



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

MEMORANDUM

TO: Clackamas County Board of County Commissioners (BCC)
FROM: Dan Johnson, DTD Director
RE: Metro UGB Exchange – Update and Comment Letter Approval
DATE: January 17, 2023

REQUEST: Update on the Metro UGB Exchange process, reminder of Public Hearing and approval of a comment letter to Metro.

BACKGROUND: The City of Tigard submitted a request for a mid-cycle Urban Growth Boundary (UGB) amendment to add approximately 500 acres of land to the UGB. Metro COO, Marissa Madrigal, recommended that Metro Council consider using a land exchange – removing undeveloped land from the UGB – in exchange for adding the land proposed by Tigard. In late November Metro Council directed staff to pursue “Option 3,” which would remove approximately 572 acres of land from the Damascus area and the S. Redland Rd./S. Holly Ln. area of Oregon City and would bring the 500 acres into the UGB in Tigard.

Metro staff mailed notice to the property owners whose property would be removed from the UGB under the current proposal.

Since staff last met with the Board, Metro convened two town hall events on the proposal.

Metro Council plans to hold a public hearing on January 19 and is expected to take action on February 2 (tentative).

Staff has prepared a draft letter of comment per your request at Issues on January 4, 2023.

The board may choose to submit written and/or provide verbal testimony at the public hearing.

Attachments:

Attachment 1 – DRAFT UGB Exchange Metro Letter of Comment -January 19, 2023
Attachment 2 – UGB Exchange Metro COO Recommendation - October 13, 2022



January 17, 2023

Metro Council
Via email

Dear Metro Council:

The Clackamas County Board of Commissioners strongly opposes the proposed Urban Growth Boundary (UGB) exchange resulting from a request by the City of Tigard.

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 continue to assert that the land exchange is taking a punitive approach that 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." 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 swap process.

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 stated 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

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,

River Terrace 2.0 Urban Growth Boundary Exchange:

Metro Chief Operating Officer Recommendation to the Metro Council

October 13, 2022

Summary

In recent years, Tigard has been a leader in allowing more middle housing options such as duplexes, triplexes, and townhomes. Last year, Tigard proposed a well-planned urban growth boundary (UGB) expansion into urban reserves that would include additional middle housing. For the reasons described in my March 2022 recommendation, I believe that Tigard has demonstrated that it is ready to contribute more to the region's housing production and that the Council should add the River Terrace 2.0 urban reserve to the UGB to enable the city to do so. My current recommendations respond to the direction that the Metro Council gave this spring to provide options for adding the River Terrace 2.0 urban reserve to the UGB through an exchange.

The UGB exchange process entails keeping the overall acreage inside the UGB consistent by expanding the UGB to add the River Terrace 2.0 urban reserve area and retracting the UGB line elsewhere in an area that is not yet ready to provide housing. This approach is consistent with Metro's focus on city readiness in its growth management decisions. It recognizes that Tigard is ready for growth while some other areas that were added to the UGB in the past have not resulted in housing and may not for decades to come.

