

# A G E N D A

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**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: December 17, 1998  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

Presenter

### CALL TO ORDER AND ROLL CALL

#### 1. INTRODUCTIONS

#### 2. CITIZEN COMMUNICATIONS

#### 3. EXECUTIVE OFFICER COMMUNICATIONS

#### 4. AUDITOR COMMUNICATIONS

#### 5. MPAC COMMUNICATIONS

#### 6. CONSENT AGENDA

- 6.1 Consideration of Minutes for the December 10, 1998 Metro Council Regular Meeting.

#### 7. ORDINANCES - SECOND READING

- 7.1 **Ordinance No. 98-791**, For the Purpose of Adopting a New Chapter in the Metro Code Making the Local Government Boundary Changes and Declaring an Emergency. McLain

#### 8. RESOLUTIONS

- 8.1 **Resolution No. 98-2733**, For the Purpose of Appointing New Members to the Water Resources Policy Advisory Committee in November 1998. McLain

**9. FINAL ACTION ON URBAN GROWTH BOUNDARY ORDINANCES AND RESOLUTIONS**

- 9.1 **Ordinance No. 98-779D**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County and Urban Reserves 33 and 34 of Clackamas County.
- 9.2 **Ordinance No. 98-788C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.
- 9.3 **Ordinance No. 98-786C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.
- 9.4 **Ordinance No. 98-781D**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.
- 9.5 **Ordinance No. 98-782C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.
- 9.6 **Resolution No. 98-2726B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Area 65 in Washington County.
- 9.7 **Resolution No. 98-2728C**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 51, 52, 53, 54 and 55 to the Hillsboro Regional Center Area.
- 9.8 **Resolution No. 98-2729C**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, 42, 62 and 63 in the West Metro Subregion.

**10. COUNCILOR COMMUNICATION**

**ADJOURN**

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of the December 10, 1998 Metro Council Meeting minutes.

Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber

## MINUTES OF THE METRO COUNCIL MEETING

December 10, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Don Morissette, Patricia McCaig, Susan McLain, Rod Monroe

Councilors Absent: Ed Washington

Presiding Officer Kvistad convened the Regular Council Meeting at 2:03 p.m.

### 1. INTRODUCTIONS

Councilor Monroe introduced Judge John Wittmayer, who would be swearing him in. He introduced his wife, Billie Monroe, and his mother-in-law, Bernice Hampton. He said Mrs. Hampton lived in an auxiliary housing unit on his property, made possible by Metro's code.

### 2. CITIZEN COMMUNICATION

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. AUDITOR COMMUNICATIONS

Alexis Dow, Metro Auditor, said she would be issuing two reports related to InfoLink. (These reports are attached to the meeting record.) These reports covered an independent review performed by Pacific Consulting Group. That group focused its work on four aspects of the InfoLink project: 1) the project's planning and management; 2) system selection; 3) project implementation; and 4) internal controls. The thicker of the two reports covered the first three items; the thinner covers internal controls.

She said she would provide only a brief overview; the Pacific Consulting Group would provide a detailed presentation in January to the new Council. She said the report found that staff had done an outstanding job of setting up InfoLink during the past two years. However, much work remained. For example, only five of the eleven PeopleSoft applications have been implemented. The others were significantly behind schedule. Processes also needed to be re-engineered, using the features of the new software, to eliminate duplicated entries and record-keeping.

She said many employees needed additional training. The recommendations the group offered fall into three categories: 1) future steps to complete the InfoLink project; 2) steps for maintaining the InfoLink System; and 3) steps to take if future project like InfoLink are undertaken.



Regarding future projects, the group recommended conducting feasibility studies for major changes in information system technology; doing pre-purchase testing to determine the functionality before paying; and using deliverable-based contracts for software services, rather than time and materials.

Current problems included the adequacy of project staffing and staff turnover; keeping pace with software upgrades, and lack of the availability of training for some of the versions that Metro was using. The lack of training has led to a high level of dissatisfaction among those who must use the product. Pacific Consulting estimated that Metro will need to spend \$0.5 Million to develop the InfoLink project to the point where it will provide reasonable benefits and achieve most of the goals originally planned. At the time the group made this estimate, Metro had about \$240,000 in its budget for InfoLink implementation. This would require \$220,000 to \$300,000 additional dollars.

**Councilor Morissette** asked if that was over and above the original amount.

**Ms. Dow** said yes. She said that estimate excluded the implementation of two of the eleven planned modules--asset Management and Time and Labor. She said it was important to keep in mind that Metro had spent far less on outside consultants than other governments have that have implemented similar systems. She said on the other hand, those governments were able to complete their projects in less time and were farther along in their upgrades.

She said the report also said that Metro will likely need to increase the amount of resources it uses annually to support InfoLink. It estimated that with the five applications that have been installed, five to seven employees would need to be dedicated to maintaining InfoLink in addition to from \$25,000 to \$50,000 in outside consulting services. When all 11 applications were in place, the number of internal staff required was estimated to be seven to ten, and the amount of external consulting, \$50,000 to \$100,000.

She said this report had been reviewed by Mike Burton, Executive Officer, and Jennifer Sims, Chief Financial Officer. She said they agreed with many of the recommendations in the report. Their complete response was included in the report.

She expressed appreciation for the cooperation and assistance of the Administrative Services Division. She said it was only through their hard work that Metro has achieved the level of success it enjoyed today.

**Councilor Morissette** commented that, although he would not be a Councilor when the Council takes action on this, nor did he support the original proposal, but he hoped Metro would get a handle on this soon. He said other agencies had had situations like this grow on them. He cautioned the future Council to be very careful. He said this sounded like something that started off being small and not overly expensive, and now has grown. He said he hoped this would be the last of it. He said computer programs and software upgrades continued to cost more and more.

**Presiding Officer Kvistad** postponed agenda items 5 and 6 and moved directly to item number 7, to accommodate Judge Wittmayer's schedule.

**7. 1998 GENERAL ELECTION VOTE ACKNOWLEDGMENT AND OATH OF OFFICE.**

**7.1 Resolution No. 98-2737, For the Purpose of Accepting the November 3, 1998 Election Abstract of Votes for Metro.**

**Motion:** Councilor McLain moved to adopt Resolution No. 98-2737.

**Seconded:** Councilor McFarland seconded the motion.

**Discussion:** Councilor McLain said this was a housekeeping issue, to formally accept the election results.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously of those present.

**Presiding Office Kvistad** asked Judge John Wittmayer to swear Councilor Monroe into office. Judge Wittmayer stepped forward and performed the ceremony.

**5. MPAC COMMUNICATION**

**Councilor McLain** said that regarding the next piece of legislation, work was done at MPAC and also in an MPAC subcommittee dealing with this resolution. She called attention to Exhibit A, distributed to the Council, that represented this new work. She noted a few technical changes that had been added. She said those changes had been approved by MPAC. She said this would establish a boundary process. She said this the emergency clause would ensure that the process would be in place by January 1, 1999.

**6. CONSENT AGENDA**

**6.1** Consideration meeting minutes of the December 3, 1998 Regular Council Meeting.

**Motion:** Councilor McFarland moved to adopt the meeting minutes of December 3, 1998 Regular Council Meeting.

**Seconded:** Councilor Monroe seconded the motion.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

**8. ORDINANCES - FIRST READING**

**8.1 Ordinance No. 98-791, For the Purpose of Adopting a New Chapter in the Metro Code Making the Local Government Boundary Changes and Declaring an Emergency.**

**Presiding Officer Kvistad** assigned Ordinance No. 98-791 to the Council, to be considered at its next meeting on December 17, 1998.

**9. ORDINANCES - SECOND READING**

**9.1 Ordinance No. 98-768, For the Purpose of Amending the Metro Code Authorizing Exemptions from Competitive Bidding for Utilities and Certain Other Types of Contracts.**

**Motion:** Councilor McFarland moved to adopt Ordinance No. 98-768.

**Seconded:** Councilor McCaig seconded the motion.

Councilor McFarland explained that this ordinance would provide more leeway to those involved with Metro's utilities and other contracts, so Metro would not be bound totally by a bid. Rather, under certain circumstances it could ask for a proposal in place of a bid to allow other considerations to be factored in, if necessary. She said whatever the decision was, it still came before the Council. It simply provided more initial leeway in setting up certain contracts.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-768. No one came forward. Presiding Officer Kvistad closed the public hearing.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

**9.2 Ordinance No. 98-790, For the Purpose of Amending Metro Code 2.06 (Investment Policy) Regarding Authorized Qualified Institutions; and Declaring an Emergency.**

**Motion:** Councilor Monroe moved to adopt Ordinance No. 98-790.

**Seconded:** Councilor McFarland seconded the motion.

Councilor Monroe explained that this ordinance would broaden the number of qualified institutions Metro could deal with to improve its portfolio performance. The proposal had been approved by the Oregon Short Term Fund Board. It had also been investigated and approved by the Investment Advisory Board. It would save the taxpayers' money. He urged an aye vote.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-790. No one came forward. Presiding Officer Kvistad closed the public hearing.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

**10. RESOLUTIONS**

**10.1 Resolution No. 98-2722, For the Purpose of Confirming the Appointment of Herbert S. Pelp and Eric Johansen to the Investment Advisory Board.**

**Motion:** Councilor Monroe moved to adopt Resolution No. 98-2722.

**Seconded:** Councilor McCaig seconded the motion.

**Councilor Monroe** said this resolution confirmed the appointments of Herbert Pelp and Eric Johansen to the Investment Advisory Board. Both of these individuals come highly recommended and are highly qualified. Mr. Pelp had been assistant treasurer of ESCO Corporation for 28 years, and Mr. Johansen had extensive background in public finance. He urged support.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present

**10.2 Resolution No. 98-2725, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Year 1999-00 through 2003-04.**

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2725.

**Seconded:** **Councilor McFarland** seconded the motion.

**Councilor McLain** said this document sometimes did not attract much attention, although it was an important document. It was the Capital Improvement Plan. This helped Metro do long-range planning on a wide range of capital needs. In this particular plan, the bond measures for the zoo and the greenspaces/open space make up the majority of the capital improvements. The Metro Exposition-Recreation Commissions (MERC) made up the majority of the capital improvements, with a little over 49%; Regional Parks and Greenspaces constituted just over 35%. The Finance Committee met on this on December 9, and discussed at length the projects, the update, and related issues. She said one of the listed items, the Oregon Convention Center (OCC), remained in the plan. She said she understood that Councilor Morissette had questioned why the OCC would remain in the plan, given that it was rejected by the voters. She said because Councilor Morissette had not been present at Finance Committee Meeting to hear the argument, she would like someone from the Finance staff to speak to Councilor Morissette's concern.

**Tom Imdieke, Metro Financial Planning**, said an amendment proposed at the Finance Committee meeting that would put the OCC expansion project on the unfunded list and in its place puts an Expo Hall D, contingent on a financing plan to be completed later.

**Councilor McLain** continued to explain that as this particular capital plan was updated, some issues have been addressed at great length and others that have had only one or two airings. The one just mentioned--what was being replaced at this point--was Exhibit Hall D. She said that Exhibit Hall E had been added at the Expo site. The proposal to add Hall D was approved by the Regional Facilities Committee. She said she wanted to make it clear that this would not signify how all of the new hall would be funded. She said the Finance Committee discussed the options for financing at length. Mr. John Houser, Council Analyst, has submitted analyses that suggested from \$150,000 to \$200,000 that must be accounted for before this project could begin. That was not what was being voted on at this point, however. At this point, the vote gave conceptual approval to the project. She pointed out that one of the reasons for addressing this issue now was that the Executive Officer needed to have it in place by January of 1999, to allow him to complete his budget.

**Councilor Morissette** clarified that the OCC would be put on an inactive list and the Expo Center forward.



**Councilor McCaig** said the amendment that came forward came at the request of Councilors Kvistad and McFarland. She said it would constitute a \$15 to \$19 million CIP project. She said the consideration at hand, the CIP for next year, contained three substantial items that total about \$119 million. Many smaller projects were also in it, but those were already in the works. Councilor McCaig then asked Councilor McLain to speak for the record to the Executive Officer's intentions in moving forward with Exhibit Hall D, should the Council decide to move forward with it.

**Councilor McLain** said one concern she had as a Councilor was the fact that even though this seemed like a good idea to continue to develop the Expo Center, was using excise tax to fund the void of \$150,000 to \$200,000. One of the comments the Executive Officer made was that he would also be happy to move forward with this project, but he was going with the understanding that planning, one of the major functions of this agency, would not be underfunded. He said he would not allow that mission to be hampered. She said with that in mind, the staff would move forward to investigate ways to provide the needed funds.

**Councilor McCaig** said she had argued in the meeting that it was premature to put this item in the CIP. This was a resolution that had had two public hearings, one before the Regional Facilities Committee and once before the Metro Council. The Resolution consisted primarily of directing the staff to go forward putting together a financing plan. She said considerable work remained to be done balancing the needs of the region in the next fiscal year. She said she was concerned that putting this item into the CIP the day before the amendment went forward, gave legs to something that did not yet deserve legs. She said it might, eventually, after further review that provided a better understanding of the coming financial needs. However, the proposal would, in fact, draw down the excise tax somewhere between \$150,000 to \$200,000, and those were the only funds available to fund the other needs of this government, which had higher priority. She said the discussion was healthy about this, although it was passed. She said she would support the CIP, because the plan on the whole was fine.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

**10.3 Resolution No. 98-2730, For the Purpose of Amending the Capital Improvement Plan for Fiscal year 1998-99 through 2002-03.**

**Motion:** Councilor McLain moved to adopt Resolution No. 98-2730.

**Seconded:** Councilor McFarland seconded the motion.

**Discussion:** Councilor McLain said this was an amendment to the same CIP just discussed. She said specific projects needed to be amended in. She listed the projects and the cost. She said the funds for these projects would come from the existing budgets or would be moved from other projects. The Oregon Zoo, the Lory Exhibit, with an estimated cost of \$250,000. The Reptile House at the Oregon Zoo, estimated to cost \$75,000. That would refurbish the former gift shop. The other major project would replace the drapes at the Civic Auditorium, estimated to cost \$90,000 in drapes and a mechanical track on which to mount the track. She offered to answer any questions. She said other projects would be removed from the list and be placed on the unfunded list to enable these projects to be completed.

**Councilor McCaig** said these were available funds, and involved transferring funds from other projects on the advise of the Director of the Zoo or MERC, in the case of the Performing Arts Center. She said this would amend the current year's CIP. She said the previous vote amended next year's CIP.

**Councilor Morissette** clarified that this was how they were choosing to spend their money and there was no more subsidy.

**Presiding Officer Kvistad** said he had gone with Ms. Sherburne to the auditorium. The drapes had been there for 30 years and were much more important than replacing seats.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**10.4 Resolution No. 98-2732, For the Purpose of Authorizing the Executive Officer to Execute a Recycling Business Development Grant with Mursen Environmental, Inc.**

**Motion:** **Councilor Morissette** moved to adopt Resolution No. 98-2732.

**Seconded:** **Councilor McFarland** seconded the motion.

**Discussion:** **Councilor Morissette** noted the executive summary and said this was a \$80,000 grant, in the budget, to recover food waste. He said it contained some provisions to recapture some of the funds.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

## **11 POSSIBLE ACTION ON URBAN GROWTH BOUNDARY ORDINANCES AND RESOLUTIONS.**

**11.1 Ordinance No. 98-779C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.**

**11.2 Ordinance No. 98-788B, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.**

**11.3 Ordinance No. 98-786C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.**

**11.4 Ordinance No. 98-781C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.**

**11.5 Ordinance No. 98-782B, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.**

- 11.6 **Resolution No. 98-2726B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 65 in Washington County.
- 11.7 **Resolution No. 98-2728B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 51, 52, 53, 54 and 55 to the Hillsboro Regional Center Area.
- 11.8 **Resolution No. 98-2729C**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, 42, 62 and 63 in the West Metro Subregion.

**Motion to Amend:** **Councilor Monroe** moved to substitute Ordinance No. 98-779C with Ordinance No 98-779D to add the first tier areas of urban reserves 33 and 34 to the ordinance.

**Seconded** **Councilor Morissette** seconded the amendment.

**Discussion:** **Councilor Monroe** said this motion added URAs 33 and 34 to the ordinance currently covering URAs 43 and 47. The motion would allow the first tier portions of URAs 33 and 34 to be amended into the UGB. The areas were relatively small in size with services nearby. Lake Oswego had committed to complete conceptual planning for both areas.

**Ms. Wilkerson** said in response to a question that area #33 contained 29.3 acres and included 96 dwelling units and 52 jobs. UR #34 contains 7.4 acres including 11 dwelling units and 4 jobs. For a total of 36.7 acres, 107 dwelling units and 56 jobs. They were first tier.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Motion to Amend:** **Councilor McLain** moved to amend Ordinance No. 98-788B to add Exhibit C, the findings prepared by the Office of General Counsel, and conditions F. 1 through 10.

**Seconded** **Councilor Morissette** seconded the amendment.

**Discussion:** **Councilor McLain** read the amended parts of the ordinance which follows:

F. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the City's comprehensive plan shall be amended to include the following provisions:

(1.) The functional classification of the Tualatin Valley Highway shall be changed to "principal arterial" consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

(2.) The transportation element of the comprehensive plan shall be amended to require the Access Management Strategies in the August 25, 1998 Draft Hillsboro TSP, or substantially equivalent policies.

(3.) The transportation element of the comprehensive plan shall be amended to adopt the alternative Level of Service provision authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

(4.) The transportation element of the comprehensive plan shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

(5.) The transportation element of the comprehensive plan shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

(6.) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following on-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:

- Davis Road from River Road to Gordon Creek neighborhood/mainstreet center: new two lane community street.
- Davis Road through the Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
- Davis Road through the Gordon Creek neighborhood/mainstreet center to Century Blvd.: new two lane community street.
- Davis Road from Century Blvd. to 229th: new two lane community street.
- Brookwood Ave. from TV Highway to Gordon Creek neighborhood/mainstreet center: new two lane community street.
- Brookwood to Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
- Century Blvd. from TV Highway to Davis Road: new two lane community street.
- Alexander St. from Brookwood Ave. to 229th: new two lane collector.
- 229th Avenue from TV Highway to McInnis Lane: new two lane collector.
- River Road from Witch Hazel to Gordon Creek: new three lane arterial.

(7.) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following off-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:

- River Road from Gordon Creek to Rosedale Road: reconstruct to two lanes.
- River Road at Witch Hazel: left turn lane, signalization.
- Brookwood/Witch Hazel at TV Highway: realignment, added lanes, new traffic and RR signalization.
- Brookwood from TV Highway to Baseline: reconstruct to 3 lanes, and rebuild curves at Ash St. and Golden Road.
- Brookwood Ave. from Baseline to Cornell: construct to three lanes.
- Century Blvd. from Baseline to Century High School: new three lane roadway extension.



- Century Blvd. from Baseline to Cornell Road: reconstruct to three lanes.
  - 229th from 2,000 feet north of Butternut Creek to Rosedale Road: reconstruct two lanes.
  - Brookwood at Cedar Street: channelization and signalization.
  - Brookwood at Bently: channelization and signalization.
  - Brookwood at Golden: channelization and signalization.
- (8.) The transportation element of the comprehensive plan shall be amended to provide for a corridor study of the Tualatin Valley Highway prior to development approvals to provide additional means of maintaining the through traffic capacity while providing acceptable access to and across the highway from Beaverton to Hillsboro.
- (9.) A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.
- (10.) Funding strategies and planning requirements shall be adopted for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Councilor Monroe** commented that the Pleasant Valley golf course and a portion of URSA #6, which Clackamas County favored bringing in entirely, could not be brought in this year due to notice requirements and the fact that area #6 had not been included in the first tier. He said he would pursue the request to bring the entire golf course into the UGB next year.

**Motion to Amend:** **Councilor Monroe** moved to amend Ordinance No. 98-781C to add the 235 acres south of the Clackamas/Multnomah County line in urban reserve area #5.

**Seconded** **Councilor McFarland** seconded the amendment.

**Discussion:** **Councilor Monroe** said the area was removed by action of the Council last week, Dec. 3, 1998. However it was in Urban Reserve area #5 at the beginning of the Metro Council process to consider amending the UGB, was noticed properly, was subject to productivity analysis and required staff analysis. This motion included amending the map for Ordinance 98-781, and the findings, to be consistent with the ordinance, as amended.

**Councilor McFarland** said in the nearly 9½ years she had been on the council this was her first mistake. She said staff and others had convinced her that the lake with the ducks was a different piece than she had thought. She said although this property had wetlands, the plans for it adequately dealt with them. She urged putting the property back.

**Councilor Monroe** said the area added 1,594 dwelling units which brought the total of approved dwelling units to about 15,700 by ordinance, which was a little less than the 16,000 which was half the need.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Mr. Cooper** said to keep things straight, the last ordinance version published would have the higher letter.

**Presiding Officer Kvistad** said then, the amended ordinance would be called Ordinance No. 98-781D.

**Motion to Amend:** **Councilor Monroe** moved to amend Ordinance No. 98-782B to include Exhibit C, the findings prepared by the Office of General Counsel, and conditions F through H.

**Seconded** **Councilor McFarland** seconded the amendment.

**Discussion:** **Councilor Monroe** said this amended in the findings to support the action taken last week as follows:

F. Prior to urban development, an urban service agreement consistent with ORS 195.065 and based on the Rosemont Village Concept Plan shall be entered into among the units of local government and special districts that provide service to this area and that are identified as appropriate parties by a cooperative agreement under ORS 195.020.

G. Prior to urban development, an enhanced sheriff patrol or other service agreement with a city police agency shall be approved to provide an urban level of police service to this area.

H. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the appropriate city or county indicated in the urban services agreement for this area shall amend its comprehensive plan to include the following provisions:

1. Land use designations and zoning shall be adopted consistent with Exhibit A of this ordinance and this concept plan as it may be further described in the urban services agreement prior to its adoption into the appropriate comprehensive plans under Metro Code 3.07.1130.

2. The functional classification of the streets and roads serving this area added to the UGB by this ordinance shall be changed to be consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

3. The transportation element of the comprehensive plan of the governing cities and Clackamas County shall be amended to adopt the alternative Level of Service provision for the area added to the UGB by this ordinance authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

4. The transportation element of the comprehensive plan of the governing cities and county shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

5. The transportation element of the comprehensive plan of the governing cities and county shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

6. The Public Facilities Plan shall be amended to add rough cost estimates for each of the on-site transportation facilities in Exhibit "D" (Table 2A) and off-site

transportation facilities Exhibit "D" (Table 3A) needed for this area to address existing and future needed road improvements which were identified in the approved urban reserve plan.

7. A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

8. Funding strategies and planning requirements for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

**Councilor McLain** said even though she would not be voting for the Stafford piece, she would be voting of the conditions to be added because if it was going to be brought in in Ordinance form she wanted the conditions there.

**Vote:** The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Morissette voting no.

**Presiding Officer Kvistad** said that made the ordinance a "C" version.

**Motion to Amend:** **Councilor McLain** moved to amend Resolution No. 98-2728B on Urban Reserve Areas 51-55 to change Exhibit "B" "findings" to "staff report and process".

**Seconded** **Councilor Morissette** seconded the amendment.

**Discussion:** **Councilor McLain** read the use of "findings" in this Resolution was requested by property owners in the initial draft. However, findings were used to explain the final UGB amendment decisions in the five ordinances we have prepared. The use of "findings" was inappropriate with this Resolution of Intent that was not a final UGB amendment decision.

She was concerned that using findings with this Resolution of Intent will send the wrong message to the courts that review this action. Our acknowledged Metro Code clearly stated that this action was a step in the process for a UGB amendment. Metro's process to this point indicated that enough evidence had been presented to indicate that a UGB amendment will occur and that Metro's jurisdictional boundary should be amended.

However, the final action to approve the UGB amendment occurred when the ordinance adopting it was approved. That happened after Metro has land use jurisdiction after Metro's district boundary was moved. That was when findings were appropriate.

We have been promised an appeal of this Resolution. She made this motion to keep the words of this Resolution fully and clearly consistent with the process in the Metro Code and state law.

**Councilor Morissette** said this had virtually no impact on the original ordinance and he supported it going forward.

**Councilor McLain** said she felt the words had meaning.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Presiding Officer Kvistad** noted that the resolution was now a "C" version.

**12. EXECUTIVE SESSION, Held pursuant to ORS 192.660(1)(b), to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation to be filed.**

Members Present: Dan Cooper, Larry Shaw, Elaine Wilkerson, Scott Weddle, Ken Helm and the media

**13. COUNCILOR COMMUNICATION**

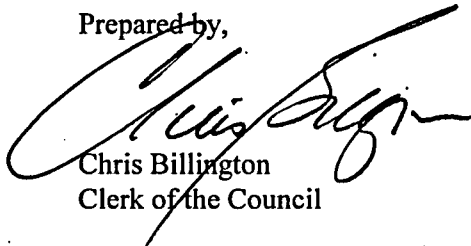
**Councilor McLain** noted, regarding the work they were doing with the boundary commission on the new chapter of Metro code dealing with local government boundary changes, that there was an emergency clause and it would take 5 votes to pass. She suggested asking for updates from Mr. Cooper or Mr. Houser if needed. She also noted that there would be 3 outstanding issues following them into the new year which could be discussed January through March.

**Presiding Officer Kvistad** said there would be final actions on ordinances and resolutions next week.

**14. ADJOURN**

There being no further business to come before the Metro Council, **Presiding Officer Kvistad** adjourned the meeting at 4:00 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
121098c-01	December 1998	InfoLink Project Review	TO: Metro Council FROM: Alexis Dow, Metro Auditor	
121098c-02	December 1998	Internal Controls Review	TO: Metro Council FROM: Alexis Dow, Metro Auditor	



*Agenda Item Number 7.1*

**Ordinance No. 98-791, For the Purpose of Adopting a new Chapter of the Metro Code Making the Local Government Boundary Changes and Declaring an Emergency.**

***Second Reading***

Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A	)	ORDINANCE NO 98-791
NEW CHAPTER OF THE METRO CODE	)	
RELATING TO LOCAL GOVERNMENT	)	Introduced by Councilor McLain
BOUNDARY CHANGES AND	)	
DECLARING AN EMERGENCY	)	

WHEREAS, the 1997 Oregon Legislature adopted Chapter 516 of Oregon Laws of 1997, which abolished the Portland metropolitan area Boundary Commission effective January 1, 1999, and authorized Metro, pursuant to ORS 268.347 through ORS 268.354, to adopt procedural and substantive provisions related to local government boundary changes; and

WHEREAS, MPAC, after study, has recommended to the Council that provisions be adopted to carry out the legislative authorization; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 3.09, Local Government Boundary Changes, attached hereto as Exhibit A, is hereby adopted; and,
2. This Ordinance is necessary for the immediate preservation of public health, safety and welfare; and an emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1), in order for the provisions of Chapter 3.09 to be in effect on January 1, 1999, when the Portland metropolitan area local government Boundary Commission is abolished.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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**Ordinance No. 98-791**  
**Exhibit A**

CHAPTER 3.09

LOCAL GOVERNMENT BOUNDARY CHANGES

SECTIONS	TITLE
3.09.010	Purpose and Applicability
3.09.020	Definitions
3.09.030	Uniform Notice Requirements for Final Decisions
3.09.040	Minimum Requirements for Petitions
3.09.050	Uniform Hearing Requirements for Final Decisions
3.09.060	Creation of Boundary Appeals Commission
3.09.070	How Contested Case Filed
3.09.080	Alternate Resolution
3.09.090	Conduct of Hearing
3.09.100	Ex Parte Communications to the Boundary Appeals Commission
3.09.110	Ministerial Functions of Metro

3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS 268.354. This chapter applies to all boundary changes within the boundaries of Metro or any urban reserve designated by Metro prior to June 30, 1997. Nothing in this chapter affects the jurisdiction of the Metro Council to amend the region's Urban Growth Boundary.

3.09.020 Definitions

As used in this chapter, unless the context requires otherwise:

(a) "Affected entity" means a city, city-county, or special district for which a boundary change is proposed or is ordered.

(b) "Affected territory" means territory described in a petition.



(c) "Approving entity" means the governing body of a city, county, city-county or district authorized to make a decision on a boundary change, or its designee.

(d) "Boundary change" means a major or minor boundary change, involving affected territory lying within the jurisdictional boundaries of Metro and the urban reserves designated by Metro prior to June 30, 1997.

(e) "Contested case" means a boundary change decision by a city, county or district that is contested or otherwise challenged by a necessary party.

(f) "District" means a district defined by ORS 198.710 or any district subject to the district boundary procedure act under state law.

(g) "Final decision" means an adopted resolution or ordinance of an approving entity that is the final action of the approving entity on the boundary change, including a resolution or ordinance that declares the result of an election to which a boundary change decision has been referred.

(h) "Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

(i) "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a city-county to a city. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district.

(j) "Necessary party" means: any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, and any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

(k) "Petition" means a petition, resolution or other form of initiatory action for a boundary change.

(l) "Uncontested case" means a boundary change decision by an approving entity that is not challenged by a necessary party to that decision.

(m) "Urban services" means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

### 3.09.030 Uniform Notice Requirements for Final Decisions

(a) The following minimum requirements apply to all boundary change decisions by an approving entity. These procedures are in addition to and do not supersede the requirements of ORS chapters 198, 221 and 222 and any city or county charter for boundary changes. Each approving entity shall provide for the manner of notice of boundary change decisions to affected persons.

(b) An approving entity shall set a time for deliberations on a boundary change within 30 days after the petition is completed. The approving entity shall give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 45 days prior to the date of decision for major boundary changes and for those minor boundary changes which are not within the scope of adopted urban service provider agreements and for which a shorter notice period has not been agreed to by all necessary parties. Notice shall be published as required by state law.

(c) The notice of the date of deliberations shall: describe the affected territory in a manner that allows certainty; state the date, time and place where the approving entity will consider the boundary change; and state the means by which any interested person may obtain a copy of the approving entity's report on the proposal. The notice shall state whether the approving entity intends to decide the boundary change without a public hearing unless a necessary party requests a public hearing.

(d) An approving entity may adjourn or continue its final decision on a proposed boundary change to another time. For a continuance later than 31 days after the time stated in the

original notice, notice shall be reissued in the form required by subsection (b) of this section at least 15 days prior to the continued date of decision. For a continuance scheduled within 31 days of the previous date for decision, notice shall be adequate if it contains the date, time and place of the continued date of decision.

(e) An approving entity's final decision shall be reduced to writing and authenticated as its official act within 30 days following the decision and mailed to Metro and to all necessary parties to the decision. The mailing to Metro shall include payment to Metro of the filing fee required pursuant to section 3.09.120. The date of mailing shall constitute the date from which the time for appeal runs for appeal of the decision to the Metro Boundary Appeals Commission.

(f) Each county shall maintain a current map and list showing all necessary parties entitled to receive notice of proposed boundary changes. A county shall provide copies of the map, list, and any changes thereto, to Metro.

#### 3.09.040 Minimum Requirements for Petitions

(a) A petition for a boundary change shall be deemed complete if it includes the following information:

- (1) The jurisdiction of the approving entity to act on the petition;
- (2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Executive Officer;
- (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk;
- (4) A listing of the present providers of urban services to the affected territory;
- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;

(6) The current tax assessed value of the affected territory; and

(7) any other information required by state or local law.

(b) A city or county may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

### 3.09.050 Uniform Hearing Requirements for Final Decisions

(a) The following minimum requirements for hearings on boundary change decisions operate in addition to all procedural requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an approving entity to dispense with a public hearing on a proposed boundary change when the public hearing is required by those statutes or is required by the approving entity's charter, ordinances or resolutions.

(b) Except when a public hearing is requested by a necessary party, an approving entity may make a final decision on a completed petition for an annexation of territory without a public hearing when a decision without public hearing is allowed by state and local law, when the affected territory is surrounded by a city as described in ORS 222.750 ("island annexations") or when the petition is accompanied by the written consent of one hundred percent (100%) of the property owners and at least fifty percent (50%) of the electors within the affected territory ("100% owner annexations").

(c) An approving entity shall conduct a public hearing on the proposed boundary change if a necessary party requests a hearing in a writing delivered to the approving entity not later than 15 days prior to the date set for the decision. The request for public hearing shall state reasons why the party believes the boundary change is inconsistent with the approval criteria. At any public hearing, the persons or entities proposing the boundary change shall have the burden to prove that the petition meets the criteria for a boundary change.

(d) Not later than 30 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that includes at a minimum the following:

- (1) The extent to which urban services presently are available to serve the affected territory;
- (2) The extent to which urban services serving the affected territory result from extraterritorial extensions of service outside the service provider's legal boundary;
- (3) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
- (4) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
- (5) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
- (6) The proposed effective date of the decision.

(e) An approving entity's final decision shall be reduced to writing and authenticated. A final decision that is subject to a public hearing shall be based on substantial evidence in the record of that hearing. All boundary change decisions whether made with or without a public hearing shall include findings of fact and conclusions from those findings as to address the following minimum criteria for decision:

- (1) The decision complies with urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
- (2) The decision is consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, regional framework and functional plans, urban planning agreements and similar

agreements of the affected entity and of all necessary parties;

- (3) The affected entity can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others.
- (4) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval.

f) In addition to the criteria for decision set out in subsection (e) of this section, in those cases where the agreements required by ORS 195.065 are not yet adopted and a proposed provider of an urban service to the affected territory is disputed by a necessary party, a final decision by a city or county made after public hearing shall address and consider, as to the proposed providers of urban services to the affected territory:

- (1) Financial, operational and managerial capacity to provide the service;
- (2) The effect on the cost of the urban service to the users of the service, the quality and quantity of the service provided and the ability of urban service users to identify and contact service providers, and to determine their accountability with ease;
- (3) Physical factors related to the provision of the urban service;
- (4) The feasibility of creating a new entity for the provision of the urban service;
- (5) The elimination or avoidance of unnecessary duplication of facilities;
- (6) Economic, demographic and sociological trends and projections relevant to the provision of the urban service;

- (7) The allocation of charges among urban service users in a manner that reflects differences in the costs of providing services to the users;
- (8) Matching the recipients of tax supported urban services with the payers of the tax;
- (9) The equitable allocation of costs between new development and prior development; and
- (10) Economies of scale.
- (11) Where a proposed decision is inconsistent with adopted intergovernmental agreements by or among any necessary parties, the city or county making the final decision shall include factual findings that the decision better fulfills the criteria of subsections (1) through (10) of this section.

(g) A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than 30 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

(h) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

### 3.09.060 Creation of Boundary Appeals Commission

(a) The Metro Boundary Appeals Commission is created to decide contested cases of final boundary change decisions made by approving entities. The Metro Council shall appoint the Commission which shall consist of three citizen members, one each to be appointed from a list of nominees provided to the Metro Executive Officer at least 30 days prior to the commencement of each term by Clackamas, Multnomah and Washington counties, respectively. The Council shall appoint two of the members for a initial four-year term and one for a nominal two-year term, the initial terms to be decided by

chance; thereafter, each commissioner shall serve a four year term. Each Commission member shall continue to serve in that position until replaced. Commission members may not hold any elective public office.

(b) The Metro Executive Officer shall provide staff assistance to the Commission and shall prepare the Commission's annual budget for approval by the Metro Council.

(c) At its first meeting and again in its first meeting of each successive calendar year, the Commission shall adopt rules of procedure that address, among other things, the means by which a position is declared vacant and the means of filling a vacant position; and, the Commission at that first meeting shall elect a chairperson from among its membership, who shall serve in that position until a successor is elected and who shall preside over all proceedings before the Commission.

### 3.09.070 How Contested Case Filed

(a) A necessary party to a final decision that has appeared in person or in writing as a party in the hearing before the approving entity decision may contest the decision before the Metro Boundary Appeals Commission. A contest shall be allowed only if notice of appeal is served on the approving entity no later than the close of business on the 10th day following the date that the decision is reduced to writing, authenticated and mailed to necessary parties. A copy of the notice of appeal shall be served on the same day on Metro together with proof of service on the approving entity, the affected entity and all necessary parties. The notice of appeal shall be accompanied by payment of Metro's prescribed appeal fee. Service of notice of appeal on the approving entity, the affected entity and all necessary parties by mail within the required time and payment of the prescribed appeal fee shall be jurisdictional as to Metro's consideration of the appeal.

(b) An approving entity shall prepare and certify to Metro, no later than 20 days following the date the notice of appeal is served upon it, the record of the boundary change proceedings.



### 3.09.080 Alternate Resolution

(a) On stipulation of all parties to a contested case made at any time before the close of the hearing before the Commission, the Commission shall stay further proceedings before it for a reasonable time to allow the parties to attempt to resolve the contest by other means.

(b) A contested case that is not resolved by alternate means during the time allowed by the Commission shall be rescheduled for hearing in the normal course.

(c) A contested case is a remedy available by right to a necessary party. When a notice of appeal is filed, a boundary change decision shall not be final until resolution of the contested case by the Commission.

### 3.09.090 Conduct of Hearing

(a) The Commission shall schedule and conduct a hearing on a contested case no later than 30 days after certification of the record of the boundary change proceedings.

(b) The Commission shall hear and decide a contested case only on the certified record of the boundary change proceeding. No new evidence shall be allowed. The party bringing the appeal shall have the burden of persuasion.

(c) The Commission shall hear, in the following order, the Metro staff report, if any; argument by the approving entity and the affected entity; argument of the party that contests the decision below; and rebuttal argument by the approving entity and the affected entity. The Commission may question any person appearing before it. Metro staff shall not make a recommendation to the Commission on the disposition of a contested case.

(d) The deliberations of the Commission may be continued for a reasonable period not to exceed 30 days.

(e) The Chairperson may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial testimony. The Chairperson shall cause to be kept a verbatim oral, written, or mechanical record of all proceedings before the Commission.

(f) No later than 30 days following the close of a hearing before the Commission on a contested case, the Commission shall consider its proposed written final order and shall adopt the order by majority vote. The order shall include findings and conclusions on the criteria for decision listed in section 3.09.050 of this Code. The order shall be deemed final when reduced to writing in the form adopted, and served by mailing on all parties to the hearing.

(g) The Commission shall affirm or deny a final decision made below based on substantial evidence in the whole record. The Commission shall have no authority to remand a decision made below for further proceedings before the approving entity, and may only stay its proceedings to allow for alternate resolution as provided for in this chapter.

#### 3.09.100 Ex Parte Communications to the Boundary Appeals Commission

Commission members shall place in the record a statement of the substance of any written or oral ex parte communication on a fact in issue made to them during the pendency of the proceeding on a contested case. A party to the proceeding at its request shall be allowed a reasonable opportunity to rebut the substance of the communication.

#### 3.09.110 Ministerial Functions of Metro

(a) Metro shall create and keep current maps of all service provider service areas and the jurisdictional boundaries of all cities, counties and special districts within Metro. The maps shall be made available to the public at a price that reimburses Metro for its costs. Additional information requested of Metro related to boundary changes shall be provided subject to applicable fees.

(b) The Metro Executive shall cause notice of all final boundary change decisions to be sent to the appropriate county assessor(s) and elections officer(s), the Secretary of State and the Oregon Department of Revenue.

(c) The Metro Executive Officer shall establish a fee structure for establishing the amounts to be paid upon filing notice of city or county adoption of boundary changes appeals

to the Boundary Appeals Commission and for related services. The fee schedule shall be filed with the Council Clerk and distributed to all cities, counties and special districts within the Metro region.

*Agenda Item Number 8.1*

**Resolution No, 98-2733, For the Purpose of Appointing New Members to the Water Resources Policy  
Advisory Committee in November 1998.**

**Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber**

*BEFORE THE METRO COUNCIL*

FOR THE PURPOSE OF APPOINTING	)	RESOLUTION NO. 98-2733
NEW MEMBERS TO THE WATER	)	
RESOURCE POLICY ADVISORY	)	Introduced by Councilor Susan McLain
COMMITTEE IN NOVEMBER 1998	)	Chair, WRPAC

WHEREAS, The Water Resource Policy Advisory Committee (WRPAC) unanimously approved proposed revisions to their bylaws at their March 27, 1996 meeting; and

WHEREAS, The Metro Council approved the revisions to the bylaws as approved by WRPAC via adoption of Resolution No. 96-2321B and directed WRPAC to seek nominations for voting and non-voting positions; and

WHEREAS, Resolution Nos. 96-2418A, 97-2517, 97-2717 and 97-2588 subsequently established and appointed voting and non-voting members to serve on WRPAC; and

WHEREAS, Some resignations have occurred on WRPAC requiring the Council's approval of replacements for same; now, therefore,

BE IT RESOLVED, That the Metro Council appoints the following voting and non-voting members and alternates:

1. Hilary Abraham, Oregon Environmental Council, to fill the Special Interests – Environmental seat (voting);
2. John LeCavalier, Environmental Learning Center, to fill the Environmental Member at Large seat (voting);
3. Andy Schaedel, Oregon Dept. of Environmental Quality to fill the DEQ seat (non-voting);
4. Bob Baumgartner, DEQ, to fill the alternate position for DEQ (non-voting);
5. John Jackson, Unified Sewerage Agency, to fill the Tualatin Watershed Wastewater and Surface Water seat(s) (voting);
6. Bill Gaffi, Unified Sewerage Agency, to fill the alternate position for the Tualatin Watershed Wastewater and Surface Water seat(s) (voting);
7. Jacqueline Dingfelder, to fill the alternate position for the Portland Audubon Society (voting) with this appointment to WRPAC becoming effective December 1, 1998; and
8. Guy Graham, to fill the alternate position for the Lower Willamette Watershed Wastewater seat (voting).

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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**EXHIBIT A TO RESOLUTION NO. 98-2733**

**WATER RESOURCE POLICY ADVISORY COMMITTEE MEMBERS  
APPOINTED PER RESOLUTION NOS. 96-2418A, 97-2517, 97-2717, 97-2588 AND  
PENDING 98-2733**

<b>POSITION</b>	<b>MEMBER</b>	<b>ALTERNATE</b>
<b>VOTING MEMBERS</b>	<b>TOTAL: 27</b>	<b>QUORUM: 14</b>
1. Metro Councilor	Susan McLain	None
2. Tualatin Watershed – Water Supply Tualatin Valley Water Dist.	Jesse Lowman	Kevin Hanway
3. Clackamas Watershed – Water Supply Clackamas River Water Dist.	Dale Jutila	Alan Fletcher
4. Lower Willamette Watershed – Water Supply Portland Water Bureau	Lorna Stickel	Roberta Jortner
5. Tualatin Watershed – Wastewater Unified Sewerage Agency	<u>John Jackson</u> Bill Gaffi	<u>Bill Gaffi</u> <del>John Jackson</del>
6. Clackamas Watershed – Wastewater Gresham Environmental Services	Tom Sandwick	Kent Squires
7. Lower Willamette Watershed – Wastewater Gresham Environmental Services	Mel Miracle	<u>Guy Graham</u> <del>Greg DiLoreto</del>
8. Tualatin Watershed – Surface Water USA	USA representative (see above)	USA alternate (see above)
9. Clackamas Watershed – Surface Water Clackamas County Utilities	Michael Read	Ela Whelan
10. Lower Willamette Watershed – Surface Water Portland Bureau of Environmental Services	Becky Kreag	Dave Kliewer
11. Tualatin Watershed – Urban Washington County Soil & Water District	Gary Clark	Dick Kover
12. Clackamas Watershed – Urban Clackamas County Soil &	Don Guthridge	None

Water Conservation Dist.		
13. Lower Willamette Watershed – Urban East Multnomah County Soil & Water Conservation	Marty Mitchell	Patt Opdyke
14. Special Interests – Environmental Oregon Environmental Council	<u>Hilary Abraham</u>	None
15. Portland Audubon Society	Mike Houck	<u>Jacqueline Dingfelder</u>
16. Environmental Member at Large	<u>John LeCavalier</u> Environmental Learning Center Kendra Smith	<u>John LeCavalier</u>
17. Fishery Interest – Native Fish Society	Jeffry Gottfried	Guy Orcutt
18. Additional Cities (1 of 2) – Washington County	Mark Schoening Lake Oswego	Nancy Kraushaar Oregon City
19. Additional Cities (2 of 2) – Washington County	David Winship Beaverton	Mike McKillip Tualatin
20. Metro Greenspaces Advisory Committee (Chair)	Seth Tane	Rick Charriere
21. Natural Resources Conservation Service	Steve Fedji	None
22. Industrial Organization (1 of 2) – Homebuilders Organization	Declined membership	***
23. Industrial Organization (2 of 2) – High Tech Business	Vacant	Dave Schrott Fujitsu
24. Nursery Operator Business	Brad Bloes Panzer Nursery	None
25. Citizen (1 of 3) – Tualatin Watershed Tualatin Watershed Council	<u>Jacqueline Dingfelder</u>	April Olbrich
26. Citizen (2 of 3) Clackamas Watershed – Clackamas River Basin Council	Scott Forrester	Lowell Hanna
27. Citizen (3 of 3) Lower Willamette River Watershed	Bob Roth Johnson Creek Watershed Council	Liz Callison Tryon Resource Management Partnership
<b>NON-VOTING MEMBERS</b>	<b>TOTAL: 12</b>	<b>QUORUM: N/A</b>
1. Dept. of Land Conservation & Development	Jim Sitzman	None

2. US Army Corps of Engineers	Vacant	None
3. Port of Portland	Mary Gibson	Preston Beck
4. Environmental Protection Agency	Ralph Rogers	None
5. Portland General Electric	Dave Heintzman	Gary Hackett
6. National Estuary Program – Lower Columbia River Estuary Program	Bill Young	Deborah Marriott
7. Oregon Dept. of Environmental Quality	Andy Schaedel <del>Bob Baumgartner</del>	Bob Baumgartner <del>Kevin Downing</del>
8. Oregon Water Resources Dept.	Tom Paul	Bill Fujii
9. Oregon Dept. of Agriculture	Marc Peters	None
10. Oregon Dept. of Forestry	Ken Kushman	None
11. Oregon Dept. of Fish & Wildlife	Greg Robart	None
12. US Fish & Wildlife Service	Jennifer Thompson	John Marshall

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## **STAFF REPORT**

### **CONSIDERATION OF RESOLUTION NO. 98-2733, FOR THE PURPOSE OF APPOINTING MEMBERS TO THE WATER RESOURCES POLICY ADVISORY COMMITTEE IN NOVEMBER 1998**

Date: November 7, 1998

Prepared by: Rosemary Furfey

## **BACKGROUND INFORMATION**

The Metro Water Resources Policy Advisory Committee (WRPAC) was formed in the early 1980s to advise the Metro Council on technical matters related to regional water resource planning.

WRPAC was formally organized and re-formed via Resolution No. 96-2418A which adopted a membership list of entities/persons to serve on WRPAC.

WRPAC's bylaws were revised and adopted by the Metro Council via Resolution No. 96-2321B. Section 2(B) of the Bylaws states: "Representatives and their alternates will be formally appointed by the Metro Council."

The Council via Resolution No. 98-2733 would appoint members to fill vacancies that have occurred in the membership over the last several months (see Exhibit A).

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 98-2733.

**Ordinance No. 98-779D, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County and Urban Reserves 33 and 34 of Clackamas County.**

***Second Reading***

**Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 98-779ED  
METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Councilors Kvistad, Monroe,  
MAP IN ORDINANCE 95-625A IN ) McLain, Morissette, Washington, McFarland  
URBAN RESERVE AREAS 43, 47 OF ) and the Growth Management Committee  
WASHINGTON COUNTY, AND URBAN )  
RESERVE AREAS 33 AND 34 OF  
CLACKAMAS COUNTY

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including these urban reserve areas 43, ~~and 47~~, 33, and 34; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

/////

WHEREAS, notice of Proposed Amendment for these urban reserve areas ~~43, and 47, 33~~  
and 34, consistent with Metro Code and ORS 197.610(1), was received by the Oregon  
Department of Land Conservation and Development at least 45 days prior to the December 3,  
1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the  
December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types  
consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including  
public testimony in October, November, and December, 1998 hearings to decide proposed  
amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas  
added to the Urban Growth Boundary are used to meet the need for housing consistent with the  
acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the  
land added to the Metro Urban Growth Boundary ~~in URAs 43 and 47~~ by this ordinance as shown  
on attached Exhibit A are hereby adopted.

2. The Metro Urban Growth Boundary is hereby amended to add urban reserve areas  
~~43, and 47, 33 and 34~~ inside Metro's jurisdictional boundary as shown on the map in Exhibit B,  
attached, and incorporated by reference herein.

3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in ~~Section 2~~Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing, and the December 3, 1998 final hearing and final adoption of this ordinance.

6. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. The urban reserve plan and urban comprehensive plan and zoning shall be consistent with Goal 14, Factor 3 for stormwater facilities by treating stormwater runoff by filtration through a biofiltration swale.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and Clackamas County, and the cities of Tualatin, Wilsonville, and King City, and Lake Oswego shall include the areas added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

i:\r-o\98wacos2.d  
(12/09/98)









**Draft 2040  
Design Types**  
Urban Growth Boundary  
Legislative Amendment  
Index number 8

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Area
- Industrial Area
- Livable
- Main Streets
- ~ Proposed Regional Throughways
- ~ Potential Regional Throughways
- ~ Green Corridors
- ~ Planned & existing Light Rail Lines
- ~ Proposed Light Rail Alignments
- ~ Potential Light Rail Stations
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Intermodal
- Intermodal Rail Yards
- Rail Distribution Network
- ~ Exclusive Term Line
- Reception Land in Urban Reserves
- Resource Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- ~ Urban Growth Boundary
- ~ Urban Reserve Boundaries
- Areas added to Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks



**DRAFT**

Scale in Feet  
0 600 1200 1800 2400

METRO

Metropolitan Council  
1000 West Broadway Parkway, Suite 1700  
St. Paul, MN 55102-2000  
Phone: 612-222-2000  
Fax: 612-222-2000

Location map

 Area Considered by Council  
 First Tier Urban Reserve

 Urban Growth Boundary

Exhibit B 1 of 4

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

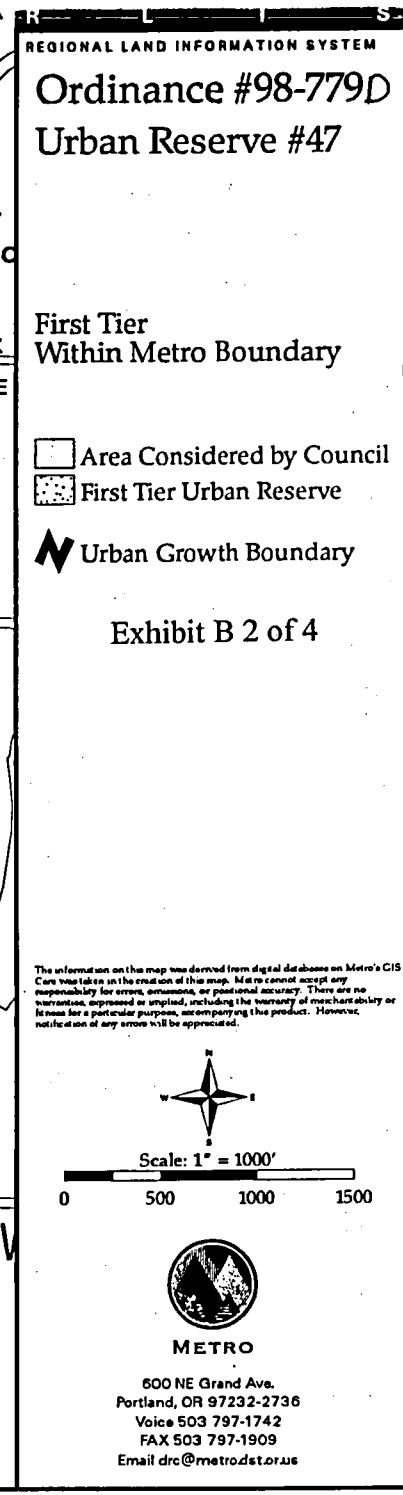


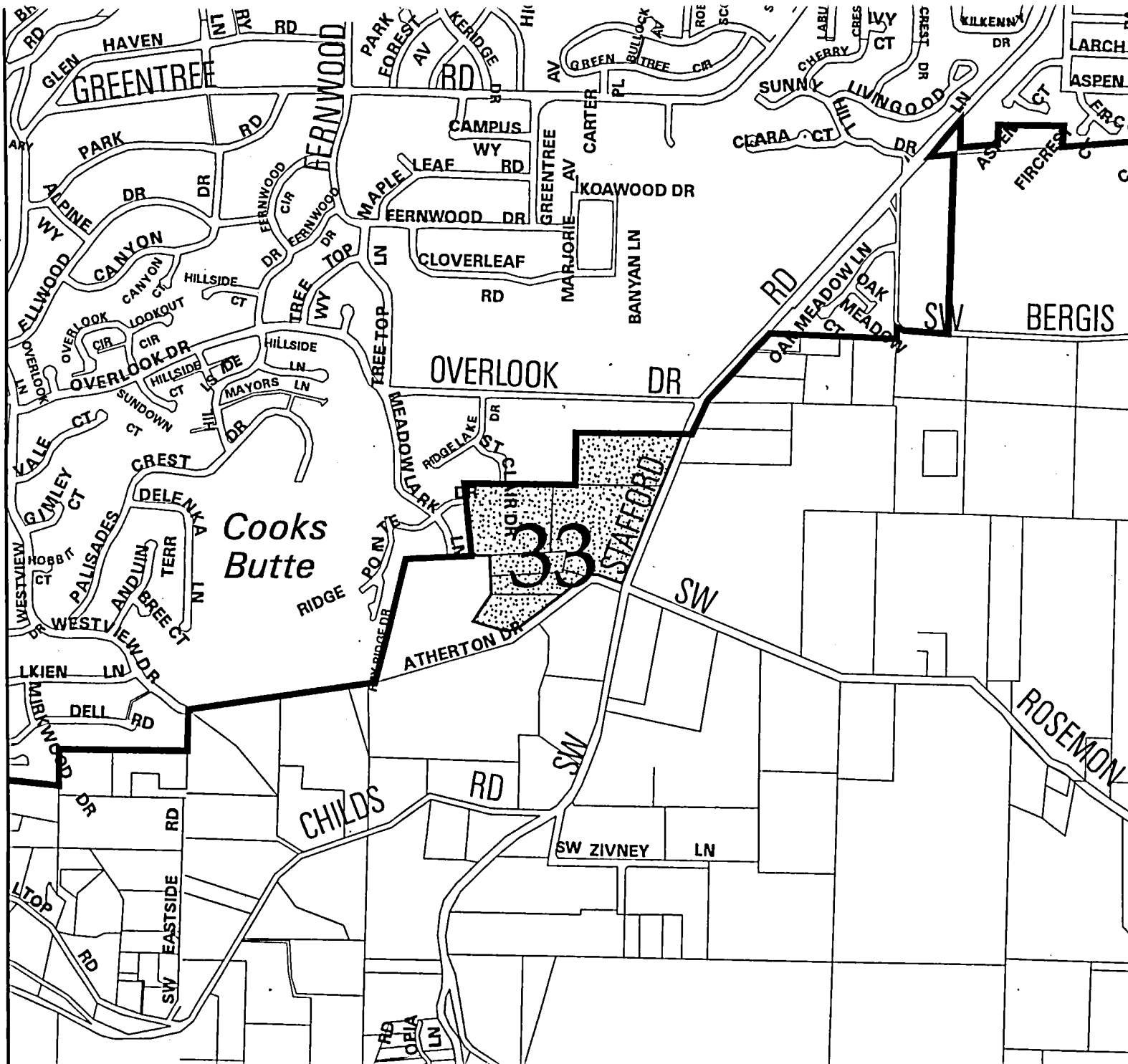
Scale: 1" = 1000'



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**REGIONAL LAND INFORMATION SYSTEM**

# Ordinance #98-779D

## Urban Reserve #33

### (Partial)

First Tier  
Within Metro Boundary



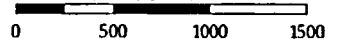

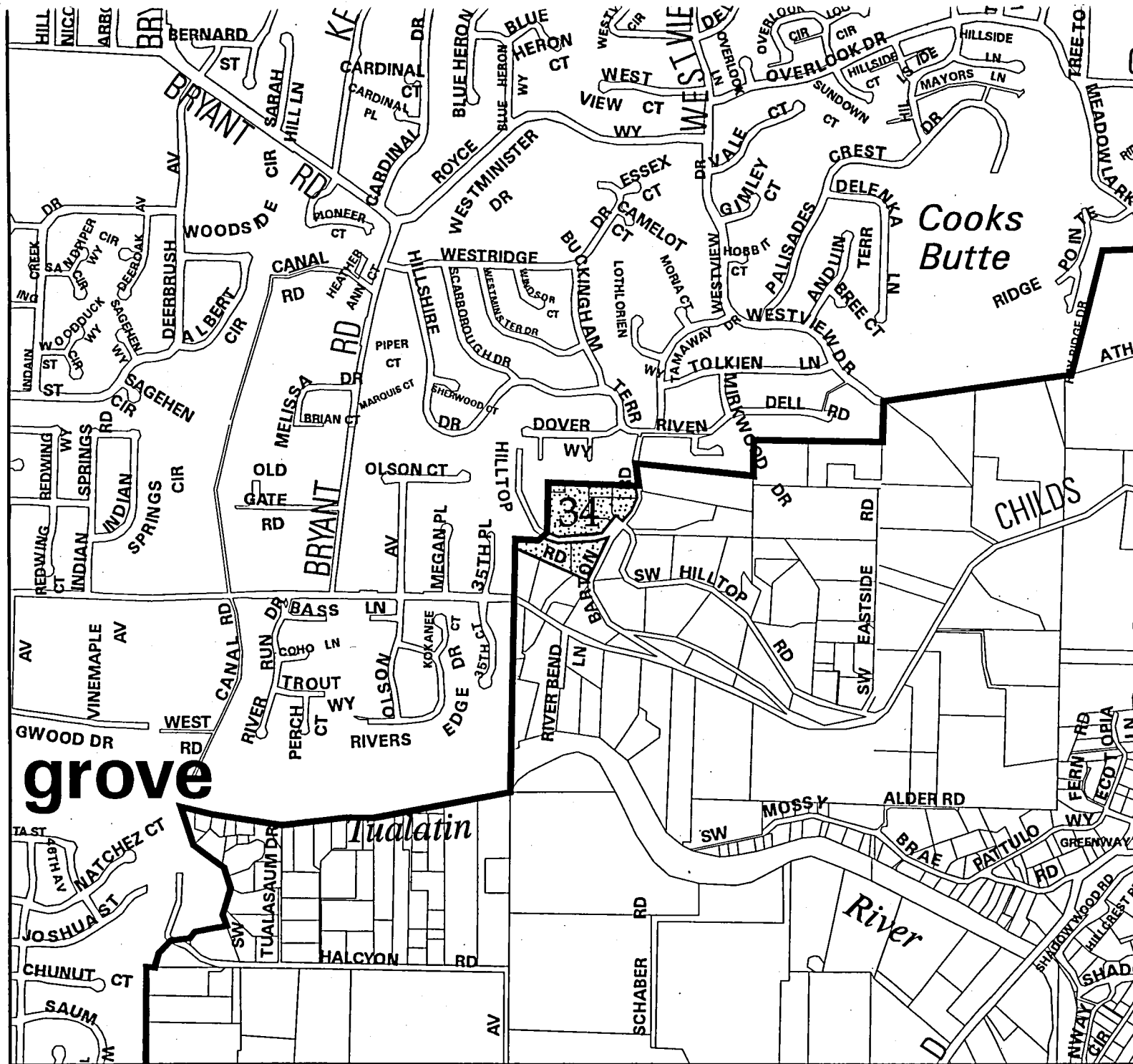
☐ Area Considered by Council  
☒ First Tier Urban Reserve  
 Urban Growth Boundary

Exhibit B 3 of 4

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 Scale: 1" = 1000'  


  
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**REGIONAL LAND INFORMATION SYSTEM**

## Ordinance #98-779D

### Urban Reserve #34


(Partial)

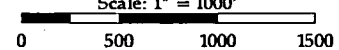
First Tier  
Within Metro Boundary


- Area Considered by Council
- First Tier Urban Reserve
- Urban Growth Boundary

Exhibit B 4 of 4

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

  
Scale: 1" = 1000'

  
0 500 1000 1500

  
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## ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-779D (URA 43, 47)

## 3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

This provision of the Metro Code provides that the Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan. Documentation must be provided to support its commitment to complete a conceptual plan for the urban reserve area. URAs 43 and 47 are first tier lands.

