

Agenda Item Number 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.

Second Reading

**Metro Council Meeting
Thursday, December 10, 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

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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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(12/01/98)

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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Portland, OR 97232-2736
Voice 503 797-1742
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Email drc@metrodstor.us

☐ Area Considered by Council
☒ First Tier Urban Reserve

Exhibit B 2 of 2

0 500 1000 1500



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Portland, OR 97232-2736
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FAX 503 797-1909
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/proj2/ura/urord aml, plot date: December 04, 1948

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 slopes, 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.¹ 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.

¹ 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 Acres	Buildable Acres	Capacity HH	Capacity EMP	Score
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

EXHIBIT 1

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 Rule Factor 3				Urban Reserve Rule Factor 4		Urban Reserve Rule Rule Factor 5				Urban Reserve Rule Factor 6	Urban Reserve Rule Factor 7
Site #	Score	Utility (Feasibility)	Road Network	Transit Congestion	Technology	Efficiency Factor	Buildable Land	Environmental Constraints	Access to Camera	Job/Housing Balance Jobs Rich	Housing Rich	Agric. Retention Factor	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	16.0	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	14.0	12.0
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	14.0
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	10.0
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	14.0
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	18.0
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	2.0	10.0
19	62.5	2.0	1.5	2.0	4.0	6.0	7.0	4.0	4.5	0.0	1.5	14.0	14.0
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	14.0
21	38.5	1.0	2.5	2.0	5.0	3.0	4.0	2.5	5.0	0.0	1.5	10.0	12.0
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	14.0
23	57.0	2.0	1.5	2.0	5.0	8.0	9.0	4.0	2.0	0.0	1.5	10.0	12.0
24	57.0	3.5	1.0	2.0	4.5	7.0	8.0	4.0	1.5	0.0	1.5	12.0	12.0
25	62.5	3.5	3.0	0.5	3.5	8.0	8.0	4.0	0.5	0.0	1.5	18.0	14.0
26	46.5	3.0	2.0	0.5	1.5	4.0	5.0	3.0	0.0	0.0	1.5	14.0	12.0
27	48.5	2.0	1.0	0.5	4.5	7.0	7.0	4.0	3.0	0.0	1.5	4.0	14.0
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	10.0
38	38.0	2.0	2.0	1.5	4.5	9.0	0.0	4.0	0.5	1.5	0.0	2.0	10.0

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	Feasibility	Network	Trains (Congestion)	Schools	Efficiency Factor	Buildable Land	Environmental Constraints	Access to Centers	Job/Housing Balance Job Rich	Housing Rich	Agric. 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	18.0
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	10.0
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	8.0
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	12.0	10.0
49	49.0	3.5	3.0	1.5	1.0	4.0	4.0	2.5	4.0	1.5	0.0	14.0	10.0
50	65.0	3.5	1.5	1.5	1.5	6.0	7.0	4.0	2.5	1.5	0.0	18.0	18.0
51	53.0	3.5	5.0	2.0	2.5	4.0	3.0	2.0	4.5	4.5	0.0	14.0	8.0
52	56.5	4.0	3.0	2.0	4.0	7.0	8.0	4.0	4.0	4.5	0.0	10.0	6.0
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	0.0	0.0
55	37.0	4.0	1.5	2.0	4.0	6.0	5.0	2.5	3.5	4.5	0.0	2.0	2.0
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	2.0
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	2.0
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	10.0
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	8.0
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	6.0
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	14.0
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	14.0
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	12.0
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	16.0

Urban Reserve Ratings

Note: The higher the rating, the higher the suitability for urbanization.						Urban Reserve Rule - Factor 3 ¹				Urban Reserve Rule - Factor 4 ²		Urban Reserve Rule - Factor 5 ³				Urban Reserve Rule-Factor 6 ⁴	Urban Reserve Rule-Factor 7 ⁵
Site #	Acres	Resource Acres ⁶	Buildable Acres ⁷	Capacity ⁸		Utility Feasibility ⁹	Road Network ¹⁰	Traffic Congestion ¹¹	Schools ¹²	Efficiency Factor ¹³	Buildable Land ¹⁴	Environmental Constraints ¹⁵	Access to Centers ¹⁶	Jobs/Housing Balance ¹⁷		Agric. Retention Factor ¹⁸	Agricultural Compatibility ¹⁹
				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	7
10	134.5	0.0	82	824	338	5	2	3	1	5	7	8	4	0	3	8	6
11	435.5	48.8	296	3,271	1,802	8	6	3	1	8	8	8	5	0	3	7	6
12	194.9	0.0	45	454	186	5	3	3	1	0	0	0	1	0	3	8	7
13	66.5	0.0	31	305	125	4	10	3	1	3	3	3	4	0	3	8	5
14	233.2	0.0	154	1,791	924	7	4	2	4	8	8	7	5	0	3	8	6
15	347.3	0.0	200	1,999	819	5	3	2	4	5	6	6	8	0	3	7	7
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	8	0	3	6	9
20	159.6	3.0	106	783	308	8	10	4	8	8	8	8	9	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	6
25	969.9	0.0	677	5,777	4,949	7	6	1	7	8	8	8	1	0	3	8	7
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	6	0	3	8	8
30	138.7	0.0	78	780	320	3	3	7	6	5	5	6	4	0	3	7	7
31	735.6	615.1	407	4,072	1,669	5	5	9	6	5	5	6	10	0	3	4	5
32	87.4	76.0	57	573	235	4	5	9	8	7	8	7	9	3	0	7	3
33	338.4	71.6	149	1,490	611	6	8	9	9	2	2	3	5	3	0	4	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	8
37	145.5	0.0	94	974	386	7	4	3	9	7	8	7	3	3	0	7	5
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.

Note: The higher the rating, the higher the suitability for urbanization.						Urban Reserve Rule - Factor 3 ¹				Urban Reserve Rule - Factor 4 ²		Urban Reserve Rule - Factor 5 ³				Urban Reserve Rule-Factor 6 ⁴	Urban Reserve Rule-Factor 7 ⁵
Site #	Acres	Resource Acres ⁸	Buildable Acres ⁷	Capacity ⁹		Utility Feasibility ⁶	Road Network ¹⁰	Traffic Congestion ¹¹	Schools ¹²	Efficiency Factor ¹³	Buildable Land ¹⁴	Environmental Constraints ¹⁵	Access to Centers ¹⁶	Jobs/Housing Balance ¹⁷		Agric. Retention Factor ¹⁸	Agricultural Compatibility ¹⁹
				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	0	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	0	1
61	27.2	0.0	16	163	67	5	3	10	6	7	6	6	10	9	0	2	1
62	255.0	212.9	168	1,684	690	7	5	10	2	8	8	7	9	9	0	6	6
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

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,

A handwritten signature in dark ink, appearing to read 'Ken Hoffman', with a long horizontal flourish extending to the right.

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 *MB*
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.

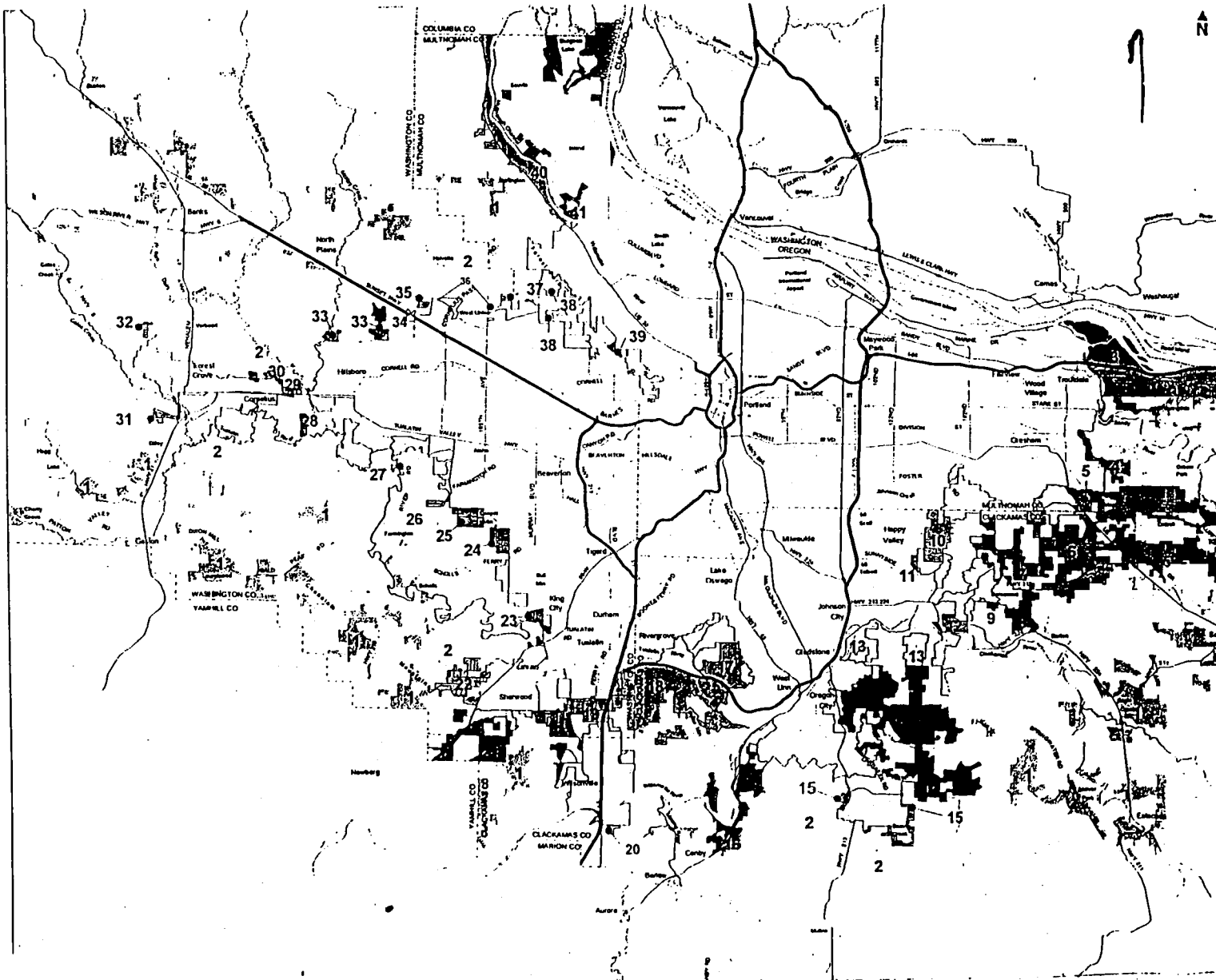
The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

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

800 NE Grand Ave
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: dro@metro.del.or.us

98231; Plot Date October 26, 1998, exemption apr

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 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.

Second Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO 98-781 <u>BC</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 Metro Council voted on December 3, 1998, to amend the area under consideration for UGB amendment to about 265 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.

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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12/08/98



**First Tier
Within Metro Boundary**

 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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Powell Butte Nature Park

Johnson Creek

5

Pleasant Valley

5

Clatsop St

Foster Ave

Johnson Ave

Butler St

Clatsop St

5th Precinct

174th St

175th St

176th St

177th St

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/proj2/ura/urord.aml, plot date: December 08, 1998

ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-781C (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 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.



METRO

Appendix A

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.

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.

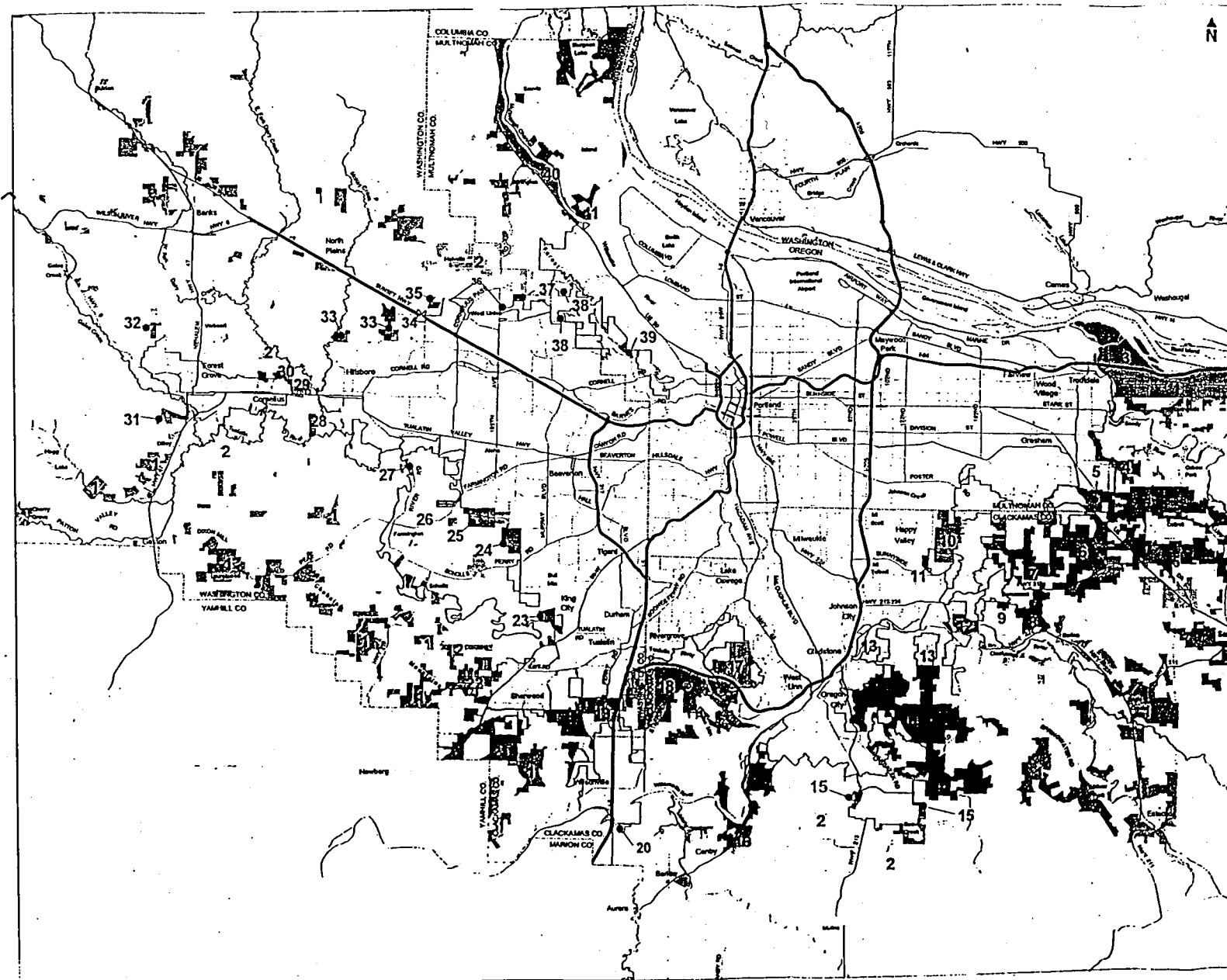
The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

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.



