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MEMORANDUM

TO: Clackamas County Board of County Commissioners (BCC)

FROM: Dan Johnson, DTD – Director

RE: UPDATED FORM - Canby – Election to Use of Sequential Review Process for Urban Growth Boundary (UGB) Amendment Components

DATE: September 19, 2023

REQUEST: Authorization for Chair Smith to sign an UPDATED Written Notice of Election to Use Sequential Review Process for an Urban Growth Boundary expansion project that is being initiated by the City of Canby.

BACKGROUND: At the September 12, 2023 BCC Issues session, the BCC authorized Chair Smith to sign the “Election to Use Sequential Review Process (dated August 16th).” An updated form had been received by staff after the materials had been sent to the BCC for inclusion in their packet, but were not forwarded to the BCC, so the previous form is outdated. In the updated form (dated September 7th), Task 1: Economic Opportunity Analysis (EOA) was removed from the work program since it was adopted by the Canby City Council on September 6th, 2023. A reference to the fact that the adoption of the EOA will not be a part of the sequential review process work plan is included in the response to first question on the form.

This change makes no substantive change to the intent of the City of Canby and Clackamas County to use the sequential review process and does not change any of the dates in the work program.

Staff is requesting authorization for the Chair to sign the “UPDATED - Election to Use Sequential Review Process” to allow Canby to submit this request to DLCD.

Attachments:

Attachment A – UPDATED – Written Notice of Election to Use Sequential Review Process



September 7, 2023

City of Canby
Written Notice
Election to Use Sequential Review Process
OAR 660-025-0185

OAR 660-025-0185(1) & (2) provide the framework for “sequential review” relevant to Urban Growth Boundary (UGB) amendment components. Together the two statutes allow the City of Canby to submit the necessary studies for UGB amendment separately to DLCD for review and acceptance one at a time and undertake UGB amendment at the end, based on the findings of the various studies.

The first step to accessing the sequential process is for the City of Canby and Clackamas County to issue a “Joint Election to Use the Sequential Review Process.” This document satisfies all requirements of the Joint Election. Upon approval by Clackamas County Planning, the City will provide this document and the draft work plan (Exhibit A) to DLCD for review and acceptance. DLCD will also assist the City in finalizing the work plan, similar to a periodic review.

Conditions Precedent. In order to utilize the sequential process for UGB amendment a City must comply with the following conditions precedent:

1. The City and County must concur that the final UGB amendment is likely to exceed 50 acres.
 - **Response:** In coordination with Clackamas County and DLCD Planning Staff, the City and Planning Consultants, 3J Consulting and FCS GROUP, have recently completed a draft Economic Opportunities Analysis (EOA) and a draft Housing Needs Analysis for the City of Canby. That analysis shows a 20-year employment land deficit of 447 acres and residential land deficit of 50 acres not including land for parks and open space. The EOA will not be part of the sequential review process work plan as it was adopted as part of the Canby Comprehensive Plan by the Canby City Council on September 6, 2023 as part of a Post Acknowledgement Plan Amendment process, but the anticipated need for residential urban growth boundary expansion is still likely to exceed 50 acres.
 - **Finding:** The final UGB amendment supported by this sequential process will likely exceed 50 acres.
2. The City and County must submit written notice of election to use the sequential process in OAR 660-025-0185 to DLCD prior to submittal of any component for review.
 - **Response:** The City of Canby elected to use the Sequential process in Resolution 2023-1393 (attached) and is submitting this document to Clackamas County Planning for Concurrence. No component has been formally submitted to DLCD for review under this sequential process.
 - **Finding:** By the signature of their authorized representatives below, the City and County jointly elect to use the sequential process in OAR 660-025-0185 to amend the City of Canby UGB.
3. The Notice of Election must propose the planning period for the amendment and include a draft work program (Note: DLCD will prepare a final work program upon submission of this joint written notice of election).



September 7, 2023

- **Response:** The City proposes 2023-2043 as the planning period for the amendment. A draft work program is included with this document as Exhibit A.
- **Finding:** This document is the Notice of Election and does propose a planning period and work program as required.