For URA 43, the City of Tualatin has provided the Metro Council with a letter stating that it has committed to complete a conceptual plan. The city's letter of November 19, 1998, provides for a work program, timeline for completion and funding for the planning. The Council accepts this demonstration of commitment and finds that 3.01.015(e) is satisfied. For URA 47, King City has committed in a November 10, 1998 letter to complete and adopt an urban reserve plan for the area. The plan has identified funding and an estimated time for completion. The City has also provided a letter setting forth its work program and a more detailed timeline for completion.

## 3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14.

## 3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

### 3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3

regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control. Metro Staff have completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the



UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory “along with all other appropriate data” to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217, 430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32, 370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro’s Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro’s jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan

requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 1998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Appendix A of the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion." This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies

urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

### 3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

According to the staff reports, the Productivity Analysis was performed to assess dwelling unit and employment capacity in selected URAs and to estimate costs for wastewater, water, stormwater, and transportation service to these URAs. The Productivity Analysis indicates that although all URAs can be provided with the above services, some areas are more costly to serve than others.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA.

The Council finds that URA 43 and 47 can feasibly be provided with services. According to the staff reports both URA 43 and 47 will be used for housing and subject to the 2040 Growth Concept design type of inner neighborhood. This design type requires an average density consistent with at least 10 units per net developable acre as required by Metro Code 3.01.012(e)(4). The staff report indicates that 45 units will be built on 7.2 net buildable acres for URA 43. For URA 47, 412 dwelling units are anticipated for 57.2 buildable acres. Although both URS 43 and 47 can be served, when ranked from lowest to highest

for total cost, the estimated cost for URA 43 is \$62,001 per DUE, the 44th lowest cost ranking. The information provided for 47 indicates it also has high relative costs among URAs - \$34,125 - the 39th lowest cost determined in the Productivity Analysis.

The owner of URA 43 submitted more site specific evidence which shows that the area can be connected to the City of Tualatin's wastewater service as part of the city's gravity system which would eliminate the need for a pumping station as assumed for the productivity analysis ranking. The Metro Council accepts this site specific evidence that is confirmed by the city.

The owner of lands in URA 47 has provided information which clarifies a mapping issue in the boundary of URA 47 at its southern border. This information demonstrates that the Floodplain boundary based on the FEMA flood elevation should be located to the south of the line currently shown on the urban reserve maps. The corrected boundary is identified in Exhibit B of Ordinance 98-788A. The map is an approximation of the southern boundary of URA 47. The actual boundary is established by the FEMA 100 year flood plain elevation of 129 feet. This closely approximates the area of inundation for the 1996 flood area.

This provision of the Metro Code states "the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services." The cost estimates for URA 43 and 47 show that other URAs are relatively better by comparison of overall cost of connecting to existing service systems. However, Factor 3(A) must be balanced against the other factors in Metro Code 3.01.020. The higher, actual inner neighborhood minimum density levels will allow for costs to be spread over a larger number of dwelling units than in other URAs. Therefore, sites 43 and 47, on balance, are better than the average of the 12,000 acres of urban reserve land in Phase 2 of the productivity analysis. All such above average lands will be needed to add about 32,400 units to the UGB.

(B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

URAs 43 and 47 are adjacent to the UGB. Both will integrate into existing service systems. For URA 43, the City of Tualatin has committed to a schedule, funding and a work program for completing a public services plan for this area. For URA 47, the City of King City has submitted a letter to the Council making a similar commitment. Funding for that planning will come from two owners of property in URA 47.

## Wastewater

### URA 43

Site specific evidence on wastewater shows that wastewater service would be provided by attaching to the City of Tualatin's existing system. According to the Productivity Analysis, provision of sanitary sewer service to URA 43 was estimated to require one new pump station. In addition, this reserve would need approximately 7,200 feet of pipe, manholes and trenching, 2,250 feet of force mains and treatment capacity for 0.02 million gallons per day (mgd). However, site specific evidence indicates that a gravity sewer will be sufficient to provide service. Information from USA demonstrates that there is existing capacity for the additional wastewater that will be generated by this area. The Council concludes that extension of wastewater service outside the existing UGB into URA 43 will not impair existing service in the City of Tualatin.

### URA 47

URA 47 is located immediately adjacent to King City with an existing sewer line located in 131st Avenue. The staff report states that additional capacity must be added to the treatment facility serving the current UGB. However, the United Sewerage Agency (USA) has indicated that the extension of services from existing serviced areas will be available to this area when it is included in the UGB. Based on this evidence, the Council concludes that this extension of wastewater service outside the existing UGB into URA 47 will not impair existing service in the City of King City or compromise USA's existing system.

## Water

### URA 43

According to the staff report and the Productivity Analysis, provision of water service to URA 43 would require a water source expansion of 0.02 mgd and 200 feet of transmission lines. The City of Tualatin has stated that water service can be provided from its existing system. Based on this evidence, the Council concludes that extension of water service outside the existing UGB into URA 43 will not impair existing service in the City of Tualatin.

### URA 47

The staff report states that the Tigard Water District has indicated that services can be extended from areas within the UGB to serve URA 47. A water service master plan will be completed by the Tigard Water District to serve this area. Expanding water service to this area will not compromise the ability of the Tigard Water District to continue to serve the area within the current UGB and may actually enhance existing systems by providing more opportunities for looping water lines and increasing water pressure. Therefore, the Council

finds that extension of water service outside the existing UGB into URA 47 will not impair existing service as provided by the Tigard Water District.

### Stormwater

#### URA 43

According to the staff report, the City of Tualatin states that stormwater services can be provided to URA 43. Exhibits 10 and 17 of the proposed "Site 43 Urban Reserve Plan" demonstrates that the drainage system site development uses the natural drainage to Seely Ditch in a manner consistent with Title 3.

#### URA 47

According to the staff report, there is no existing or planned, piped storm water collection system in place in this area. All existing runoff from impervious surface in this area is either allowed to infiltrate directly into the ground or is collected in a roadside ditch system.

The Council does not consider connection to existing piped stormwater systems to be necessary to demonstrate that stormwater can be adequately managed consistent with local government regulations and Metro's Urban Growth Management Functional Plan. The Productivity Analysis estimates that water quality pond/marshes and detention will be required to address stormwater runoff from urbanization of URA 47. Detention facilities will slow and delay water run-off and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban run-off and collect sediments before this run-off reaches streams and creeks.

Therefore, URA 47 stormwater facilities will be orderly on the condition that the final urban reserve plan provide sufficient on site stormwater detention consistent with USA guidelines and Title 3 of the Urban Growth Management Functional Plan.

### Transportation

#### URA 43

Grahams Ferry Road is the primary north and south roadway in the URA 43 area and provides two-lane access between Tualatin and Wilsonville. According to a traffic analysis completed by Kittleson & Associates, Inc. (March 1998), the transportation system in the area would be adequate to accommodate year 2015 traffic with or without development of up to 70 single family houses on URA 43. While the Boones Ferry Road and Grahams Ferry Road intersection under existing conditions is operating at unacceptable level of service (LOS) F during peak hours, the current improvement project is anticipated to upgrade the LOS to an acceptable level (D or better). In addition, the report states that developing the reserve to anticipated Tualatin zoning would not significantly affect any of

the transportation facilities serving the site. Therefore, the Council finds that urban levels of development in URA 43 will not compromise the existing transportation system inside the UGB or the surrounding areas.

#### URA 47

Fischer Road and 131st Avenue provide two-lane access to URA 47. Beef Bend Road (north of URA 47) has been identified in Metro's draft Regional Transportation Plan (RTP), *Proposed Transportation Solutions for 2020* (September 1998) as being one of a list of projects identified as the most critical system need in the Portland region for the next 20 years. Beef Bend Road and King City sidewalk improvements will improve the overall accessibility in this area. The list of projects and programs is part of a major update to the RTP that begins to implement the Region 2040 plan. Beef Bend Road (a street extension from Scholls Ferry Road to Highway 99W) is identified for a Traffic Management Plan and will be included in the second round of analysis for the RTP scheduled in 1999.

The staff report indicates that both 131st and Fischer Road can be extended to provide access to URA 47. Due to the shapes of the parcels within URA 47 there are opportunities for east-west and north-south connections. Transit bus service will also be included in any transportation plan. Therefore, transportation service is feasible for URA 47 with the condition that the final urban reserve concept demonstrate the planned transportation connections consistent with the Regional Transportation Plan and the applicable local transportation plan.

#### Fire, Police and Schools

#### URA 43

The City of Tualatin has indicated that it will provide police and fire service for URA 43. The Sherwood School District has stated that it has sufficient existing schools capacity for the area. Therefore, schools service is feasible with the condition that the final Urban Reserve Plan indicates how the school district boundary issue affecting this property has been resolved.

#### URA 47

Tualatin Valley Fire District and the Washington County Sheriff have indicated that emergency services can be provided. The Tigard School District (23J) serves URA 47 and has indicated that it can adequately serve this area. The Council finds that school and fire service are available to URA 47 and that the providers have indicated that they have sufficient capacity to serve the area without compromising their other service obligations inside the UGB.



### 3.01.020(b)(4)

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

(A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

#### URA 43

According to the staff report, URA 43 is capable of being developed with features that comply with the 2040 Growth Concept. The Productivity Analysis includes assumptions that URA 43 would most likely be developed with the 2040 design type of an inner neighborhood. This results in an estimated 45 to 54 dwelling units and 15 to 18 jobs that can be accommodated within URA 43. Development at these levels will result in an average density of about 10 dwelling units or more per net buildable acre which is capable of encouraging pedestrian, bicycle and transit use.

#### URA 47

URA 47 consists of approximately 82 acres. The Productivity Analysis estimates that from 361 to 436 dwelling units and 120 to 145 jobs can be accommodated within this area. Development at this intensity will result in an average density of 10 dwelling units or more per net buildable acre which complies with the 2040 Growth Concept design type for inner neighborhood. The staff report also states that the addition of this URA combined with the existing level of development in the surrounding area will be sufficient to support transit service. The compact development envisioned for this area would provide opportunities for multi-modal transportation that would encourage walking, bicycling and transit.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro has gone well beyond considering some measures to improve existing capacity inside the UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented

regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

(B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

The staff report concludes that the anticipated densities in URAs 43 and 47 will facilitate efficient urban growth inside the UGB. Street connectivity would be improved through subdivision layout of streets consistent with the land within the City of Tualatin with enhanced street connectivity. This would provide better access for fire and police protection, as well as increased opportunities for bike and pedestrian trips. Extension and looping of water lines between existing development within Tualatin and URA 43, and King City and URA 47 will enhance water service by eliminating dead end lines and increasing available water pressure. In addition to those efficiencies, urbanization of URA 43 will encourage the local street network to be improved to urban standards to add curbs and gutters, sidewalks, wheelchair ramps and bike lanes. Extension of sanitary sewer to URA 47 may allow areas inside the UGB without sanitary sewer service to gain such service and reduce current dependence on individual septic systems over time.

### 3.01.020(b)(5)

Factor 5: Environmental, energy, economic and social consequences.

(A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

#### URA 43

No resources or hazards subject to special protection which are identified in the Washington County comprehensive plan are present in URA 43. However, Seely Ditch will be subject to protection provided by Title 3 of the Functional Plan (Water Quality, Flood Management and Fish and Wildlife Conservation) when brought into the UGB.

#### URA 47

No resources or hazards subject to special protection which are identified in the Washington County comprehensive plan are present in URA 47. A tributary of the

Tualatin River in URA 47 will be subject to protection provided by Title 3 of the Functional Plan once the area is amended into the UGB.

(B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for any URA.

(C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

## Environmental

### URA 43

The staff report shows that Seely Ditch, a tributary of the Willamette River, runs north to south along the eastern portion of URA 43. The Creek Corridor includes 20 percent and greater slopes with a good forest cover. The forest cover provides multiple water quality and quantity benefits. The staff report indicates that maintaining the creek vegetation to protect these benefits is important protecting water quality in the areas. The Council agrees and finds that implementation of Title 3 of the Functional Plan in this area once it is made part of the UGB will provide that needed protection.

### URA 47

A tributary of the Tualatin River crosses URA 47 and the Tualatin River is located directly south of the reserve area. Portions of the stream have intact riparian vegetation that should be protected to maintain water quantity and quality benefits. Generally, the riparian areas within the site provide a good linkage to the river and need to be protected. A portion of the stream upstream of the Tualatin River has had virtually all of the riparian vegetation removed. There is a valuable opportunity for stream restoration on this section of the stream. URA 47 is in the middle of a habitat corridor that is surrounded by heavy development. The Council agrees and finds that implementation of Title 3 of the Functional Plan in this area once it is made part of the UGB will provide that needed protection.

The Council finds that the impacts of urbanizing both URA 43 and 47 are not more adverse than would typically occur in other urban reserves.

## Social

### URA 43 and 47

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, the area can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural lands outside the current UGB. Farming activities may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URAs 43 and 47 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB.

Both URA 43 and 47 are exception lands which are currently zoned to allow residential uses on five acre lots. Urbanization in these two areas will not cause the loss of EFU land. The staff report indicates that there are no archeological, historic or aggregate resources sites on either URA 43 or 47. Both sites offer the same opportunity to provide affordable housing at inner neighborhood 2040 design type densities. Therefore, Council finds that the social impacts of urbanizing these two URAs is minimal compared to the advantages discussed above and are certainly not more significant than would typically result from the needed lands being located in other urban reserves.

## Economic

### URA 43

The Council finds that urbanization of URA 43 and 47 will have the typical impacts that accompany urbanization of lands anywhere in the region. Intensification of residential development will increase the per acre value of land and improvements within this reserve. Once annexation to the adjacent cities and development occurs, all special districts serving this area will also receive an increase in their tax bases. Because the current use of the area is primarily rural residential, the Council finds there will be no significant loss of agricultural or forest production from URAs 43 or 47. Since these URAs will be

developed at densities corresponding to 2040 inner neighborhood design types, development will add to the economic base of the area by adding dwelling units and potentially some home-based jobs.

## Energy

According to the staff reports URA 43 and 47 will not significantly increase energy consumption. Both are located adjacent to the UGB and have close access to nearby town centers. Providing increased housing availability at 2040 growth concept densities will help reduce vehicle miles traveled by providing housing opportunities close to the jobs centers in King City, the City of Tigard and City of Tualatin. The Council finds that any increase in energy consumption from fossil fuels or electricity required for new residential development will not be typically more adverse than would typically result from development of other lands requiring an amendment to the UGB.

### 3.01.020(b)(6)

Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff reports correctly state that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URAs 43 and 47 were adopted as part of that ordinance. As noted in Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff reports also correctly note that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, both URA 43 and 47 are composed completely of exception lands. Therefore, there is no agricultural land to retain. In the urban reserves study analysis, URA 43 received a good agricultural land retention rating of 14. URA 47 received a rating of 12. These relative suitability scores are part of Metro's prior analysis demonstrate that adding these URAs to the UGB will have a region wide effect of retaining agricultural land. The Council finds that there is no evidence which indicates that the Factor 6 scoring for URA 43 and 47 should be revised. Therefore, the Council finds that amending the UGB in these two areas would retain farmland in accordance with Factor 6 even if the areas were not exception lands already designated as urban reserves.

### 3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

#### URA 43

According to the staff report, there are 191 acres of EFU land within one mile of URA 43. None of that land is currently being farmed. No other agricultural activities are identified to be occurring on other lands within one mile of URA 43.

#### URA 47

URA 47 has approximately 649 acres of EFU-zoned land located within one mile of its western and southern boundary. This EFU land represents 21 percent of the entire land area within one mile of URA 47. Of the 649 acres identified, approximately 4 percent of the EFU land is in high value nursery stock, 2 percent in orchards and 93 percent is either in lower value field crops or is un-farmed. This estimation was made using Metro Regional Land Information System, aerial photos and information obtained from the Farm Bureau.

- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

#### URA 43

The staff report indicates that none of the EFU land identified in Factor 7(i) above is presently being farmed. No other agricultural activities have been identified in this area. Therefore, the Council finds that there are no agricultural activities "taking place" at this time which could be impacted by urban development. Should such activities arise after URA 43 is amended into the UGB, it will be buffered by the forested areas to the south, Grahams Ferry Road to the west, and a tributary of the Tualatin to the east. The Council finds that any future impacts on traffic congestion will not compromise the present acceptable level of service on surrounding roadways.

#### URA 47

The Council finds that the majority of EFU in this area is located across the Tualatin River and will not be adversely affected by the development of this URA. However, fresh vegetable and nursery operations may benefit from increased markets created by nearby development. Drainage impacts due to increased stormwater runoff from this URA on nearby farmland will be minimal.

### 3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to consider whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) URA 43 is compatible with the adjacent rural residential uses because urbanization will not compromise services in the area. Traffic impacts will be minimal and will not affect the presently acceptable level of service.. URA 43 is compatible with the nearby agricultural uses because it is buffered by Seely Ditch to the east, and Grahams Ferry Road to the west. Therefore, URA 43 is not adjacent to intensive farming practices. Also, URA 43 adds to the nearby market for the nursery stock and fresh vegetables currently in production.

URA 47 is compatible with adjacent agricultural use because it is separated from those uses by flood plain that is not appropriate for intensive farming practices and the Tualatin River.

(3) The ESEE consequences resulting from urban use at URA 43 and 47 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing these two URAs are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since these URAs are primarily composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, these two URAs provide the benefits of compact urban form and 2040 housing densities.

### 3.01.020(d)

#### URA 43

URA 43 is contiguous to urbanized residential land to the north and rural residential areas to the east, south and west. Seely Ditch and its associated riparian corridor, approximately 150 feet wide, would buffer the land to the east of the site. The land to the south, zoned rural residential, would be contiguous to the urban residential development. Along the western boundary of the site is Grahams Ferry Road, which would serve as a transition to the rural residential land to the west of the roadway. The Council finds that adding URA 43 to the UGB will not create an island of urban land or allow urbanized land to project into nearby resource lands.

## URA 47

The UGB and urban uses border URA 47 to the north and east. The area of Washington County to the south is located in the FEMA 100-year floodplain of the Tualatin River. A BPA right-of-way separates exception lands to the west. The Council finds that adding URA 47 to the UGB will not create an island of urban land or allow urbanized land to project into nearby resource lands.

The Council finds that adding URAs 43 and 47 to the UGB will result in a clear transition between rural and urban lands.

### 3.01.020(e)

The applicable Statewide Planning Goals are 2 and 14. These goals are addressed by the analysis for Metro Code Section 3.01.020 discussed above. No other applicable goals were identified in the record.

### 3.01.020(f)

URAs 43 and 47 are consistent with the 2040 Growth Concept because the above findings show that development in these areas consistent with Region 2040 policies and the design types of inner neighborhood is feasible.

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ADOPTED FINDINGS AND CONCLUSIONS  
ORDINANCE 98-779D ON FIRST TIER URA 33 AND 34

3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with a proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

Under these circumstances, this provision of the Metro Code provides that the Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan. The City of Lake Oswego has provided Metro with a November 4, 1998 letter committing to complete urban reserve conceptual planning for the first tier portions of URAs 33 and 34.

The areas addressed in these findings are first tier urban reserves. The first site is an approximately 29.3 acre area located in URA 33. The City of Lake Oswego has proposed that approximately 9.8 acres of first tier URA 33 be developed as a park. The second site is approximately 7.44 acres located in first tier URA 34. Both areas were the subject of locational adjustment applications around June, 1998. However, both applications were withdrawn prior to Metro Council review. The locational adjustment staff reports for each area are part of the record.

3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14.

3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

### 3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3

regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control. Metro Staff have completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the

UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory “along with all other appropriate data” to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217, 430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32, 370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro’s Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro’s jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan

requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix B). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion" (see Appendix B). This report and accompanying map are attached as Appendix B and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix C and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing

imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

#### 3.01.020(b)(1)(E)

Section 3.01.012(e) of the Metro Code requires an urban reserve conceptual plan. Consistent with section 3.01.015(e), for first tier urban reserves, a commitment from the a city or county to complete a conceptual plan prior to implementing urban zoning is sufficient to satisfy this requirement provided that the city or county: 1) documents its commitment to complete the plan, 2) and adopts a work program, timeline for completion and identifies funding for completing the plan. Other urban reserves must provide a completed conceptual plan for review prior to or at the time of UGB amendment. These portions of URAs 33 and 34 are first tier urban reserves with such commitments. See 3.01.015(e) above.

#### 3.01.020(b)(1)(F)

The Council adopts and incorporates by this reference its findings for Metro Code section 3.01.020(b)(1)(C).

This code provision requires that the need identified in the Regional Forecast cannot reasonably be met within the existing UGB. The analysis in the UGR and the updates in the UGRA demonstrate that Metro meticulously reviewed its buildable land inventory, vacant lands and infill and redevelopment rates to identify lands inside the UGB which are suitable for increasing the capacity of the existing UGB. The UGBAN summarizes these efforts. First, Metro considered all net developable land, regardless of parcelization or ownership in calculating existing UGB capacity. All 2040 Growth Concept design plan categories were considered in the UGR and UGRA. Second, an aggressive redevelopment and infill rate of 28.5 percent was initially used in the UGR. Actual data from 1995-1996 refined this estimated rate. Matching the actual rate identified in new data from 1995-1996 in the UGRA, combined with other factors did not significantly change the range of total housing units needed.

Metro's Functional Plan requires the 24 cities and three counties in Metro's jurisdiction to increase densities to more efficiently use residential land. After local governments amend their comprehensive plans and implementing ordinances in February, 1999, development in residentially designated lands must occur at 80 percent of zoned density which will

maximize the use of newly developed or redeveloped parcels. The effect of the Functional Plan requirements will be reviewed in 1999 after local governments amend their comprehensive plans to comply with Functional Plan requirements. At that time, trends in residential densities can be assessed to help refine the estimated amount of land needed to provide a 20-year supply of land in the region. That approach is consistent with ORS 197.299(2)(b).

### 3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

According to the staff report, the Productivity Analysis was performed to assess dwelling unit and employment capacity in selected URAs and to estimate costs for wastewater, water, stormwater, and transportation service to these URAs. The Productivity Analysis indicates that although all URAs can be provided with the above services, some areas are more costly to serve than others.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA.

According to the staff report, first tier URA 33 will be designated inner neighborhood, and URA 34 will be designated outer neighborhood under the 2040 Growth Concept design type. The cost of providing services to the first tier area of URA 33 is approximately \$21,800 - the 27th lowest. The Productivity Analysis shows that the cost for first tier URA 34 is approximately \$98,455 per DUE. This high cost estimate is a function of the estimated number of dwelling units and the Productivity Analysis assumptions that pump stations will be required to connect to wastewater systems. The specific evidence in the locational adjustment staff report demonstrates that pump stations are not needed because gravity sewer service is available 200 feet from the site in Childs road. The city has stated that connecting to the existing wastewater system is feasible. Therefore, the Council finds that the public cost per DUE for the first tier site should be much lower consistent with cost estimates for other URAs where nearby sanitary sewer connections are feasible.



- (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

The locational adjustment staff reports for these portions of URAs 33 and 34 reviewed information on the following urban services:

- Water
- Sanitary Sewer
- Stormwater Drainage
- Transportation
- Parks and Open Space

The staff report for the Park site also contains information on fire, police and schools.

For the Park site and the first tier portion on URA 34, the staff concluded, in the locational adjustment staff reports that "the applicant has demonstrated that the subject site is capable of being served with most public facilities and services in an orderly and economic manner."

#### Wastewater

The staff report states that wastewater service will require the addition of some pipe, manholes, trenching and a minor amount of additional treatment capacity. Since part of the site is planned for park use, sanitary sewers are not immediately needed for that section. However, the city has stated that two sewer connections are relatively close to the proposed park which may also be available for housing in first tier URA 33. The connections are uphill and will require pumping. However, the city states that pumping is feasible, but may not be necessary depending upon development of sewers on other adjacent land also owned by the city.

The city has stated that sanitary sewer connection is available 200 feet from the first tier portion of URA 34 in Childs Road. The site is within the Urban Service Boundary of the city and is shown on the city's Sewer System Master Plan.

#### Water

The staff report indicates that the Productivity Analysis assumes additional capacity and lines will be necessary to serve first tier URA 33. The information provided in the city's locational adjustment staff report shows that water is available for the site. The staff report

also reflects that provision of water service to the site will likely improve water pressure through a looped water system. The Council finds that water service is feasible for first tier URA 33 based in part on the information in the locational adjustment staff report.

The first tier portion of URA 34 is within the city's proposed Water System Plan. A water connection is available 130 feet to the south in Riven Dell Road.

### Stormwater

Currently there is no formally developed piped storm drainage system serving first tier URAs 33 and 34. All existing run-off from impervious surfaces in this area is either allowed to infiltrate directly into the ground or is collected in a roadside ditch system.

The Council does not consider connection to existing piped stormwater systems to be necessary to demonstrate that stormwater can be adequately managed consistent with local government regulation and Metro's Urban Growth Management Functional Plan.

According to the locational adjustment staff report for the park in URA 33, the city proposes diverting stormwater to Pecan Creek which runs through the property. Once the park site is annexed to the city, it will be designated part of the city's Goal 5 program and will be subject to the city's Sensitive Lands Protection Program. As a result water quality protection and erosion control will be required.

Stormwater service for the first tier portion of URA 34 would utilize a small tributary of the Tualatin River. Stormwater management would require water quality and erosion control consistent with the Tualatin River Basin rules and the city's National Pollutant Discharge Elimination System permit.

The Council finds that stormwater provision of services is feasible for both sites on the condition that stormwater be managed consistent with the conditions in Ordinance 98-779D. The Council also finds the Title 3 water quality vegetated corridors should be maintained and revegetation should be adopted prior to adoption of urban zoning.

### Transportation

The staff report states that the intersections of Stafford Road and Childs, Rosemont and Borland Roads are at capacity. However, transportation improvements to Stafford and Rosemont Roads are anticipated at the time the first tier URA 33 develops. Both of those improvements are already identified in the city's capital improvement plan. The locational adjustment staff report also found that the development of a park on part of first tier URA 33 would enhance bicycle and pedestrian connections along Stafford Road and Overlook Drive which is north of the site.

The transportation impacts resulting from urban development of the first tier portion of URA 34 will be insignificant. The locational adjustment staff report indicates that about

80-100 trips per day could be generated from residents of this area. The report shows that even with the added trips the local streets that will serve the area are well below their maximum capacity.

With the improvements discussed above and those anticipated when the concept plans for these areas are completed, the Council finds that transportation service to first tier URAs 33 and 34 is feasible.

#### Fire, Police and Schools

The city will provide fire and police services to these sites. Extension of the existing water system will provide sufficient water pressure for fire protection. The staff report indicates that the park site will benefit the Lake Oswego School District because the district will be able to use the athletic fields during school hours.

Based on the information in the staff report and the locational adjustment staff reports for areas in URAs 33 and 34, the Council finds that extending the services discussed above will not compromise existing service systems inside the current UGB.

#### 3.01.020(b)(4)

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

(A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered

The locational adjustment staff reports show that the first tier portions of URAs 33 and 34 are adjacent to the existing UGB. They will be developed to support transit and provide bicycle and pedestrian opportunities. Development of first tier URAs 33 and 34 is anticipated to be consistent with 2040 design type housing densities. The Council finds that development of these sites will promote a compact urban form and is capable of encouraging pedestrian, bicycle and transit use.

(B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging

pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

The Council finds that urban development of first tier URAs 33 and 34 will facilitate efficient urban growth inside the UGB in several ways. Improvements to Stafford and Rosemont Roads will improve traffic conditions and will provide better access for fire and police protection. Extension and looping of water lines in the area will increase pressure available for fire flow purposes. The park site in first tier URA 33 will also improve the recreational opportunities of residents already located in the area giving them park opportunities within walking distance. The development of first tier URA 34 will be consistent with 2040 design type densities.

### 3.01.020(b)(5)

Factor 5: Environmental, energy, economic and social consequences.

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

No resources subject to special protection have been identified in the record.

- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for either area of URA 33 or 34.

- (C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

### Environmental

As development occurs, water quality and quantity concerns arise due to increased run-off from impervious surfaces. The first tier portions of URAs 33 and 34 will not add a significant amount of impervious surface to the urban area. Particularly, the park site in first tier URA 33 will have a net benefit of environmental impacts by retaining open space and providing opportunities to enhance the site's environmental features.

The Council finds that the typical environmental impacts of urban development near riparian areas can lead to stream degradation if measures are not in place to address those impacts. Title 3 of the Functional Plan provides protection for riparian areas to improve water quality and manage Floodplain. The Council finds that the impact of urbanizing first tier URAs 33 and 34 will not be significantly more adverse than developing other urban reserves on the condition that the measures to address stormwater management, consistent with Title 3 of the Functional Plan, as described in Factor 3 are adopted prior to adoption of urban zoning.

## Social

The Council finds that there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, the area can be developed in an efficient manner with the amenities of an urban area. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. Location of the park in URA 33 will aid in reducing VMTs by providing recreational opportunities within walking distance of residents both inside and outside the current UGB.

The Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. The first tier portion of URA 34 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB.

The first tier portions of URAs 33 and 34 are exception lands which are currently zoned to allow residential uses. Urbanization in these two areas will not cause a loss of EFU land. Therefore, Council finds that the social impacts of urbanizing these two sites is minimal compared to the advantages discussed above and are certainly not more significant than would typically result from the needed lands being located in other urban reserves.

## Economic

The Council finds that urbanization of URA 33 and 34 will have the typical impacts that accompany urbanization of lands anywhere in the region. Because the current use of these areas is primarily rural residential, the Council finds there will be no significant loss of agricultural or forest production. Since both areas will be developed at densities corresponding to 2040 design types, development will add to the economic base of the area by adding dwelling units and potentially some jobs. The Council finds that these impacts are not typically more adverse than would occur for other lands requiring a UGB amendment.

## Energy

Urbanizing the first tier portion of URAs 33 and 34 will not significantly increase energy consumption. Both are located adjacent to the UGB. Providing increased housing availability at 2040 growth concept densities will help reduce vehicle miles traveled by providing housing and recreational opportunities close to the jobs centers in Lake Oswego and West Linn. The Council finds that any increase in energy consumption from fossil fuels or electricity required for new residential development will not be more adverse than would typically result from development of other lands requiring an amendment to the UGB.

### 3.01.020(b)(6)

Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URAs 33 and 34 were adopted as part of that ordinance. As noted in the Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the first tier portions of URAs 33 and 34 are exception lands. As a result, there is no agricultural land to retain. Therefore, the Council finds that amending the UGB in these two areas would retain farmland in accordance with Factor 6 even if the areas were not already designated as urban reserves.

### 3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

The staff report shows there are generally 1,159 acres of EFU land within one mile of URA 33, and 636 acres within one mile of URA 34. Of these lands the majority is either in field crops or is unfarmed.

(ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

The staff report identifies some general impacts that may result from urbanizing the first tier areas of URAs 33 and 34. However, the locational adjustment staff reports examine agricultural compatibility for both of these areas. In both instances, there are no specific identifiable impacts on nearby agricultural activities. Both sites are nearly surrounded by land that is currently in rural residential uses. The Council finds that there are no impacted areas for which consideration of mitigation for land and water resources is necessary.

#### 3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to consider whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) The uses identified for the first tier portion of URAs 33 and 34 are compatible with the adjacent rural residential uses because urbanization will not compromise services in the area. Traffic impacts will be minimal and will not affect the presently acceptable level of service. No impacts on nearby farmland have been identified. Therefore, the Council finds that the proposed uses will be compatible with adjacent uses.

(3) The ESEE consequences resulting from urban use at the Park site and the first tier portion of URA 34 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing these two URAs are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since these URAs are primarily composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, these two URAs provide the benefits of compact urban form and 2040 housing densities.

#### 3.01.020(d)

The first tier portion of URA 33 is bordered to the east by Stafford Road and to the south by Rosemont Road. These boundaries will maintain the existing clear transition between rural and urban uses in the area. The first tier portion of URA 34 is bordered to the north and west by the UGB and to the east by Childs Road. The southern border is bounded by a county road which intersects with Childs Road. The Council finds that urban use of both sites will result in a clear transition between urban and rural land.

**3.01.020(e)**

The applicable Statewide Planning Goals are 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above. No other applicable goals were identified in the record.

**3.01.020(f)**

The first tier URA 34 are consistent with the 2040 Growth Concept because the above findings show that development in these areas will be consistent with Region 2040 policies and that 2040 design type housing densities are feasible.

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Appendix A

## METRO

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager  
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner *GB*  
Growth Management Services Department

Re: ***Exception Lands Not Considered as Alternative Sites for Urban Growth  
Boundary Expansion***

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category  
Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through



rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.

38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.

39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

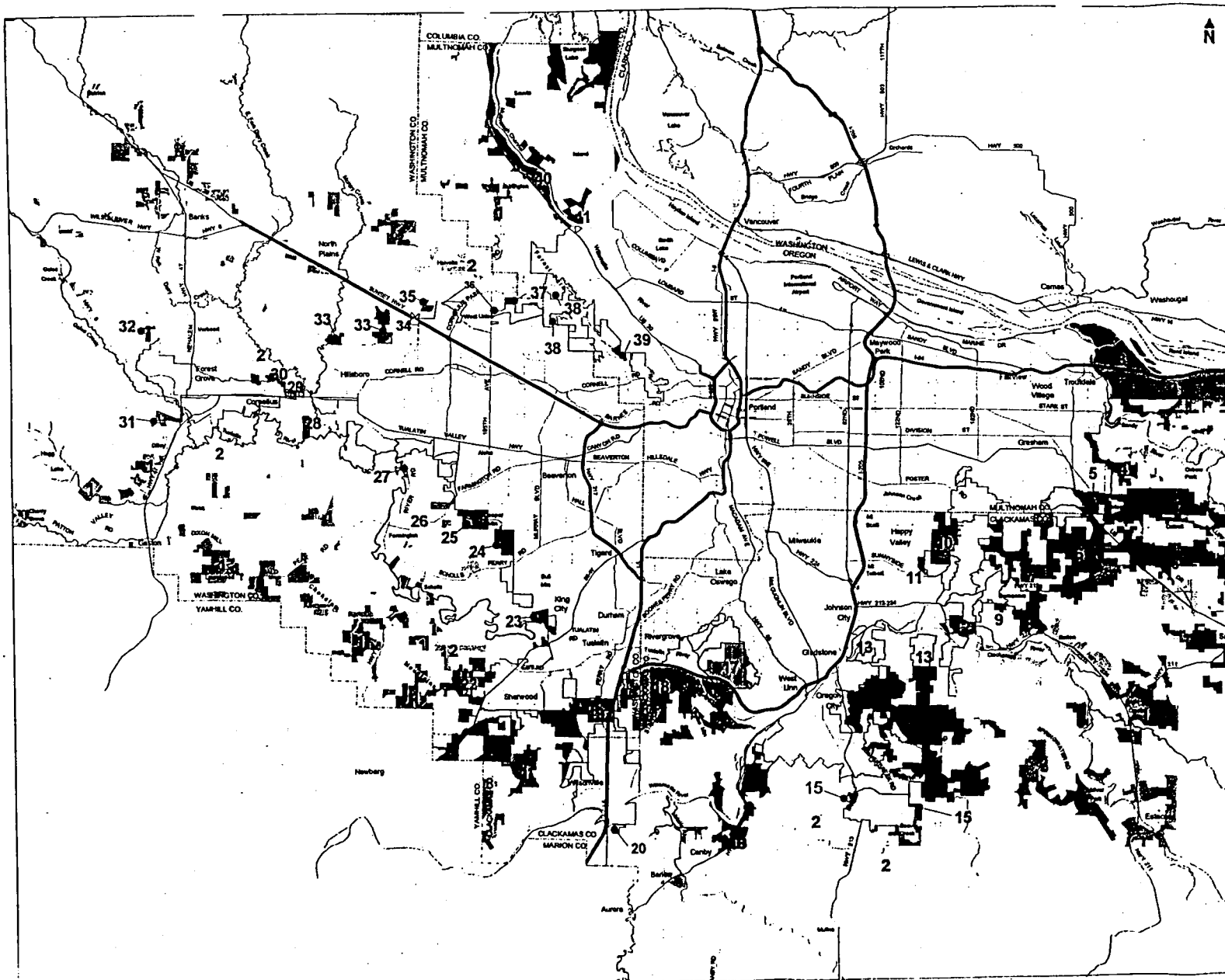
The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.



R L I S  
REGIONAL LAND INFORMATION SYSTEM

## Exception Land

Outside Urban Reserves

Number on Map refers to  
Exception lands memo  
October 26, 1998

Urban Reserves

0 1 2 3 4 5 6 7 Miles

1" = 3.0 miles



METRO

600 NE Grand Ave.  
Portland, OR 97232-2738  
503 797-1742 FAX 503 797-1909  
Email: drc@metro.del.or.us

98231; Plot Date: October 26, 1998; exemption.apr

## Appendix B – Additional Site Considerations

Urban Reserve	Reasons for No Further Consideration at This Time
URA #1	No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
URA #3	Site added to the Metro UGB through locational adjustment in Fall 1998.
URA #11	No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
URA #17	Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
URA #18	Same as URA #17.
URA #19	Same as URA #17.



- URA #22 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23 Same as URA #17.
- URA #24 Same as URA #22.
- URA #25 Same as URA #22.
- URA #29 Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30 Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35 No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #68      The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #69      The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #70      The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

*Agenda Item Number 9:2*

**Ordinance No. 98-788C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 55 of Washington County.**

***Second Reading***

**Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 98-788BC  
THE METRO URBAN GROWTH )  
BOUNDARY AND THE 2040 GROWTH ) Introduced by Councilors McLain, Morissette,  
CONCEPT MAP IN ORDINANCE 95- ) McFarland and Washington  
625A IN URBAN RESERVE AREA 55 OF )  
WASHINGTON COUNTY )

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including the portion of urban reserve area 55 inside Metro jurisdiction; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the Growth Management Committee voted to add about 27.3 acres to URA 5 into consideration in this Ordinance at its November 3, 1998 meeting to allow Portland sewer service to an area with failing septic systems; and

WHEREAS, the Metro Council voted on December 3, 1998, to amend the area under consideration for UGB amendment to about 235 less productive acres, called "Area C" in the southwest corner of URA 5 due to stormwater and flooding problems; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Urban Reserve Area (URA) 5 is hereby amended to designate approximately 27.3 acres south of the UGB at SE 155th Street shown on Exhibit B as part of URA 5 based on the Findings and Conclusions in Exhibit C, Appendix C.

3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing, the December 3, 1998 final hearing and final adoption of this ordinance.

6. The following conditions of approval are needed to assure compliance of the developed use with acknowledged Metro Code 3.01, Metro's acknowledged regional goals and objectives and related statewide goals:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, the relevant portions of the South Hillsboro Urban Reserve Plan completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Adoption of an urban comprehensive plan designation and urban zoning for this area shall include means to assure that speed, temperature, sedimentation and chemical composition of the stormwater runoff meet State and Federal water quality standards.

D. Urban zoning shall address on-site stormwater detention requirements. The City shall consider a requirement that the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

E. Adoption of an urban comprehensive plan designation and urban zoning for the subject area shall be approved only after the city adopts the Functional Plan requirements for revegetation, Title 3 setbacks from the top of bank streams and wetlands, and addressed Federal requirements adopted pursuant to the Endangered Species Act.

F. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the City's comprehensive plan shall be amended to include the following provisions:

(1.) The functional classification of the Tualatin Valley Highway shall be changed to "principal arterial" consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

(2.) The transportation element of the comprehensive plan shall be amended to require the Access Management Strategies in the August 25, 1998 Draft Hillsboro TSP, or substantially equivalent policies.



(3.) The transportation element of the comprehensive plan shall be amended to adopt the alternative Level of Service provision authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

(4.) The transportation element of the comprehensive plan shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

(5.) The transportation element of the comprehensive plan shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

(6.) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following on-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:

- Davis Road from River Road to Gordon Creek neighborhood/mainstreet center: new two lane community street.
- Davis Road through the Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
- Davis Road through the Gordon Creek neighborhood/mainstreet center to Century Blvd.: new two lane community street.
- Davis Road from Century Blvd. to 229th: new two lane community street.

- Brookwood Ave. from TV Highway to Gordon Creek neighborhood/mainstreet center: new two lane community street.
  - Brookwood to Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
  - Century Blvd. from TV Highway to Davis Road: new two lane community street.
  - Alexander St. from Brookwood Ave. to 229th: new two lane collector.
  - 229th Avenue from TV Highway to McInnis Lane: new two lane collector.
  - River Road from Witch Hazel to Gordon Creek: new three lane arterial.
- (7.) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following off-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:
- River Road from Gordon Creek to Rosedale Road: reconstruct to two lanes.
  - River Road at Witch Hazel: left turn lane, signalization.
  - Brookwood/Witch Hazel at TV Highway: realignment, added lanes, new traffic and RR signalization.

- Brookwood from TV Highway to Baseline: reconstruct to 3 lanes, and rebuild curves at Ash St. and Golden Road.

- Brookwood Ave. from Baseline to Cornell: construct to three lanes.

- Century Blvd. from Baseline to Century High School: new three lane roadway extension.

- Century Blvd. from Baseline to Cornell Road: reconstruct to three lanes.

- 229th from 2,000 feet north of Butternut Creek to Rosedale Road: reconstruct two lanes.

- Brookwood at Cedar Street: channelization and signalization.

- Brookwood at Bently: channelization and signalization.

- Brookwood at Golden: channelization and signalization.

(8.) The transportation element of the comprehensive plan shall be amended to provide for a corridor study of the Tualatin Valley Highway prior to development approvals to provide additional means of maintaining the through traffic capacity while providing acceptable access to and across the highway from Beaverton to Hillsboro.

(9.) A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

(10.) Funding strategies and planning requirements shall be adopted for the acquisition and protection of adequate land to meet or exceed locally adopted level of

service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the city of Hillsboro shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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(12/08/98 4:00 pm)

R E G I O N A L

REGIONAL LAND INFORMATION SYSTEM

# Draft 2040 Design Types

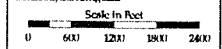
Urban Growth Boundary  
Legislative Amendment  
index number 13

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- Proposed Regional Throughways
- Potential Regional Throughways
- Green Corridors
- Planned & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential ITC Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Exclusive Farm Use
- Recreation Land in Urban Reserves
- Resource Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- Urban Growth Boundary
- Urban Reserve Boundaries
- Areas added to Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks

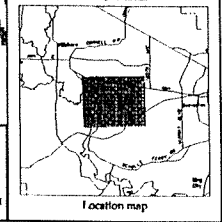
## DRAFT



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Location map



## ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-788C (URA 55)

## 3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with a proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

This portion of URA 55 is first tier land.<sup>1</sup> The City of Hillsboro has opted to include this area in its Hillsboro South Urban Reserve Concept Plan. Therefore, the portion of the concept plan for URA 55 must satisfy Metro Code section 3.01.012(e). Those criteria will be addressed at the end of these findings.

## 3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14.

## 3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

## 3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft

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<sup>1</sup> These findings for Ordinance 98- 788A discuss the first tier portion of URA 55 only. References to URA 55 in these findings refer only to the first tier areas.

of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3 regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.



Metro Staff have completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory "along with all other appropriate data" to be completed to determine whether the projected need for land to

accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217,430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32,370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro's Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro's jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment

to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Exhibit A of the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion." This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis

of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

### 3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

- (A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

The Productivity Analysis assumed the following 2040 design types for URA #55: Inner Neighborhoods (96 percent) and Main Street (4 percent). Based on this assumption, the average density of URA #55 is at least 10 dwelling units per net buildable residential acre.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA. The total estimated cost for wastewater, water, stormwater and transportation for URA 55 is \$11,398 per DUE - the 6th lowest cost. The Council finds that this low per unit cost estimate makes URA 55 among the better URAs for efficiency of providing services.

- (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

### Wastewater

The majority of residences in URA 55 are currently served by septic systems. This URA is adjacent to the City of Hillsboro and unincorporated Washington County. According to the City of Hillsboro urban reserve plan, United Sewerage Agency (USA) will provide wastewater treatment. USA's Rock Creek Treatment Plant is immediately northwest of the

URA 55 and can serve the area if new collection facilities are provided. According to the city of Hillsboro, USA has room on their site to expand capacity.

Provision of sanitary sewer to existing residential uses within this area will greatly reduce the potential of any current or future effluent leakage from septic systems and drain fields that would pollute ground water or degrade water quality in Gordon Creek and Witch Hazel Creek. Extension of sanitary sewer within URA 55 may allow economies of scale to be realized if these facilities are constructed at the same time and may reduce the overall public costs. The Council finds that providing wastewater service to this area is feasible and such provision will not compromise the existing service inside the UGB.

### Water

The City of Hillsboro has stated that the City and the Joint Water Commission (JWC), which includes Hillsboro, Forest Grove and Beaverton, will provide water service to the URA. A 42-inch high-pressure transmission line exists north of the URA along the TV Highway, which according to the staff report has the capacity to serve this URA. Also, the recent enlargement of Barney Reservoir from 4000-acre feet of storage to 20,000 provided the JWC with a significant increase in water availability. The Council finds that provision of water service to URA 55 is feasible without compromising the existing service inside the UGB.

### Stormwater

The staff report states that there is no formal, piped stormwater collection system existing in this area. The Council does not read this provision to require existing stormwater facilities. The staff report shows that URA 55 presents significant opportunities to plan for regional detention and water quality facilities. Such regional facilities can be incorporated into the existing system of swales, stream corridors and previously converted wetlands. These detention facilities will slow and delay water runoff and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban runoff and collect sediments before this runoff reaches streams and creeks.

The City of Hillsboro is addressing this issue in their urban reserve plan. Providing stormwater service to this area will not compromise the ability of the city to serve the areas within the existing UGB because most of the treatment and detention will occur in the immediate area. The specific water quality and detention systems for the basin shall be determined in the comprehensive plan and zoning consistent with the conditions in this ordinance. Compliance with these conditions will require basin studies will be necessary to determine pre- and post-development run-off rates and release projections to eliminate downstream flooding and prevent degradation of Witch Hazel Creek, Gordon Creek and the Tualatin River.

## Transportation

According to the staff report, the TV Highway is north of URA 55 and provides access for this area to points east and west. The highway is designated as an arterial in the current Hillsboro Transportation System Plan (TSP) and as a regional arterial in the Washington County Plan. The section of the highway in the vicinity of the URA is five lanes with paved shoulders (bike lanes) and has intermittent sidewalks. It is a designated trunk transit route. The staff report explains that the Draft Hillsboro TSP (dated August 25, 1998) Access Management Strategies will need to be employed to ensure sufficient capacity for the TV Highway over the next 20 years. The plan indicates that 20-year demand can be satisfied without providing additional travel lanes on TV Highway, but that the need for seven travel lanes will occur shortly after the 20-year horizon. Washington County's TSP calls for TV Highway to be widened to seven lanes within the 20-year horizon. The Council finds that the future improvements identified in the urban reserve plan are consistent with the revised Level of Service Standard (LOS) in the Kittelson Report of that plan and required by the conditions of this ordinance.

The record contains alternative estimates of needed transportation facilities and costs from a citizen. This testimony does not consider the effects of the policy decision by Hillsboro to accept greater traffic congestion in the South Hillsboro area with the enhancement of other modes of transportation consistent with the Functional Plan. The Metro Council finds that the Kittelson analysis in the urban reserve plan which uses the revised LOS is more detailed and credible than the alternative evidence from citizen Larrance. The revised LOS is required to be included in the city comprehensive plan for the South Hillsboro area with other measures to assure greater availability of other modes of travel to reduce vehicle miles traveled per capita.

Street connectivity is addressed in the Kittelson analysis in the urban reserve plan consistent with the Urban Growth Management Functional Plan. As required in the conditions of this ordinance, 10-16 local street connections per mile will be provided as this area develops. This addresses citizen Larrance's claim that no east-west connectivity is provided by the urban reserve plan for URA 55 alone. This internal street connectivity provides points of access east to 234th without accessing Tualatin Valley Highway.

The Hillsboro South "First Tier Concept Plan"<sup>2</sup> identifies a number of on and off-site transportation system improvements which are needed to make provision of transportation services feasible. Metro Transportation Planning staff have reviewed the "Hillsboro South Urban Reserve Concept Plan" Transportation Report provided by Kittelson & Associates and has generally found the conceptual plan to meet the spirit and intent of the Regional Transportation Plan. However, Metro staff agreed that certain steps should be pursued to ensure a sound transportation system. Therefore, the Council finds that provision of transportation service is feasible upon the following conditions:

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<sup>2</sup> South Urban Reserve Concept Plan at 129.

- Hillsboro shall identify off-site transportation improvements with rough cost estimates in its Public Facilities Plan to assist in implementing its funding strategy.
- Local streets shall be planned and provided at street connectivity of 10-16 connections per mile.
- Hillsboro shall provide or require construction in its approval of development of all on-site road improvements identified in the First Tier Concept Plan.
- Hillsboro shall amend its transportation plan to provide for the identified off-site road improvements. As part of amending its transportation plan, Hillsboro shall state that it adopts the alternative level of service standard consistent with Title 6 of the Urban Growth Management Functional Plan consistent with the conditions of this ordinance.
- Hillsboro shall amend its comprehensive plan to require a corridor study of the Tualatin Valley Highway prior to development approvals to “provide a strategy to maintain the through traffic capacity of TV Highway, while providing acceptable access to and across the highway” from Beaverton to Hillsboro.<sup>3</sup> The results of the study shall be implemented concurrent with urban development using the development proposal outlined in the First Tier Concept Plan.
- Hillsboro shall amend its comprehensive plan to reflect the changes in the functional classification of Tualatin Valley Highway consistent with the Regional Motor Vehicles System Plan Map (1997) consistent with the conditions of this ordinance.

As coordination with Hillsboro on the Tualatin Valley Highway study, Metro will address a corridor study for TV Highway in its Regional Transportation System Plan.

The staff report states that Tri-Met Forest Grove Route 57 provides seven-day service from Forest Grove to downtown Portland and carries approximately 8,500 daily riders. Tri-Met’s Draft Transit Choices for Livability (May 1998) includes neighborhood oriented bus service around Brookwood Avenue, Cornelius Pass Road, 216th and 219th Avenues, and the two Hillsboro high schools, as well as connections to Westside Max stations. These services are planned for the next one to five-year time frame. However, additional transit service may be needed as URA 55 develops. Therefore, the Council finds that orderly provision of transit services will be feasible with the condition in this ordinance that Hillsboro coordinate with Tri-Met to develop a transit implementation plan to be phased in as development occurs.

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<sup>3</sup> Hillsboro South Urban Reserve Concept Plan - Transportation Report at 2-3.



### Fire, Police and Schools

The staff report indicates that the City of Hillsboro will provide fire and police services once the area is annexed to the City. Additional police and fire services are part of Hillsboro's conceptual plan. The plan also calls for a civic center, library, one middle or high school and three elementary schools. The conceptual school plan for URA 55 includes a middle school location and 2 - 3 elementary school locations. The Hillsboro School District will absorb the new students generated by this area. Hillsboro's conceptual plan technical appendix "Technical Concept Impact Report - Schools" states that the district has some capacity to accommodate new students now. Once the area urbanizes, additional capacity will be needed. The potential school sites are identified, and the Council finds that it is feasible that development of needed schools can take place concurrently as the area develops according to the concept plan.

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

- (A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

Urban form issues have been partially determined for URA 55 by the acknowledged 2040 Growth Concept. Exhibit A of this ordinance includes 2040 Growth Concept designations for this area to include it in the acknowledged urban form for the region.

According to the staff report, URA 55 is capable of being developed with features that comply with the 2040 Growth Concept. The main street area will accommodate mixed-use development with medium and high density residential housing. The Council finds that these development patterns are capable of encouraging pedestrian, bicycle and transit use. In addition, the First Tier Concept Plan calls for sidewalks and bicycle facilities which will improve opportunities for pedestrian and bicycle transit.

URA 55 consists of approximately 402 acres. The staff report estimates that approximately 1,493 dwelling units and 457 jobs can be accommodated within this area. The urban reserve plan estimates a slightly higher 210 buildable acres and nearly 2,000 dwelling unit capacity. Development at these densities will result in an average density of approximately 10 dwelling units per net buildable acre which is consistent with the 2040 Growth Concept. The Council finds that this density is sufficient to develop transit service as it is comparable with the actual density of much of the area within the current UGB that is served by transit.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro has gone well beyond considering some measures to improve existing capacity inside the UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances by February 1999, to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

- (B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Urban development of URA 55 will facilitate efficient urban growth inside the UGB in several ways. Street connectivity will be improved by providing east/west street connections which do not rely on Tualatin Valley Highway consistent with the conditions of this ordinance. Enhanced street connectivity will provide better access for fire and police and protection. As the area urbanizes, the local street network will be improved to urban standards with curbs and gutters, sidewalks, handicapped ramps and bike lanes. The Council finds that these improvements will integrate with the existing residential areas near SE Witch Hazel Road. The Council also finds that improvements to the wastewater system which will occur with development of URA 55 will generally improve efficient provision of service on adjacent urban land.

Factor 5: Environmental, energy, economic and social consequences.

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

Gordon Creek and Witch Hazel Creek pass through URA 55. These streams will be subject to protection under Title 3 of the Functional Plan. All development, excavation and fill in the floodplain would be subject to Title 3 consistent with the conditions of this ordinance. The Council finds that Title 3 performance standards will adequately protect these two stream corridors as URA 55 develops.

- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for URA 55.

- (C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

#### Environmental

Two stream systems are located on URA 55: Gordon Creek and Witch Hazel Creek. The Tualatin River is the western-most boundary of URA 55. Gordon Creek is the eastern boundary of the site. There is little or no remaining vegetation adjacent to Gordon Creek due to intensive agricultural practices. The stream flows in a southwesterly direction through the southeastern corner of URA 55 where riparian wetlands and adjacent uplands are forested and relatively undisturbed.

Witch Hazel Creek is a tributary of Rock Creek. Portions of the creek have been piped and culverted. According to the staff report a short segment of this stream flows through URA 55 and is relatively undisturbed. The channel occupies a narrow riparian corridor that widens considerably to the south near River Road. Witch Hazel Creek occupies a narrow floodplain with dense riparian vegetation. The staff report identifies this area as having important habitat functions.

The Council heard testimony asserting that an Indian burial ground and other historic sites are generally located in the area of URA 55. However, this testimony was not supported by substantive evidence of such sites. The staff report indicates that the State Historic Preservation Office reviewed URA 55 and found that no archeological or historic resources are located in URA 55.

The Council finds that the typical environmental impacts of urban development near riparian areas can lead to stream degradation if measures are not in place to address those impacts. Title 3 of the Functional Plan requirements in conditions of this ordinance provide protection for riparian areas to improve water quality and manage Floodplain. Title 3 will apply to development in URA 55. Due to these protections, the Council finds that the impact of urbanizing URA 55 will not be significantly more adverse than developing other urban reserves.

## Social

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, URA 55 can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural lands outside the current UGB. Farming activities may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URA 55 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB. The Council finds that the social impacts associated with urbanizing URA 55 are not typically more adverse than are likely to occur for other urban reserves.

## Economic

The majority of the land in first-tier URA 55 is designated for rural residential use. According to the staff report, approximately 16 percent of URA 55 is zoned EFU (72 acres) and is being cultivated with field crops such as grasses and grains, or used for pastures. A review of aerial photos shows that agricultural activity is also occurring on exception lands. As a result of urbanization, a loss of farm income due to the conversion of agricultural lands to housing and commercial uses will occur. Other URAs are anticipated to have similar losses of farm income as lands are urbanized. A shift in economic income will occur as construction occurs in this area.

Overall, the adverse economic consequences of a slight loss in farm-related income near URA 55 will be offset by increases in commercial and retail development by bringing these lands into the UGB with a new main street area. The relatively small number of existing farm uses and the lack of productive farm soils make the loss in this area minimal compared to other lands outside the UGB. Therefore, the Council finds that the economic impacts associated with urbanizing URA 55 are not typically more adverse than are likely to occur for other urban reserves.

## Energy

URA #55 is proximate to the City of Hillsboro boundary, which makes logical extension of roads to serve this area practical. Reduction in the number of miles to serve a developing area decreases fossil fuel consumption and decreases the negative consequences of pollution from using automobiles. In addition, the 2040 Growth Concept and the average of 10 dwelling unit per net acre makes for compact urban form that in itself is more energy efficient. Overall reductions in vehicle miles traveled and out-of-direction travel can be expected from locating the UGB expansion in this area as opposed to allowing development outside of the boundary. Planned development will increase the density of the area making existing and proposed street system more efficient.

URA 55, with the new main street area and Functional Plan upzoned residential densities maximize energy efficient land uses. VMT is reduced compared to other lands outside the UGB without this planning. The Council finds that the impacts of urbanizing this area are not typically more adverse than amending the UGB in other urban reserve areas.

### Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff report correctly states that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URA 55 was adopted as part of that ordinance. As noted in the Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff report also correctly notes that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, URA 55 is composed primarily of exception lands. Therefore, there is almost no agricultural land to retain. The Council finds that amending the UGB in this area retains farmland in accordance with Factor 6 by adding the only large area of exception land in the Hillsboro regional center area, even if the area was not already designated urban reserve.

### 3.01.020(b)(7)

### Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

The staff report identifies the number, location and types of agricultural activities occurring within one mile of URA 55. The report states that there are approximately 23

acres of orchards, 139 acres of row crops, 1,161 acres of field crops and about 648 acres of unfarmed EFU land.

(ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

Impacts to land and water resources critical to agricultural activities will be negligible from urbanization of URA 55. Almost all of the identified agricultural activities in the area occur on lands that are south and southwest of URA 55. Although no specific adverse impacts have been identified, this farmland is buffered by the Tualatin River to the west and the Reserve Vineyards Golf Course to the south. Therefore, the Council finds that any impacts from urban uses in URA 55 will be mitigated due to this buffering.

### 3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning of residential densities required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to "consider" whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) The 2040 Growth Concept densities anticipated for URA 55 are similar to the urban areas to the north of the site inside the UGB. Residential uses in URA 55 will also be compatible with the existing residential area to the west near Witch Hazel Road. Public facilities and transportation will be integrated with existing systems and are likely to improve existing services as explained in the findings for Factor 3. Furthermore, as explained in the findings for Factor 7, agricultural activities to the south and west will be adequately buffered from future urban uses. Therefore, the Council finds that the proposed uses for URA 55 will be compatible with other adjacent uses.

(3) The ESEE consequences resulting from urban use at URA 55 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing this URA are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since URA 55 is primarily composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, this URA provides the benefits of compact urban form and 2040 housing densities.

3.01.020(d)

To the west, URA 55 is bordered by the Tualatin river, Witch Hazel Creek and River Road. These are natural and built features which are consistent with this code section. To the south and southwest, URA 55 is buffered by the Reserve Vineyards Golf Course. To the east, URA 55 is bordered by 229th Avenue which provides a clear built transition between URA 55 and other urban reserves to the east. The UGB is located directly north of URA 55. The Council finds that these natural and built features provide a clear transition between URA 55 and surrounding rural and agricultural lands.

3.01.020(e)

Although the staff report provides a general discussion of other Statewide Planning Goals, the Council finds that the only applicable Goals are 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above. No other applicable goals were raised in testimony before the Council or identified in the record.

Alternatively, the Metro Council adopts the discussion of other goals in the November 24, 1998 Staff Report at pp. 37-39.

3.01.020(f)

URA 55 is consistent with the 2040 Growth Concept because the above findings show that development in the area will be consistent with Region 2040 policies and the primary design type of inner neighborhoods is feasible.

3.01.012(e)

The Metro Code Section 3.01.015(e) requires that the Council consider the urban reserve conceptual planning requirements set forth in 3.01.012(e). If insufficient land is available that satisfies the conceptual plan requirements, the Council may consider first tier lands where the city or county has committed to completing and adopting an urban reserve plan.

The City of Hillsboro has submitted a draft concept plan known as the Hillsboro South Urban Reserve Concept Plan for URAs 51 through 55. The plan also includes a First Tier Concept Plan, which is a stand-alone plan for the first tier portion of URA 55. These findings address only the First Tier Concept Plan.

Alternatively, if the urban reserve concept plan is not complete, the Metro Council accepts the Hillsboro transmittals in the record as a commitment to complete the concept plan in 1999. This commitment satisfies Metro Code 3.01.015(e).

### 3.01.012(e)(1)(A - C)

The City of Hillsboro and Washington County entered into a Memorandum of Understanding, dated January 29, 1998 to determine planning responsibilities for the purpose of preparing urban reserve conceptual plans for URAs 51 - 55. The Memorandum gives planning responsibility for URAs 51 - 55 to the City of Hillsboro. To address subsection (A), Hillsboro agrees to adopt comprehensive plan amendments implementing the conceptual plan upon Metro approval.<sup>4</sup> To address subsection (B), Hillsboro agrees to initiate action to annex URA 55 to the city only after Metro amends the UGB.<sup>5</sup> In response to subsection (C), the city and county agree that rural zoning will apply to URA 55 until it is annexed to the city.<sup>6</sup> The Council finds the Memorandum of Understanding sufficient to satisfy Metro Code section 3.01.012(e)(1).

### 3.01.012(e)(4)

The First Tier Concept Plan Map<sup>7</sup> shows a mix of low-medium density, medium-high density and mixed used-high density housing types in URA 55. The staff report states that the First Tier Concept Plan will provide 10 units per net developable acre because of the concentration of housing density near the main street portion of URA 55. This URA is also subject to the 2040 design type of inner neighborhood. The Council finds that the proposed allocation of housing densities will provide an average of 10 units per net developable acre and conform to the 2040 design type for inner neighborhood.

### 3.01.012(e)(5)

The First Tier Concept Plan provides a residential housing program which estimates the diversity of the housing stock anticipated for URA 55. The program demonstrates that there will be at least eight different housing types ranging from large single family to apartments and senior housing. The staff report estimates that approximately 55 percent of the housing units will be owner occupied, and about 45 percent will be renter occupied. The Council finds that the residential program provides for a diversity of housing stock sufficient to satisfy this code criterion.

### 3.01.012(e)(6)

The First Tier Concept Plan explained that the need for affordable housing in URA 55 can be satisfied without public subsidy by providing row housing or plex ownership opportunities. Staff initially found that not enough information was provided to determine whether this section was satisfied. An additional report has been submitted from the City

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<sup>4</sup> Memorandum of Understanding - Section III. A.

<sup>5</sup> Memorandum of Understanding - Section V. A.

<sup>6</sup> Memorandum of Understanding - Section III. E.

<sup>7</sup> Figure W of first tier Concept Plan.



of Hillsboro which addresses affordable housing.<sup>8</sup> This information identifies the need for housing units at or below 80 percent of median income. Affordable rental rates for the Hillsboro area are estimated to be approximately \$851 at 80 percent of median income and \$532 at 50 percent of median income. At these estimated rents, the associated rental unit value of two bedroom and studio multifamily or attached housing at approximately \$73,265 and \$45,791 respectively. With general housing densities of 10 units per net developable acres and up, and considering the mix of housing discussed in the "Housing Program" above, the report shows that at current per acre land costs, affordable housing is possible at normal levels of profitability for development. The report demonstrates, and the Council finds that the First Tier Concept Plan for a mix of residential housing will provide opportunities for affordable housing without public subsidy.

### 3.01.012(e)(7)

The First Tier Concept Plan calls for about 15 acres designated for employment in the mixed-use Main Street and Neighborhood Center identified on the concept plan map. The site is planned to accommodate an estimated 225 jobs with commercial, retail and a grocery store and miscellaneous personal and health care services in the Main Street area. There is a difference between the number of jobs estimated by the Productivity Analysis and the Concept Plan. However, this difference appears to be primarily due to the estimate of home-based jobs in the Productivity Analysis, which is not included in the Concept Plan estimate. In addition, the First Tier Final Concept Plan Map<sup>9</sup> shows the main street area to be in close proximity to the existing residential development near SE Witch Hazel Avenue. It is reasonable to assume that service and employment opportunities created in the main street - neighborhood center will also serve the needs of those residents inside the current UGB. The Council finds that the commercial and employment opportunities provided by the planned main street area satisfy this section of the code.

### 3.01.012(e)(8)

Metro's Transportation Department has reviewed the First Tier Conceptual Plan - Transportation Plan for consistency with the RTP.<sup>10</sup> The conceptual transportation plan substantially meets the RTP criteria with the improvements identified in the Hillsboro South Urban Reserve Plan Transportation Report, Kittelson & Associates, Inc. These improvements are needed for adequate transportation service for the area. The findings and conclusions under Factor 3 are adopted here by this reference. To ensure that the improvements identified by the First Tier Concept Plan and Metro's Transportation Department are made part of Hillsboro's comprehensive plan, the Council has attached conditions which must be satisfied prior to conversion of urbanizable land in URA 55 to urban uses.

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<sup>8</sup> Memo - Ed Starkie to Sonny Conder, November 30, 1998.

<sup>9</sup> This map is identified as Figure W in the First Tier.

<sup>10</sup> The Transportation Department's review is found in a memo dated November 22, 1998.

### 3.01.012(e)(9)

The First Tier Concept Plan relies on a Natural Resources and Stormwater Management: Background, Integrated Plan and Impact Assessment Report (August 1998)<sup>11</sup>, to identify and map areas to set aside for protection of fish and wildlife habitat, water quality enhancement and mitigation, and natural hazards mitigation. The plan incorporates many of the recommendations in the report and the maps identify areas for protection from development for riparian, wetland and upland habitat protection. The maps also identify wetland mitigation sites, potential stream and riparian restoration, regional stormwater detention sites and stormwater treatment sites. The Council finds the identification and mapping of natural resources is sufficient to satisfy this code section.

The staff report indicates that while identification and mapping are adequate, the First Tier Concept Plan does not contain a funding strategy for protecting those areas identified. The City of Hillsboro has submitted a "Conceptual Financing Strategy" which provides a funding strategy for protecting areas in accordance with this code section.<sup>12</sup> Part of Hillsboro's strategy for natural area protection is to incorporate protection into existing park and regional water quality detention facilities planning. Incorporated into those plans, the city has identified existing funding, approximately \$9.7 million, which can be provided through current parks system development charges. According to the city, this amount of funding is sufficient to extend the existing level of park land to residents that currently existing in Hillsboro. The city also identifies developer exactions and dedications as part of its strategy for funding protection of identified natural resources. The Council finds that Hillsboro's Conceptual Financing Strategy for natural areas identifies funding sources sufficient to make the city's funding strategy feasible.

### 3.01.012(e)(10)

The First Tier Concept Plan provides a conceptual public facilities and services plan which includes costs for the major utility needs of the proposed concept plan covering URA 55. The staff report indicates that the public facilities concept plan is adequate to satisfy this criteria.

USA will provide wastewater treatment for the area. The Rock Creek treatment plant is immediately west of URA 55. The concept plan includes a small gravity line paralleling Gordon Creek and a large gravity line northwest of the site that will provide additional wastewater collection for URA 55. Pump stations and force mains will cross Gordon Creek. The plan indicates that facilities will be located in public right-of-way and existing and proposed roads when feasible. The staff report provides a rough cost estimate of \$11,725,806 for wastewater facilities.

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<sup>11</sup> W & H Pacific report dated August 14, 1998.

<sup>12</sup> Memo - Wink Brooks to Carol Krigger, November 25, 1998.

The City of Hillsboro and the Joint Water Commission (JWC) will provide water service to the area. A 42-inch water transmission line runs north of the urban reserve and can be tapped to provide service to the area. The City has indicated that the water source, Barney Reservoir, is more than adequate to provide the water needs to the proposed community on first tier lands. The staff report provides a rough cost estimate of \$4,330,273 for water facilities.

Stormwater detention and water quality facilities will be distributed along tributaries of Witch Hazel Creek and Gordon Creek. The staff report provides a rough cost estimate of \$2,394,000 for stormwater facilities.

The transportation needs of URA 55 have been addressed through a system of streets including community boulevards, community streets, collectors and local streets. The Council discussed the First Tier Conceptual Plan - Transportation Plan under Factor 3 of these findings and 3.01.012(e)(8) above. Those findings are adopted here by this reference. The staff report provides a rough cost estimate of \$6,237,425 for transportation facilities for URA 55.

Police and first protection for URA 55 will be provided by three agencies: the City of Hillsboro, Tualatin Valley Fire and Rescue and the Washington County Rural Fire Protection District #2. An emergency services complex for police and fire service, located at Century Boulevard and Davis Road, is identified in the plan to serve the entire planning area. The Plan states, however, that off-site emergency services may have capacity for approximately 2,000 residential units anticipated for development in URA 55. The city has provided an estimated cost of a combined police and fire services facility of \$4.3 million. That cost is related to facility that would serve the entire South Hillsboro Urban Reserve Plan area.

The First Tier Concept Plan identifies 90 acres land for active recreation use in URA 55. Specific components of the plan include a community park located west of River Road; a neighborhood park adjacent to the proposed elementary school near the main street center; a linear park near the regional detention facility; natural and stormwater areas along wetlands; riparian areas and stream corridors throughout the site; and bike and pedestrian pathways located along stream corridors and through linear parks. Rough cost estimates to acquire all land designated for parks in the South Hillsboro Urban Reserve Plan area are between \$15,750,000 and 21,000,000.

The Council finds that Hillsboro's conceptual public facilities plan adequately addresses sewer, water, storm drainage, transportation, fire and police protection facilities and parks. The plan and staff report also provide rough cost estimates for providing these services. At the time the staff report was completed, however, the city had not provided sufficient information to address a financing strategy for these estimated costs. Hillsboro has provided supplemental information which provides a conceptual financing strategy for public facilities.

For wastewater, stormwater and water, the city has estimated that the total system development charges attributable to the South Hillsboro Urban Reserve Plan area are approximately \$36,384,000. Applying this estimate against estimated costs results in a \$10.2 shortfall.<sup>13</sup> Hillsboro's information indicates that additional funding for these services can be provided by the developers of these sites. The Council finds that the majority of the funding for wastewater, stormwater and water have been identified by the city and that financing for provided by developers is feasible as the area develops.

Similarly, the city has identified projected transportation impact fees of \$15.1 million from residential development and \$1.8 million from commercial development that are chargeable against on-site improvements. The rough cost estimate in the Kittelson Report estimates that the total transportation improvement costs for South Hillsboro on-site improvements is approximately \$33 million. The urban reserve plan indicates that the city anticipates that the developers of URA 55 can be required to pay for internal improvement which will address some of the shortfall. Based on this strategy and these estimates, the Council finds that the city's transportation financing strategy is feasible.

The rough cost estimate in the Kittelson Report estimates that total off-site transportation improvement costs of about \$22 million. The funding strategy is to combine funds from six potential sources of funding: transportation impact fees, additional systems, development charges, regional funding, developer exactions, gas tax for state-owned improvements, and/or Washington County MSTIP funding.<sup>14</sup> The Metro Council finds these estimates and strategies to be based on detailed analysis, including the revised Level of Service and connectivity required next for streets. These estimates are more credible than the higher estimates for transportation facilities by citizen Larrance.

Hillsboro's parks financing strategy is discussed under 3.01.012(e)(9), and the Council finds that the city's funding strategy for parks and natural areas is feasible. Hillsboro has also provided information that it anticipates financing for police and fire facilities to be financed through internal funds and general obligation bonds. The city also explains that some existing facilities may be sold which will generate additional funds for fire and police facilities. The Council finds that this funding strategy is feasible for providing funding for these services.

While the Council concludes that the financing strategy component of 3.01.012(e)(10) is feasible for the services discussed above, to ensure that adequate funding is available to provide these services at the time urban development occurs, the Council has conditioned approval upon the city adopting a financing plan for funding these public facilities improvements prior to conversion of urbanizable land in URA 55 to urban uses which demonstrates that identified funding sources are adequate to provide such facilities as URA 55 develops.

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<sup>13</sup> See Table 9 of Hillsboro South Urban Reserve Concept Plan.

<sup>14</sup> Memo - Wink Brooks to Dan Cooper, December 7, 1998.

3.01.012(e)(11)

The First Tier Concept Plan identifies a potential need for at least one elementary school within URA 55. The proposed location of the elementary school site, about 10 acres, is shown on the First Tier Final Concept Plan Map near the Gordon Creek Main Street/Neighborhood Center. According to the schools analysis performed, the need for a middle school in URA 55 area may not be necessary until the urban reserves to the east are added to the UGB. The Council finds that the conceptual school plan has demonstrated coordination with the affected school district and concludes that this criterion has been met.

3.01.012(e)(12)

First Tier Final Concept Plan Map attached as Appendix C to these findings shows all of the above elements required by this criterion. The Council finds that this section of the code is satisfied.

3.01.012(e)(13)

The Memorandum of Understanding between the City of Hillsboro and Washington County demonstrates coordination between those two local governments. The First Tier Concept Plan also demonstrates sufficient coordination with other public bodies including Metro, USA, Tualatin Hills Parks and Recreation District and Tualatin Fire and Rescue. The Council finds that this section of the code is satisfied.

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(12/08/98)



METRO

Appendix A

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager  
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner *GB*  
Growth Management Services Department

Re: ***Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion***

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category

Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.



US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.
21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through

rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11' (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,



floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.

38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.

39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

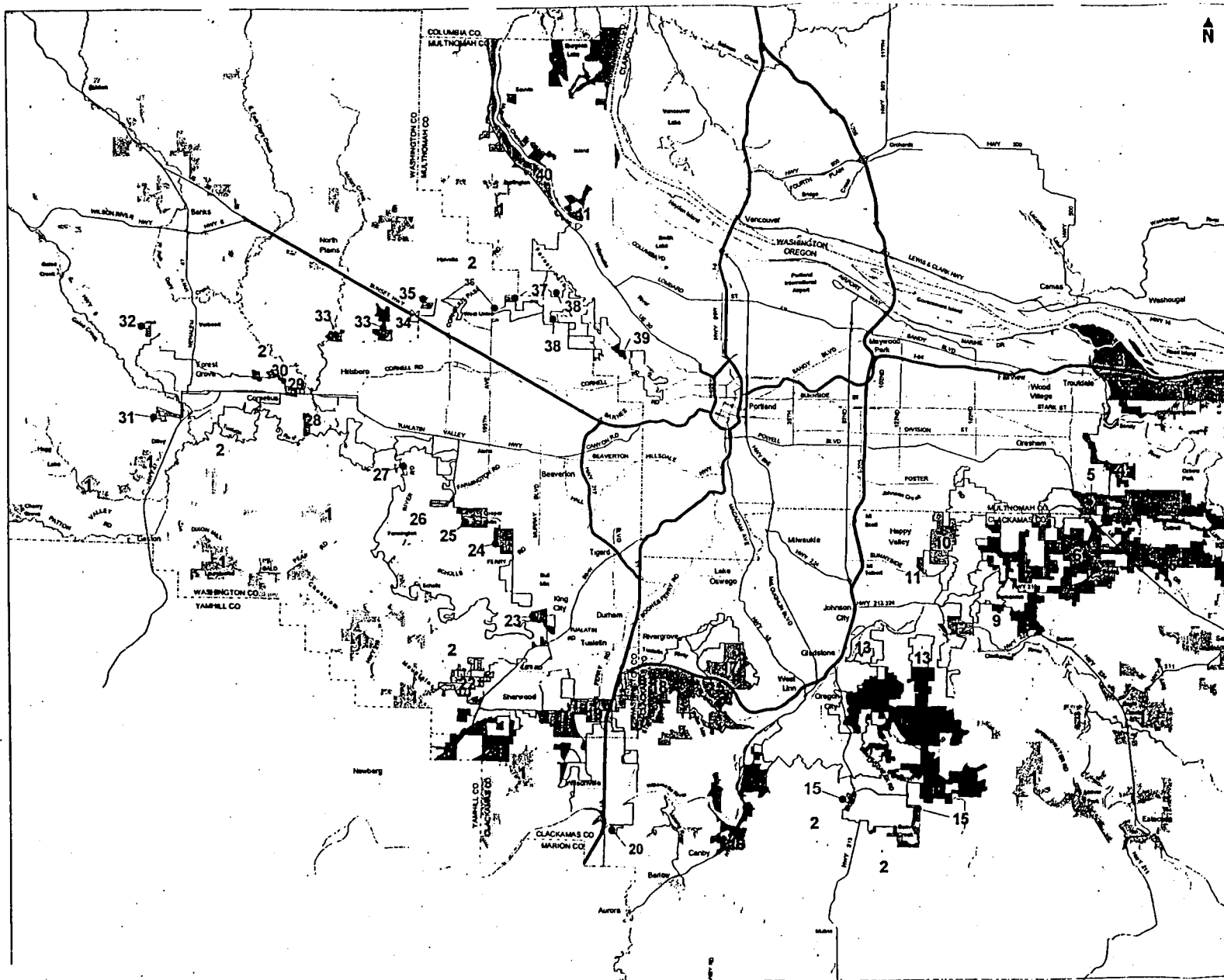
The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.



## Exception Land

Outside Urban Reserves

Number on Map refers to  
Exception lands memo  
October 26, 1998

 Urban Reserves

0 1 2 3 4 5 6 7 Miles  
1" = 3.0 miles



METRO

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## Appendix B – Additional Site Considerations

### Urban Reserve

### Reasons for No Further Consideration at This Time

- 
- URA #1 No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #3 Site added to the Metro UGB through locational adjustment in Fall 1998.
- URA #11 No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #17 Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #18 Same as URA #17.
- URA #19 Same as URA #17.

- URA #22      While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23      Same as URA #17.
- URA #24      Same as URA #22.
- URA #25      Same as URA #22.
- URA #29      Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30      Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35      No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #68      The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #69      The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #70      The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.



Figure W



# Hillsboro South Urban Reserve Area

## Tier 1 Final Concept Plan

October 29, 1998

Prepared By:

McKeever/Morris, Inc.

and

W&H Pacific  
Leland Consulting Group  
Greenworks, PC  
Corliss Consultants, Inc.  
Carl Worthington & Assoc.  
Kittelson & Associates

### Legend

#### Base Map Information

- Concept Plan Boundary
- Tax Lots
- Urban Growth Boundary
- Urban Reserve

#### Land Uses

- Low Density Res. (2-4.30 units/ac)
- Low-Medium Density Res. (5-6.70 units/ac)
- Medium-High Density Res. (17.6-22.0 units/ac)
- Mixed Use & High Density Res. (23.2-29.0 units/ac)
- Civic, Public & Schools
- General Employment
- Golf Course

#### Transportation

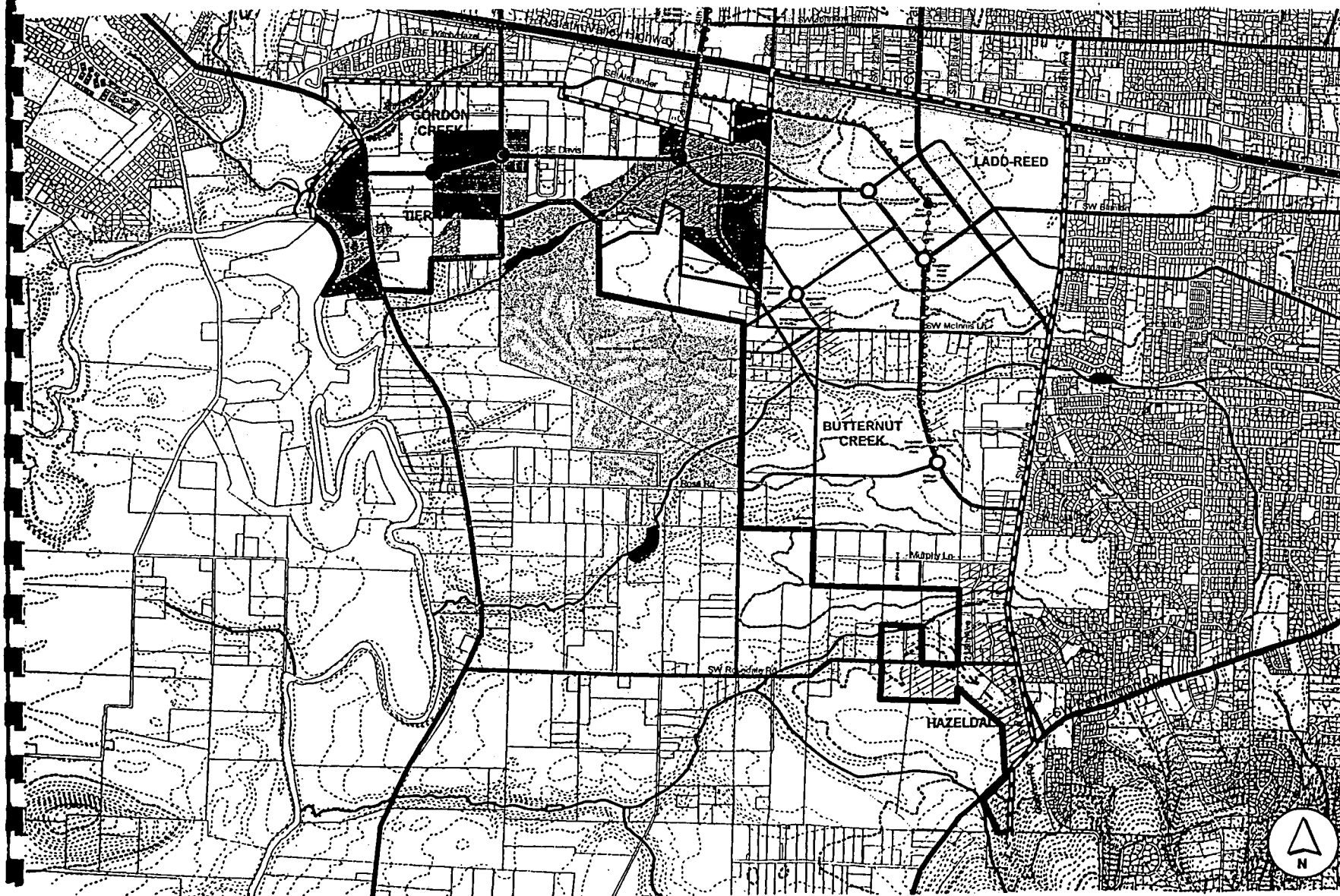
- Minor Collector
- Community Street/Boulevard
- Expensible to Regional Boulevard
- Regional Boulevard
- TV Highway
- Commuter Rail (Optional)
- Breakear (Optional)

#### Natural Systems

- 100' Contours
- 10' Contours
- Perennial Stream
- Intermittent Stream
- Parks & Greenspace
- Stormwater
- Title 3 & Rec Corridor



0 1000 2000 Feet



**Ordinance No. 98-786C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.**

***Second Reading***

**Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 98-786BC  
METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Councilors McLain, Morissette,  
MAP IN ORDINANCE 95-625A ) McFarland, Washington, Kvistad, Monroe and  
IN THE SUNNYSIDE AREA OF ) the Growth Management Committee  
CLACKAMAS COUNTY )

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including these urban reserve areas 14 and 15; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary (UGB); and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for these urban reserve areas 14 and 15, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of

Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the Growth Management Committee voted to add 54 acres adjacent to URA 15 to Monner Road into consideration in this ordinance at its November 3, 1998 work session; and

WHEREAS, testimony at subsequent Council hearings indicated that using the Title 3 buffer of Monner Creek, which would add 39 acres to URA 15, is more appropriate; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

**THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:**

1. Urban Reserve Area (URA) 15 is hereby amended to designate approximately 39 acres north of the existing urban reserve area adjacent to 162nd Avenue as part of urban reserve area 15. The record shows that this land is similarly situated exception land up to the Title 3 Water Quality Area boundary of Monner Creek.

2. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.

3. The Metro Urban Growth Boundary is hereby amended to add urban reserve areas 14 and 15, as amended, and as shown on the map in Exhibit B, attached, and incorporated by reference herein.

4. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

5. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

6. In support of Findings and Conclusions adopted in Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing, the December 3, 1998 final hearing and final adoption of this ordinance.

7. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Urban development consistent with Goal 14, Factor 3 on orderly provision of stormwater urban service is feasible with the condition that the urban reserve plan shall require that a stormwater management plan be adopted for this area to assure that the velocity, temperature, sedimentation and chemical composition of stormwater runoff from the form of approved development meets state and federal water quality standards.

D. Urban development consistent with Title 3 of the Urban Growth Management Functional Plan on Flooding is feasible with the condition that the urban reserve plan and subsequent urban zoning provide for stormwater management to assure that the quantity of stormwater runoff leaving each site after urban development is no greater than before urban development.

E. Urban development consistent with Title 3 on Water Quality is feasible with the condition that Title 3 water quality setbacks and revegetation requirements shall be adopted prior to adoption of urban comprehensive plan and zoning designations for this area.

8. Consistent with ORS 268.390(3) and ORS 195.025(1), Clackamas County and the city of Happy Valley shall include the area added to the Urban Growth Boundary by this

/////

Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

i:\r-o\98sunnys.c  
(12/01/98)

R L I S  
REGIONAL LAND INFORMATION SYSTEM

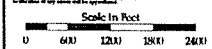
# Draft 2040 Design Types

Urban Growth Boundary  
Legislative Amendment  
Index number 3

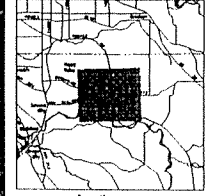
- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- Proposed Regional Throughways
- Potential Regional Throughways
- Green Corridors
- Planned & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential JCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Exclusive Farm Use
- Recreation Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- Urban Growth Boundary
- Urban Reserve Boundaries
- Area added to Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks

## DRAFT

The information on this map was prepared by the Regional Land Information System. It is not intended to be used for any purpose other than the one for which it was prepared. No warranty is made by the Regional Land Information System for the accuracy or completeness of the information shown on this map.



Metropolitan Area Planning Council  
1000 West 10th Street, Suite 1000  
Denver, CO 80202




Location map



First Tier  
Within Metro Boundary

☐ Area Considered by Council

 First Tier Urban Reserve

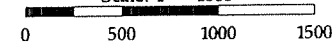
 Urban Growth Boundary

Exhibit B 1 of 2

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Scale: 1" = 1000'



**METRO**

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☐ Area Considered by Council  
☒ First Tier Urban Reserve

Exhibit B 2 of 2

0 500 1000 1500



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## ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-786C (URA 14, 15)

## 3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with a proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

Under these circumstances, this provision of the Metro Code provides that the Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan. Documentation must be provided to support its commitment to complete a conceptual plan for the urban reserve area. URAs 14 and 15 are first tier lands.

For URAs 14 and 15, Clackamas County has provided the Metro Council with a letter stating that it has committed to complete a conceptual plan. The city's letter of November 12, 1998, provides a work program, timeline for completion and funding for the planning. The Council accepts this demonstration of commitment and finds that 3.01.015(e) is satisfied.

As part of Ordinance 98-786B, the Council amends URA 15 to add similarly situated land to that urban reserve which was studied but not designated as an urban reserve in Ordinance 97-655E. Findings supporting the amendment are attached as Appendix A to these findings.

## 3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14.

## 3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

### 3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3

regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control. Metro Staff have completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the

UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory “along with all other appropriate data” to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217, 430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32, 370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro’s Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro’s jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan

requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix B). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion" (see Appendix B). This report and accompanying map are attached as Appendix B and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix C and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies



urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

#### 3.01.020(b)(1)(E)

Section 3.01.012(e) of the Metro Code requires an urban reserve conceptual plan. Consistent with section 3.01.015(e), for first tier urban reserves, a commitment from the a city or county to complete a conceptual plan prior to implementing urban zoning is sufficient to satisfy this requirement provided that the city or county: 1) documents its commitment to complete the plan, 2) and adopts a work program, timeline for completion and identifies funding for completing the plan. Other urban reserves must provide a completed conceptual plan for review prior to or at the time of UGB amendment. URAs 14 and 15 are first tier urban reserves with such commitments. See 3.01.015(e) above.

#### 3.01.020(b)(1)(F)

The Council adopts and incorporates by this reference its findings for Metro Code section 3.01.020(b)(1)(C).

This code provision requires that the need identified in the Regional Forecast cannot reasonably be met within the existing UGB. The analysis in the UGR and the updates in the UGRA demonstrate that Metro meticulously reviewed its buildable land inventory, vacant lands and infill and redevelopment rates to identify lands inside the UGB which are suitable for increasing the capacity of the existing UGB. The UGBAN summarizes these efforts. First, Metro considered all net developable land, regardless of parcelization or ownership in calculating existing UGB capacity. All 2040 Growth Concept design plan categories were considered in the UGR and UGRA. Second, an aggressive redevelopment and infill rate of 28.5 percent was initially used in the UGR. Actual data from 1995-1996 refined this estimated rate. Matching the actual rate identified in new data from 1995-1996 in the UGRA, combined with other factors did not significantly change the range of total housing units needed.

Metro's Functional Plan requires the 24 cities and three counties in Metro's jurisdiction to increase densities to more efficiently use residential land. After local governments amend their comprehensive plans and implementing ordinances in February, 1999, development

in residentially designated lands must occur at 80 percent of zoned density which will maximize the use of newly developed or redeveloped parcels. The effect of the Functional Plan requirements will be reviewed in 1999 after local governments amend their comprehensive plans to comply with Functional Plan requirements. At that time, trends in residential densities can be assessed to help refine the estimated amount of land needed to provide a 20-year supply of land in the region. That approach is consistent with ORS 197.299(2)(b).

### 3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

- (A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

According to the staff report, the Productivity Analysis was performed to assess dwelling unit and employment capacity in selected URAs and to estimate costs for wastewater, water, stormwater, and transportation service to these URAs. The Productivity Analysis indicates that although all URAs can be provided with the above services, some areas are more costly to serve than others.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA.

The Council finds that URA 14 and 15 can feasibly be provided with services. For the purposes of these findings, URA 15 is deemed to include the approximately 39 acres of the Hoffman and Eraker properties described by the Council in its technical amendment of November 24, 1998. According to the staff report, both URA 14 and 15 will be used for housing and subject to the 2040 Growth Concept design type of inner neighborhood. This design type requires an average density consistent with at least 10 units per net developable acre as required by Metro Code 3.01.012(e)(4). The staff report estimates that 2,941 dwelling units can be accommodated in 339 acres of buildable land. Although both URAs 14 and 15 can be served, when ranked from lowest to highest for total cost, the estimated cost for URA 14 is \$18,988 per DUE, the 22nd lowest cost ranking. The information provided for URA 15 indicates it has very low relative costs among URAs - \$10,440 - the 4th lowest cost determined in the Productivity Analysis. Since the URAs will be planned together, the costs can be spread over a larger area and economies of scale are predicted to

reduce overall public cost. The Council finds the cost estimates for URA 14 and 15 show that these URAs are relatively better by comparison of overall cost of connecting to existing service systems. While other factors must also be balanced with cost considerations, these lands will be needed to add about 32,400 units to the UGB.

- (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

URAs 14 and 15 are adjacent to the UGB. Both will integrate into existing service systems. For both URAs, Clackamas County is in the process of completing an urban reserve plan for URAs 14 and 15, including the Hoffman and Eraker properties. The County is working in conjunction with the City of Happy Valley to meet the planning requirements in the Metro Code. The planning effort is partially funded by a grant from Metro. Planning is underway by the County for the Sunnyside Road area which is partially funded by a matching TGM grant.

#### Wastewater

The majority of residences in URAs 14 and 15 are currently served by septic systems. According to the Productivity Analysis, in order to provide sanitary sewer service to the area, three new pump stations would be required to be constructed along with pipe, manholes, trenching, force mains and expansion of treatment capacity of approximately 1.33 million gallons per day. This is due to topography and location of treatment facilities.

Both URAs are located within Clackamas County with the closest city being Happy Valley. There are several options for serving this area which include Clackamas County's – Kellogg Creek Plant or the Tri-Cities Plant in Oregon City. Additional treatment capacity would need to be added to the Tri-City Plant. Clackamas County is in the process of completing an urban reserve plan for the area that will include an update of its sanitary sewer master plan to serve this area. The sanitary sewer master plan completed by Clackamas County will determine the most economical and efficient routing of all lines, locations of all pump stations and which service district should provide treatment. Gravity sewer will be installed wherever possible to minimize construction and maintenance costs. The Council finds that existing services can be improved consistent with Clackamas County's conceptual plan to serve URAs 14 and 15. Expanding wastewater service to serve this area will not compromise the ability of the governing jurisdiction to serve areas within the existing UGB.

## Water

Either private wells or the Mount Scott Water District currently provides domestic water to the majority of residences in URAs 14 and 15. There are three special service districts in this area that are capable of providing water service. All districts would require expansion of their treatment facilities and two do not have sufficient water rights. According to the Productivity Analysis, to provide water service to URAs 14 and 15, source expansion is needed and treatment capacity is needed for URA 15. Transmission lines, pressure reducing valves, water meters, and a distribution system storage will be required for both URAs. The costs for providing these improvements were assessed in the Productivity Analysis. The relative low cost demonstrates that providing water service is feasible, and that extension of existing service will not compromise the service inside the existing UGB.

## Stormwater

The Council does not consider connection to existing piped stormwater systems to be necessary to demonstrate that stormwater can be adequately managed consistent with local government regulation and Metro's Urban Growth Management Functional Plan.

Currently there is no formally developed piped storm drainage system serving this area. All existing run-off from impervious surfaces in this area is either allowed to infiltrate directly into the ground or is collected in a roadside ditch system.

The Productivity Analysis estimates that a number of water quality pond/marshes (one for URA 14, seven of varying sizes for URA 15) and detention facilities (one for URA 14, seven of varying sizes for URA 15) will be required to address stormwater runoff from the urbanization of the URAs. Detention facilities will slow and delay water runoff and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban runoff and collect sediments before this runoff reaches local streams.

The staff report recommends conditions to address stormwater detention to limit effects on Rock Creek. The Council finds that stormwater provision of services is feasible on the condition that a stormwater management plan be adopted for the area. That plan should assure that consistent with Title 3, the quantity of stormwater leaving each site after urban development is no greater than before urban development. The Council also finds the Title 3 water quality vegetated corridors should be maintained and any revegetation should be adopted prior to adoption of urban zoning.

## Transportation

Sunnyside Road and 147th Avenue provide access in an east and west and a north and south direction through URA 14. The three major roads presently serve this area; Sunnyside, 172nd and Highway 212. Sunnyside Road, 172nd Avenue and Highway 212 can be improved to accommodate urbanization of this area. East Sunnyside Road has been

identified in Metro's draft Regional Transportation Plan (RTP), Proposed Transportation Solutions for 2020 (September 1998) as being one of a list of projects identified as the most critical system needs in the Portland region for the next 20 years. The list of projects and programs is part of a major update to the RTP that begins to implement the Region 2040 Plan. Sunnyside Road from 122nd Avenue to 172nd Avenue has been identified in the Traffic Management Plan to widen the street to five lanes, improve safety and access to the east and will be included in the second round of analysis for the RTP anticipated in 1999.

Topography may dictate the alignment of future roads and the number of north/south connections that can be safely constructed. The transportation plan will include a system of local collectors and arterials that will provide sufficient north-south and east-west connectivity within the URA as it develops to urban densities. Transit bus service will also be included in any transportation plan. The Council finds that URA 14 and 15 can be feasibly provided with transportation service. Improvements to 147th Avenue are anticipated which will make it a through street while mitigating the existing road grade. Development of URAs 14 and 15 will not compromise the existing transportation system inside the UGB.

#### Fire, Police and Schools

Clackamas County will provide fire and police services. Clackamas County has included a section in their urban reserve plans to plan for incorporation of these areas into its service territories. Additional property tax revenue will be generated by the increased residential and commercial development that will be constructed as URAs 14 and 15 develop.

Centennial School District serves URAs 14 and 15. Clackamas County has received a grant to complete urban reserve planning work for this area. The work program will identify lands needed to provide school facilities.

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

- (A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

According to the staff report, URAs 14 and 15 are capable of being developed with features that comply with the 2040 Growth Concept. Maximum efficiency will be accomplished through compact development at 2040 design type densities with a mix of

uses – residential, retail, commercial, recreational, and opportunities for multi-modal transportation such as walking, bicycling, transit and driving. Metro Code Section 3.01.015(f) requires that URAs meet planning requirements of the Functional Plan that apply to areas inside of the current UGB.

URAs 14 and 15 together consist of approximately 622 acres. The Productivity Analysis estimates that 2,941 dwelling units and 853 jobs can be accommodated within these two areas.<sup>1</sup> Development at inner neighborhood densities would result in an average density of approximately 10 dwelling units per net buildable vacant acre. This density is sufficient to develop transit service as it is comparable with the actual density of much of the area with the current UGB that is served by transit.

There is an existing town center located at Sunnyside Village that is in close proximity to URAs 14 and 15. This existing development will provide opportunities to extend streets, and development to the north. The portion of Sunnyside Road that runs through these URAs will be developed as a 2040 designated corridor and is currently being planned by Clackamas County. The Council finds that the efficiencies of expanding into these two URAs will provide for a mix of land uses at 2040 densities which are capable of encouraging pedestrian, bicycle and transit use.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro has gone well beyond considering some measures to improve existing capacity inside the UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

- (B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

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<sup>1</sup> Using the standard formula for estimating dwelling units and jobs, the 39-acre Hoffman and Eraker properties will provide approximately 224 dwelling units and 75 jobs.

Urban development of URAs 14 and 15 will facilitate efficient urban growth inside the UGB in several ways. Street connectivity will be improved by extending a grid street pattern. Enhanced street connectivity will provide better access for fire and police protection. As the area urbanizes, the local street network will be improved to urban standards with curbs and gutters, sidewalks, handicapped ramps and bike lanes. Extension and looping of water lines within URAs 14 and 15, and in some cases within the existing UGB, will enhance water quality by eliminating dead end lines and increasing pressure available for fire flow purposes. Extension of sanitary sewer may allow areas previously not provided urban services within the UGB to be served. In URA 15, the topography of the added portions of the Hoffman and Eraker properties will enhance the prospects for gravity flow sanitary sewer service.

Factor 5: Environmental, energy, economic and social consequences.

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

No Goal 5 resource impacts have been identified in the record.

- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for either URA 14 or 15.

- (C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

## Environmental

The confluence of Rock Creek and the Clackamas River provide critical habitat because of its rich diversity of species at the mouth of the creek: 87 percent of the salmonids captured in a recent ODFW study were found in the lower part of Rock Creek. Impacts on the upper portions of the watershed (located within this area) may have significant impacts on this population located in the lower reaches of this stream.

The Hoffman and Eraker properties are entirely exception lands located in the FF10 and RRFF5 zones. They were originally studied as part of URSA 15, and were deleted toward the end of the study process because of concerns about Monner Creek and the portions of

these properties lying to its north. These concerns were resolved by the Council in this proceeding by omitting Monner Creek, the area within the Monner Creek Title 3 Water Quality Area boundary, and the remaining portions of these properties lying north of the creek.

As development occurs, water quality and quantity concerns arise due to increased run-off from impervious surfaces. As a result, habitat areas along the ridge of Rock Creek Canyon and ridge needs to be protected to maintain water quality and quantity in this area. Portions of URA 15 may provide a groundwater recharge function, which would be impacted when the area is developed and more impervious surface is created. Upland areas (within a one-half mile) adjacent to riparian areas are important to support amphibian and reptile populations. Rock Creek is also located in the Lower Columbia River Evolutionary Significant Unit (ESU) where wild winter steelhead has been designated as a threatened species under the Endangered Species Act.

The Council finds that the typical environmental impacts of urban development near riparian areas can lead to stream degradation if measures are not in place to address those impacts. Title 3 of the Functional Plan provides protection for riparian areas to improve water quality and manage Floodplain. The Council finds that the impact of urbanizing in URAs 14 and 15 will not be significantly more adverse than developing other urban reserves on the condition that the measures to address stormwater management, consistent with Title 3 of the Functional Plan, as described in Factor 3 are adopted prior to adoption of urban zoning.

## Social

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, the area can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural lands outside the current UGB. Farming activities may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URAs 14 and 15 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production,



increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB.

Both URA 14 and 15 are primarily exception lands which are currently zoned to allow residential uses. Urbanization in these two areas will not cause a significant loss of EFU land. The staff report indicates that there are no archeological, historic or aggregate resources sites on either URA 14 or 15. Both sites offer the same opportunity to provide affordable housing at inner neighborhood 2040 design type densities. Therefore, Council finds that the social impacts of urbanizing these two URAs is minimal compared to the advantages discussed above and are certainly not more significant than would typically result from the needed lands being located in other urban reserves.

#### Economic

The Council finds that urbanization of URA 14 and 15 will have the typical impacts that accompany urbanization of lands anywhere in the region. Intensification of residential development will increase the per acre value of land and improvements within this reserve. Once annexation to the adjacent cities and development occurs, all special districts serving this area will also receive an increase in their tax bases. Because the current use of the area is primarily rural residential, the Council finds there will be no significant loss of agricultural or forest production from URAs 14 or 15. Since these URAs will be developed at densities corresponding to 2040 design types, development will add to the economic base of the area by adding dwelling units and potentially some home-based jobs. The Council finds that these impacts that are not typically more adverse than would occur for other lands requiring a UGB amendment.

#### Energy

According to the staff report, URA 14 and 15 will not significantly increase energy consumption. Both are located adjacent to the UGB and have close access to nearby town and regional centers. Providing increased housing availability at 2040 growth concept densities will help reduce vehicle miles traveled by providing housing opportunities close to the jobs centers in Gresham and East Portland. The Council finds that any increase in energy consumption from fossil fuels or electricity required for new residential development will not be more adverse than would typically result from development of other lands requiring an amendment to the UGB.

#### Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff report correctly states that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URAs 14 and 15 were adopted as part of that ordinance.

As noted in the Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff report also correctly notes that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, both URA 14 and 15 are composed primarily of exception lands. The Hoffman and Eraker properties are entirely exception land. Therefore, there is almost no agricultural land to retain. In the urban reserves study analysis URA 14 received a good agricultural land retention rating of 16. URA 15 received a rating of 14. These relative suitability scores as part of Metro's prior analysis demonstrate that adding these URAs to the UGB will have a region wide effect of retaining agricultural land. The Council finds that there is no evidence which indicates that these scores should be revised. Therefore, the Council finds that amending the UGB in these two areas would retain farmland in accordance with Factor 6 even if the areas were not already designated as urban reserves.

### 3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

#### URA 14

According to the staff report, there are 494 acres of EFU land within one mile of URA 14, and 41.5 acres in the URA itself. The staff report also identifies the number, type and general location of those agricultural activities.

#### URA 15

URA 15 has approximately 243 acres of EFU-zoned land located within one mile of its western and southern boundary and no EFU in the URA itself. The staff report also identifies the number, type and general location of those agricultural activities.

(ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

The staff report indicates that the only identified traffic impacts relate to the potential for increased traffic on highway 212 and Se 172nd Avenue. Increased traffic has the potential to make the movement of farm equipment more difficult during peak periods. However, the Council finds that these impacts will be mitigated through the update to the RTP

discussed in Factor 3 of these findings. The Council also finds that traffic impacts on agricultural activities will be mitigated through the conceptual planning process which Clackamas County has committed to completing for this area.

These traffic impacts will not have an overall negative impact on the local agricultural economy. The staff report states that urban use of URA 14 and 15 is likely to improve the market for vegetables and nursery stock produced nearby. A review of the aerial photos for URAs 14 and 15 also shows that most agricultural activities that may be occurring on lands to the east and south of these areas will be buffered by Rock Creek and the Title 3 vegetated corridors that will be required when the areas develop. Farming activities identified to the south will also be buffered by the Clackamas River. Monner Creek will provide a similar buffer for agricultural activities to the north of URA 15. Therefore, the Council finds that identified impacts caused by urban uses will be rendered compatible with nearby agricultural activities due to the buffering and transportation improvements discussed above.

#### 3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to consider whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) URAs 14 and 15 are compatible with the adjacent rural residential uses because urbanization will not compromise services in the area. Traffic impacts will be minimal and will not affect the presently acceptable level of service. URAs 14 and 15 are compatible with the nearby agricultural uses because they are buffered by Rock Creek, the Clackamas River and Monner Creek.

(3) The ESEE consequences resulting from urban use at URA 14 and 15 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing these two URAs are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since these URAs are primarily composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, these two URAs provide the benefits of compact urban form and 2040 housing densities.

#### 3.01.020(d)

URA 14 is completely bordered by the UGB and urban uses to the west and the south, so the requirement does not apply. URA 15 is adjacent to urban areas to the southwest. East

of URA 15 is another URA which will eventually be included in the UGB and urbanized. The topography east of URA 14 contains slopes over 25 percent, terrain that will provide a transition between this area and Happy Valley. Additionally, higher density development will be concentrated along the corridors, with lower density development at the edges and in the foothills of the steeper slopes. The Council finds that adding URAs 14 and 15 to the UGB will result in a clear transition between rural and urban lands.

#### 3.01.020(e)

The applicable Statewide Planning Goals are 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above. No other applicable goals were identified in the record.

#### 3.01.020(f)

URAs 14 and 15 are consistent with the 2040 Growth Concept because the above findings show that development in these areas will be consistent with Region 2040 policies and the design type of inner neighborhoods is feasible.

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(12/02/98)

**APPENDIX A -- FINDINGS FOR AMENDMENT OF URBAN RESERVE AREA 15****Introduction**

The portion of the Hoffman and Eraker properties in question comprises approximately 39 acres lying south of Monner Creek, and consists entirely of exception lands located in the FF-10 and RRFF-5 zones. These zoning districts are designated as rural residential zones by Clackamas County.

The Hoffman and Eraker properties, totalling 54 acres, were originally studied as part of URSA 15, and were deleted toward the very end of the study process because of concerns about Monner Creek and the portion of these properties lying to the north of the creek. The area added to Urban Reserve Area 15 herein resolves these concerns by omitting Monner Creek, the area within the Monner Creek Title 3 Water Quality Area boundary, and the remaining portion of these properties lying north of the creek.

As the Hoffman and Eraker properties were similarly situated with the other properties ultimately included in URA 15 at the time URSA 15 was rated, the Council finds that they are similarly situated for the purpose of this amendment, and the findings originally made by the Council with respect to URSA 15 are applicable here.

**A. Public Facilities and Services.**

The URSA Reanalysis assigns Site 15 a rating of 5 for utility feasibility, 3 for road network, 2 for traffic congestion, and 4 for schools. (See pages 4009-4014 of the Council Minutes for Ordinance No. 96-655E ("URSA Ord."), attached

hereto as Exhibit 1. In particular, see pages 4013-14, which set out the URSA Reanalysis.)

The Hoffman and Eraker properties are served by all urban services other than sanitary sewer, which is readily accessible. (See letter of Kenneth Hoffman, URSA Ord. Ex. 012596-23, Council Minutes 7562-64, a copy of which is attached hereto as Exhibit 2.) They lie within one quarter mile of mass transportation. (Id.)

The Council finds that Clackamas County is presently undertaking a funded urban reserve planning process for URA 15 and the additional properties in question here, which is expected to result in further enhancements to both utility feasibility and the road network, and to help reduce traffic congestion. With respect to the issues of roads and traffic congestion, improvements to SE 147th Avenue are expected to be especially beneficial.

**B. Maximum Efficiency of Land Uses.**

As set out in Exhibit 1, URSA 15 received high scores of 5 and 6 for efficiency factor and buildable land, respectively. The addition to URA 15 of approximately 39 acres rather than the total 54 acres comprising the properties in question eliminates a steep, unbuildable area to the north, and the Monner Creek Title 3 Water Quality Area boundary. The result is enhanced development efficiency, and the inclusion of a high proportion of buildable land. We find that the area added by this amendment serves to meet the need for housing units to serve the 20-year

urban growth boundary.

**C. Economic, Social, Environmental and Energy Consequences.**

As shown in Exhibit 1, the relevant ratings are 6 for environmental constraints, 8 for access to centers, 0 for "jobs rich," and 3 for "housing rich." Again, the exclusion of the northerly acreage described above will limit the environmental constraints on the property included in this amendment.

Clackamas County's urban reserve planning is expected to enhance access to centers for the reasons set out above, and to provide an improvement of the jobs/housing balance.

**D. Agricultural Retention and Agricultural Compatibility.**

The relevant assigned agricultural retention rating is 7; the agricultural compatibility rating is also 7. The Council finds that the properties in question here are entirely exception lands located in the FF-10 and RRFF-5 zones. The Council also finds that, based upon the location of the properties in question and the additional buffering created by deletion of the northerly portion, there is no likelihood of interference with agricultural uses on adjoining parcels.

**Conclusion**

Based upon the evidence described above, the above findings, and the high "suitability for urbanization" score of 56 set out in Exhibit 1, the Council finds that the area described in this amendment meets the criteria for inclusion in URA 15.