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 97232-2734
503 797-1742 FAX 503 797-1909
Email: drc@metro.del.or.us

98231; Plot Date: October 26, 1998; exemption

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.

**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

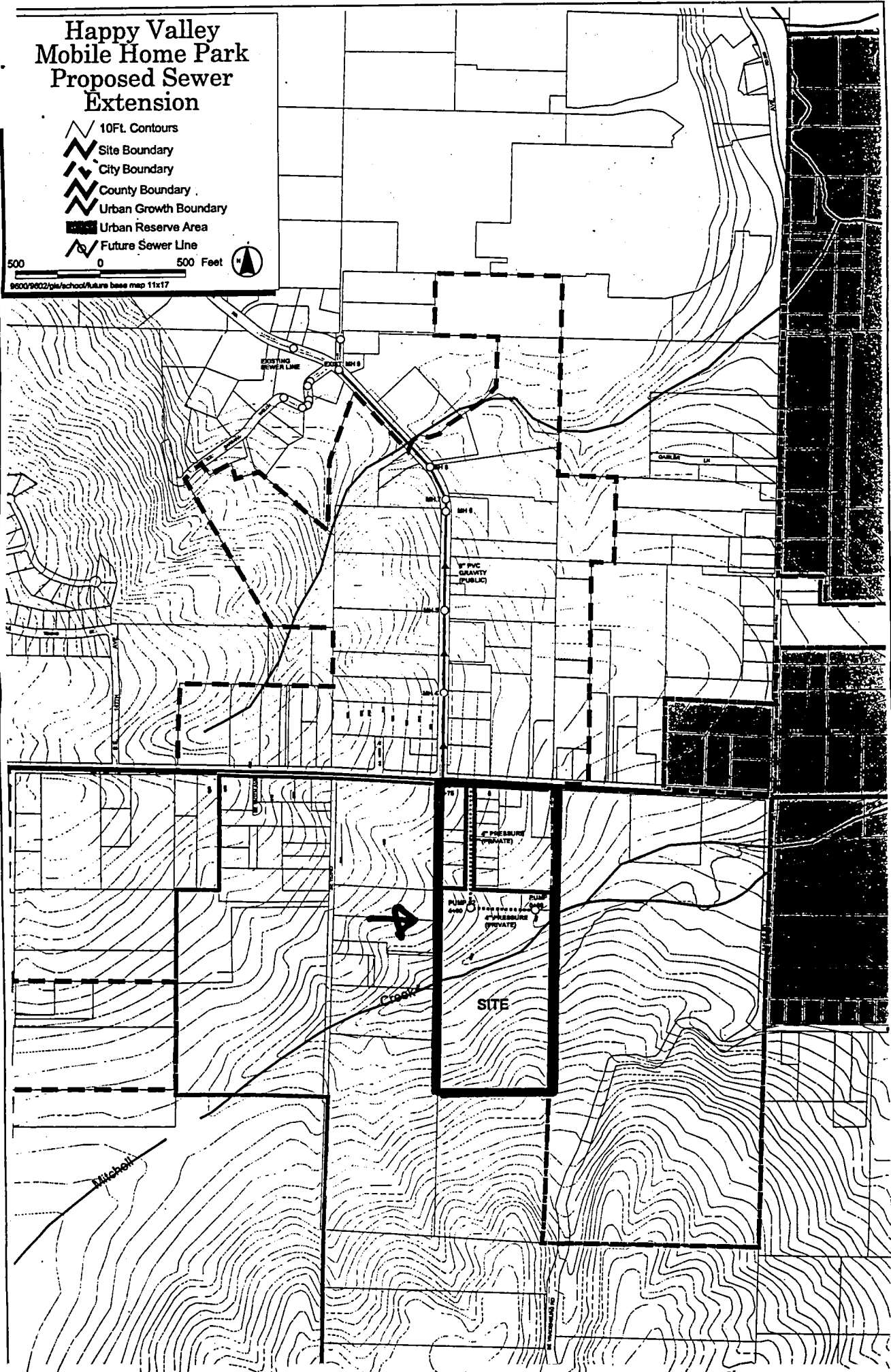
No statewide goals were raised concerning this area other than Goals 2 and 14 addressed in Metro Code 3.01.020(a), (b).

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

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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 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.

Second Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO 98-782 <u>AB</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 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 31, 32, and 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 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 ~~and 34~~ 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.

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).

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Clackamas County and the cities of Tualatin and Lake Oswego 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

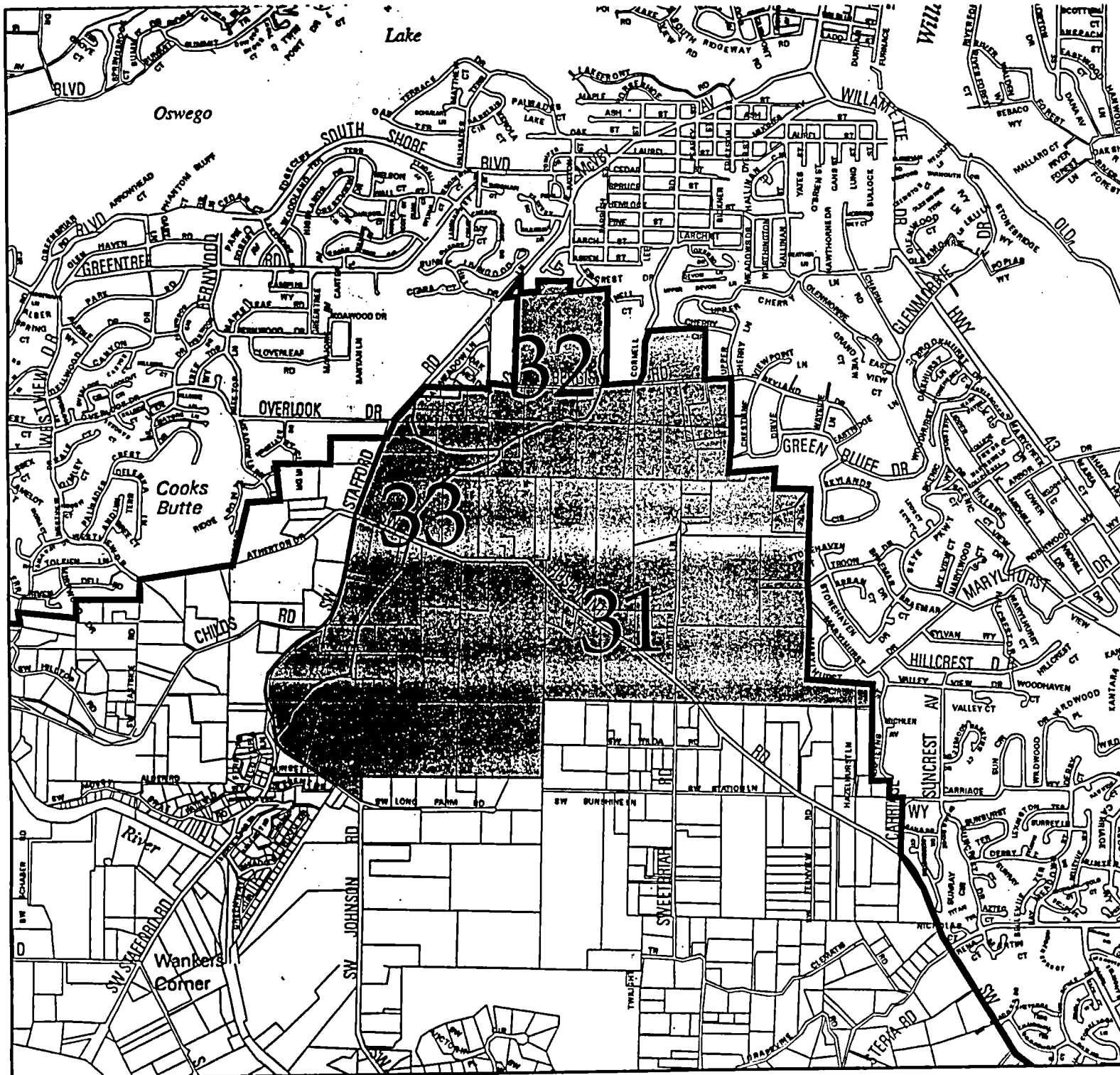
ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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(12/09/98)



Ordinance #98-782 B 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 this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map, but we cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the timeliness of the data or the accuracy of any errors will be appreciated.



Scale: 1" = 2000'

0 500 1000 1500



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ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-782B (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 URS 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 to 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 URSA 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-lane 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 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 plan. 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 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. BCSVSA, 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 region al policy, such advance planing 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 better 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 topographically 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.



METRO

Appendix A

Date: October 26, 1998

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

From: Glen Bolen, Associate Regional Planner
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.

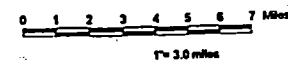
In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. 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.

Outside Urban Reserves

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

☐ Urban Reserves**METRO**

800 NE Grand Ave.
Portland, OR 97232-2738
503 787-1742 FAX 503 787-1909
Email: dro@metro.dcl.or.us

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

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 11.6

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 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING	)	RESOLUTION NO 98- <u>2726B</u>
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

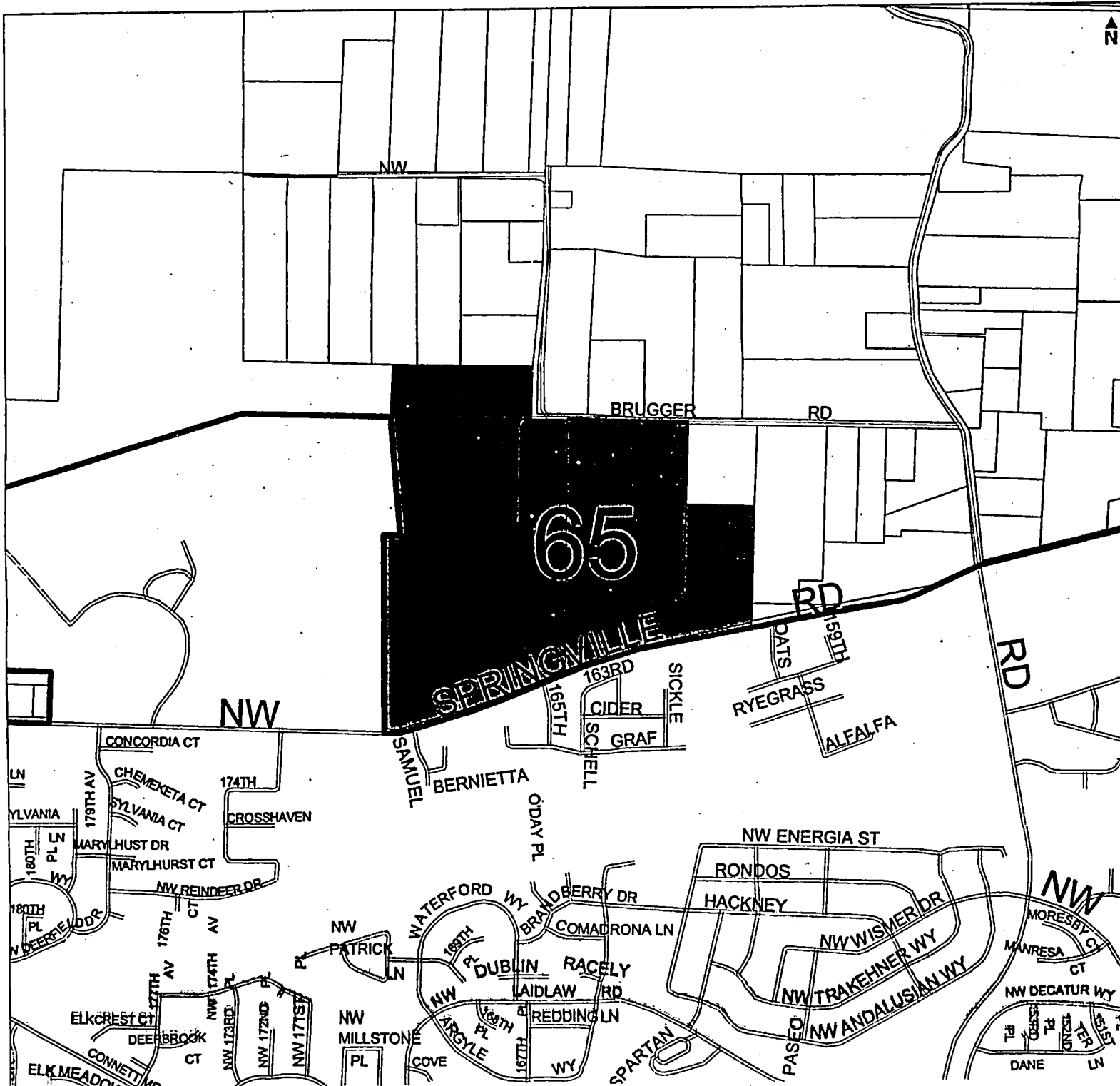
Daniel B. Cooper, General Counsel

i:\r-o\r98gman.b
(12/09/98)

**Non-First Tier
Outside Metro Boundary**

 First Tier Urban Reserve Urban Growth Boundary

EXHIBIT A



0 500 1000 1500 Feet

1"= 1000 feet



METRO

800 NE Grand Ave.
Portland, OR 97232-2738
503 797-1742 FAX 503 797-1909
Email: 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 Ouasi-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.¹

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.

¹Productivity 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".² 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

²*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 185th 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 the 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 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 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.

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.*

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)

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 information³, 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.

³ "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.

DISCLAIMER: Unlike some areas added to the Metro Urban Growth Boundary (UGB) adopted by the Metro Council by Ordinance, this area is currently outside the Metro jurisdictional boundary. The Metro Council acted on December 17, 1998 to adopt a Resolution of intent to move the UGB to include this area. Formal adoption of an expansion of the UGB can only occur after the land is annexed into the Metro jurisdictional boundary.

