmental Agreement to Consider
Designating Urban and Rural Reserves in
the Clackamas County Comprehensive
Plan



Resolution No. _____

This matter having come before the Clackamas County Board at its regularly scheduled Business Meeting on February 25, 2010, and

It appearing to the Board that pursuant to ORS 195.141 and 190.003 to 190.110, Metro and Clackamas County are authorized to enter into an Intergovernmental Agreement (IGA) to identify urban and rural reserves and to establish a coordinated process designating reserves in the Metro regional framework plan and Clackamas County Comprehensive Plan; and

It appearing to the Board that Clackamas County implemented a coordinated public involvement plan consistent with state law to develop and analyze reserve study areas including public open houses, citizen organization meetings, coordinating committee meetings and other stakeholder meetings; and

It appearing to the Board that the Clackamas County Reserves Policy Advisory Committee was convened and made recommendations to the Board for designation of urban and rural reserves in Clackamas County; and

It appearing that the Clackamas County Planning Commission held a public hearing on August 10, 2009 to receive public testimony regarding the designation of Urban and Rural reserves in Clackamas County land forwarded a recommendation to the Board; and

It appearing that the Clackamas County Board of County Commissioners conducted a public hearing on September 8, 2009 to consider further public input on the urban and rural reserves map; and

It appearing that pursuant to OAR 660-027-0030(3) an intergovernmental agreement ("Reserves IGA") is a preliminary, non-appealable decision that is required prior to designating urban and rural reserves in the Clackamas County Comprehensive Plan; and

It appearing to the Board that, while there are minor disagreements with our partner governments on specific land designations in other counties, the overall land need, and overall reserves designations strike the correct balance under state law.

It appearing that Exhibit B to the Reserves IGA addresses important planning principles to be applied to specific Urban Reserve areas when they are planned for inclusion in the Urban Growth Boundary; and

It appearing that the Reserves IGA attached hereto includes all of the necessary elements required by state law;

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
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intergovernmental Agreement to Consider
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Resolution No. _____

NOW, THEREFORE, BE IT RESOLVED that:

1. The Reserves IGA is approved, and the Chair is authorized to sign and forward the Reserves IGA to Metro.
2. Clackamas County is committed to working as an equal partner with Metro, Multnomah County and Washington County to maintain and enhance the livability and prosperity of the region through the implementation of the Reserves IGA.

ADOPTED this 25th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

February 25, 2010

**Intergovernmental Agreement
Between Metro and Clackamas County
To
Adopt Urban and Rural Reserves**

 **DRAFT**

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 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 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 shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other subjects 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, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.
- 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 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, *together with an appropriate city or cities*, 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, 20 years after the adoption of reserves by the four governments pursuant to this agreement, *unless the four governments agree to review the reserves sooner*.
- 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 party proposing the agreement will convene the four governments to consider the amendment. Any objections or concerns raised by a government that is not party to this IGA shall be considered carefully and the four governments shall take reasonable good faith steps to reach consensus on the amendment. After this consultation, Clackamas County and Metro may agree to an amendment."
 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. Metro and the county will incorporate maps into their respective plans that show both the Urban and Rural Reserves in Exhibit A to this agreement, with the county showing only the reserves in the county.
 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.
- E. *This agreement terminates on December 31, _____.*