# Qualifying URSAs

Qualifying Score =

33

Site #	Acres	Resource	Buildable	Capacity		Score
		Acres	Acres	HH	EMP	
1	535	163	257	2,361	1,744	46.5
2	418	121	241	2,412	983	54.0
3						26.0
4	124	0	30	325	121	57.0
5	1,371	48	759	8,148	7,344	64.5
6	1,797	221	1,158	11,750	8,875	58.0
7	413	1	249	2,522	1,584	61.0
8	429	0	274	2,910	6,182	60.0
9	436	3	275	2,487	2,291	56.0
10	134	0	82	824	338	53.0
11	436	49	296	3,271	1,802	59.0
12	195	0	45	454	186	38.0
13	67	0	31	305	125	46.0
14	233	0	154	1,791	924	60.0
15	347	0	200	1,999	819	54.5
16	15	0	2	16	7	44.0
17	153	0	105	1,108	431	65.5
18	128	7	91	938	374	60.0
19	9	0	6	58	24	62.5
20	160	3	106	783	308	70.5
21	12	10	6	7	1	38.5
22	322	0	222	2,219	910	63.5
23	23	0	16	160	65	57.0
24	212	0	140	1,401	574	57.0
25	970	0	677	5,777	4,949	62.5
26	1,965	0	1,060	9,569	6,592	46.5
27	19	13	12	120	49	48.5
28	55	51	34	334	137	46.5
29	188	0	120	1,184	484	61.0
30	139	0	78	780	320	57.0
31	736	615	407	4,072	1,669	41.5
32	87	76	57	573	235	55.5
33	338	72	149	1,490	611	53.5
34	756	0	305	2,822	1,738	46.5
35	48	2	31	314	129	41.5
36	33	0	7	72	29	41.5
37	146	0	94	974	386	57.0
38	42	41	30	320	123	38.0
39	13	10	10	105	39	33.5
40	36	12	22	218	90	43.5
41	419	286	240	2,561	985	33.0
42	243	0	164	1,773	673	64.5
43	11	0	6	62	25	58.0
44	162	114	89	430	155	40.5
45	432	0	207	2,073	850	46.5
46	112	6	72	722	296	49.5
47	80	0	47	473	194	54.5
48	218	0	129	1,290	529	46.0
49	555	0	286	2,938	1,170	49.0
50	282	1	177	1,670	680	65.0
51	78	6	39	390	160	53.0
52	103	11	68	683	280	56.5
53						26.5
54	189	142	136	1,425	557	39.5
55	883	475	493	5,150	2,020	37.0
56						26.5
57						24.5
58						28.5

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# Qualifying URSAs

Qualifying Score = 33

Site #	Acres	Resource Acres	Buildable Acres	HH	Capacity	EMP	Score
59	47	47	27	104		461	35.0
60	280	140	136	850		1,842	33.5
61	27	0	16	163		67	61.5
62	255	213	168	1,684		690	48.5
64	191	0	110	1,148		448	59.0
65	449	201	319	3,206		1,306	51.0
66							30.0
67	406	48	109	1,009		410	52.0
68	67	0	20	210		78	60.5
69	14	14	8	82		33	40.5
70	28	28	15	153		63	47.0
71	28	26	17	175		72	45.0
72	23	20	11	112		46	41.5
	19,123	3,298	10,949	107,504		67,717	

Ranking		Urban Reserve Rule Factor 4				Urban Reserve Rule Factor 4		Urban Reserve Rule Factor 6				Urban Reserve Rule Factor 6		Urban Reserve Rule Factor 7	
Site #	Score	Utility Feasibility	Road Network	Transit Congestion	Schools	Efficiency Factor 4	Buildable Land	Environmental Constraints	Access to Centers	Jobs Rich	Housing Balance	Jobs Rich	Housing Rich	Agricultural Factor 7	Agricultural Compatibility
1	46.5	3.0	3.0	3.5	1.5	4.0	3.0	2.0	1.5	0.0	5.0		12.0		8.0
2	54.0	2.0	2.0	3.5	1.0	6.0	6.0	3.0	1.5	0.0	5.0		14.0		10.0
3	26.0	0.0	1.0	3.5	0.5	0.0	0.0	0.0	0.0	0.0	5.0		4.0		12.0
4	57.0	4.0	1.5	1.5	4.0	0.0	0.0	0.5	4.5	0.0	5.0		18.0		18.0
5	64.5	4.5	2.5	1.5	3.5	5.0	5.0	3.0	4.5	0.0	5.0		16.0		14.0
6	58.0	3.5	3.0	1.5	1.0	7.0	7.0	3.5	2.0	0.0	1.5		16.0		12.0
7	61.0	3.5	2.5	1.5	0.5	6.0	6.0	3.5	2.0	0.0	1.5		18.0		16.0
8	60.0	3.0	4.0	1.5	0.5	6.0	7.0	4.0	2.5	0.0	1.5		16.0		14.0
9	56.0	2.0	2.0	1.5	0.5	7.0	7.0	3.5	1.0	0.0	1.5		16.0		14.0
10	53.0	2.5	1.0	1.5	0.5	5.0	7.0	4.0	2.0	0.0	1.5		14.0		12.0
11	59.0	4.0	3.0	1.5	0.5	8.0	8.0	4.0	2.5	0.0	1.5		16.0		14.0
12	38.0	2.5	1.5	1.5	0.5	0.0	0.0	0.0	0.5	0.0	1.5		16.0		10.0
13	46.0	2.0	5.0	1.5	0.5	3.0	3.0	1.5	2.0	0.0	1.5		16.0		12.0
14	60.0	3.5	2.0	1.0	2.0	8.0	8.0	3.5	2.5	0.0	1.5		16.0		12.0
15	54.5	2.5	1.5	1.0	2.0	5.0	6.0	3.0	4.0	0.0	1.5		14.0		18.0
16	44.0	0.0	1.0	1.0	2.0	0.0	0.0	0.0	4.5	0.0	1.5		16.0		14.0
17	65.5	3.0	3.5	2.0	3.0	8.0	8.0	4.0	4.5	0.0	1.5		14.0		12.0
18	60.0	2.0	3.0	2.0	1.0	9.0	9.0	4.0	2.5	0.0	1.5		14.0		12.0
19	62.5	2.0	1.5	2.0	4.0	6.0	7.0	4.0	4.5	0.0	1.5		12.0		18.0
20	70.5	4.0	5.0	2.0	4.5	8.0	8.0	3.5	4.0	0.0	1.5		16.0		10.0
21	38.5	1.0	2.5	2.0	5.0	3.0	4.0	2.5	5.0	0.0	1.5		2.0		14.0
22	63.5	3.5	2.5	2.0	4.0	8.0	8.0	4.0	2.0	0.0	1.5		14.0		12.0
23	57.0	2.0	1.5	2.0	5.0	8.0	9.0	4.0	1.5	0.0	1.5		12.0		14.0
24	57.0	3.5	1.0	2.0	4.5	7.0	8.0	4.0	0.5	0.0	1.5		16.0		14.0
25	62.5	3.5	3.0	0.5	3.5	8.0	8.0	4.0	0.5	0.0	1.5		14.0		12.0
26	46.5	3.0	2.0	0.5	1.5	4.0	5.0	3.0	0.0	0.0	1.5		16.0		10.0
27	48.5	2.0	1.0	0.5	4.5	7.0	7.0	4.0	3.0	0.0	1.5		14.0		12.0
28	46.5	4.0	3.5	0.5	3.0	6.0	7.0	4.0	3.0	0.0	1.5		2.0		12.0
29	61.0	4.0	2.0	0.5	2.0	6.0	7.0	4.0	2.0	0.0	1.5		16.0		16.0
30	57.0	1.5	1.5	3.5	3.0	5.0	5.0	3.0	5.0	0.0	1.5		14.0		14.0
31	41.5	2.5	2.5	4.5	3.0	5.0	5.0	3.0	2.5	1.5	0.0		6.0		6.0
32	55.5	2.0	2.5	4.5	4.0	7.0	8.0	3.5	4.5	1.5	0.0		8.0		10.0
33	53.5	3.0	4.0	4.5	4.5	2.0	2.0	1.5	2.5	1.5	0.0		14.0		14.0
34	46.5	3.0	4.0	4.5	4.5	2.0	1.0	1.0	3.0	1.5	0.0		14.0		8.0
35	41.5	0.0	3.5	1.5	1.0	8.0	8.0	4.0	2.0	1.5	0.0		6.0		6.0
36	41.5	2.0	1.0	1.5	3.0	0.0	0.0	0.0	0.5	1.5	0.0		16.0		16.0
37	57.0	3.5	2.0	1.5	4.5	7.0	8.0	3.5	1.5	1.5	0.0		14.0		14.0
38	38.0	2.0	2.0	1.5	4.5	0.0	0.0	0.0	1.5	1.5	0.0		14.0		14.0

Ranking		Urban Reserve Rule Factor 3				Urban Reserve Rule Factor 4		Urban Reserve Rule Factor 5				Urban Reserve Rule Factor 6	Urban Reserve Rule Factor 7
Site #	Score	Land Feasibility	Road Network	Transit Congestion	Schools	Efficiency Factor	Buildable Land	Environmental Constraints	Access to Centers	Job Rich	Housing Rich	Agriculture Retention Factor	Agriculture Compatibility
39	33.5	0.0	1.0	1.5	5.0	9.0	9.0	4.0	0.5	1.5	0.0	0.0	2.0
40	43.5	0.0	1.5	1.5	2.0	7.0	7.0	3.0	0.0	1.5	0.0	10.0	10.0
41	33.0	2.5	3.0	1.5	2.0	6.0	6.0	2.5	0.0	1.5	0.0	4.0	4.0
42	64.5	2.5	3.5	1.5	2.5	8.0	8.0	3.5	1.5	1.5	0.0	16.0	16.0
43	58.0	0.0	1.0	2.0	4.5	7.0	6.0	2.5	1.5	1.5	0.0	14.0	14.0
44	40.5	3.5	1.0	2.0	2.0	8.0	7.0	3.0	0.5	1.5	0.0	6.0	6.0
45	46.5	3.5	4.0	2.0	3.0	3.0	3.0	2.0	0.5	1.5	0.0	14.0	14.0
46	49.5	2.5	3.5	2.0	2.0	7.0	7.0	3.5	0.5	1.5	0.0	12.0	12.0
47	54.5	3.5	1.0	1.5	3.5	6.0	6.0	3.0	4.5	1.5	0.0	12.0	12.0
48	46.0	3.0	1.0	1.5	0.5	6.0	6.0	3.0	1.5	1.5	0.0	14.0	14.0
49	49.0	3.5	3.0	1.5	1.0	4.0	4.0	2.5	4.0	1.5	0.0	18.0	18.0
50	65.0	3.5	1.5	1.5	1.5	6.0	7.0	4.0	2.5	1.5	0.0	14.0	14.0
51	53.0	3.5	5.0	2.0	2.5	4.0	3.0	2.0	4.5	4.5	0.0	10.0	10.0
52	56.5	4.0	3.0	2.0	4.0	7.0	8.0	4.0	4.0	4.5	0.0	4.0	4.0
53	26.5	4.0	1.0	2.0	1.0	6.0	5.0	2.0	1.0	4.5	0.0	0.0	0.0
54	39.5	4.0	1.5	2.0	3.0	9.0	9.0	4.0	2.5	4.5	0.0	2.0	2.0
55	37.0	4.0	1.5	2.0	4.0	6.0	5.0	2.5	3.5	4.5	0.0	0.0	0.0
56	26.5	3.5	1.0	5.0	1.5	5.0	3.0	1.5	1.5	4.5	0.0	0.0	0.0
57	24.5	3.0	2.0	5.0	4.5	1.0	0.0	0.0	0.5	4.5	0.0	2.0	2.0
58	28.5	4.0	1.0	5.0	2.0	6.0	4.0	1.5	0.5	4.5	0.0	0.0	0.0
59	35.0	3.5	1.0	5.0	3.0	6.0	5.0	2.5	2.5	4.5	0.0	0.0	0.0
60	33.5	4.0	2.0	5.0	1.5	4.0	3.0	1.5	2.0	4.5	0.0	4.0	4.0
61	61.5	2.5	1.5	5.0	3.0	7.0	6.0	3.0	5.0	4.5	0.0	12.0	12.0
62	48.5	3.5	2.5	5.0	1.0	8.0	8.0	3.5	4.5	4.5	0.0	4.0	4.0
64	59.0	3.5	4.0	5.0	3.5	5.0	5.0	3.5	4.0	1.5	0.0	14.0	14.0
65	51.0	4.0	2.5	3.0	2.5	7.0	6.0	3.0	3.5	1.5	0.0	10.0	10.0
66	30.0	2.5	1.5	3.0	0.5	4.0	2.0	1.0	4.0	1.5	0.0	4.0	4.0
67	52.0	3.0	1.5	3.0	2.5	0.0	0.0	0.5	4.0	1.5	0.0	18.0	18.0
68	60.5	3.5	4.5	3.0	3.0	0.0	0.0	0.5	4.5	1.5	0.0	20.0	20.0
69	40.5	1.0	1.0	1.0	0.5	5.0	6.0	3.0	3.5	1.5	0.0	4.0	4.0
70	47.0	1.0	1.5	1.0	0.5	5.0	5.0	2.5	3.0	1.5	0.0	12.0	12.0
71	45.0	1.0	2.5	1.0	0.5	7.0	7.0	3.5	3.0	1.5	0.0	6.0	6.0
72	41.5	0.5	5.0	1.0	0.5	3.0	3.0	2.0	3.0	1.5	0.0	6.0	6.0

# Urban Reserve Ratings

Note: The higher the rating, the higher the suitability for urbanization.

Note: The higher the rating, the higher the suitability for urbanization.						Urban Reserve Rule - Factor 3 <sup>1</sup>				Urban Reserve Rule - Factor 4 <sup>2</sup>		Urban Reserve Rule - Factor 5 <sup>3</sup>				Urban Reserve Rule-Factor 6 <sup>4</sup>	Urban Reserve Rule-Factor 7 <sup>5</sup>
Site #	Acres	Resource Acres <sup>6</sup>	Buildable Acres <sup>7</sup>	Capacity <sup>8</sup>		Utility Feasibility <sup>9</sup>	Road Network <sup>10</sup>	Traffic Congestion <sup>11</sup>	Schools <sup>12</sup>	Efficiency Factor <sup>13</sup>	Buildable Land <sup>14</sup>	Environmental Constraints <sup>15</sup>	Access to Centers <sup>16</sup>	Jobs/Housing Balance <sup>17</sup>		Agric. Retention Factor <sup>18</sup>	Agricultural Compatibility <sup>19</sup>
				DU	EMP									Jobs Rich	Housing Rich		
1	534.8	162.7	257	2,361	1,744	6	6	7	3	4	3	4	3	0	10	6	4
2	417.7	121.1	241	2,412	983	4	4	7	2	6	6	6	3	0	10	7	5
3	8.0	7.7	1	6	2	0	2	7	1	0	0	0	0	0	10	2	6
4	123.9	0.0	30	325	121	8	3	3	8	0	0	1	9	0	10	9	9
5	1,371.4	48.5	759	8,148	7,344	9	5	3	7	5	5	6	9	0	10	8	7
6	1,797.2	221.5	1,158	11,750	8,875	7	6	3	2	7	7	7	4	0	3	8	6
7	412.7	0.6	249	2,522	1,584	7	5	3	1	6	6	7	4	0	3	9	8
8	429.0	0.1	274	2,910	6,182	6	8	3	1	6	7	8	5	0	3	8	7
9	435.5	3.1	275	2,487	2,291	4	4	3	1	7	7	7	2	0	3	8	6
10	134.5	0.0	82	824	338	5	2	3	1	5	7	8	4	0	3	7	7
11	435.5	48.8	296	3,271	1,802	8	6	3	1	8	8	8	5	0	3	8	6
12	194.9	0.0	45	454	186	5	3	3	1	0	0	0	1	0	3	7	6
13	66.5	0.0	31	305	125	4	10	3	1	3	3	3	4	0	3	8	7
14	233.2	0.0	154	1,791	924	7	4	2	4	8	8	7	5	0	3	8	5
15	347.3	0.0	200	1,999	819	5	3	2	4	5	6	6	8	0	3	7	6
16	15.2	0.0	2	16	7	0	2	2	4	0	0	0	9	0	3	8	9
17	153.5	0.0	105	1,108	431	6	7	4	6	8	8	8	9	0	3	7	7
18	128.1	7.0	91	938	374	4	6	4	2	9	9	8	5	0	3	7	6
19	9.3	0.0	6	58	24	4	3	4	8	6	7	8	9	0	3	6	9
20	159.6	3.0	106	783	308	8	10	4	9	8	8	7	8	0	3	8	7
21	11.7	10.1	6	7	1	2	5	4	10	3	4	5	10	0	3	1	5
22	322.4	0.0	222	2,219	910	7	5	4	8	8	8	8	4	0	3	7	7
23	22.7	0.0	16	160	65	4	3	4	10	8	9	8	4	0	3	5	6
24	212.5	0.0	140	1,401	574	7	2	4	9	7	8	8	3	0	3	6	7
25	969.9	0.0	677	5,777	4,949	7	6	1	7	8	8	8	1	0	3	8	6
26	1,964.7	0.2	1,060	9,569	6,592	6	4	1	3	4	5	6	0	0	3	7	6
27	18.8	13.0	12	120	49	4	2	1	9	7	7	8	6	0	3	2	7
28	55.1	50.7	34	334	137	8	7	1	6	6	7	8	6	0	3	1	6
29	188.0	0.0	120	1,184	484	8	4	1	4	6	7	8	4	0	3	8	8
30	138.7	0.0	78	780	320	3	3	7	6	5	5	6	10	0	3	7	7
31	735.6	615.1	407	4,072	1,669	5	5	9	6	5	5	6	5	3	0	3	3
32	87.4	76.0	57	573	235	4	5	9	8	7	8	7	9	3	0	4	5
33	338.4	71.6	149	1,490	611	6	8	9	9	2	2	3	5	3	0	7	7
34	756.5	0.3	305	2,822	1,738	6	8	9	9	2	1	2	6	3	0	7	4
35	48.1	1.6	31	314	129	0	7	3	2	8	8	8	4	3	0	3	3
36	33.2	0.0	7	72	29	4	2	3	6	0	0	0	1	3	0	8	5
37	145.5	0.0	94	974	386	7	4	3	9	7	8	7	3	3	0	7	1
38	41.7	41.2	30	320	123	4	4	3	9	9	9	8	1	3	0	1	1
39	13.2	10.4	10	105	39	0	2	3	10	9	9	8	1	3	0	0	1

### Urban Reserve Ratings

Note: The higher the rating, the higher the suitability for urbanization.						Urban Reserve Rule Factor 3 <sup>1</sup>				Urban Reserve Rule Factor 4 <sup>2</sup>		Urban Reserve Rule Factor 5 <sup>3</sup>				Urban Reserve Rule-Factor 6 <sup>4</sup>	Urban Reserve Rule-Factor 7 <sup>5</sup>
Site #	Acres	Resource Acres <sup>6</sup>	Buildable Acres <sup>7</sup>	Capacity <sup>8</sup>		Utility Feasibility <sup>9</sup>	Road Network <sup>10</sup>	Traffic Congestion <sup>11</sup>	Schools <sup>12</sup>	Efficiency Factor <sup>13</sup>	Buildable Land <sup>14</sup>	Environmental Constraints <sup>15</sup>	Access to Centers <sup>16</sup>	Jobs/Housing Balance <sup>17</sup>		Agric. Retention Factor <sup>18</sup>	Agricultural Compatibility <sup>19</sup>
				DU	EMP									Jobs Rich	Housing Rich		
40	35.5	11.9	22	218	90	0	3	3	4	7	7	6	0	3	0	5	5
41	418.8	285.5	240	2,561	985	5	6	3	4	6	6	5	0	3	0	2	2
42	243.2	0.0	164	1,773	673	5	7	3	5	8	8	7	3	3	0	8	8
43	10.7	0.0	6	62	25	0	2	4	9	7	6	5	3	3	0	7	9
44	162.2	113.8	89	430	155	7	2	4	4	8	7	6	1	3	0	3	3
45	432.4	0.0	207	2,073	850	7	8	4	6	3	3	4	1	3	0	7	5
46	111.6	6.2	72	722	296	5	7	4	4	7	7	7	1	3	0	6	4
47	80.5	0.0	47	473	194	7	2	3	7	6	6	6	9	3	0	6	6
48	218.4	0.0	129	1,290	529	6	2	3	1	6	6	6	3	3	0	6	5
49	555.5	0.0	286	2,938	1,170	7	6	3	2	4	4	5	8	3	0	7	5
50	281.8	0.9	177	1,670	680	7	3	3	3	6	7	8	5	3	0	9	9
51	78.0	6.2	39	390	160	7	10	4	5	4	3	4	9	9	0	7	4
52	102.8	11.2	68	683	280	8	6	4	8	7	8	8	8	9	0	5	3
53	204.2	183.0	114	1,136	466	8	2	4	2	6	5	4	2	9	0	0	0
54	189.1	142.4	136	1,425	557	8	3	4	6	9	9	8	5	9	0	0	0
55	882.8	475.4	493	5,150	2,020	8	3	4	8	6	5	5	7	9	0	1	1
56	48.2	48.3	23	231	95	7	2	10	3	5	3	3	3	9	0	0	0
57	77.1	64.1	23	229	94	6	4	10	9	1	0	0	1	9	0	1	1
58	526.8	513.7	274	1,242	4,392	8	2	10	4	6	4	3	1	9	0	0	0
59	46.7	46.9	27	104	461	7	2	10	6	6	5	5	5	9	0	0	1
60	279.8	140.5	136	850	1,842	8	4	10	3	4	3	3	4	9	0	2	1
61	27.2	0.0	16	163	67	5	3	10	6	7	6	6	10	9	0	6	6
62	255.0	212.9	168	1,684	690	7	5	10	2	8	8	7	9	9	0	2	2
64	191.4	0.0	110	1,148	448	7	8	10	7	5	5	7	8	3	0	7	5
65	448.9	200.8	319	3,206	1,306	8	5	6	5	7	6	6	7	3	0	5	4
66	62.1	61.4	27	273	112	5	3	6	1	4	2	2	8	3	0	2	3
67	406.0	48.2	109	1,009	410	6	3	6	5	0	0	1	8	3	0	9	9
68	67.5	0.0	20	210	78	7	9	6	6	0	0	1	9	3	0	10	10
69	14.2	14.4	8	82	33	2	2	2	1	5	6	6	7	3	0	2	7
70	28.4	28.3	15	153	63	2	3	2	1	5	5	5	6	3	0	6	7
71	27.5	25.7	17	175	72	2	5	2	1	7	7	7	6	3	0	3	6
72	23.3	20.3	11	112	46	1	10	2	1	3	3	4	6	3	0	3	8
TOTAL	20,049	4,176	11,410	110,622	72,845												

January 29, 1996

66

Ken Hoffman  
12401 SE 162nd  
Clackamas, Oregon 97015  
(503) 658-5212 (H)  
(503) 655-1711 (W)

John Fregonese  
Director: Growth Management Services  
6000 NE Grand Avenue  
Portland, Oregon 97232

Re: Inclusion in the proposed Urban Study Area (Map #77). The properties from Sunnyside Road, North to Monner Road and from 147th to 162nd Avenue.

Dear Mr. Fregonese,

I apologize for writing this letter at such a late date. However, it has just been brought to my attention that the Urban Study Area has a hole in the center which leapfrogs over these very important pieces of property.

This parcel of ground is a major key to the transportation system which is rapidly changing in the area around the Sunnyside Village. As you are aware, the Sunnyside Village has been awarded 1.5 million federal dollars, for a Transportation Hub, and centers on the 10 acres of commercial property at the bottom of 147th & Sunnyside Road. For this commercial center to be successful and for the mass transportation system to work, it will need to tie together with the single family areas in Happy Valley.

Happy Valley is a bowl with very poor ingress and egress. The numbers and conditions of the roads in and out are very poor with today's population. There are close to 1000 new lots in Happy Valley coming on line in the next 24 months. All the property to the South of Happy Valley is too steep; grades of 10%-20%. Along the South property line of my property, the slope is approximately 5%. The study area must have these properties incorporated into it, to insure that future transportation needs have the flexibility to use the most level routes possible.

These properties are currently served with all urban services with the exception of sanitary sewer. Sanitary sewers could be made available to this area

EXHIBIT 2

faster and cheaper than almost any of the other areas in which you are now including as a part of the study area.

I serve on the North Clackamas County Sewer Facilities Task Force, and for any annexation to the current Urban Growth Boundary, it will be necessary to construct a new treatment plant or enlarge the current Kellogg Plant, and new or enlarged trunk lines. However a holding tank could be used and allow flow to run during the middle of the night when the trunk lines are now idle.

All other urban services like the shopping center and mass transportation are within a 1/4 mile. Services such as water, cable TV, gas, power, etc. are all at the properties now. It would be a shame to waste these urban services on land with 1 home per 10 acres. Mark Turpel has stated for this reason there would be no islands. It is like the farm land inside the Urban Growth Boundary which has all services running by and they still farm on tax deferrals.

I do realize that this is not an annexation to the Urban Growth Boundary, but only a study area. However, excluding it will not give any flexibility in the future if a time comes when it may be needed. I do not know what classifications, if any, are now a part of this study area or if there is an open space designation inside the study area. If so this may be a solution even though the properties are much more level than site 77 which will be high density.

Clackamas County I know has urgent need of the site 77. Without it the entire Sunnyside Village will be in jeopardy and will probably fail. I know of little or no opposition to site 77 and I do not know anyone who would be in opposition to these properties being included in the study area.

I am active in the area. I am on the North Clackamas Sewer Facilities Task Force and the Clackamas County Transportation Advisory Committee to the County Board of Commissioners (this committee has never had a presentation of this study area from Metro). I am on the board of the North Clackamas Education Foundation, with Clackamas Rotary and running my business. Therefore it is very difficult to be involved with everything, but this is very important. I have also been a life long resident, and a Realtor in North Clackamas for over 27 years and helped form the Sunnyside 205 Corridor Association. I believe very few people understand this area like I do. I would very much like to be a part of this process.

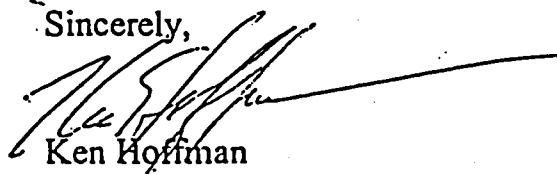
In summary, these parcels of land which are from Sunnyside Road North to Monner Road and from 147th to 162nd Avenues must be included in the study area because; it is the most level way to get from The Sunnyside Village to Happy Valley, it has all urban services or can be easily obtained, it has mass

transportation and major shopping within 1/4 mile and by including, does not mean it will be developed but it allows the flexibility to a highly developing, high density area.

Lastly, this area is not suitable to farming nor does it have any marketable timber because most of the firs were blown down or have already been harvested.

Thank you for your consideration, please call me at your earliest convenience.

Sincerely,



Ken Hoffman

cc: Mike Burton  
Ruth McFarland  
Don Morissette  
John Kvistad  
Susan McLain  
Ed Washington  
Rod Monroe  
Patricia McCaig  
Norm Scott  
Ron Weinman

Encl.: Map of subject area





## METRO

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager  
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner  
Growth Management Services Department *MB*

Re: ***Exception Lands Not Considered as Alternative Sites for Urban Growth  
Boundary Expansion***

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category  
Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.
21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through



rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.

38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.

39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.

☐ Urban Reserves

1" = 30 miles

**METRO**

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## Appendix C

## – Additional Site Considerations

Urban  
Reserve

## Reasons for No Further Consideration at This Time

- 
- URA #1 No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #3 Site added to the Metro UGB through locational adjustment in Fall 1998.
- URA #11 No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #17 Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #18 Same as URA #17.
- URA #19 Same as URA #17.



- URA #22 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23 Same as URA #17.
- URA #24 Same as URA #22.
- URA #25 Same as URA #22.
- URA #29 Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30 Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35 No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #68      The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #69      The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #70      The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

*Agenda Item Number 9.4*

**Ordinance No. 98-781D, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.**

***Second Reading***

Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO 98-781 <u>ED</u>
THE METRO URBAN GROWTH	)	
BOUNDARY AND THE 2040 GROWTH	)	Introduced by Councilors Kvistad, Monroe,
CONCEPT MAP IN ORDINANCE 95-	)	McLain, Morissette, McFarland, Washington,
625A IN THE PLEASANT VALLEY	)	and the Growth Management Committee
AREA OF CLACKAMAS COUNTY	)	

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including these urban reserve areas URAs 4 and 5; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for these urban reserve areas 4 and 5, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of

Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the Growth Management Committee voted to add about 27.3 acres to URA 5 into consideration in this Ordinance at its November 3, 1998 meeting to allow Portland sewer service to an area with failing septic systems; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Urban Reserve Area (URA) 5 is hereby amended to designate approximately 27.3 acres south of the UGB at SE 155th Street shown on Exhibit B as part of URA 5 based on the Findings and Conclusions in Exhibit C, Appendix C.

2 Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.

3. The Metro Urban Growth Boundary is hereby amended to add urban reserve areas 4 and 5 as amended, and as shown on the map in Exhibit B, attached, and incorporated by reference herein.

4. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

5. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

6. In support of Findings and Conclusions adopted in Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing, the December 3, 1998 final hearing and final adoption of this ordinance.

7. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A. This includes provision for the town center indicated on the acknowledged 2040 Growth Concept map with some land planned and zoned for employment, including commercial services for the town center.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, a stormwater management plan shall address means of assuring that the speed, temperature, sedimentation and chemical composition of stormwater runoff meets state and federal water quality standards as development occurs. This plan shall address on-site stormwater detention plan requirements.

D. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, the city shall consider adoption of a requirement that the quantity of stormwater runoff after urban development of each development site is no greater than the stormwater runoff before development.

E. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, the city shall adopt Urban Growth Management Functional Plan requirements for revegetation and Title 3 building setbacks from streams and wetlands and address federal requirements adopted pursuant to the Endangered Species Act.

8. Consistent with ORS 268.390(3) and ORS 195.025(1), Clackamas County and Multnomah County and the cities of Happy Valley, Portland and Gresham shall include the area

/////



added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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(12/10/98)



**DRAFT 2040 Design Types**  
 Urban Growth Boundary  
 Legislative Amendment  
 Index number 2

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Area
- Industrial Area
- Corridors
- Main Streets
- Proposed Regional Throughways
- Potential Regional Throughways
- Green Corridors
- Planned & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential IRT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Exclusive Farm Use
- Recreation Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- Urban Growth Boundary
- Urban Reserve Boundaries
- Areas added to Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks

**DRAFT**

Scale: In Feet  
 0 600 1200 1800 2400

METRO

Location map

# Ordinance #98-781D

## Urban Reserve #4

First Tier  
Within Metro Boundary

□ Area Considered by Council  
 ■ First Tier Urban Reserve

**N** Urban Growth Boundary

Exhibit B 1 of 2

The information on the map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or partial accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Scale: 1" = 1000'  
 0 500 1000 1500

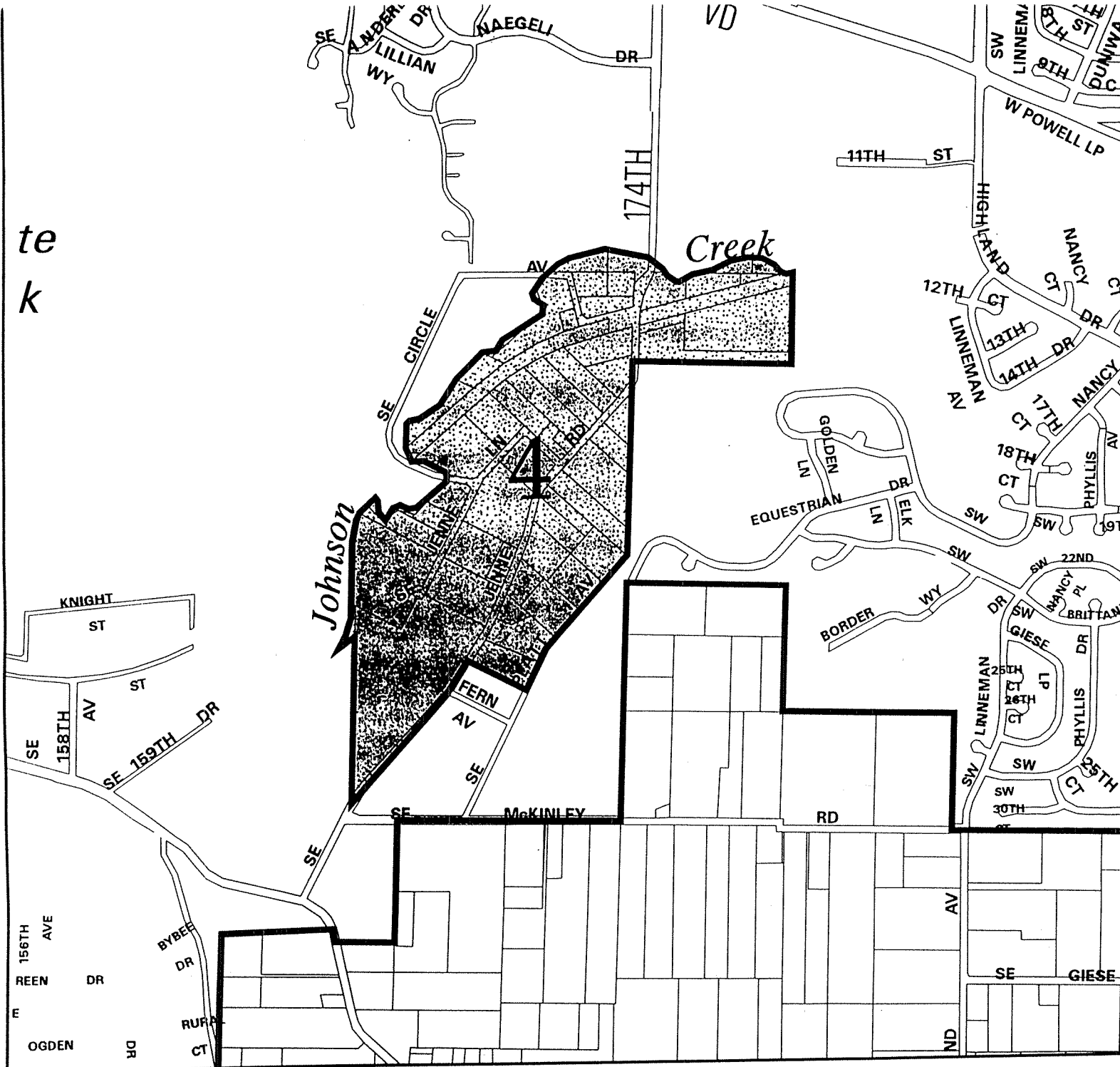


METRO

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[proj2/ura/urord.aml, plot date: December 04, 1998]


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# Ordinance #98-781D

## Urban Reserve #5

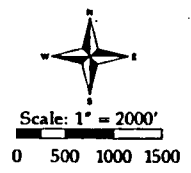
First Tier  
Within Metro Boundary

 Area Considered by Council

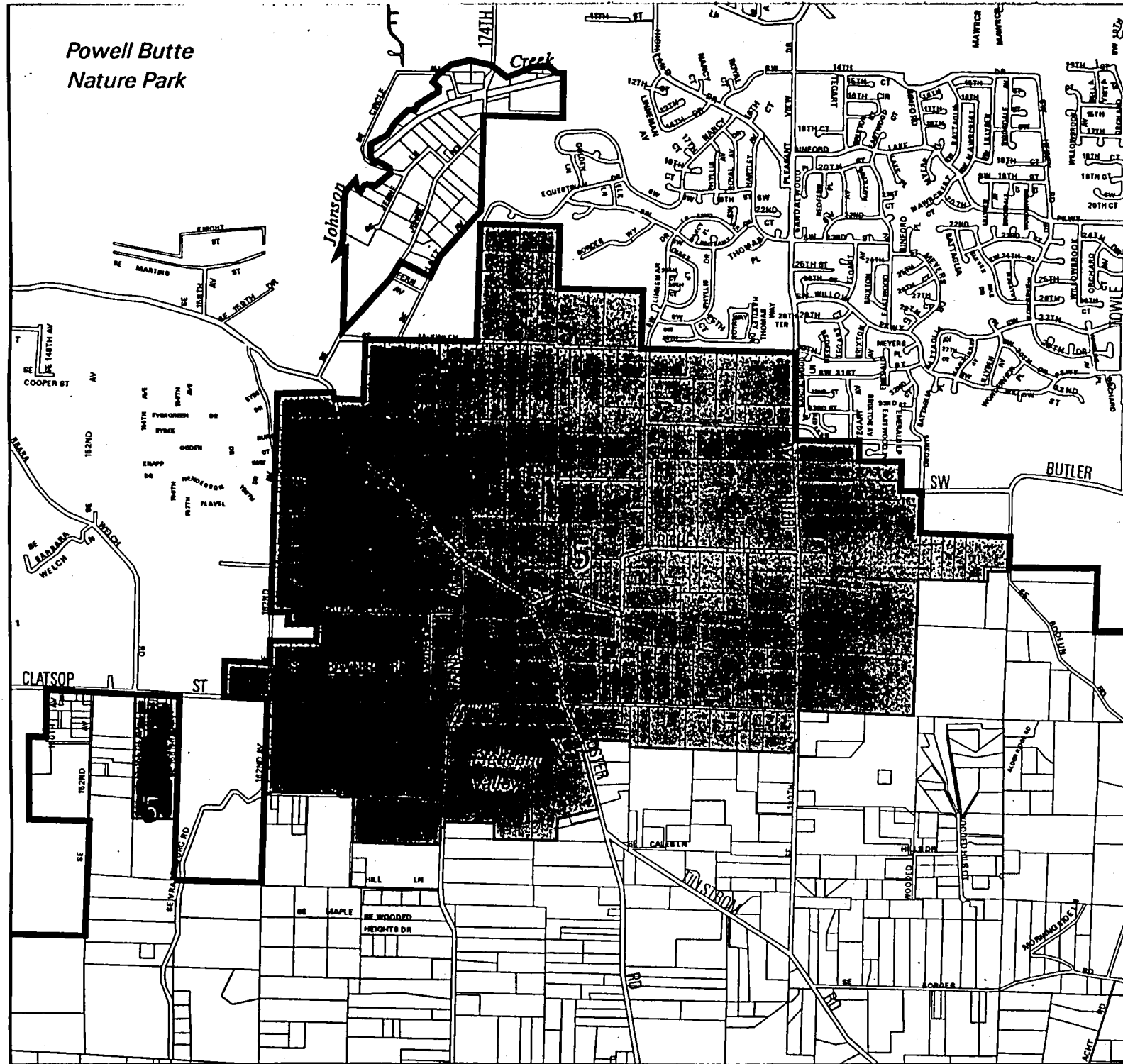
 First Tier Urban Reserve

 Urban Growth Boundary

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## ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-781D (URA 4 and 5)

## 3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), below, there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with a proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

Under these circumstances, this provision of the Metro Code provides that the Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan. Documentation must be provided to support its commitment to complete a conceptual plan for the urban reserve area. URAs 4 and 5 are first tier land.

For URAs 4 and 5, the Cities of Portland and Gresham have provided the Metro Council with letters stating that they have committed to complete a conceptual plan. The cities' letters of November 16, 1998, and November 24, 1998, respectively provide a work program, timeline for completion and funding for the planning. The November 24, 1998 staff report identifies information about grants to shorten the planning timeframes in those commitment letters. With these grants, the Council accepts this demonstration of commitment and finds that 3.01.015(e) is satisfied.

As part of Ordinance 98-781B, the Council amends URA 5 to add land to that urban reserve which state agencies have identified as an area of failing septic systems that can be served by Portland sewer. See Appendix C, attached.

## 3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14.

## 3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

### 3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3 regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of

two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.

Metro Staff have a completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory "along with all other appropriate data" to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217,430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32,370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro's Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro's jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse



impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Exhibit A of the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion." This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

The numerical Summary of Staff Report Conclusion attempt to quantify ratings on Goal 14 factors is not accepted by the Metro Council. Relative ratings among land providing the needed 28,700 dwelling units is not necessary. From the testimony it is clear that these ratings are not accurate beyond the detailed ratings completed for the Productivity Analysis. Therefore, the Metro Council complied with ORS 197.299(2)(a) by completing half of the needed UGB amendments in 1998 from urban reserve areas that demonstrated feasibility for development consistent with Metro's acknowledged 2040 Growth Concept. This accomplishes the early UGB amendment purpose of ORS 197.299(2)(a) by assuring that lands among those eligible under Goals 2 and 14 are brought in first which are the furthest along in the planning process. Lands among those eligible under Goals 2 and 14 which are added to the UGB in 1999 are likely to be planned and available for development later in the 20-year UGB period.

### 3.01.020(b)(1)(E)

Section 3.01.012(e) of the Metro Code requires an urban reserve conceptual plan. Consistent with section 3.01.015(e), for first tier urban reserves, a commitment from the a city or county to complete a conceptual plan prior to implementing urban zoning is sufficient to satisfy this requirement provided that the city or county: 1) documents its commitment to complete the plan, 2) and adopts a work program, timeline for completion and identifies funding for completing the plan. Other urban reserves must provide a completed conceptual plan for review prior to or at the time of UGB amendment. URAs 4 and 5 are first tier urban reserves with such commitments. See 3.01.015(e) above.

### 3.01.020(b)(1)(F)

The Council adopts and incorporates by this reference its findings for Metro Code section 3.01.020(b)(1)(C).

This code provision requires that the need identified in the Regional Forecast cannot reasonably be met within the existing UGB. The analysis in the UGR and the updates in the UGRA demonstrate that Metro meticulously reviewed its buildable land inventory, vacant lands and infill and redevelopment rates to identify lands inside the UGB which are suitable for increasing the capacity of the existing UGB. The UGBAN summarizes these efforts. First, Metro considered all net developable land, regardless of parcelization or ownership in calculating existing UGB capacity. All 2040 Growth Concept design plan categories were considered in the UGR and UGRA. Second, an aggressive redevelopment and infill rate of 28.5 percent was initially used in the UGR. Actual data from 1995-1996 refined this estimated rate. Matching the actual rate identified in new data from 1995-1996 in the UGRA, combined with other factors did not significantly change the range of total housing units needed.

Metro's Functional Plan requires the 24 cities and three counties in Metro's jurisdiction to increase densities to more efficiently use residential land. After local governments amend their comprehensive plans and implementing ordinances in February, 1999, development in residentially designated lands must occur at 80 percent of zoned density which will maximize the use of newly developed or redeveloped parcels. The effect of the Functional Plan requirements

will be reviewed in 1999 after local governments amend their comprehensive plans to comply with Functional Plan requirements or seek exceptions. At that time, trends in residential densities can be assessed to help refine the estimated amount of land needed to provide a 20-year supply of land in the region within the range identified in the UGBAN. That approach is consistent with ORS 197.299(2)(b).

### 3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA.

The Council finds that URAs 4 and 5, as amended, can feasibly be provided with urban services. According to the staff report, URAs 4 and 5 will be used primarily for housing consistent with the 2040 design type of inner neighborhood around the new Town Center in URA 5. (See, Exhibit A of this ordinance.) These design types require an average density consistent with at least 10 units per net developable acre as required by Metro Code 3.01.012(e)(4). The staff report indicates that about 6,585 units will be built on about 826 buildable acres for URAs 4 and 5.

URAs 4 and 5 are among the lowest cost to serve with public facilities at 12,451 and 16,194 per DUE, respectively. (See November 24, 1998 Staff Report at p. 14.) Therefore, the cost estimates show that URAs 4 and 5, as amended, have among the lowest net increase in total cost for provision of all urban services.

(B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

URAs 4 and 5, as amended, are directly adjacent to the UGB. Both will integrate into the existing urban service systems of Portland and Gresham. Portland and Gresham have committed to a schedule, funding and work program for completing the conceptual public facilities plan for this area. The schedule will be advanced by the grants estimated in the Staff Report.

### Wastewater

Service by the City of Portland to most of URAs 4 and 5, as amended, could be with gravity fed sewers, eliminating the need for pump stations. The urban reserve plan will identify routing, flow volumes, locations of basins served, pipe sizes and maintenance requirements. Sewers will reduce the potential of septic effluent leakage into groundwater and Kelly, Mitchell and Johnson Creeks.

### Water

Existing private wells would be replaced by extensions of water service from Portland and Gresham. This extension of water service is feasible and among the lowest costs of all urban reserves. This water service expansion may enhance existing systems by providing more opportunity to loop water lines, increase water pressure to help ensure water volume and pressure for fire suppression.

### Stormwater

There is no planned, designed or managed stormwater collection system in place in this area. All existing runoff from impervious surface in this area is either allowed to infiltrate directly into the ground or is collected in a roadside ditch system. The Productivity Analysis estimates that water quality pond/marshes (one for URA 4, seven of varying sizes for URA 5) and detention facility (one for URA 4, seven of varying sizes for URA 5) will be required to address stormwater runoff from urbanization of URAs 4 and 5. Detention facilities will slow and delay water run-off and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban run-off and collect sediments before this run-off reaches streams and creeks.

This UGB amendment is conditioned on completion of a stormwater management plan that includes on-site detention requirements.

### Transportation

The road and bus planning, including the funding plan, in the urban reserve plan will be important to the timing of conversion of this urbanizable land to urban land in the future. Jenne Road provides two-lane access in a northeasterly direction from Foster Road through URA 4. The road turns north and becomes NE 174th Avenue less than a mile from Foster Road. This road currently experiences major congestion as many use it as a through route from Foster Road to Powell Boulevard and vice versa. Jenne Road has been identified in Metro's draft Regional Transportation Plan (RTP), *Proposed Transportation Solutions for 2020* (September 1998) as being one of a list of projects identified as the most critical system needs in the Portland region for the next 20 years. The list of projects and programs is part of a major update to the RTP, which begins to implement the Region 2040 Plan. Jenne Road is identified for a Traffic Management Plan and will be included in the second round of analysis for the RTP. Inclusion in second round analysis, however, does not guarantee that the project will be funded in the RTP. It

does give recognition to its importance to the regional system and ranks it higher in priority than other transportation projects identified in the reign.

According to the *Urban Reserve Planning Status Report* (Fregonese Calthorpe Associates, April 1998), transportation, including connectivity and infrastructure, is a significant concern expressed by local government representatives, for the URA 5. The area has inadequate rural road improvements. The main arterials providing a north-south connection through URA 5 are Foster Road, 172nd Avenue and 190th Avenue, and these roads, especially Foster Road/172nd Avenue, are currently experiencing major traffic congestion. There are no arterials providing an east and west connection through the URA. If a transportation plan were developed that includes a system of local collectors and arterials which provides increased north and south, and east and west connectivity this issue could be addressed. The most effective connectivity improvements would include urban street improvements, like curbs, gutter, sidewalks and bike lanes. Specific road improvement plans include the Foster Road Corridor Plan and the Damascus/Pleasant Valley Future Street Plan which are identified for a second round analysis in the RTP. The 20-year regional planning and needs identification make needed transportation facilities feasible during the 20-year UGB period.

#### Fire, Police and Schools

Fire and police services will be provided by the governing jurisdictions. Urban reserve plans are required to include a provision in the plan to incorporate these areas into their service territories. Funding for fire and police services is provided through allocation of general funding or bond measures to construct capital improvements, most likely from property taxes.

Additional property tax revenue will be generated by the increased residential and commercial development that will be constructed as URAs 4 and 5 develop.

Centennial School District serves URA 4 and 5. A conceptual school plan is required by Metro Code Section 3.01.012(e), which will identify the amount of land and improvements needed for school facilities. The City of Gresham will govern the majority of this area. Gresham has received a grant to complete urban reserve planning work for this area. The preliminary work program indicates that school planning is included in the scope of work.

#### 3.01.020(b)(4)

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

(A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

Urban form issues have been partially determined for URAs 4 and 5 by the acknowledged 2040 Growth Concept. The Gresham regional center will serve URA 5, and the 2040 Growth Concept Map shows a new town center in URA 5 to serve this area. Exhibit A of this ordinance includes 2040 Growth Concept designations for this area to include it in the acknowledged urban form for the region.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro has gone well beyond considering some measures to improve existing capacity inside the UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

(B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

### 3.01.020(b)(5)

Urban development of URAs 4 and 5 will facilitate efficient urban growth inside the UGB in several ways. Street connectivity will be improved by extending a grid street pattern. Enhanced street connectivity will provide better access for fire and police protection. As the area urbanizes, the local street network will be improved to urban standards with curbs and gutters, sidewalks, handicapped ramps and bike lanes. Extension and looping of water lines within URAs 4 and 5, and in some cases within the existing UGB, will enhance water quality by eliminating dead end lines and increasing pressure available for fire flow purposes. Extension of sanitary sewer may allow areas previously not provided urban services within the UGB to be served.

**Factor 5: Environmental, energy, economic and social consequences.**

(A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

Special protection for Johnson, Kelly and Mitchell Creeks will be provided by Title 3 of the UGM Functional Plan. Flood management provisions include 15-foot to 200-foot building

setbacks depending on slope and size of the stream. New development must be set back 50 feet from wetlands. All development in floodplains are subject to excavation regulations of Title 3.

(B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

Neither a regional economic opportunity analysis, nor an economic analysis for URAs 4 and 5 have been completed.

(C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

### Environmental

As development occurs, water quality and quantity concerns arise due to increased run-off from impervious surfaces. As a result, riparian areas along Johnson, Kelly and Mitchell Creeks need to be protected to maintain water quality and quantity, wildlife movement and fish habitat in this area. Upland areas (within a one-half mile) adjacent to riparian areas are important to support amphibian and reptile populations. Kelly and Mitchell Creeks are located in the area where wild winter steelhead has been designated as a threatened species under the Endangered Species Act.

The Council finds that the typical environmental impacts of urban development near riparian areas can lead to stream degradation if measures are not in place to address those impacts. Title 3 of the Functional Plan provides protection for riparian areas to improve water quality and manage floodplain. The Council finds that the impact of urbanizing in URAs 4 and 5 will not be significantly more adverse than developing other urban reserves on the condition that the measures to address stormwater management, consistent with Title 3 of the Functional Plan, as described in Factor 3 are adopted prior to adoption of urban zoning.

### Social

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, the area can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural residential lands outside the current UGB. The limited farming activities near URA 5 may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs are less than most other areas adjacent to the UGB. These costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.



However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URAs 4 and 5 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB.

## Economic

Overall, the adverse economic consequences of a slight loss in farm-related income near URA 5 will be offset by increases in commercial and retail development by bringing these lands into the UGB with a new Town Center. The relatively small number of existing farm uses and the lack of productive farm soils make the loss in this area minimal compared to other lands outside the UGB. (See November 24, 1998 Staff Report, pp. 19-20.)

## Energy

URAs 4 and 5, with the new Town Center, corridors and Functional Plan upzoning maximize energy efficient land uses. VMT is reduced compared to other lands outside the UGB without this planning. Otherwise, there is no substantial deference decreasing fossil fuel consumption between URAs 4 and 5 and other sites considered for inclusion in the UGB.

Factor 5 impacts can be mitigated with the conditions on urban reserve planning, stormwater management, and steelhead in this ordinance.

### 3.01.020(B)(6)

Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff report correctly states that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URAs 4 and 5 were adopted as part of that ordinance. As noted in the Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff report also correctly notes that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, both URAs 4 and 5 are composed entirely of exception lands. These areas have the highest rating for retention of agricultural land because no such resource land is added to the UGB by this ordinance.

Therefore, the Council finds that amending the UGB in these two areas would retain farmland in accordance with Factor 6 even if the areas were not already designated as urban reserves.

3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

The November 24, 1998 staff report analyzes agricultural activities at pp. 31-32 concluding that only 175 acres of EFU-zoned land is within one mile of the southern boundary of URA 5. Of this, 24 percent is high value nursery stock, 76 percent lower value field crops or is unfarmed. There is a buffer of rural residential land between URA 5 and this agricultural activity.

(ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

Impacts to water resources critical to agricultural activities will be negligible from urbanization of URA 5. URA 5 and the EFU land identified within one mile of URA 5 are located in separate watershed basins. URA 5 is in the Johnson Creek watershed, whereas the EFU land is in the Rock Creek watershed.

Approximately 24 percent of the agricultural activities occurring on the EFU land within one mile of URA 5 are nursery stock. Nursery stock is classified as a high value farm product that can be cultivated on smaller parcels and can benefit from urbanization by providing customers for retail sales. The remainder of the EFU land within the one mile surrounding the URAs is either unfarmed or cultivates low value type products on larger parcels of land.

Impacts on urbanization from dust, noise or application of chemicals will be negligible because the EFU land is concentrated in one area and is currently surrounded by rural residential uses.

3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan exceed the Metro Code and Goal 2 reasons exception requirement to "consider" whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) URAs 4 and 5, as amended, are compatible with adjacent rural residential uses because urbanization with the addition of a new Town Center in URA 5 will enhance service availability for adjacent lands. Traffic improvements, including improved connectivity needed to serve URAs 4 and 5 will significantly improve current congestion affecting adjacent lands. URA 4 and 5 are compatible with limited nearby agricultural use because the adjacent rural residential uses act as a buffer.

(3) The ESEE consequences resulting from urban use in URAs 4 and 5, as amended, are set forth in Factor 5 findings, above. These findings demonstrate that impacts of urbanizing this area are less adverse than would typically result from allowing urban development in other areas requiring an exception. These areas are entirely exception land.

#### 3.01.020(d)

URA 4 is completely surrounded by the UGB and urban uses. URA 5 is adjacent to urban areas in the north and west. URA 6, which is south of URA 5, will eventually be included in the UGB and urbanized. The topography east and southeast of URA 5 contains slopes over 25 percent, terrain that will provide a transition between urban and rural lands. Additionally, higher density development will be concentrated in the town center and corridors, with lower density development at the edges and in the foothills of the steeper slopes. Adding URAs 4 and 5 to the UGB will not create islands of urban land or allow fingers of urbanized land to intrude to nearby resource lands. URA 4 is totally surrounded by Portland and Gresham and it is defined by land use and settlement pattern of surrounding urban development. URA 5 is defined generally by the boundary of the Kelly Creek watershed (drainage basin), the remaining undeveloped portion of Mitchell Creek watershed and the Boring Lava domes (topographic feature).

#### 3.01.020(e)

The applicable Statewide Planning Goals are 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above. No other applicable goals were identified in the record.

Alternatively, the Metro Council adopts the discussion of other goals in the November 24, 1998 Staff Report at pp. 37-39.

#### 3.01.020(f)

URAs 4 and 5 are consistent with the 2040 Growth Concept because the above findings, and the conditions in this ordinance demonstrate show that development in the area will be consistent with Region 2040 policies and the design types in Exhibit A of this ordinance are feasible.

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Appendix A

**METRO**

**Date:** October 26, 1998

**To:** Mark Turpel, Senior Program Manager  
Growth Management Services Department

**From:** Glen Bolen, Associate Regional Planner *GB*  
Growth Management Services Department

**Re:** *Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion*

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

**Category**  
**Number   Description**

1.      **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2.      **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.



14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor-Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.
21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through

rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.
38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.
39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.



The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

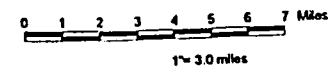
In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.

### Outside Urban Reserves

Number on Map refers to  
Exception lands memo  
October 26, 1998

☐ Urban Reserves

**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2738  
503 797-1742 FAX 503 797-1909  
Email: [drc@metro.del.or.us](mailto:drc@metro.del.or.us)

88231; Plot Date: October 28, 1998; exemption

## Appendix B – Additional Site Considerations

### Urban Reserve

### Reasons for No Further Consideration at This Time

- 
- |         |  |
|---------|--|
| URA #1  | No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB. |
| URA #3  | Site added to the Metro UGB through locational adjustment in Fall 1998.  |
| URA #11 | No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.   |
| URA #17 | Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.   |
| URA #18 | Same as URA #17.   |
| URA #19 | Same as URA #17.   |

- URA #22 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23 Same as URA #17.
- URA #24 Same as URA #22.
- URA #25 Same as URA #22.
- URA #29 Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30 Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35 No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

**URA #68**

The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

**URA #69**

The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

**URA #70**

The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

**Appendix C: Happy Valley Mobile Home Park  
Urban Reserve Amendment and UGB Amendment Findings**

URA 5 is amended to designate approximately 27.3 acres south of the UGB at SE 155th Street as part of URA 5. The Happy Valley Mobile Home Park and adjacent properties as shown on Attachment 1 are added to URA 5 by section 1 of this ordinance.

660-21-030(1)

This 27.3 acres consists of about 25 single-family detached lots and approximately 60 mobile homes in a mobile home park. This area is already developed with about three vacant lots. Therefore, this small URA amendment does not exceed the need established for urban reserves to 2040.

660-21-030(2)

This small area is exception land directly adjacent to the UGB. The locational factors of Goal 14 and reasons exception factors are addressed in the UGB amendment findings below. This land is suitable for inclusion in urban reserves as first tier land based on those findings.

660-21-030(3)(a)

This exception land is first priority land for designation as urban reserves.

660-21-040

There is no need for this rural zoned land to be rezoned to protect it for future urbanization. The current rural zoning shall remain in place until the Clackamas County Urban Reserve Plan for URA 5 is approved. The minimum lot sizes required for designated urban reserves shall apply until urban zoning is adopted consistent with the approved urban reserve plan for this area.

URAs 4 and 5, including this 27.3 acres, are added to the UGB by section 3 of this ordinance. The following findings relate to this 27.3-acre UGB amendment. These Findings and Conclusions apply to Metro's acknowledged UGB Amendment Procedures.

3.01.015(e) Findings and Conclusions in Exhibit C of this ordinance on this Metro Code provision are incorporated herein by reference. This 27.3 acres is first tier land that is part of URA 5 first tier land. The City of Portland has committed to complete a conceptual plan for this area.

3.01.020(a), 3.02.030(b)(1)(A-B)(2)

Findings and Conclusions in Exhibit C of this ordinance on these Metro Code provisions are incorporated herein by reference. Addition of the developed 27.3-acre area is neutral as to the general need for about 32,000 dwelling units.

3.01.020(b)(3) Orderly and economic provision of public facilities and services.

(A) The cost of providing urban services to this already developed area is affected by the need and commitment from the 60-unit mobile home park owner to extend Portland gravity sewer services at his own expenses. This degree of certainty and known private funding minimizes the cost burden to other areas and assures that this area has the lowest net increase in cost for provision of urban services.

(B) Portland urban services are immediately adjacent and the proposed future sewer line is shown on Attachment 1.

3.01.020(b)(4) Maximum efficiency of land uses.

Findings and Conclusions in Exhibit C of this ordinance on this Metro Code provision are incorporated herein by reference.

3.01.020(b)(5) ESEE Consequences

Findings and Conclusions in Exhibit C of this ordinance on this Metro Code provision are incorporated herein by reference.

3.01.020(b)(6)

This small area of exception land is the highest priority land for UGB amendments to retain agricultural land.

3.01.020(b)(7) Compatibility with nearby agricultural activities.

Findings and Conclusions in Exhibit C of this ordinance on this Metro Code provision are incorporated herein by reference. The land surrounding this small area is exception land zoned for rural residential development.

3.01.020(c) Reasons Exception Criteria

Findings and Conclusions in Exhibit C of this ordinance on this Metro Code provision are incorporated herein by reference.

3.01.020(d) Clear UGB line

Attachment 1 indicates that the property lines and existing roads provide a clear distinction between urban and rural land.



### 3.01.020(e) Other Statewide Land Use Goals

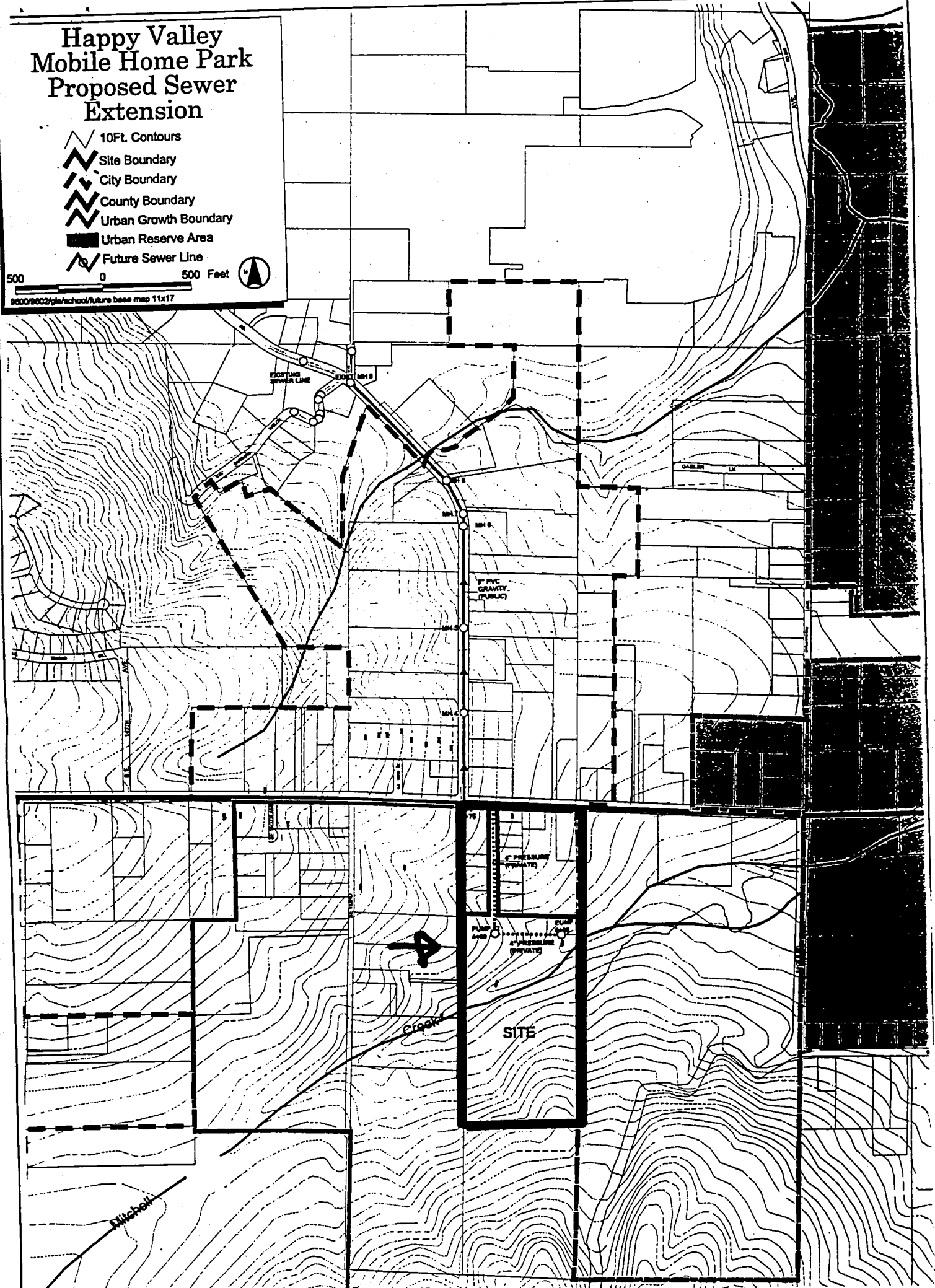
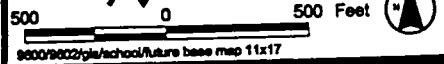
No statewide goals were raised concerning this area other than Goals 2 and 14 addressed in Metro Code 3.01.020(a), (b).

Alternatively, the Metro Council adopts the discussion of other goals in the November 24, 1998 Staff Report at pp. 37-39.

i:\docs#07.p&d\02ugb\02amendm.ent\12legis.amd\findhap.val

# Happy Valley Mobile Home Park Proposed Sewer Extension

- 10Ft. Contours
- Site Boundary
- City Boundary
- County Boundary
- Urban Growth Boundary
- Urban Reserve Area
- Future Sewer Line



*Agenda Item Number 9.5*

**Ordinance No. 98-782C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.**

***Second Reading***

**Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO 98-782 <u>BC</u>
METRO URBAN GROWTH BOUNDARY	)	
AND THE 2040 GROWTH CONCEPT	)	Introduced by Growth Management
MAP IN ORDINANCE 95-625A IN THE	)	Committee
STAFFORD AREA OF CLACKAMAS	)	
COUNTY	)	

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including these Urban Reserve Areas 31, 32, and 33; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for these urban reserve areas 31, 32, and 33, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of

Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.
2. The Metro Urban Growth Boundary is hereby amended to add the portions of urban reserve areas 31, 32, and 33 as shown on the map in Exhibit B, attached, and incorporated by reference herein.
3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing and the December 37, 1998 ~~final hearing and~~ close of the record prior to final adoption of this ordinance.

6. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Adoption of an urban comprehensive plan designation in urban zoning for this area shall include means to assure the speed, temperature, sediment and chemical composition of the stormwater runoff to meet state and federal water quality standards.

D. Urban zoning shall address on-site stormwater detention requirements.

The city shall consider a requirement the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

E. Adoption of an urban comprehensive plan designation in urban zoning for the subject area shall be approved only after the city or county adopts functional plan requirements for vegetation, Title 3 setbacks from top of bank of streams, wetlands and address federal requirements adopted pursuant to the Endangered Species Act (ESA).

