

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

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Thursday, September 10, 2009 – 10:00 AM

Public Services Building

2051 Kaen Road, Oregon City, OR 97045

PRESENT: Commissioner Lynn Peterson, Chair
Commissioner Bob Austin
Commissioner Jim Bernard
Commissioner Charlotte Lehan
Commissioner Ann Lininger

I. CITIZEN COMMUNICATION - NONE

II. DISCUSSION ITEM

~The following item was continued from Tuesday, September 8, 2009 Special Public Hearing – no Public Comments will be taken at today's meeting~

This item has been transcribed verbatim.

1. Resolution No. **2009-93** Discussion and Recommendation on Areas Suitable for Urban and Rural Reserve (Doug McClain, Maggie Dickerson, Dan Chandler)

Lynn Peterson:

I just want to let folks know that we have one large discussion item today and that is the Urban and Rural Reserve. It is not a public hearing and it is not open for discussion. We have closed the public comment as of Tuesday evening when we had our marathon public hearing where we heard a lot of good comments and, so we'll have a lot of discussion today on a final recommendation that isn't final. It's a next step in the process. So with that, I'll open it up to any citizen communication for those are here for a non-agenda item and seeing nobody rushing forward and I don't have anybody having filled out a blue card, we will move on. So we'll move on to the first discussion item and, both Doug McClain and Maggie Dickerson are going to come up and I think we're going to try to have you guys in front of us so we can see you directly, rather than off to the side which will be a lot easier. Okay. so this part of the process we, of course, had a lot of citizen communication and, a lot of work already done on this by a lot of different citizen groups. I just wanted to go through what's already been done on this in terms of person power. Clackamas County Reserves Policy Advisory Committee had 21 members, seven from cities, seven from CPO's and Hamlets and seven from other interest groups. They had 22 meetings in 16 months and a lot of us went to one or more of those meetings but attended the PAC regularly. They were each about 2½ hours long and there were 55 hours of meetings which is 1100 hours of meetings for the members so there's been a lot of discussion of this and I think we're just narrowing it down to the final issues and hot spots which is always the hardest. There have been more than 450 people total public attendance at the PAC meetings and there are more than 300 letters, reports, maps and other documents that have been given to the PAC members for their review, as well as to us. So a lot has been going on and we very much appreciate all of that. So really what's next is that we will be forwarding a recommendation for further consideration to METRO, to the Core 4, and that is not a final decision. There's a lot of work that still needs to be done and I think that through our conversations today, we're going to recognize where we need further work. So with

that, I'm going to turn it over to Doug McClain and he's going to walk us through, kind of like we did yesterday. Some of each individual area and what came out of yesterdays' meeting and we can certainly have discussion about whether that's the direction we want to give for the final map and I'm assuming that everyone in the audience does have a map to follow along which should be useful. All right, Mr. McClain.

Doug McClain:

Thank you Chair Peterson and Commissioners, and thanks for the summary too of the work that's been done by the Policy Advisory Committee and the Clackamas County Planning Commission, who also forwarded a recommendation to you. Just to amplify what you've said, it's impossible to overestimate the sacrifice those people have made on their own time. There is not only the meeting hours but, as you noted a tremendous amount of information that's been submitted for their review and consideration so, again, it's an appropriate time to say thanks to that group, and to the Planning Commission for their hard work.

As you've indicated, what we are attempting to do today is to take this very high tech map and go through the individual areas. As noted in the key, what's in front of you is the Policy Advisory Committee's majority polling recommendation for Urban and Rural Reserves and just be clear, the areas that are gold are the suggested areas for Urban Reserves; the areas that are green are suggested for Rural Reserves. And we've had a lot of public testimony and you worked hard yesterday to come up with, I guess some areas that we'll walk through now and talk about so let's just start going from, west to east, generally, as we did yesterday. We can follow the same format and we'll talk about it. What I'm going to do is try and summarize what I think, we talked about yesterday and, the conclusions that we made for each of the areas and then I'll let you fill in the blanks.

Charlotte Lehan:

Yes, I just wanted to clarify here that, in many areas we have big swoopy lines, which indicates the preliminary nature of this as a recommendation because eventually things, all these lines will come down to lot lines so all of the edges, unless there's a natural feature like a river or a bluff or something that makes it clear that there's the edge, the lot lines will change going forward. I mean the edges will change and be more in line with lot lines rather than these big swoopy things that...