CLACKAMAS COUNTY

METRO

 Lynn Peterson
 Chair, Clackamas County
 Board of Commissioners

 David Bragdon,
 Metro Council President

Dated: _____

Dated: _____

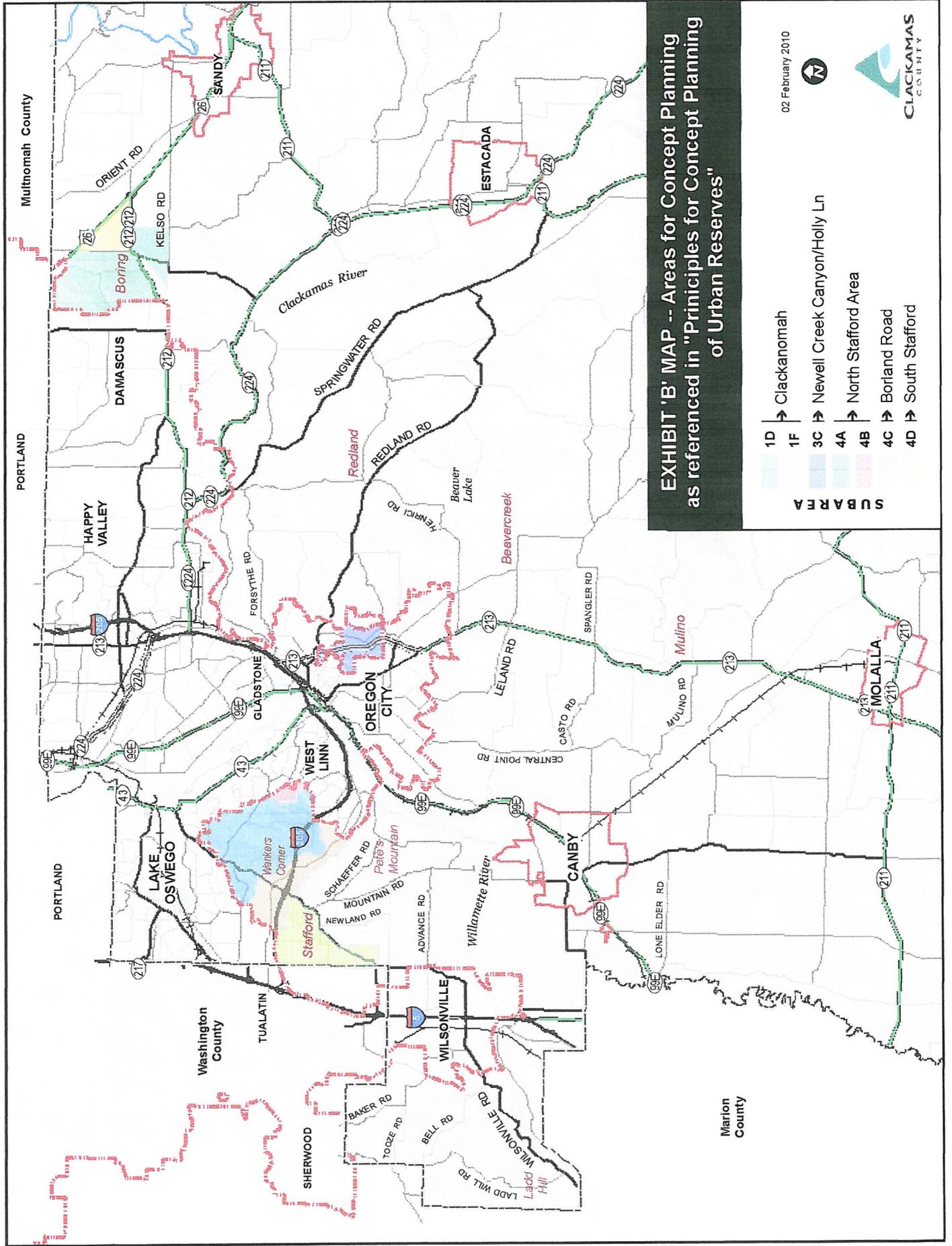


EXHIBIT 'B' MAP -- Areas for Concept Planning as referenced in "Principles for Concept Planning of Urban Reserves"

02 February 2010

SUBAREA

1D	→	Clackanomah
1F	→	
3C	→	Newell Creek Canyon/Holly Ln
4A	→	North Stafford Area
4B	→	
4C	→	Borland Road
4D	→	South Stafford

