



## **RESERVES CORE 4**

Summary Notes

January 11, 2010

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), Dick Benner (Metro), Brent Curtis (Washington County), Mike Dahlstrom (Washington County), Doug McClain (Clackamas County), Karen Schilling (Multnomah County), Marcia Sinclair (Metro), Ray Valone (Metro), John Williams (Metro), Aaron Wilson (Metro). Public attendees: Cherry Amabisca, Dee Anders, Ed Bartholemy, John Chambers, Carol Chesarek, Danielle Cowan, Jon Holan, Carrie Maclaren, John Messner, Judy Messner, Linda Peters, Doug Rux, Dick Schouten, Pete Truax, Matt Wellner. Facilitation team: Deb Nudelman and Melissa Egan (Kearns & West).

#### **Agenda Review**

Deb Nudelman called the meeting to order at 9:10 am. She reviewed the agenda. The main topics for discussion today are the draft intergovernmental agreement and the public outreach events and materials.

#### **Approval of Minutes**

The December 9, 2009 Core 4 meeting summary was approved as final. Kathryn Harrington suggested some additional text be added to the December 16, 2009 Core 4 meeting summary for clarity; the summary was approved as final with that modification.

#### **Core 4 Updates**

The Core 4 had no updates.

#### **Reserves Intergovernmental Agreements**

Dick Benner provided an update on status of the Reserves Intergovernmental Agreement (IGA) document and discussions. He distributed Draft 5 of the IGA. There was a recent meeting of the attorneys from Metro and the three counties and they will meet again near the end of January. They

first discussed the required elements then the optional elements; they still need to address the recitals and final version of the text.

Since the Core 4 has last seen the draft IGA, there have been two notable changes in the text. Dick referred the group to section B5, where they propose to add new language, shown in underline and italics below.

A policy that 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 not allowed, or to allow creation of new lots or parcels smaller than allowed, on the date of adoption of the county ordinance designating reserves, *except those uses authorized by amendments to Oregon Revised Statutes or to LCDC rules after adoption of the county ordinance.*

Dick said they tried to anticipate possible legislative changes which may allow for upzoning, or changes in allowable uses, for farmlands. One example is that if a city proposes a new urban road on rural land; this can happen, but it requires an exception. With the changes in the text above, they were trying to address general upzones such as the example given.

The other change to the IGA Dick reviewed concerns section C5, where they propose to remove language, shown in brackets and italics below.

If XXXX County or Metro proposes an amendment to the Agreement, the two parties will convene [*a meeting of*] the four governments to consider the amendment.

This modification is suggested to provide flexibility for any future process that may need to occur to deal with proposed minor changes to the IGA or UGB. It may be that convening a meeting is desirable, but they do not want to require it in the IGA. Jeff Cogen asked if they had come up with a definition of “minor revision” for the Core 4 to consider. Dick said this is still being discussed among the attorneys.

Dick explained the current thinking around “concept plans,” which are discussed in section A7 of the draft IGA. The attorneys feel it is preferable to keep the language fairly general around concept plans in the IGA. They are working on proposed revisions to Title 11, which addresses planning for newly added acres to the UGB. For questions concerning which city will annex new land, a concept plan will include the basics of what land to adopt, and the specifics will be outlined in the revised Title 11. Brent Curtis added that in the future in Washington County, the cities, rather than the county, will be responsible for land use planning and governance. He wants to continue to explore how this policy will be implemented.

Returning to the “minor revision” topic, Dick mentioned that the attorneys have only had preliminary conversations. They see two main issues: 1) how many acres is “minor?”, and 2) will the process for minor revisions pertain to only urban reserve designations, or will it also include rural reserves? On the second question, per statute there is a little more flexibility for urban reserves, but it is permissible to make rural reserves larger within the 50 year timeframe from when one is designated. Kathryn Harrington asked how undesignated land might come into play concerning minor revisions. Dick said that issue, along with all the other issues, is still under discussion.