McClain:

Thanks for that clarification because we'll be using terms like blobs and clumps and caps and so, it's technical planning terms. Okay, let's get started. Let me start first with the three outlying cities, the neighboring cities, and briefly to explain, the facts for those cities. This process – and those will be the cities of Canby, Molalla, Estacada and actually Sandy so I guess we call four cities. Factually what's going on with this particular process is that the designation of Urban Reserves, applies only to the Metro area, the Metro Urban Growth Boundary area so we are not as a part of this process designating Urban Reserves for those four neighboring cities. In one case, Sandy, they already have an Urban Reserve that was established several years ago. We are, however, or may, establish Rural Reserves around those cities. The practical consequence of doing that is that cities will not be able – those outlying cities would not be able to expand their Urban Growth Boundary or establish Urban Reserves in areas that we have designated as a part of this process as a Rural Reserve. So that translates into a discussion of attempting to provide those cities with a buffer as it were, an area where they may consider future expansion and at the same time recognize our intent to provide Rural Reserve certainty for farm land and forest and important natural features. So, that's the background. Now to the particulars.

You've heard testimony – let's start with, the City of Molalla. Originally when the study area was established, the City of Molalla asked that we leave an area on the north out of the study area and the Board of County Commissioners and the Regional Steering Committee did that so the area – there is an area north of the City of Molalla that is not within the study area and consequently, not designated at all, either as a Rural Reserve so they have a built-in buffer already and the area around that buffer is foundation farm land so our suggestion was to provide a half-mile doughnut as it were, around the northern part of the City of Molalla. I'll stop there and see if there's any discussion.

Peterson:

Comments, questions? No, okay.

McClain:

Okay, and then moving to the City of Estacada and we talked about this quite a bit yesterday. The area that you see, that's cross-hatched, again we're recommending be designated as a Rural Reserve. Practically speaking that's McIver Park, the area around the Clackamas River, which, as you remember, you've identified the significance of the Clackamas River and the need to protect it where possible. The one area that we talked about but left largely unresolved is the area to the north. We did recognize the City's desire to have a parcel, an area in the northwest corner that Maggie's illustrating, be left undesignated so it is left undesignated at this time and then the other question is whether or not to apply a Rural Reserve further to the north of the property and potentially maybe along the highway. But at this time, that's an issue that I think that we would put in the "to be decided later" category so what we'd forward at this time is, as you've seen on the map, an area of Rural Reserve just on the western side of Estacada. So, I'll stop there.

Peterson:

That would be one of the first things that kind of needs to go in the hopper, on the other side of this, more communication with...

McClain:

...more discussion...

Peterson:

More discussion to further refine, okay.

McClain:

Right. Okay, let's move to Canby. The City of Canby had provided testimony, actually in several different instances, both the Policy Advisory Committee, they had a member on the Policy Advisory Committee. You see a fairly large area northeast of the City that they've asked be undesignated, and its – that's reflected in the Policy Advisory Committee's, recommendation. It's the white space at the northwest of the City of Canby. That's the area that they're primarily interested in future expansion. It's a fairly large area frankly and I think, again, in that discussion hopper that you've identified is the question of whether or not, the City needs all of that area on a 50-year as a buffer for 50 years. I think it is important to remember that even if the area is undesignated, it won't necessarily be easy to establish an Urban Reserve in that area or to expand the Urban Growth Boundary. Much of that area does have foundation farm land and the existing rules make it difficult to establish either an Urban Reserve or a – expand the Urban Growth Boundary in that area so it doesn't necessarily have the effect of establishing an Urban Reserve in that area, it just

leaves it as a potential. That part didn't really seem to be the issue in this case. The real issue was a request by the City to extend also an area as undesignated in the northwest portion between Holly and Maple Avenue, almost all the way to the river. Their letter said to 34th Avenue but that's almost to the river and Maggie do you have the other map...

Maggie Dickerson:

I do – and the Commissioners have the other map.

McClain:

And the question we wrestled with yesterday at the work session is, how much, if any, expansion should occur and when we looked at aerial photos and other information, the Board suggested that, 22nd Avenue would be a sort of good place for the northern extension. As it turns out, 22nd Avenue is the current boundary of the Urban Growth Boundary so, I think the question at least at this time is whether or not you want to go beyond that at all, or just at this time at least, not leave it as the PAC had recommended and leave that area as a Rural Reserve, recognizing that we can have further discussions with the City.

Peterson:

I'm sorry, so it would be undesignated or Rural Reserve?

McClain:

It would remain Rural Reserve as the Policy Advisory Committee had recommended. When you looked at it yesterday, you said, you know 22nd Street looks like a good northern boundary just looking at the aerial photo and the current use of properties in that particular area. As it turns out, that's where the current Urban Growth Boundary is.

Peterson:

Yes.

Lehan:

But not the City limit.

McClain:

But not the City limits, that's right.

Peterson

Any comments, suggestions?

Lehan:

I would just leave it where the PAC has it until we have further discussion because it's clearly very productive farm land and foundation Ag land and, it's unlikely to be employment land because of where it is in Canby. It's likely to be Residential and that's a bigger hurdle for me to go into foundation Ag land with, with Residential because Residential can more easily adapt to other land.