F. Prior to urban development, an urban service agreement consistent with ORS 195.065 and based on the Rosemont Village Concept Plan shall be entered into among the units of local government and special districts that provide service to this area and that are identified as appropriate parties by a cooperative agreement under ORS 195.020.

G. Prior to urban development, an enhanced sheriff patrol or other service agreement with a city police agency shall be approved to provide an urban level of police service to this area.

H. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the appropriate city or county indicated in the urban services agreement for this area shall amend its comprehensive plan to include the following provisions:

(1.) Land use designations and zoning shall be adopted consistent with Exhibit A of this ordinance and this concept plan as it may be further described in the

urban services agreement prior to its adoption into the appropriate comprehensive plans under Metro Code 3.07.1130.

(2.) The functional classification of the streets and roads serving this area added to the UGB by this ordinance shall be changed to be consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

(3.) The transportation element of the comprehensive plan of the governing cities and Clackamas County shall be amended to adopt the alternative Level of Service provision for the area added to the UGB by this ordinance authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

(4.) The transportation element of the comprehensive plan of the governing cities and county shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

(5.) The transportation element of the comprehensive plan of the governing cities and county shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

(6.) The Public Facilities Plan shall be amended to add rough cost estimates for each of the on-site transportation facilities in Exhibit "D" (Table 2A) and off-site transportation facilities Exhibit "D" (Table 3A) needed for this area to address existing and future needed road improvements which were identified in the approved urban reserve plan.



(7.) A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

(8.) Funding strategies and planning requirements for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Clackamas County and the cities of Tualatin, ~~and~~ Lake Oswego, and West Linn shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

i:\r-o\98stafrd.c  
(12/10/98)



REGIONAL LAND INFORMATION SYSTEM

### Draft 2040 Design Types

Urban Growth Boundary  
Legislative Amendment  
Index number 8

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- ~ Proposed Regional Throughways
- ~ Potential Regional Throughways
- ~ Green Corridors
- ~ Planned & Existing Light Rail Lines
- ~ Proposed Light Rail Alignments
- ~ Potential IRT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Intermodal
- ~ Intermodal Rail Yards
- ~ Rail Distribution Network
- Exclusive Farm Use
- Reception Land in Urban Reserves
- Resource Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- ~ Urban Growth Boundary
- ~ Urban Reserve Boundaries
- ~ Areas added to Reserve in Metro Council Ordinance
- Neighboring Cities
- Public Parks

Scale in Feet

0 600 1200 1800 2400

METRO

Map of the Metro Council Region, 1997, 2001, 2005, 2009, 2013, 2017, 2021, 2025, 2029, 2033, 2037, 2041, 2045, 2049, 2053, 2057, 2061, 2065, 2069, 2073, 2077, 2081, 2085, 2089, 2093, 2097, 2101, 2105, 2109, 2113, 2117, 2121, 2125, 2129, 2133, 2137, 2141, 2145, 2149, 2153, 2157, 2161, 2165, 2169, 2173, 2177, 2181, 2185, 2189, 2193, 2197, 2201, 2205, 2209, 2213, 2217, 2221, 2225, 2229, 2233, 2237, 2241, 2245, 2249, 2253, 2257, 2261, 2265, 2269, 2273, 2277, 2281, 2285, 2289, 2293, 2297, 2301, 2305, 2309, 2313, 2317, 2321, 2325, 2329, 2333, 2337, 2341, 2345, 2349, 2353, 2357, 2361, 2365, 2369, 2373, 2377, 2381, 2385, 2389, 2393, 2397, 2401, 2405, 2409, 2413, 2417, 2421, 2425, 2429, 2433, 2437, 2441, 2445, 2449, 2453, 2457, 2461, 2465, 2469, 2473, 2477, 2481, 2485, 2489, 2493, 2497, 2501, 2505, 2509, 2513, 2517, 2521, 2525, 2529, 2533, 2537, 2541, 2545, 2549, 2553, 2557, 2561, 2565, 2569, 2573, 2577, 2581, 2585, 2589, 2593, 2597, 2601, 2605, 2609, 2613, 2617, 2621, 2625, 2629, 2633, 2637, 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# Ordinance #98-782 C Urban Reserve #31-33 (Partial)

Non-First Tier  
Within Metro Boundary




-  Area Considered by Council
-  First Tier Urban Reserve
-  Urban Growth Boundary

Exhibit B 1 of 1

The information on the map was derived from digital data bases on Metro's GIS. Care was taken in the creation of the map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Scale: 1" = 2000'  
0 500 1000 1500



METRO

600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metrodot.or.us

/proj2/ura/urord.aml, plot date: December 04, 1998

## ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-782 C (URAs 31-33)

I. Supplement to Mark Turpel's October 26, 1998 Alternatives Analysis

These findings supplement the above memorandum concerning alternatives specifically regarding Item 17 Stafford area. Where the Turpel analysis conflicts or is otherwise inconsistent with the analysis below, this analysis shall prevail.

These findings, together with those in the Turpel analysis, establish the Rosemont Village plan amendment's compliance with applicable acknowledged Metro code standards. The Metro standards are acknowledged to be in compliance with applicable Goals and administrative rules regarding urban growth boundary amendments including Goal 2, Goal 14 and OAR 660-04-020; 022 and 660-014-040. Accordingly, Metro need not apply these standards directly to any UGB amendment. However, in the alternative and in an abundance of caution, these Goal and standards, together with the standards in ORS 197.732, are applied herein as part of this alternatives analysis. This alternatives analysis is termed a reasons exception analysis, notwithstanding its primary Metro Code basis

Reasons Exception Standards

The Metro Code, like OAR 660-040-0020(2)(b), requires a demonstration that areas which do not require new exception cannot be reasonably accommodate the use. This standard also requires a general discussion of why other areas which do not require a new exception cannot reasonably accommodate the proposed use. However, in this regard, economic factors may be considered along with other relevant factors in determining that the use cannot be reasonably be accommodated in other exception areas. In addition, it requires an analysis of whether there are other resource areas that can accommodate the proposed use that are irrevocably committed to nonresource uses.

The law makes it clear that it is unnecessary to do a review of specific alternative sites unless another party to the proceeding describes why there are specific cites that can more reasonably accommodate the proposed use by specifically describing facts that support the assertion that the alternative sites are more reasonable then the one chosen. In this case, no party has described any other alternative cites that do not require a new exception that can reasonably accommodate the 2040 concept community as well as Rosemont Village in a the manner that provides realistic opportunities for affordable and moderate priced housing.

Clackamas County has generally argued that First Tier sites ought to be urbanized first. Clackamas County has been accommodated as much as possible in this regard by Metro's inclusion of most of URA 4 and 5 in the UGB, as well as URA 14 and 15, among other "First Tier" sites. However, the significance of the First Tier is not the what Clackamas County appears to ascribe to it. Metro has conceded in the urban reserve proceeding that the First Tier referred to by Clackamas County is moot by later code amendments. Moreover, the first tier does not necessarily meet state law requirements. Each area must be measured on its merits under applicable law.

Clackamas County offers no specific facts to conclude any first tier area that is exception land or lower quality land zoned EFU that is not included in the adopted Metro legislative

package that could serve as a better alternative based to urbanization of Rosemont Village. It is noted herein that the Rosemont Village Concept plan area is land selected from the North Stafford area which is itself completely surrounded by exception areas and not composed of high value farm land as defined under ORS 197.710. Accordingly, the Rosemont Village Concept plan area is of a coequal priority to exception areas under principles of state law as they are expressed in ORS 197.298. Therefore, Clackamas County's assertions in this regard supply no basis to conclude there are alternative areas which must, as a matter of law or policy, be included in the UGB ahead of the Rosemont Village Concept plan area.

It is noted that the first tier areas in the North Stafford area include the URA 34 exception area that Lake Oswego favors located near the border of Tualatin, as well as the first tier portion of URA 33 is included in a different legislative UGB amendment ordinance. Both of these areas are included within the UGB at the request of Lake Oswego. In this regard, the concerns of the City of Lake Oswego have been accommodated as much as possible.

Moreover, the City of Lake Oswego has identified several URA sites which it states have lower urbanization costs than Rosemont Village, based on the Productivity Analysis. However, the cities of Lake Oswego and Tualatin both added numerous transportation improvements located well outside the Rosemont Village Concept plan area to the productivity analysis. However, no other URA had such large off site public infrastructure costs loaded into the Productivity Analysis. In fact, the Productivity Analysis itself makes it clear that its comparative methodology assumes only an analysis of the infrastructure adjacent to the specific URA area. Accordingly, the substantial extra Rosemont Village area transportation improvements that nearly doubled the transportation costs for the North Stafford area cause the productivity analysis to be unfavorably inflated against the North Stafford area which makes the comparison invalid as is explained below. Moreover, this statement about relative cost comparisons does not justify an alternatives analysis on other bases. This statement goes to the relative ability of the Rosemont Village Concept plan area to meet applicable legal standards. This is explained throughout these findings. There is nothing specifically identified in the City of Lake Oswego's correspondence that requires a site specific alternatives analysis beyond what is provided in these findings.

Generally, the Rosemont Village concept plan serves a particular need in this area of the region for the opportunity to plan and develop over the 20 year planning horizon a 2040 concept community complete with opportunities for affordable housing as well as a mix of housing choices that otherwise do not exist within the 6 mile radius area identified on the map attached to the February 13, 1976 Leland Consultants report, which is included in this record.

Moreover, also generally other areas are highly parcelized, or serve some other function in the regional planning context, as is the case with regard to URA 34 which has been specifically identified as an area for employment and industrial uses by both the City of Tualatin and DLCD. Other exception areas across I-205 while composed of exception areas are not contiguous to the existing Metro UGB and are also opposed by the Clackamas County Farm Bureau because they provide farming opportunities. In addition, the area south of I-205, as demonstrated by the Farm Bureau's two letters to the Metro Council supporting the Rosemont Village Concept Plan area's inclusion within the UGB, create an urban intrusion into an area that is prized agricultural land. Therefore, while the exception areas across I-205 may themselves be

exception areas, very close by is the prime and unique farm land of the Canby area which the Clackamas County Farm Bureau desperately wishes to preserve and protect.

The Stafford area includes exception land which has not been included in the urban growth boundary. This exception land includes land not previously included within the Metro designated urban reserves that is generally south of the Rosemont Village concept plan area, as well as URA 30, a small and generally unproductive part of URA 33 and all of URA 34

#### Area South of Rosemont Village and URA 30

This exception land contains steep slopes equal to or greater than 25%, as well as a continuous corridor of trees that is wider than the significant riparian corridors in this area that run along steep ravines to the Tualatin River. The upland forest area in these exception areas are quite dense, far more dense than anything seen in the Rosemont Village Concept plan area. These exception areas, together with the EFU zoned land with which they are a functional part, provide some wildlife habitat of a kind that does not otherwise exist in this North Stafford area because it includes a relatively large and continuous forested area which could provide wildlife habitat beyond the limited riparian areas which are seen in the Rosemont Village area and which the Rosemont Village concept plan protects.

The protection of wildlife habitat in areas where there exist continuous tree and wildlife habitat, as accomplished by the designation of Rosemont Village to be included within the Metro UGB, reflects the region's commitment to honoring a concern expressed by various agency and citizen participants in this process as much as possible, while balancing the objectives of urbanization in appropriate areas.

Moreover, the upland forest area omitted from the UGB decision which is thus protected from urbanization is a conscious tradeoff favoring dense development of the mixed uses of Rosemont Village which has few such sensitive lands, in a manner consistent with the City of Lake Oswego's sensitive lands ordinance. In other words, protection of the exception and EFU zoned lands south of Rosemont Village, but North of URA 34, protects the values expressed in the Lake Oswego sensitive lands ordinance, while making Rosemont Village available for dense urban development. Rosemont Village does not have upland forests that require special protection from development, other than the treed area shown on the Rosemont Village concept plan map as an area meriting protection or the riparian corridors that are also protected under the Rosemont Village Concept plan.

Accordingly, omitting the exception and EFU zoned area south of Rosemont Village and North of URA 34 accommodates the concerns of agencies, cities and citizens as much as possible by excluding the most significant habitat area in the north Stafford triangle area.

Moreover, the City of Lake Oswego, and others, expressed concern about the development of steeper slopes in the Stafford area and the necessity of maintaining water quality of the Tualatin River. This concern is accommodated as much as possible by excluding the steeper sloped areas south of Rosemont Village as well as the densely forested areas south of the Rosemont Village composed of areas providing riparian cover and water quality filtration opportunities, offering significant potential benefit to the Tualatin River watershed. Similarly,

avoiding urbanization of this steeper exception area characterized by deep ravines, will further protect the water quality of the Tualatin River. A large amount of the terrain in this excluded area contain slopes equal to or greater than 25 percent in the excluded exception area. Such lands were deemed unbuildable in the Metro analysis of the Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain in this exception area is found to contain slopes between 18 and 24 percent. The City of Lake Oswego's concerns are hereby accommodated as much as possible to protect and preserve water quality in the Tualatin River by excluding this area from urbanization.

We note in this regard, that the Tualatin River tributaries include land subject to urbanization in other areas of the region, such as Hillsboro, Tualatin and Wilsonville which the City of Lake Oswego, Tualatin and Clackamas County appear to support. These cities and Clackamas County's apparent satisfaction with the water quality protective mechanisms in the South Hillsboro Concept plan and the plans regarding urbanization in Tualatin reflect a tolerance of certain protective mechanisms and development generally upland of the Tualatin River. Here, the Rosemont Village concept plan includes protective mechanisms supporting water quality protection in the Rosemont Village concept plan area, that are as comprehensive and protective as those found elsewhere in areas newly added to the UGB as adopted in other parts of this decision.

Moreover, Clackamas County supports urbanization of URA 4 and 5 which has known water quality and flooding challenges to overcome, which challenges are feasible to resolve with appropriate protective mechanisms. This illustrates the region, and the local governments interested in this UGB amendment of the Rosemont Village concept plan area, do not have a zero tolerance for upland development of river and stream corridors. Rather, this illustrates in a regional context, the local governments of the region are ready, willing and able to employ best management practices to protect water courses, including the Tualatin River. The Metro Council finds the inclusion of the Rosemont Village master plan area within the UGB, while excluding the balance of the north Stafford area, particularly the steeper, ravines and riparian corridors south of Rosemont Village, employs best management practices and is protective of the Tualatin River, while applying consistent BMP standards and practices to the urbanization decisions region wide.

The exception areas to the south of Rosemont Village are located within designated rural reserves as shown on the Acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed with urban uses over the 2040 planning horizon. Rural reserves are intended to support and protect farm and forest operations and to maintain a separation between communities. Exclusion of the exception lands south of Rosemont Village serve to separate the communities of West Linn, Lake Oswego and Tualatin as much as possible, in the regional context.

In addition, the Metro Code, Section 3.01.020(d) states the location of a UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, flood plains, power lines, major topographic features, and historic patterns of land use or settlement. The proposed location of the UGB to include only the Rosemont Village

area will result in a clear transition between the urban and rural lands in a manner that is at least as clear as the existing transition that now exists.

In this regard, it is important to note the entirety of the north Stafford basin is relatively developed with large lot home sites. However, extending the UGB to include the Rosemont Village concept plan area simply extends the boundary of urbanization southward from the City of Lake Oswego to a point at the end of the Rosemont Village concept plan area in a way that does not significantly impair the existing sense of separation. Moreover, including only Rosemont Village in the UGB maintains the existing rural residential nature of the balance of the north Stafford urban reserve area providing an equivalent clear, albeit smaller, transition between urban and rural lands as much as possible while honoring state law regarding urbanization of first and second priority lands such as Rosemont Village.

Moreover, the proposed location of the UGB to encompass the Rosemont Village concept plan area, utilizes the steeper area just to the south of Rosemont Village as a geographical and natural separation feature distinguishing Rosemont Village from the rest of the Stafford area. To the east of Rosemont Village is an additional drainage directly west of URA 30, that abuts a watershed boundary that is functionally unrelated to the Rosemont Village concept plan area. Accordingly, this area also is distinct from Rosemont Village. Stafford Road provides a built feature separation between Rosemont Village and the balance of URA 33 which is excluded from the UGB.

The exclusion of the exception and EFU zoned lands to the south of the Rosemont Village concept plan area excludes environmentally sensitive lands as well as the only pocket of good farm soil within the north Stafford area, and protecting it for farming opportunities, to the extent possible. This is responsive to the concerns expressed by Clackamas County to protect better agricultural land, while also accommodating the needs expressed by the Clackamas County Farm Bureau to bring in a significant amount of the North Stafford area into the UGB in order to take the significant pressure off of the truly fine agricultural areas of Canby and elsewhere.

While the Rosemont Village concept plan area is not composed predominately of prime and unique agricultural land as that term is defined in ORS 215.710, the excluded lands zoned EFU in the north Stafford area are composed of the best soils that do exist in the north Stafford area and, in deference to the concerns expressed, this area is protected from development.

A portion of URA 30 which was included in the urban reserves was challenged by the City of West Linn and Metro conceded in its brief and at oral argument at LUBA that West Linn's challenge to a portion of URSA in the City of West Linn challenge correctly identified a mapping error as to a few acres of land with greater than 25% slopes and that this area's inclusion within the UGB without explanation about these slopes was erroneous. Accordingly, it is inappropriate to include that area within the UGB unless and until this issue is resolved.

The balance of URA 30 is similarly excluded as it is not functionally a part of the Rosemont Village concept plan area and does not well serve identified needs in the equivalent efficient manner that Rosemont Village is able to serve such needs. Moreover, the City of West Linn has opposed a UGB amendment in this area. There is no reason to include this URA in the



UGB at this time under these circumstances. The Metro Council is approving less than one half of the area it initially thought wise in the UGB at this time. This is in deference to the City of Lake Oswego, West Linn, Tualatin's and Clackamas County's requests to include less land near these cities within the UGB. The inclusion of only Rosemont Village accommodates these requests as much as possible in the regional context where Metro must allow urbanization of meritorious areas, but also make good faith efforts to accommodate local governments as much as possible.

In addition, some of the excluded exception areas include a small pocket of fairly dense existing settlement patterns, comprised almost entirely of small acreage single family residential dwellings. The residents in this area expressed serious concerns about the areas suitability for urbanization. These lands do not provide an adequate amount of additional development capacity to the UGB to justify its inclusion, given the serious objections of the persons who reside in the area, as well as the objections of the cities of Lake Oswego, West Linn, Tualatin and Clackamas County. While Rosemont Village provides great productivity for a 2040 concept community, these excluded areas do not furnish similar efficient opportunities to do so. To achieve the same amount of 2040 concept community planning in the excluded exception areas as is accommodated in Rosemont Village would require utilization of more land, with greater environmental impact, making more people unhappy with less public benefit.

Especially in the Stafford area, only that area which is especially suitable for development, subject to the Rosemont Village Concept Plan and, which has relatively high marks for productivity, are worthwhile for the region to include in the regional UGB given the serious concerns expressed by the surrounding cities and Clackamas County. In this way, their concerns are accommodated as much as possible within the required regional context.

#### URA 34

A very small portion of the "First Tier" area of URA 34 is included in a different legislative amendment package. The larger, general area of URA 34 that is not first tier, has been identified by DLCD and the City of Tualatin as especially suited to industrial and commercial development. However, the recognized need for this UGB expansion is overwhelmingly for more residential land. The need supporting this particular UGB amendment is the need to comply with ORS 197.299 which requires 1/2 of the region's housing need be accommodated in 1998 by a UGB amendment as well as the subregional need for affordable housing opportunities close to jobs and consumer opportunities to avoid reliance on the automobile. While Metro was interested in including URA 34 to complete Rosemont Village, the City of Tualatin indicated it wished for URA 34 to be included at a later point when it had funding to master plan this area itself. Given the City of Tualatin's interest in URA 34 for industrial and commercial purposes, and the fact that the region is only racing this year to include land required for residential purposes in order to comply with ORS 197.299, and given that Rosemont Village includes adequate commercial opportunities to reduce reliance on the automobile for the residents of the Village and the nearby area, it is appropriate to exclude URA 34 and include only Rosemont Village. In this way, the concerns of Tualatin have been accommodated as much as possible. However, it is noted that when a specific land need is identified for the addition to the UGB of more employment land, URA 34 is a prime candidate to be brought into the boundary to satisfy that need.

Accordingly, the Rosemont Village Concept Plan area is the only area that can reasonably accommodate the proposed use as an area with demonstrated capability to provide realistic affordable housing opportunities that do not otherwise exist within this subarea of the region. In this regard, it is appropriate for the Council to consider the specific regional need for affordable housing opportunities in the Lake Oswego subarea in its consideration of the statewide planning goals including Goals 3, 4 and 10 and 11. ORS 197.340.

#### Other Resource Areas

There are no other candidate areas zoned EFU that have less productivity for agricultural use than Rosemont Village. There are no other candidate agricultural zoned areas that are more committed to nonresource use than Rosemont Village. A factor in this analysis is that Rosemont Village is an area considered a coequal priority to exception land under ORS 197.298 because it is within an area that is completely surrounded by exception areas and is not high value farm land as that term is defined by ORS 215.710. The entire surrounded area is not included for a variety of reasons including that it is not strictly needed and in deference to the coordination requirement that the needs of the City of Lake Oswego, West Linn Tualatin and Clackamas County be accommodated as much as possible. Each has expressed that they wish less rather than more of the North Stafford completely surrounded area to be included within the UGB. This decision accommodates their concerns as much as reasonably possible, within the regional context that Stafford cannot be ignored for urbanization because of its high suitability for the same.

Moreover, there certainly are no other EFU zoned areas with the 6 mile radius area identified in the map appended to the February 13, 1997 Leland Consultants report area, herein incorporated by this reference, that is capable of accommodating the opportunity for a 2040 concept community like Rosemont Village provides. Clearly, the First Tier areas in URA 34 and 33 do not provide a 2040 concept community opportunity elsewhere described and explained, that accommodates regional and subregional needs, as Rosemont Village does.

Any adverse consequence that may result from urbanization of Rosemont Village, will result to any other area zoned EFU or even any other area for which an exception has been taken.

The policy choice has already been made in acknowledged Metro planning documents to concentrate density and human activity, rather than to spread it out. Concentrated activity has a greater singular impact on facilities and services than piecemeal additions that gobble up more land. However, piecemeal additions of urban activity is not the policy goal. The policy goal is to concentrate human activity to get the greatest public facility efficiency outcome from the investment of public funds.

There will be no adverse impact to water tables from Rosemont Village. Rosemont Village will not rely on water wells. Moreover, the storm water drainage system contemplates natural swales and ground water recharge, rather than piping runoff away and making water otherwise unavailable for this purpose. Moreover, the costs of improving roads and providing urban services to Rosemont Village are cheaper than most other candidate areas as outlined in the Rosemont Village concept plan Table 8. None of these factors justify choosing another area over Rosemont Village to absorb its assigned density.

## II. Findings Concerning MC 3.01.020(a)-(b).

### MC 3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. In addition, with respect to Rosemont Village, these findings establish that even if it were not within a designated urban reserve, Rosemont Village meets the priorities stated in the balance of ORS 197.298, particularly those associated with the "completely surrounded prong explained elsewhere in this decision.

Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14. Although, also stated elsewhere, alternative findings are adopted herein in compliance with goal and rule standards.

### **3.01.020(b)(1) and (2) General Need Factors**

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

### 3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs. However, all Metro planning documents make it clear that the addition of housing in newly added areas of the UGB must be accomplished under dense "Village" standards that provide opportunities for working, shopping and pedestrian scale living environments. Accordingly, the newly added UGB amendment area of the Rosemont Village Concept plan includes not only housing opportunities, but also opportunities for jobs and consumer choices at a pedestrian scale as required.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (URBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3 regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.

Metro Staff have completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors and wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife

Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory "along with all other appropriate data" to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217,430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32,370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro's Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro's jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Exhibit A of the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion." This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total

urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference, to the extent they are not inconsistent. This report identifies some of the urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies some of the urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments. The Rosemont Village Concept plan is reviewed on its merits. For the reasons explained in this decision, the staff reports contain inaccurate analyses. Moreover, the Productivity Analysis is not useful as a comparative tool for Rosemont Village because of incomparable costs added by Lake Oswego and Tualatin into the basic assumptions in a manner inconsistent with how other urban areas were considered in the Productivity Analysis. The best



comparative cost analysis for Rosemont Village is in the December 1, 1998, Rosemont Village Concept plan, Table 8.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires at least one-half of that need to be accommodated within one year of the December, 1997 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

### III. Rosemont Village Concept Plan findings.

#### A. Introduction.

The Rosemont Village concept plan includes most of URA 31, all of URA 32 and a small portion of URA 33. It is composed of land shown on the concept plan map shown in the Rosemont Village Concept Plan, which is incorporated herein by this reference. The Rosemont Village concept plan area boundaries are distinguished by topographical separations, Stafford road, and the UGB. The property within the Rosemont Village concept plan area was previously designated by the Metro Council in Ordinance number 96-655E, adopted on March 6, 1997, as an urban reserve. The findings and conclusions from that document regarding the Stafford Urban reserves are attached hereto and incorporated herein by this reference.

The Rosemont Village concept plan area is appropriate to include within the UGB under ORS 197.298(1)(a) as a designated urban reserve and also under ORS 197.298(1)(b) as a "second" priority area that, while zoned exclusive farm use (EPU), is "completely surrounded by exception areas" and is not high value farmland as described in ORS 215.710. In this regard the Rosemont Village concept plan area is not predominately composed of lands made up of soils described in ORS 215.710.

The Rosemont Village concept plan area is also included within the UGB under the alternative special analysis of ORS 197.298(3).

#### B. MC 3.01.012(e)(2).

MC 3.01.012(e)(2), is an alternative standard to MC 3.01.012(e)(1). MC 3.01.012(e)(2) requires two determinations. First, it requires the determination that the proposed UGB amendment is necessary to enable the region or local area to comply with law. Second, it requires an agreement consistent with ORS 195.065 be made a condition of UGB amendment approval, as is included in this ordinance.

These principles are simple and were adopted to respond to proposals by certain local governments that Metro give away its authority as coordinating body for the UGB in favor of a local veto of proposed UGB amendments that were unwanted by any local government. Metro

could not then and cannot now give away its statutorily mandated responsibility as the region's coordinating body. Accordingly, the Council previously determined it appropriate to enact MC 3.01.012(e)(2) to protect its authority and responsibility in this regard. The legislative history of that enactment is included in the record of his decision and is relied on in this decision.

While MC 3.01.012(e)(2) may not be written as artfully as possible, the Metro Council interprets its own code to make it clear this provision is intended to enable approval of a UGB amendment that meets applicable legal standards, but not test of local popularity, so long as there is imposed a condition of approval regarding an agreement consistent with ORS 195.065 which must be satisfied prior to urban level development. There would have been no purpose in adopting MC 3.01.012(e)(2) if the condition of approval must have been applied to be satisfied by the UGB candidate area prior to UGB amendment approval at all. That is the point precisely of MC 3.01.012(e)(1) (i.e., that local jurisdiction will agree to either annex or establish an intergovernmental agreement to urbanize a particular area). MC 3.01.012(e)(2) is only triggered if such kinds of agreements in (e)(1) do not exist.

MC 3.01.012(e)(2) also reflects the region's desire that regional concept planning standards be interpreted in a manner consistent with state law and in the best interest of the region, while accommodating the legitimate desires of potentially affected local government as much as possible. State law does not allow an otherwise meritorious area to be ignored for urbanization simply because of local jurisdiction refuses to constructively participate in UGB expansion efforts. See the November 4, 1998 letter from DLCD.

Metro is obliged to consider all of the evidence regarding the UGB expansion areas and cannot allow any area of the region to refuse to avoid urbanization. UGB amendment decisions must be based on a fair evaluation, designation and appropriate comparisons of potential urbanization areas. UGB amendment decisions and choices must be rational and based on appropriate evaluations of law and policy, furthering the interest of the region as a whole, while correcting regional subregional imbalances foreseen over to 20-year planning horizon, as necessary.

The region's fair share policy, as well as regional and state law, require that each area of the region be eligible for UGB amendments. The only questions are whether areas meet legal standards. Clearly, no city can be allowed to insist that its share of growth be absorbed by another jurisdiction. Determining the locations for UGB amendments must be an exercise based on legal and policy principles. The critical UGB long-term planning decision cannot be allowed to degenerate into a popularity contest based on short-term desires of current political leadership.

Accordingly, Metro, as the coordinating authority, is left with the inevitable task in this case of determining the merits of the Rosemont Village concept plan without great cooperation from Lake Oswego, Clackamas County or West Linn. To date, all have expressed disagreement with the policy choice to accommodate significant growth in the Stafford area or have expressed disagreement that the north Stafford area should be evaluated for inclusion in the Metro area UGB at all. Other jurisdictions within the region have provided constructive and helpful input regarding the Rosemont Village concept plan area. This reflects the region's interest in moving forward appropriate UGB amendments.

1. Regional need for land for housing — ORS 197.299.

As is explained above, the region has an unmet housing need. ORS 197.299 requires that Metro include in the UGB, by the end of 1998, at least one half of the land needed to accommodate its unmet housing need. The regions, cities and counties have strongly encouraged Metro to include areas within the UGB that are concept planned under MC 3.01.012(e) to best ensure new urban development is consistent with the 2040 growth concept, frame work and functional plans, as well as state law. Metro uses concept planning as a tool to evaluate UGB amendments for consistency with applicable law.

It is necessary for the region to include the Rosemont Village concept plan area within the UGB because of the region's unmet need for housing units, which the concept plan area greatly assists in solving. The Rosemont Village concept plan area should be included in the UGB because that area has been planned under the Rosemont Village concept plan in a manner that is consistent with MC 3.01.012(e) and, as such, provides unique opportunities to provide affordable housing opportunities to this part of the region where such opportunities do not otherwise exist.

Moreover, the Metro adopted Housing Needs Analysis states:

“Since 1990, there has been a growing concern on the issue of housing affordability in the Portland Metropolitan region.”

Housing Needs Analysis page 5. The Housing Needs Analysis goes on to identify a non-exclusive list of factors contributing to the housing affordability issue in the Portland Metropolitan region. Those factors are (1) a widening gap between household income and the cost of housing; (2) an increase in population and homelessness; (3) rising land costs; (4) a lack of available land. Housing Needs Analysis page 5. The Housing Needs Analysis identifies the issue of housing affordability as a critical Goal 10 issue for the region to resolve. Housing Needs Analysis page 1. The Housing Needs Analysis identifies Clackamas County has having the least amount of concentration of single and multi-family housing lagging behind Multnomah County which has almost half the region's multi-family housing stock and 39 percent of the region's single family stock, and Washington County that has the second highest concentration of both.

Housing Needs Analysis page 20. Moreover, Clackamas County has among the fewest number of lower cost units as compared with Multnomah and Washington counties. Housing Needs Analysis page 20. Also according to the Housing Needs Analysis, the City of Lake Oswego has the highest housing cost of any other jurisdiction in the region. Housing Needs Analysis page 41. Moreover, the Housing Needs Analysis predicts that the region will see an increase in the demand for many low and moderate income households seeking decent housing they can afford. Housing Needs Analysis page 46. The Housing Needs Analysis also identifies as a regional barrier to the development of affordable housing, suburban areas zoning requirements for a minimum lot size for detached single family dwellings that are set above 500 square feet per lot. The Housing Needs Analysis establishes that lot sizes over 5,000 square feet correlate to the size of the houses built on the land. Housing Needs Analysis page 49. One of the strategies identified in the Housing Needs Analysis of providing affordable and moderately priced housing to solve the region's need for the same, is providing adequate access

to public goods and services. Housing Needs Analysis page 57. Accordingly, areas with inadequate access to transit services, retail and employment centers and other centers are adversely affected in the opportunity for affordable housing. Id.

This recognizes that affordable housing opportunities require adequate access to public goods and services, but also at a level of high enough density to reduce the per dwelling unit cost of such housing. Providing urban services without correspondingly increasing densities, simply perpetuates housing pricing by spiraling out of control with no corresponding public benefit. The Housing Needs Analysis is consistent with the Goal 10 requirement that each city and county within the region work with Metro to establish local and regional policies to provide the opportunity within each jurisdiction for accommodating a portion of the region's needs for affordable housing opportunities, as well as for subregional needs for affordable housing opportunities. Accordingly, there is a particular regional need for affordable housing opportunities close to goods and services. This means that for a community to be livable, this means it must have adequate opportunities for decent and affordable housing. To achieve this, 2040 concept communities must be established in newly urbanizing areas outside of the existing UGB in order to facilitate a balance of housing and jobs in the newly urbanizing area so that people have an opportunity to live and work as well as have access to services within the area within which they live.

Including the Rosemont Village concept plan area within the Metropolitan UGB is required to assist the region in accommodating this regional need for housing including opportunities for 2040 concept communities which include the opportunity for affordable housing.

2. Regional and subregional need for opportunities for affordable and moderately priced housing within the Lake Oswego area.

It is also necessary to include the concept plan area within the UGB because it furnishes critically needed land supply in the Stafford area that furnishes the realistic opportunity to accommodate serious needs for affordable and moderately priced housing in this area. This subregional area has the most profound housing affordability problem in the entire region. ORS 197.298(3) and (4).

The non First Tier portion of URA 34, while composed of exception lands, has been identified by the City of Tualatin, DLCD and others as an appropriate area for employment and commercial/industrial purposes, not housing. Moreover, URA 33 has low productivity. This means URA 31 and 32 and a portion of 33 that functionally makes up the Rosemont Village concept plan area, are the other most reasonable candidates to satisfy this special housing need. There have been several analysis of the availability and cost of housing within the Lake Oswego area. The analysis of both Leland Consultants of February 13, 1997, as well as the various memoranda from Randall Pozdena of ECONorthwest from 1998, are relied upon and hereby incorporated by this reference. The December 1, 1998 ECONorthwest memoranda contains expert opinion regarding housing opportunities within the Rosemont Village concept plan area and affordability issues as well as unique opportunities in Rosemont Village that will occur because of Rosemont Village, not the market forces generally. This analysis concludes that the Rosemont Village concept plan envisions a ratio of apartments and condominiums relative to

single family homes that is 66.8 times the ratio currently observed in the surrounding market place, that is represented by the communities of Lake Oswego and West Linn. Because the housing stock of those two communities has evolved in response to market forces seeking maximum development value it is likely that the village design deviates significantly from the value maximizing pattern of development that previously has characterized Lake Oswego and West Linn.

The Rosemont Village concept plan includes a large number of condominiums/apartment style units and smaller single family houses and townhomes. These kinds of housing opportunities as well as the possibility for a manufactured housing park, strongly enhances the affordability of Rosemont Housing. This is demonstrated with two alternative analyses.

The first is to determine what proportion of the proposed housing would be affordability by a population with income characteristics like those of the surrounding communities of Lake Oswego and West Linn. This is the comparison required under the Metro Code MC 3.01.012(e)(7).

Under this analysis, 92.9 percent of the units in Rosemont Village would be affordable by individuals at the median household income or above in the relevant adjacent area of West Linn and Lake Oswego, and 75.1 percent would be affordable to household at 80 percent of the median household income or above. This affordability finding is a direct result of the heavy emphasis in the Rosemont Village concept plan that is placed on apartments and condominiums.

Another approach, i.e., respond to criticism from the City of Lake Oswego that affordability should be based not simply on the Metro Code standard of examining adjacent communities but should be examined on other basis. Accordingly, the second approach was to look at the pattern of the incomes of employees in the area rather than residents, and determine whether the proposed village provides a type of housing that would permit some of the area workers to live in the area. To be consistent with other analysis already performed in this regard the Leland Consultant Group information was updated by ECONorthwest. It was concluded that most people who work within the six miles radius area that was studied in the Leland report herein incorporated cannot afford the typical single family home in the City of Lake Oswego or West Linn. The housing that is affordable to these employees (smaller homes and condominiums/apartment style homes) do not have a great presence in the current market. Rosemont Village, in contrast, proposes that more that 81 percent of residential units be of these project types. Rosemont Village offers significant opportunities for the region as well as the subregion, to enjoy already improved jobs/housing, balance. Accordingly, Rosemont Village responds to a very real need for increased housing affordability opportunities within the Lake Oswego subregion and response to these needs appropriately. So long as a condition of approval is included, as consistent with MC 3.01.012(e)(2), the Rosemont Village concept plan complies with this section of the Metro Code.

3. Rosemont Village's Mix of Commercial Uses Make The Area Livable as Required by Acknowledged Metro Code Standards

In the Metro RUGGOs, Goal II begins with this statement:

The quality of life and the urban form of our region are closely linked. The Growth Concept is based on the belief that we can continue to grow and enhance the region's livability by making the right choices for how we grow. The region's growth will be balanced by:

- II.i Maintaining a compact urban form, with easy access to nature;
- II.ii Preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed use centers and corridors at a pedestrian scale;
- II.iii Assuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation;
- II.iv Targeting public investments to reinforce a compact urban form.

The Metro Council, in adopting Urban Reserve Planning requirements and criteria, recognizes the critical importance of applying these important concepts not just within the existing UGB, but also within the process of taking new land areas into the UGB to meet regional and local growth needs. This approach is consistent with the implementation actions and studies that have followed adoption of the RUGGOs on December 14, 1995, including amendments to the Regional Framework Plan and Functional Plan, adoption of urban reserve planning requirements, and the Urban Growth Report.

The relevant growth management objectives include:

"A regional 'fair share' approach to meeting the housing needs of the urban population" [RUGGO II.2.i];

"The continued growth of regional economic opportunity, balanced so as to provide an equitable distribution of jobs, income, investment and tax capacity throughout the region and to support other regional goals and objectives" [RUGGO II.2.iii]; and

"The creation of a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the location of jobs, housing, commercial activity, parks and open space" [RUGGO II.2.v].

These objectives recognize the importance of maintaining housing and economic development opportunities throughout the region, while locating and balancing those opportunities to achieve healthy, functioning communities. The objectives recognize that bringing complementary land uses close together offers citizens access to open space, recreation, work, education, commerce, and socializing, all within local neighborhood areas close to their homes. As a result, reliance on private automobiles is reduced. Housing with easy access to all these activities is a cornerstone of quality of life in the region.

Accordingly, the Metro Council has previously determined it is necessary to promote opportunities for balanced, integrated neighborhoods and communities within the context of selecting UGB expansion areas. This is achieved by considering proposed expansion areas' potential yields not only with respect to production of housing units, but also based on demonstration that balanced, livable neighborhoods will result. This goal is reinforced by the

urban reserve planning requirements in the Metro Code, which mandate consideration of numerous factors affecting quality of life.

The Metro Council therefore finds it appropriate to take into the UGB those areas that demonstrate a compact, localized mix of complementary land uses and transportation system elements. This balancing approach must be applied not only with respect to the region as a whole, but in specific UGB expansion areas; if residents' needs for employment, open space, recreation, shopping, and services cannot be met in the immediate vicinity of their homes, their only option is to travel for all of those needs. At both the local and regional levels, such travel demand increases congestion and VMT, with resulting direct and indirect negative impacts on quality of life in the region, such as extended travel delays, fuel consumption, air and surface water pollution, and costly demands for transportation infrastructure.

Currently, housing and jobs are not in balance in several areas of the region, and particularly in the 6 mile subregion identified in the February 13, 1997 Leland Report in Clackamas County when viewed from the standpoint of the housing that jobs in this area can buy. This results in an overwhelming demand for commuter travel between housing located there and employment centers in other parts of the region. The resulting congestion, travel delays, and other impacts are detrimental to quality of life throughout the region. Without Rosemont Village which provides the opportunity for a different paradigm in this area that so badly needs it, the situation can only get worse over the 20 year planning horizon.

Consistent with this approach, the Metro Council finds that the Rosemont Village Concept Plan, while satisfying the housing fair share objective, is consistent with the Metro Council's preferred approach to managing the regional UGB to preserve quality of life. By providing land planned for housing, with affordable dwelling unit types and densities, the concept plan creates opportunities for many households that cannot currently afford housing located in the exclusive Lake Oswego/West Linn market area. Centrally located within the concept plan area, however, is a mixed-use employment, residential, and "Main Street" shopping district, flanked to the north by the City of Lake Oswego's planned Luscher Farm Park, and to the west by a proposed public services center. A riparian open space corridor provides a trailhead opportunity at the southern "Main Street" plaza. This integration of multiple quality-of-life elements into the "Village Center" provides an example of the kind of community design the RUGGOs and Metro planning requirements are specifically intended to promote.

The balancing of these land areas to serve local needs has been demonstrated by comparison to market data for Clackamas County. The ratios of office space to households and population at Rosemont Village are within 5% of the comparable values for the City of Lake Oswego. Similarly, residential-to-commercial property value ratios were predicted for Rosemont Village and compared to ratios for Clackamas County, Lake Oswego, and West Linn. Lake Oswego and Clackamas County established the low end of the range, at 7.2 and 7.5 to 1, respectively; West Linn yielded a ratio of 31.2 to 1; and Rosemont Village produced a value of 11.9 to 1. This figure is within a reasonable range, and indicates that Rosemont Village will have somewhat more residential property value, compared to commercial property values, than either Lake Oswego or Clackamas County today. See ECONorthwest, December 1, 1998.

The Metro Council therefore finds that the Rosemont Village Concept Plan including its commercial elements is needed to enable the region to satisfy its established and acknowledged livability elements contained in the acknowledged RUGGOS. The simple provision of needed housing in any area of the region without corresponding plans for commercial uses at a pedestrian scale and in a multi modal context, will only exacerbate long range transportation congestion which acknowledge 2040 concept planning standards seek to avoid.

4. Feasibility of an agreement consistent with ORS 195.065.

ORS 195.065 concerns the following urban services: Sanitary sewers; water; fire protection; park; open space; recreation; streets; roads; and mass transit. (ORS 195.065(4)). There is nothing that makes an agreement regarding these services, including their provision, function, planning, management and service responsibility unfeasible in any respect. The evidence in the record is clearly to the contrary. Water and sewer service are available to service the concept plan area from a variety of potential sources, including the Unified Sewerage Agency (sewer), Portland (water and sewer), and Lake Oswego (water). Tualatin Valley Fire and Rescue have stated its ability to provide fire protection services to the area. This concept plan sets aside adequate areas for parks and recreational opportunities, and the area includes three different park properties currently owned by the public, that the City of Lake Oswego has acquired and planned for recreational purposes outside of the UGB within the Rosemont Village concept plan area and immediately outside of it. The Rosemont Village concept plan provides approximately 166 acres of land and open space uses. Streets, roads and paths planned in and around the concept plan area maximize connectivity and safe and efficient conveyance of people to, from, and within the concept plan area. Potential income streams from the development of the concept plan area provide adequate revenue sources to support development of it. Metro will exercise its authority as the coordinating body under ORS 195.065 to ensure an agreement consistent with ORS 195.065(2). This is Metro's responsibility and the authority to control UGB amendments under state law. No local government may legitimately refuse to participate in this process. All areas within UGB's are required to be available for urban development and must be served under Goal 11.

Accordingly, Metro requires as a condition of this UGB amendment approval an agreement consistent with ORS 195.065. All UGB amendments must be approved subject to conditions in any case (MC 3.01.040). Accordingly, the City of Lake Oswego city attorney's letter stating that conditions of legislative UGB amendment approvals are contrary to the Metro Code is clearly erroneous. All legislative amendments must be subject to conditions of approval as is clearly demonstrated in MC 3.01.040. Moreover, the Metro Code was adopted with the expressed provision and possibility of a condition of approval could be attached requiring agreement consistent with ORS 195.065. There is nothing inordinately difficult or impossible about this condition of approval.

IV. MC 3.01.012(e)(4).

This section requires urban reserved plans to provide average residential densities of at least 10 dwelling units per net developable residential acre, or lower densities which conformed to the 2040 concept plan designed type designation for the area. Here, for the Rosemont Village concept plan, there is no existing adopted 2040 design type in the Rosemont Village plan area.



The Rosemont Village concept plan provides for the potential production of 4,242 dwelling units in residentially designated land areas. The combined net developable acreage of the residentially designated areas is 410.2, resulting in an aggregate density of 10.3 dwelling units per unit developable residential acre. An additional 218 units are to be provided within the mixed used village center's commercial office residential mix and commercial retail and service/residential mix areas, yielding a projected total of 4,460 dwelling units for the Rosemont Village concept plan area. The Metro Council finds the Rosemont Village concept plan achieves an average of 10.3 dwelling units per unit developable residential acre, which exceeds the 10 units per acre required by this section, and complies with the minimum residential density requirements for urban reserve plans. Inner-neighborhood main street designations are applied by the Rosemont Village concept plan and are hereby adopted by the council to apply in the manner it's shown in the Rosemont Village concept plan to limit and measure uses potentially allowable under the concept plan hereby approved. These inner-neighborhood and main street designations are appropriate and consistent with Metro standards and create the kind of 2040 community in the Rosemont Village concept plan area that will make it a uniquely beautiful, livable and affordable place to live. Under applicable Metro standards, a key objective of the urban reserve planning process is to identify the highest and best use of designated urban reserves, enabling the Metro Council to adopt region 20/30 design type designations in conjunction with, and relating specifically to, urban reserve plans as they are adopted. Among other requirements, such designation must be consistent with the requirement in the Metro Code at 3.01.012(e)(4) and the urban growth management functional plan title 113.07.01120(D) that urban reserve plan provides for residential densities of at least 10 dwelling units per net developable residential acre, except where a lower density design type designation has been adopted by Metro.

No design type designation has been previously adopted by Metro in the Rosemont Village concept plan area lending an unique opportunity to the region and to the subregion to apply appropriate design types to strengthen and emphasize nature features as well as efficiently utilizing the substantial amount of planned and actual existing public infrastructure that serves the area and to provide a uniquely livable and affordable community.

The Rosemont Village concept plan area has been widely recognized as capable of supporting the level of use and population density higher than rural development, and higher than either of the region 2040 neighborhood design types alone (inner-neighborhood and outer-neighborhood). Furthermore, the 2040 growth concept emphasizes the importance of design type designations enabling people to live, work, shop, and recreate in close proximity, thus reducing automobile dependency. Such designation are advantageous because they promote livability, encourage use of alternative transportation modes, such as walking, bicycling and transit; reduced vehicle miles traveled (VMT), and ultimately reduce traffic congestion in the region.

The Metro Urban Growth Report, which is the primary source of the region's unmet land demand calculation and figures, include specific density standards for region 2040 design types in urban reserve areas. Appendix C of the UGR "buildable lands and capacity analysis," explains the method used by Metro to represent changes needed in local plans to implement the 2040 growth concept, and includes a set of three tables identified as the "2040 growth concept matrix." Based on Metro plan categories, this matrix identifies the changes in land designations necessary to achieve the 2040 growth concept. That is for any given land area, the appropriate future Metro

plan category designation can be identified based on its current Metro plan category designations and the region 2040 growth concept design type(s) adopted for a period in addition, the matrix indicates the corresponding maximum residential and employment capacity needed, and 2040 expected yields for each Metro plan category, to achieve the 2040 growth concept. As are many urban reserve areas, the Rosemont Village concept plan area is currently located in an area principally shown on Metro's "FF-Farm and Forest, agricultural commercial uses".

Importantly, in anticipating the transition to 2040 design types, the urban growth report and the 2040 growth concept matrix recognize differences between established urban areas, such as existing main streets and corridors, and the design types that will be introduced in the newly designated urban reserve area. The matrix specifically differentiates between main streets and urban reserve main streets, transit corridors and UR corridors, neighborhood I (inner-neighborhood) and UR neighborhood I and neighborhood II outer-neighborhood and UR neighborhood II.

Concurrent with legislative UGB amendment proposal, the Metro Council is considering proposed 2040 design type designations to apply to UGB areas which were previously identified as urban reserve areas. The Metro Council hereby finds that in the Rosemont Village plan area, an inner-neighborhood designation shall be adopted and applied to most of that area, as shown on the Rosemont Village concept plan map included in the concept plan. Moreover, a main street is to be adopted and applied along Rosemont road extending west from the Wilson Creek Corridor to a drainage way corridor located approximately 400 feet east of Stafford Road, as shown on the Rosemont Village concept plan map included in the hereby approved Rosemont Village concept plan. Such main street designation applies to a corridor which is 400 wide (200 feet on each side of the Rosemont road center line) and approximately 2,400 feet long, contained in an area of approximately 22 acres, which is the length. Of course, in the actual development of this area, the main street corridor may be reduced by adoption of protective buffers along the two drainage ways.

The Metro regional zoning categories, maximum capacities, and 2040 expected yields as they will apply to the Rosemont Village area are shown on table 4 of the Rosemont Village concept plan which is hereby adopted and incorporated here and by this reference, and is determined to have been based on the proposed growth concept designations, the Urban Growth Report and the 2040 growth concept matrix and consistent with all of these. Table 5 of the Rosemont Village concept plan similarly adopted and herein and incorporated by this reference, contains designations and provides a comparison with the Rosemont Village concept plan. Rosemont Village is anticipating housing productivity of 4,460 dwelling units is between the required maximum and projected yield values found in the matrix, 4,507 and 3,849 respectively. Employment figures for Rosemont Village are somewhat higher than projected in the matrix at 1,773 versus the projected 1,516 potential jobs. Converted to Dwelling Unit Equivalent (DUE), the Rosemont Village concept plan yields a DUE total of 5,199, representing 4,460 households plus (1,773 jobs/2.4 persons per average household).

Furthermore, the density per net acre represent target yield figures within a range of density values as follows: Village center residential ranging from 16 to 30 dwelling units/net acre, with an aggregate target yield of 22 DU/net acre; condos/apartments/manufactured dwelling park residential ranging from 10 to 22 dwelling units/net acre, with an aggregate target yield of

16 DU/net acre; townhouse/small lot single family residential, ranging from 8 to 12 DU/net acre, with an aggregate target yield of 10 DU/net acre; and single-family residential, ranging from 4 to 6 DU/acre, with an aggregate target yield of 5 DU/net acre; and, therefore, the average housing density for Rosemont Village is 10.3 housing units per net for each net developed residential acre or 24.6 persons per net developed residential acre.

These broad density ranges provide for an interesting and complex community structure surrounding the village center, providing the opportunity for range of housing types and styles to meet the needs of Oregon households of different sizes and incomes. This also provide an adequate opportunity for the subregion represented by the Rosemont Village concept plan to meet identified and severe shortages of lower and moderate class housing by providing a strong supply of high density living opportunities, close to services, transit and employment opportunities that should also reduce the need for lower income families to own and maintain private vehicles, travel vast distances, thus further enhancing high quality but lower cost living opportunities.

The Rosemont Village concept plan meets the requirements of the RUGGO's, the Urban Growth Report and the Region 2040 design types, proposed for the Rosemont Village plan area.

MC 3.01.012(e)(5) the concept plan includes demonstrable measures to provide a diversity of housing stock that will fulfill needed housing requirements as that term is defined in ORS 197.303. ORS 197.303 defines needed housing as follows: "[H]ousing types determine to meet the need shown for housing within an urban growth boundary of particular price ranges and rent levels. Indicate omission [N]eeded Housing also includes: "(a) housing that includes, but is not limited to, attached and detached single family housing and multi-family housing for both owner and renter occupancy; (b) government assisted housing; (c) mobile home or manufactured dwelling parks. Indicate omission (d) manufactured homes on individual lots planned in zone for single family residential use that are in addition to lots within designated manufactured dwelling subdivisions."

The concept plan includes opportunities for rentals. Rentals and home ownership at a variety of price ranges. Examples of potential units within the concept plan area are shown on Figure 17 of the Rosemont Village Concept Plan which is approved and adopted herein by this reference. The concept plan offers unique opportunities for establishing all the needed housing types required under state law, including manufactured dwelling parks and mobile home parks. These opportunities are otherwise unavailable in the Lake Oswego and the West Linn area for the reasons previously explained under the ECONorthwest and Leland Consultants analysis. The concept plan provides the opportunity to establish needed and otherwise unavailable housing opportunities within this subregional area as well as in the region as a whole.

#### V. MC 3.01.012(E)(6)

The standard requires that the concept plan establish, without relying on subsidies, how residential developments will provide housing affordable to households with incomes at or below area median incomes for home ownership, and at or below 80% of area median incomes for rental, as defined by the US Department of Housing and Urban Development for the adjacent

urban jurisdiction. Adjacent jurisdiction to the Rosemont Village concept plan area are West Linn and Lake Oswego.

The method of calculating median household income inconsistent with the Metro Code for this concept plan was proposed in a memorandum circulated by fax to Metro staff Sonny Conder and Mark Turple on September 14, 1998, followed by a telephone conversation with Sonny Conder confirming the validity of the method. See Supplemental Technical Appendix. Subsequently, ECONorthwest refined the method by averaging the income figures for Lake Oswego and West Linn according to their respective populations, arriving at the \$75,150 median household income figure used in the ECONorthwest calculations. Using this method, ECONorthwest not only found that 92.9% of the housing units proposed in Rosemont Village would be affordable for ownership by households earning median incomes, but found further that 75.1% of the housing units would be affordable for ownership by households at 80% of the calculated median income. (See Table 12).

The City of Lake Oswego has argued the method of analysis used by ECONorthwest, following review of the median household income estimate by Metro staff, is inappropriate. Accordingly, as part of the coordination responsibility, the housing affordability test was applied a second time, based on estimated household incomes derived from average wage figures of employers located within a 6-mile radius of the Rosemont/Stafford intersection, i.e., applying an analysis similar to that produced by the Leland Consulting Group and adopted in the Metro Council findings for Ordinance 96-655E, the Urban Reserve Area Designations. This analysis resulted in a range of estimated household incomes based on the average wages for employment categories within the 6-mile radius, which prove to be substantially lower than median household income figures in Lake Oswego and West Linn.

These estimated household income figures were then compared to the ownership costs of dwelling units, by type and number of bedrooms, in Lake Oswego, West Linn, and Rosemont Village. Table 13 lists the average value per unit for those housing types, which Rosemont Village creates the opportunity to provide, the current distribution of units in Lake Oswego and West Linn by type and number of bedrooms, and the proposed distribution in Rosemont Village.

Two related observations can be drawn from this analysis. First, of the dwelling unit types affordable to households within the 6-mile employment radius — generally condominiums, apartments, townhouses and other small-lot types — Lake Oswego and West Linn collectively provide a total of only 294 existing units. Two-bedroom single-family homes, affordable to 20% of households in this analysis, make up a total of 606 units, resulting in unmet demand of 563 units of the housing type. Only 5% of the households in this analysis could afford 3- or 4-bedroom homes in Lake Oswego or West Linn.

Rosemont Village, by contrast, provides the opportunity for (111) 2-bedroom single-family homes, (1217) 2- and 3-bedroom townhouse/small-lot units, and (2,365) 1-, 2-, and 3-bedroom condominiums and apartments affordable to households with employment in the 6-mile vicinity. The opportunity for provision of such affordable units represent an 83% share of the total number of dwelling units planned in Rosemont Village. These units have the potential for addressing the housing needs of literally thousands of households with one or more members who work in the 6-mile radius areas.

This analysis demonstrates the mix of housing product types proposed in Rosemont Village is designed to address a pressing sub-regional affordable housing need, and will provide both home ownership and rental housing opportunities for individuals and families who will otherwise be excluded entirely from the West Linn and Lake Oswego housing markets. The Metro Council finds that the concept plan meets the criterion for provision of affordable housing without public subsidy.

#### VI. MC 3.01.012(E)(7)

This standard requires the concept plan provide sufficient land for commercial and industrial development for the needs of the area and adjacent land inside the urban growth boundary consistent with 2040 Growth Concept Design types. Compliance with this standard is difficult, given that there is a relatively small region-wide need for additional jobs. The most pressing need justifying the UGB expansion is for housing units. In deference to the extreme need for land for housing over the 20-year planning horizon, the concept plan focuses on the provision of such housing. However, in an effort to balance a number of different planning goals, including reducing demand on the automobile for environmental, affordability, and efficiency reasons, this concept plan includes the opportunity for 1,773 new jobs. In addition, Metro standards require such mixtures of jobs and housing opportunities.

The Rosemont Village Center provides a "Main Street" area where local retail, services, and jobs will be located, at a scale appropriate to the Village's population. The location and acreage designations of the Village Center are designed to yield a balance that will enable Village residents at a wide variety of income levels to live, work, and shop within the Village area. This intended to bring jobs and housing into balance and to achieve related benefits, such as reduced vehicle miles traveled per capita (VMT) and increased reliance on walking, bicycling, and transit.

The employment and housing planned for the Rosemont Village Center itself are consistent with the "Main Street" 2040 design type, providing an estimated 1,773 jobs and 218 dwelling units, and achieving a density of 52.7 Persons Per Acre. This figure meets the requirement of 39 persons per acre in the RUGGOs and Title 1 of the Functional Plan. (See Table 5).

Table 14 compares the yield of the Village Center's designated office area, expressed as square feet of net rentable area, on a ratio basis with the office/household ratios of several communities in the south Metro area. This analysis demonstrates that Rosemont Village's office space per household and office space per resident ratios are similar to existing ratios in Lake Oswego, higher than ratios in Beaverton and Tualatin/Sherwood, and lower than in Tigard. This test validates the healthy relationship between the office employment and housing opportunities provided at Rosemont Village.

The Main Street area of Rosemont Village also provides opportunities for approximately 150,000 square feet of retail and service commercial development. A square-footage-based comparison of retail and service commercial uses against residential development is not possible due to limitations in available dates. However, data are available for capital values of commercial and residential properties, and ratios can be compared to gauge generally the

proportionality of land allocations among communities. Table 15 demonstrates that ratios of residential to commercial properties, and ratios can be compared to gauge generally the proportionality of land allocations among communities. Table 15 demonstrates that ratios of residential commercial property values range from a low of 7.2:1 in Lake Oswego and 7.5:1 in Clackamas County, to a high of 31.2 in West Linn. Rosemont Village's ratio of 11.9:1 is within this range, and indicates relatively more residential than commercial development as compared to either Lake Oswego or Clackamas County.

Finally, both DLCD and others have identified URA 34 as a particularly important area for provision of an industrial or commercial center, given its superior freeway access and relatively flat, undeveloped character. URA 34 will be brought into the boundary at the time a need for additional employment and industrial land is identified. Accordingly, the concept plan reserves, and anticipates itself harmonizing with, the ultimate development of URA 34 as an employment or industrial center. Development of Rosemont Village paves the way for development of URA 34; because of maximization of public infrastructure efficiencies, as outlined in the Clackamas County urban fringe study.

