



RESERVES CORE 4

Summary Notes

December 4, 2009

Metro Regional Center

9:00 a.m. –noon

MEETING SUMMARY

Attendees: Tom Brian (Washington County), Jeff Cogen (Multnomah County), Kathryn Harrington (Metro), Charlotte Lehan (Clackamas County), plus Core 4 staff, Chuck Beasley (Multnomah County), Brent Curtis (Washington County), Mike Dahlstrom (Washington County), Matthew Hampton (Metro), Doug McClain (Clackamas County), Tim O'Brien (Metro), Karen Schilling (Multnomah County), Marcia Sinclair (Metro), John Williams (Metro). Public attendees: Cherrie Ambisica, Lesley Barewin, Bob Bobosky, Tim Bobosky, Jody Carson, Carol Chesarek, Nick Christensen, Tom Coffee, Danielle Cowan, John Driscoll, Denny Egnon, Matthew Hampton, Julia Hajduk, Jon Holan, Sean Keys, John Messner, Judy Messner, Mary N-(illegible last name), Linda Peters, John Platt, John O'Neil, Kelly Ross, Doug Rux, Dick Schouten, Michael Sykes, Pete Truax, Matt Wellner, Aaron Wilson. Facilitation team: Deb Nudelman and Melissa Egan (Kearns & West).

Agenda Review

Deb Nudelman called the meeting to order at 1:15 pm. Commissioner Cogen has been delayed at a meeting and asked that the Core 4 begin without him. Deb reviewed the agenda, noting that the two main topics are a review of the draft intergovernmental agreement and continued discussion on urban and rural reserves.

Approval of Minutes

The November 9, 2009 and November 13, 2009 Core 4 meeting summaries were adopted as final.

Core 4 Updates

Tom Brian said that Washington County will be holding two public hearings on urban and rural reserves on December 8 and 15.

Kathryn Harrington noted that she wants to be sure the group is set up for success and that the logistical aspects of this process are well attended to. She wants the staff to be given enough time to produce the vast amounts of information that is being asked of them.

Chuck Beasley, on behalf of Jeff Cogen, said that Multnomah County will be holding a hearing on December 10 and he will later share the information that will go to the Board.

Reserves Intergovernmental Agreements

Dick Benner joined the table to review the proposed draft intergovernmental agreement (IGA) that was circulated to the PMT for comment and was included in the meeting packet. There will be three IGAs, between Metro and each of the counties. Process-wise, the goal is to put out draft IGAs for

public comment, digest the comments, revise the drafts as necessary, and sign them in late February, 2010. If there are adjustments to the map after the adoption of the IGAs, we will have to come back and re-adopt the IGAs.

Dick went over the layout of the IGA, noting that provisions can be added that are not mandated by statutes or rules if all governing bodies agree, as long as those provisions do not violate the statutes or rules. The draft document includes some of the optional ideas that have been discussed; they are included for discussion purposes and are not meant to imply there is agreement on the topics. Tom Brian asked a question about #7 on page 3, a statement concerning Metro requiring a concept plan prior to land being added to the UGB. He wondered if Dick meant to imply that the counties would be responsible for doing the concept plan, when in some cases, it makes more sense for a city to do it. Dick responded that no, he did not mean to imply that, and that any level of explanatory detail can be added to the IGA for clarification of such issues. He said that currently, the rules say add land then determine governance, and with this policy, we would plan first then add land, making explicit annexation agreements among relevant governments and service providers.

Charlotte Lehan added that she is clear on the UGB, but wondered how to you get to the level of annexation? What if land is brought in but is never annexed. Is there a presumption that the county has the responsibility to urbanize if the city does not? Dick agreed that this is an important issue and would also like to see more clarity and rationality in the statutes. Charlotte followed up with an additional question, asking if property owners want to urbanize, can they force the issue with the counties? She wants clarity on what Dick thinks the counties would be obligated to do.

Dick said this is not only a prospective problem, it is a current problem. There are several areas like this and currently there is no fix. In these situations, each city and county have figured out what to do on a case by case basis. Usually the area in question has stayed rural until it is annexed, at which time it is eligible for services. Doug said that Clackamas County has similar agreements for areas that have not been annexed and that no lawsuits have been filed to force the county's hand. Tom agreed that the issue Charlotte raised reveals a number of important questions that have yet to be addressed. To follow on what Dick said, Tom wondered about changing the law so that if land is brought into the UGB, it will become immediately annexed. Charlotte thought such a construct could have disastrous ramifications. Tom agreed that it may not be feasible, but that the current set of laws do need to be changed.