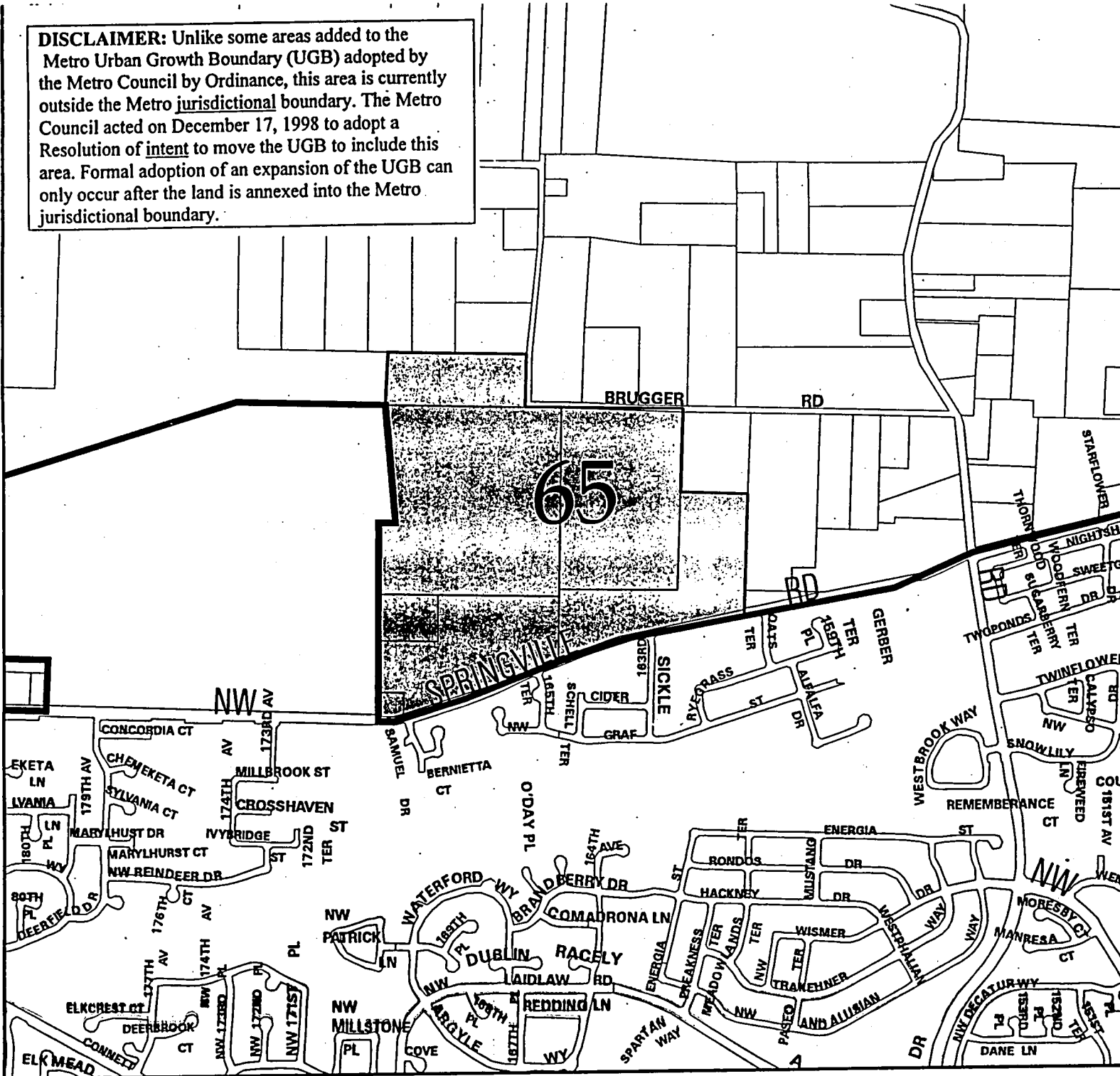
Resolution #98-2726
Urban Reserve #65
(Partial)

Non-First Tier
Outside Metro Boundary

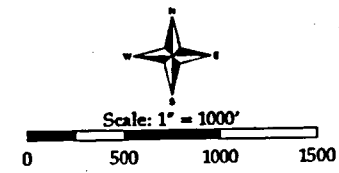
□ Area Considered by Council
▨ First Tier Urban Reserve

▲ Urban Growth Boundary

Exhibit A 1 of 1



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.



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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.

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING	)	RESOLUTION NO 98-2728 <u>AB</u>
COUNCIL INTENT TO AMEND THE)	
URBAN GROWTH BOUNDARY TO	)	Introduced by Growth Management
ADD URBAN RESERVE AREAS <u>51, 52,</u>	)	Committee <u>Councilors McLain and Morissette</u>
53, 54, AND 55, TO THE HILLSBORO)	
REGIONAL CENTER AREA)	

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including Urban Reserve Areas 51, 52, 53, 54, and the portion of 55 outside Metro's jurisdictional boundary; 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 Urban Reserve Areas 51, 52, 53, 54, and a portion of 55 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 this area 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 the urban reserve area added to the Urban Growth Boundary is 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 findings 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 51, 52, 53, 54, and the portion of 55 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

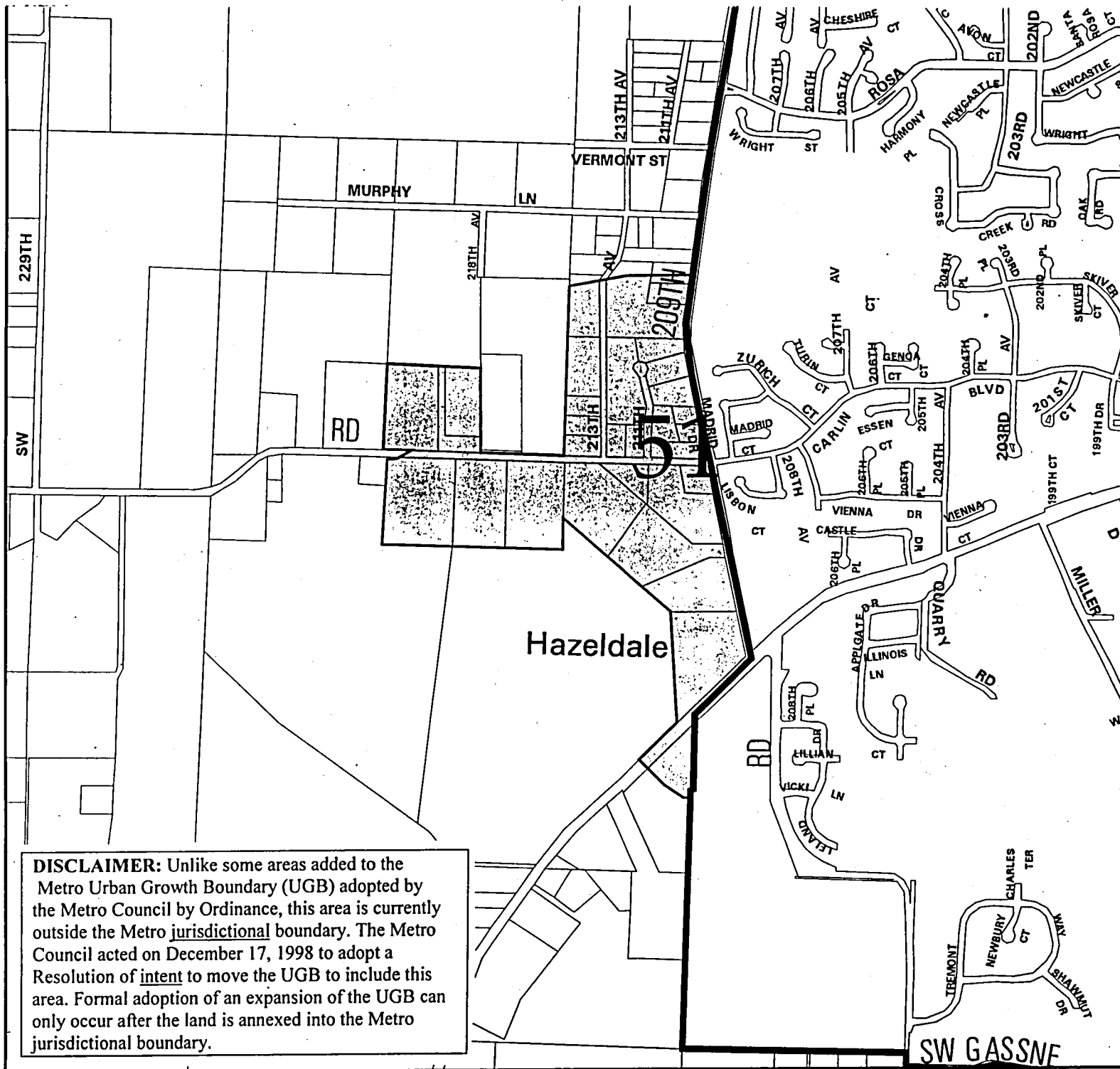
ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

i:\r-o\r98\ursa2.b
(12/03/98)



Resolution #98-2728B

Urban Reserve #51

Non-First Tier
Outside Metro Boundary

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

Exhibit A 1 of 5

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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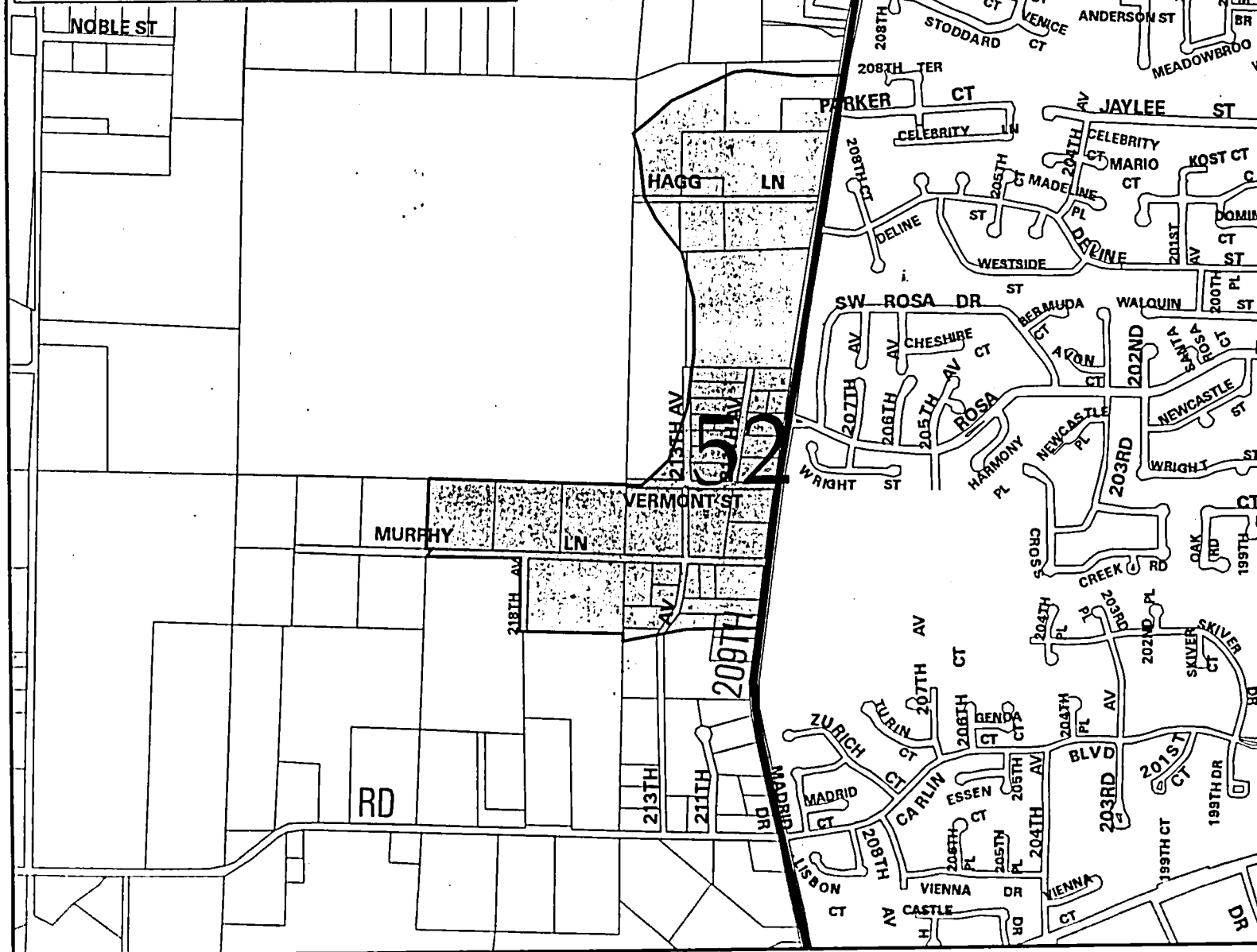


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Email drc@metrodot.org

DISCLAIMER: Unlike some areas added to the Metro Urban Growth Boundary (UGB) adopted by the Metro Council by Ordinance, this area is currently outside the Metro jurisdictional boundary. The Metro Council acted on December 17, 1998 to adopt a Resolution of intent to move the UGB to include this area. Formal adoption of an expansion of the UGB can only occur after the land is annexed into the Metro jurisdictional boundary.

DISCLAIMER: Unlike some areas added to the Metro Urban Growth Boundary (UGB) adopted by the Metro Council by Ordinance, this area is currently outside the Metro jurisdictional boundary. The Metro Council acted on December 17, 1998 to adopt a Resolution of intent to move the UGB to include this area. Formal adoption of an expansion of the UGB can only occur after the land is annexed into the Metro jurisdictional boundary.