The Metro Council finds the Rosemont Village Concept Plan provides sufficient and appropriate land allocations for employment and commercial development to meet the needs of the concept plan area and adjacent areas within the UGB. The Council further finds that the Village Center is consistent with the 2040 Growth Concept Main Street design type, which is appropriate at its proposed location. The concept plan is consistent with MC 3.01.012(e)(7).

#### VII MC 3.01.012(e)(8)

This standard requires a conceptual transportation plan consistent with the Regional Transportation Plan (RTP) and the protection of natural resources as required by Metro functional plans. The concept plan includes a conceptual transportation plan consistent with the RTP which RTP is part of both the Rosemont Village Concept Plan as well as the Supplemental Technical Appendix and Technical Supplement incorporated herein by this reference. A number of the improvements proposed in the concept plan are specifically envisioned in the documents making up the RTP. No part of the concept plan's transportation analysis is inconsistent in any respect with any RTP or other plan, including the comprehensive plans of Lake Oswego, West Linn and Clackamas County. It is noted that the Comprehensive Plans of these cities do not currently apply to Rosemont Village because it is located outside of any city and there is no applicable intergovernmental agreement covering the area. However, there is nothing functionally inconsistent with the Village and any of those plans.

Moreover, the transportation analysis is sensitive to import natural features and avoids affecting such features in a manner that is inconsistent with the functional plan, including Title 3. Specifically, no Title 3 resources are adversely affected under the concept plan's transportation analysis or the concept plan itself. Rosemont Village's land use design provides complimentary uses within close proximity to one another and relatively high development densities close to the Village Center. A principle goal of the Village's design which is consistent with the Region 2040 design principles, as well as the TPR, is to encourage modes of travel other than reliance on the automobile. These alternative modes include walking, bicycling and transit, offering people choices among several modes of travel to reach their destination. In this regard

the comments by the City of , City Attorney's office as well as the planning office that alternative modes are not included simply overlooks this aspect of the Rosemont Village Concept Plan.

A further goal of the integrated land use and transportation plan included in the Rosemont Village Concept Plan is the reduction of vehicle miles traveled (VMT) and congestion in the region as well as the subregion represented by the Rosemont Village Concept Plan area. Like any other well-designed urban area, Rosemont Village needs and incorporates a functional structure of arterial, collector and local streets; pedestrian and bicycle facilities; and transit routes that it connects to, and makes it a part of the regional transportation system.

Like several areas facing development pressures, including other urban reserves at the perimeter of the Metropolitan Region, the Stafford area does not have roads capable of accommodating all the traffic they currently carry. To evaluate transportation system needs in the Stafford area, Kittleson and Associates measured current traffic volume counts a key intersections and used year 2015 metro trip generation forecasts to identify the roadway and intersection configurations necessary to provide adequate levels of service under projected year 2015 conditions. From a system-wide perspective, this analysis indicates both signalization and widening/lane configuration improvements will be required independent of the Rosemont Village at the following intersections along Stafford Road: Rosemont Road, Childs Road, Borland Road, and both north- and south-bound ramps to interstate 205. As part of the approval of this concept plan, Metro hereby determines that the improvements to Stafford Road shall be added to the RTP strategic projects list, as a preferred alternative to establish its viability. The City of Tualatin indicated it wished to see a second bridge over the Tualatin River and asserted this was necessary to comply with the TPR and functional plan. Metro hereby disagrees. A second bridge is a waste of both human and public resources, is unnecessary and adds unjustified expense to urbanization of this area. It was also suggested that Rosemont Road should be a five-lane arterial its entire length. Metro also disagrees. Transportation analysis establishes a lane configuration of Rosemont Road as proposed for a segment of five lanes and a predominance of three lanes, is more than adequate for the Rosemont Village concept plan area to function appropriately. Adding more width would provide few transportation benefits and would provide disproportionate adverse impacts on aesthetic values as well as efficient land uses. In this regard the City of Lake Oswego expressed concern regarding green corridors along Rosemont and Stafford Roads. This concern is accommodated as much as possible by limiting unnecessary transportation improvements to those that are necessary to allow the maintenance of as much as a green corridor as possible in this area. The concept plan is consistent with the adopted and acknowledged RTP provisions included in the Metro area functional plan.

Because Rosemont Village may evolve and grow over time, only a few new streets and limited improvements to existing roadways and intersections will be required initially. However, nothing prevents a more aggressive program of establishing such roadways and intersections.

Gradually, new collector streets and signals will be needed within the Village and improvements on Stafford and Rosemont Roads will be required. Based on the concept plan's integrated approach, Stafford Road ultimately will require two travel lanes in each direction between Rosemont Road and the I-205 interchange. This will facilitate the development of URAs 33 and 34 for future UGB amendments. Metro respectfully disagrees that Stafford Road

must be turned into a five-land collector beyond Rosemont Village all the way through the City of Lake Oswego to Highway 43. In this regard, the analysis of Kittleson and Associates and the Rosemont Village and supporting documents is hereby adopted.

The adoption of the Rosemont Village Concept Plan and the roadway system it envisions, facilitates the eventual development of URAs 33 and 34 for future UGB amendments in the matter consistent with that requested by the City of Tualatin. In this regard, it is specifically noted that the City of Tualatin suggested an requested that URA 34 be available for consideration for UGB amendment within the next five years. Accordingly, this concern of the City of Tualatin has been accommodated as much as possible in this decision.

Comparatively, the concept plan transportation systems within and adjacent to the Rosemont Village Concept Plan area are relatively inexpensive to construct to accommodate the Rosemont Village Concept Plan. If URA 33 and 34 urbanized, these areas can also share a cost of the street improvements because such improvements benefit far more than simply Rosemont Village.

### Streets

Rosemont Village's major street network is compatible with the transportation system planning that has been performed prior to designation of the Stafford urban reserves, while responding to the projected travel needs of the area in an urban context. Specifically, the Regional Transportation Plan, and local transportation planning by Clackamas County and the Cities of Lake Oswego and West Linn, all recognize the arterial functions of Stafford and Rosemont Roads. The Rosemont Village plan provides for development of these arterials to meet the urban function they increasingly serve already.

Within Rosemont Village, the concept plan calls for a connected network of collector streets, as specifically identified in the Transportation System map, and local service streets at a minimum spacing of 10-16 streets per mile. This requirement's objective is to provide many alternative routes for local travel, consistent with the Transportation Planning Rule, Title 6 of the Functional Plan, and the RUGGOs. Because of the need to address multiple planning objectives, such as minimizing the number of needed stream crossings and associated impacts, local street alignments are not proposed in the concept plan, but will be prepared as part of specific development proposals within the concept plan area. At some locations, such as where inflexible street intersection spacing would conflict with Title 3 provisions or other legal or planning objectives, development standards will be required to allow exceptions. Accordingly, the system structure and capacities of the arterial and collector streets within the concept plan area are designed to function satisfactorily within the context of balancing such competing objectives. Figure 2A in the Transportation Section of the Supplemental Technical Appendix shows the standard cross-section proposed for local streets in the village area.

### Transit

Making transit service feasible and attractive is a major transportation-related objective of this concept plan. Because Rosemont Village is currently outside the Urban Growth Boundary, plans have not yet been made for expansion of transit to this area. However, the planned



residential densities within Rosemont Village will merit expanded bus service over the next planning period, providing an estimated 500 weekday boarding rides, according to an analysis by Tri-Met. See Technical Supplement.

Transit is supported by the relatively high densities of both employment and housing concentrated in and around the Village Center, making bus ridership convenient and functional for residents and employees. Youth as well as adults will be able to ride transit to and from the Luscher Farm Park for recreational activities. Within the village Center's Public Services area, a transit center can provide a designated central location where bus riders can wait with dignity and reliably transfer between routes. As the Village Center and surrounding residential areas develop, transit service should be provided along the Stafford Road and Rosemont Road corridors, providing linkages to the Oregon City and Lake Oswego Transit Centers. In addition, direct transit connections to Tualatin and Beaverton areas should be evaluated. To implement these transit extensions efficiently and economically, Tri-Met's existing routes 36, 76 and 154 could be extended into and through the Rosemont Village area. Route 36, South Shore, could provide direct access to Tualatin, Lake Oswego, and Portland with minor route modifications. Similarly, Route 76, Beaverton-Tualatin, and Route 154, Willamette, could be extended to provide service to Tualatin and Beaverton west of Rosemont Village, and West Linn and Oregon City to the east. A new Stafford Road bus line should be established, providing 10-15 minute peak and 1/2 hour non-peak service to/from Lake Oswego Transit Center. Bus routing within Rosemont Village should facilitate travel to activity nodes and residential areas, while doubling as feeder routes to bus trunk lines. This internal service would logically be provided as extensions to the new service described above.

To facilitate efficient bus operations, transit-friendly street improvements shall be provided within the Village as well as on arterials in the vicinity. Examples of such installations include transit pullouts, shelters, and information centers, all of which improve the convenience and efficiency of transit service to the area.

#### Bicycle & Pedestrian Accessibility

The standard design cross-section for public streets within Rosemont Village requires sidewalks on both sides of the street, as illustrated in Figure 2A in the Transportation Section of the Supplemental Technical Appendix. In addition, bicycle facilities are to be provided on all regional boulevards, community boulevards, collectors, and arterials to make bicycling a safe and convenient mobility choice.

In the absence of aggressively planning for greater variety of housing opportunities, there is no meaningful way to supply such opportunities to the Rosemont Village master plan area and the greater area it serves. As indicated in the memorandum from Randall Pozdina dated November 25, 1998, this general area has relatively high housing costs that exceed the wage capacity of most area workers. Accordingly, the existing paradigm requires employees to travel from homes located outside to the area to their jobs thus increasing traffic congestion.

By providing the opportunity for lower and moderate priced housing within the Rosemont Village Concept Plan area, a dramatic improvement in this jobs/housing balance is anticipated, thereby minimizing the need for travel by these present and future employees. It is

anticipated that employees, by virtue of being located near their jobs, will be able to travel to work via modes other than the automobile. This is further facilitated by the provision of a multi-model transportation system in the Rosemont Village Concept Plan that includes pedestrian and bicycle facilities, and local and regional transit routes. Currently, there is no transit service to the Rosemont Village Concept Plan area. There are few safe and pedestrian and bicycle opportunities. By virtue of the employee demographics, few employees live close enough to their employment to attempt to ride a bicycle or walk to work. As a consequence, multi-model mobility is improved for this area by the development of the Rosemont Village Concept Plan area.

The transportation system for the Rosemont Village Concept Plan area was developed in collaboration with the development of other elements of the project, including land use, urban design, economics, and public infrastructure. Each of these elements is integrated, and were developed and refined during a series of development team meetings over a period of about nine months. This insured the proposed concept plan provided transportation choices, improved accessibility and safety and conformed with the Metro 2040 growth concept.

#### 2015 Background and Total Capacity Analysis

The forecast methodology used for this analysis is described in detail on pages 7 through 20 in the Preliminary Transportation System Review dated August 28, 1998. It should be noted that the traffic volume forecasts for 2015 are conservatively high due to some double counting for land uses currently in URAs 31 and 32 and those proposed in the Rosemont Village Concept Plan; therefore, the level of transportation infrastructure may be overestimated.

#### Evaluation Criteria

The evaluation criteria used to identify the adequacy of public services in the area of the Rosemont Village Concept Plan area comes from several sources. Metro has recently adopted new level-of-service standards in the Regional Functional Plan. In the Functional Plan, Metro has a number of conditions for which standards are specified. These congestion performance standards are identified for levels that are Preferred, Acceptable, and Exceeds. The Functional Plan specifies that Preferred Operating Conditions should be met unless physical, environmental, fiscal, operating, or political conditions exist that would prohibit feasible attainment of this standard. In this event, an Acceptable Operating Standard applies. In recognition that severe physical, fiscal, political, and sometimes environmental conditions exist in those constrained corridors in the site vicinity (*i.e.*, Stafford Road and Rosemont Road), the Acceptable Operating Standard was used in this analysis.

Metro's technical interpretation of Title 6 (Section 4b) requirements for transportation performance standards (as defined in a Working Paper that was provided as technical background for the Functional Plan) indicates that to meet an *Acceptable Operating Condition*, the first peak hour should not exceed LOS "E", and that the second hour should not exceed LOS "E" and the second average volume-to-capacity ratio should not exceed 0.95 for an area.

While the Metro Functional Plan has a number of conditions for which standards are specified, the plan states that Preferred Operating Conditions should be met unless physical,

environmental, fiscal, operating, or political conditions exist that would prohibit feasible attainment of this standard. In the Rosemont Village area, topographical constraints render this standard unfeasible. Hence, the Acceptable Operating Condition was considered an attainable one, thereby complying with Metro Title 6 (Section 4b).

In recognition that future travel forecasts were not available for the two-hour peak, it was necessary to estimate the second hour peak volume. Based on observed traffic counts at the most critical intersection in the study area, Stafford/Rosemont, the second peak hour entering volume is 91% of the peak hour volume. Thus, using Metro's standard of 0.95 minimum acceptable volume-to-capacity ratio for the second peak hour, then the acceptable volume-to-capacity for the peak hour could range as high as 1.04. However, it is not reasonable to assume that during the peak hour that volume should exceed capacity; hence, an adjusted volume-to-capacity ratio of 0.98 was used for the peak analysis.

#### Trip Generation

The trip generation methodology used to evaluate the Rosemont Village Concept Plan is described in detail on pages 10 through 15 of the Preliminary Transportation System Review.

#### Trip Distribution/Assignment

The trip distribution and assignment methodology used to evaluate the Rosemont Village Concept Plan is described in detail on pages 15 through 16 of the Preliminary Transportation System Review.

#### 2015 Background and Total Traffic Conditions

Figure 3A shows the estimated 2015 background and total (with the development of Rosemont Village) weekday p.m. peak hour roadway link volumes. As noted in previous submissions to Metro (Rosemont Village Concept Plan — Preliminary Transportation System Review), the improvements to the interchange at I-205 and along the Stafford Road corridor are required with or without Rosemont Village if URAs 33 and 34 develop in a manner generally consistent with the Executive Officer's Exhibit "A" (September 1996) assumptions. Rosemont Village simply provides an efficient and prudent amortization of public infrastructure improvements to maximize the utilization of the transportation infrastructure investment. In addition, several of the improvements listed to mitigate year 2015 total traffic conditions are required without the development of Rosemont Village. These improvements are outlined in Table 1A.

As shown in Table 1A, five intersections along the Stafford Road corridor would be required to be improved in Year 2015 *without the development of the Rosemont Village Concept Plan area*. Several of these improvements are already listed in the Clackamas County's Five-Year Capital Improvement Program, including:

- Borland Road/Stafford Road — The program calls for a new traffic signal and left-turn lanes to be installed at this intersection (\$1,500,000).

- Rosemont Road/Stafford Road — The program calls for the intersection to be re-aligned and left-turn lanes to be installed at this intersection (\$75,000).
- Stafford Road (Rosemont Road to I-205) — The program calls for the reconstruction and widening of Stafford Road up to Rural Standards (2-lane section) from Rosemont Road to Interstate-205 (\$5,000,000).

Based on these programmed improvements, approximately \$7,250,000 has been or will be allocated for transportation system improvements along the Stafford Road corridor. As such, this amount of funding can be deducted from the total Year 2015 total (without development) off-site improvements costs. However, it should be noted that approximately \$1,400,000 of necessary \$3,300,000 in Year 2015 background transportation improvements are not currently programmed by either Clackamas County or ODOT.

### Capacity Analysis

Operation of the future roadway transportation system, and its ability to accommodate the increased demand from Rosemont Village, was examined by determining the volume-to-capacity ratios on the key arterial and collector roadways in the site vicinity. The roadway capacities in the emme/2 model were used, and the volumes that were used are shown in Figure 3A. The resultant volume-to-capacity ratios for each key link are shown in Figure 4B.

As described previously, the Acceptable Operating Standard was applied, which indicates a maximum 0.95 volume-to-capacity ratio threshold for the second peak hour was applied to evaluate the available capacity within the study area. As described previously, a maximum volume-to-capacity ratio of 0.98 was used as the threshold for acceptable operations for the first peak hour.

Based on this operating standard, it can be stated that all the facilities within the concept plan area will operate within acceptable parameters. It should be noted that a short segment of Rosemont Road within the Village Center is forecasted to operate above the volume-to-capacity ratio threshold of 0.98. However, the model fails to account for numerous alternative routes available to access the commercial and other amenities at the Village Center. Specifically, it should be noted that the model's analysis did not account for all local street and site-access points located along each segment of Rosemont Road. It is likely that the motorists desiring to travel east along Rosemont Road will use the available local street network to access commercial uses within the village and multi-family residential developments, which in turn will reduce the overall demand on Rosemont Road. Accordingly, we find that, based on the available local and collector street accesses to the Village Center, that Rosemont Road will operate within acceptable volume-to-capacity ratios.

Based on this operating standard, it was found that the local transportation system would meet the Acceptable Operating Standards set forth in Metro's Functional Plan.

### Relationship to External Transportation Network/Connectivity

As in any area outside the UGB, there are transportation improvements on the area-wide transportation system needed to facilitate the development of 2040 concept communities, including Rosemont Village. The recommended improvements to Rosemont Village are described in this section.

a. Streets

The previously completed Preliminary Transportation System Review and the next section of this addendum highlight all the recommended street improvements inside and outside the Rosemont Village development area. The proposed street plan (See Figure 1A — Functional Classification Map) was developed to promote alternative travel modes and reduce overall vehicle miles traveled within and to/from the development area. This street plan was developed in compliance with the Urban Growth Management Functional Plan and the Regional Transportation Plan. All regional boulevards, community boulevards, arterials, and collectors have been designed to promote bicycle and pedestrian travel modes. Furthermore, the street cross-sections have been designed to accommodate bus pullouts and shelters within the Village Center (*i.e.*, regional and community boulevards). Further discussion on the street plan is provided in the Preliminary transportation System Review and the Rosemont Village Concept Plan.

b. Transit

Transit improvements have been described in detail in the Preliminary Transportation System Review and earlier in this addendum. These improvements include:

- Increase frequency and modify Routes 36, 76, and 154 to better serve Rosemont Village, as necessary.
- Expand neighborhood oriented bus service within the Rosemont Village and adjacent neighborhoods.
- Add a Stafford Road bus line, providing 10-15 minutes peak and ½ hour non-peak service to the Lake Oswego Transit Center.

c. Bicycle & Pedestrian

Based on the adopted Lake Oswego and West Linn Transportation System Plans and the Regional Transportation Plan, the planned Rosemont Village on-site bicycle facilities will match well with those planned off-site. In order to provide for good bicycle circulation to/from the adjacent communities (Lake Oswego and West Linn), all collector and arterial facilities should have bike lanes. Similarly, all collector and arterial facilities connecting to Rosemont Village should maintain bike lanes and sidewalks. This provision is called out in the proposed Street Design Standards (see Figure 2A).

The Rosemont Village Concept Plan identifies exclusive multi-purpose paths along designated greenways to facilitate the movement of bicycles and pedestrians (see Rosemont

Village Concept Plan). Furthermore, all future residential developments should provide interconnecting pathways to the Village Center and the other activity centers within the development area.

### Transportation Improvement Costs and Phasing

#### a. On-Site Transportation Improvements

Table 2A shows the on-site transportation improvements and costs that would be associated with Rosemont Village. This table assumes that all transportation facilities would be constructed to the standards shown in Figure 2A. This table includes only the costs of street construction, and does not include right-of-way, and also does not include the costs of bicycle facilities that are not adjacent to streets, or transit routes. The latter costs are not estimated because it is impossible to know these costs with any certainty. Moreover, no other potential UGB site that we are aware of has made any attempt to quantify these costs for this reason. Metro has not identified this as a deficiency in this regard, and we do not believe that there is one. Accordingly, the estimated total on-site transportation improvement costs an estimated of \$32,688,000. These improvements are required to be added to the Public Facilities Plan of the appropriate comprehensive plans by the conditions of this ordinance.

#### b. Off-Site Transportation Improvements

Table 3A shows the off-site transportation improvements recommended to accommodate the increased traffic associated with the development of Rosemont Village. It should be noted that the transportation system improvements required on Stafford Road, Rosemont Road, and the Interstate-205 interchange are not solely created by the development of the Rosemont Village concept plan area. In order to estimate the cost of transportation infrastructure attributable to the project, it was assumed that development area would be responsible for only its proportionate share of these transportation system improvements. Based on this cost proportioning, the Rosemont Village concept plan area development would be responsible for an estimated \$28,317,000 of the total \$54,786,000 of off-site transportation improvements. It should be noted this proportional share is based on the assumption that URSAs 33 and 34 are not developed. Rosemont Village's proportional share would be further reduced with the development of these two other URSAs. These improvements are required to be added to the Public Facilities Plan of the appropriate comprehensive plans by the conditions of this ordinance.

It should be noted that of the \$54,786,000 in off-site transportation system improvements, Clackamas County has already programmed \$7,250,000 in improvements to accommodate the continued growth in traffic along the Stafford Road corridor. This growth is irrespective of the future growth created by the development of URSAs 31, 32, 33 or 34. Therefore, the actual off-site transportation improvement costs attributable to Rosemont Village should be approximately \$24,570,000 [ $\$54,786,000 - \$7,250,000$ ] \*  $(\$28,317,000 / \$54,786,000)$ ] without the development of URSAs 33 and 34. *The Financial Element of this Concept Plan is provided in detail in the economic analyses prepared by ECONorthwest (see Rosemont Village Technical Supplemental dated October 16th).*

It should be noted the recommended widening of the Stafford Road corridor to five lanes is not currently in the Strategic Regional Transportation Plan. While it has been determined that the Rosemont Village area generates sufficient value to economically provide these improvements, it is recommended the Strategic Regional Transportation Plan be amended to include this improvement. This recommendation is based on the fact that this corridor improvement. This recommendation is based on the fact that this corridor improvement provides a significant regional benefit to the existing transportation systems in Lake Oswego and West Linn, as well as the future development of URSAs 33 and 34.

c. Phasing of the Transportation Infrastructure

It is difficult at best to predict and plan for phasing of improvements where no specific development is proposed. This is a problem not unique to the Rosemont Village Concept Plan. As with other proposed larger UGB amendment areas, given the size of development, the uncertainty of the sequence of development of portions of the site, and the rate of growth of other areas within the southern Portland Metropolitan Urban Growth Boundary, it is very difficult to develop a phasing plan. In any case, for purposes of developing the necessary transportation infrastructure, three development phases were assumed: Year 2005 (anticipated improvements prior to year 2005); Year 2010 (anticipated improvements between years 2005 and 2010); and Year 2020 (anticipated improvements between years 2010 to 2020).

The phasing of the Rosemont Village transportation infrastructure is described and illustrated in the Rosemont Village concept Plan (RVCP) and further illustrated in Figure 5A. The phasing illustrated for both on-site and off-site transportation improvements is based on careful examination of long-range travel forecasts, anticipated potential sequencing of land development, and our best professional judgment. It should be noted that the phasing plan also allows the proper funding to be available as the area develops. However, it should be noted that there are no unique impediments to the earlier staging of improvements.

Relationship to Other Programs/Policies.

This section addresses the consistency of the Rosemont Village Concept Plan transportation element with other plans.

a. Consistency with Regional Transportation Plan.

The Concept Plan used the Regional Transportation Plan base "strategic" model network as a starting point, from which transportation improvements were then identified. In addition, the transportation improvements recommended in the Concept Plan are consistent with the policies in the RTP; to maintain a safe, efficient transportation system with reduced reliance on the automobile.

b. Consistency with Transportation System Plan

Metro's Functional Plan, Clackamas County's Comprehensive Plan and Lake Oswego and West Linn's Transportation System Plans were used as a basis for the policy and infrastructure recommendations made for the Concept Plan. As a result, the Concept Plan is consistent.

c. Consistency with Transportation Planning Rule

A primary goal of the Oregon Transportation Planning Rule (TPR) is to provide a balanced, fundable transportation system with reduced reliance on the automobile, by providing viable choices for alternative modes. One objective of the Concept Plan is to provide the opportunity for moderate and lower cost housing to satisfy the needs generated by existing and planned jobs in the area. The Concept Plan provides these alternatives by increasing densities and creating a village center, thereby minimizing distances to be traversed by bicycling and walking; designating substantially expanded transit, bicycle, and pedestrian plans that will effectively reduce vehicle trips an estimated 25 percent; and, designating transportation improvements that are fundable.

d. Consistency with Public Facilities and Service Plan

The Public Facilities and Service Plan was developed in concert with the Transportation Plan. Public facilities are generally routed along street rights-of-way. The streets included in this Transportation Plan will, therefore, facilitate the orderly implementation of the Public Facilities and Services Plans.

e. Consistency with Natural Resources

The transportation element supports the natural resources within Rosemont Village by minimizing street crossings of natural areas, wherever possible. In this way, the concept plan is consistent with natural resources.

f. Bicycle & Pedestrian Consistency with Park & Recreation Plan

There is an extensive on- and off-street bicycle and pedestrian network in the Concept Plan. This network will be fully connected within the site, as well as to points outside the site. This network, by design, succeeds in connecting key bicycle corridors to parks, recreational uses, and activity centers. The bike and pedestrian system connects neighborhoods and provides mobility to commercial areas within the Village Center. Thus, the Concept Plan is consistent with the Park & Recreation Plan.

Based on these findings, it is concluded that the proposed Concept Plan is consistent with other applicable programs and policies.

Urban Growth Management Functional Plan Relationship

This section discusses the Concept Plan's compliance with the Urban Growth Management Functional Plan (UGMFP).

a. Title 6, Section 2: Boulevard Design

Stafford Road is designated as a Regional Boulevard between "A" Street and Bergis Road. Accordingly, the design standard for Regional Boulevard is recommended for this facility (see Figure 2A - Street Design Standards). The design standard is consistent with the Regional



Boulevard standards established in Metro 's Creating Livable Street - Street Design Guidelines for 2040.

b. Title 6, Section 3: Design Standards for Street Connectivity

It is recommended that local streets be provided at a minimum of 10-16 streets per mile. The community boulevards and collector streets within the study area are provided at roughly t/4-mile spacings. These characteristics indicate that the design standards are consistent with the UGMFP.

c. Title 6, Section 4: Transportation Performance Standards

Based on consultation with Metro staff, a two-hour peak performance standard was applied in the analysis. This two-hour standard was applied through the use of factors to the one-hour peak hour travel forecasts. The resulting volume-to-capacity ratio used in the analysis for the peak hour is 0.98. Assuming the improvements specified in this report, the Rosemont Village concept plan is in compliance with the standard.

Based on these findings, it is concluded that the proposed Concept Plan is in compliance with the UGMFP.

Summary of Findings

Based on the findings in this transportation addendum and the preliminary transportation system review, the proposed Rosemont Village Concept Plan meets the criteria established in the Regional Transportation Plan and Metro's Code for Urban Reserve Plans. The plan is consistent with the Transportation Policy, Functional Classification System, Needs, Strategies, and Projects, System Implementation, Technical Methods, Outstanding Issues/Refinement Studies, and Urban Growth Management Function Plan of the Regional Transportation Plan.

VII MC 3.01.012(e)(9)

Finally, both DLCD and others have identified URA 34 as a particularly important area for provision of an industrial or commercial center, given its superior freeway access and relatively flat, undeveloped character. URA 34 will be brought into the boundary at the time a need for additional employment and industrial land is identified. Accordingly, the concept plan reserves, and anticipates itself harmonizing with, the ultimate development of URA 34 as an employment or industrial center. Development of Rosemont Village paves the way for development of URA 34, because of maximization of public infrastructure efficiencies, as outlined in the Clackamas County urban fringe study.

The Metro Council finds that the Rosemont Village Concept Plan provides sufficient and appropriate land allocations for employment and commercial development to meet the needs of the concept plan area and adjacent areas within the UGB. The Council further finds that the Village Center is consistent with the 2040 Growth Concept Main Street design type, which is appropriate at its proposed location. The concept plan is consistent with MC 3.01.012(e)(7).

VII. MC 3.01.012(e)(8).

This standard requires a conceptual transportation plan consistent with the Regional Transportation Plan (RTP) and the protection of natural resources as required by Metro functional plans. The concept plan includes a conceptual transportation plan consistent with the regional RTP. In fact, a number of the improvements proposed in the concept plan are specifically envisioned in the RTP. No part of the concept plan's transportation analysis is inconsistent in any respect with any RTP or other plan, including the comprehensive plans of Lake Oswego and Clackamas County. Moreover, the transportation analysis is sensitive to important natural features and avoids affecting such features in a manner that is consistent with the Functional Plan, including Title 3. No Title 3 resources are adversely affected under the concept plan's transportation plans.

#### VIII. MC 3.01.012(e)(9).

This standard requires the (1) identification, (2) mapping, and (3) funding strategy for protection of wildlife habitat, natural hazards mitigation, and water quality enhancement. It also requires that a natural resource protection plan be included as part of the comprehensive planning and zoning applied to the concept plan area. The concept plan provides an adequate basis for such mapping and implementation through local comprehensive plan amendments, zoning, and related ordinances.

##### A. Identification and Mapping

1. Wildlife habitat areas are the riparian corridors identified on the map in Figure 7. The majority of the land in the concept plan area is in pasture grasses, with the most dense shelter, forage, and travel opportunities for birds, small animals, and more adaptable larger animals occurring in and along the connected riparian corridors of Wilson Creek and its tributaries. See SHAPIRO memorandum of June 18, 1998, Technical Supplement. These corridors correspond to resource areas protected under Title 3 of the Functional Plan. At this location, the buffer widths prescribed under Title 3 are expected to be sufficient in width to provide continued habitat functions along these streams for the species expected to occur in the Rosemont Village plan area, and to provide adequate insulation of those functions from developed areas. This is particularly true in the southernmost part of the concept plan area, where the main stem of Wilson Creek widens and steeper slopes protected under Title 3 occur, providing a wider habitat area immediately adjacent to the steeper and more densely canopied terrain outside the urban reserves.

The concept plan includes a riparian corridor enhancement program designed to improve habitat conditions through removal of non-native plant species and replanting with suitable native species. This process will create a multi-layered, structurally diverse riparian system capable of providing habitat for terrestrial species, and improving water quality and aquatic habitat conditions. This strategy is supplemented by surface water quality and quantity management requirements and implementation of BMPs to maintain stream flows similar to pre-development characteristics.

A small delineated wetland in URA 32, on the east side of Stafford Road immediately north of the existing Bergis Road intersection, was identified in materials submitted by the Petersen property owners. See Figure 6. Widening and realignment of the Bergis Road/Stafford

Road intersection will be required in conjunction with urban development in any of the URAs on the east side of Stafford Road, requiring a strategy for wetland impact mitigation. Two conceptual alignment alternatives are illustrated in the concept plan's Transportation System diagram Figure 11). Alternative "A" provides for the intersection of the proposed new north-south collector to be aligned with Sunny Hill Drive on the west side of Stafford Road. This alternative provides better intersection safety and operational performance, but would have a larger impact on the wetland than Alternative B, which would involve widening of Bergis Road and minor intersection realignment at the present location. However, these impacts can feasibly be mitigated. Conversely, the offset alignment in Alternative B is more complicated geometrically and operationally, which could lead to safety concerns, especially with respect to vehicular turning movements and pedestrian safety. Similar mitigation strategies will be appropriate for either alternative, likely consisting of enhancement of the existing delineated wetland areas not affected by construction, and possibly creation of additional wetlands in the immediate vicinity. The scale of the mitigation required is likely to be the principal difference between the two alignment alternatives illustrated. Either alternative is feasible and appropriate for the City and County to choose, based on local preference. In either case, an enlarged and/or enhanced wetland feature will be part of the proposed landscaped corridor along Stafford Road, and will form a "gateway" transition feature for people entering or leaving Rosemont Village at this location.

More site-specific analysis in conjunction with specific development proposals in the concept plan area may reveal other areas to be protected consistent with applicable law.

2. Water quality enhancement areas are shown in Figure 14. Specific water quality enhancement areas shall be established finally pursuant to specific development approvals by the approving jurisdiction(s). To protect water quality and streamflow characteristics in the Wilson Creek system, a series of small water quantity/quality treatment facilities, such as swales and detention ponds, and an annual maintenance plan and commitment to adhere to the plan will be required in conjunction with each development proposal. This method is based on accepted stormwater management BMPs, with the objectives of cleansing water before releasing it into the natural drainageways and maintaining pre-development flow characteristics. A network of small facilities has the additional advantage of advantage flows throughout the watershed, without requiring construction of large, public stormwater detention and treatment facilities, with potentially higher Costs and impacts on the Wilson Creek system.

3. The very few natural hazard areas are identified on the map shown in Figure 9 (Urban Fringe Study, 1991). As demonstrated on the map as well as the DOGAMI Relative Earthquake Hazard map, it is clear that the area is relatively free from natural hazards. This conclusion is supported by the Analysis by Talbott Associates, Inc. in the Supplemental Technical Appendix. Simple compliance with building codes and sound engineering principles will provide adequate protection against natural hazards in the concept plan area.

#### B. Funding Strategy

The economic analyses in the technical appendix and supplemental technical appendix make it clear that the concept plan area generates sufficient revenue to contribute its own infrastructure needs as well as additional, undedicated funds. See the ECONorthwest analyses in

the Technical Appendix and Supplemental Technical Appendix. Depending on the particular development proposals, as long as it is fair and consistent with state and constitutional law, some natural resource protection may be accomplished through developer dedication of land and developer-constructed water quality enhancement areas. Project-scale water quality enhancement is often part of individual development projects and, to the extent necessitated by the impacts of the development, these improvements are often reasonably paid by the developer.

The concept plan area will generate sufficient revenue to publicly acquire land to protect special places or values. It is not possible to estimate the amount of money required for such funding, as it is unknown what kind of contributions developers can be asked to provide. Also unknown is the amount and scale of acquisitions that may be made privately by groups such as the Three Rivers Land Conservancy, which has indicated an interest in land acquisition in this area, and is likely to act on that interest. Such private acquisitions offset the need for public acquisition of natural resource areas. Necessarily, the funding strategy must consist of an adequate revenue base for funding natural resource area protection. The concept plan is reasonably anticipated to provide this funding.

The surface water management funding method applied throughout the Tualatin River basin by USA has been discussed above. The program includes a surface water management systems development charge (SDC); on-site installation of surface water management facilities as a development requirement, providing treatment for phosphorus removal; stormwater detention and managed release to maintain desirable downstream flow characteristics; preparation of a maintenance plan and commitment to adhere to that plan; and a rate-based surface water management fee paid on an ongoing basis, similar to fees for water and sewer utility services. A program based on the USA model could be implemented by the future governing jurisdiction. Alternatively, USA could extend its service area to provide surface water management services in the Stafford urban reserves - which are within the Tualatin River basin - if invited and contracted to do so by a local jurisdiction. (See Supplemental Technical Appendix.)

#### IX. MC 3.01.012(E)(10)

This standard requires a conceptual public facilities and services plan, as well as rough cost estimates for water, sewer, storm drainage, transportation, fire, parks, and police protection facilities. In addition, a financing strategy for these costs is required.

The concept plan focuses closely on the land use pattern for the village, its transportation, utility, and stormwater management systems, and its needs for facilities and services, such as schools, recreation, and police and fire protection. The costs and benefits, as well as analysis of standards, focus on systems in and abutting the Rosemont Village Concept Plan area. However, the concept plan also includes an integrated, systematic approach to determine the costs and feasibility of urbanizing the remainder of the designated Stafford urban reserves.

Civil engineering design of public facilities and services, consisting of water, sanitary sewer, and surface water management systems, was performed by URS Greiner. Technical specifications of system requirements and cost estimates for the provision of needed services are contained in the Technical Supplement and Supplemental Technical Appendix.

The costs and integration of water, sewer, stormwater and transportation systems in the concept plan area into URAs 33 and 34 were analyzed by URS Greiner and Kittelson and Associates, who concluded that, generally, the costs of accommodating the anticipated growth of URAs 31-34 as estimated in the Productivity Analysis are not inconceivable. In turn, the higher costs attributed to URA areas 31-34 in round 2 of the Productivity Analysis were factored into the economic analysis performed by ECONorthwest. As explained in greater detail in the Technical Appendix to the concept plan, even with these higher costs factored into the public facilities analysis, the integrated system functions with a positive cash flow and generates adequate revenues for Rosemont Village to pay its fair share.

Additional public services traditionally funded by local government revenues other than rate-payer bases, such as police, fire, library, and parks and recreation services, are included in the modeling approach used by ECONorthwest. Rosemont Village's achievement of fiscal balance indicates its ability to pay its fair share of public costs to fund needed infrastructure systems and public services.

X. MC 3.01.012(e)(11)

This standard requires a conceptual school plan. The conceptual school plan is required to provide the amount of land and improvements needed for school facilities. The plan is also required to coordinate the estimates of needed school land among affected school districts, the city or county, and special districts consistent with the "procedures" in ORS 195.110(3), (4), and (5).

The procedures in ORS 195.110(3) requires that the school facility plan identify school needs consistent with population projections and land use designations. Here, the concept plan is consistent with regional population projections, because it plans for consistent amounts and types of development to accommodate projected populations. Provision of schools is consistent with comprehensive plans. The concept plan's proposed schools will not be located on high value farmland, as there is no a "high value farmland," as defined in ORS 215.710, in the concept plan area. Moreover, the applicable city and comprehensive plans must be amended to be consistent with this concept plan.

The procedures in ORS 195.110(4) contemplate provision of notice to an affected school district when considering plan or land use regulation amendments that significantly affect the school district. Such notice was provided. Additionally, the concept plan was well-coordinated with both the West Linn-Wilsonville School district, which covers nearly the entire concept plan area, and the Lake Oswego school district, which includes a much smaller share. See Figure 15. Both districts attended coordination meetings and received notice of letters and other city and county correspondence when various jurisdictions were considering this concept plan.

Moreover, the procedures in ORS 195.110(4) require assessment of capacity of affected school districts consistent with school planning documents. Both the school planning documents of the Lake Oswego and West Linn-Wilsonville school districts were consulted and this concept plan is consistent with them. The concept plan enrollment projections are consistent with these documents.

ORS 195.110(5) requires that a school district school facility plan “provide for the integration of existing city or county land dedication requirements with the needs of the school district.” When the city and county comprehensive plans are amended to achieve consistency with this concept plan, they shall include requirements as required by this section.

This standard is satisfied.

### XIII. MC 3.01.012(e)(12)

This standard requires a map showing certain features as well as demonstration of certain information. The concept plan includes such maps and information.:

- (1) Major roadway connections (see Concept Plan Figure 11 and the Kittelson memorandum of December 1, 1998 in the Supplemental Technical Appendix);
- (2) General locations of commercial and industrial lands (see Figure 2);
- (3) General locations of single-family and multi-family housing (see Figure 2);
- (4) General locations of public open space, plazas and neighborhood centers (see Figures 2 and concept plan maps.)
- (5) Location of “unbuildable lands including steeper slopes, wetlands, floodplains and riparian areas.” (see Figure 19.) It is noted that in the concept plan area, there are no unbuildable slopes or FEMA designated floodplains or floodways.
- (6) General locations or alternative locations of any needed school, park or fire hall sites. (See Figure 2 and concept plan maps).

### X. MC 3.07.11.010(13)

This standard requires coordination of the proposed concept plan among city, county, and other school districts, including a dispute resolution process if necessary. It also requires that the urban reserve plan be considered for approval by the affected city or county.

Coordination of the concept plan has been extensive with the city of Lake Oswego, West Linn, Tualatin, Clackamas County, West Linn Wilsonville School District, Lake Oswego School district, among others. Meetings and forums have been conducted, as demonstrated in Figure 3 to the Rosemont Village Concept plan. MPAC and MTAC have had review opportunities. Moreover, the proposed concept plan was presented and considered for approval by the cities of West Linn, Tualatin, and Lake Oswego. Minutes of the West Linn and Tualatin meetings in this regard are in the record. The resolutions of the cities West Linn and Lake Oswego disapproving of the concept plan are also in the record.

The concept plan was placed on MPAC’s agenda for consideration, and the professional team was available to present the plan at MPAC. However, the MPAC chair determined the concept plan would not be considered by MPAC. The local newspapers reported this event and,

immediately following these newspaper accounts, West Linn and Lake Oswego adopted resolutions disapproving the concept plan.

Lake Oswego in particular, and West Linn to a lesser extent, has complained that they have had an inadequate opportunities to review the concept plan and that it was inadequately coordinated with them. The Council, however, is well aware of the substantial efforts of the project team to gain audience with these cities and to seek their concerns and comments. In fact, once concerns and comments were given in public forums in November, the Concept Plan was revised to respond to those concerns. Moreover, the Concept Plan was build on the concept plan ideas reflected in Lake Oswego version of a concept plan it drafted out. The Council itself made the opportunity of MPAC and MTAC available to these jurisdictions as an opportunity to resolve and air their concerns.

Nevertheless, it was not until November that these jurisdictions and Clackamas County did submit comments to Metro or the project team about the proposed draft concept plan, and this was at the Metro public hearings beginning on November 12, 1998. Even though the draft concept plan was produced in June and available to these jurisdictions in July, and even though presentations were made or offered and workshops were requested to work with these jurisdictions as much earlier points in the process regarding the draft concept plan during the summer of 1998, none of the jurisdictions offered feedback regarding revisions or constructively participated in concept planning for this area until November 1998. Metro staff only analyzed the Rosemont Village concept plan in public meetings through staff reports dated November 23 and 30, 1998. On December 2, 1998, a final Rosemont Village concept plan was prepared that responded to all the various concerns expressed by these governments as well as Metro staff. Under the circumstances, given the timing of the analysis of the draft concept plan by affected jurisdictions and their refusal to consult or participate in the development of the concept plan, it is unjustified criticism that the final concept plan should not be adopted by Metro because it was produced late in response to late expressed concerns.

The Metro Council expressly finds the Rosemont Village Concept Plan was distributed to affected units of governments. The concerns of affected units of governments were invited and when finally identified, those concerns were accommodated as much as possible as explained herein. Metro does not have the luxury of starting over or delaying appropriate UGB amendment approval. ORS 197.299 makes it clear that Metro is required to bring qualifying areas into the UGB. All of the affected units of government regarding Rosemont Village were aware of this and that Metro was bound to consider privately funded concept plan under its own code; was specifically interested in considering the Rosemont Village Concept plan, was in fact considering that plan, all had the draft concept plan several months prior to the final decision in this UGB amendment case, had ample opportunities to influence its final design and chose not to participate in the development of the concept plan. There is a difference between refusal to participate and not being given the opportunity to do so. It lacks credibility to assert that these units of governments did not foresee that late expressed concerns beginning on November 12, 1998 would have addressed and accommodated as much as possible in the production of a responsive final concept plan for Rosemont Village before the scheduled UGB amendment decision date of December 3, 1998.

It may be that Metro, as the coordination authority, will have to institute a dispute resolution process in which affected jurisdictions are required to participate in good faith if these jurisdictions refuse to comply with applicable law, including the concept plan and this decision. If such an exercise is necessary, it will be far more productive and constructive to do so after the concept plan area within the UGB and the issue of "whether to grow" in a 2040 concept is simply off the table. In any case, Metro expects these jurisdictions to comply with applicable legal requirements.

It is noted that the City of Lake Oswego has represented to the Metro Council that it agrees that it is inevitable that this area will develop, at some point. It has also represented that it is willing to participate in an effort in this regard, at some point. The council finds that the adoption of the Rosemont Village concept plan and the inclusion of the Rosemont Village concept plan area within the UGB at this point, provides that opportunity to the city. The UGB spans a 20-year planning horizon. The Rosemont Village includes a suggested phasing plan. That phasing plan is not a required element such that a sooner timetable would require a new exception. However, the timetable does suggest flexibility in the implementation of the Rosemont Village concept plan. Twenty years is a long time. The Council finds it is long enough to provide Lake Oswego a meaningful opportunity to plan and implement the 2040 concept community that is Rosemont Village, without unduly burdening the City.

MC 3.07.030

This UGB amendment is subject to the condition of approval that an agreement consistent with ORS 195.065 must be adopted. The adoption of this agreement will be followed by the final plan amendments to reflect the agreement's terms in a manner that is consistent with the Rosemont Village Concept plan. This standard will be completely satisfied at that point when final amendments are adopted.

This UGB amendment complies with Functional plan Title 11.

## XII. Consistency With Acknowledged RUGGOS

This concept plan is consistent with all acknowledged RUGGOs, including design types and the 2040 concept. It is also consistent with the principle that each community is required to absorb its fair share of growth in areas the region determines are appropriate to do so. Stafford is an appropriate area for growth. It represents an area with a huge unmet need for dense housing opportunities affordable to people who currently work in the area, as well as those who are anticipated to live and work in the area in the future. Application of the RUGGO's fair share policy requires the exercise of political will to prevent the unfair migration of growth to other areas. Allowing politically powerful and affluent areas to opt out of growth is the best and quickest way to disenfranchise the rest of the region's citizens.

The RUGGO's policy of community separation is accommodated as much as possible in this decision, while mindful of other obligations as expressed herein. Only small portions of the existing UGB areas near West Linn are in close proximity to the concept plan area. The rest of West Linn and Lake Oswego are separated by the substantial land omitted from the concept plan area. The land zoned EFU outside the designated urban reserve, together with exception areas



omitted from the concept plan area, separate the two cities. These lands also protect from urbanization the largest concentration of forested habitat in the North Stafford triangle, surrounding an impressive riparian corridor. In this regard, the recognized rural reserves that separate the cities of West Linn and Lake Oswego are observed by the concept plan. The urban reserve areas are also observed, as required by and consistent with the RUGGOs.

### XIII. Consistency With The Functional Plan

This concept is consistent with the provisions of the Functional Plan.

#### Title 1

The concept plan is consistent with the design types of the Metro 2040 Growth Concept, including those identified in Title 1. Title 1 also provides that "As a matter of regional policy, each city and county must contribute its fair share to increasing the development capacity of land within the UGB" (Functional Plan, page 3). There is inadequate capacity within the existing UGB to accommodate regional growth needs.

The City of Lake Oswego recently asked its planning commission to consider whether the City should refuse to require minimum densities consistent with Title 1 (and necessarily Table 1 of the Functional Plan, which represents the City's agreed fair share of density increases inside the UGB), if the UGB were amended to include more land, and whether the City should refuse to require such minimum densities until Metro addressed "unfunded" growth "mandates."

The UGB must be amended, as is clear from the UGR. However, the UGR relies on significant and aggressive infill and redevelopment, as well as assumptions about minimum density, to maintain the small UGB expansion required for the 20-year planning horizon. No city, not even the City of Lake Oswego, can refuse to comply with the state and regional planning program. No exception has been requested, granted or justified for any city from any goal, particularly Goal 10, in this UGB amendment process. The UGB amendment proposed under the concept plan cannot legitimately be used as a shield to participation in regional infill and redevelopment requirements that every other city is working to achieve. Nothing about this concept plan is a legitimate impairment to infill and redevelopment.

#### Title 2

Title 2 is designed to implement the state TPR by limiting parking and vehicle miles traveled. This philosophy also characterizes the concept plan philosophy. Limited parking as required under Title 2 is considered and accommodated in the design of the concept plan commercial and employment areas. Moreover, the design of Rosemont Village is carefully considered to ensure adequate and appealing pedestrian pathways and trails to encourage pedestrian travel within the village area and to the transit stops and transit center envisioned in the concept plan. (See Figures 18 and 20).

#### Title 3

This important Functional Man title was applied to the concept plan. All identified Title 3 resources and buffers are included. Refer to Figure 5. The concept plan is consistent with Title 3.

#### Title 4

The concept plan envisions a mixed use community. It includes lower story retail opportunities and upper floor residential opportunities. More than 40 acres are designed to accommodate a variety of commercial uses, including a grocery store and approximately 470,000 square feet of Class A office space, along the lines of a Kruse Way model, or not as large. The remainder of the commercial space will be available for a mixture of shops, restaurants, clinics, and the like. Economic analysis shows the proposed commercial opportunities are adequate to be served and to serve the concept an. See the ECONorthwest analysis in the Technical Supplement. The concept plan is consistent with Title 4.

#### Title 5

The concept plan does not intrude into designated rural reserves, as required by this policy. In fact, this UGB amendment specifically excludes the designated rural reserves that include both EFU zoned areas and as well as exception areas.

#### Title 6

The concept plan complies with Title 6 of the Functional Plan. The concept plan introduces functional multi-modal transportation opportunities to the Rosemont Village area, which were previously unavailable to the area. Multi-modal opportunities will significantly enhance traffic movement in the area. Concentration of activity in the Village center encourages trips for shopping, employment, doctor visits and the like to be accomplished by means of walking or bike riding or wheelchair access. Pleasant pathways connecting the village to nature as well as other recreation and walking amenities are included in the concept plan. Vehicles will not furnish the sole means of getting from work and consumer opportunities to home, which is the situation that currently exists.

Congestion is minimized under the Rosemont Village concept plan, which was developed under the 2040 Growth Concept design types acknowledged to serve this function, among others. Street functional classifications as outlined in the December 1, 1998 Kittelson memorandum in the Supplemental Technical Appendix and incorporated herein by this reference, are consistent with the applicable design types for the concept plan area.

Streets are designed to comply with Title 6 street types and design. The Kittelson December 1, 1998 analysis in the Supplemental Technical Appendix Street connectivity is well planned and functions to encourage through trips to utilize arterial streets and provides local trips with alternative routes to avoid congestion on the Regional transportation network. Local street connectivity of 10-16 connections per mile are required by conditions of approval of this ordinance.

The Kittelson memoranda in the Technical Supplement and Supplemental Technical Appendix, together with this concept plan document, demonstrate compliance with Title 6 of the Functional Plan.

### Title 7

This title requires a fair share strategy for the assurance of a range of housing at prices affordable to citizens. Lake Oswego has no realistic hope of providing such opportunities in any significant way, given its remarkable lack of developable land, the fact that most of the City in R0 to R-5 zoning districts is developed with newer homes that are not candidates for redevelopment over the long-term planning horizon, and the fact that these are very few infill lots available within the City and its urban services boundary. The only minimum density ordinance in the city applies to these R-0 and R-5 zoning districts. The City has not yet adopted, and is currently questioning whether to adopt, a minimum density ordinance for its many R-7 to R-15 districts. In any case, affordable housing choices are quite limited. The concept plan and its high density districts are themselves the first important step in a program to provide a realistic opportunity for dense, affordable housing in a livable community.

Lake Oswego is encouraged to adopt clear and objective standards and a development-friendly clear and objective approval process that mitigates the costs of obtaining residential dwelling development approval within the City.

The concept plan identifies the range of housing prices in each category that implementation of this concept plan can potentially achieve. As explained in the concept plan, the concept plan area provides many more opportunities than currently available based on a historic pattern of almost exclusively high end development.

### Title 11

This concept plan meets all of the requirements of Title 11, which effectively replicates the standards of MC 3.01.012(e). This urban reserve concept plan was coordinated among all affected jurisdictions including the cities of Lake Oswego, West Linn, Tualatin, and Clackamas County, Unified Sewerage Agency, City of Portland BES and Water Bureau, TVF&R, Clackamas County Sheriff, West Linn/Wilsonville school district and Lake Oswego school district. All legitimate concerns have been addressed and accommodated as much as possible, in the context of a region where no one local government can opt out of growth.

The RUGGO Objective 5 dispute resolution process has not been triggered because no functional plan provision has been adopted and because Metro chooses not to presume further recalcitrance after the UGB amendment approved under this concept plan is finalized. This concept plan does implement a functional plan provision as it will be incorporated into applicable comprehensive plans, including the plan of Clackamas County. The condition of approval attached to this decision requires identified cities and Clackamas County and service providers to adopt an agreement consistent with ORS 197.065. The Council concludes it is inappropriate to presume that these entities will refuse to comply with this legal requirement.

Accordingly, Metro determines under its own RUGGOS, it is premature to invoke a dispute resolution process which anticipates problems with or impediments to functional plan

compliance. While Lake Oswego and Clackamas County have not exhibited a particular spirit of regionalism or cooperation, their principle problems have stemmed from a vigorous disagreement with Metro's policy choice to urbanize the concept plan area, ignoring that it is an area indisputably composed of first priority land for urbanization under ORS 197.298. However, their objections have been made, addressed and resolved as much as reasonably possible in a regional context in this process and in the approved December 1, 1998 Rosemont Village concept plan and Technical Supplement. It is believed that these entities will accept their legal responsibilities once this area is included within the UGB. The divisive issue has been whether to urbanize this first priority area. The region hopes and believes that when the 'whether to accommodate newcomers' question is removed from the table, appropriate land use actions consistent with state and regional law will prevail. Any other interpretation of the RUGGOs, Objective 5 and Functional Plan in this context, is wrong.

#### IVX Goal 2 Coordination

The City of Lake Oswego together with the City of West Linn and Tualatin and Clackamas County have expressed concern regarding whether the Rosemont Village Concept Plan was adequately coordinated under state and Metro law standards.

#### State Law

Several state law standards require that UGB amendments be "coordinated" between the planning activities of counties, cities, special districts and state agencies. ORS 195.025. It is well established that the coordination and resolution of conflicts among cities and counties land use planning jurisdiction is within the exclusive authority of Metro, City of Portland v. City of Beaverton, 131 Or App 630 (1994). Similarly, it is well established that local government subject to Metro's coordination authority in responsibility may not "unilaterally alter the acknowledged land use planning status quo and that to do so violates statewide planning Goal 2." City of Portland v. City of Beaverton, *supra* at 131 Or App 633. The cases make it clear that it is Metro that has "unilateral" authority and responsibility over resolution of land use conflicts.

Similarly, it is well established that cities and counties are required by state law as well as statewide planning goals 11 and 14 to assure the "timely, orderly and efficient arrangement of public facilities and services...." Bear Creek Valley Sanitary Authority v. City of Medford [check cite] LUBA No. 92-172 [check appellate cite]. The arguments regarding coordination presented by the Cities of Lake Oswego, West Linn, Tualatin and Clackamas County are no more than attempts to assume Metro's coordination and responsibility. In essence, the Cities in Clackamas County take the position they need not make their decisions consistent with statewide planning goals or with any respect towards Metro's authority as a coordinating body. See Jackson County v. BCVSA, 53 Or App 823, 829 (1981) *affirmed* [?], Or 121 129 (1982). Of course, both the counties and the cities must exercise their planning responsibilities in accordance with the statewide planning goals. Moreover, they are required to follow regional directives of the regional governing body in the exercise of its coordination function. Moreover, under Goal 2, the cities' and counties' comprehensive plans must be consistent with Metro's framework and functional plans.

LUBA's decision in City of Portland v. Washington County, LUBA No. 93-195 (May 6, 1994), made it clear that when planning jurisdictions are unable to agree about whether to adopt a new land use policy the conflicts within affected jurisdiction's existing land use policy, such a standoff is resolved with Metro's exercise of its coordination responsibility. In BCVSA, LUBA made it clear that statutory and statewide planning goal basis are the manner of resolving such standoffs including consistency with Goal 2. LUBA also noted "therefore authority for Washington County, Beaverton and Portland to resolve the standoff that exists between them, if such authority exists must lay elsewhere. We conclude that such authority exists in ORS 197.190(1) and 268.385(1) which specifically require, and assigns responsibility for regional coordination of land use planning, within the Metropolitan Service District." Similarly, in Rajneesh v. Wasco County, 13 Or LUBA at 209-11, LUBA made it clear the obligation to coordinate involves two steps which are: (1) the makers of the plan must engage in an exchange of information between the planning jurisdiction and affected governmental units or at least invite such an exchange. (2) The jurisdiction must use the information to balance the needs of all governmental units as well as the needs of citizens in the plan formulation or revision.

LUBA stated in Portland v. Washington County, *supra*, that the substantive portion of the coordination requirement is achieved through "balancing of the needs of all affected governmental units and selecting a particular course of action from among the competing proposed courses of action. Indicate omission." Therefore, clearly a planning recommendation by particular jurisdiction may be either be accepted or rejected without violating a goal or standard for consistency between comprehensive plans. See also Lee v. City of Portland, 3 Or LUBA 31, 37 (1981), *aff'd* 57 Or App 798 (1982) (change in location of fire station results in insufficient impacts on nearby jurisdictions to trigger coordination obligation). Metro must exercise its authority under ORS 268.390(4) to recommend and require the City of Lake Oswego as well as Clackamas County to make changes in their plans. They are necessary to assure their plans conform to Metro's in the Metro UGB. Metro has provided ample opportunities for comment. The Rosemont Village Concept plan was forwarded to the Cities of West Linn, Lake Oswego, City of Tualatin as well as Clackamas County and MPAC for the review, and consideration of all of these, among others. The fact that the concept plan was forwarded to these jurisdiction by the private consulting team that put the plan together is of no moment. The Metro Code clearly establishes that a concept plan may be prepared and proposed by private entities.

Metro has not been required to propose concept plans to any other jurisdiction for consideration and coordination and in fact the Cities of West Linn and Lake Oswego as well as Tualatin have supported the South Hillsboro concept plan as well as others which have coordinated and reviewed by working within the Metro processes, but not by the Metro Council's specific actions. Moreover, the concept plan together with the findings adopted herein demonstrate that the Metro Council has considered and accommodated the needs of the affected jurisdictions as much as possible within the context of the regional governments legal and policy obligations to provide a UGB that is beneficial to the entire region.

#### Applicable Goals

Some have argued that applicable standards for a UGB amendment require the governing body to identify applicable goals and explain why the policy embraced by those goals should not

be applied to the subject land. This is not clearly required by Metro's own code. OAR 660-04-010(c)(B) specifically states that for a change to a UGB, compliance with the seven Factors of Goal 14 makes a reasons exception unnecessary. Urbanization of the Rosemont Village Concept plan area complies with the 7 Factors of Goal 14 as explained below. Accordingly, a reasons exception to Goals 3 and 4 and 14 seems surplusage and unnecessary. However in an abundance of caution and in the alternative, this explanation of reasons why the policy embraced by Goals 3, 4 and 14 regarding rural land should not be applied here follows.

A portion of the land within the Rosemont Village Concept plan area is zoned EFU. Accordingly, this land is subject to Goal 3 and a reasons exception to Goal 3 is required to bring this land into the UGB. Similarly, this land is considered rural land under Goal 14 because it is currently outside of the existing UGB. Converting the area within Rosemont Village to urbanizable land requires an exception to Goal 14. It is unclear whether Goal 4 could be applicable. These are cases that suggest Goal 3 and 4 are interchangeable and, therefore, where one applies, the other ought to be considered. The reasons why Goal 3 should not be applied to Rosemont Village are virtually identical to the reasons why Goal 4 should not be applied to Rosemont Village. Accordingly the following findings, including those under the seven factors of Goal 14 as well as the master plan standards explained herein, also serve to explain the reasons why the policies of Goals 3, 4 and 14 regarding rural land should not be applied to Rosemont Village and that urban policy ought to be applied.

