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CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Study Session Worksheet

Presentation Date: July 13, 2010 Time: 11:00 a.m. Length: 30 minutes
Presentation Title: LCDC Policy Discussion
Department: County Counsel
Presenters: Dan Chandler

POLICY QUESTION

What is the appropriate position for Clackamas County to take with respect to proposed amendments to LCDC's Urban and Rural Reserves Rule?

ISSUE & BACKGROUND

Senate Bill 1011 and Metro Reserves Rule

Senate Bill 1011 and subsequent administrative rules adopted by LCDC, allowed Metro and the 3 metro-area counties to adopt Urban Reserves and Rural Reserves to provide better certainty to both the agricultural and development industries over a 40 to 50-year planning horizon.

As originally adopted, the administrative rules precluded a local government from making plan amendments in reserve areas. Rural Reserve designations thus provided the agricultural community with long-term protection from encroaching urban and semi-urban uses.

Through a long and intensive process, a total of 266,954 acres of rural reserves were designated, along with 28,615 acres of Urban Reserves. The final designations were approved in May and June of this year.

Spring 2010 Changes to Rule

In the Spring of this year, LCDC approved amendments to the rules to allow four changes to uses allowed in reserves:

- Goal 5 uses (aggregate mining)
- Public Parks
- Road improvements generally not involving new right of way
- A "catch up" provision to allow plan amendments for uses already allowed by state law, but not by the current county code.

Work Group and Potential Additional Changes

At the LCDC hearing on April 22nd, the commission instructed the department to convene a work group to discuss additional rule changes to allow further amendments in Urban and Rural Reserves. While there was a fairly ambitious set of changes on the table initially, the discussion has centered on whether to allow major transportation improvements in the reserves areas.

Washington County and Metro argue that there may be a regional or local need for additional roads to serve expanding urban populations. Our Department of Transportation and Development has analyzed the issue, and believes that Clackamas County can function within the existing rule.

Agriculture and natural resource interests have argued that amending the rule at this point breaches the deal that was made in Senate Bill 1011 – allowing some prime farmland to develop in exchange for a higher level of protection of other farmland. They also argue that the proposed changes assume that urban needs automatically trump agricultural and natural resource needs.

There is also a significant public process issue raised by amending the rules at this point. Less than a month ago, a quarter million acres of land was designated with a specific understanding of what those designations meant, often down to the specific parcel. There is some concern that changing the rules at this point may create uncertainty in the mind of the public.

In addition the rule changes may affect the county's evaluation of the overall balance between the various reserves factors on a region-wide basis. For example, if the rules change, the designation of an urban reserve may carry with it an increased risk of the likelihood of a new arterial through a nearby rural reserve.

QUESTIONS PRESENTED FOR CONSIDERATION

What position should the county take with respect to allowing new roads and major transportation improvements in Rural and/or Urban Reserves?

OPTIONS AVAILABLE

1. Oppose changes to the rule at this point.
2. Agree to allow major road improvements and new roads in urban reserves, but not rural reserves.
3. Agree to allow major road improvements and new roads in all reserves, subject to heightened standards for farm and natural resource protection.
4. Agree to allow major road improvements and new roads if they are identified in a regional or local transportation system plan.

STAFF RECOMMENDATION

That the BCC provide staff with direction as to what position, if any, staff should advocate on behalf of the county.

SUBMITTED BY:

Division Director/Head Approval
Department Director/Head Approval

