

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** December 8, 2015 **Approx Start Time:** 10:30 am **Approx Length:** 1.0 hours

**Presentation Title:** Creating a Vibrant Economy  
Employment Land Need – Work Program

**Department:** Admin, Planning

**Presenters:** Dan Chandler, Martha Fritzie

**Other Invitees:** Barb Cartmill, Mike McCallister

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Continued review and discussion of work plan to evaluate potential changes to Urban and Rural Reserves in Clackamas County.

### EXECUTIVE SUMMARY:

#### Background – Previous BCC actions

This work program follows a series of previous actions by the Board of County Commissioners to develop a potential “ask” of Metro and potentially the Oregon State Legislature related to our employment land needs and the Metro Urban and Rural Reserves (MURR).

In a four-step process, the Commission made the following decisions:

1. That the County has an unmet 20-year non-retail employment land need of approximately 930 - 1100 acres, including several large lot industrial sites. (6-30-2015)
2. That staff should look for land suitable for a wide range of uses, as set out in the Johnson Economics Land Need Study. (7-14-2015)
3. That lands in the UGB and existing urban reserves in the City of Damascus and North Milwaukie Industrial, Borland Road, near Oregon City and northwest of Wilsonville should satisfy most of the identified 20-year need. (8/17/2014)
4. That the County should seek to remove the rural reserve designation from a 630-acre area south of Wilsonville. (8/17/2015)
5. That the staff should seek to designate the Boring, Springwater Road and Canby areas as undesignated. (9/8/2015)

## **Summary of requested changes to reserves map:**

### **1. Rural Reserves to Undesignated.**

- a. approximately 800 acres south of Wilsonville;
- b. approximately 400 acres east of Canby; and
- c. approximately 425 acres south of the Clackamas River along Springwater Road.

### **2. Urban Reserve to Undesignated.** Approximately 3,400 acres in the Damascus/Boring Urban Reserve area - or a portion of that area.

## **Work Program**

Staff were asked to develop a work plan for the changed designations. Given that changes to the MURR require the application of factors and public involvement, the County will need to do a significant amount of work before proposing changes. The Commission directed staff to come back with a work plan to evaluate the potential changes. Planning Staff have prepared a proposed work plan, attached to this staff report.

The work program is divided in several ways. First, the work is divided between the Rural and Urban portions, as they implicate different factors and requirements. The program is also broken up into two sections.

- First decision point: Based on the analysis and draft findings, should the County go forward with amendments and seek Metro concurrence?
- Second decision point: Formal adoption with Metro.

## **Public Involvement Plan(s).**

State law requires that the County submit a public involvement plan or plans to the LCDC Citizen Involvement Advisory Committee (CIAC) for review and comment. Draft plans are attached.

## **FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget?       YES      X NO

See attached draft work program. Please note that staff time is identified to show the fiscal impact of the work program, and would not necessary be an additional budget item. However, the work program would replace other work in currently planned and budgeted.

**Summary of Estimated Project Budget (Staff Time and Consultants) and Project Timing**

	<b>Rural to Undesignated</b>		<b>Urban to Undesignated</b>		<b>Combined Project</b>	
SUBTOTAL (Through Decision Point #1)	Staff: \$95,900	Consultant: \$30,000	Staff: \$132,800	Consultant: \$95,000	Staff: \$228,700	Consultant: \$125,000
Estimated completion	April/May 2016		June/July 2016		June/July 016	
TOTAL (Through Adoption)	Staff: \$163,100	Consultant: \$30,000	Staff: \$227,500	Consultant: \$110,000	Staff: \$390,600	Consultant: \$140,000
Estimated completion	Nov/Dec 2016		March/April 2017		March/April2017	

**STRATEGIC PLAN ALIGNMENT:**

- How does this item align with your Department’s Strategic Business Plan goals?
- How does this item align with the County’s Performance Clackamas goals?

By addressing employment land supply, this item supports several Performance Clackamas Goals

- By 2020, Clackamas County will have and maintain a 20-year supply of serviceable non-retail employment land in the urban growth boundary.
- By 2019, Clackamas County will have and maintain a supply of employment land, including large lot industrial, sufficient to provide 500 jobs within a nine-month window.

**LEGAL/POLICY REQUIREMENTS:**

As noted in the August 17, 2015 staff report, changes would necessitate a significant public process as follows:

**Process steps for significant changes to Reserves**

1. A revised intergovernmental agreement between Metro and Clackamas County.
2. A new joint county/metro public process.
3. Reconsideration and re-application of the Urban and Rural Reserves factors by the County and Metro.
4. A full County comprehensive plan amendment process, including pre-hearing notices, and a planning commission process.

5. Consultation and coordination with Multnomah and Washington Counties for urban reserves changes.
6. For new urban reserves, coordination “with cities, specials districts and school districts that might be expected to provide urban services . . .” OAR 660-027-0040(8)
7. A new joint submittal to the Land Conservation and Development Commission.
8. Potential appeals to the Court of Appeals.

Metro has indicated that it is not interested in changes to the reserves map at this time.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

**OPTIONS AND RECOMMENDATIONS:**

**Options**

1. Direct staff to proceed with the work plan described in the attached memorandum.
2. Direct staff proceed with portions of the work plan.