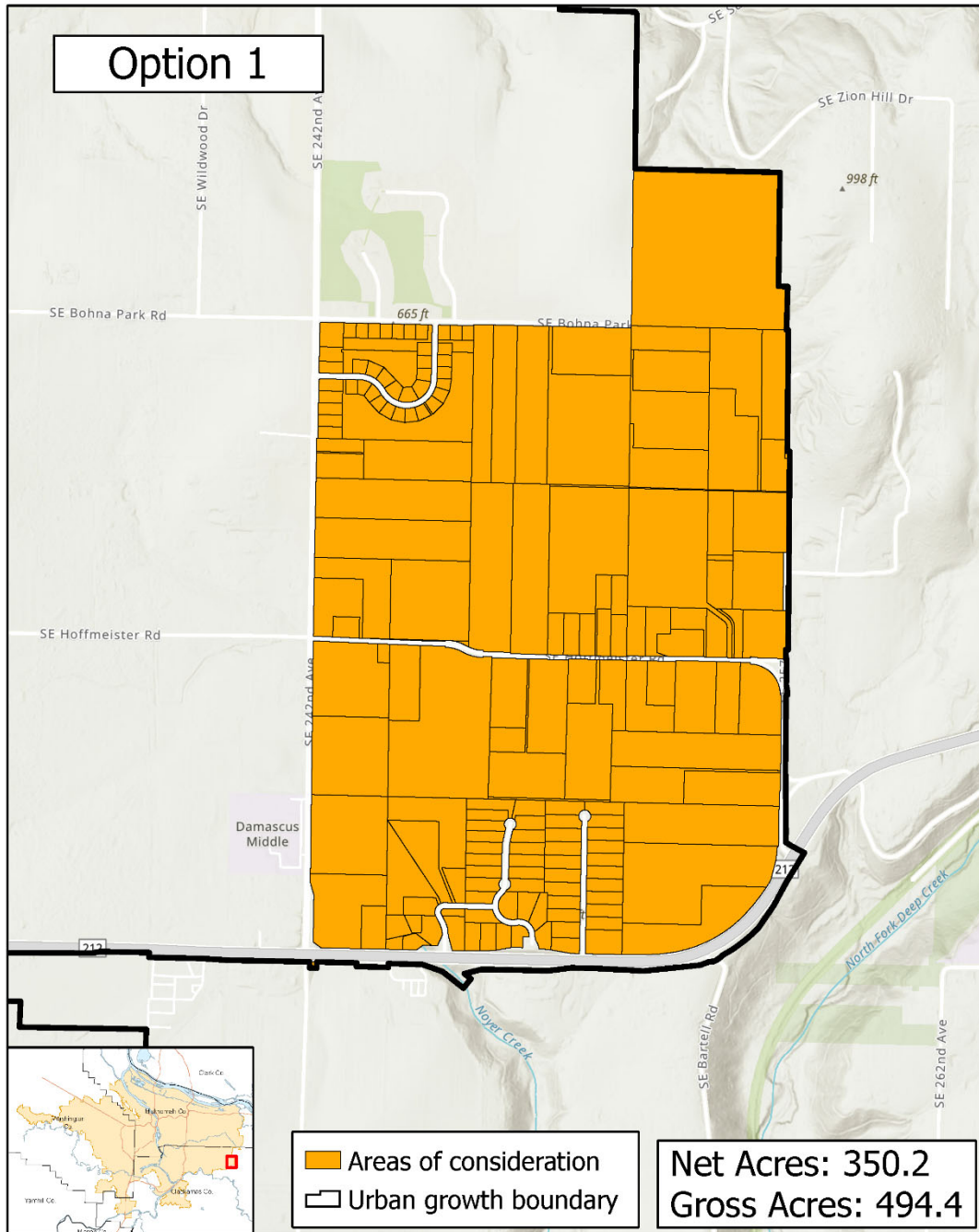
Having analyzed several possible exchange areas and engaged with local jurisdictional partners and other stakeholders, I am pleased to present the Council with three options that would each help to ensure that more of the land inside the UGB is ready to provide housing options. The Council could rely on any of these options to complete a UGB exchange and they each present a variety of considerations that could help the Council to come to a decision.

I recommend that the Council proceed with the UGB exchange after selecting one of these options. Each option includes buildable acreage comparable to River Terrace 2.0 (350 buildable acres), meeting the requirement that the amount of buildable land inside the UGB remain roughly the same. I further recommend that Metro seek to designate any areas removed from the UGB as urban reserves so that they can be considered for adding back to the UGB at a future date if there is a demonstration that a city can make them ready for housing or job growth and there is a regional need for additional UGB land.

The release of this recommendation kicks off a public comment period. This fall, Metro staff will also seek the recommendations of the Metro Policy Advisory Committee. Staff will provide the results of both to the Council as it determines what decision it intends to make. Pending that Council direction, staff will then provide notices to those that would be directly impacted by the UGB exchange, both in the proposed expansion area as well as in any UGB exchange areas.

Option 1

This option consists of one area in unincorporated Clackamas County, east of SE 242nd Ave. and north of Highway 212. The area is a mix of rural residential and agricultural uses. It includes 494 gross acres and, after accounting for environmental constraints, approximately 350 buildable acres.