R L I S
REGIONAL LAND INFORMATION SYSTEM

Resolution #98-2728⁶ Urban Reserve #52

Non-First Tier
Outside Metro Boundary

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

Exhibit A 2 of 5

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Scale: 1" = 1000'

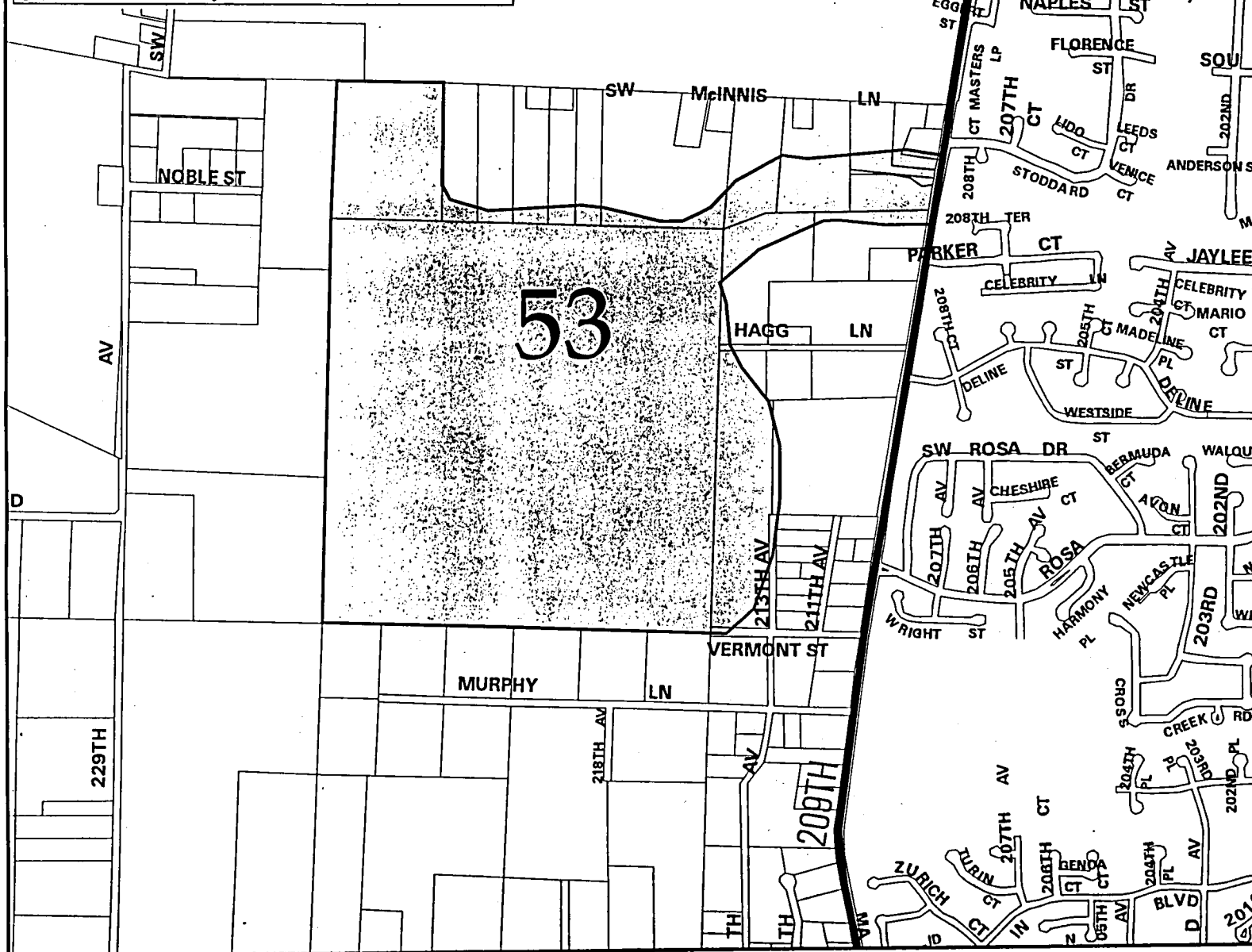
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Resolution #98-27286

Urban Reserve #53

Non-First Tier
Outside Metro Boundary

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

Exhibit A 3 of 5

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Scale: 1" = 1000'

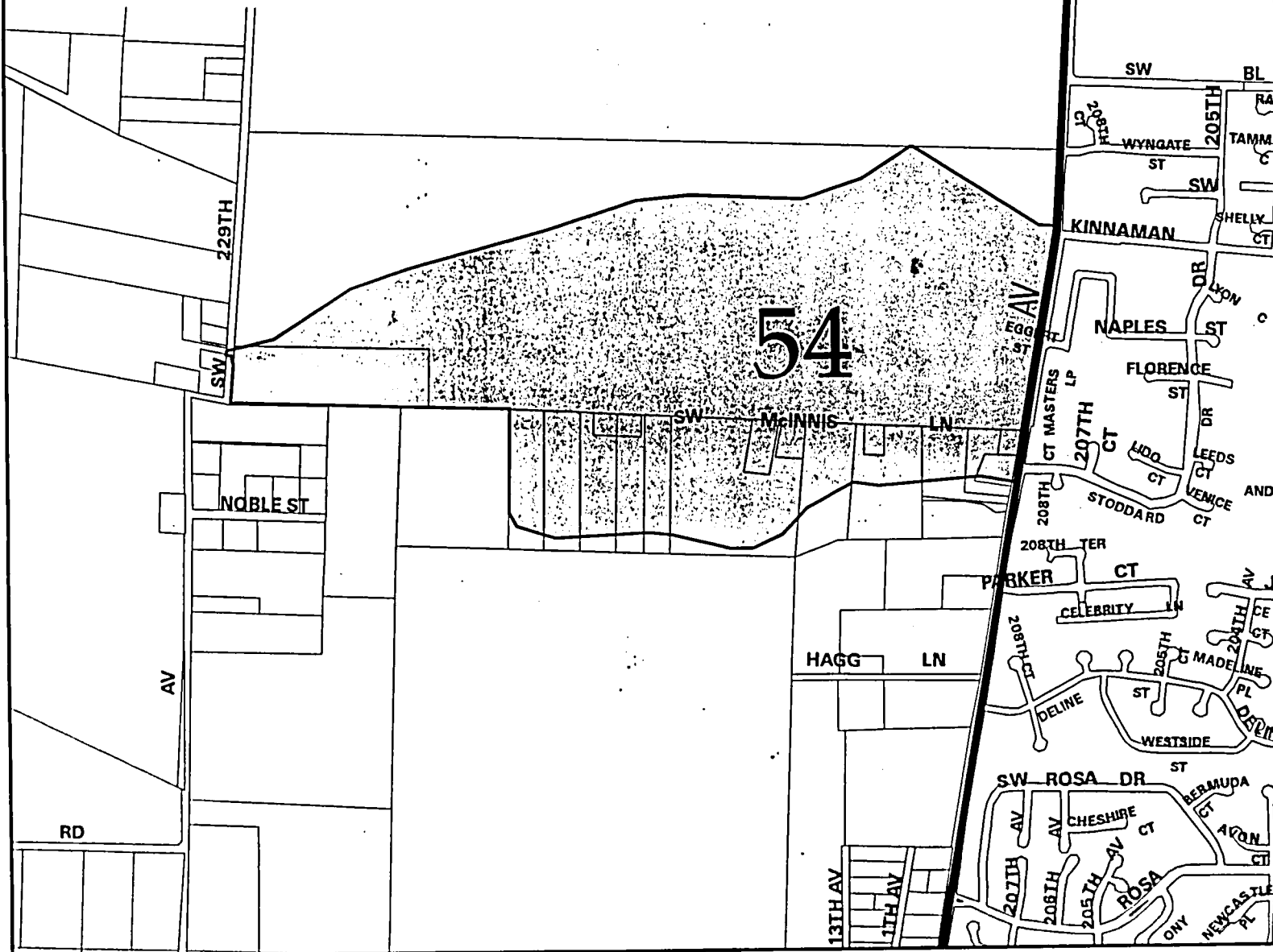
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R L I S
REGIONAL LAND INFORMATION SYSTEM

Resolution #98-2728B

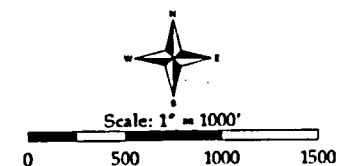
Urban Reserve #54

Non-First Tier
Outside Metro Boundary

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

Exhibit A 4 of 5

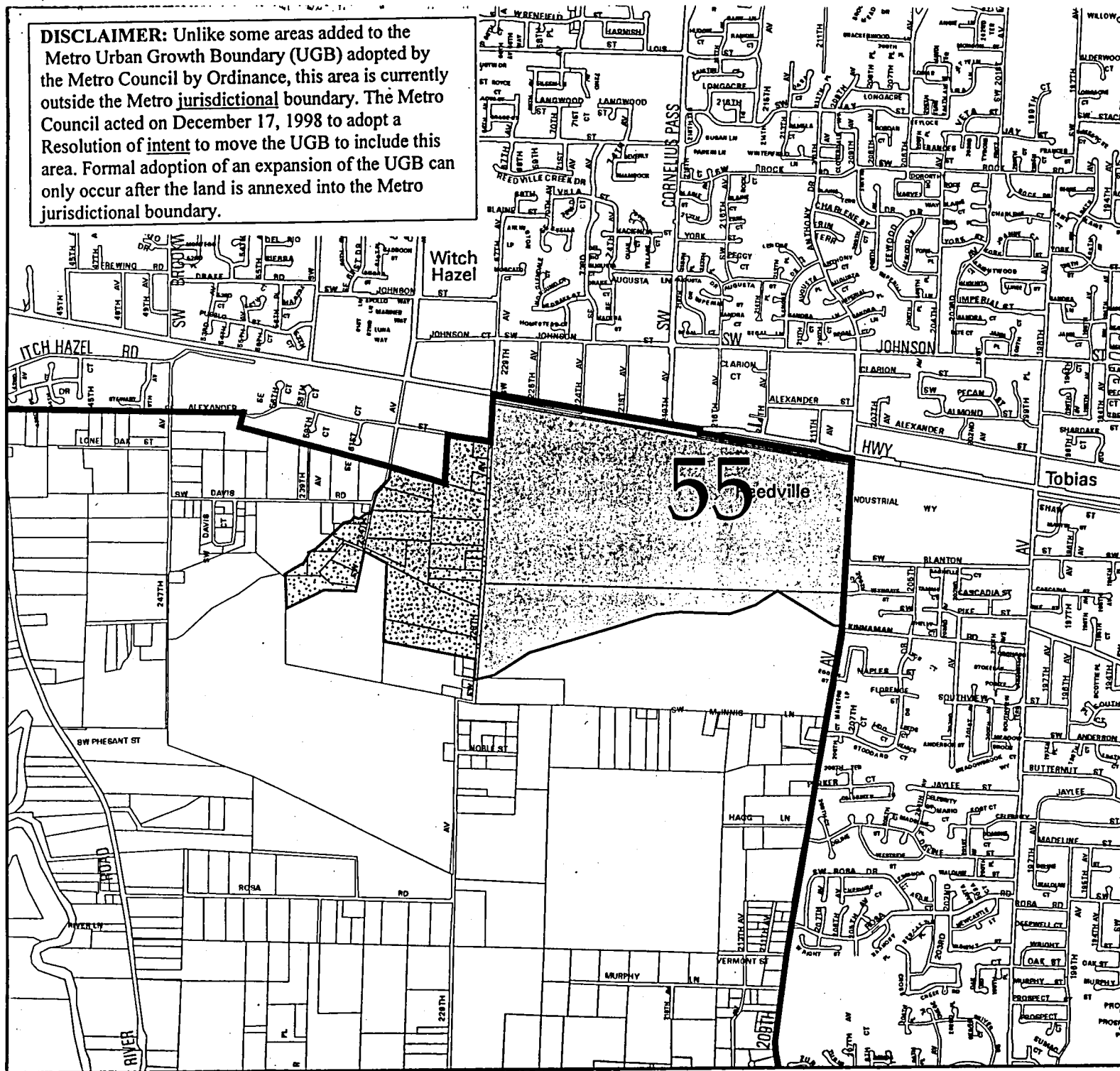
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or post-approval accuracy. There are no warranties, expressed or implied, including the accuracy of measurements or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



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lproj2\ura\urord.a.m, plot date: December 04, 1998

DISCLAIMER: Unlike some areas added to the Metro Urban Growth Boundary (UGB) adopted by the Metro Council by Ordinance, this area is currently outside the Metro jurisdictional boundary. The Metro Council acted on December 17, 1998 to adopt a Resolution of intent to move the UGB to include this area. Formal adoption of an expansion of the UGB can only occur after the land is annexed into the Metro jurisdictional boundary.



Resolution #98-2728B

Urban Reserve #55

(Partial)

First and Non-First Tier
Outside Metro Boundary

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

Exhibit A 5 of 5

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Scale: 1" = 2000'
0 500 1000 1500



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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

**CITY OF HILLSBORO SOUTH URBAN RESERVES
CONCEPT PLAN TESTIMONY AND FINDINGS**

RECEIVED
DEC 10 1998
TIME 11:30 am
METRO SERVICE DISTRICT
OFFICE GENERAL COUNSEL

Introduction.

This testimony and proposed findings are submitted by the City of Hillsboro and the other proponents of amending the urban growth boundary to include the property designated in the *City of Hillsboro South Urban Reserve Concept Plan (Hillsboro Concept Plan)*. This document provides the necessary findings to demonstrate compliance with all applicable state and Metro criteria for approval of the *Hillsboro Concept Plan* and adoption of a legislative amendment of the urban growth boundary. These findings supplement the findings in a related matter, which findings are incorporated herein. Those findings are those relating to Metro Code 3.01.020(a) and (b)(2) in Metro Ordinance No. 98-788C (urban growth boundary change for portion of Urban Reserve 55).

The property covered by the *Hillsboro Concept Plan* includes Urban Reserve Areas 51-55, as previously designated by the Metro Council in Ordinance No. 96-655E, adopted March 6, 1997. The relevant findings from that document are attached hereto and incorporated herein. Despite the urban reserve status of the property proposed for inclusion in the urban growth boundary, these findings demonstrate that the property satisfies all applicable urban growth boundary amendment criteria without consideration of the property's urban reserve status.

The standards applicable to a legislative urban growth boundary amendment are set out at Metro Code ("MC") 3.01.020, which, in turn, implements the requirements of Statewide Planning Goals 14 and 2, Part II. There are a number of inter-related criteria for justifying an urban growth boundary amendment. In general, these approval factors can be grouped into standards related to the reasons or need for the urban growth boundary expansion, alternatives to the expansion in general or adding the specific property in particular, consequences of allowing urban uses of the property in question, and compatibility of those uses with nearby land uses.

The need to expand the urban growth boundary in general comes from Metro's obligations under ORS 197.296(4) and ORS 197.299(2). These statutes require Metro to inventory buildable land within the urban growth boundary, analyze housing need by type and density and determine the amount of needed buildable land to accommodate housing needs for 20 years. Once this determination is made, Metro may then either amend the urban growth boundary or adopt new measures to increase housing density to satisfy this need, or it may take both actions.