**ATTACHMENTS:**

- a. Draft work program
- b. Rural Public Involvement Plan.
- c. Urban Public Involvement Plan
- d. Oregon Administrative Rules with factors for urban and rural reserves

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Dan Chandler @ 503-742-5394
-------------------------------------------------------------------------------------------------------



MIKE MCCALLISTER  
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

To: Board of County Commissioners

From: Martha Fritzie; Senior Planner, Clackamas County Planning and Zoning Division

Date: December 2, 2015

RE: Refined Draft General Work Program for Limited Reserves Re-Look, 2015

---

### **Current Status**

On October 21, 2015, the Board of County Commissioners (BCC) authorized staff to move forward with a draft work program for a limited re-look at the Urban and Rural Reserves that were adopted by the County in April 2010. Specifically, the BCC's direction was to consider the following changes:

- 1) **Rural Reserves to Undesignated.**
  - a. Approximately 800 acres south of Wilsonville;
  - b. Approximately 400 acres east of Canby, and
  - c. Approximately 425 acres south of the Clackamas River along Springwater Road.
- 2) **Urban Reserve to Undesignated.** All or a portion of approximately 3,400 acres in the Damascus/Boring Urban Reserve area.

Since that policy session, staff has been working on Tasks 2 and 3 of that draft Work Program: refining the overall work program, budget and staffing assumptions, and refining the Public Involvement Plan (PI Plan). The proposed PI Plans have been submitted to the Oregon CIAC (Citizen Involvement Advisory Committee) for review and approval, as required under state law. Once approved, these plans would be used to issue a RFP for a consultant to assist the county's Public & Government Affairs (PGA) staff with public outreach.

### **Attachments**

The revised work programs are attached to this memo, as well as a timeline outlining the expected duration and completion of each major work task. Both the general Work Program and the PI Plan have been split into two parts: (1) *Rural Reserves to Undesignated*, and (2) *Urban Reserve to Undesignated*. This distinction has been made in the work programs and budgets so both the BCC and staff can better understand the differences in expected scope, timing and costs between considering Rural Reserves (which are designated by the County) and proposing changes to Urban Reserves (which, technically, are designated by Metro).

In addition, the revised plans include estimates for work and associated costs for that work that is expected to be completed by consultants to assist with the public involvement program and a planning consultant to assist with the Urban Reserves portion of the project.

### **Expected Project Staffing and Implications**

PGA staff: Current staffing level is not sufficient for this project. A consultant would be hired to assist county staff with the PI Plan. The *Urban Reserves to Undesignated* portion of the project is projected to require considerably more public outreach than the *Rural Reserves to Undesignated*, which will be reflected in staff and consultant time and costs.

Planning staff: Current staffing level would be sufficient for the *Rural Reserves to Undesignated* portion of the project. With the addition of potential changes in the Damascus/Boring Urban Reserve, it would become necessary to hire a planning consultant both due to staffing constraints and to add third-party objectivity for the urban reserve analysis and coordination with Metro staff necessary to complete this project.

The Planning Division will come before the Board at the end of January to discuss the 2016-17 work program. Planning recently sent a notice to the county's Community Planning Organizations (CPOs), Hamlets and Villages requesting feedback regarding that work program. The Planning Division is currently about halfway through its five-year audit of the Zoning and Development Ordinance (ZDO). This year's work on the audit (Year 3) was postponed because of the need to develop marijuana land use regulations. The intent was to resume that project in the coming year; however, with a new reserves project(s), some of this work would need to be postponed even farther into the future.

### **Other Caveats and Assumptions**

The estimates presented in this document for the scope and budget are based on a series of relatively aggressive assumptions, including:

- (1) Proposing a change in a fairly large urban reserve will have *no impact* on other areas in the region and, more specifically, will not create a need to identify other areas to include in an urban reserve. It is entirely possible that this will not be the case and the elimination of several thousand acres of urban reserve in the Damascus/Boring Urban Reserve area, combined with the removal of approximately 2,000 acres of urban reserve in Washington County's 2014 "Grand Bargain," could trigger a need to identify additional urban reserve areas elsewhere in the Portland Metropolitan region to meet the statutory requirement to provide at least 40 years of land for potential urban development.
- (2) Metro will agree to the revised findings and map revisions that the county will propose at the end of this process. Again, it is entirely possible that this will not be the case. To date, Metro has made it abundantly clear that they have no interest in changing the map. Work will need to be done to help Metro understand that it is in not only the county's best interest, but in the region's best interest, to make these changes to the reserves map to provide some flexibility to accommodate ever-changing needs in the future.

To the extent that any of the assumptions made in the scoping of this work program or other conditions change, the scope and budget have the potential to change quite significantly.

**Revised Work Program & Budget for Limited Reserves Re-Look (Draft Dec. 2, 2015)<sup>1,2</sup>**

---

**Task 1. Review and summarize** record, existing information and analysis. To maximize efficiency, the existing record would be reviewed exhaustively to determine what, if any, analyses could be used for this project.

Planning staff would complete much of the review as it relates to the rural reserves portion. If a planning consultant is hired to work on the urban reserve area, the majority of this work would be completed by the consultant with assistance from staff.