Authorized Representative for City of Canby

Authorized Representative for Clackamas County

Name/Title: Eileen Stein

Name/Title: _____

Signature: Eileen Stein Date: 9-7-23

Signature: _____ Date: _____

Attachment A: City of Canby Sequential UGB Work Program

Task #	Task Name and Description	Expected Completion Date	Adoption/Review Body and Method
1	<p>Housing Needs Analysis (HNA) and Housing Production Strategy (HPS)</p> <p>The HNA includes a buildable land inventory (BLI) and housing needs analysis determining housing needs over the next 20 years and capacity within the existing UGB, in accordance with ORS 197.296 and HB 2003. The final refinements to the BLI are needed to determine the land supply and, subsequently, the overall land need.</p> <p>The HPS identifies tools, actions, and policies the City can use to encourage housing production based on needs identified in the HNA. Work on the HPS is complete pending final adjustments to the HNA.</p>	<p>February 21, 2024.</p> <p>The HNA and HPS will be adopted concurrently.</p>	<p>HNA</p> <ol style="list-style-type: none"> 1. Post Acknowledgement Plan Amendment to Comprehensive Plan, adoption by Canby City Council. 2. Notice to DLCD pursuant to OAR 660-025-0140. 3. DLCD Director review within 90 days pursuant to OAR-660-025-0150 (appealable to LCDC). <p>HPS</p> <p>Adoption by City Council with subsequent review by DLCD in accordance with OAR 660-008.</p>
2	<p>Identify and Adopt Land Efficiency Measures</p> <p>Land efficiency measures are changes the city makes to its zoning map and development code to increase land efficiency within the existing UGB in order to reduce the overall UGB expansion needs.</p> <p>The land efficiency measures can include zone changes to zone more land for residential development, to up-zone or increase densities in some areas, or other changes to standards that would provide more capacity. These measures may partially overlap with strategies identified in the Housing Production Strategy.</p>	<p>April 17, 2024</p>	<ol style="list-style-type: none"> 1. Post Acknowledgement Plan Amendment to Comprehensive Plan and development code, adoption by Canby City Council and Clackamas County. 2. Notice to DLCD pursuant to OAR 660-025-0140. 3. DLCD Director review within 90 days pursuant to OAR-660-025-0150 (appealable to LCDC).

<p>3</p>	<p>Canby has initiated a project to consider land efficiency measures including, but not limited to:</p> <ul style="list-style-type: none"> • Planned Unit Development code update • Creation of cottage development ordinance • Creation of mixed-use overlay or zone along 99E corridor for commercial zones <p>Urban Growth Boundary (UGB) Expansion Using results from the HNA, EOA, and accounting for efficiency measures, the city will determine the total amount of housing and employment land that needs to be added to the UGB. The final UGB expansion must be adopted by both the City and the County. Subtasks include:</p> <ul style="list-style-type: none"> • Establish preliminary study area, pursuant to OAR 660-024-0065 • Evaluation of lands within study area, pursuant to OAR 660-024-0070 • Identification of lands to be added to UGB <p>The City may opt to adopt Comprehensive Plan designations for the newly added land at this time or may complete that task separately, following expansion.</p>	<p>June 30, 2025</p>	<p>1. Post Acknowledgement Plan Amendment to Comprehensive Plan and development code, adoption by Canby City Council</p> <p>2. Notice to DLCD pursuant to OAR 660-025-0140.</p> <p>3. DLCD Director review within 90 days pursuant to OAR-660-025-0150 (appealable to LCDC).</p>
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*None of the proposed completion dates in this program are binding; they are preliminary estimates. However, for the purposes of an urban growth boundary amendment, a task approval is valid for four years. This means that if the UGB expansion is not completed within that time period, the expired work task would need to be updated, readopted, then acknowledged. This period may be extended for up to one year by the director if the local governments show good cause for the extension. The four-year period begins on the later date of:

- (a) Director approval order;
- (b) Commission final approval order; or
- (c) Completion of judicial review of the final approval order.