These statutory mandates alter the justification for an urban growth boundary amendment normally required by state administrative regulations. If a local government follows the steps set out in ORS 197.296, and determines that additional buildable land is needed, it is obliged to either expand the urban growth boundary or increase housing densities, or both. ORS 197.296(4). This statutory mandate presumably obviates the need to separately justify the urban growth boundary change based upon: Goal 14, factors one and two and MC 3.01.020(b)(1)(2); Goal 2, Part II (c)(1); OAR 660-04-0010(1)(c)(I); OAR 660-04-0020(2)(a); OAR 660-04-022(1)(a); and, OAR 660-014-0040(3)(a).

Similarly, because ORS 197.296(4) allows a local government to either expand its urban growth boundary or increase housing densities, or both, to meet its buildable land needs, it can choose to expand the urban growth boundary without adopting new measures to increase density.

Because of this, there is a limited need to consider regulatory alternatives to the urban growth boundary expansion under any analysis of alternatives.

The following justification, then, may prove too much. All potential approval criteria are referenced as a precaution. OAR ch. 660, division 14 applies only if the rule's applicability to "establishment of new urban development on undeveloped rural land" is construed to include amendment of an urban growth boundary.

Finally, the limited time to comply with the statutory mandate and the unresolved challenge to Metro's urban reserves decision creates practical constraints on the justification for all of the urban growth boundary amendments. Logically, an urban growth boundary expansion would await resolution of the challenges to the urban reserve designations. A predicate urban reserve decision obviates the need for full justification of the urban growth boundary change under local and state criteria.

It is not possible to completely recast the urban reserve decision and examine all of the potential expansion lands around the existing urban growth boundary and still meet the statutory deadlines under ORS 197.299. Thus, it is reasonable to assume that the areas under regional consideration for urban growth boundary amendments are those designated as urban reserves and that, alternatively, subregional justifications for urban growth boundary expansion have become more cogent.

Need and Reasons for the Urban Growth Boundary Amendment.

Applicable Criteria.

ORS 197.296(4): "If the determination required by subsection (3) of this section indicates that the urban growth boundary does not contain sufficient buildable lands to accommodate housing needs for 20 years at the actual developed density that has occurred since the last periodic review, the local government shall take one of the following actions:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for 20 years at the actual developed density during the period since the last periodic review or within the last five years, whichever is greater."

ORS 197.732(1)(c)(A), Goal 2, Part II(c)(1) (a) and OAR 660-04-020(2)(a): "'Reasons justify why the state policy embodied in the applicable goals should not apply': The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;"

OAR 660-04-0010(1)(c)(i): "Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14.);"

OAR 660-04-0022(1): "For uses not specifically provided for in subsequent sections of this rule or OAR 660, Division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site."

OAR 660-014-0040(3)(a): "(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development at existing rural centers;"

Goal 14, Urbanization factors one and two: "Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals" and "Need for housing, employment opportunities and livability."

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 alternative sites, balancing factors 3 through 7.

"Factor 1: Demonstrated need to accommodate long-range urban population growth. [The code details a process for developing a 20-year forecast of population and employment needs, a demand for urban land, an examination of surplus land, review of land outside the present urban growth boundary to determine best suited areas, and a determination that the need cannot be met within the urban growth boundary.]

"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 urban growth boundary 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 urban growth boundary. For housing the proposed amendment must meet an unmet need according to statewide planning Goal 10 and its associated administrative rules. . . .

"(B) To assert a need for a urban growth boundary 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 urban growth boundary;

(iii) identify both positive and negative aspects of the proposed urban growth boundary on both the livability need and on other aspects of livability; and

(iv) demonstrate that, on balance, the net result of addressing livability need by amending the urban growth boundary will be positive.”

Region-wide need and compliance with ORS 197.296.

The Metro Council adopted the *Urban Growth Report* on December 18, 1997 by Resolution No. 97-2559B, consistent with its obligations under ORS 197.296(3) and ORS 197.299(1). The *Urban Growth Report* identified an urban growth boundary capacity deficit of land for 29,350 to 32,370 dwelling units and 2,900 jobs.

This analysis has been updated through the *Urban Growth Report Addendum* and the *Urban Growth Boundary Assessment of Need*. These studies conclude that the projection of need for urban growth boundary expansion in the *Urban Growth Report* remains consistent with more current data. Moreover, additional expansions of the urban growth boundary may be necessitated by loss of development land because of the listing of the lower Columbia River steelhead as a threatened species under the Endangered Species Act and the development of Metro’s Fish and Wildlife Habitat planning.

Because of the directions of state law, then, Metro must expand the urban growth boundary to include additional land to include sufficient buildable lands to accommodate housing needs for a twenty year period. The issue becomes where to expand the boundary consistent with the requirements of state law. This locational decision is guided by a variety of factors. But in the context of addressing the subregional need in the Hillsboro area for a better jobs/housing balance, the alternative areas are those adjacent to the western urban growth boundary and within close proximity to the significant employment areas in the Industrial Sanctuary, Hillsboro Town Center and along the Westside Light Rail.

The prioritization of land to be included in this urban growth boundary amendment are established in ORS 197.298. The South Hillsboro sites qualify as first priority under that statute, pursuant to ORS 197.298(1)(a), because the sites have been designated as urban reserve land by Metro. Alternatively, in the absence of that urban reserve designation, these sites can also be justified for inclusion in the urban growth boundary amendment, pursuant to ORS 197.298(3)(a) and (c). As discussed below in response to MC 3.01.020(b)(2), the specific type of land need under ORS 197.298(3)(a) justifying the inclusion of the South Hillsboro 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 so-called St. Mary’s property is necessary in order to provide the adjoining exception land 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) below, as well as Metro’s findings adopted in support of the original urban reserve decision, which are attached hereto and incorporated herein.

Subregional need for expansion of the Hillsboro urban growth boundary to remedy jobs/housing imbalance (ORS 197.298(3)(a)).

Factor 1, noted 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 *Urban*

Growth Report has established the regional need to expand the boundary to include enough land that is suitable and available to accommodate the development of around 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 urban growth boundary amendment. The subregional need justifying the inclusion of the South Hillsboro properties can be based individually or cumulatively on housing, employment opportunities, and/or livability. The primary subregional justification, however, is based on both the regional need analysis established in the *Urban Growth Report* and the subregional need to improve the jobs-housing balance in the Hillsboro Regional Center area under ORS 197.298(3)(a).

The *Residential Market Evaluation* (“RME”), dated November 18, 1998, prepared by Hobson Johnson & Associates is incorporated herein. It provides expert evidence demonstrating that it is necessary to include the South Hillsboro area in the urban growth boundary 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. When the Metro Council designated the South Hillsboro Urban Reserve Areas, it did so based on its determination that the land was needed for urbanization in order to correct the projected growing imbalance between jobs and housing in that subregional area. The updated RME presented with the *Hillsboro Concept Plan* confirms the same analysis and conclusion that justified the urban reserve designations for Urban Reserves 51-55.

The RME concludes that there are 870 acres of vacant buildable residential land in the Hillsboro region. That area includes Hillsboro, Forest Grove, Cornelius and portions of unincorporated Washington County. It is the area shown in Metro’s “Region 2040 Recommended Alternative Technical Analysis.”

Based on the density assumptions in the *Urban Growth Report*, and assuming implementation of the 2040 *Growth Concept Plan* designations and increase in capacity due to redevelopment, the vacant and redevelopable land will support approximately 11,725 dwelling units. This is sufficient to meet the allocation of dwelling units assigned by Metro through 2006. An additional 18,500 dwelling units are necessary to meet the 2020 allocation (70,875 households).

The RME 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 Hillsboro 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 Beaverton 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 urban growth boundary in the Hillsboro Regional Center area to accommodate an additional 11,725 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 urban growth boundary.

- Metro's *Urban Growth Report* and other planning documents, as well as the best up-to-date evidence, concludes that there will be a need to accommodate an additional 30,250 housing units in the greater Hillsboro area by 2020. That means that, in order to accommodate the subregion's share of the regional growth, land capable of accommodating about 18,525 housing units must be added to the urban growth boundary 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.
- In addition to the projected need to accommodate about 30,250 additional housing units between 1998 and 2020 in the Hillsboro Regional Center area, the UGR and the other evidence analyzed in the RME projects that there will be employment growth of about 87,000 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 2.08, which would be a substantial increase over the current ratio of 1.59 jobs to each housing unit. The RME establishes that 1.50 is a reasonable ratio for defining the optimal jobs/housing balance the Hillsboro region should strive to maintain.
- 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 46,000 housing units (not just 30,250 units) must be added to the Hillsboro Regional Study area by the year 2020 in order to maintain an optimal jobs/housing ratio of 1.50.

The *Hillsboro Concept Plan* projects that these urban reserve areas will support approximately 8,600 dwelling units. This is consistent with the projections made in the *Productivity Analysis*. Thus, the addition of this land to the community's urbanizable lands will alleviate some of the projected jobs/housing imbalance and satisfy some of the projected future need for additional dwelling units in the Hillsboro region.

Livability need to expand the urban growth boundary to allow for planned community. _

The region is committed to particular growth and development forms. Under Metro's *2040 Growth Concept* it is the policy of the region to: focus upon the development of centers and corridors to seek greater land use efficiencies in development and redevelopment; develop a multimodal transportation system, create a jobs-housing balance at the regional, central city, centers and community levels, preserve green spaces, and enhance redevelopment in areas of substandard incomes and housing. Metro Resolution No. 94-2040-C, adopting the *2040 Growth Concept Plan*.

Most of these policies can be achieved through redevelopment of the areas within the urban growth boundary. Greater densities at existing town and neighborhood centers and at new station area planning areas will result in efficient use of land and the satisfaction of these standards.

But given the need to expand the urban growth boundary to comply with the buildable lands supply mandate of ORS 197.299(2)(a), there are livability consequences in expanding the urban growth boundary in a number of partially developed exception areas. This scenario contrasts with

the option of a significant expansion of the urban growth boundary onto a 1500 acre site, capable of being developed as a planned community.

Expansion of the urban growth boundary to include all of the adjacent exception areas in the western portion of the urban growth boundary will be insufficient to meet the subregional need for more housing. This is true whether the need is the 2017 housing targets for Hillsboro, Forest Grove and Cornelius, or the greater need for land to rectify the projected jobs/housing imbalance.

A larger type of urban growth boundary expansion allows creation of mixed use town and neighborhood centers. It allows the location of employment centers near residential areas, reducing the use of automobiles. It allows planning of the development patterns for the area, preservation of natural resource areas and property needed for schools and other governmental uses. A planned community can assure that jobs/housing balance is attained. A mixed residential community permits a range of different kinds of housing to be developed simultaneously. A number of different housing markets, including affordable housing, can be addressed in terms of household size, age of the head of household, incomes and lifestyles.

Moreover, the significant value added by inclusion of a large tract into the urban growth boundary justifies significant exactions and dedications. With a planned community a local government can exact open space around waterways and wetlands and dedication of property for school sites, roads, and civic centers.

By contrast, increasing densities in a number of exception areas will not enhance or create town and neighborhood centers. Annexation of several exception areas of partially developed land will not allow creation of new places of employment near residential land. It will not permit significant exactions from a limited number of property owners for open space and public uses.

Thus, assuming that a substantial urban growth boundary change is needed, livability factors affect the type of urban growth boundary change needed. A large urban growth boundary expansion for a planned community comes at some considerable costs. This quantity of land is not available in the Metro area without the conversion of agricultural land to urban uses. The impacts on road systems are more acute with concentration of development in one area, as opposed to a diffusion of impacts caused by the alternative scenario. Generally speaking, emphasizing redevelopment in centers over development of new areas of undeveloped land is a key strategy in the *2040 Growth Concept*.

But, on balance, these costs are offset by the positive attributes of developing a planned community in order to satisfy long-term buildable land needs. It will be immensely cheaper to service a single area with new sewers, water supply and stormwater management system than to retool these systems in a variety of areas. One reason for the strong support of the City of Hillsboro for the Hillsboro South urban growth boundary change is the cost differential on the provision of facilities and services, as contrasted with a more diffuse number of urban growth boundary expansions. Compare, urban reserve serviceability costs for Urban Reserves 53, 54, and 55 (approximately \$9,400 per dwelling unit) with Urban Reserves 61 – 65 (\$11,443, \$27,984, \$98,219, \$16,385, and \$14,309 respectively per dwelling unit). Thus, it is likely that the cost of housing will be cheaper in a planned community, than would be the case by infilling existing exception lands. Moreover, a planned community allows maximum protection of natural resources. Indeed, a planned community meets the policy aims of the *2040 Growth Concept* as stated on pages 6 – 7 of that policy,

Creating higher density centers of employment and housing is advantageous for several reasons. These centers provide access to a variety of goods and services in a relatively small geographic area, creating a[n] intense business climate. Having centers also makes sense from a transportation perspective, since most centers have an accessibility level that is conducive to transit, bicycling and walking. Centers also act as social gathering places and community centers, where people would find the “small town atmosphere” they cherish.

There is no question that the region has rejected development of new expansion areas at the expense of redevelopment and infilling of the existing urban area. But given the need to expand the urban growth boundary to meet statutory obligations and the particular needs for additional residential land in the Hillsboro area and the quantity of that need, livability factors suggest that these needs will best be satisfied by an urban growth boundary expansion of sufficient size to create a planned community that satisfies the urban design requirements of the *2040 Growth Concept Plan*.

Effect of Urban Reserve Plan requirement and compliance on livability determinations and need.

The Metro Code reflects a preference for expansion of the urban growth boundary onto planned community land. MC 3.01.012(e) generally requires an urban reserve plan as a precondition for expansion of the urban growth boundary. While adoption of an urban reserve plan is not a barrier to complying with statutory mandates under MC 3.01.012(e)(2), MC 3.01.015(e) prefers land subject to an urban reserve plan as a priority in ranking potential urban growth boundary expansions.

The Urban Reserve Areas at issue are soon to be regulated by the *Hillsboro Concept Plan*. The *Hillsboro Concept Plan* is being considered for recommendation by the Hillsboro Planning Commission and will shortly be considered by the Hillsboro City Council as an amendment to the Hillsboro Comprehensive Plan. The *Hillsboro Concept Plan* is the most sophisticated and complete urban reserve plan presently under review and the only plan being actively considered as an amendment to a local comprehensive plan.