Task 1	Estimated Budget	Expected Completion
Rural reserves to undesignated portion	Staff: \$15,100 Consultant: \$0	February 2016
Urban reserves to undesignated portion	Staff: \$5,000 Consultant: \$10,000	March 2016

**Task 2. Finalize work plan and budget.** Refine draft work program and budget; identify staffing and project management; and develop and issue RFP, and screen consultant(s).

As noted previously, a planning consultant would be needed to assist with the analysis and other project tasks for the urban reserve portion of this project. Budget for general project management is also included in this task and would occur throughout the duration of the project. The overall cost for a planning consultant is estimated to be approximately \$60,000, based on actual consultant costs for the analysis and other comparable portions of other recently-completed planning projects in the county, split between Tasks 1, 4 and 5.

Task 2	Estimated Budget	Expected Completion
Rural reserves to undesignated portion	Staff: \$15,100 Consultant: \$0	December 2015
Urban reserves to undesignated portion	Staff: \$22,200 Consultant: \$0	January 2016 (planning consultant hired)

**Task 3. Establish & manage public involvement,** including:

- Create a detailed Public Involvement (PI) Plan<sup>2</sup>
- Submit the PI Plan for review by CIAC
- Establish and manage open houses and other community meetings
- Coordinate with service providers, as needed
- Other outreach activities (website, mailings, new releases, social media, etc)

---

<sup>1</sup> Budget estimates are rough and subject to change as more detailed scoping of the project occurs. Budget numbers are intended to be independent for each portion of each task.

<sup>2</sup> As noted previously, this work scope assumes no additional areas will be analyzed for inclusion in a new Urban Reserve. If it becomes necessary to include that type of analysis the scope and timing both for the general project and for the PI Plan would increase substantially, in large part due to the need for significantly more regional coordination.



As noted, this task is currently underway. The draft PI Plans submitted to the state CIAC for review is provided with these policy session materials. Once approved by the CIAC, these plans would be incorporated into the RFP for a consultant to assist with implementing the plan.

The PI plan includes open houses in each affected rural reserve area and a more robust public outreach/open house schedule for the urban reserve area, including coordination with potential service providers and, as needed, regional partners.

The cost for a Public Involvement consultant is initially estimated at approximately \$80,000 based on public outreach consultant costs for other recent projects. We would expect to hire a consultant by the end of January 2016. Public involvement activities would occur for the duration of either or both projects.

<b>Task 3</b>	<b>Estimated Budget</b>	<b>Expected Completion</b>
Rural reserves to undesignated portion	Staff: \$35,300 Consultant: \$30,000	April 2016
Urban reserves to undesignated portion	Staff: \$55,500 Consultant: \$50,000	June 2016

**Task 4. Analysis & Mapping.** This task would inform coordination and public outreach work, as well as the development of revised findings. The majority of the additional planning work would be related to the analysis of the urban reserve and would likely be completed largely by the planning consultant. Some additional analysis would likely be needed for the rural reserve areas but could be completed by staff.

<b>Task 4</b>	<b>Estimated Budget</b>	<b>Expected Completion</b>
Rural reserves to undesignated portion	Staff: \$30,400 Consultant: \$0	April 2016
Urban reserves to undesignated portion	Staff: \$50,300 Consultant: \$35,000	June 2016

**DECISION POINT #1:** The BCC would need to determine whether to move forward with the adoption process in coordination with Metro.

<b>Decision Point (subtotal)</b>	<b>Estimated Budget (subtotal)</b>	<b>Expected Completion</b>
Rural reserves to undesignated portion	Staff: \$95,900 Consultant: \$30,000	April 2016
Urban reserves to undesignated portion	Staff: \$132,800 Consultant: \$95,000	June 2016
<b>Subtotal (both portions)</b>	<b>Staff: \$228,700 Consultant: \$125,000</b>	<b>June 2016</b>

**Task 5. Produce Revised Findings; Coordinate with Metro’s Findings.** The Urban and Rural Reserves decision must be based on procedures, analysis and factors that are identified in state law (see summary of factors, attached). Because findings for these areas have already been developed and acknowledged by the State and upheld by the Court of Appeals, care would need to be taken to develop revised findings that can also withstand legal scrutiny.

<b>Task 5</b>	<b>Estimated Budget</b>	<b>Expected Completion</b>
Rural reserves to undesignated portion	Staff: \$22,100 Consultant: \$0	June 2016
Urban reserves to undesignated portion	Staff: \$36,100 Consultant: \$15,000	September 2016

**Task 6. Adoption.** The adoption process is somewhat lengthy because of required notifications and timing needed between hearings to prepare materials and the record. For adoption to occur at the County level, separate public hearings would have to take place before both the Planning Commission and the Board of County Commissioners (BCC).