It is specifically determined herein and in other parts of this decision that the subject UGB amendment to include Rosemont Village is consistent with Goals 1, 2 5, 6, 7, 8, 9, 10, 11, 12, and that Goals 13-19 are inapplicable in any case. These findings are readopted here.

#### Limit Uses

The specific reasons exception findings are set forth below. However, under OAR 660-04-018, it is necessary to make clear the scope of uses authorized by the particular reasons exception herein approved are specifically limited to those uses that provided the justification for this reasons exception.

The reasons exception is justified based on the specific scope of uses outlined in the Rosemont Village Concept plan dated December 1, 1998 and as supplemented by the Supplemental Technical Appendix and Technical appendices which support that plan. Metro Code 3.01.12.040(b) specifically requires that this concept plan and map be attached as a condition of UGB amendment approval "to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions."

Accordingly, under the reasons exception standards as well as the Metro Code, compliance with the Concept Plan, including provision for the opportunity for the specific mix of uses provided therein together with the densities and housing mixes and types, identified natural, transportation, recreation, public and other features and amenities are required as conditions of this UGB amendment approval. In this regard, plan and zoning code amendments consistent with the Rosemont Village Concept plan, dated December 1, 1998, are anticipated to be adopted by the City of Lake Oswego and Clackamas County. However, this approval is subject to the condition of approval regarding an agreement consistent with ORS 195.065. This ORS 195.065

process may point to additional units of government with comprehensive planning authority that may also wish to govern and serve a portion of Rosemont Village. Rosemont Village has tremendous value associated with it and Metro wishes to facilitate a productive process leading to an agreement consistent with ORS 195.065 that allows West Linn or Tualatin to seek to serve a portion of the area. The precise designation of the extent to which the Rosemont Village Concept plan must be incorporated into the plans of Tualatin West Linn and Lake Oswego is being left open in deference to allowing the condition of approval regarding an agreement consistent with ORS 195.065 to work to the benefit of the affected units of government as well as the region. This is an accommodation to those units of government. In this, the Rosemont Village UGB amendment accommodates the needs of these cities and Clackamas County as much as reasonably possible.

The approved concept plan provides adequate flexibility to these local governments to choose the precise location of public facilities and services and of preservation or recreational areas to enable deviation to suit local needs. In this regard it is important to keep in mind that the public has not yet acquired public areas and therefore those areas will necessarily float within the concept plan area until precise choices are made. However, any changes to the precise location of features must include adequate shifting of density and other features shown on the concept plan to enable this planned healthy urban community to flourish as a 2040 concept community.

XV. MC 3.012.020; Factor 3; Goal 14, Factor 3, Orderly and Efficient Provision of Urban Facilities and services

Rosemont Village ranks highly for urbanization under this factor. In November 23 and 30 staff reports Metro staff ranked URA 31 and URA 32 unreasonably low under this factor for reasons which are not entirely clear. The evidentiary support for such low ranking under this factor is also not clear. In any case, the Rosemont Village concept plan area is highly appropriate for urbanization under this standard.

The November 23, 198 staff report gives the Rosemont Village a zero score for utility feasibility, apparently on the misperception that the failure of a local government to enter into an intergovernmental agreement to provide urban services to this area is fatal. However, the Metro Council finds that there is no legal basis for the council to determine an area may not be served with public facilities and services in an orderly and efficient manner under this factor if the area lacks local support.

The November 4, 1998 letter by DLCD makes it clear that state law does not allow Metro to pass over an otherwise meritorious area, here an area that is essentially the legal equivalent of an exception area because it is completely surrounded by exception areas and the kind of farmland described in ORS 215.710, simply because a local government does not want to see the area urbanized. Metro is bound to review the relative merits of Rosemont Village based on legal considerations viewed in light of what is best in the long term interests of the region. It would make little sense to adhere to the short term political demands of local governments, when there is a clear land use planning problem on the long term horizon. Here, in the absence of the inclusion of Rosemont Village in the UGB, this area will have inadequate housing opportunities to enable long term compliance with Goal 10. The Metro Council can little afford to ignore this serious problem simply because certain officials would like it to do so. Accordingly, it is

appropriate to evaluate the extent to which Rosemont Village may be serviced with urban facilities in an orderly and efficient manner.

The Metro Council notes the City of Portland has verified that its water and sewer facilities can be provided to serve the Rosemont Village area. The Unified Sewerage Agency (USA) can provide sewer service to the Rosemont Village. The City of Lake Oswego has represented that if it is asked to provide water to Rosemont Village it will have inadequate capacity to serve its existing urban area. While the Council is skeptical of this claim, it is unnecessary to rely on Lake Oswego water service. The City of Portland is willing to supply its water to allow service to Rosemont Village. In this regard, the Rosemont Village concept plan is hereby clarified to require City of Portland water service unless it is demonstrated that Lake Oswego may provide water from its own water sources to Rosemont Village without adversely impacting its ability to serve its urban area.

It is herein noted that the school plan is consistent with the planning documents of the West Linn/Wilsonville school district as well as Lake Oswego school district. These districts have participated in meetings about the concept plan, offered feedback requesting more school acreage and these concerns were accommodated with greater acreage (60 acres) for school sites assumed for the Final Rosemont Village Concept plan.

Tualatin Valley Fire & Rescue has represented that it will provide emergency services to Rosemont Village. The Clackamas County Sheriff has stated it will provide public services to the Rosemont Village area. Tri-Met has indicated Rosemont Village has adequate density to justify transit service.

There is no justification for asserting that land inside a UGB may languish without public facilities or services. Once land is within the UGB, state law requires that it be available for urbanization and that public facilities and services be extended to it. It is no answer to that issue that a city is anticipated to refuse to comply with state or regional law.

Moreover, Metro, as the body state law assigns to have coordination responsibility and authority over the UGB, has the job of ensuring that public facilities are provided to the Rosemont Village area if it is brought into the UGB. If a local government refuses to follow the law and cooperate in Metro's efforts to perform this responsibility, DLCD can step in with its enforcement powers. DLCD has well demonstrated its capacity and ability to do so in the numerous enforcement cases against counties who refuse to comply with Goal 3. No one like to be in this situation, but there is a legal framework to do so if required. Metro can also invoke its mediation role with MPAC if necessary. At this point, Metro does not determine it is necessary or appropriate to invoke either process. It will not preserve unlawful behavior by its consistent local government.

The job of the concept plan in this paradigm, is to establish that it is feasible to provide such facilities and services in an orderly and efficient manner. The enforcement and compliance issue have nothing to do with concept planning. As a matter of law, if services can be provided in an orderly and efficient way, that a service provider (composed of a different political leadership than those expressing disagreement with urban policy) may in the future refuse to comply with Goal 11 and state law to serve the area, is irrelevant to concept planning. Also, it is



incorrect that such a refusal is appropriate to presume in the concept plan process. UGBs and concept plans span a period of 20 years. It is poor policy and poor leadership by a coordinating body to base 20-year regional land use policy solely based on local opposition by certain of the region's current political leadership.

The only reason services could not be extended to Rosemont Village is if Metro refused to exercise its coordination authority and responsibility and local governments refused to comply with state and regional land use law. Metro has demonstrated its commitment to statewide land use planning and there is no basis to assume it will not exercise its coordination authority on this issue. Moreover, the law does not allow either of these things to occur and, therefore, reasonable people do not and, indeed, may not presume either as a matter of Oregon land use planning law.

Even under the productivity analysis, Rosemont Village fares about average in terms of costs to serve. However, the Productivity analysis produced an invalid comparison as to Rosemont Village because of the incomparable transportation infrastructure costs built into it by Lake Oswego and Tualatin. It is noted that the more expensive URAs in the Stafford area to serve per DUE (URA 33 and 34) were not included in this UGB amendment. As is detailed under the December 1, 1998 Rosemont Village concept plan, the actual per DUE cost of serving Rosemont Village measured still including extra Rosemont Village area costs, is \$14,298.14. This analysis makes Rosemont Village the 9th cheapest to serve per DUE using the Lake Oswego chart provided at Attachment A to its November 11, 1998 letter to the Metro Council.

The productivity analysis incorrectly attributes to Rosemont Village substantial improvements to the I-205 interchange not located anywhere near Rosemont Village or even within URA 31 through 34 at all, a five lane Stafford Road from the I-205 interchange all the way to Highway 43 in the City of Lake Oswego, again a substantial road improvement well outside of the Rosemont Village or even any of the Stafford urban reserve areas. The productivity analysis attributes all of the cost of reconstruction of the existing aging Tualatin River bridge to Rosemont Village and all of the Stafford URA's notwithstanding that the bridge will very likely require reconstruction in any case given its age over the 20 year planning horizon and also given that the bridge is located outside of the Rosemont Village area. In addition, the productivity analysis adds not just one bridge across the Tualatin, but two bridges crossing the Tualatin River were attributed to the Stafford urban reserves. Again, the second bridge would be located well outside of the Rosemont Village area and likely outside of any of the Stafford URA areas and again, there is no known support that a second bridge is required, appropriate or makes any sense other than as a way to misrepresent the costs of Rosemont Village.

Moreover, the Cities of Tualatin and Lake Oswego insisted on Rosemont Road being converted to a five lane highway from Stafford Road through the City of West Linn, notwithstanding that there is no transportation analysis to support a need for such an improvement. Similar improvements were required for Childs Road, located outside of the Rosemont Village area.

Accordingly, a proper analysis of Rosemont Village for comparative purposes requires analysis of the concept plan itself. The Rosemont Village concept plan establishes that services can be provided to the site in an orderly and efficient manner. The proposed phasing plan illustrates the manner in which public facilities can be introduced into the Rosemont Village area

without unduly burdening infrastructure or taxpayers. The phasing plan also suggests a plan for introduction of uses in a manner that takes advantage of and coordinates service efficiency to provide the best service at the lowest cost. Of course, the record also makes it clear that the city of Lake Oswego has aging infrastructure that requires modification and upgrade and that the city is worried about how to finance those improvements. The urbanization of the Rosemont Village concept plan area provides an opportunity to the city, if it chooses to do so to combine needed infrastructure improvements and upgrades with service opportunities to Rosemont Village. This will enable the city to spread the costs of needed infrastructure over a larger ratepayer base.

The Urban Reserve decision Appendix 2 at page 57 of the Findings and Conclusions to the Urban Reserve's ordinance determines that:

"Providing Urban services to URSA 31 is relatively easy, provides economies of scale and is independently comparatively inexpensive. The URSA study model reanalysis gives URSA 31 a rate of 5.0 for utility feasibility. For the reasons explained below, even this good score is unreasonably low considering better, more site-specific information in the record. The high scores for roadway network 9 and for traffic congestion and schools correctly reflect the site-specific information. URSA 31 utility feasibility rating of 5 based on the general data that URSA study model is too low based on a site-specific analysis of URSA 31 performed by U.S. Greiner.

"The URS Greiner report supplements the more general work performed by KCM. The council has weighed all of the evidence in this regard and chooses the evidence furnished by the URS Greiner study as the most credible.

"The URSA study model utility feasibility score is based upon KCM's assumption of a total utility cost per EDU for URSA 31 of 4,670. However, because potential sewage treatment capacity is available or is currently being planned by URSA at the Durham Wastewater Treatment Plant and the Tri-Cities Wastewater Treatment Plant (an RFP is currently underway), it is unnecessary to include sewage treatment costs. KCM did not have adequate information in this regard, including new information only recently available, concerning USA capacity to serve URSA 31. Therefore, instead of KCM's estimate of 2,900 per EDU for sewer service to URSA 31, the appropriate estimate is \$1,509 per EDU for sanitary service. In addition, URS Greiner determined after a site-specific analysis of URSA 31, that URSA 31 may be served with gravity water service. KCM assumed pumped service, but acknowledges in its report that it lacked the resources to perform a site-specific analysis. The council chooses the more specific evidence in this regard. Therefore, the URS Greiner cost per EDU of \$1,120 rather than the KCM cost of \$1,400 per EDU is chosen. Strong facilities can be developed in accordance with applicable drainage standards and the KCM estimate of \$370 per EDU is reasonable. Accordingly, the best evidence shows the total comparative costs of providing services to URSA 31 is \$3,000 per EDU. These revised comparative costs providing service make URSA 31 the third least expense URSA to serve as compared to the other 72 URSA's in the region. This comparison with the cost to serve other URSA's uses the KCM study as the

baseline, as it is generally accurate. Therefore, URSA 31 merits a top score of 10 for utility feasibility." (Emphasis supplied.)

Accordingly, the Council disagrees with the staff utility feasibility analysis that the Rosemont Village Concept plan area merits a "zero," as the Metro Council has already legislatively determined in the Urban Reserve's decision that this area merits a score of 10.

Of all the candidate Lake Oswego area URAs (URA 31-34), Rosemont Village justifies the lowest public cost provision of urban services. Of the entire region as outlined by the City of Lake Oswego, it is about ninth lowest cost. However, the costs to serve Rosemont Village are not out of line with the costs to serve other newly urbanizing areas. Moreover, a number of urban services already exist in the Rosemont Village area thus minimizing the cost burden and making the most efficient use of such facilities. These facilities include the Luscher Farm complex located outside of the existing UGB; the federal investment in the I-205 interchange at Stafford Road which is inadequately utilized and serves a largely rural population at this point.

Moreover, Rosemont Village enables the efficient and cost effective provision of public services to URA 34 as well as the First Tier sites of URA 33 and 34. Otherwise, these areas are expensive to serve. Accordingly, Rosemont Village facilitates the development of URA 34 as an eventual commercial or industrial center as expressed by DLCD and Tualatin. In this way, the concerns of the City of Tualatin have been considered and accommodated as much as possible.

The Rosemont Village Concept plan also analyzes and suggests the lowest cost provision of public facilities and services, including water, sewer, storm water and roads to provide service to the Rosemont Village concept plan area. Development of public facilities and services shall be consistent with the approved Rosemont Village Concept plan. The concept plan makes it clear that choices of road alignments, and public facility alignments as well as the boundaries of Rosemont Village provide the lowest public cost provision of urban services. In this regard, it is the best candidate site because it has the lowest net increase in the total cost for provision of all urban services, as compared with other UGB amendment candidate areas generally, as well as within the subregional area identified in the Leland 6 mile radius map in the February 13, 1997 map used for analyzing the subregional housing affordability need and the wages in that area. Also as noted in the concept plan, urbanization of Rosemont Village provides the very real opportunity for the City of West Linn and Lake Oswego to amortize the cost of upgrading needed public infrastructure over a larger population base, thus improving the delivery of urban services to citizens located within the existing UGB.

Also as required under MC 3.01.020, Factor 3, Rosemont Village facilities will be provided in an orderly manner. Rosemont Village is adjacent to the existing UGB. Transit is suggested in the Rosemont Village Concept Plan and in the Concept Plan's attached and incorporated Supplemental Technical Appendix as well as the Technical Appendix also incorporated, as extending existing lines as well as the potential for new lines to serve the area. Tri-Met has indicated the densities provided in the Rosemont Village Concept plan area adequate to justify enhanced transit service. As to sewer, gravity is possible for a portion of the site as outlined by URS Greiner in the incorporated Technical Appendix as well as incorporated Supplemental Technical Appendix. It is noted that this entire area was studied under a federally

funded project in 1968 for basin sewerage at a regional scale. The area is not so served, but it has been possible to do so for many years and several analyses have provided large amounts of information to clearly establish regional scale sewerage service is quite feasible. However, the sewerage options shown in the Rosemont Village Concept plan are chosen as viable, alternative choices for this amendment. The Rosemont Village Concept plan envisions service either through the USA Durham facility or the Tryon Creek Facility used by the City of Lake Oswego, but owned by the City of Portland. Both represent service alternatives from already serviced areas. Both would extend orderly service to the concept plan area.

c. **Transportation Plan.** The transportation plan in the Rosemont Village Concept plan is compliant with all applicable Metro standards as well as Goal 12. While the Transportation Planning Rule (TPR) does not directly apply because the Metro Code is acknowledged, it has been reviewed in the alternative in an abundance of caution. As demonstrated in greater detail in these findings as well as the Kittleson memoranda supporting the concept plan, including the December 1, 1998 memoranda, and the determinations in the concept plan, the transportation facilities proposed and accommodated in the Rosemont Village concept plan are consistent with the TPR.

d. **Public Facilities Plan.** The public facilities plan for Rosemont Village is exhaustive and is based on the work of four different firms providing four different analyses of public facilities to the area. All of them conclude that public facilities can and will be provided in an orderly and efficient manner.

It is also noteworthy the acknowledged 1991 Clackamas County urban fringe study determined that the efficient urbanization of the Stafford exception areas, *i.e.*, URA 34 and most of 33 necessarily requires the urbanization of the Rosemont Village area in order to provide the maximum in efficiency of public facilities and services. It is further noted the City of Tualatin has indicated its interest in urbanizing URA 34 for industrial and commercial purposes at some point in the future. The City of Tualatin has indicated an interest in waiting a period of five or more years to do so, but nevertheless, this cannot occur until and unless the Rosemont Village area is also urbanized. Accordingly, the public facilities plan is completely compliant with all applicable standards, including state law standards, and there is no basis for a conclusion that the Rosemont Village concept lacks the ability to be provided and to provide orderly and efficient urban public facilities and services.

#### MC 3.01.020, Factor 4; Goal 14, Factor 4 — Maximum Efficiency of Land Uses

The acknowledged 1991 Clackamas County urban fringe study makes the following determinations concerning the EFU zoned acres in the North Stafford area (the area North of I-205 in the Triangle just south of Lake Oswego and west of the City of West Linn) in part:

“[T]his area would necessarily need to be urbanized of the surrounding exception areas were in order to provide services efficiently.”

There is a current need for residential units within the region. The City of Tualatin has indicated it wishes for the region to consider urbanizing URA 34 within the next 5 year period.

It has previously been pointed out to the region that Clackamas County has particular shortages of land for industrial and commercial use opportunities. URA 34 makes great sense as an area to solve this problem. While inadequate justification to add URA 34 to the UGB exists at this time, it is reasonably likely to anticipate that need may well be established over the next 5 year period. While Rosemont Village does not require the development of URA 34 to be efficient and comply with applicable law, Rosemont Village makes it possible for URA 34 to move forward in the manner Tualatin has indicated it may wish to pursue.

Given this potentiality, to add Rosemont Village to the UGB to solve for currently established needs, provides the maximum efficiency of land uses for the region and Clackamas County. Rosemont Village sets the stage for future urbanization that can reasonably be anticipated given current indicators. In this way, Rosemont Village offers a realistic opportunity to provide urban infrastructure amortization with URA 34 to enable URA 34 to develop. URA 34 as illustrated by the productivity analysis and the letters from the City of Tualatin requires greater urbanization amortization structures in place than it alone can justify to be urbanized. Planning ahead by urbanizing Rosemont Village provides the realistic opportunity for URA 34 to develop with industrial and commercial uses over the planning horizon that the City of Tualatin has expressed interest in pursuing.

Urbanizing the Rosemont Village master plan area itself enables maximizing the efficiency of land uses in the area because it is a highly efficient use of land. In the context of providing 5,199 DUE on a total land area of about 828.5 acres, Rosemont Village also provides 72 acres of land for parks and recreation opportunities, 41 acres are set aside as Title 3 resources, 60 acres are set aside as opportunities for school sites, 12.1 acres of land set aside as opportunities for civic facilities. Within a relatively small land area, this 2040 community will thrive and flourish amidst parks, open spaces and recreational opportunities within a pedestrian scale environment with opportunities for affordable housing of a type unavailable in this subregion.

Urbanizing Rosemont Village has no adverse consequence to the reasonably anticipated development of land within the existing UGB. All land within the existing UGB may continue to be served with public facilities and services in an orderly and efficient way notwithstanding the development of Rosemont Village. The City of Lake Oswego asserts that the land along McVey Road in Lake Oswego will not be able to develop if Rosemont Village moves forward because Rosemont Village will rob the city of its transportation capacity. This is wrong for at least two reasons. First, the Kittleson transportation analysis makes it clear this is incorrect and the Kittleson reports in this regard are incorporated herein by this reference. Under the Kittleson report, the reasonably anticipated traffic behavior of Rosemont Village assumes traffic trips migrating to I-205 to get to Rosemont Village destinations in the region rather than seeking to reach other regional destinations over Hwy 43. The Metro Council finds this transportation analysis credible and reasonable. In addition, as can be seen from the Lake Oswego zoning map that covers the McVey area, it is overwhelmingly zoned for large lot residential development, predominately for 10,000 and 15,000 square foot minimum lot sizes. This area is already highly developed consistent with those zoning designations. Accordingly there is little opportunity for infill in the McVey area cited by the city, in any case. Moreover, there is no minimum density ordinance in the City of Lake Oswego covering residential development on lots zoned for larger than 5,000 square foot feet.

Large lot zoning in the city of the kind that characterizes the McVey area referred to by the city in its November correspondence, is not subject to a minimum density ordinance. In fact, the city has suggested that if Metro expands the UGB, as it must, and does not respond to "unfunded growth mandates" that it may not adopt further minimum density standards. As the city zoning map makes clear, most of the city is in large lot zoning not covered by the minimum density ordinance. Accordingly, this concern is lacks merit.

Water will be furnished from the City of Portland water sources, so there is no possibility that the provision of water will be in any way impaired to existing Lake Oswego residents or those reasonably anticipated to be accommodated within the city's urban service boundary. The city uses the City of Portland's Tryon Creek Sewer Treatment Plant and the city of Portland indicates that plant can adequately accommodate Rosemont Village and Lake Oswego development. Rosemont Village can be served by police and fire other than the City of Lake Oswego. The precise service providers in this regard shall be determined through the development of an agreement consistent with ORS 195.065. However, the point here is that the development of Rosemont Village in no way impairs development within the existing UGB.

The Rosemont Village Concept plan meets MC 3.01.020 factor 4, (A) and (B). The Rosemont Village concept plan as adopted by the council complies with all Metro standards, including standards requiring efficient urban form. It includes a mix of employment and residential densities capable of supporting transit as is confirmed by the letter from Tri-Met. The Village is drawn at a pedestrian scale to ensure that pedestrian, bicycling and transit use is encouraged. The plan specifically includes provision for transit shelters and stops. Pathways abound to all areas in the Village, including opportunities to walk close to nature near the riparian areas, as well as to Luscher Farm Park, the Village Center, schools, civic centers, and home. Rosemont Village more readily accommodates such urban form because it is the least steep, least environmentally sensitive but most productive residentially focused area with the in the subregion that is also adjacent to the UGB. As has been pointed out before URA 34 has been strongly advocated as a commercial and industrial site; URA 33 is not highly productive and, by itself, would not meet these standards; URA 30 suffers from the same problems. Moreover, the opposition of Lake Oswego, West Linn, Tualatin and Clackamas County causes Metro to err on the side of less land being urbanized within the area and Metro chooses the Rosemont Village concept plan area as the most efficient and appropriate site for a compact, livable 2040 community, adjacent to the existing UGB in this subarea as well as the region to assist in satisfying the region's need for more residentially zoned land.

The compact urban form envisioned for Rosemont Village in its concept plan is consistent with the comprehensive plans of Lake Oswego and West Linn as well as Tualatin and Clackamas County. It is also highly consistent with the regional Functional Plans as well as the RUGGOs. It is the determination of the Metro Council that, after reviewing the December 1, 1998 Rosemont Village Concept Plan together with its supporting appendices, that it provides a land use planning program that greatly improves the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Goal 14, Factor 5 — ESEE Consequences; OAR 660-04-020; 660-14-0040

Environmental Consequences

As has been made clear in other places in this decision, the Rosemont Village concept plan is hereby incorporated by this reference. It includes important findings determining compliance with applicable standards including a description of natural resource inventories in the area as well as protective programs.

Under MC 3.O1.O12(e)(9), the Rosemont Village concept plan program of identifying and protecting natural resource areas is explained. This analysis and explanation is incorporated herein by this reference. The City of Lake Oswego contends that the Rosemont Village concept plan is inadequate to inventory upland forest and other areas adequate to enable it to apply its sensitive lands ordinance. This is incorrect. Natural features were appropriately and adequately identified in the concept plan, their significance explained and protective programs both suggested and required. Specific additional protection opportunities were contemplated and explained in the concept plan with the caveat being that density and legal including constitutional standards must be observed. However, there is nothing to suggest that this program of environmental protection and conservation forecloses the city from applying its sensitive lands ordinance and the council believes it does not. The concept plan provides a framework within which the city may work to apply its sensitive lands ordinance as well as other planning programs protective of natural resources while also being protective of adequate 2040 concept planning program housing opportunities.

Moreover, the acknowledged Goal 5 inventories of Clackamas County were consulted in the development of the concept plan. The Rosemont Village concept plan is consistent with these documents as well and its determinations are incorporated herein by this reference.

Both actual field visits as well as consultation with federal and state inventories were evaluated to determine significant resources in the concept plan area. The Three Rivers Inventory Document submitted into the record identifies particular viewshed opportunities which are specifically designated and protected in the Rosemont Village concept plan. In short, the Rosemont Village Concept plan includes an adequate inventory and analysis of the environmental qualities in the area. If other environmental amenities are identified, the City is free to include appropriate programs for those resources as part of its comprehensive planning for the Rosemont Village concept plan area. The concept plan specifically contemplates the addition of additional items as a potentiality upon application of county or city zoning and planing regulations.

Natural hazards were analyzed under the Rosemont Village concept plan and by expert opinion in the Supplemental Technical appendix. There are no natural hazards in the Rosemont Village Concept plan area that cannot be mitigated with appropriate protective programs under the existing building code program. See Talbott Memorandum, Supplemental Technical Appendix, incorporated herein by this reference. Moreover, there are relatively few natural hazards in the Rosemont Village area at all. In this regard there are no FEMA mapped floodplains or floodways. The area is free of significant hazards under Metro mapping documents showing hazard areas. The developed City of Lake Oswego and West Linn have far greater hazard potential according to these maps than does Rosemont Village.

There are very few steeper slopes in the Rosemont Village area. Those that exist are shown in the concept plan maps and tables and will be easy to mitigate against because they are

so small and insignificant to the Rosemont Village concept plan elements and features. After careful analysis it is determined there are no natural features that adversely affect the potential development of Rosemont Village that require any special protection or mitigation measures outside of what is sound engineering practices. Rosemont Village suffers from fewer potential hazards than nearly any other area of the region. Certainly it fares better than any nearly any other urbanizing area. The unbuildable areas of the Rosemont Village concept plan area are identified in the concept plan. These areas include the riparian areas protected under Title 3. These areas are valuable natural resource amenities and provides important water quality and wildlife areas. These areas are adequately protected in the concept plan.

There is no regional economic impact analysis.

In sum, any adverse effects from urbanizing Rosemont Village are adverse effects ascribed to growth generally. Areas previously undeveloped will be developed. There will be more people in a concentrated area and more traffic. However, all of the impacts of the anticipated growth that will be accommodated in Rosemont Village have been considered and mitigated against consistent with acknowledged Metro planning documents as well as state law in the approved Rosemont Village concept plan. Locating Rosemont Village's share of growth in other areas simply transfers the Village elsewhere, without providing a corresponding benefit to solve the subregional need for opportunities for affordable housing like Rosemont Village provides.

#### Social

The social consequences of including Rosemont Village are overwhelmingly positive. Rosemont Village introduces the first opportunity in the area within which it is located for planning a 2040 concept community that includes the opportunity for affordable housing as well as a pedestrian scale development within which people can live and work, thus reducing automobile dependency. The advance planning contemplated under the 2040 Concept planning paradigm as well as the compliant Rosemont Village Concept plan establishes planned opportunities for adequate schools to serve school age children. It establishes planned opportunities for adequate infrastructure to serve its citizens. Clearly, such planning has not uniformly occurred in the region and as a matter of state and regional policy, such advance planning can do nothing but improve the social condition of the Rosemont Village citizens, the citizens of the adjacent communities, the citizens of the region as well as the citizens of the state given the socially positive precedent that Rosemont Village facilitates.

#### Energy

The energy consequences of Rosemont Village are also positive. Automobile dependency is reduced by the planning policy embraced by the concept plan of providing a mix of tight, dense, uses at a pedestrian scale for the Rosemont Village. The city of Lake Oswego asserts that the energy consequences of Rosemont Village are undesirable because pump systems will be required for sewer system delivery. The city's comments assume that no gravity service is possible. This is incorrect. The studies by URS Greiner make it clear that gravity sewer service is contemplated for some of Rosemont Village. There will likely be some pumping required. This is a consequence of the reality that Rosemont Village is not located on flat



Willamette Valley farmland. However, the loss of prime and unique farmland does not justify making the Rosemont Village concept plan area off limits to development because there will likely be some pumping required for sewer delivery. The city's primary concern that it has previously expressed about sewer service was its cost to Lake Oswego. However, the city does not even own the candidate treatment plants that Rosemont Village would use. In this regard, neither the USA Durham plant nor the Tryon Creek plant belong to the city.

The city's concern about energy consequences of pump sewer for some of the sewer delivery operations is accommodated as much as possible by establishing that gravity is available in part to the Rosemont Village concept plan area. There is little more the region can do other than shift Rosemont Village's share of regional growth to another area of the region that cannot solve the specific identified land need and that will either be flat Willamette valley farmland or involve pumping some waste at the expense of some other area.

The Metro Code and Goal 14 factors are factors to be balanced. The factor of energy efficiency is to be balanced against other goals, including the goal to provide Goal 10 opportunities to this subregion of the region over the 20 year planing horizon. This factor, on balance, is satisfied.

### Economy

The economic consequences of the inclusion of Rosemont Village are positive. According to the analysis provided by Randall Podzena of ECONorthwest, the revenue streams reasonably expected fro Rosemont Village are adequate to enable the village to pay for itself and more. This responds to the concerns expressed by Lake Oswego, West Linn and Clackamas County and to a lesser extent Tualatin that Rosemont Village not add burdensome financial obligations to the existing taxpayers of those communities. As is evident from the Pozdena analysis, Rosemont Village provides serious, real and achievable economic opportunity.

The addition of housing opportunities that do not otherwise exist in the region is a positive addition to the region that has positive economic consequences. Making home ownership achievable to greater numbers of this region's families is a undeniably positive economic consequence.

These long term ESEE consequences of Rosemont Village are positive. The significant measures built into the Rosemont Village concept plan to ensure it is compatible with nearby areas and its 2040 concept compatibility are all designed to reduce adverse impacts from its development. Certainly there is nothing to establish that the adverse impacts which may result from the development of Rosemont Village are any more adverse than consequences that would typically result from urbanization of the Rosemont Village concept plan in some other location. The adverse consequences of growth from a project of the size and intensity of Rosemont Village are similar throughout the region. It is hereby determined, however, that the consequences from Rosemont Village are less adverse than in other candidate areas and actually produce a net positive analysis on its ESEE consequences.

The City of Lake Oswego city attorney's memorandum dated December 7, 1998 asserts that he Rosemont Village concept plan is inconsistent with the carrying capacity of the area.

However, the city does not explain what leads it to this conclusion and Metro is unaware of any "carrying capacity" limitations in the Rosemont Village area. The water resources associated with the area including the Tualatin River will be protected by adequate storm water management practices that are as good or better than are being employed anywhere else in the region. The air quality impacts are no worse associated with the development of Rosemont Village than any other URA within the Metro region. While Lake Oswego contends to the contrary, their analysis reflects a lack of familiarity with the Rosemont Village Concept plan and its supporting technical documents. The Rosemont Village concept plan includes significant opportunities for transportation connectivity and pedestrian scale improvements as well as significant reliance on transit to establish Rosemont Village plans for and accommodates a multi-modal transportation system that reduces the need for automobile reliance. The air resource will be under the kind of planning envisioned by the Rosemont Village concept plan than by the equivalent addition of infill development in the City of Lake Oswego or anywhere else that does not have the opportunity to plan for a pedestrian scale multi-modal approach because of existing development and development patterns.

MC 3.01.020, Factor 6; Goal 14, Factor 6

Rosemont Village is within a designated urban reserve. Accordingly, under MC 3.01.020, Factor 6, (B) is considered to be satisfied by the adoption of the urban reserves designation and the findings included therein which are adopted herein by this reference. Moreover, Rosemont Village is either composed of exception land or EFU zoned land that is completely surrounded by exception land. This EFU zoned land within Rosemont Village is not properly considered high value farm land as that term is defined in ORS 215.710. See 1991 Clackamas County Urban Fringe study; Miles' Agricultural analysis of URA 31; December 3, 1998 DLCD letter. Accordingly, under ORS 197.298, Rosemont Village is appropriately considered the highest priority for inclusion under either the urban reserve prong or the second priority exception and completely surrounded prong. It is considered the legal and policy equivalent of exception land. DLCD in its December 3, 1998 letter makes it clear that Rosemont Village is composed of lower quality agricultural meriting inclusion in the UGB ahead of other areas on agricultural factors.

The Clackamas County Farm Bureau has twice written to the Metro Council asking that it include the Rosemont Village concept plan area within the UGB to protect truly good farming elsewhere. The Clackamas County Farm Bureau has made it clear it has looked at the issue and attests that there is no real farming going on the Rosemont Village concept plan area.

The Urban Reserve decision correctly noted that in the application of Rule 14 Factor 6 and 7 regarding agricultural land, URSA 31 must be given credit for being first priority land for urbanization, because it is completely surrounded by exception areas and is not considered high value farmland as that term is defined in ORS 215.710. In the Urban Reserve ordinance, URSA was given a score of 9 for agricultural retention and 9 for agricultural compatibility. There is little reason to justify the Rosemont Village concept plan area for agriculture.

MC 3.01.020, Factor 7; Goal 14 Factor 7, OAR 660-04-020(2)(d)

Within one mile of the borders of the Rosemont Village concept plan there are primarily exception areas to the south. The north, west and east is the UGB. There are scattered farming

enterprises within this area. However, nothing suggests that Rosemont Village will be incompatible with any of them in a way that they are not already impacted. There is already sufficient urbanization in the area to generate complaints about aerial and other spraying practices. There is already too much traffic on the main roads such as Stafford and Rosemont, to safely drive slow moving farm implements and tractors. The positive mitigating factors about Rosemont Village include that it is separated topographical from areas where there may be some farming within the one mile radius area. Moreover, the most dense and activity human activity is within the Rosemont Village center, located in the middle of Rosemont Village. Less intense land use are planned for the fringes of Rosemont Village to ensure the maximum possible compatibility with both land uses nearby as well as any agricultural operations within the EFU zoned areas in the 1 mile radius area. Moreover, Rosemont Village envisions densely vegetated transportation corridors. This will further buffer Rosemont Village from nearby areas including any EFU zoned areas where farming may otherwise be occurring.

It is noted that compatibility in this context is not an absolute term. The Metro Council finds that the limited agriculture on the EFU zoned land within 1 mile of the Rosemont Village concept plan area will not find Rosemont Village incompatible with their operations.

### **A note on the Staff Analysis under Factors 6 and 7**

Evidence submitted by Judy Eselius and Marilyn Brock, parties to this proceeding, who own property in the Rosemont Village concept plan area, document their field observations of agricultural activities in the Rosemont Village area, and on non-exception lands within one mile around the Village. The submitted map and accompanying notes identify the parcels examined. This field observation and reconnaissance is more accurate than the determinations in the Metro Staff analysis regarding agricultural operations in the same areas, which staff analysis was based on aerial photo interpretation. Such aerial photo interpretation does, not surprisingly, match actual activities and practices as they are in fact known to Ms. Eselius and Ms. Brock and observed by them from roads in the area on a recent visit to the area for the purpose of performing such a study.

#### **Within the Rosemont Village Plan Area**

The map and notes indicate that parcels totaling 361.5 acres identified by Metro staff as producing "field crops," and 11 acres identified as producing "fresh vegetables" are not in fact in use for such production within the Rosemont Village plan area. With respect to these properties, testimony and other evidence in the record indicate that grasses are mown as necessary to comply with fire suppression requirements, but the field observations make it clear that these are not in commercial crops production. Moreover, other evidence in the record confirms this. Other testimony in the record states the area is not capable of generating a commercially viable crop yield due to urbanization that interferes with farming practices, crops blight, lack of water and poor soil types. With regard to supporting livestock; testimony in the record indicates the limited number of livestock kept in the area require imported feeds. The map and notes indicate that 6.5 acres identified by Metro staff as "row crops" in fact consist of an Asian Pear Orchard owned by Ms. Eselius, about which the Metro Council has received substantial evidence, including samples, establishing inability of that orchard to produce commercially viable crops, despite best efforts by the property owners.

The Metro Council therefore finds it appropriate to adjust the tabulated figures for General Crop Types in the staff analysis of the Rosemont Village plan area by reducing "field crops" by 361.5 acres, reducing "fresh vegetables" by 11 acres, and increasing "unfarmed" by 372.5 acres; and by reducing "row crops" by 6.5 acres and adding 6.5 acres to the "orchards" category.

#### **Outside the Rosemont Village Plan Area**

The field observations note one parcel of approximately 5 acres immediately south of the Rosemont Village plan area identified by Metro staff as producing "field crops," but which is in fact the operations site of a sanitary service operation, and is unfarmed. Otherwise, the designations of "general crop types on EFU lands" were generally confirmed by field observations.

The maps produced by Metro staff for the analysis of general crop types indicate the parcel boundaries throughout the vicinity. From this mapping and analysis the Council determines that most of the designated EFU land parcels outside the proposed UGB expansion

area range in size from approximately 4 to 25 acres; that the largest of the parcels are located in steep, forested areas adjacent to Wilson Creek, and are identified as "unfarmed" in the Metro staff analysis. The parcels identified as producing "field crops" range in size from approximately 4 to 10 acres, and consist of home sites. Residential subdivisions in exception areas are located in the immediate vicinity, and no farming operations that produce conflicts with the existing residential development are noted in the record.

#### Clackamas County Farm Bureau Letter of November 30, 1998

A letter received from Mr. Paul Iverson, President of the Clackamas County Farm Bureau, indicates that "[t]he Stafford area, particularly URSA 31 is a good example of an area that should be brought into the urban growth boundary. It is not intensively farmed and is primarily large home sites." The letter goes on to note transportation conflicts, and the presence of several existing and proposed urban uses surrounding the Stafford urban reserves, all of which conflict with farming practices: schools, churches, and planned ball fields.

The Metro Council, after considering the evidence in the record, concludes that the area proposed for inclusion in the UGB does not support significant agricultural production. The Council finds further that the conversion of that area to urban uses will be compatible with the limited, small-scale rural activities on adjacent EFU lands, which are themselves completely surrounded by urban or exception lands. Moreover, Rosemont Village will not be incompatible with agricultural activities on land zoned EFU or otherwise within one mile of the Rosemont Village concept plan area.

#### A Note on Protecting the Policies Embraced Under Goal 3 or 4 in the Rosemont Village area

The policies of Goals 3 and 4 support the protection of land suitable for agriculture and timber production. These policies are balanced under ORS 197.298. Moreover, ORS 197.340 requires that equal weight be given to all the planning goals in land use actions. Here, the dictates of the need for long term Goal 10 compliance and for needed housing in this subregion must be recognized. The appropriate use of adjacent rural land must be evaluated in this light.

In the Rosemont Village area, it is poor policy to protect Rosemont Village area for resource protection purposes. It is also a colossal exercise in self-deception to determine this area is appropriate for resource preservation and should not be available to provide a share of the region's needed housing. Agricultural policy, as pointed out by the farm bureau, requires the protection and preservation of the best agricultural land. Making Stafford off-limits simply put pressure on better quality land that is actually farm or forest land or can be reasonably used for either over the planning period. This point is driven home by the farm bureau in its letter asking the council to bring the Rosemont Village concept plan area into the UGB.

Rosemont Village exists within the North Stafford area, which is completely surrounded by the UGB and exception areas. It is not high quality agricultural or timber land. The acknowledged 1991 Clackamas County Urban Fringe study makes it clear that the North Stafford area within which Rosemont Village is located, is characterized by only "marginal" soils for resource use.

The areas roads are already heavily traveled with nonresource oriented traffic. There is tremendous public investment in infrastructure in this area including the nation's investment in I-205/Stafford Road interchange which under serves the public. The area is highly parcelized. Clearly, slow moving log trucks or farm trucks would add unsafe and incompatible traffic to the area and further cause poor utilization of the public's investment in I-205 and the Stafford Road interchange. Moreover, the area is parcelized and not in large blocks of farm land that can be aggregated and used as such. The parcels in the Rosemont Village concept plan area are owned by people who have chosen a residential lifestyle not farmers. The only working farm was acquired by the City of Lake Oswego and converted into an extra-UGB major park facility with ballfields, lights, parking lots and the like. There is no realistic hope of turning that land use pattern around and converting the area into an intensively managed area for farm or forestry operations. The policy of Goals 3 and 4, to the extent they must be considered, should not be applied here. This area is highly suited for urbanization.

The policies of Goals 3 and 4 and the rural policy of Goal 14 is inappropriate to apply to the Rosemont Village concept plan area. If resource preservation policy is applied, it is not for the purpose of protecting these resources. Rather, it is to protect the area from development. However, no area can draw a line around itself and make it off limits and send its growth elsewhere. Anti-growth sentiment is not an appropriate basis to insist upon application of a natural resource preservation policy that can protect no natural resources any better than the Rosemont Village concept plan offers the natural resources in the area

#### MC 3.01.020(c)(2)

As is demonstrated in the Rosemont Village concept plan, Rosemont Village is compatible with other adjacent uses through its design. The residential uses on the fringe of the Village are of lot sizes that are consistent with the existing urban areas of Lake Oswego and West Linn. The highest density is located at the Village Center. Transportation system design makes the Rosemont Village concept plan function at appropriate and adequate levels of service as determined under the transportation analysis. Under the Kittleson analysis dated December 1, 1998, it is recommended that the Strategic Regional Transportation Plan be amended to include the improvements listed therein. This SRTP has not yet been officially adopted. However, when it is, the Metro Council hereby directs staff to consider the improvements listed in the Kittleson report as eligible for SRTP designation.

The long-term ESEE consequences are positive and certainly are not more adverse than would typically result if the proposal were located elsewhere in the region. As is explained above, the long-term planning represented in the Rosemont Village Concept plan is consistent with acknowledged Metro planning documents as a way to ensure the long term health and livability of the region. The Village is drawn at a pedestrian scale with amenities to encourage pedestrian, bicycle and multi-modal transportation uses.

As explained above, the Rosemont Village Concept plan results in a clear transition between the cities of Tualatin, West Linn and Lake Oswego. The plan does not include a number of areas for reasons explained above that are designated rural reserves. Separation is protected in the adoption of the Rosemont Village Concept plan and this UGB amendment.

The Rosemont Village Concept plan area included within the UGB is within Metro's regional boundary and, therefore, Metro has authority to adopt this amendment.

### **Statewide Planing Goals**

#### **Goal 1**

Citizens have had numerous opportunities to be involved in the development of the Rosemont Village Concept plan as well as having had the opportunity to participate in acknowledged Metro process concerning this UGB amendment. All acknowledge Metro processes were adhered to in approving the Rosemont Village Concept plan as well as this UGB amendment.

#### **Goal 2**

The numerous opportunities provided local governments as part of the coordination responsibility to participate in this UGB amendment as well as the approval of the Rosemont Village Concept plan has resulted in a better concept plan and numerous accommodations of local government and citizen needs. The draft concept plan was first made available to local governments in June or July of 1998, and in response to comments on that plan that were made in November, 1998, the concept plan was revised to address those concerns and the December 1, 1998 Concept Plan is the outcome of that coordination and involvement. Coordination has also been discussed in this decision in detail above.

The West Linn Wilsonville School District requested that additional land be added to the concept pan area and this request was accommodated by nearly doubling the amount of land assumed for school function. Now, the concept plan includes an assumption of 60 acres for school sites.

#### **Goal 5**

As the concept plan makes clear there are no identified historic or cultural resources in the concept plan area in any acknowledged plan, other than the historic Luscher Farm. The Luscher Farm is protected and honored as a park, consistent with the City of Lake Oswego and Clackamas County planing documents. If other resources are later identified, local comprehensive planning and zoning ordinances are in a position to adequately protect them. The Concept plan adequately identifies natural resources n the area and identifies those viewed and significant deserving protection and plans for protection for those resources. Other natural resource deemed less significant are not afforded specific protection under the concept plan. However, if the city or county wishes to afford protection to some of these resources, so long as density and the basic scope and nature of uses are maintained under the concept plan, the concept plan suggested protective programs that might be considered to add additional protections if determined to be locally desirable to do so.

#### **Goal 6**

The City of Lake Oswego asserts that the development of a dense 2040 concept community in the Rosemont Village Concept plan area will have adverse effect on air and water

resources. These assertions have been addressed above. To reiterate. Adequate water quality facilities are proposed under the Rosemont Village Concept plan. Natural drainage swales and catch basins are envisioned. Water quality will be maintained and recharge functions protected. The substantial amount of land not included in the urban reserves or the UGB will further ensure the watershed is not over burdened. Water quality protective mechanisms are proposed that are at least as protective if not more so than in UGB amendment areas the city supports, such as south Hillsboro, which the concept plan makes clear will drain into the Tualatin River. Short of a zero tolerance policy which neither the region nor Lake Oswego or any other city advocates, the Rosemont Village concept plan protect water quality and quantity with as great a mitigation measure strategy as possible.

Moreover, as to air quality, the Rosemont Village concept plan strongly encourages and facilities nonautomobile movement. It has a strong multi-modal component. It is envisioned that the mixture of uses proposed in Rosemont village and the uniquely beautiful and livable environment, will encourage people to walk or bike to shop, work, or play. It will not be strictly necessary to even own a car in Rosemont Village at final build out. Rosemont Village is a 2040 concept community completely consistent with Regional and state mandates to plan dense housing next to centers to facilitate more of a sense of place and pedestrian scale development and less dependency on the automobile.

Moreover, Rosemont Village is planned at adequate densities to justify transit service. Its location near to downtown Portland will make transit an attractive choice for Portland commuters. The commute to Portland will be one of the shortest commutes in the region as compared to other candidate new UGB areas. In other words, Rosemont Village is closest of any other UGB candidate area to the central city than is any other UGB amendment area. There will be no unmitigated air quality impacts.

Because the area is not already densely populated there is no danger of running afoul of "carrying capacity" concerns in the Rosemont Village concept plan area. The land, air and water resources can well tolerate the 2040 concept community planned for Rosemont Village.

#### Goal 7

Natural hazards are not particularly problematic in this area. See Talbott and Assoc. Report, Supplemental Technical Appendix; 1991 Clackamas County Urban Fringe Study; and supporting Hazards maps introduced into the record. While the surrounding areas of Lake Oswego and west Linn have some hazard potential, Rosemont Village is relatively free from natural hazards which limit development. Any natural hazards that existing within the Rosemont Village area are quite mitigatable by simple adherence to sound engineering principles and the building code.

#### Goal 8

The concept plan includes adequate recreation opportunities. Several trails, natural area and parks are proposed. No one has assert that recreational opportunities are lacking, and the Metro council finds that such opportunities are adequately accommodated consistent t with Goal 8.



#### Goal 9

It is clear from the Pozdena/EcoNorthwest Memoranda from the first in the Draft Concept plan, to those in the Technical Supplement and Supplemental Technical Appendix all make it clear that Rosemont Village has positive economic advantages and provides positive economic opportunities to the citizens of the region; Rosemont Village and the surrounding communities.

#### Goal 10

This Goal has been explained at length in the adopted concept plan; urban reserves decision and in the findings supporting this decision above. Rosemont Village clearly provides regional and subregional affordable housing opportunities for needed housing. Moreover, the subregion has particularly acute housing affordability deficiencies that Rosemont Village can go a long way to help correct. While Rosemont Village is not the total panacea for the region's or subregions' affordability problems, it is a solid first step that will make Goal 10 housing opportunities available that are scarce in the region and virtually nonexistent in the subregion..

#### Goal 11

As explained elsewhere in these findings, public facilities and services can and will be extended to Rosemont Village in an orderly and efficient manner as demonstrated in the Concept plan and its technical supporting documents, including the reports of URS Greiner.

#### Goal 12

Transportation systems are adequately planned to comply with this goal as explained in earlier findings and in the adopted concept plan and supporting Technical Appendix and Supplemental Technical Appendix, particularly the December 1, 1998 Kittleson Memoranda.

#### Goal 13

The design of Rosemont Village fosters energy efficiency by reducing reliance on the automobile and encouraging multi-modal transportation uses. Much of Rosemont Village is south facing, so it should be a light and bright area requiring fewer lights. No party has contended that Rosemont Village will lack energy efficiency and the Metro council finds that it will be energy efficient and is designed to conserve energy resources.

#### Goal 14

The Goal 14 factors are explained above. In sum, the Council concludes that Rosemont Village is an appropriate location for urbanization to assist the region in solving its need for more housing units with a 2040 concept community.

#### Conclusion

This amendment and the adoption of the Rosemont Village Concept Plan balances a number of regional and subregional needs while accommodating the needs expressed by citizens

and local governments as much as possible. The Rosemont Village Concept plan is an appropriate planning step to launch the region and the subregion into a positive planning paradigm that characterizes the Metro 2040 concept planning program. The Metro Council concludes the Rosemont Village concept plan and the concept plan area meets all standards and therefore both are herein approved.



Appendix A

## METRO

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager  
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner  
Growth Management Services Department *GB*

Re: ***Exception Lands Not Considered as Alternative Sites for Urban Growth  
Boundary Expansion***

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

<u>Category Number</u>	<u>Description</u>
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- |    |   |
|----|---|
| 1. | <b>Distance.</b> None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled. |
|----|---|

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

- |    |   |
|----|---|
| 2. | <b>Noncontiguous Areas.</b> These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. |
|----|---|

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing; but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the



Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through

rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.
38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.
39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

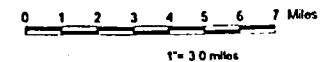
In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.



Number on Map refers to  
Exception lands memo  
October 26, 1998

☐ Urban Reserves

**METRO**

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98231, Plot Date October 26, 1998, exemption ap.

## Appendix B – Additional Site Considerations

Urban  
Reserve

## Reasons for No Further Consideration at This Time

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URA #1	No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
URA #3	Site added to the Metro UGB through locational adjustment in Fall 1998.
URA #11	No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
URA #17	Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
URA #18	Same as URA #17.
URA #19	Same as URA #17.

- URA #22      While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23      Same as URA #17.
- URA #24      Same as URA #22.
- URA #25      Same as URA #22.
- URA #29      Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30      Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35      No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #68      The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #69      The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #70      The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

*Agenda Item Number 9.6*

**Resolution No. 98-2726B, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Area 65 in Washington County.**

**Metro Council Meeting  
Thursday, December 17, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING ) RESOLUTION NO 98-2726B  
COUNCIL INTENT TO AMEND THE )  
URBAN GROWTH BOUNDARY TO ) Introduced by Growth Management  
ADD URBAN RESERVE AREAS ~~39, 62,~~ ) Committee  
~~63 AND~~ 65 IN WASHINGTON COUNTY )

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including ~~these Urban Reserve Areas 39, 62, 63 and 65;~~ and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this resolution for lands outside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for ~~these Urban Reserve Areas 39, 62, 63 and 65,~~ consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; and

WHEREAS, Metro Code Section 3.01.065(f)(1) provides that action to approve a petition including land outside Metro shall be by resolution expressing intent to amend the Urban Growth Boundary if and when the affected property is annexed to Metro; now, therefore,

**BE IT RESOLVED:**

1. That the Metro Council, based on the process indicated in Exhibit B, attached herein, hereby expresses its intent to adopt an ordinance amending the Urban Growth Boundary to add land in Urban Reserve Areas ~~39, 62, 63~~ and 65, outside the Metro jurisdictional boundary as shown on Exhibit A, within 30 calendar days of receiving notification that the property outside the jurisdictional boundary has been annexed to Metro, provided such notification is received within six (6) months of the date on which the resolution is adopted.

2: That the Metro Council approves and endorses the request by the owners of the land and electors residing on the land that the subject property be annexed to Metro.



ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

i:\r-o\r98gman.b  
(12/09/98)

**Non-First Tier  
Outside Metro Boundary**

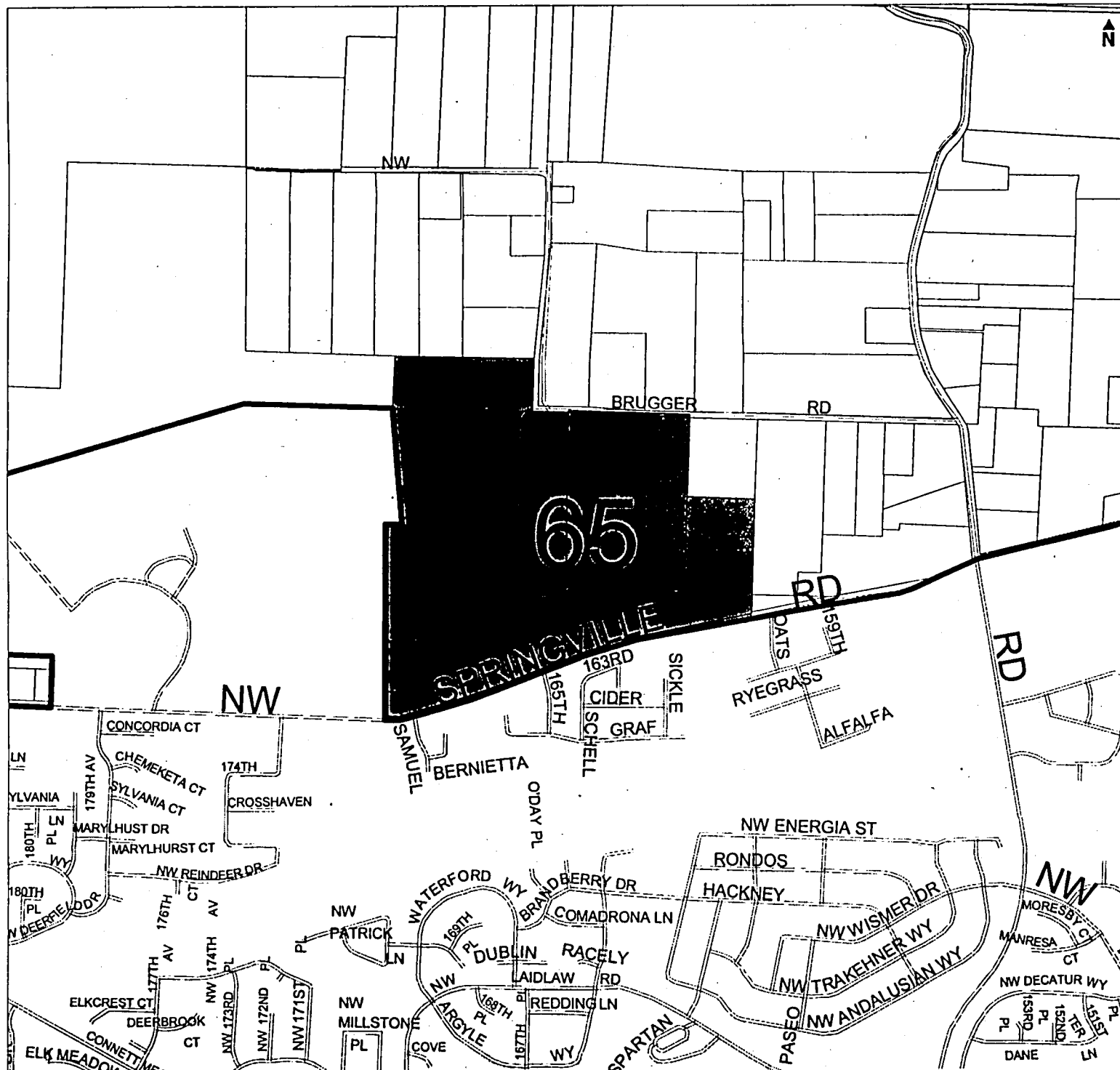
 First Tier Urban Reserve Urban Growth Boundary

EXHIBIT A



1" = 1000 feet



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
503 797-1742 FAX 503 797-1909  
Email: [drc@metro.dst.or.us](mailto:drc@metro.dst.or.us)

Plot date: Dec 2, 1998; nil

3.01.060 Exceptions to Hearing Officer Decision

(a) Standing to file an exception and participate in subsequent hearings is limited to parties to the case.

(b) Parties shall have 20 calendar days from the date that the proposed order and findings are mailed to them to file an exception to the proposed order and findings of the hearings officer with the district on forms furnished by the district.

(c) The basis for an exception must relate directly to the interpretation made by the hearings officer of the ways in which the petition satisfies the standards for approving a petition for a UGB amendment. Exceptions must rely on the evidence in the record for the case. Only issues raised at the evidentiary hearing will be addressed because failure to raise an issue constitutes a waiver to the raising of such issues at any subsequent administrative or legal appeal deliberations.

(Ordinance No. 92-450A, Sec. 1)

3.01.065 Council Action On Quasi-Judicial Amendments

(a) The council may act to approve, remand or deny a petition in whole or in part. When the council renders a decision that reverses or modifies the proposed order of the hearings officer, then, in its order, it shall set forth its findings and state its reasons for taking the action.

(b) Parties to the case and the hearings officer shall be notified by mail at least 10 calendar days prior to council consideration of the case. Such notice shall include a brief summary of the proposed action, location of the hearings officer report, and the time, date, and location for council consideration.

(c) Final council action following the opportunity for parties to comment orally to council on the proposed order shall be as provided in Code section 2.05.045. Parties shall be notified of their right to review before the Land Use Board of Appeals pursuant to 1979 Oregon Laws, chapter 772.

(d) Comments before the council by parties must refer specifically to any arguments presented in exceptions filed according to the requirements of this chapter, and cannot

not defined under ORS 255.012, the returns of the election shall be made to the county clerk. The clerk shall canvass the votes for members of the district board and issue certificates of election to the number of persons, equal to the number of board members named in the petition for formation, receiving the highest number of votes. [1971 c.727 §29; 1975 c.647 §1; 1983 c.350 §7]

**198.830 Petition for formation by all landowners in proposed district.** (1) If the owners of all real property within an area desire to form a district, they may sign and present a petition to the county board. The petition shall contain the information required by ORS 198.750 to 198.775 and shall be verified by the affidavit of one of the petitioners that the petitioner believes that the signers of the petition comprise all the owners, at the time of the verification, of all the land included within the proposed district. If members of the district board are generally elected to office, the petition shall also state the names of persons desired as the members of the first board and an acceptance in writing by each agreeing to serve as a member of the board.

(2) The county board shall approve the petition for formation of the district if it finds:

(a) That the owners of all the land within the proposed district have joined in the petition; and

(b) That, in accordance with the criteria prescribed by ORS 199.462, the area could be benefited by formation of the district.