Clackamas County

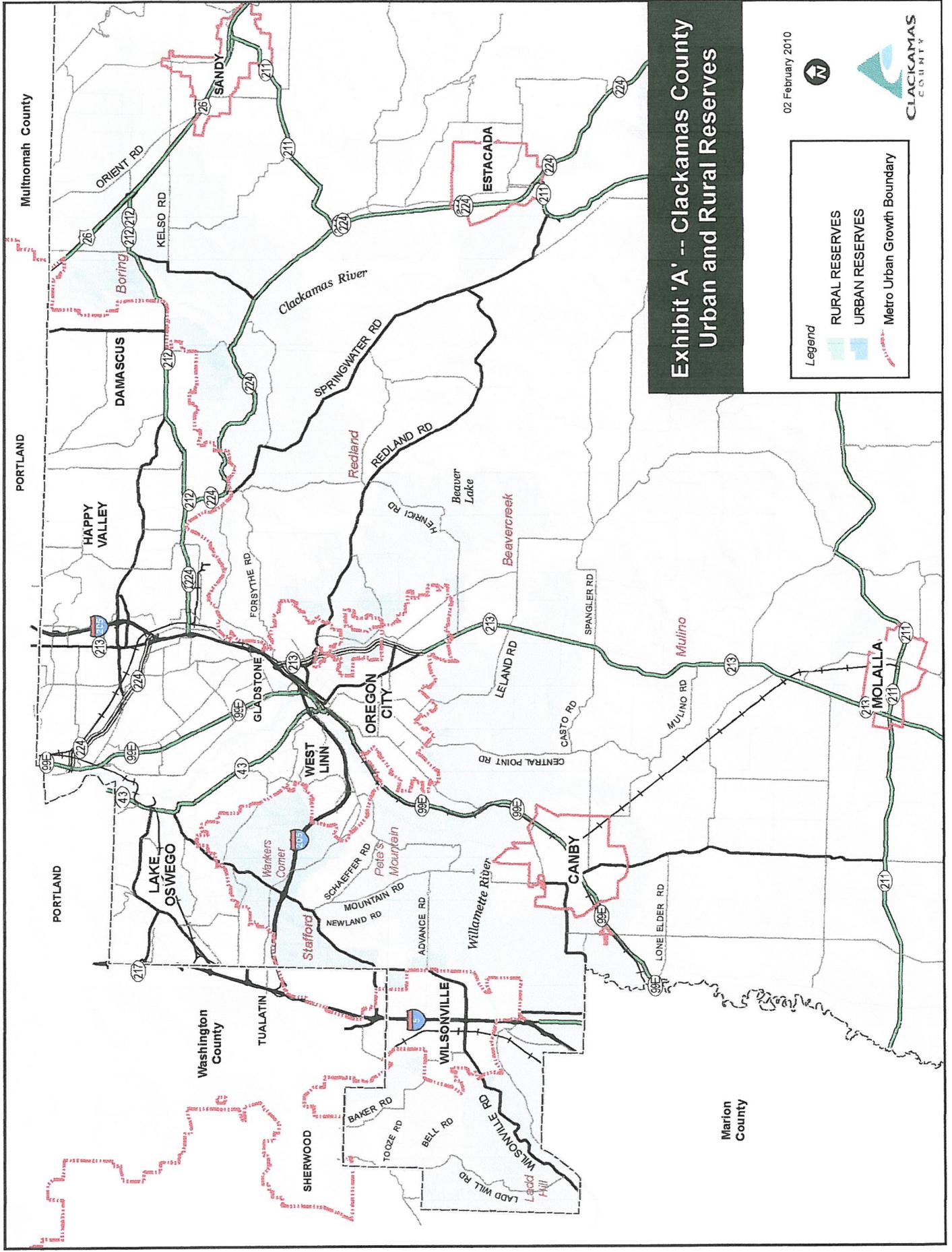


Exhibit 'A' -- Clackamas County Urban and Rural Reserves

02 February 2010



Legend

- RURAL RESERVES
- URBAN RESERVES
- Metro Urban Growth Boundary

EXHIBIT B
PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Except for Areas 4A, 4C, and 4D concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times. Concept planning for Areas 4A, 4C, and 4D must be coordinated so that Area 4C (Borland Road) is planned and developed as the town center serving the vast majority of Area 4A (North Stafford) and Area 4D (South Stafford).
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, with ample opportunities for public involvement, including recognized citizen involvement entities, such as community planning organizations, hamlets and neighborhood associations. Concept plans will recognize community-based planning efforts such as the Stafford Hamlet Values & Vision Statement.
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 and 4B (North Stafford Area) – Tualatin, Lake Oswego and West Linn
 - Area 4C (Borland Road) – Tualatin, Lake Oswego and West Linn
 - Area 4D (South Stafford) - Tualatin, Lake Oswego, West Linn, and Wilsonville
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 and 4B (North Stafford Area) – Tualatin, Lake Oswego and West Linn
 - Area 4C (Borland Road) - Tualatin, Lake Oswego and West Linn
 - Area 4D (South Stafford) - Tualatin, Lake Oswego, West Linn, and Wilsonville
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 need to provide jobs in this part of the region, and that the areas were brought into the Urban Reserves principally meet those needs.
6. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses – such as the Borland Road area – will ensure the areas are developed with the opportunity to provide employment and mixed- use centers with housing at higher densities and intense 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, recognizing that these areas include important natural features, and sensitive areas that may not be appropriate for urban development. Concept planning 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.