Peterson:

Okay, any other comments? Commissioner Bernard.

Jim Bernard:

You're suggesting that the area to the east of Maple just remain as a Rural Reserve.

Lehan:

Yes, right.

Peterson:

West of Maple? The area between Maple and Holly.

McClain:

Again, the colored area is already either within the City limits or, and in some cases, also within the urban Growth Boundary.

Peterson:

That's the Urban Reserve today. Okay, but I'm just noting the further discussion items so we'll check with the City of Canby, correct?

McClain:

Right.

Peterson:

And have that discussion with them, okay.

McClain:

Thank you. A couple, I guess I would call them minor cleanup matters, also in the southwest corner of the County – Maggie, you can pull that map, thanks – in the southwest corner of the County you have a small hatched area that, was left out of the PAC's recommendation because it's more than three miles from the Metro Urban Growth Boundary. We suggested, and I think you agreed yesterday, that that area also should be designated as a Rural Reserve. It is very similar to the rest of the Pete's Mountain area in character and is foundation farm land.

Peterson:

Are we good with that?

Ann Lininger:

Are you talking about the area, that...

Peterson:

No, over to the left on the map.

Lininger:

All right.

McClain:

Sorry, I got out of my west to east and went back west. I apologize for that but...

Lininger:

Okay, thank you.

Peterson:

Parrot Mountain...

McClain:

Yes, Parrot Mountain's a good way to describe it.

Lininger:

Not Pete's Mt.

McClain:

Okay, now back to, the east and the City of Sandy, and that area. Again, there was a suggestion that we block up the area between the City of Sandy and the three-mile boundary, and designate that area as Rural Reserve. Again, the City of Sandy has a Urban Reserve and has expressed no interest in having additional buffer around the City beyond their Urban Reserve, so, the suggestion is simply to extend the Rural Reserve, to the City limits – fill in the white area as it were and I think yesterday there was general agreement that that was a good idea.

Peterson:

Yes, Okay.

McClain:

Okay, now, we'll start into the particulars, and some of the more difficult areas. Let's go back west and I'll just work west to east since that's the way we did it yesterday and it probably makes sense to do it again today.

So we'll start with the City of Sherwood and, their area which is northwest, in the northwestern portion of the County. As you can see the PAC's recommendation included a fairly large area of potential Urban Reserve on the northern end of the County adjacent to the City. It's bounded on the south actually by a recommendation to leave an area undesignated. The Board expressed concern about the size of that area. We went back and looked at a recent – well, a recent submittal by the City and also a recent submittal and the line that you see on the map is, a reduced Urban Reserve so the change would be to remove the area that's stippled from Urban Reserve designation and just to be clear, the area just to the east of that between the City and the proposed Urban Reserve would remain designated as a Rural Reserve so we'd be going from Urban to undesignated in that area. And there is a small sort of triangular piece, just in the – yeh, thanks Maggie. Maggie's pointing to it in the northwest corner of Wilsonville that would remain as an Urban Reserve. It's kind of an expansion of the project that was developed in that particular area of Wilsonville. So, that's what the Board concluded yesterday, I think.

Peterson:

Commissioner Lehan.

Lehan:

I'm not sure where we came up with this jagged line, where we decided undesignated versus ...

Dickerson:

That was submitted by the City of Wilsonville a month or two ago.

McClain:

City of Sherwood.

Dickerson:

Sorry, Sherwood.

Lehan:

I mean, I'm okay with leaving it where it is for now but I think we need to look at that from serviceability standpoint on the specifics of that we have a major water shed break here between the Willamette, what drains directly to the Willamette and what drains into the Tualatin Valley, and that may be – it cuts right through there and I – it may make more sense service-wise to put that line close to the water shed line, but I haven't looked at that yet.

Peterson:

Commissioner, am I ...

Lehan:

That would be like a minor line... I just wasn't sure where those – what the logic behind those lines was, those weird, jaggedy lines.

Peterson:

The, the – following some creek...

Lehan:

No, they're clearly too straight to be following a creek, but...

Peterson:

Oh, oh, I see, down below, okay.

Lehan:

The...

Peterson:

So the southern border.

Lehan:

The southern – yeh, the southern border of that Urban Reserve I think we need to look at again, but I - that's a minor line adjustment.

McClain:

So I'll put that in the "more discussion" category. Okay.

Peterson:

Anybody have any other questions on that? Okay.

Lehan:

And I – one other clarification though is that, the white space there that's in the middle – I wish I could point to this thing – is in Washington County. That's why it's white and actually part of that is green for Rural Reserve on Washington County's maps and part of it is Urban.

McClain:

That's correct.

Peterson:

Thank you.

