

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 03/29/2023

Approx. Start Time: 10:30 AM

Approx. Length: 60 minutes

Presentation Title: Metro UGB Exchange

Department: County Counsel

Presenters: Stephen Madkour

ATTACHMENTS:

Memo titled "RE: Objections to Urban Growth Boundary Amendment Metro Ord. 23-1488"

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact _____ @ 503- _____



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

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March 15, 2023

Periodic Review Specialist
Department of Land Conservation & Development
635 Capitol Street N.E., Suite 150
Salem, OR 97301

Via email: DLCD.PR-UGB@dlcd.oregon.gov

RE: Objections to Urban Growth Boundary Amendment
Metro Ord. 23-1488

Dear Periodic Review Specialist:

Clackamas County submits this written objection regarding the urban growth boundary amendment adopted in Metro Ordinance 23-1488.

Pursuant to OAR 660-025-0140(2), valid objections must:

- Be in writing and filed with the department's Salem office no later than 21 days from the date the local government sent the notice;
- Clearly identify an alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated;
- Suggest specific revisions that would resolve the objection; and
- Demonstrate that the objecting party participated orally or in writing in the local process leading to the final decision.

Compliance with each of the requirements set forth above is set forth as follows:

Be in writing and filed with the department's Salem office no later than 21 days from the date the local government sent the notice.

Clackamas County has no record of having received notice from Metro with respect to the adoption of Metro Ordinance 23-1488. Counsel for Clackamas County received a copy of the notice from Metro yesterday afternoon and filed this objection as soon as practicable.

Clearly identify an alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated.

The Clackamas County Board of County Commissioners submitted written testimony to Metro on November 2, 2022 and again on January 17, 2023. These letters are attached to this objection as Exhibits "A" and "B". The County hereby reiterates the deficiencies to the urban growth boundary amendment raised in these previously submitted letters.

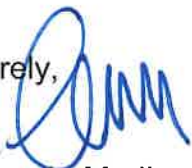
Suggest specific revisions that would resolve the objection.

The County reiterates the resolutions that are proposed in the previously submitted letters attached to this objection as Exhibits "A" and "B".

Demonstrate that the objecting party participated orally or in writing in the local process leading to the final decision.

Clackamas County, through its Board of County Commissioners, participated in the local process leading to the final decision by submitting written comments to Metro on November 2, 2022 and again on January 17, 2023. Thank you for your consideration in this matter.

Sincerely,



Stephen L. Madkour
County Counsel

Cc: Roger Alfred, Office of Metro Attorney (via email: roger.alfred@oregonmetro.gov)



Exhibit A

BOARD OF COUNTY COMMISSIONERS
PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

November 2, 2022

Metro Council
MPAC
Via email

Dear Metro Council & MPAC,

Thank you for the opportunity to provide comment on the Chief Operating Officer's (COO) recommendation on the proposed Urban Growth Boundary (UGB) Exchange.

The Clackamas County Board of Commissioners are opposed to the proposed land exchange between Tigard as all three land exchange options are located only in Clackamas County. This land exchange is a punitive approach that pits jurisdiction against jurisdiction to provide developable lands based on an antiquated methodology.

We are concerned about the incremental nature of the proposed UGB exchange process and assert that this approach does not provide a long-term vision for land availability that the region deserves and that Metro is required to prepare and administer.

The flaws in the UGB management system must be addressed. Metro must provide a comprehensive plan showing how the system will be corrected to ensure that Clackamas County, and the region, have the appropriate lands available for development in the appropriate areas. The proposed exchange process **should not** set precedent for the land on the eastern edge of Damascus to be whittled down over time without a strategy for land availability in the future. Metro must explain how the Metro 2040 Plan will be updated to ensure that we have land, especially shovel-ready industrial land, available to support the economic future of our county and the region.

It is vital Metro work with all of the region's jurisdictional partners to develop a regionally balanced approach to address our land availability challenges. With the COO's recommendations having a direct impact on Clackamas County's future land supply, we ask that Metro work with us to identify and commit to solving our land availability and land readiness challenges. At a minimum, this must include the following strategies:

1. Stay the Urban Growth Boundary land exchange process until such time the results of the Oregon Semiconductor Competitiveness Task Force can be incorporated into the discussion.