Option 1 considerations

Planning, infrastructure, and development status

This area is part of the former City of Damascus, which disincorporated after the city was unable to come to an agreement on a comprehensive plan. Metro staff is not aware of any county effort to complete a plan for the area. Providing infrastructure, particularly sewer and stormwater infrastructure, would be complex and expensive.

Parcelization

Reflecting a mix of rural residential and agricultural uses, this area contains a variety of tax lot sizes, ranging from less than one acre up to approximately 40 acres. The presence of existing rural residential development may mean that this area could be challenging to urbanize efficiently if it remains in the UGB.

Property owner sentiment

Metro has not yet attempted to contact specific property owners. However, staff is aware through engagement activities and testimony submitted to the Metro Policy Advisory Committee and the Metro Council that there are some property owners in the general area that would like to have their properties removed from the UGB.

Time in UGB

This area was added to the UGB in 2002.

In UGB for special purpose

This area was not added to the UGB to address a unique regional need, therefore its potential inclusion in a UGB exchange does not raise more complex issues.

Natural resources and environmental features

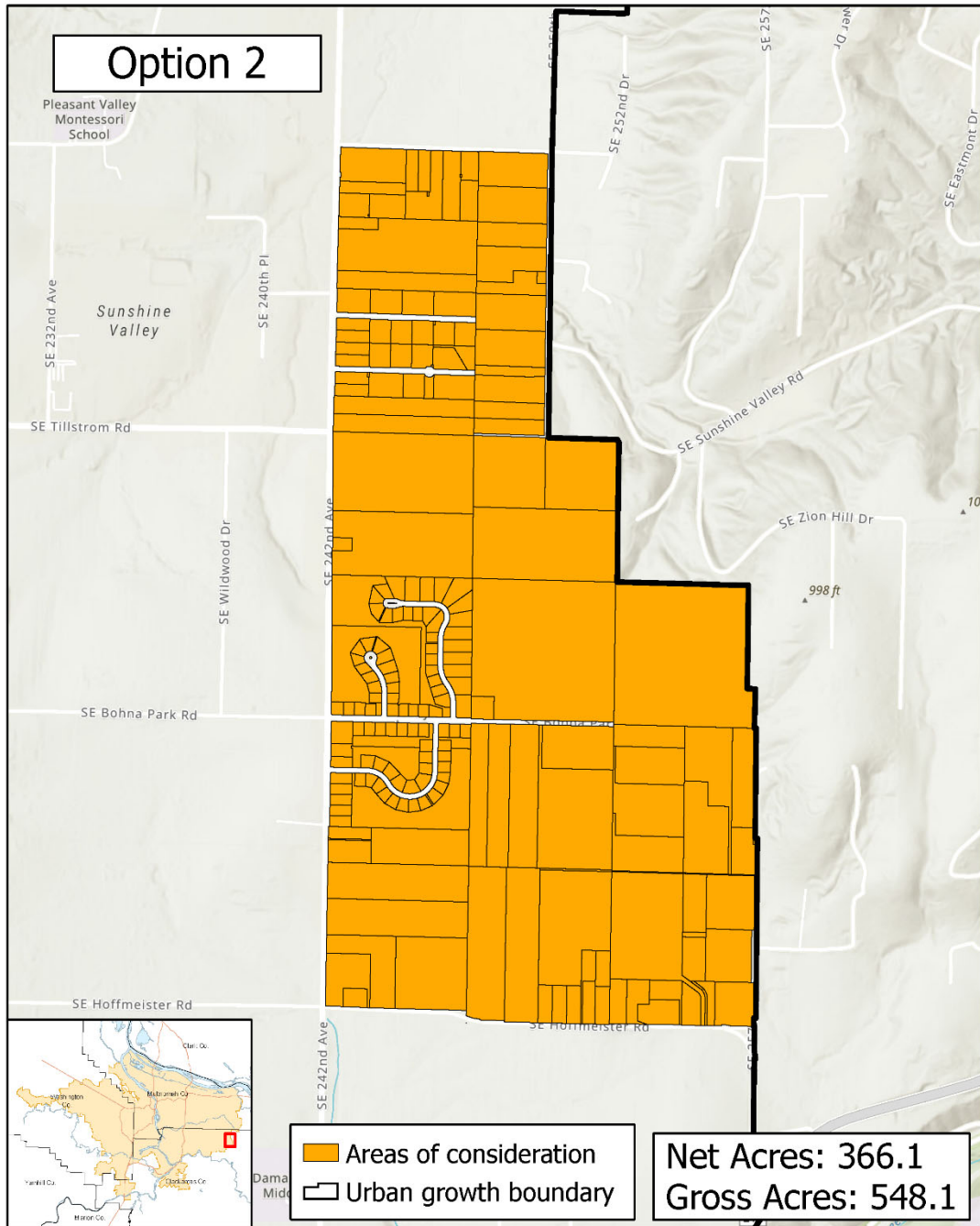
This area is relatively flat, is not within a floodplain, and has some mapped riparian areas and upland habitat.