<b>Task 6</b>	<b>Estimated Budget</b>	<b>Expected Completion</b>
Rural reserves to undesignated portion	Staff: \$45,100 Consultant: \$0	December 2016
Urban reserves to undesignated portion	Staff: \$58,600 Consultant: \$0	April 2017

**DECISION POINT #2: Adoption** (pre-acknowledgement & appeals)

<b>Decision Point (total)</b>	<b>Estimated Budget (total)</b>	<b>Expected Completion</b>
Rural reserves to undesignated portion	Staff: \$163,100 Consultant: \$30,000	December 2016
Urban reserves to undesignated portion	Staff: \$227,500 Consultant: \$110,000	April 2017
<b>Total (both portions)</b>	<b>Staff: \$390,600 Consultant: \$140,000</b>	<b>April 2017</b>

**Task 7. Acknowledgement & Appeals.** After adoption by the County, the proposed changes and revised findings would need to be adopted by Metro. County staff would certainly participate in that process. Once adopted by Metro, LCDC would need to acknowledge the changes. That decision would be subject to appeal. Staff believes there is a very high likelihood of appeals both in the area south of Wilsonville (French Prairie) and in any changed urban reserve. No estimate for staff time or budget can be made for this task.



## **Public Involvement Plan: Rural Reserves Follow-Up**

### **December 1, 2015**

#### **INTRODUCTION**

Clackamas County is implementing a follow-up limited rural reserves study and designation process in response to significant changes that have occurred related to two major urban reserve areas since the original adoption of the Metro Urban and Rural Reserves (MURR) in 2011.

- **Stafford:** The cities adjacent to the Stafford Urban Reserve, made up of approximately 6,300 acres, have consistently expressed opposition to urbanization. Two of them successfully appealed the urban reserve designation and that area is now going through a court-ordered remand process.
- **Boring:** Given the difficulties and possible demise of the City of Damascus, the Boring Urban Reserve (4,300 acres) may not provide a viable land supply. Even in the best-case scenario, the Damascus area is not likely to urbanize beyond 222<sup>nd</sup> Avenue in the next 20 years, and there will be miles of undeveloped land between Damascus and Boring.

Collectively this means that the bulk of urban reserves in Clackamas County may be of limited usefulness in the long term. At the same time, several studies have highlighted a potential future shortage of land available to urbanize in Clackamas County, particularly land for industrial uses and other employment purposes.

Accordingly, the County plans to revisit three current rural reserve areas to determine whether they might be better left as undesignated to provide more flexibility to meet future needs. According to the "Grand Bargain" bill in 2014, undesignated areas may not be considered for urbanization until 75 percent of existing urban reserves have been used. The County will not be designating any additional urban reserves.

The proposed process will involve the clear communication of information and timely opportunities for meaningful involvement by local governments, interested organizations and members of the public, as described in this document.

#### **PUBLIC INVOLVEMENT PLAN**

This public involvement plan is based on the plan created in 2008 by the coordinated efforts of the staffs of Metro and of Clackamas, Multnomah and Washington counties to incorporate public involvement into the study and designation of urban and rural reserves.

This plan is designed to illustrate the types of public involvement activities, messages and communications methods that will be utilized at different phases of this effort. It does not

provide an exhaustive list of meetings and activities that will be scheduled, target audiences that will be engaged or messages that will be employed. Staff from Clackamas County will work throughout this effort to closely coordinate public involvement activities with other jurisdictions and organizations in the county, and will keep county public involvement and policy advisory committees informed of and engaged with the implementation of various public involvement activities throughout this effort.

This plan incorporates the requirements of Oregon law and administrative rules governing public involvement in land use planning decisions. Though this plan is based on the 2008 public involvement plan that was reviewed and approved by the Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Commission (LCDC), it is appropriately reduced and modified to reflect the limited nature of this rural reserves follow-up, e.g., no urban reserves consideration and only one county involved.

## **Background Information on Rural Reserves**

Metro and Clackamas, Multnomah and Washington counties led a regional effort to help determine the shape of this region over the next 40 to 50 years, which ended in agreements between Metro and each county in 2010. Those agreements were submitted to the Oregon's Land Conservation and Development Commission (LCDC), which acknowledged them in 2012. That order was appealed to the Oregon Court of Appeals later the same year, and the Court issued its ruling in 2014 reversing and remanding LCDC's order for rural reserves in Washington County, one rural reserve area in Multnomah County, and urban reserve areas 4A, 4B, 4C and 4D (collectively known as "Stafford") in Clackamas County. Washington County urban and rural reserves were then altered through an agreement among agencies and stakeholders, and approved and codified as Oregon Laws 214, Chapter 2, by the state legislature in April 2014.

Urban and rural reserves are intended to provide greater predictability for the region as to where future growth may take place both inside and outside the current urban growth boundary (UGB) over the next 40 to 50 years, while protecting important farmland and natural areas from urbanization for that same period of time. The remand of the reserves decision presents an excellent opportunity for Clackamas County to take a limited re-look at its rural reserve areas to ensure that the needs of the county and the region are met for the coming decades.

## **Rural Reserves Limited Study and Designation Process**

The Clackamas County Board of Commissioners is considering changing three areas of land designated as "rural reserve" to "undesignated":

- Approximately 800 acres south of Wilsonville
- Approximately 400 acres east of Canby
- Approximately 425 acres south of the Clackamas River along Springwater Road

## **Principles of Public Involvement**

The following principles will apply to all public involvement activities:

1. The effort of considering changing three areas from rural reserve to undesignated will be framed in aspirational terms: this is about *shaping what Clackamas County and the region will look like* over the next 40 to 50 years. This will focus on protecting rural and natural areas that we treasure while determining which areas may be more appropriate for leaving undesignated to allow for flexibility to respond to changing needs in the future and to ensure the county has enough land to provide for a healthy economy.
2. Clackamas County will seek to solicit public input through electronic means. Any public feedback solicited online or through other media will address the same study questions asked at public forums and other in-person meetings.
3. Public comments received by Clackamas County on matters related to rural reserves will be recorded and responses will be available for public review.
4. Attendees at public meetings and forums who submit their names and contact information for the public record will be kept informed through electronic and/or written communications of the progress of the County's limited follow-up rural reserve study and designation process.