(3) If formation is approved, any election required by ORS 198.810 to 198.825 shall be dispensed with. After the hearing on the petition, if the county board approves the petition, it shall enter an order creating the district. If the district board members generally are elected, the persons nominated by the petition and accepting nomination as members of the board shall constitute the first board of the district. [1971 c.727 §30]

**198.835 Order for formation of district in single county; order for exercise of additional function by county service district; contents of order.** (1) The county board may initiate the formation of a district, to be located entirely within the county, by an order setting forth:

(a) The intention of the county board to initiate the formation of a district and citing the principal Act.

(b) The name and boundaries of the proposed district.

(c) The date, time and place of a public hearing on the proposal.

(2) An order initiating the formation of a county service district may require dissolution, subject to a determination of public need for continued existence of the county service district as provided in ORS 451.620. The fiscal year in which dissolution will occur, not later than the 10th fiscal year after the date of the order, shall be specified.

(3) If any part of the territory subject to formation of a district under this section is within a city, the order shall be accompanied by a certified copy of a resolution of the governing body of the city approving the order.

(4) A county board that also serves as the governing body of a county service district established to provide sewage works may initiate a proceeding to authorize that county service district to also provide drainage works by adopting an order setting forth the information specified in subsection (1) of this section. The order must be accompanied by resolutions consenting to the additional function that are adopted by the governing bodies of not less than 70 percent of the cities located within the boundaries of the county service district. [1971 c.727 §31; 1987 c.504 §7; 1987 c.510 §1; 1989 c.374 §2]

**198.840 Notice of hearing.** Notice of the hearing set by the order shall be given in the manner provided by ORS 198.800 except that the notice shall state that the county board has entered an order declaring its intention to initiate formation. The hearing and election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825. [1971 c.727 §32]

**198.845 Costs.** The county shall bear the cost of formation or attempted formation of a district under ORS 198.835 to 198.845. However, if a district is formed, the district shall reimburse the county for any expenses incurred by the county in making necessary preliminary engineering studies and surveys in connection with the formation of the district. [1971 c.727 §33]

#### (Annexation)

**198.850 Annexation petition or resolution; delayed effective date for certain annexations.** (1) When the electors of an area wish to annex to a district, they may file an annexation petition with the county board. Before the petition is filed with the county board, it shall be approved by indorsement thereon by the board of the affected district and by any other agency also required by the principal Act to indorse or approve the petition.

(2) ORS 198.800 to 198.820 apply to the proceeding conducted by the county board and the rights, powers and duties of peti-

tioners and other persons having an interest in the proceedings.

(3) In lieu of a petition, annexation may be initiated by resolution of the district board, or of the county board. Proceedings may also be initiated by any other public agency if authorized by the principal Act. If proceedings are initiated by the district board or another public agency, a resolution setting forth the matters described by ORS 198.835 shall be filed with the county board. The proceeding thereafter shall be conducted as provided by ORS 198.835 to 198.845. An annexation initiated by the district board may include an effective date which is not later than 10 years after the date of the order declaring the annexation. [1971 c.727 §34; 1991 c.637 §5]

**198.855 Annexation election; annexation without election when petition signed by all landowners or by majority of electors and owners of more than half of land.** (1) If the annexation petition is not signed by all the owners of all the lands in the territory proposed to be annexed or is not signed by a majority of the electors registered in the territory proposed to be annexed and by the owners of more than half of the land in the territory and an election is ordered on the proposed annexation as provided by ORS 198.815, the county board shall order an election to be held in the territory and the county board also shall order the board of the affected district to hold an election on the same day, both elections to be held for the purpose of submitting the proposed annexation to the electors. The district board shall certify the results of the election to the county board. The order of annexation shall not be entered by the county board unless a majority of the votes in the territory and a majority of the votes in the district are in favor of the annexation. If a majority of the votes cast in both elections do not favor annexation, the county board by order shall so declare.

(2) Two or more proposals for annexation of territory may be voted upon at the same time. However, within the district each proposal shall be stated separately on the ballot and voted on separately and, in the territory proposed to be annexed, no proposal for annexing other territory shall appear on the ballot.

(3) If the annexation petition is signed by all of the owners of all land in the territory proposed to be annexed or is signed by a majority of the electors registered in the territory proposed to be annexed and by the owners of more than half of the land in the territory, an election in the territory and district shall be dispensed with. After the hearing on the petition, if the county board

approves the petition as presented or as modified or, if an election is held, if the electors approve the annexation, the county board shall enter an order describing the boundaries of the territory annexed and declaring it annexed to the district. [1971 c.727 §35; 1987 c.818 §5]

**198.860 Effect of annexation order.** After the date of entry of an order by the county board annexing territory to a district, the territory annexed shall become subject to the outstanding indebtedness, bonded or otherwise, of the district in like manner as the territory within the district. [1971 c.727 §36]

**198.865** [1971 c.727 §§37, 38; 1979 c.316 §7; repealed by 1983 c.142 §1 (198.866 and 198.867 enacted in lieu of 198.865)]

**198.866 Annexation of city to district; approval of annexation proposal; election.**

(1) The governing body of a city may adopt a resolution or motion to propose annexation to a district for the purpose of receiving service from the district. Upon adoption of an annexation proposal, the governing body of the city shall certify to the district board a copy of the proposal.

(2) The district board shall approve or disapprove the city's annexation proposal. If the district board approves the proposal, the district board shall adopt an order or resolution to call an election in the district. The order or resolution of the district board shall include the matters specified in ORS 198.745. In addition the order or resolution may contain a plan for zoning or subdistricting the district as enlarged by the annexation if the principal Act for the district provides for election or representation by zone or subdistrict.

(3) The district board shall certify a copy of the resolution or order to the governing body of the city.

(4) Upon receipt of the resolution or order of the district board, the governing body of the city shall call an election in the city on the date specified in the order or resolution of the district board.

(5) An election under this section shall be held on a date specified in ORS 255.345 that is not sooner than the 90th day after the date of the district order or resolution calling the election. [1983 c.142 §2 (enacted in lieu of 198.865); 1993 c.417 §1]

**198.867 Approval of annexation to district by electors of city and district; certification; effect of annexation.** (1) If the electors of the city approve the annexation, the city governing body shall:

(a) Certify to the county board of the principal county for the district the fact of the approval by the city electors of the proposal; and

## **AREA 65 UGB AMENDMENT APPROVAL**

### **Findings of Fact and Conclusions of Law**

#### **Exhibit B to Resolution No. 98-2726B**

This document ("Area 65 Findings" or "Findings") sets out the process that has been followed to establish the legal justification for the adoption of the Resolution of Intent to Amend the Urban Growth Boundary to include an approximately 106-acre portion of Urban Reserve Area 65, as that property is described in the Ryland Homes Urban Reserve Concept Plan for Site 65, which document is incorporated as part of these Findings. The Findings demonstrate that the Area 65 property proposed for the UGB expansion complies with all applicable state and Metro criteria for a legislative amendment of the boundary.

Consistent with Metro Code ("MC") 3.01.015(f)(5), these Findings are adopted to support the Resolution of Intent to Amend, and the simultaneous initiation by the Metro Council of a district boundary annexation to include the Area 65 property. The amendment of the UGB to include the Area 65 property will become effective after the finalization of the property's annexation into the district's boundary. These Findings, and the supporting evidence, provide the complete record to support both the subsequent annexation into the district's boundary and the effectuation of the UGB amendment. To the extent allowed by state law, it shall not be necessary for the Metro Council to consider further evidence or testimony directed at the legislative amendment criteria, because all applicable criteria have been addressed and satisfied as explained by these Findings and the adoption of the Resolution of Intent to Amend.

With the adoption of this Resolution of Intent to Amend, Metro is following the procedures set out in MC 3.01.015(f)(5), while recognizing that its Charter and recent changes to state law, particularly the adoption of ORS 197.296 and 197.299, in all likelihood authorize Metro to amend its UGB to include properties that are not yet within its district boundary. Because of the state mandates imposed upon Metro by ORS 197.296 and 197.299, Metro has determined that it is advisable, if not required, that this Resolution of Intent to Amend be supported by full findings and evidence sufficient to satisfy all applicable UGB amendment criteria.

The subject property has been considered for inclusion in the UGB, in part, because it was previously designated as an urban reserve area by Metro Council Ordinance No. 96-665E, March 6, 1997. As allowed by Metro Code, that portion of Urban Reserve Area 65 addressed by the Area 65 Concept Plan is proposed for inclusion in the UGB. Because the expansion property is an urban reserve area, it is not necessary for these Findings to address a number of Metro and state approval criteria. Nevertheless, as a precautionary matter, in order to ensure compliance with ORS 197.296 and 197.299, these Findings address all approval criteria that would be applicable even if the subject property had not been previously designated as urban reserve.

Also, if the Resolution of Intent to Amend the UGB includes other areas in addition to the Area 65 property, then separate findings will be adopted to justify the inclusion of the other property or properties. The inclusion of more than one area as part of a single Resolution will be a separate and severable part of the Resolution to ensure that, in the event of any legal challenges, the

justification for each property can stand on its own, although adopted as part of a single legislative action.

### **Region-Wide Need and Compliance with State Law.**

The adoption of ORS 197.296 by the 1995 Legislature and the subsequent adoption of ORS 197.299 by the 1997 Legislature alters the findings and evidence that are needed to demonstrate that a sufficient "need" exists to justify an urban growth boundary amendment. This new statutory standard for establishing need streamlines and simplifies the required need analysis in contrast to the analysis required under prior regulations and case law.

Pursuant to the requirements of ORS 197.296, Metro prepared the Urban Growth Report ("UGR"), which report determined that land sufficient to accommodate approximately 32,370 dwelling units needs to be added to the UGB in order to ensure the Metro region has "sufficient buildable lands to accommodate housing needs for 20 years." ORS 197.296(4). On December 18, 1997, the Metro Council adopted the UGR by Resolution 97-2559B in order to comply with the requirement in ORS 197.299(1) that such a need determination be adopted by no later than January 1, 1998.

Having established the statutorily-mandated need to expand the UGB to accommodate about 32,000 housing units, Metro is then required by ORS 197.299(2) to expand its UGB to accommodate at least one-half of that land need by the end of 1998; any remaining land necessary to fulfill the need must be brought in by the end of 1999. Therefore, the prior adoption of the UGR, combined with the deadline imposed by ORS 197.299(2), provide all of the "need" justification necessary to support this legislative amendment of the UGB. The need analysis provided below in response to Metro Code ("MC") 3.01.020(b)(1) and (2) is not necessary to support Metro's decision to expand the UGB to include the Area 65. Nevertheless, adequate evidence and findings are presented herein to justify the decision under those Metro Code sections.

The prioritization of land to be included in this UGB amendment are established in ORS 197.298. The Area 65 property qualifies as first priority under that statute, pursuant to ORS 197.298(1)(a), because the site has previously been designated as urban reserve land by Metro. In the absence of that urban reserve designation, the site can also be justified for inclusion in the UGB amendment, pursuant to ORS 197.298(3)(a) and (c). As discussed below in response to MC 3.01.020(b)(1) and (2), the specific type of land need justifying the inclusion of the Area 65 property is the need to address the growing jobs/housing imbalance in the subregional area. Alternatively, inclusion of the property is also justified under ORS 197.298(3)(c), because including the property is necessary in order to provide the exception land to the north of the PCC campus with urban services in a manner that will achieve maximum efficiency of land uses in the area. The basis for this maximum efficiency finding is set out in response to MC 3.01.020(b)(6)(A)(i) below.

**MC 3.01.020: Legislative Amendment Criteria.**

**MC 3.01.020(b)(1)**

- (1) *Factor 1: Demonstrated need to accommodate long-range urban population growth.*
- (A) *The district shall develop 20-year Regional Forecasts of Population and Employment, which shall include a forecast of net developable land need, providing for review and comment by cities, counties, special districts and other interested parties. After deliberation upon all relevant facts the district shall adopt a forecast. This forecast shall be completed at least every five years or at the time of periodic review, whichever is sooner. Concurrent with the adoption of the district's growth forecast, the district shall complete an inventory of net developable land, providing the opportunity for review and comment by all cities and counties in the district.*
  - (B) *The forecast and inventory, along with all other appropriate data shall be considered by the district in determining the need for urban developable land. The results of the inventory and forecast shall be compared, and if the net developable land equals or is larger than the need forecast, then the district council shall hold a public hearing, providing the opportunity for comment. The council may conclude that there is no need to move the UGB and set the date of the next five-year review or may direct staff to address any issues or facts which are raised at the public hearing.*
  - (C) *If the inventory of net developable land is less than the need forecast, the district shall conduct a further analysis of the inventory to determine whether any significant surplus of developable land in one or more land use categories could be suitable to address the unmet forecasted need. Council shall hold a public hearing prior to its determination of whether any estimated deficit of net developable land is sufficient to justify an analysis of locations for a legislative amendment the UGB.*
  - (D) *For consideration of a legislative UGB amendment, the district council shall review an analysis of land outside the present UGB to determine those areas best suited for expansion of the UGB to meet the identified need.*
  - (E) *Consistent with 3.01.012(e) areas included in a legislative amendment of the UGB shall have completed an urban reserve conceptual plan. If suitable lands with completed urban reserve plans are not sufficient to meet the identified need, additional legislative amendments of the UGB may be adopted as urban reserve plans are completed. This*



*legislative review process for the regional UGB shall continue to consider legislative UGB amendments until the identified need is fully met.*

*(F) The district must find that the identified need cannot reasonably be met within the UGB, consistent with the following considerations:*

*(i) That there is not a suitable site with an appropriate comprehensive plan designation.*

*(ii) All net developable land with the appropriate plan designation within the existing UGB shall be presumed to be available for urban use during the planning period.*

*(iii) Market availability and level of parcelization shall not render an alternative site unsuitable unless justified by findings consistent with the following criteria:*

*(I) Land shall be presumed to be available for use at some time during the planning period of the UGB unless legal impediments, such as deed restrictions, make it unavailable for the use in question.*

*(II) A parcel with some development on it shall be considered unavailable' if the market value of the improvements is not significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of in-fill and redevelopment will be developed by the district to provide a means to define what is significant when comparing structure value and land values. When a city or county has more detailed or current gross redevelopable land inventory data, for all or a part of their jurisdiction, it can request that the district substitute that data in the district gross developable land inventory.*

*(III) Properly designated land in more than one ownership shall be considered suitable and available unless the current pattern or level of parcelization makes land assembly during the planning period unfeasible for the use proposed.*

Subsections (1)(A), (B), (C) and (F) quoted above have all been addressed and satisfied with the adoption of the UGR by Resolution 97-2559B. Subsections (1)(D) and (E) establish that Metro must choose the most suitable lands to bring inside the UGB in order to meet the need established by

the UGB and the deadline imposed by ORS 197.299(2). Subsection (1)(E), along with MC 3.01.015(e), provide that the most suitable lands for inclusion in the UGB are those for which urban reserve conceptual plans have been completed. The Metro Council is required to include such lands in a legislative amendment of the UGB before including any properties that have not prepared and completed that level of pre-planning. The preparation of concept plans, in accord with MC 3.01.012(e), provides the best evidence of a property's suitability for expansion. The Ryland Homes Concept Plan for Area 65 addresses and satisfies all of the pre-planning requirements of MC 3.01.012(e) and thus must be included in this legislative amendment of the UGB. The complete record for all of the legislative amendments of the UGB being considered by Metro at this time demonstrates that a sufficient number of concept plans have not been prepared so as to enable Metro to fulfill its obligation under ORS 197.299 based solely on including properties for which there is a complete plan in accord with MC 3.01.012(e). The Area 65 Concept Plan, in addition to satisfying the pre-planning requirements of MC 3.01.012(e), also provides persuasive evidence that it is a more suitable site for expansion of the UGB at this time, based on MC 3.01.020, than those expansion areas that have not satisfied MC 3.01.012(e).

**MC 3.01.020(b)(2)**

*Factor 2: Need for housing, employment opportunities and livability may be addressed under either subsection (A) or (B) or both, as described below.*

- (A) *For a proposed amendment to the UGB based upon housing or employment opportunities the district must demonstrate that a need based upon an economic analysis can only be met through a change in the location of the UGB.*

*For housing, the proposed amendment must meet an unmet need according to statewide planning Goal 10 and its associated administrative rules. For employment opportunities, the proposed amendment must meet an unmet long-term need according to statewide planning Goal 9 and its associated administrative rules. The amendment must consider adopted comprehensive plan policies of jurisdictions adjacent to the site, when identified by a jurisdiction and must be consistent with the district's adopted policies on urban growth management, transportation, housing, solid waste, and water quality management.*

- (B) *To assert a need for a UGB amendment based on livability, the district must:*

- (i) *factually define the livability need, including its basis in adopted local, regional, state, or federal policy;*
- (ii) *factually demonstrate how the livability need can best be remedied through a 'change in the location of the UGB;*
- (iii) *identify both positive and negative aspects of the proposed*

*UGB amendment on both the livability need and on other aspects of livability; and*

- (iv) *demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.*

Factor 1 discussed above addresses the establishment of the regional need justifying an expansion of the boundary. Consistent with ORS 197.296 and MC 3.01.020(b)(1), the UGR has established the regional need to expand the boundary to include enough land that is suitable and available to accommodate the development of about 32,000 housing units. The Factor 2 “need” can be addressed and satisfied by demonstrating a subregional need that justifies the specific properties being included in the UGB amendment. The subregional need justifying the inclusion of the Area 65 property can be based on a housing need. The primary subregional justification, however, is based on both the regional need analysis established in the UGR and the subregional need to improve the jobs-housing balance in the Beaverton Regional Center area.

The Residential Market Evaluation (“RME”), dated November 18, 1998, prepared by Hobson Johnson & Associates, provides expert evidence demonstrating that it is necessary to include Area 65 in the UGB in order to accommodate both the subregion’s share of the regional need and also to address the specific subregional need for more residential land in order to maintain a favorable ratio of jobs to housing for the area during the next 20 years and beyond.

The RME for Area 65 provides persuasive expert evidence that supports the following:

- The area studied in the RME is consistent with the RUGGO and 2040 Growth Concept map delineation for the Beaverton Regional Center area. Moreover, it is consistent with the suggested study area in OAR 660-020-0030(4)(a), in that it includes a regional center and a population of at least 100,000. Moreover, it does not overlap with the designated Hillsboro Regional Center area that was studied in the related RME prepared by Hobson Johnson & Associates for that regional center area.
- The RME projects that there is capacity inside the UGB in the Beaverton Regional Center area to accommodate an additional 17,118 housing units. That capacity projection takes into account all of the infill, redevelopment, rezoning opportunities and other assumptions and requirements called for in the Functional Plan and other related land use policies and standards. The RME’s analysis is based on that very optimistic assumption, even though the evidence indicates that in all likelihood fewer housing units than that will ultimately be built within the existing UGB.
- Metro’s UGR and other planning documents, as well as the best up-to-date evidence, concludes that there will be a need to accommodate an additional 32,077 housing units in the greater Beaverton area by 2020. That means that, in order to accommodate the subregion’s share of the regional growth, land capable of accommodating about 15,000 housing units must be added to the UGB in the subregional area as soon as possible in order to meet the requirement in ORS 197.296 to maintain a 20-year supply of buildable land at all times.

- The current jobs/housing ratio in the study area is 1.63 jobs to each housing unit. That ratio is higher than the optimal current ratio for all non-central city areas of 1.50. Thus, the Beaverton Regional Center area is already a more jobs-rich area than is desirable.
- In addition to the projected need to accommodate about 15,000 additional housing units between 1998 and 2020 in the Beaverton Regional Center area, the UGR and the other evidence analyzed in the RME projects that there will be employment growth of about 51,142 jobs in the subregional area during this same time period. Based on the projected housing and job growth, the resulting jobs/housing ratio in 2020 will be 1.63, which means that there will be very little improvement in the existing jobs/housing imbalance in the area. The RME establishes that 1.50 is a reasonable ratio for defining the optimal jobs/housing balance that the Beaverton region should strive to maintain. Therefore, land capable of accommodating additional housing units needs to be added to the area in order to begin improving the jobs/housing ratio.
- As noted in the RME, the geographic distribution of employment growth throughout the region is not just a function of land availability. As a result, the most efficient and reliable way in which to correct a jobs/housing imbalance is to create additional housing opportunities near existing and emerging employment areas. Therefore, the RME concludes that land capable of accommodating an additional 21,800 housing units (not just 15,000 units) must be added to the Beaverton Regional Study area by the year 2020 in order to move towards an optimal jobs/housing ratio of 1.50.

In summary, the land proposed for expansion into the UGB by the Area 65 Urban Reserve Concept Plan is suitable and available for accommodating approximately 613-819 housing units, which would satisfy only a portion of the subregional need for urbanizable land in the Beaverton Regional Center area.

(3) *Factor 3: Orderly and economic provision of public facilities and services. An evaluation of this factor shall be based upon the following:*

(A) *For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.*

(B) *For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served*

*drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route rather than an area which would require an entirely new route.*

**Response:**

The proposed UGB amendment provides a unique vehicle for the orderly and economic provision of public services to URA 65, and particularly the exception lands north of the PCC campus. URA 65 is one of the most cost-effective Urban Reserves to provide with public facilities, and the portion to be incorporated through the proposed amendment is the most orderly and cost-effective first step in incorporating URA 65.

The Metro Urban Reserve Productivity Analysis was prepared in September 1998, and had the following goal:

The goal of the Productivity Analysis was to estimate the productivity (number of dwelling units and employees) and serviceability (cost to provide water, wastewater, stormwater and transportation services) for each URA by applying a consistent set of methods and assumptions so that relative comparisons between the URAs could be made.<sup>1</sup>

The Productivity Analysis noted that URA 65 was in the top 25% of all URAs for Service Cost per Dwelling Unit Equivalent.

The productivity analysis did not evaluate the site-specific advantages of the proposed amendment over the rest of URA 65, or the manner in which the proposed amendment facilitates the orderly provision of public services to the rest of the URA. As part of its Urban Reserve Concept Plan, Ryland Homes submitted a Conceptual Public Facilities Plan prepared by Consulting Engineering Services. The plan demonstrates that the proposed amendment is the key to the development of URA 65.

**Sanitary Sewer**

The Public Facilities Plan notes that sanitary sewer is immediately available to the area and will be provided to the site by a trunk line which runs through a drainage area south of Springville Road. The trunk line has been extended north of Springville road at the location of the proposed expansion. Thus, the proposed expansion is the logical starting point for the orderly provision of public services to the area.

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<sup>1</sup>Productivity Analysis, P. 3

The Public Facilities Plan also notes that proposed amendment is the only feasible way to provide sanitary sewer service to the Exception Lands north of the PCC Campus. As noted in the report, any other route for sewer service would require the extension of thousands of feet of sewer line outside the UGB, and would require additional pump stations.

The proposed expansion will also avoid any inefficient "cherry-stem" expansions of public facilities. Ryland Homes has provided a letter dated November 30, 1998 from Consulting Engineering Services which indicates that a "cherry stem" approach to serving the exception areas north of PCC would be inefficient and costly. Moreover, a cherry stem approach would be *per se* inconsistent with the mandate of 3.01.012(3)(b) that "orderly" service provision means the extension of services from "existing serviced areas to those areas which are immediately adjacent."

Finally, the proposed amendment eliminates the need to extend sewer through the Rock Creek floodplain/wetland area north of the PCC Campus, which has been slated for preservation and environmental education in the approval of the PCC Master Plan.

The evidence shows that the proposed UGB expansion will allow for the efficient expansion of public facilities, and would provide additional efficiencies if allowed to develop before other portions of URA 65.

#### Storm Sewer

The site of the proposed UGB expansion is large enough to provide on-site stormwater detention and treatment. These on-site treatment and detention facilities will eliminate stormwater surge, and can minimize the potential for pesticide migration into local drainages

#### Water

The site can be served with water from a 24" water line located in Springville Road.

#### Transit

DKS Associates has provided a Conceptual Transportation Plan for the proposed amendment. Because of its location near the PCC campus, the site of the proposed amendment is currently served by two bus lines, which each provide convenient connections to the West Site Light Rail. Moreover, the applicant's conceptual transportation plan has identified a number of transportation improvements which will assure that the transportation system in the area of the proposed development will function adequately with a 2015 and 2020 planning horizon. We find that it will be feasible for the relevant local governments to amend their transportation service plans in a manner sufficient to provide for transportation system needs.

#### Schools

The Master Plan for the proposed development shows the potential location for a school within the site. The provision of a school site within the proposed development, combined with the location of the site adjacent to the PCC Rock Creek Campus provides several benefits not available on potential

alternative sites. First, the proposal helps achieve the RUGGO Objective 18 Goal of “minimizing public and private costs” of providing schools in the region. Second, pedestrian and bicycle network within the site will allow the students to easily walk or bicycle to school, and the school may provide additional capacity for other developments in the area.

(4) *Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. An evaluation of this factor shall be based on at least the following:*

(A) *The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.*

(B) *The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.*

**Response:**

The subject area will be developed in accordance with the Urban Reserve Concept Plan submitted by Rylan Homes. This means that the site can be developed from the ground up in compliance with the 2040 Growth Concept, the RUGGOs and the Functional Plan. The ability to master plan the site, and to master plan the site in a timely fashion sets it apart from potential alternative sites, including virtually all of the potentially available exception areas. This ability to develop the site with a compact form cause the site to be given greater consideration than any potential alternative without a master plan.

**Densities To Support Transit**

The site will be developed with at least 10 units per net developable acre, in accordance with the 2040 Growth Concept. This type of density will help support the two existing bus lines which serve the PCC Rock Creek Campus, and connect to the West Side Light Rail. The addition of potential riders to existing lines will help maximize efficiency of the transit system.

### **Development Patterns Supporting Pedestrian, Bicycle and Transit Use.**

The master plan for the site reveals that there will be a substantial pedestrian and bicycle network both within the proposed development, and connecting the development to the PCC Campus and transit stops on Springville Road.

### **Mix of Land Uses**

As shown in the Master Plan, the proposed development will provide a variety of housing types, and will provide parks, open space and a potential location for a school. Like many other facets of the locational factors of the Metro Code and Goal 14, the ability to master plan the area provides a distinct advantage to the proposed site over other alternatives.

### **Effect of Amendment on Adjacent Urban Land.**

The proposed development will provide benefits to nearby urban land in several respects. First, the proposed amendment will provide numerous utility efficiencies by using existing utilities, thus spreading the capital cost of improvements over a broader base. Second, the proposed development will enhance the mix of land uses in the area by providing additional customers for two nearby neighborhood commercial centers.

(5) *Factor 5: Environmental, energy, economic and social consequences. An evaluation of this factor shall be based upon consideration of at least the following:*

(A) *If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.*

The subject property contains Water Areas and Wetlands and Fish and Wildlife Habitat as designated in the Washington County Rural/Natural Resource Plan. As noted in the Master Plan, these areas will be preserved outright. Based on the report submitted by Enviro Science, it is apparent that the subject property can provide opportunities for enhancement of the area.

(B) *Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.*



- (C) *The long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.*

**Response:**

The proposed development will be designed from the ground up to implement the policies and guidelines contained in Metro's 2040 Growth Concept and the regional urban growth goals and objectives. The plan includes identifiable neighborhoods, a mix of housing types including affordable housing, proximity to existing Tri-Met bus lines and bike and pedestrian trails linking the site with major commercial centers in the Bethany area and with the Portland Community College (PCC) campus. The proposed development will provide about 15.5 acres of parks and open space, has made room for a proposed school site, and will yield a minimum of 10.4 dwelling units per net available acre.

EnviroScience, Inc. has prepared a natural resource evaluation and protection plan for the property. The plan and evaluation contain a thorough analysis of the environmental, habitat and water quality values of the site. The Washington County Rural/Natural Resource Plan designates the riparian corridor which runs through the property as Water Areas and Wetlands & Fish and Wildlife Habitat.

The concept plan provides substantial (200' +) buffers along the riparian corridor which runs through the property. This will provide numerous environmental benefits. First, the buffer provides substantial opportunities for restoration of the riparian area, which has been degraded through invasions of Himalayan blackberries, reed canary grass and through agricultural practices. The buffer will also provide a substantial benefit through allowing bio-filtration of runoff.

It is also important to note that PCC has committed to preserve the large wetland area and wooded buffer north of the PCC campus. PCC has designated this area as an "educational hub for a regional environmental system".<sup>2</sup> This makes the northern boundary of the proposed development a natural stopping place for the first phases of the development of URA 65.

EnviroScience has also noted that the site does not contain the Willamette Valley Grasslands and Oak Woodlands Habitats noted in the draft staff report. Moreover, the EnviroScience report points out that the site does not contain elk winter range.

One important factor in favor of the proposed development is that there does not need to be any funding plan for acquisition of open space. Because the project is master planned, and on a property of approximately 115 acres, open space and environmental preservation goals will be satisfied through the set aside of existing natural areas. This stands in stark contrast to sites which are more heavily partitioned, where the preservation of riparian corridors, for example, would involve difficult, lengthy and expensive discussions and transactions, and/or the condemnation of property for parks or

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<sup>2</sup>*Application for Special Use Approval and Development Review, Portland Community College, August 1993.*

open space.

### Economics.

As noted in the farm impact analysis and farm practices report, the development of the subject property will have little impact on the economy of nearby farm uses. Farm uses within a one mile radius of the site are already impacted by the substantial number of existing dwellings and the small size of parcels.

As noted at the public hearing on November 10, the subject property will provide a substantial boost to two planned neighborhood commercial centers, one in Bethany and the planned commercial center at the northeast quadrant of 185<sup>th</sup> and West Union Road. The increase in the viability of these commercial centers will provide an economic boost that will more than offset any loss in farm related income from the development of the subject property. As noted in the staff report, construction is an important economic activity accounting for six percent (6%) of the gross state product. The build out of the subject property over a number of years will provide a significant economic boost to the area.

### Social.

The subject property will be developed in complete accordance with Metro's 2040 Goals. This will provide a livable community with affordable housing and open space network and potential room for school services. In addition, the site is located close to two neighborhood commercial centers which will reduce the overall number of vehicle miles traveled as people who live in the site can satisfy most of their shopping needs within one mile of the subject property. It is also important to note that the site is served by two bus lines, making it one of the most transit friendly urban reserve areas in the region.

Thus, the negative energy, environmental, economic and social consequences of the proposed amendment are less than potential alternative sites.

(6) *Factor 6: Retention of agricultural land. This factor shall be addressed through the following:*

(A) *Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:*

(i) *Expansion on rural lands excepted from statewide planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment. The smallest amount of resource land necessary to achieve improved efficiency shall be included;*

- (ii) *If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by the state, should be considered;*
- (iii) *If there is not enough land as described in either (i) or (ii) above, to meet demonstrated need, secondary agricultural resource lands, as defined by the state should be considered;*
- (iv) *If there is not enough land as described in either (i), (ii) or (iii) above, to meet demonstrated need, primary forest resource lands, as defined by the state, should be considered;*
- (v) *If there is not enough land as described in either (i), (ii), (iii) or (iv) above, to meet demonstrated need, primary agricultural lands, as defined by the state, may be considered.*
- (B) *After urban reserves are designated and adopted, consideration of factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.*
- (C) *After urban reserves are designated and adopted, a proposed amendment for land not wholly within an urban reserve must also demonstrate that the need cannot be satisfied within urban reserves.*

**Response:**

**1. Introduction.**

In addition to Metro Code's Factor 6, there are numerous criteria throughout the statutes, and administrative rules which require an analysis of the availability of potential alternatives to an expansion of the Urban Growth Boundary in a particular location. These alternatives criteria are cited below. As noted above, there is both a general need for more housing in the Hillsboro area, and a special land need for housing to remedy a jobs/housing imbalance in the area. As discussed below, the evidence demonstrates that there are no alternative sites of higher priority which could reasonably accommodate either the general or the special land need in the Hillsboro area. Moreover, the "exception" standard in subsection (6)(A)(i) provides an alternative basis by which the Area 65 property satisfies Metro Factor 6.

**2. Applicable Criteria.**

The following statutes, administrative rules and sections of the Metro code each require an analysis of potential alternatives to the proposed UGB expansion.

**Statutes.**

- ORS 197.298
- ORS 197.732(1)(c)(b)

#### Administrative Rules.

- OAR 660-004-0010(c)(d)(ii)
- OAR 660-004-0020(2)(b)
- OAR 660-014-0040(3)(a)

#### Metro Code Provisions.

- MC 3.01.020(b)(1)(E)
- MC 3.01.020(c)(1)
- MC 3.01.020(b)(6)

The subject property is comprised of about 106 acres within the previously designated URA 65. Therefore, the subject amendment need not be accompanied by findings demonstrating compliance with Factor 6. As a precautionary matter, these findings demonstrate compliance with the agricultural land retention provisions of ORS 197.298 and MC 3.01.020(b)(6), and the related criteria listed above.

Under Metro's acknowledged code, a legislative amendment to the urban growth boundary (UGB) requires the Council to apply and balance factors 3 through 7, as listed in MC 3.01.020(b). First, it must be emphasized that the MC 3.01.020(b), like the Goal 14 factors from which they were derived, are factors that must be balanced. *See* MC 3.01.020(b) ("For legislative amendments, if need has been addressed, the district shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than the alternative sites, balancing factors 3 through 7.") *See also* RUGGO 24.2 ("Criteria for amending the UGB shall be derived from statewide planning goals 2 and 14, other applicable goals, and relevant portions of the RUGGOs"); *Halverson v. Lincoln County*, 82 Or App 302, 728 P.2d 77 (1986) (requiring balancing of Goal 14 factors).

In some cases, application of each locational "factor" of MC 3.01.020(b) will lead to contradictory results. For example, application of factor 6 may favor including a parcel of heavily parcelized exception land with steep slopes, while application of factor 3 may indicate that this same exception land does not lend itself to "orderly and economic provision [of] public facilities and services." In such cases, the two factors essentially balance (or cancel) each other, and the local government must look towards the other two factors, along with relevant portions of the acknowledged RUGGOs, to resolve the conflict.

Similarly, state law requires that when the statewide goals are applied to a decision, the goals must be given equal weight. ORS 197.340.

Factor 6 generally establishes a preference for expanding urban development into areas which are not useful for agricultural or forestry uses because of their soil types, or because the land has previously been parcelized and developed in a fashion which makes it unlikely that agricultural or forestry uses would ever resume on these lands.

### **3. General Findings on Alternative Locations**

#### **a. Maximum Efficiency**

Under MC 3.01.020(b)(6)(A)(i), the first priority for inclusion into the urban growth boundary are "rural lands excepted from statewide planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans." *See also* ORS 197.298(1)(a). Inclusion of non-exception lands in the Ryland Homes site is justified under the second sentence of MC 3.01.020(b)(6)(A)(I), which states that "small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment." This efficiency-enhancing provision is similar to the "maximum efficiency" exception to the priority system created for the designation of urban reserves. *See* ORS 197.298(3)(c), OAR 660-21030(4)(c). Metro has previously found that it is necessary to include the resource land in URA 65 to achieve maximum efficiency for this urban reserve area.

As detailed in the Consulting Engineering Services, Inc. letter, dated October 27, 1998, inclusion of the Ryland Homes site will create service efficiencies for the provision of urban facilities and service, including transportation, water, sanitary sewer, and stormwater drainage for the exception areas to the north of the PCC campus. In fact, there is no other practical and economical alternative to serve the exception area to the north of the Ryland Homes Site. Sewer and stormwater services can most efficiently be provided utilizing the existing natural swale/creek that runs north across Springville Road. This swale veers to the east across the EFU zoned parcels in the south-central section of URA 65. The requisite oversized sewer lines are already in place, and no further public investment is needed.

Improved efficiency of land uses means servicing the exception lands via the resource lands in the Ryland Homes site. This includes taking full advantages of the topography for gravity sewer systems and storm-water drainage, exploiting the utility investments that have already been made in the area, developing the proposed expansion property in a manner that supports a compact urban growth boundary and interconnectivity of utilities and roads, and locating urban growth in an area that is near schools, shopping areas, town centers, and transit corridors.

Metro recognizes that with the inclusion of the resource property within the Ryland concept plan area, the potential for efficient development is extremely high. First, sewer services are already in place. In fact, when the trunk line was built, it was designed, constructed and extended specifically to include the necessary gravity flow and access needed to serve the site to the north. Therefore, sewer service extensions may now be installed to serve site 65 at no additional cost to the public. In addition, the Springville road right-of-way already contains a 24 inch DI water main with adequate water and pressure to serve the entire URA 65. Finally, this same right of way also contains a new N.W. Natural Gas main line, GTE Fiber optics telephone trunk lines, and cable TV lines. For these reasons, the productivity Analysis rated URA 65 as one of the least expensive sites to serve with urban services.

In addition to the ready availability of utility services, there are other reasons why the three EFU-zoned tax lots located in the middle of URA 65 are needed to improve efficiencies of the adjacent exception land. Because of their central location, including these parcels greatly enhances the interconnectivity of the entire site, especially with regard to transportation and utility services. In fact, without the connection provided by these sites, the two peninsulas of exception land suffer from lack of interconnectivity, funneling both traffic and utilities services south along narrow corridors. Finally, a high voltage transmission line runs north/south across these EFU parcels. These lines create the

opportunity for bike paths and open space, as has already been done in the residential neighborhoods to the south of URA 65. Improved efficiency of land uses occurs when a compact urban form is maintained. When the boundaries of URA 65 were drawn, it was intended to maintain a compact urban form by including the small pockets of adjacent EFU, AF-20, AF-10, and AF-5 lands between the higher exception lands to the north and the existing UFB to the south. This was a preferred alternative to creating two peninsulas of urban land by incorporating only the isolated groups of exception land on URA 65. As a result, the increase in size of the UGB's overall perimeter is lessened, while interconnectivity within the urban reserve is greatly enhanced.

Improved efficiency of land uses is also achieved by including the Ryland Homes site in the UGB because of the presence of the large, relatively flat parcels of land in single ownership. Although URA 65 is devoid of big parcels suitable for farming, it has also not been heavily parcelized, and few parcels smaller than 5 acres exist outside of the exception areas. Thus, the existing parcels are uniquely suited to master planning, which will greatly increase the likelihood that these sites will exceed or achieve Metro's 2040 growth concept density goals.

b. Exception Lands.

The demonstrated need for housing in the Beaverton Regional Center sub-regional area, including the special land need (jobs/housing imbalance) for 6800 housing units cannot be met by including only exception lands in the urban growth boundary. To comply with factor 6, these findings, as supplemented by the alternative site analysis, detail why other sites with less impact on higher priority resource lands are unavailable, unsuitable, or insufficient in quantity to satisfy a particular need which justifies a UGB expansion. The reasons why the Washington County and Multnomah County exception areas are not sufficient to meet the demonstrated need are listed below. Exception lands not adjacent to the existing urban growth boundary are considered and rejected first. Second, exception lands in the Beaverton Sub-region adjacent to the existing urban growth boundary are considered for their ability to meet the current unmet housing need.

1. Exception Lands Not Adjacent to Existing Urban Growth Boundary.

Of the existing exception lands in Washington County, most are not adjacent to the existing urban growth boundary. These exception areas are not suitable because they do not meet the requirements of the RUGGO and the 2040 Growth Concept. Although nothing specifically requires that proposed urban reserve areas be adjacent to the present UGB, as a practical matter, only adjacent lands allow for efficient urban expansion, maximum connectivity, proximity to regional and town centers, and compact urban form. Exception lands greater than one full mile from the present UGB were not even studied for inclusion in the urban growth boundary under the alternative site analysis, because they categorically could not comply with the 2040 Growth Concept and the RUGGOs under any given circumstances. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle miles traveled (VMT). In addition, urban expansion in these areas would have a greater impact overall farm practices in the area. Finally, state law even reflects the general policy that urban expansion should be focused on adjacent lands: when selecting urban reserve areas, OAR 660-21-030(2) requires local governments to study adjacent lands before including lands further than ½ a mile from an existing urban growth boundary.

## 2. Exception Lands Adjacent to Existing Urban Growth Boundary.

As detailed in the alternative site analysis, exception areas adjacent to the present urban growth boundary in the Beaverton Regional Center sub-regional area are not a reasonable alternative to URA 65. The alternative site analysis demonstrates that none of the adjacent exception areas could provide enough housing units, either individually or cumulatively, to meet the special land need in the Beaverton Regional Center sub-regional area. These exception areas are designated as AF-5 and AF-10 on the Washington County Rural/Natural Resources Plan Map (Side 2). The primary reasons that these exception lands were rejected as reasonable alternatives is summarized below.

Some of the adjacent exception areas within this category are located within green corridors, as designated on the acknowledged 2040 Growth Concept Map. These areas could not be brought into the urban growth boundary without violating Regional Urban Growth Goals and Objectives (RUGGO) 22.3.3 and 26.1, which require "separation of communities."

In addition, many of these exception lands are located on lands with steep slopes (over 25%), FEMA 100 year flood plains, or other environmental constraints. These lands are not suitable for urban development because they are not efficiently served, because they cause damage to the environment and, in some cases, are hazardous to human health. Moreover, RUGGO subgoal II.4 (the 2040 Growth Concept), which lists certain steeply sloped and flood-prone lands as unbuildable. See 2040 Growth Concept Maps: (Slopes) and (Environmentally Constrained Lands).

And additional reasons exist in some cases. For example, lands in the flight path of the Hillsboro Airport were excluded from consideration, in part because it would be imprudent to develop these lands to the density levels required in either Inner or Outer Neighborhoods under Metro 2040 Growth Concept.

Exception areas which form peninsulas of high-priority land protruding out into areas of productive farmland are also excluded from consideration because urbanizing these areas will result in a major incursions into the surrounding EFU lands. Transportation problems are compounded on these sites, because collector street are invariably funneled through the thin strip of land connecting the exception area with the UGB. This violates RUGGO Goals II.i, II.3.iii, 19.I, 19.iv, 19.v, 19.vii and RUGGO Objectives 19.2.2 and 3.1 because it does not allow for interconnectivity or an integrated transportation network. Moreover, providing services through the narrow strip of land in these exception area violates RUGGOs 18.I, 18.ii. and 18.v because of its inefficiencies. These inefficiencies arise because developing into thin fingers of exception land requires large quantities of trunk and collection lines while on providing a few localized connections. It is more efficient to have as many local connections to water, sewer, and roads as possible, thereby reducing the overall amount of these services that must be built. Therefore, if roads, water mains, and sewage pipes are going to be extended any distance to reach the higher priority exception land, then maximum efficiency is achieved by also allowing local connections along the full length of the trunk lines.

In some cases, the addition of these peninsulas to the UGB would create islands of non-urban land surrounded by the UGB. In all cases, adding peninsulas of exception land would create a greater percentage of land where prime farmland is contiguous to urban development. These farmlands become more vulnerable to trespass, vandalism, and other impacts of urban development. Choosing

options which increase the amount of farmland contiguous to urban uses contravenes RUGGO 16.3, which requires Metro to “protect and support the ability for farm and forest practices to continue.” In addition, such an approach is inconsistent with Objective 1.7 (Urban/Rural transition) from the Regional Framework Plan, and violates RUGGO Goal II.i, which makes achieving a compact urban form a Metro goal.

Finally, the vast majority of the existing exception areas are highly parcelized and the lots are predominately in separate ownership. This situation inhibits the ability to consolidate parcels into larger blocks of land which could provide housing densities consistent with the 2040 Growth Concept and RUGGOs. These lands are difficult to master plan, do not have enough large vacant lots that are readily usable as schools, parks, and town centers, and do not have well structured transportation networks.

Even so, Metro is taking a broader view of how development should occur, by seeking to regulate and steer growth via the 2040 Growth Concept. In part, this means developing new town centers, corridors, main streets and neighborhood centers. This type of integrated, development could not occur on lands that are heavily parcelized and in separate ownerships. None of the heavily parcelized areas mentioned by the petitioners in the appeal of the urban reserve decision could be effectively or realistically master planned. These areas could at best be subdivided on a piecemeal, haphazard basis. Rather than form communities with integrated transportation networks, and well designed neighborhoods with adequate parks, schools, and other public services, relying on a few exception areas to meet the land development need only results in the creation of small housing subdivisions. However, when developed in conjunction with limited quantities of larger vacant land, exception areas which might normally be of little development value to the region can be integrated into a highly productive and workable develop plan. URA 65 will be a master planned community, not just a collection of small, uncoordinated subdivisions.

c. Secondary Lands.

MC 3.01.020(b)(6)(A)(ii) requires Metro to give second priority to secondary lands, as defined by the state. The term “secondary lands” is a term of art, which is no longer part of the Oregon land use system. The term is not defined by statute. In fact, ORS 215.304(1) prevents LCDC from “adopting or implementing any rule to identify or designate small-scale farmland or secondary land.”

Thus, there can exist no lands adjacent to the Metropolitan Portland urban growth boundary that can be defined as secondary lands.

d. Secondary Agricultural Resource Lands.

In the event that there are not sufficient secondary lands to meet the demonstrated need, MC 3.01.020(b)(6)(A)(iii) requires Metro to give third priority to secondary agricultural resource lands, as defined by the state. The term “secondary agricultural resource lands” is not defined under state law. With regard to property in the Willamette valley, LCDC defines “agricultural land” as those lands with class I-IV soils, as identified by the NRCS. “High-value farmland” is agricultural land that contains soils that are prime, unique, class I or class II, or which contain certain crops, such as orchards. Quite possibly, the reference to “secondary agricultural resource lands” in MC 3.01.020(b)(6)(A)(iii) is intended to mean all agricultural lands not considered to be “high-value”



under state law.

Washington County is one of two counties that designated certain lands as "marginal" under ORS 197.247 and ORS 215.288(2). Most of lands county's "marginal" lands are zoned AF-5 and AF-10 and are in exception areas. These lands have been rejected as viable alternatives to URA 65, as discussed above and in the alternative site analysis. Lands zoned AF-20 can also be considered "marginal" lands under the county's comprehensive plan.

URA 65 consists mostly of marginal agricultural lands, the land is not ideally suited for agriculture. Most of the lands are class III soil types, which have severe limitations that reduce the choice of plants and require special conservation practices. Only a small section of URA 65 contains class II soils, and these are partially located in the exception area on the northern boundary of the site. Ironically, the lands zoned EFU consist entirely of class III and IV soil types, which are more difficult to farm. Also, all of the current agricultural use is dry land farming, because no groundwater rights are available for much of the area. However, even the best soils in the area, the class II Helvatia series soils, require irrigation for viable crop production. The few existing surface ponds are inadequate to serve as sources of irrigation water.

Moreover, the transportation infrastructure that makes this area such a prime location for development also hinder the ability to farm the area. Specifically, urban traffic makes using roads for transporting farm machinery, crops, and equipment is highly dangerous. This problem will exacerbate as additional urban growth occurs in the area. Finally, the small lot sizes inhibit economical use of the land for farming. Noxious weeds invade the fields from adjacent lands, competing for water and sunlight. This causes the fields' peripheries to be virtually useless unless subjected to heavy chemical spraying regime. Besides increasing costs, neighboring home owners living in adjacent suburban development frequently object to this spraying.

e. Primary Forest Resource Lands.

The fourth priority for inclusion into the UGB includes primary forest lands, as defined under state law. MC 3.01.020(b)(6)(A)(iv). Under OAR 629-24-101(21), "forest lands" are defined as "land for which a primary use is the growing and harvesting of forest species." Statewide Planning Goal 4 defines forest lands as those "lands acknowledged as forest lands as of the date of adoption of this goal." Lands zoned for exclusive forest uses are designated as Exclusive Forest and Land Conservation Land Use District (EFC) in the Washington County Rural/Natural Resources plan. To the extent that there are any lands adjacent to the existing UGB in the Beaverton sub-region that meet this definition, there are no significant amounts of forest land that could provide enough housing units to alter the region's current jobs to housing imbalance.

f. Primary Agricultural Resource Lands.

The fifth and last priority goes to primary agricultural resource lands, as defined by the state. There are only a few areas on land in URA 65 which contain class II soils. As Consulting Engineering Services has noted, the exception areas in the South Hillsboro area cannot be provided with urban services without incorporating the resource lands within the subject area.

**Response:**

The applicant has described agricultural activities in this area in a detailed report , which includes a description of each type of farm activity within the one mile area., with tax lot location and farming practices for each type of farming activity. (See Farming Practices Report.)

The area within one mile of the subject property is the northern remainder of a Bethany farming area that has been largely lost to urban development south of Springville Road. What remains is squeezed by the western slopes of the West Hills, to the north and east and the urban area to the south.

The EFU area is also reduced and confined by another natural buffer, the Abbey Creek lowlands, which create an unfarmable swath just south of Germantown Road across this area. The only use made of this lowland is a wet pasture. There is a corresponding dip in terrain that is noticeable when using either Kaiser Road on the east or 185th on the west. When these roads dip down between Springville and Germantown, the land use on either side of the road tends to be wet, scrubby forest. The land owners have made an effort to use the ground, and pasture is the only use that has been made of it.

This land is better suited to urban development than rural development, because the area is already urbanized. Located on the eastern edge of Washington County's farm lands, this area is no longer a viable farming area for full time farmers. The close proximity of urban development, the enclosing nature of the West Hills and the Abbey Creek lowlands combine to reduce the area to a few scattered farm sites, and a dwindling interest by those who make a living farming.

The rapid housing development south of Springville caused the loss of hundreds of acres of farm land that was used by people who also farmed within this one mile area. As a result, the remaining acreage is insufficient for local farmers to make a living. There are more than 20 dwellings on the 40 EFU parcels that are farmed within the one-mile area. The average parcel size of EFU land that is farmed is 29.45 acres. (Estimates based on Farming Practices Report, Table 3.) The largest parcel in the area -- 247 acres --is owned by Portland Community College, and is already located within the UGB. Nearly half of that parcel remains in farm use, growing grass seed, but it is urban ground planned for urban uses by Washington County.

- (ii) *An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified.*

*Impacts to be considered shall include:*

- 1) consideration of land and water resources which may be critical to agricultural activities*

**Response:**

The *lands designated for agricultural use* in the Washington County comprehensive plan are those designated EFU and AF-20. (See Farming Practices, Table 3)

When deciding between otherwise similar parcels of resource land, it is appropriate to consider whether the new UGB will create more (or less) direct contact between urban uses and high-value resource land. This so-called "edge effect," represents the reality that the greatest incompatibilities between urban and rural farm arises arise from parcels that are contiguous to one another. Because of its location, its compact shape, and homogeneous composition, the net amount of resource land in URA 65 that is contiguous to other resource land not considered for inclusion in the urban growth boundary is extremely low. In fact, the URA 65 is unique in that it is virtually surrounded by natural buffers such as wetlands, so that continued expansion to the north is unlikely, and enough distance separates the site from adjacent agricultural activities. Therefore, inclusion of the resource land in URA 65 is preferred over inclusion of any other properties designated as "primary agriculture resource land" under state law. *See generally* RUGGO Objectives 16 and 22.

**4. OAR 660-040-0200(2)(b)**

We find that the Alternatives Analysis satisfies the requirements of OAR 660-004-0020(2)(b) as it has provided a thorough description of possible alternative areas. We also find that the Alternatives Analysis has discussed the reasons why other areas which should not require a new exception cannot reasonably accommodate the proposed use. Specifically, we find, based on the Alternatives Analysis that the proposed use and the specific land need cannot be reasonably accommodated on non-resource land or land already irrevocably committed to non-resources. Based on the record in this case and the record of decision in ordinance 96-655E, we find that there is not sufficient land that is already irrevocably committed to non-resource uses to satisfy the special land need for the area or to accommodate for the proposed use.

*(7) Factor 7: Compatibility of proposed urban development with nearby agricultural activities.*

*The record shall include an analysis of the potential impact on nearby agricultural activities including the following:*

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site;*
- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any, impacts are identified. Impacts to be considered shall include consideration of land and water resources which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land, as well as the impact on the local agricultural economy.*

There is not enough land in this one-mile area to support full time farming. The man who still farms more land than any other in this area - Keith Fishback-- was raised on the family land just east of Kaiser on the north side of Springville Road. The Fishback nursery business has now moved to Roy in the Banks area. Mr. Fishback is still grass seed farming (including about 100 acres on the east side of 185th --1N1 18 100 and a smaller area north of Springville Road in Multnomah County 1N1 17A 100 & 200) on more land than anyone else in this area, but he is leaving when his commitments to farm are finished.

Area farming is dry land farming that does not take water from other uses. Dwellings in this area use wells to supply domestic water. They have co-existed with farming activities for many years without water problems. Many of the dwellings are immediately adjacent to agricultural activities, and have been for years.

*2) consideration of the impact on the farming practices of urbanization of the subject land*

**Response:**

There will be minimal impact on farming practices in this one-mile area if this land is urbanized. The site is in the middle of the area where there are no large farming parcels except the already-urbanized PCC parcel. The Graf parcel farm is accessed from Springville Road now. The largest farms within one mile of this site are on closer the perimeter of that one mile area, while the site itself is in the core, separated from the larger farms by exception land, roadways and the Abbey Creek lowlands.

**Road System Conflicts**

Most of the impact of urbanization has already hit this area. The rapid urbanization of the Bethany area has brought an explosion of people and their vehicles to the land and road system south of Springville Road. There have been conflicts on Bethany Boulevard, Kaiser Road, 185th, West Union and Germantown Road. As detailed in the farm use report, most of the slow-moving farm traffic comes from western Washington County, and uses the best available road (least traffic/most direct route), usually West Union Road, to reach the area. Some farmers do use Highway 26 and the approaches to this area on 185th or Bethany/Kaiser.

Based on the Farm Impact Analysis, we find that the proposed development will not create unacceptable traffic impacts on nearby farms. If there are 800 new homes on this site, most of the traffic will use 185th and Bethany/Kaiser, and it is likely that the remaining farmers will avoid those roads as much as possible because of the increased traffic. There are several large farms on West Union Road west of this area, so there is already farm traffic on West Union.

Some farmers already use trucks or trailer to haul their tractors and other farm equipment to work this area. Trucks are a normal part of urban traffic. While there are road conflicts, it is important to recognize that these are occasional, not daily occurrences, and should not be overemphasized. In this area of low key dry land farming, there are perhaps ten trips a year to the each field. Much of the land area is planted in grass for seed, which is a long-term (up to ten years) crop on a single planting.

The largest EFU farms in this area are on 185th (1N1 18 Lot 100, lot size 129 acres; 1N2 13 Lots 2100, 2102 & 2N2 24 Lot 200, combined lot size of 114 acres) . They are least likely to be affected by traffic from this project, because the farm vehicles will likely move via West Union up 185th, and avoid most of the Springville Road traffic.

The only large farm adjacent to the site is the PCC grass seed farm on the eastern half of 1N1 18 Lot 200, lot size 247.06 acres. However, this land is already inside the UGB and has been designated for urban use by Washington County.

For these reasons, the approval of this site for residential use will not significantly increase conflicts on the public roads in this area between farm vehicles and residential traffic.

#### Dust, Odor, Noise

The dry land farming practiced in this area will have minimal impact on the proposed housing area. Most of the farming areas are on the outer edge of the one-mile area centered on the site, which means there is little direct contact between these farms and the proposed housing units. (See Farming Practices Report in general.)

The farm use on EFU land in the immediate vicinity of the site includes grain farming four lots (1N1 17B Lot 400 --14.76 acres, Lot 600-- 4.84 acres with dwelling; 1N1 17C Lot 100-- 14.47 acres and 1N1 18A Lot 900 -- 9.85 acres with dwelling). The fact that two of the parcels include dwellings indicates that the farming practices are compatible with residential use.

Dust is minimized by the relative small parcel size which reduces the time spent on any given activity that could raise dust. Plowing and planting are usually done in the spring, which in western Oregon means at least damp ground and little chance of dust.

Odor is minimal because fertilizing is applied by scattering pellets of fertilizer, and spraying is locally applied, either by tractor pulled low-to-the-ground spraying heads. Farmers do not spray on windy days.

The possible impact of noise is limited by the relatively small size and number of EFU farming operations adjacent to the site. The small size means whatever the farming practice -- plowing, planting spraying, harvesting -- the time spent will be short and the effect of any tractor noise will likewise be short. Fences and other buffers will be created during site development.

For these reasons, area farming practices will not interfere with the proposed project in terms of dust, odor or noise.

#### Trespass/Vandalism

For the reasons already discussed, housing development of this site should not significantly increase trespass problems for farmers in this area. In general terms, the area has already been exposed to the effects of urbanization because of the dense housing development south of Springville Road. Most of the farm use within one mile of the site is located on the outer edge of that one-mile area, and

for this reasons should not be exposed to increased urban impacts from this proposal. (See Farm Use Map.)

As shown on Table 4, there is little farm use immediately adjacent to this housing site. In addition, there is relatively little farm use with access from Brugger Road. The housing development provide fencing and other buffer between the residential land and the adjacent farm land.

*3) consideration of the impact on the local agricultural economy.*

**Response:**

The local agricultural economy is a part of the overall Washington County agricultural economy, because most of the larger farm parcels are worked by farmers from elsewhere in the county. The loss of the farming output from this 115 acres area is a minor part of the Washington County farm economy. The Joss farm is planted in wheat and oats (1N1 18 Lot 800 39.32 acres) and hay (1N1 17C Lot 600, 23.83 acres). The Graf parcel (1N1 18 Lot 690, 16.79 acres) has been farmed for grains. According to OSU Extension Service information<sup>3</sup>, 25,000 acres of wheat were planted in 1996, 7,000 acres of oats, 21,000 acres of hay, and 33,100 acres in all types of grain.

The major remaining farmer in this area, Keith Fishback, is in the process of leaving this area, because it does not make economic sense to farm there. Fishback said he and his brother need at least 500 acres to make a living. Joss figures a farmer needs at least 200 acres to make a living.

As discussed above, the urbanization of the land south of Springville Road has already created the conflicts that affect farming in this area. The addition of these 115 acres to the urban area will not have a further significant impact.

For these reasons, the proposed urbanization of the Ryland Homes site will not have a significant effect on the local agricultural economy.

*(c)(2) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts; and*

**Response:**

See farm impact analysis and the concept plan.

*(3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas than the proposed site and requiring an exception.*

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<sup>3</sup> "Agricultural Commodity Sales, Washington County, 1996p" Economic Information Office, Oregon State University, March 14, 1997.

**Response:**

See discussion of Factor 5.

*(d) The proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, flood plains, power lines, major topographic features, and historic patterns of land use or settlement.*

**Response:**

As noted in the concept plan and the legal description included in the Appendix, the proposed UGB Amendment will provide a clear transition between urban and rural lands. The eastern boundary will be demarcated by a power line and the northern boundary will generally be demarcated by the top of the ridge line, and the existing open space buffer north of the PCC campus.