Jurisdiction sentiment

With the dissolution of the City of Damascus, there is no city that will serve this area. Though the City of Happy Valley has annexed portions of the former Damascus, those areas are further west, and the city does not intend to annex this area. Staff is aware that some county commissioners are opposed to any portion of the county being removed from the UGB. Specific to this area, county commissioners have expressed concern about removing areas directly abutting Highway 212.

Option 2

This option consists of one area in unincorporated Clackamas County, east of SE 242nd Ave. and north of SE Hoffmeister Rd. The area is a mix of rural residential and agricultural uses. It includes 548 gross acres and, after accounting for environmental constraints, approximately 366 buildable acres.



Option 2 considerations

Planning, infrastructure, and development status

This area is part of the former City of Damascus, which disincorporated after the city was unable to come to an agreement on a comprehensive plan. Metro staff is not aware of any county effort to complete a plan for the area. Providing infrastructure, particularly sewer and stormwater infrastructure, would be complex and expensive.

Parcelization

Reflecting a mix of rural residential and agricultural uses, this area contains a variety of tax lot sizes, ranging from less than one acre up to approximately 55 acres. The presence of existing rural residential development may mean that this area could be challenging to urbanize efficiently if it remains in the UGB.

Property owner sentiment

Metro has not yet attempted to contact specific property owners. However, staff is aware through engagement activities and testimony submitted to the Metro Policy Advisory Committee and the Metro Council that there are some property owners in the general area that would like to have their properties removed from the UGB.

Time in UGB

This area was added to the UGB in 2002.

In UGB for special purpose

This area was not added to the UGB to address a unique regional need, therefore its potential inclusion in a UGB exchange does not raise more complex issues.