### **Phase 1: Informing Recommendations of Three Rural Reserve Study Areas**

Winter 2015-16

Phase 1 will focus on providing an introduction to the process of taking a limited re-look at three specific rural reserves. This will include an explanation of the process that will be undertaken to reconsider these rural reserves areas and the outcomes that the county seeks to achieve. Public involvement events and activities will also discuss the systematic approach that will be applied in the analysis of the three rural reserves.

#### **Main messages will focus on:**

- The significance of designating rural reserves and undesignated areas
- A brief overview of the factors that will be considered in evaluating whether to change the designation of these three areas
- How the process of evaluating these rural reserves will work
- The ultimate outcomes the County seeks to achieve

#### **Primary audiences and events will include:**

- **Community organization meetings:** Staff will attend regularly scheduled organization meetings in the selected areas to provide introductory information and to hear concerns, ideas and other feedback for re-evaluating the three specified rural reserve study areas.
- **Public open houses** to illustrate the study areas, describe the factors and findings being applied in the analyses of these study areas, and solicit public input.

#### **Materials will include:**

- A PowerPoint presentation that briefly explains, at a minimum:
  - What rural reserves and undesignated areas are
  - The difference between rural reserves and undesignated lands
  - Why these three rural reserve areas are being re-evaluated
  - The timeline for re-evaluating the rural reserves
  - What the county hopes to achieve through this process

- A brochure that briefly describes the re-evaluation process, purpose and timeline
- A description of the county's public involvement process (if applicable)
- A timeline of events and decision points
- Web sites maintained by the county that describe the need to re-evaluate these three rural reserves areas and the process for doing so
- Articles in the county-wide newsletter (Citizen News), county E-newsletter and other social media, as well as submissions to local media

Maps used during this phase will illustrate the broader region outside three rural reserves areas.

## ***Phase 2: Re-Evaluating Specified Rural Reserve Study Areas***

Spring/Summer 2016

Phase 2 analysis will apply the findings of the factors as described in Oregon law and administrative rule to consider in re-evaluating rural reserves. The analysis will incorporate the rural reserve factors, and information related to transportation and infrastructure needs, population and employment trends, and other inputs.

Public involvement events and activities during this phase will focus on educating the public about the application of the data and factors to the study areas, and will solicit feedback on how the Board of County Commissioners should weigh various factors in the determination of whether one of more of these rural reserve areas should be changed to undesignated areas. In addition to the main messages emphasized in the first phase of this project, public involvement activities during this phase will seek input on the analysis provided by staff as well as the relative weight that should be given to different factors in the ultimate designation of rural reserves and undesignated areas.

### **Primary audiences and events will include:**

- **Community organization meetings:** Staff will attend selected community organization meetings in and around the three areas being studied to illustrate the recommended reserve designations and solicit public feedback to present to the County Commission prior to adoption of the recommendations.
- **Other stakeholder meetings:** Staff will present information and collect input from a range of other stakeholder groups.
- **County Planning Commission:** Staff will present information to the Planning Commission describing the recommended designations for the three areas; the factors and other considerations that contributed to those recommendations; and the steps following the Board of County Commissioners designating the reserve areas, including the amendments to comprehensive plans, and the roles and responsibilities of the Planning Commission relating to the zoning and planning of reserve areas.
- **Public hearings:** A public hearing will be held by the Board of County Commissioners (BCC) to address whether to move forward with the adoption of the proposed changes to the identified rural reserves.

### **Materials will include:**

- A PowerPoint presentation that briefly explains, at a minimum:

- What rural reserves and undesignated areas are
- The difference between rural reserves and undesignated lands
- Why these three rural reserve areas are being re-evaluated
- The timeline for re-evaluating the rural reserves
- What the county hopes to achieve through this process
- The questions to be addressed at this phase of the project
- Brochure that briefly describes the limited re-look at these rural reserves and timeline
- Maps of study areas
- A description of the processes being utilized by the county to gather input
- Technical information developed to address the factors
- Timeline of events and decision points
- Written articles for publication in neighborhood and CPO newsletters/social media, promoting attendance at open houses and describing the effort to re-look at the three rural reserves areas
- Web sites maintained by the county that describe the need to re-evaluate these three rural reserves areas and the process for doing so, and solicit feedback from the public on the primary questions being addressed in this phase of the project
- News releases and notices in Citizen News, local newspapers and social media publicizing the open houses.

### ***Phase 3: Formal Designations of Three Study Areas***

Fall 2016

Phase 3 will deal with the amendment to the Clackamas County comprehensive land use plan to designate rural reserves. These activities will be conducted in accordance with requirements for public involvement established in Oregon law, Goal 1 of Oregon's Statewide Planning Goals and Objectives, and other applicable administrative rules.