Dick encouraged the Core 4 and PMT to be in contact with their lawyers and him if any further questions or issues come up. They are having another meeting in January and welcome input. Tom Brian asked if the draft IGA is part of the upcoming public outreach. Dick responded that yes, it is available for the public to review.

Deb noted that by the end of January, there will be a new best effort draft available for the Core 4 to review and share with their boards before the February 2 meeting. Kathryn said it would be preferable to have a draft by January 28. The Core 4 requested that draft 5 be emailed to them. [Action Item]

There was brief discussion about timelines and dates for IGA adoption. Each county and Metro is considering if they will have joint hearings and will confirm their decision and if so, propose dates as soon as possible. Charlotte Lehan said she is concerned about the tight timeline, wondering if it precludes genuine public input. She wants to be sure there is time to synthesize and incorporate feedback and make changes if necessary. The Core 4 all share this concern and will be open to the possibility that they may have to reconvene to consider new information.

#### Public Outreach Events and Materials

John Williams began by reviewing the map that will be featured at the public outreach open houses. He noted that they developed a new numbering system, dividing the region into nine areas, to make it easier for the public to decipher the information. Marcia Sinclair explained the structure of the open houses; there will be nine stations which correspond to the nine areas, including fact sheets for people to take with them. There will be laptops with Google Earth capabilities, so attendees can enter an address and see what the proposed designation is. Everyone will receive a survey, which can be filled out on paper or on-line. They made every attempt to ensure that the materials available at the open houses were identical to those on-line, making it a virtual open house experience for those who access the information electronically.

Marcia said they sent out 27,000 postcards to announce the series of open houses. In addition, there was a story on OPB radio and each county has the information on their websites. Ads have been placed in newspapers and there is a hotline set up at Metro to receive calls. Mike Dahlstrom added that the materials will all be available in Spanish, and that the hotline can accommodate the Spanish-only speaking population.

Marcia said the public involvement staff is very aware of the tight timeline for getting the comments from the open houses to the Core 4 and will do their best to be sure it happens on time. Kathryn thanked all the staff, acknowledging the vast amount of work that has gone into the public outreach activities and materials. The Core 4 agreed that the latest version of the map was well done and much appreciated.

Deb invited Dick Benner back to the table to discuss the explanatory text that will accompany the map. Dick noted that the law requires Metro and the counties to adopt a common set of findings which will explain to LCDC and the general population why decisions were made. They are still working on a draft of the findings; there is a working draft in circulation. With respect to each area on the map, the findings are an expression of intent. The findings can express the intent of the four governments on numerous issues, such as how many units per acre are to be developed, viewshed

protection on Highway 26, and not developing the buttes in urban reserve areas. They would express intentions without making requirements.

Dick added that he cautions the Core 4 against “conditioning” reserves; this is generally done in concept planning. He recommends that if the Core 4 wants to say something about a reserve area, it should be stated in the findings. Tom suggested that if it is desirable to have a special notation, it could also be in an addendum which clearly states, for example, “while not a condition of the designation, the following is noted...” Tom felt a statement such as this could help clarify the record. Charlotte said this is fine for some areas, but not for protecting the view corridor. She said she was assured by Metro that there is a better mechanism for preserving the view corridor than designating a rural reserve. She feels that simply expressing an intention has no weight. Dick said in this case, it may a good idea to revise the agreement with the City of Sandy. Charlotte has concerns about how this might work; it does not make sense to her to work on a two party agreement between Clackamas County and Sandy, and then attempt a four party agreement with Clackamas County, Sandy, Metro and ODOT. Dick said that perhaps this could be accomplished by including it in the IGA. He said that this topic needs further discussion among the attorneys and he will come back to the Core 4 with more information. [Action Item]

Kathryn said that the IGA is now moving beyond the Core 4 to a broader audience of the twenty two elected officials who ultimately need to agree to it. It is important to make sure this document is shared with enough time for a thorough review among each of the county boards and Metro Council.

#### Wrap-up/Summary

The next Core 4 meeting is Monday, February 8, from 9:00 a.m. to noon at Metro. There was no additional business; Deb adjourned the meeting at 10:55.

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 at the end.