Thus, MC 3.01.020(b)(1)(A), (B), (C) and (F) quoted above have all been addressed and satisfied with the adoption of the *Urban Growth Report* by Resolution 97-2559B. Subsections (1)(D) and (E) establish that Metro must choose the most suitable lands to bring inside the urban growth boundary in order to meet the need established by the *Urban Growth Report* 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 urban growth boundary 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 urban growth boundary 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 South Hillsboro Urban Reserve Concept Plan addresses and satisfies all of the pre-planning requirements of MC 3.01.012(e) and thus is justified for inclusion in this legislative amendment of the urban growth boundary.

Conclusions.

There are three components to the justification of the need to expand the urban growth boundary in this subregion. First, an urban growth boundary change is needed in order to comply

with the requirements of ORS 197.295 – ORS 197.299. A component of the determined need for additional residential land can be allocated to the western portion of the region based on its allocation of 2017 housing targets in the *Urban Growth Management Functional Plan*.

Second, it is reasonable to increase the allocation of additional buildable land to this subregion in order to address the projected jobs/housing imbalance. An additional 27,500 households are needed in this subregion in order to balance the supply of jobs and housing as of 2020. This affects the allocation of buildable land added to meet the ORS 197.299 mandate. Within the mandate of adding land for approximately 32,000 dwelling units during 1998 and 1999, it makes sense to allocate approximately 10,000 dwelling units to the lands around Hillsboro's portion of the urban growth boundary.

Finally, to meet this need for an additional 10,000 dwelling units through urban growth boundary expansions in this area, there is a preference for land which can be developed as a planned community. Given that the need cannot be satisfied through expansion of the urban growth boundary onto exception areas alone, and that a conversion of resource land to urban uses is necessary in any event, there is a need for an expansion of land sufficient in size to accommodate much of the need and allow an urban design to meet *2040 Growth Concept Plan* policies.

Alternatives to Expansion of the Urban growth boundary.

Applicable Criteria.

ORS 197.296(4): "If the determination required by subsection (3) of this section indicates that the urban growth boundary does not contain sufficient buildable lands to accommodate housing needs for 20 years at the actual developed density that has occurred since the last periodic review, the local government shall take one of the following actions:

(a) . . .

(b) Amend its comprehensive plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for 20 years without expansion of the urban growth boundary."

ORS 197.732(1)(c)(B), OAR 660-004-0010(c)(B)(ii) and Goal 2, Part II (c)(2): "Areas which do not require a new exception cannot reasonably accommodate the use;"

ORS 197.298: "Priority of land to be included within urban growth boundary. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may

include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

(c)

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

. . . .

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

MC 3.01.020(b)(1)(E): "The district must find that the identified need cannot reasonably be met within the urban growth boundary 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 urban growth boundary 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: [presumed availability during planning period of urban growth boundary unless precluded by legal impediments; developed parcels unavailable unless improvements of low value; more than one ownership is suitable unless current pattern or level of parcelization makes land assembly unfeasible]."

MC 3.01.020(c)(1): "The land need identified cannot be reasonably accommodated within the current urban growth boundary"

OAR 660-004-0020(2)(b): "Areas which do not require a new exception cannot reasonably accommodate the use:

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding."

OAR 660-014-0040(3)(a): "(3) To approve an exception under this rule, a county must also show:

(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development at existing rural centers;"

Introduction.

The subject property is comprised of Urban Reserves 51-55. Therefore, the subject amendment need not be accompanied by findings demonstrating compliance with Factor 6. Moreover, pursuant to ORS 197.298, the site is considered first priority land, and is to come into the urban growth boundary prior to other lands. The Metro Council adopted Ordinance 96-655E (the urban reserve decision) in March, 1997. Because the urban reserve decision is currently on appeal to LUBA, these findings demonstrate compliance with the agricultural land retention provisions of ORS 197.298 and MC 3.01.020(b)(6).

Under Metro's acknowledged code, a legislative amendment to the urban growth boundary (urban growth boundary) 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 urban growth boundary 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. Metro Code 3.01.020(b)(6) states:

Compliance with ORS 197.296(4)(b) and regulatory alternatives.

As noted above, ORS 197.296(4) allows a choice of means to satisfy the projected need for buildable lands, expanding the urban growth boundary, adopting new density measures, or both. A decision to amend the urban growth boundary need not be justified by lack of regulatory alternatives. Even still, Metro has meticulously reviewed the region’s buildable land supply and assumed an aggressive redevelopment and infill rate in the projections made in the *Urban Growth Report* and *Urban Growth Report Addendum*. The *Urban Growth Management Functional Plan* allocates to each jurisdiction substantial housing targets to attain within the existing urban growth boundary. These ambitious targets allow little room for additional residential development, sufficient to obviate or minimize the need for the urban growth boundary expansions.

Based on the August, 1998 *City of Hillsboro Compliance Report*, the City of Hillsboro has adopted regulatory measures to increase housing densities. The City adopted new zoning for the light rail station areas that includes high density residential zoning, minimum residential densities, minimum floor area ratios, accessory dwelling unit provisions and other measures to increase infilling and higher residential densities. The City will be amending its Development Code to establish minimum residential densities and allow accessory dwelling units. Hillsboro currently has comprehensive plan provisions that require new residential development to attain a density of 10 units per acre and a 50/50 single family/multifamily split. The City is incorporating the applicable 2040 Growth Concept design types into its Comprehensive Plan.

The City of Hillsboro has determined that it can meet its Functional Plan new dwelling target of 14,812 new dwelling units by 2017 through the existing zoning, relying upon development in its mixed use areas. The City has limited vacant and redevelopable land in its Inner and Outer Neighborhoods.

It is not feasible, then, to take zoning measures beyond those prescribed in the *UGM Functional Plan* and those already taken by the City of Hillsboro to significantly increase the number of new dwelling units that can be accommodated with the Hillsboro urban growth boundary. The City has upzoned nearly all of the land along the new Westside Light Rail Line, including the downtown core area. These measures will allow the City to accommodate 14,896 new dwelling units, slightly more than its target.

Alternatives within the Urban growth boundary.

The *City of Hillsboro Compliance Report* determines that the City has barely sufficient land to meet its 2017 jobs target of 58,247 jobs, established by the *UGM Functional Plan*. The City's Industrial Sanctuary no longer has vacant sites available for new, high tech campus industrial users. Undeveloped portions of the existing campus industrial uses are being held in reserve for future expansion. Notwithstanding these factors, the City is relying upon the Industrial Sanctuary lands to generate nearly 30,000 jobs. An additional 13,305 jobs can be accommodated within the station community planning areas.

Given its allocation of future employment and the limited buildable land within the City of Hillsboro, it is not feasible to redesignate industrial land for residential uses in order to achieve a better jobs/housing balance. The City has generated 12,086 jobs within the past four years. The 2017 job target is an extrapolation of this employment generation rate. Given the concentration of industry and employment in Hillsboro, and the spinoff employment generated by these existing businesses, it would not be prudent to limit this employment potential and reconfigure the region's allocation of new employment. Moreover, Hillsboro has an ample supply of water for new industry and has clear understandings on responsibilities for public services and facilities with other service providers, in contrast with many areas of Clackamas County. There are limited alternative locations for significant new employment.

It is not necessary to re-justify the jobs needs determinations made in the *UGM Functional Plan*. It is not practical to recast the allocation of jobs to Hillsboro at this point and there may be problems in finding land for that employment elsewhere. Given the allocation, however, it is not practical to re-plan and re-zone existing industrial land to residential uses.

The City of Forest Grove does not offer an alternative source of land for housing. According to the *Forest Grove Compliance Plan Assistance Report*, Forest Grove has insufficient vacant land to meet its 2017 dwelling unit target of 2,873 residences, falling short by 1,035 dwelling units. Forest Grove also has a 2017 jobs target of 5,488 jobs, and will fail to provide land for 753 jobs. Although there are redevelopment options to attain these targets, there is not any land to meet the housing targets of another jurisdiction.

Cornelius has an ambitious dwelling unit target of 1,019 units and a jobs target of 2,812 jobs. Cornelius has added on 157 dwelling units since 1994, and at that rate will fall short of its dwelling unit target. According to the *Cornelius Compliance Plan Assistance Report*, Cornelius will fall short of its housing target by 208 dwelling units. Metro foresees that there is a potential for an additional 91 dwelling units. Even so, there is not any land to meet the additional housing demand for Hillsboro or to correct the subregional jobs/housing imbalance.

Type of land to satisfy need.

Based on the above findings, the type of land needed to satisfy the residential and livability needs, is an expansion of land sufficient in size to accommodate much of the need and allow an urban design to meet *2040 Growth Concept Plan* policies. The size should be that which would allow siting of a majority of the 10,000 dwelling unit need and sufficient to allow development of a planned community meeting the *2040 Growth Concept Plan* policies. Based on the *City of Hillsboro South Urban Reserve Concept Plan*, addition of Urban Reserves 51 – 55 will meet this need.

General analysis on lack of alternative sites to satisfy residential and livability need.

The urban reserve areas studied for initial designation as part of Metro's urban reserve decision included a number of alternatives in the areas around Hillsboro. Urban Reserves 56 – 60, located around the cities of Forest Grove and Cornelius, together could house 2,640 dwelling units, an insufficient amount of housing to meet the subregional need. None of these urban reserves contain a sufficient amount of buildable land to lay out a mixed use planned community. Urban Reserve 58 is 527 acres, but only 275 acres are buildable.

Former Urban Reserves 62, 64 and 65 are large urban reserves located to the north and northeast of Hillsboro. All contain significant amounts of agricultural land. Urban Reserves 64 and 65 are large tracts with substantial amounts of unbuildable land. Urban Reserve 62 is a 692 acre tract, with 590 acres of resource land, and 409 acres of buildable land. It has space for 4,089 dwelling units. This tract is sufficient in size to allow for a planned community. This tract is immediately adjacent to the Industrial Sanctuary and does not adjoin any residential neighborhood. It is better situated for industrial use because of this proximity. There are no buffers or barriers separating Urban Reserve 62 from agricultural lands to the north and west. Its development could encourage the premature conversion of these resource lands to urban uses.

Based on the urban reserves studied by Metro previously, there are no alternative locations in the Hillsboro region to expand the urban growth boundary to add land sufficient in size to accommodate 5,000 or more dwelling units to be developed in a planned community.

Alternative areas available to satisfy need (specific analysis).

This analysis and findings supplements those contained in the exceptions land report prepared by Glen Bolen, which is incorporated herein. They are based, in part, upon the *Alternative Site Analysis for Urban Reserve Sites 51 – 55 (Alternative Site Analysis)* attached hereto and incorporated herein. The following analysis justifies the urban growth boundary change under ORS 197.298(3)(a) as well as under the Metro Code.

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), OAR 660-04-0020(2)(b).

Approximately half of the total acreage of Urban Reserves 51-55 is exception land. These properties were designated as exception lands in 1986, and are documented in the Washington County Rural/Natural Resources Framework Plan as exception areas #93 and 94. Therefore, inclusion of approximately half of the total area of Urban Reserves 51-55 is justified under the first sentence of MC 3.01.020(b)(6)(A)(I).

Inclusion the remaining acreage in resource use 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 660-21-030(4)(c). Resource lands included pursuant to this sentence is limited to “the smallest amount of resource land necessary to achieve improved efficiency.” MC 3.01.020(b)(6)(A)(I).

The demonstrated need for housing in the Hillsboro region, including the special land need (jobs/housing imbalance) cannot be met by including only exception lands in the urban growth boundary. To comply with factor 6, these findings, and 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 An urban growth boundary expansion. The reasons why the Washington 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 Hillsboro 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 urban growth boundary, 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 urban growth boundary were not studied for inclusion in the urban growth boundary under the *Alternative Site Analysis*, because they could not comply with the *2040 Growth Concept* and the RUGGO mandate of a compact urban form, and would not promote the orderly and economic provision of urban services as required by Statewide Goal 11, and Goal 14, Factor 3. Urban development in these areas would have negative impacts on the environment, specifically air quality, resulting from increases in vehicle miles traveled. In addition, urban expansion in these areas would have a greater impact overall farm practices in the area. Finally, state law 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 Hillsboro region are not a reasonable alternative to the lands included in the South Hillsboro urban reserve concept plan. 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 Hillsboro region. 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). 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 urban growth boundary. 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 urban growth boundary would create islands of non-urban land surrounded by the urban growth boundary. 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.

In the appeal of the urban reserve decision currently before LUBA, the primary petitioners (DLCD/ODOT/1000 Friends of Oregon /Farm Bureau) argued that Metro erred by rejecting certain adjacent areas as alternatives to the inclusion of resource land such as URA 54/55. The petitioners argued that even if each individual exception area site could not provide any significant number of housing units, that Metro erred by not considering them in combination. However, given the demonstrated need for 32,000 housing units, combined with the special land need for the Hillsboro region, the demonstrated need for housing would not be met even if the other adjacent exception areas outside of the South Hillsboro urban reserve concept plan were included into the urban growth boundary.

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 development plan. The South Hillsboro urban reserve concept plan is a good example of how this principle can work.

3. 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.

4. 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 Urban Reserves 51-55, 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. However, they are also considered EFU lands for purposes of ORS 215.213-215.337 under the county code. *See* CDC 340-1 and 344.1. Therefore, AF-20 lands do not fit the definition of secondary agricultural resource lands.

No matter how the term “secondary agricultural resource lands” is defined, there are no significant quantities of these lands adjacent to the Metropolitan Portland urban growth boundary that could provide both sufficient housing to met the demonstrated special land need in the Hillsboro region and comply with the RUGGOs.

There are only two major concentrations of AF-20 land in the region that are contiguous to the present urban growth boundary. The first occurs in the area directly west and north-west of downtown Hillsboro. These lands are not suitable for expansion of the urban growth boundary because they are designated as rural reserves, and because they 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.”

The only other significant concentration of AF-20 land is located directly south of Cooper Mountain. As noted in the alternative site analysis, it is part of the Beaverton - Washington Square Regional Center area as shown in Metro's Region 2040 Recommended Alternative Technical Appendix. Therefore, this area will not contribute to improving the jobs-to-housing ratio or decreasing VMTs in the Hillsboro regional center area.