The Planning Commission will hold a public hearing and make a recommendation to the Board of County Commissioners (BCC). The BCC will hold a public hearing to receive public comment on the recommendations made by the Planning Commission before coming to a final decision.

If a decision is made to remove the rural reserve designation from any or all the three study areas, Phase 3 will also involve negotiating a revised Intergovernmental Agreement between Clackamas County and Metro.



## **Public Involvement Plan: Urban Reserves Follow-Up**

### **December 1, 2015**

### **INTRODUCTION**

Clackamas County is implementing a follow-up limited urban reserves study and designation process in response to significant changes that have occurred related to two major urban reserve areas since the original adoption of the Metro Urban and Rural Reserves (MURR) in 2011.

- **Stafford:** The cities adjacent to the Stafford Urban Reserve, made up of approximately 4,200 acres, have consistently expressed opposition to urbanization. Two of them successfully appealed the urban reserve designation and that area is now going through a court-ordered remand process.
- **Boring:** Given the difficulties and possible demise of the City of Damascus, the Boring Urban Reserve (4,300 acres) may not provide a viable land supply. Even in the best-case scenario, Damascus is not likely to urbanize beyond 222<sup>nd</sup> Avenue in the next 20 years, and there will be miles of undeveloped land between Damascus and Boring.

Collectively this means that the bulk of urban reserves in Clackamas County may be of limited usefulness in the long term. At the same time, several studies have highlighted a potential future shortage of land available to urbanize in Clackamas County, particularly land for industrial uses and other employment purposes.

Accordingly, the County plans to revisit one urban reserve area to determine whether it might be better left as undesignated to provide more flexibility to meet future needs. According to the "Grand Bargain" bill in 2014, undesignated areas may not be considered for urbanization until 75 percent of existing urban reserves have been used. The County will not be designating any additional urban reserves.

The proposed process will involve the clear communication of information and timely opportunities for meaningful involvement by local governments, interested organizations and members of the public, as described in this document.

### **PUBLIC INVOLVEMENT PLAN**

This public involvement plan is based on the 2008 plan created by the coordinated efforts of the staff of Metro and of Clackamas, Multnomah and Washington counties to incorporate public involvement into the study and designation of urban and rural reserves.



Clackamas County is implementing a follow-up limited urban reserves study and designation process that will involve the clear communication of information and timely opportunities for meaningful involvement by local governments, interested organizations and members of the public.

This plan is designed to illustrate the types of public involvement activities, messages and communications methods that will be utilized at different phases of this effort. It does not provide an exhaustive list of meetings and activities that will be scheduled, target audiences that will be engaged or messages that will be employed. Staff from Clackamas County will work closely throughout this effort to coordinate public involvement activities with other jurisdictions and organizations in the county, Metro, and Washington and Multnomah counties, and will keep county community involvement and policy advisory committees informed of and engaged with the implementation of various public involvement activities throughout this effort.

This plan incorporates the requirements of Oregon law and administrative rules governing public involvement in land use planning decisions. Though this plan is based on the 2008 public involvement plan that was reviewed and approved by the Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Commission (LCDC), it is appropriately reduced and modified to reflect the limited nature of this urban reserves follow-up, e.g., only one county and one urban reserve area involved.

## **Background Information on Urban Reserves**

Metro and Clackamas, Multnomah and Washington counties led a regional effort to help determine the shape of this region over the next 40 to 50 years, which ended in agreements between the four parties in 2010. Those agreements were submitted to the Oregon's Land Conservation and Development Commission (LCDC), which acknowledged them in 2012. That order was appealed to the Oregon Court of Appeals later the same year, and the Court issued its ruling in 2014 reversing and remanding LCDC's order for rural reserves in Washington County, one rural reserve area in Multnomah County, and urban reserve areas 4A, 4B, 4C and 4D (collectively known as "Stafford") in Clackamas County. Washington County urban and rural reserves were then altered through an agreement among agencies and stakeholders, and approved and codified as Oregon Laws 214, Chapter 2, by the state legislature in April 2014.

Urban and rural reserves are intended to provide greater predictability for the region as to where future growth may take place both inside and outside the current urban growth boundary (UGB) over the next 40 to 50 years, while protecting important farmland and natural areas from urbanization for that same period of time. The remand of the Stafford area provides Clackamas County with an excellent opportunity to also re-look at another area currently designated "urban reserve" that might better support the county and the region as "undesignated".

## **Urban Reserves Limited Study and Designation Process**

The Clackamas County Board of Commissioners is considering changing all or part of just one area of land designated as "urban reserve" to "undesignated": the up to 3,400 acres of land in the Damascus/Boring Urban Reserve Area.

## **Principles of Public Involvement**

The following principles will apply to all public involvement activities:

1. The effort of considering changing all or part of this area from urban reserve to undesignated should be framed in aspirational terms: this is about *shaping what Clackamas County and the region will look like* over the next 40 to 50 years. This will focus on protecting rural and natural areas that we treasure while determining which areas may be better suited to accommodate population and employment growth that will provide for a healthy economy.
2. Clackamas County will seek to solicit public input through electronic means. Any public feedback solicited online or through other media should address the same study questions asked at public forums and other in-person meetings.
3. Public comments received by Clackamas County on matters related to urban reserves will be recorded and responses will be made available for public review.
4. Attendees at public meetings and forums who submit their names and contact information for the public record will be kept informed through electronic and/or written communications of the progress of the County's limited follow-up urban reserve study and designation process.