Natural resources and environmental features

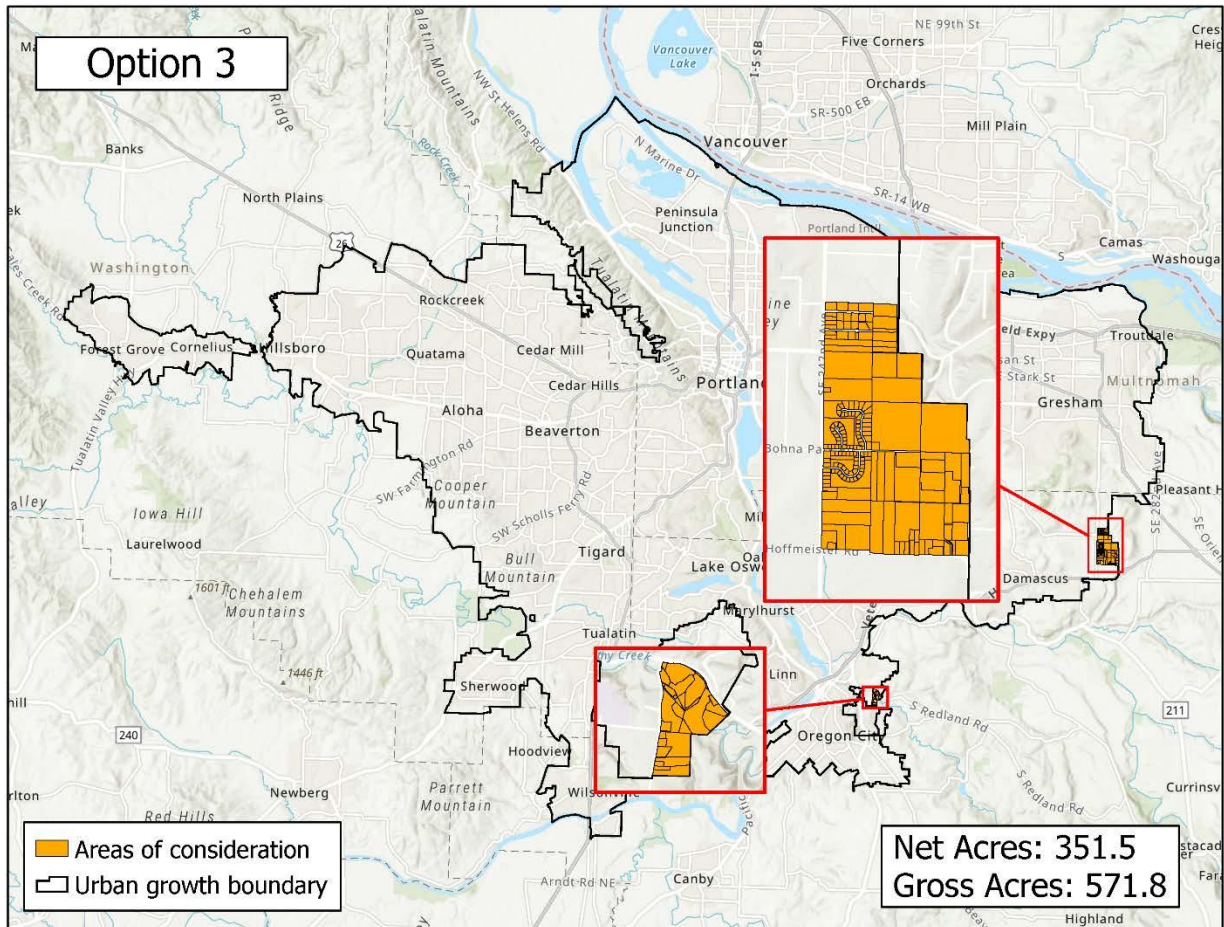
This area is relatively flat with some portions having slight slopes. The area is not within a floodplain. The area has some mapped riparian areas and upland habitat.

Jurisdiction sentiment

With the dissolution of the City of Damascus, there is no city that will serve this area. Though the City of Happy Valley has annexed portions of the former Damascus, those areas are further west, and the city does not intend to annex this area. Metro staff is aware that some county commissioners are opposed to any portion of the county being removed from the UGB.

Option 3

This option is spread across two separate parts of the region and includes the Park Place area outside of Oregon City and an unincorporated area of Clackamas County that is east of SE 242nd Ave. and north of Hoffmeister Rd. These areas are a mix of rural residential, forest, and agricultural uses. Together, these areas include 572 gross acres and, after accounting for environmental constraints, approximately 352 buildable acres.



Option 3 considerations

Planning, infrastructure, and development status

Both areas in Option 3 are unincorporated and not within a city. The unincorporated Clackamas County area east of SE 242nd is part of the former City of Damascus, which disincorporated after the city was unable to come to an agreement on a comprehensive plan. Metro staff is not aware of any county effort to complete a plan for the area. Providing infrastructure, particularly sewer and stormwater infrastructure, would be complex and expensive.

The larger Park Place area consists of two subareas outside of Oregon City. Metro staff only recommends the area south of Redland Rd. as a potential exchange option. Oregon City completed the

planning for Park Place in 2007 and the city adopted the necessary comprehensive plan amendments in 2008. The Park Place plan included a significant amount of land beyond the 2002 expansion area that was already within the UGB. In 2019, the city annexed 92 acres of land in the Park Place area north of Redland Road. A 432-unit development is currently at the planning commission. This development will help facilitate a much-needed future north south connection between Redland Road and Holcomb Blvd. The area north of Redland Road is no longer under consideration for this UGB exchange. However, the area south of Redland Road has numerous development challenges, including areas with steep slopes and riparian habitat, and I recommend it for possible UGB exchange consideration.