The area, more commonly known as “Cooper Mountain,” is shown on the exception area map and Washington County's Rural/Natural Resource Plan as “Exception Area 97.” Except for three large undeveloped tax lots, the area is a densely developed rural residential area. The approximately 489 acre area was heavily parcelized with 80 percent of the lots in separate ownership at the time Washington County granted the exception. Review of the county's Rural/Natural Resource Plan shows that the area has become even more parcelized since the exception was granted. Only a few lots on the southern border of the exception area remain undeveloped. The developed portion of exception area #97 is fully improved and cannot provide a significant number of new housing units to satisfy Hillsboro's special land need. Development of Cooper Mountain has been fairly recent and the potential for substantial redevelopment and infill is remote. Thus, the developed portion of exception area #97 cannot reasonably accommodate the special land need identified for the Hillsboro area.

Under the soil classification system used by the Natural Resource Conservation Service (NRCS), any given soil type will be represented in a number of different soil “classes,” depending on the slope of the land where it is found. For example, Cascade Silt loams may be class III if found on lands with a slopes of 0-20%, but will be class IV if found on land with slopes of 20-60%. As a general rule, many of the lowest quality soil classes will be found on lands with the steepest slopes. Thus, MC 3.01.020(b)(6)(A)(iii) has the unintended effect of favoring lands (greater than 25% with steeper slopes for urban development. However, at it extreme, these steeply sloped lands are deemed unbuildable under the 2040 Growth Concept.) Even considering areas with slopes somewhat less

than 25%, the costs associated with building in these areas makes them inappropriate for the higher density development required under the 2040 growth concept. As the September 1998 Productivity Analysis demonstrates, areas with steeper slopes invariably require greater expenditures for provision of urban services. This, in turn, contributes to higher housing costs, which, in turn, compounds local governments abilities to provide affordable housing consistent with Statewide Planning Goal 10, ORS 197.295-197.307, and RUGGO Goal II.iii, and Obj. 17.

5. Primary Forest Resource Lands.

The fourth priority for inclusion into the urban growth boundary 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 urban growth boundary in the Hillsboro 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.

6. Primary Agricultural Resource Lands.

The fifth and last priority goes to primary agricultural resource lands, as defined by the state. Resource lands included in URA sites 51-55 are the logical choice over other similar resource lands. As Metro has already found, the exception areas in the South Hillsboro area cannot be provided with urban services without incorporating the resource lands within the subject area.

Second, when deciding between otherwise similar parcels of resource land, it is appropriate to consider whether the new urban growth boundary 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. Therefore, inclusion of the resource land in the South Hillsboro concept plan is preferred over inclusion of any other properties designated as "primary agriculture resource land" under state law. *See generally* RUGGO Objectives 16 and 22.

6. Specific Findings on Alternatives.

- ORS 197.298

The subject property is in an urban reserve. Therefore, it is first priority land pursuant to ORS 197.298(a).

In the alternative and in the event that the urban reserve status of any portion of the subject property is reversed or remanded by the Land Use Board of Appeals, based on the *Residential Market Evaluation* and the *Alternative Site Analysis*, the area has a specific land need for housing which cannot be reasonably accommodated on any higher priority lands. The inclusion of lower priority lands within the area of the proposed amendment is justified to provide maximum efficiency of land uses within the urban growth boundary. Therefore, the urban growth boundary amendment satisfies ORS 197.298(3)(a) and ORS 197.298(3)(c).

- ORS 197.732(1)(c)(b), OAR 660-004-0010(c)(b)(ii) and Goal 2, Part II (C)(2)

Based on the *Residential Market Evaluation* and the *Alternative Site Analysis*, there are no areas which would not require an exception which could reasonably accommodate the proposed use. Therefore the incorporation of any lands requiring an exception is justified pursuant to the above criteria.

- OAR 660-040-0020(2)(b)

The *Alternative Site Analysis* satisfies the requirements of OAR 660-004-0020(2)(b) as it has provided a thorough description of possible alternative areas. The *Alternative Site Analysis* discusses the reasons why other areas which should not require a new exception cannot reasonably accommodate the proposed use. Specifically, based on the *Alternative Site Analysis*, 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 Metro Ordinance 96-655E, 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.

Consequences of Expansion of the Urban growth boundary to Include the Hillsboro South Urban Reserves.

Applicable Criteria.

ORS 197.732(1)(c)(C), MC 3.01.020(c)(3), OAR 660-04-0010(1)(B)(c)(iii) and Goal 2, Part II(c)(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 areas requiring a goal exception other than the proposed site;"

OAR 660-04-0020(2)(c): "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 requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts."

OAR 660-14-0040(3)(b): "That Goal 2, Part II(c)(3) is met by showing the long-term environmental, economic, social and energy consequences resulting from urban development 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 on other undeveloped rural lands, considering:

(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area."

Goal 14, Urbanization factors three, five and six: "Orderly and economic provision for public facilities and services," "environmental, energy, economic and social consequences," and "retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority."

MC 3.01.020(b)(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."

MC 3.01.020(b)(5): "Factor 5: Environmental, energy, economic and social consequences. An evaluation of this fact 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.

(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 urban growth boundary."

MC 3.01.020(b)(6): "(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."

Description of the environmental consequences of the Hillsboro South urban growth boundary amendment.

Based upon the technical background memoranda to the *Hillsboro Concept Plan*, fish population within the urban reserve areas exists in the lower reach of Butternut Creek and there is potential for fish to exist in the upper reaches beyond the beaver dams. With preservation of riparian vegetation, this habitat should not be significantly degraded as a result of urbanization of the area.

The wetlands within the urban reserve area are found almost entirely within the riparian zones of the stream systems, or along the small side-drainages. These include Butternut Creek, Gordon Creek and Witch Hazel Creek, and to a lesser extent, Cross Creek. Development will be set back from these drainages and wetlands. Removal of vegetation from these wetlands, however, may

reduce the filtering effect of the vegetation on absorbing sediments and toxicants from stormwater. The Butternut Creek floodplain is especially important for stormwater detention and treatment and development should be limited in this floodplain.

These wetlands and riparian areas are important wildlife habitats. The plant community along Butternut Creek and Gordon Creek includes Oregon ash, red alder, western red alder, willows and native shrubs. These areas provide cover for refuge from predators, places to perch or reset, breeding habitat and corridors for movement. The agricultural land and developed properties in the urban reserve areas have more limited habitat values

There are beaver throughout Butternut Creek. A heron rookery exists on the western border of the urban reserve area on Butternut Creek. The Hagg property to the south is used by red-tail hawks, kestrels, quail, coyote and deer. Urbanization of the area will limit its general use by wildlife.

Mitigation measures to preserve the storm drainage and wildlife values for the wetlands and streams are outlined in the July 2, 1998 memorandum from Phil Quarterman (W&H Pacific) to Wink Brooks and are incorporated herein. Adoption of these mitigation measures will make the environmental consequences of development of these urban reserves no more serious than development of alternative urban growth boundary expansion areas.

Water quality and quantity issues will be addressed in the master planning process for any development. The just mentioned mitigation measures will help assure that development will not unduly impact water quality and quantity.

Resources subject to special protection.

There are four stream corridors in the urban reserve areas. Butternut Creek originates in the Aloha area and flows through the central part of the urban reserves. It has a flat floodplain varying from 100 feet to 250 feet wide. The channel has steep banks and a small in-stream pond exists just downstream from 229th Avenue. The headwaters of Gordon Creek are located on the east portion of Urban Reserve 55. Gordon Creek occupies a narrow floodplain within an extensive riparian and forested area. Cross Creek originates in a wetland swale in the residential area just to the east of 209th Avenue. Parts of the stream have been artificially channelized and the riparian vegetation has been removed. Witch Hazel Creek starts in a residential neighborhood north of the Hillsboro South urban reserves. The channel occupies a narrow riparian corridor which widens to the south, near River Road. Like Gordon Creek, Witch Hazel Creek occupies a narrow floodplain, with dense riparian vegetation and a less meandering channel form.

As noted earlier, the stormwater detention and treatment facilities will be incorporated into the natural drainage system. The developed areas will largely avoid significant natural resource impacts, due to the protection of stream corridors as open space. The street network will include three significant crossings of riparian corridors. Sewer construction will involve temporary impacts from stream crossings.

There are three cultural and historic sites in Hillsboro South: two rows of poplar trees which once led to the Reed Farm; the Southern Pacific Railroad line, located north of TV Highway; and, farm buildings which were once part of the Hagg Farm. When the area is developed, it may be possible to preserve the poplar trees. The historic residence on the Hagg Farm burned in 1998 and

the remaining buildings may lack significance. There may be Native American artifacts in this area, which can be inventoried and protected upon development.

Description of the economic consequences of the Hillsboro South urban growth boundary amendment.

Based on the public facilities impact report in the *Hillsboro Concept Plan*, the necessary water, sewer and stormwater improvements to serve Hillsboro South will cost \$46,780,380. The on-site road improvements will cost \$32,565,000 and the off-site transportation improvements will cost \$69,900,000. The park facilities on approximately 140 acres of park lands will require the expenditure of approximately \$18 million, in addition to the costs of land acquisition. Construction of new schools will probably be well over \$200 per square foot. The *Hillsboro Concept Plan* lays out a phasing schedule for this infrastructure, as well as financing alternatives.

Based upon the July 2, 1998 technical memorandum by Cornforth Consultants on geologic hazards evaluation, within the Hillsboro South Urban Reserve Areas: the risk of unstable slopes is low; the risk of erosive soils is low; special foundation considerations will be necessary in areas of low bearing capacity soils; risks of seismic hazards can be mitigated in the design of critical structures or life-support facilities; and, seismic hazards will be of highest concerns in slopes adjoining creeks, rivers or bodies of water. Thus, the economic costs of development will be low compared to other potential areas of urban growth boundary expansion with greater constraints and natural hazards.

Addition of this area to the urban growth boundary will increase the value of property and the ultimate tax base of the City of Hillsboro. There are significant economic efficiencies from adding land to the urban growth boundary that can ultimately be annexed by the provider of public services. This allows for the orderly and economic provision of public services supported by the general fund of the City, including police, fire, emergency services, planning and other municipal services. By contrast, addition of urban reserves not contiguous or proximate to the City of Hillsboro (e.g., Urban Reserves 63, 64, and 65) will not produce this synergy.

Description of the social consequences of the Hillsboro South urban growth boundary amendment.

Development of the Hillsboro South Urban Reserves as proposed in the *Hillsboro Concept Plan* will produce a residential mixed-use community with a town center and two satellite neighborhood/main street centers. The centers will accommodate a concentration of shops, services, employment facilities, civic uses, amenities and other public and private activities. The urban centers are distributed in a manner to protect and enhance the existing natural resources of the area. This distribution provides the maximum efficiency of non-automobile transportation. Development proposed in the Concept Plan will create new neighborhoods with a strong sense of community and that are pedestrian oriented.

The area is planned in a way that dedicates 35 acres to general employment uses. Additional employment will be provided within the three centers totaling 60 acres. Approximately 2,000 jobs can be accommodated within the site. This will allow integration of employment and residential areas, minimizing the need for lengthy commuting.

The development of Hillsboro South consistent with the principles and guidelines of Metro's 2040 *Growth Concept* will produce significant social consequences. The *Growth Concept* document

at page 6 notes that creating high density centers of employment and housing provides access to a variety of goods and services in a small geographic area, creating an intense business climate. These town and neighborhood centers have an accessibility level that is conducive to transit, bicycling and walking. The centers act as social gathering places and community centers, producing a cherished "small town atmosphere."

After accounting for land for streets, employment, community service and schools, parks and greenspaces, stream protection and pedestrian corridors and stormwater management, there will be approximately 850 acres available for residential uses. As planned, this will allow a variety of housing types. Multi-family housing will be concentrated around the three urban centers. Approximately 4,216 dwelling units are located in the Ladd-Reed town center. The Gordon Creek center will have around 1,892 dwelling units and the Butternut Creek neighborhood center will develop with 1,763 dwelling units. A majority of the housing types will be standard and small lot single family units. Senior housing will represent approximately 13% of the dwelling units and will be built at 39/units per acre. Approximately 55% of the units will be owner occupied and around 45% will be targeted to renter occupied households. Multi-family and attached units will be 65% of all units.

Based on the projections in the *Hillsboro Concept Plan*, around 30% of the dwelling units are expected to fall within a range requiring affordable housing at 60 to 80 percent of median income. The *Hillsboro Concept Plan* includes a range of housing densities within the single family and multi-family zones to allow for affordable ownership and rental opportunities. The need for affordable housing (i.e., one and two-bedroom units for households of two or fewer persons) can be satisfied by row housing or plex ownership opportunities in the lower density areas, and by multi-family rentals in the higher density areas. The presence of services and nearby employment will reduce the need for a car and allow more income available for housing for low-income residents.

There is currently a significant deficit of parklands in the area of the Hillsboro South Urban Reserves. All available park facilities in the vicinity of the urban reserves are for passive recreation, except for Rood Bridge Park that is under construction. Development of the entire Hillsboro South Urban Reserves as part of a coordinated plan will allow development of active and passive recreation sites. Under the *Hillsboro Concept Plan*, approximately 210 acres are designated for active recreation use. This includes a regional recreation/aquatic center in the heart of the Ladd-Reed town center, a multi-purpose community center along 229th Avenue, a community park west of River Road, five neighborhood parks, two linear parks along the BPA easement and near the regional water detention facility, natural and storm water areas in riparian areas and wetlands, and bike and pedestrian facilities. Development of the area as planned will add significant park land to serve the entire subregion. This will have positive social effects.

As noted in the *Preliminary Staff Report*, urbanization of the Hillsboro South Urban Reserves will eliminate its rural character. There may be pressure from increased urbanization to curtail farming activities and to develop additional agricultural land.

Description of the energy consequences of the Hillsboro South urban growth boundary amendment.

The urban reserve areas are expected to capture 67% of area household expenditures and support 465,000 square feet of retail and personal service related building space. Development of this area as a mixed use area will allow residents to shop in their neighborhood, reducing the need for automobile transportation and the length of marketing trips.

The Hillsboro South Urban Reserves are close to the two significant employment areas in Hillsboro, the downtown area and the industrial areas in the northeast section of the city. By rectifying the current jobs/housing imbalance, development of this area will reduce the need for long commuting trips to these workplaces. There will be significant energy savings by locating housing closer to places of employment.