## **Phase 1: Informing Recommendations of Specified Urban Reserve Study Area**

Winter-Spring 2016

Phase 1 will focus on providing an introduction to the process of taking a limited re-look at one urban reserves area. This will include an explanation of the process that will be undertaken to reconsider this urban reserves area, and the outcomes that the county seeks to achieve. Public involvement events and activities will also discuss the systematic approach that will be applied in the analysis of the urban reserve area, including the state-adopted *Factors for Designation of Lands as Urban Reserves*.

### **Main messages will focus on:**

- The significance of designating urban reserves and undesignated areas
- A brief overview of the factors that will be considered in evaluating whether to change the designation of all or part of this area
- How the process of evaluating this urban reserve area will work, including the involvement of Metro, and Multnomah and Washington counties
- The ultimate outcomes the County seeks to achieve

### **Primary audiences and events will include:**

- **Community organization meetings:** Staff will attend regularly scheduled organization meetings in the selected areas to provide introductory information and to hear concerns, ideas and other feedback for re-evaluating the specified urban reserve study area.
- **Public involvement committees:** Staff will meet with their respective public involvement committees to describe plans and goals for soliciting and incorporating public involvement into the re-evaluation process. Ideas for enhancing public involvement throughout this effort will also be sought.
- **County Coordination Committees:** The County will staff and facilitate a public advisory committee to develop recommendations specific to the urban reserve area.

**Materials will include:**

- A PowerPoint presentation that briefly explains, at a minimum:
  - What urban reserves and undesignated areas are
  - The difference between urban reserves and undesignated lands
  - Why this urban reserve area is being re-evaluated
  - The timeline for re-evaluating the urban reserve area
  - Coordination efforts with Metro, and Multnomah and Washington counties
  - What the county hopes to achieve through this process
- A brochure that briefly describes the re-evaluation process, purpose and timeline
- A description of the county's public involvement process (if applicable), including sharing information with partners outside the County
- A description of the public advisory committee, including its members and how it operates
- A timeline of events and decision points
- Web sites maintained by the county that describe the need to re-evaluate this urban reserve area and the process for doing so

Maps used during this phase will illustrate the broader region outside the urban reserve area.

**Phase 2: Re-Evaluating Specified Urban Reserve Study Area**

Spring/Summer 2016

Phase 2 analysis will apply the findings of the factors to consider in re-evaluating urban reserves as described in Oregon law and administrative rule. The analysis will incorporate the state-approved factors; information related to transportation and infrastructure needs, population and employment trends, and other inputs, and the impact on urban reserves in other areas of Clackamas County, and Multnomah and Washington counties.

Public involvement events and activities during this phase will focus on educating the public about the application of these data and factors to the study area, and soliciting feedback on how the Board of County Commissioners (BCC) should weigh various factors in determining whether all or part of this urban reserve area should be changed to an undesignated area. In addition to the main messages emphasized in the first phase of this project, public involvement activities during this phase will seek input on the analysis provided by staff as well as the relative weight that should be given to different factors in the ultimate designation of urban reserves and undesignated areas.

**Primary audiences and events will include:**

- **Public open houses** to illustrate the study area, describe the factors and findings being applied in the analyses of the study area, the potential impact on Clackamas County and region, and solicit public input.
- **County Planning Commission:** Staff will present information to the Planning Commission describing the approach to determining whether the area in question should remain urban reserves or be undesignated, highlighting the study area, explaining the factors and analytical methodology being applied, and the effects that urban or undesignated designations will have on growth management decisions at the local, county

and Metro level. Staff will seek input from the Planning Commission on the application of the factors.

- **Community organization meetings:** Staff will attend community organization meetings in selected areas to illustrate the area being studied and solicit feedback on the scope of the study area and the factors to consider in evaluating that area.
- **County coordinating committee meetings:** Staff and/or elected officials will meet with the public advisory committee to describe the area being studied and solicit feedback on the scope of the study area and the factors to consider in evaluating the study area.
- **Other stakeholder meetings:** Staff will present information and collect input from a range of other stakeholder groups.

#### **Materials will include:**

- A PowerPoint presentation that briefly explains, at a minimum:
  - What urban reserves and undesignated areas are
  - The difference between urban reserves and undesignated lands
  - Why this urban reserve area is being re-evaluated
  - The timeline for re-evaluating the urban reserves area
  - Coordination efforts with Metro, and Multnomah and Washington counties
  - What the county hopes to achieve through this process
  - The questions to be addressed at this phase of the project
- Brochure that briefly describes the limited re-look at this urban reserve area and timeline
- Maps of study area
- A description of the processes being utilized by the county to gather input
- Technical information developed to address the factors
- Timeline of events and decision points
- Written articles for publication in neighborhood and CPO newsletters/social media, promoting attendance at open houses and describing the effort to re-look at the urban reserves area
- Web sites maintained by the county that describe the need to re-evaluate this urban reserves area and the process for doing so, and solicit feedback from the public on the primary questions being addressed in this phase of the project
- News releases and notices in local newspapers publicizing the open houses.