Parcelization

Reflecting a mix of rural residential, forest, and agricultural uses, these areas contain a variety of tax lot sizes, ranging from less than one acre up to approximately 55 acres. The presence of existing rural residential development and steep slopes may mean that these areas could be challenging to urbanize efficiently if they remain in the UGB.

Property owner sentiment

Metro has not yet attempted to contact specific property owners. However, staff is aware through engagement activities and testimony submitted to the Metro Policy Advisory Committee and the Metro Council that there are some property owners in area east of SE 242nd Ave. in Clackamas County that would like to have their properties removed from the UGB. Property owner sentiment is unknown in the Park Place area but may be better understood in the upcoming public comment period.

Time in UGB

The Park Place area was added to the UGB in 2002. The unincorporated Clackamas County area to the east of SE 242nd Ave. was added to the UGB in 2002.

In UGB for special purpose

These areas were not added to the UGB to address a unique regional need, therefore their potential inclusion in a UGB exchange does not raise more complex issues.

Natural resources and environmental features

The subarea to the east of 242nd in unincorporated Clackamas County is relatively flat with some portions having slight slopes. The area is not within a floodplain. The area has some mapped riparian areas and upland habitat.

The subarea known as Park Place is crossed by steep slopes, and riparian and upland habitat. The prevalence of these environmental characteristics presents challenges for developing other portions of the area.

Jurisdiction sentiment

Unincorporated Clackamas County east of SE 242nd: With the dissolution of the City of Damascus, there is no city that will serve this area. Though the City of Happy Valley has annexed portions of the former Damascus, those areas are further west, and the city does not intend to annex this area. Metro staff is

aware that some county commissioners are opposed to any portion of the county being removed from the UGB.

Park Place: The Oregon City Commission indicated in a Commission meeting on October 5, 2022 that it understood the regional benefit of a UGB exchange and that it was not opposed to having the Park Place area south of Redland Rd. removed from the UGB to facilitate that exchange. The City Commission did seek clarity on whether it would face regulatory consequences related to meeting housing needs if this land were removed from the UGB. Metro staff appreciates the Commission’s willingness to help with regional housing production and believes that the city, Metro and the state could work together to recognize this in future forecast coordination efforts and city housing production strategies if this area is removed from the UGB.

How staff identified and narrowed exchange options

As directed by the Metro Council, staff identified exchange options following the following principles:

- Focus on areas where urbanization has not occurred in a timely fashion because of infrastructure challenges, governance challenges, market conditions or other lack of readiness for growth.
- Lands must be adjacent to the UGB.
- Removing lands from the UGB must not create an “island” that remains in the UGB.
- A contiguous block of land is preferable to multiple areas.
- Lands must not yet have received urban zoning.

Recent Metro staff memos to the Metro Technical Advisory Committee, the Metro Policy Advisory Committee, and the Metro Council describe the combination of mapping and consultation with local jurisdictions that was used to identify an initial set of UGB exchange options for further consideration. Generally, the mapping analysis identified buildable land in unincorporated areas in the UGB that are within one mile of the UGB boundary. Subsequent “fact-checking” with local jurisdictions sought to confirm the planning and development status of those areas. Further review and consultation have led me to recommend the three options described herein.

Next steps

Staff proposes the following sequences (*dates subject to change*):

- October 13, 2022: Release COO recommendation and begin public comment period*
- October 20, 2022: Council – discuss COO recommendations*
- October 26, 2022: MPAC – discuss COO recommendations*
- November 2, 2022: End public comment period*
- November 9, 2022: MPAC – make recommendations to Metro Council*
- November 22, 2022: Council – update on public comments and MPAC recommendations*

December 6, 2022: Council – provide direction on intended decision to enable notices to the Department of Land Conservation and Development and to affected property owners

January 19, 2023: Council – first read of ordinance and public hearing

February 2, 2023: Council – second read of ordinance and vote