DRAFT 4

2/10/10

Exhibit E to Ordinance No. 10-XXXX

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls long-range planning to ensure that areas brought into the UGB are urbanized efficiently. It is the purpose of Title 11 to guide such long-range planning for areas designated urban reserves prior to their addition to the UGB. It is also the purpose of Title 11 to provide interim protection to areas added to the UGB until cities and counties amend their comprehensive plans and land use regulations to allow urbanization of the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

A. Prior to adding an area to the UGB pursuant to Metro Code 3.07.1420 or 3.07.1430, the county responsible for land use planning for the area and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and the appropriate city or cities, develop a concept plan for the area. The date for completion of the concept plan shall be jointly determined by Metro and the responsible local governments.

B. A concept plan shall:

1. Show the general locations of the types of uses desired for the area, including appropriate public, civic and institutional uses;
2. Show the general locations of sewer, water and storm-water systems and transportation facilities to serve the area, the connections of these systems, if appropriate, to existing systems within the UGB, preliminary estimates of the costs of the facilities and services, and proposed methods to finance the facilities and services;
3. Show water quality resource areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of the Urban Growth Management Functional Plan (UGMFP);

4. Be coordinated with the comprehensive plans and land use regulations that apply to adjacent and nearby lands already within the UGB;
5. Include an agreement between or among the county, the city or cities that will provide any urban service to the area, and other service providers that determines which city, cities or special districts will be the eventual providers of urban services, as defined at ORS 195.065(4), when the area is added to the UGB;
6. Include an agreement between or among the county and the city or cities that determines the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;
7. Provide that territory added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the territory; and
8. Be coordinated with appropriate cities, special districts and schools districts.

C. A concept plan shall have no legal effect upon the comprehensive plan policies or land regulations that apply to the area prior to its addition to the UGB. A concept plan shall guide, but shall not bind, the designation by the Metro Council of design types or other conditions included pursuant to subsection B of Section 3.07.1455 in the ordinance that adds the area to the UGB, or amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB. Failure to reach agreement on a concept plan does not preclude addition of the area to the UGB by the Metro Council.

3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to 3.07.1110B(6) or by the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by subsection B of section 3.07.1455 of the Metro Code.
- B. If the concept plan developed for the area pursuant to Section 3.07.1110 assigns planning responsibility to more

than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions and land use regulations unless the ordinance adding the area to the UGB provides otherwise.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;
2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations to the territory to facilitate provision of urban services as defined in ORS 195.065(4) and access to public schools;
3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to subsection B of Section 3.07.1455;
4. Provision for affordable housing consistent with Title 7 of the UGMFP;
5. A conceptual school plan that provides for the amount of land and improvements needed, if any, for public school facilities on new or existing sites sufficient to serve the area added to the UGB. The estimate of need shall be coordinated with affected local governments, school districts and special districts;
6. Other provisions necessary to implement the UGMFP and the Regional Transportation Functional Plan;
7. If any portion of the area is zoned to allow residential uses, the responsible local government shall submit to Metro its determination of the capacity of the area for dwelling units, using the method in Section 3.07.120, within six months following adoption of new land use regulations for the area; and
8. If any portion of the area is zoned to allow industrial use, the responsible local government shall submit its zoning map and its determination of buildable land on the map to Metro within six months following adoption of comprehensive plan provisions and land use regulations for the area.

3.07.1130 Interim Protection of Areas Added to the UGB

Until the effective date of amendments to comprehensive plans and land use regulations that comply with Section 3.07.1120, the city or county responsible for planning an area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment specific to the area allowing higher residential density than allowed by acknowledged regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment specific to the area allowing commercial or industrial uses not allowed under acknowledged regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in the creation of a new lot or parcel less than 20 acres in size, except to create lots or parcels for public facilities and services as defined in Metro Code Section 3.01.010 or a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
 - 1. A commercial use that is not accessory to industrial uses in the area; and
 - 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 of Title 11 becomes applicable on January 1, 2011.