At the conclusion of Phase 2, the county's public advisory committee will, by unanimous vote, formally recommend the designation of the urban reserves area in question to the Board of County Commissioners for adoption.

### **Phase 3: Recommending Any Changes to Designation of Urban Reserve Area** Summer-Fall 2016

Phase 3 will seek public input on the preliminary designations for the urban reserve area recommended by the CCURRC for adoption by the Clackamas County Board of Commissioners. Staff and elected officials will continue to meet with the audiences and organizations that have been engaged in the study, both inside and outside the County, to illustrate how public input has contributed to the formation of the recommendations and seeking additional public comment to inform the decisions of the Board of County Commissioners.

The questions to be addressed during this phase will focus on whether the Board of County Commissioners should adopt the recommendations of the public advisory committee and, if amendments are desired, how those proposed designations should be amended and why.

**Primary audiences and events will include:**

- **Public open houses** to illustrate the recommended designations for the area in the study. These open houses, which will include the involvement of elected officials, will solicit public input on factors for the County Commission to consider when determining designations for this area.
- **Public hearings:** Public hearings will be held by the Board of County Commissioners to receive public comment on the recommendations made by the public advisory committee.
- **County Planning Commission:** Staff will present information to the Planning Commission describing the recommended designation(s) for the area and the factors and other considerations that contributed to that recommendation. Staff will also discuss the steps following the Board of County Commissioners designating the reserve area, including the amendments to comprehensive plans and the Regional Framework Plan, and the roles and responsibilities of the Planning Commission relating to the zoning and planning of reserve areas.
- **Community organization meetings:** Staff will attend selected community organization meetings to illustrate the recommended reserve designations and solicit public feedback to present to the County Commission prior to adoption of the recommendations. The focus of this outreach effort will be on organizations in or nearest to the study area.
- **County coordinating committee meetings:** Staff and/or elected officials will meet with the public advisory committee to describe the recommended designations and solicit public feedback to present to the Board of County Commissioners prior to any action on the recommendations.

**Materials will include:**

- A PowerPoint presentation that briefly explains, at a minimum:
  - What urban reserves and undesignated areas are
  - The process of establishing recommended reserve designations of the study area up to this point
  - What was learned in applying the technical analyses and public input to the study area, and how they informed the recommended designations
  - Coordination efforts with Metro, and Multnomah and Washington counties
  - The next steps to be undertaken by the the County Commission and the region
  - What the County hopes to achieve through this process
  - The questions to be addressed at this phase of the project
- Maps of recommended reserve designations
- A description of the processes being utilized by the county to gather input
- Technical information developed to address the factors for the study areas
- Written articles for publication in neighborhood and CPO newsletters/social media, promoting attendance at open houses and describing the effort to re-evaluate and designate the urban reserve area

- Web sites maintained by the county that describe the need to re-evaluate the urban reserve area and the process for doing so, and solicit feedback from the public on the primary questions being addressed in this phase of the project
- News releases and notices in local newspapers publicizing the open houses and public hearings.

At the conclusion of Phase 3, after receiving public comment through a variety of activities and events, the Board of County Commissioners will act on the recommendations from the public advisory committee. The formal designations of the area, if different from before, will take place in Phase 4, when the County will amend its comprehensive plan and Metro will amend its Regional Framework Plan. The amendments to these plans will be subject to review and acknowledgement by LCDC.

#### **Phase 4: Formal Designations of Studied Area**

Winter-Spring 2017

Phase 4 will deal with the amendment to the Clackamas County comprehensive land use plan to designate urban reserves and the amendment to Metro's Regional Framework Plan to designate urban reserves. These activities will be conducted in accordance with requirements for public involvement established in Oregon law, Goal 1 of Oregon's Statewide Planning Goals and Objectives, and other applicable administrative rules.

The Planning Commission will hold a public hearing and make a recommendation to the Board of County Commissioners (BCC). The BCC will hold a public hearing to receive public comment on the recommendations made by the Planning Commission before coming to a final decision.

If a decision is made to remove the urban reserve designation from any portion of the study areas, Phase 4 will also involve negotiating a revised Intergovernmental Agreement between Clackamas County and Metro.

**660-027-0050****Factors for Designation of Lands as Urban Reserves**

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;
- (2) Includes sufficient development capacity to support a healthy economy;
- (3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;
- (4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;
- (5) Can be designed to preserve and enhance natural ecological systems;
- (6) Includes sufficient land suitable for a range of needed housing types;
- (7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and
- (8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Stat. Auth.: ORS 195.141, 197.040

Stats. Implemented: ORS 195.137 - 195.145

Hist.: LCDD 1-2008, f. & cert. ef. 2-13-08

**660-027-0060****Factors for Designation of Lands as Rural Reserves**

(1) When identifying and selecting lands for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation.

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and

the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

(c) Are important fish, plant or wildlife habitat;

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses

(g) Provide for separation between cities; and

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

(4) Notwithstanding requirements for applying factors in OAR 660-027-0040(9) and section (2) of this rule, a county may deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation under OAR 660-027-0040(10).

Stat. Auth.: ORS 195.141, 197.040

Stats. Implemented: ORS 195.137 - 195.145

Hist.: LCDD 1-2008, f. & cert. ef. 2-13-08