2. Fund a study to identify key employment and industrial land in Clackamas County, including land that may be in the reserve areas, and develop a near term strategy to bring industrial land into the Urban Growth Boundary.
3. Develop tangible commitments that Metro can make now to provide critical infrastructure to areas near Happy Valley that have been or are in the process of being planned but are unable to develop due to infrastructure constraints.
 - a. Prioritize funding for needed transportation investments
 - b. Support the retention of Sunrise Corridor on the constrained RTP List
 - c. Support the Sunrise Corridor Community Visioning Project and champion the preferred transportation alternative to ensure funding and implementation

The timeline and public process for the proposed exchange has been insufficient. Metro has not adequately engaged the public or elected officials in the process. The timeline to adoption is unnecessarily rushed. We propose that Metro Council take the time needed to do the appropriate system-wide analysis and public engagement regarding our region's land availability needs and delay the land exchange decision until after this analysis has been completed. A comprehensive approach, supported by Clackamas County and the region, must be developed.

Clackamas County is not willing to be a donor county while other jurisdictions expand their housing and jobs lands inventory at the sacrifice of Clackamas' great land base. We look forward to working with you to find solutions that support ALL the Counties within the Metro boundary.

Sincerely,



Tootie Smith, Chair
On Behalf of the Clackamas County Board of Commissioners



Exhibit B

BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

Metro Council
600 NE Grand Ave.
Portland, OR 97232

Via email

January 17, 2023

Dear Metro Council,

The Clackamas County Board of Commissioners strongly opposes the proposed Urban Growth Boundary (UGB) exchange.

We understand and support the need to build more housing in the region and we are not opposed to the Tigard expansion proposal. However, we are opposed to the exchange process being used to meet the region's need for developable land.

We want to be clear that our opposition is based on process. We understand that the city of Tigard applied for a UGB Expansion through the mid-cycle process created by Metro. Metro staff decided to utilize the land exchange process and Metro Council supported this approach. We continue to assert that the land exchange process that Metro is pursuing is punitive in nature and pits jurisdiction against jurisdiction.

As noted in Council Chair Peterson's letter dated November 9 to the Board of County Commissioners, "At its core, this UGB exchange is about finding ways to advance the development of housing in our region." We assert that the proposed exchange process is only necessary because of the antiquated methodology Metro is using that unnecessarily binds the region and does not provide the flexibility to thoughtfully expand the boundary when needed. There also remains a concern about the incremental nature of the proposed UGB exchange process and assert that this approach does not provide a long-term vision for land availability that the region deserves and that Metro is required to prepare and administer.

Metro must prioritize working with all of the region's jurisdictional partners to develop a regionally balanced approach to address our land availability challenges. This should be done through updates to the 2040 Growth Concept and implementing documents, not through the UGB exchange process. With a statewide discussion on the lack of housing and industrial land supply, it seems like there would be no better time to advance reasoned expansion of the Urban Growth Boundary based on an updated methodology taking these real life circumstances into consideration.

With the proposed exchange having a direct impact on Clackamas County's future land supply, we ask that Metro work with us to identify and commit to solving our land availability and land readiness challenges. As we echoed in our November 2 letter, at a minimum this must include the following strategies:

1. Fund a study to identify key employment and industrial land in Clackamas County, including land that may be in the reserve areas, and develop a near term strategy to bring industrial land into the Urban Growth Boundary.
2. Develop tangible commitments that Metro can make now to provide critical infrastructure to areas near Happy Valley that have been or are in the process of being planned but are unable to develop due to infrastructure constraints.
 - a. Prioritize funding for needed transportation investments
 - b. Support the retention of Sunrise Corridor on the constrained RTP List
 - c. Support the Sunrise Corridor Community Visioning Project and champion the preferred transportation alternative to ensure funding and implementation
3. Support for a forthcoming request to bring specific Industrial and Residential lands inside the UGB.

The timeline to adoption is unnecessarily rushed. Metro Council should develop a comprehensive approach and take the time needed to do the appropriate system-wide analysis and public engagement regarding our region's land availability needs, and delay the land exchange decision until after this analysis has been completed.

Clackamas County continues to partner with our cities to realize the full potential of these future areas as the region continues to grow. The County is not willing to be a donor county while other jurisdictions expand their housing and jobs lands inventory at the sacrifice of Clackamas' great land base.

We look forward to working with you to find solutions that support all the counties within the Metro boundary.

Sincerely,

Clackamas County Board of Commissioners



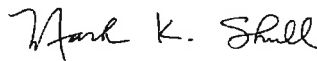
Tootie Smith, Chair



Commissioner Paul Savas



Commissioner Martha Schrader



Commissioner Mark Shull



Commissioner Ben West