McClain:

Okay, northeast of Wilsonville – and there've been a number of different iterations of the lines in that particular area. We had recent comment and testimony from, the City of Wilsonville and what you see shown on the map now is the recommendation from the City of Wilsonville and I think that's what you agreed with yesterday. The only small change I guess that I would suggest – we didn't talk about it yesterday – but you can see in the stippled pattern that we were going to remove in the far northeast part of the area, the red area, we were going to remove that and I believe make that area undesignated. There's a little sliver left over that was a Rural Reserve and we didn't talk about it but I presume that we would make that undesignated also instead of leaving a little sliver of Rural Reserve.

Peterson:

Everybody see where we're talking about? Okay.

Lininger:

Will you show that again Maggie?

Lehan:

Just north of...

(All commenting)

Lehan:

It should all be undesignated.

McClain:

Okay.

Peterson:

Okay, we'll make that adjustment then, undesignated. Yeh, thank you Maggie.

McClain:

By the way, Maggie is talented. Her skills have improved dramatically over the evening. Yeh, as a cartographer. She did a good job here with this map. Okay, now let's talk about the Pete's Mountain area which is – I described it yesterday as kind of the boot shaped piece and really the question, for discussion was whether or not to leave that area undesignated or, include it as a Rural Reserve and I believe the Board's decision was to, at least at this time, designate that area as a Rural Reserve and I'll leave it there and let you talk about it.

Peterson:

This wasn't an easy discussion but I know that there's some discussion that we need to have so Commissioner Lininger...

Lininger:

Well, I think you're right. I think all of us appreciate that it's not an easy discussion and that reasonable people care about, you know, small scale farming operations can disagree on whether it should be undesignated area or a Rural Reserve. At the time we had the conversation yesterday I had not realized that unlike some of the other areas which sort of occupy similar status; this is important farm land, not conflicted farm land. On the basis of that, although initially I had opposed Rural Reserve status for this area, I'm willing to go with Rural Reserve status for this area but I do want to say that, it's clear that from a political standpoint, from a community sort of dissonant standpoint that people are not ready to consider a clustered development, you know, in ways that in the Stafford area, it seems like the community, through kind of a lot of hard work and compromise, has come to be a little bit more willing to start talking about shape of and characteristics of. It, at the point at which people are willing to start talking about how some of the larger land owners' rights could be, how they could do some work on their land, that it's still consistent with the rural character and the farming attributes that people really value in this area, I would love to help support that conversation, because I think when people are ready and it's clear from the giant community participation that we got on this in opposition, people aren't ready right now but when they're ready, it could be a productive conversation to have and I still have a little bit of concern that designating Rural Reserve here instead of undesignated - but I can't win obviously because everyone else is ready to go Rural

Reserve, that would preclude, you know, might preclude us in twenty years from having that conversation. Clearly we're not ready right now but I want to say that I'm willing to go with the Rural Reserve status 'cause it's important farm land but if there becomes a time when folks want to talk about how there could be a little bit more, you know, a little of compromise in honoring the rural characteristics but still seeing how there might be reasonable, clustered development, I'd love to help support that conversation.

Peterson:

Right, thank you Ann...Commissioner Lininger, sorry. I feel like we're back in study session yesterday. Any other comments? Commissioner?

Bob Austin:

I just want to add that I'm very sympathetic to Commissioner Lininger's, discussion as well because it would potentially, as Rural Reserve, preclude any additional opportunity to talk about that so I'm leaning more towards maybe an undesignated for that section rather than Rural Reserve because, I mean we have a tough job to do here and if we take things off the table completely for further discussion, then that bothers me, although I know we don't have agreement today in terms of what should happen to that particular chunk of property, I still like the idea of having available time for discussion so leaving it undesignated would probably allow that to happen. Sorry for the late discussion on this but . . .

Peterson:

No, I think it's a difficult area.

Lehan:

And I would echo the difficulty and angst over this because, it really is kind of on the line in terms of clearly meeting the Rural Reserve factors. But it, as Commissioner Lininger points out there, it is on the Department of Agriculture's map designated as important farm land and I do believe that is an important distinction and I thought we had some compelling testimony, especially from the vineyards that this is, has a lot of potential for expansion of vineyard operations and, that is the sort of agricultural operation that requires a long-term investment and so it's different from a vegetable farm that you could change next year. If you're going to do vineyards, you've gotta make a ten-year investment of time and so Rural Reserve status will facilitate that kind of level of investment better, but I acknowledge it's a very difficult call one way or the other.

Peterson:

Yes. Commissioner Bernard, did you want to weigh in?

Bernard:

I'm probably leaning towards Charlotte's discussion. The problem is if you make it undesignated that there may be some other uses that could cause additional water shortage problems. Even though we're looking at that issue specifically. I think making it a Rural Reserve would limit that potential risk and that's what I...

Lehan:

Water shortage, yes