Dick distributed draft #3 of the proposed draft IGA, with additional language for the Core 4 to consider regarding how to make "minor revisions" in the future. The Core 4 agreed that they would like Dick to have further conversations with Richard Whitman from LCDC about how to design the policy to make this possible. [Action Item] Charlotte added that in these conversations, there has been a presumption that an urban designations might change, but that they never talk about it going the other way, an urban designation going to rural or undesignated. She wondered how can they allow for this possibility. Dick confirmed that Charlotte was referring to situations in which only minor changes were being considered. Charlotte noted that when doing a concept plan, it could be that there are no changes in acreage but in location. John Williams said this is a good question which the PMT will think about and come back to the Core 4 with more information. Deb suggested writing a memo or providing a verbal report, whichever makes more sense. [Action Item]

Kathryn had a question about section C8, which mentions a 45-day window to submit IGAs to LCDC for their review. She wondered how many times they need to go to LCDC during the IGA adoption phase. Dick said that he indicated 45 days so the agency has enough time to do what they need to do. Richard Whitman is going to skip one step and take it directly to the Commission. Kathryn said she will work with Metro staff to ensure that the dates and necessary steps all line up.

Chuck referred the group to B5, the draft text of which reads: “XXXX County will not amend its Comprehensive Plan or any land use regulation that applies to land designated “Urban Reserve” or “Rural Reserve” to allow uses no allowed, or to allow creation of new lots or parcels smaller than allowed, on the date of adoption of the ordinance designating the reserve.” Chuck said it would be good to have further clarity on what this means for rural reserves. Kathryn added that it may be different for each county. Chuck agreed, saying it would be good to at least have a common understanding of what that may mean. [Action Item]

Regional Urban and Rural Reserves

Deb introduced the next agenda item, asking John to please provide an overview of the latest version of the map. John said it was revised based upon the November 13 Core 4 discussions, including changing colors and names for clarity. He noted that this map represents Core 4 discussion areas, not county recommendations. Kathryn said that she has concerns about UR-EE and UR-C. The Metro Council is still not decided on those and she did not realize that UR-14 has become a letter.

Before going around the map one more time, Charlotte wondered what number of acres the Core 4 is trying to get to. Do they need to find agreement on more than what they already have, which is approximately 23,000 acres. Tom reminded the group that thus far they have been talking about gross not net acres. In addition, they will need to know if the lands are high performance lands or not. Looking at the map, he sees that the areas vary quite a bit on this factor. Charlotte agreed that performance capability is very important, but that there is no way to really determine it; the best we can do is make assumption on use and density. Tom agreed. Charlotte added that Clackamas County has adhered to suitability consistently. If the required numbers are met, it does not seem rational for Clackamas County to add more land unless there is a demonstrated need. They could bring in less suitable land, but there is no pressing need.

John drew the forecast range chart from the COO Recommendation for projected additional gross acres needed for both employment and residential in the Metro region through 2050 or 2060.

	2050	2060
Upper 1/3 forecast	18,800 acres	29,100 acres
Lower 1/3 forecast	15,700 acres	25,100 acres

Chuck gave a brief update on Multnomah County. He distributed “Recommendations and Rationale for Reserve Designations,” Attachment A. to Resolution No. 09__, which will be discussed at the December 10 County Board of Commissioners meeting. It is a set of rationales and a map. Chuck does not think there will be changes to the map, and it recommends that UR-1 remain undesignated.

Charlotte said that Clackamas County has conducted a thorough analysis, the Board has made their recommendations, and she does not anticipate changes to the agreed upon areas. UR-12, UR-10, and UR-17 will not change. Clackamas County has no interest in changing UR-9, but the City of Sherwood has expressed an interest. This is also dependent upon their conversations with Washington County. Tom asked if UR-12, UR-10 and UR-17 will all remain undesignated. Charlotte responded yes. Kathryn added that Metro is still wrestling with Stafford (UR-10), and that they have to look at regional need.

Tom provided an update for Washington County, saying that progress is being made through further discussions, but that most everything that was still in play in November is so today. Tom listed some areas and their current status. Concerning UR-C, north of Hillsboro, the area seems to

have momentum but is still in discussion. UR-2A is still completely under discussion. North of West Union is not in discussion, it is heading toward a rural reserve. There is some momentum for an urban reserve designation for UR-4. UR-F is as good or better farmland than north of Council Creek, and they are looking at a possible acreage swap with UR-3A. UR-9 is in discussion, is not firmed up at all, with several moving parts on the table. The county does not know what to do with UR-16, should it be taken out or perhaps leave the usable parts in? It is a low priority for the city, and the Farm Bureau does not object, but the land is not highly productive.

Jeff Cogen asked if anyone has looked at the proposed areas of preliminary agreement through the Group McKenzie lens to determine what is developable and what is not? John said yes, this has been done to a certain degree. Jeff said it would be helpful to have this information available. Tom agreed that it would be very useful to have this information as they get more and more specific. Doug added that there is a “discount” for certain areas depending upon the features and there was further discussion on the impact that discounts could have on various areas. Charlotte asked John to consider these factors and provide information about the number of developable acres on the proposed areas of preliminary agreement list. [Action Item]

Wrap-up/Summary

The Core 4 briefly reviewed Kathryn’s November 4 memo with objectives and timelines for keeping on track with the desired schedule for getting draft IGAs out for public comment. Next Core 4 meeting: Wednesday, December 9, from 9:00 a.m. to noon at Metro.

There was no additional business; Deb adjourned the meeting at 3:10 p.m.

Meeting summary prepared by Kearns and West.

A handwritten signature in black ink, appearing to read "M. Egan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.