By contrast, the energy costs of amending the urban growth boundary in areas most distant to places of employment are significant. Reduction in the number of miles to serve a developing area decreases fossil fuel consumption and costs and decreases the negative consequences of pollution from using automobiles.

Comparison of the ESEE consequences with the consequences of developing alternative sites.

Based on the *Metro Urban Reserve Productivity Analysis*, the serviceability costs for Urban Reserves 53 – 55 are approximately \$11,000 per dwelling unit. This estimate is based on an analysis of the costs of sanitary sewer, water, stormwater and transportation infrastructure costs. The costs per dwelling unit for Urban Reserves 51 and 52 are more expensive, \$19,826 and \$14,952 respectively. The infrastructure costs for Urban Reserves 53 – 55 are the lowest in the entire metropolitan area. Because these urban reserves are adjacent to already developed land, public facilities and services can be integrated into the existing facilities network in the surrounding urban area.

No similar level of analysis has been done to assess the costs of expanding the urban growth boundary in the Hillsboro area in other directions and onto agricultural lands. It is not likely that the costs would be cheaper. The infrastructure costs for Urban Reserves 61 – 65, alternative growth areas to the north or northeast of Hillsboro range from \$11,443 to \$98,219 per dwelling unit according to the *Metro Urban Reserve Productivity Analysis*. A large expansion onto agricultural land to the north could have comparable infrastructure costs, although the costs to upgrade Highway 26 interchanges would be extreme.

In September, 1996, as part of the *Executive Officer Recommendations – Urban Reserves, Background Data*, a ranking was made of urban reserve areas based on Urban Reserve Rule Factors 3 – 7. The factors including analysis of utilities, transportation, school proximity, efficiency of land use, environmental constraint, jobs/housing balance, agricultural retention and agricultural compatibility. The cumulative rankings for Urban Reserves 51 – 55 ranged from 51 – 78 (with the higher score indicating greater suitability). These rankings are quite comparable to alternative expansion areas onto agricultural land in the area. The proposed urban reserves around Forest Grove and Cornelius scored from 48 – 56, lower than the rankings for the Hillsboro South Urban Reserves. The rankings for former Urban Reserves 62, 64 and 65 were 54, 55 and 57 respectively. These scores are comparable to those of the Hillsboro south Urban Reserves. (Citation to the *Executive Officer Recommendations* is not intended to affirm all of the data in that report. For example, the analysis of jobs/housing balance for the Hillsboro subregion in the *Recommendations* is rejected in favor of the more specific analysis in the *Hobson Johnson Associates Report* discussed earlier.)

Based upon these ratings of the urban reserves, the environmental, social, economic and energy consequences of expanding the urban growth boundary to include the Hillsboro South Urban Reserves are no greater than the consequences of expanding the urban growth boundary onto resource lands in other locations.

The consequences of expanding the urban growth boundary onto other resource lands may be more severe than the Hillsboro South alternatives. Agricultural areas north of Evergreen Road and west of Urban Reserve 62 and east of Jackson School Road will be subject to increasing regulation to protect the Hillsboro Airport immediately to the south. Some of this area lies within the runway protection zone of the airport. *See, OAR 660, div. 13 (airport planning rules to establish airport compatibility restrictions and use allowances).*

There are only two areas adjacent to the City besides South Hillsboro (Urban Reserve Site Nos. 51-55), where there is enough land area where a 2040 planned community approximately 1,500 acres in size could be built, and where the City does not experience constraints due to 100-year floodplain designations. The first area is located north of Evergreen Road extending north to the fork of McKay Creek and east from Glencoe Road/McKay Creek to Shute Road (excluding Urban Reserve Site No. 62). This area consists of approximately 1,838 acres.

This first area is unsuitable for a 2040 planned community due to the following:

1. Most of the area is designated Exclusive Farm Use (EFU).
2. The majority of this area is surrounded by EFU farmland on three sides.
3. With the exception of the two sub-areas containing primarily rural residential development, contiguous large agricultural parcels characterize this area, as well as the surrounding area.
4. Within this area is about 252 acres of exception lands with 61 different owners. The acreage in this area is designated AF-5 (5-acre minimum lot size). These exception lands can be found in two areas. The first sub-area boundaries are Glencoe Road, the UGB and NW Evergreen Road as its southern boundary. The average lot size in this sub-area is 3.99 acres, with a range in lot size from 1 to 16 acres. The second sub-area is located north of the Hillsboro Airport and is just outside of the UGB. It is bounded by McKay Creek to the north and Sewell Road/NW 268th Ave. to the east. Lots in this sub-area range from 1 to 10 acres in size with the average lot size being 3.5 acres. Both these areas can be described as rural residential in nature. Both of these sub-areas are also surrounded by EFU agricultural uses on three sides, the only urban development located on the south side of Evergreen Road. *Due to the number of property owners and existing parcelization, both of these sub-areas would be difficult to develop as a single development area in conjunction with the larger agricultural parcels that surround them.*
5. The Hillsboro Airport -- the 2nd busiest airport in the state is located on the south side of Evergreen Road. This area is severely impacted by the runways of the Airport. In addition to existing runways, the flight path for the proposed third runway at the Hillsboro Airport would have a direct and severe impact on lands north of Evergreen Road. Because of the severe impacts due to the Airport, the majority of this area is highly unsuitable for residential development.
6. The eastern portion of this area (east of NW 278th Ave. to Shute Road) is adjacent to industrial development to the south and east, which would put residential uses next to these uses and could create land use conflicts between industrial and residential uses.
7. A Bonneville Power Administration easement runs through this area from the westernmost boundary east to Shute Road. This easement removes roughly 42 acres from potential urban development.
8. Existing water and sewer lines may be too small to serve large scale residential development and may require considerable upgrading.
9. The location of this area may entail construction of a new sewer trunk line over a great distance (about 4 miles) travelling over a circuitous route to the Rock Creek Treatment Plant.

10. Currently, there are three north-south roads that intersect with the Sunset Highway (US 26) in this area (Glencoe, Jackson School and Shute Roads). Glencoe and Shute Roads have interchanges where they intersect with US 26, whereas Jackson School Road intersects with US 26 with no interchange. An increase in population in this area of about 20,000 people would require major improvements to each of the interchanges and creation of an interchange at Jackson School Road due to the anticipated increase in the number of vehicles trying to access US 26 at these locations. An analysis of the proposed Seaport prison site – a 218-acre site located just north of US 26 between West Union and Jacobson Roads by ODOT stated that approximately \$15 million in roadway improvements were needed, with the majority of the improvements made to US 26. These improvements were based on an estimated 2,500 to 3,000 vehicular trips per day generated from the prison. For a 2040 community of 20,000 people, roughly 6,000 p.m. peak hour vehicular trips can be assumed, generating improvements easily exceeding \$15 million especially to these intersections with US 26. A planned community of this size also could require additional lanes on the Sunset Highway. Glencoe, Jackson School and Shute Roads would also need major improvements to increase capacity.
11. Existing pockets of rural residential development clearly do not inhibit agricultural uses in this area.

The second area where a 2040 planned community could be located is north of the Sunset Highway (excluding Urban Reserve Site Nos. 62, 63 and 64). The boundaries of this area would be east to the Burlington Northern RR tracks (just east of the southern portion of Dick Road), north to the Burlington Northern RR tracks and west to Groveland Road. This area is about 1,845 acres in size. See attached map.

This second area is unsuitable for a 2040 planned community due to the following:

1. With the exception of 2 small areas designated AF-5 and AF-10, this entire area is designated EFU.
2. Except for where this area abuts the 2 small areas designated AF-5 and AF-10 (10-acre minimum lot size), this area is surrounded by EFU farmland on all sides.
3. Within this area is a 77 acre exception area located near the intersection of Helvetia and West Union Roads. This area is designated AF-5 and has a small commercial zone near this intersection. It has 16 parcels in 14 different ownerships. Again because of parcelization and diverse ownership, it would be difficult to consolidate lots in this sub-area.
4. The existing small area of rural residential development clearly does not inhibit agricultural uses in this area.
5. There is only one east-west road that crosses the entire area – West Union Road, which would need major improvements to accommodate a 2040 planned community. Phillips Road located west of Helvetia Road connects to Old Cornelius Pass Road, which intersects with Cornelius Pass Road and then provides a connection to US 26, would also need improvements to provide an alternate east-west route.
6. Currently, only Helvetia Road intersects with the Sunset Highway (US 26) in this area. For people living in this area, the only other alternatives to accessing US 26 are via NW Jackson School Road or Cornelius Pass Road. There are interchanges where Helvetia and Cornelius Pass Roads intersect with US 26 however Jackson School Road just intersects with the Highway 26 at grade. An increase in population in this area of about 20,000 people would require major improvements to each of the interchanges and creation of an interchange at Jackson School Road due to the anticipated increase in the number of vehicles trying to access US 26 at these locations. As stated previously, an analysis of the proposed Seaport prison site by ODOT of a

much smaller site stated that approximately \$15 million in roadway improvements were needed, with the majority of the improvements made to US 26. For a 2040 community of 20,000 people, with almost three times the number of vehicular trips per day, transportation improvements would easily exceed \$15 million especially to these intersections with US 26. A planned community of this size also could require additional lanes on the Sunset Highway.

7. There are only two north-south routes in this area – Groveland Road and Helvetia Road. Both of these roads would also need major improvements to serve a 2040 planned community.
8. The southeast portion of this area adjacent to Jacobson Road abuts the City's Industrial Sanctuary. Potentially placing residential uses next to industrial uses may create land use conflicts.
9. Existing water and sewer lines may be too small to serve large scale residential development and may require considerable upgrading.
10. The location of this area may entail construction of a new sewer trunk line over a great distance (about 6 miles) travelling over a circuitous route to the Rock Creek Treatment Plant.
11. A Bonneville Power Administration easement runs through this area from Jacobson Road to the south, north past the Burlington Northern RR tracks. This easement removes about 110 acres from potential urban development.

When making a similar comparison of the suitability of South Hillsboro, South Hillsboro is more suitable for a 2040 planned community for the following reasons:

1. About 39% of the South Hillsboro urban reserves is designated EFU vs. the majority of the acreage in the other two areas being designated EFU. The majority of EFU land in South Hillsboro consists of the Sisters of St. Mary property (2 parcels) and 8 parcels ranging from 2 to 20 acres in size. The remaining acreage in this area is mainly designated AF-5, with small pockets of AF-10 and RR-5 (5-acre minimum lot size). Two parcels abutting the south side of Butternut Creek are designated AF-20 (20-acre minimum lot size).
2. The South Hillsboro area is surrounded by urban uses on three sides. The Reserve Vineyards & Golf Club separate the northern portion of the South Hillsboro area from EFU farmlands to the southwest. In the exception to this separation is small EFU parcels (most of the lots are about an acre in size or less) sandwiched between the Reserve Vineyards & Golf Club and the northern portion of the South Hillsboro area. South of Butternut Creek to Farmington Road, parcels designated AF-20 buffer this area from some small EFU parcels located on the east side of 229th Ave. These AF-20 parcels range from 0.55 to 19.55 acres in size, the exception being one 73.97 acre parcel.
3. In the South Hillsboro area, it is easier to establish clear urban expansion limits due to the increasing inability to provide sewer service downstream from the Rock Creek Treatment Plant located on the Tualatin River.
4. The South Hillsboro area is easy to serve with both water and sewer due to its proximity to the sewage treatment plant and current city limits relative to areas located adjacent to the northern limits of the city.
5. Existing rural residential development in the South Hillsboro area limits agricultural uses. The northern portion of the South Hillsboro Planning Area, west of 229th Ave. is considered exception lands, and in fact, the average lot size for lands designated AF-5 is 3.65 acres. Land designated AF-10 have also been parcelized, with an average lot size of 7.90 acres. South of the Sisters of St. Mary property abutting 209th Ave. is also designated AF-5, with an average lot size of 3.29 acres. This AF-5 area could also be considered as exception lands.

Provision of public services to the urban growth boundary expansion area.

Based on the *Hillsboro Concept Plan*, the recent enlargement of Barney Reservoir from 4000 acre-feet of storage to 20,000 acre-feet will assure adequate quantities of water for the Hillsboro area for the immediate future. Existing and planned water treatment facilities are adequate for the urban reserve areas without jeopardizing other City of Hillsboro or Joint Water Commission commitments. Recent expansion of JWC facilities is ahead of demand. There is a 42-inch water transmission line north of the urban reserve areas along TV Highway with capacity to serve the urban reserve areas. There are no known storage requirements needed to assure adequate water pressure to the urban reserve areas, although the City of Hillsboro plans to add storage to the overall system.

Sanitary treatment facilities for the area are owned and maintained by Unified Sewerage Agency. The Rock Creek Treatment Plant is immediately northwest of the urban reserve areas and can serve the area. There are two pump stations in or near these urban reserve areas, Butternut Creek and Cross Creek at 209th Avenue. Collection and transport facilities will be constructed as part of development.

Natural drainage swales, ditches and creeks form the existing stormwater drainage system in the area. The development of the Hillsboro South Urban Reserves as a whole and as part of single development plan allows significant opportunities to plan for regional detention and water quality facilities. As proposed in the Concept Plan, storm drainage and treatment facilities can be integrated into the natural drainage system and combined with wetland mitigation bank sites, riparian corridor restoration measures and other forms of habitat protection. Proposed storm water facilities in the Concept Plan include a large regional combined storm water detention and water quality site on Gordon Creek above Ettinger Pond along with various smaller detention and water quality facilities distributed proportionally throughout the area.

As noted elsewhere, there is a deficit of parkland in the area of the Hillsboro South Urban Reserves. Tualatin Hills Park and Recreation District serves approximately 150 acres in Urban Reserves 51 and 52. The remaining 1,455 acres in the urban reserve areas do not have a parks provider. Parks facilities serving this area include St. Mary's Woods Nature Park, Jenkins Estate, Noble Woods, and Rood Bridge Park.

The Hillsboro South Urban Reserve areas are presently served by Butternut and Witch Hazel Elementary Schools, Brown Middle School and Hillsboro High School. With full development, there will be the need for two or three elementary schools and a separate elementary/middle school campus. The development of the Hillsboro South Urban Reserve Areas as part of a single development plan will allow dedication of school sites and optimal location of these schools in safe settings, near other school facilities, and adjacent to compatible land.

The urban reserve area is presently served by Washington County Rural Fire Protection District No. 2 and Tualatin Valley Fire and Rescue. TVF&R has a fire station on the east side of 209th Avenue. With full development, fire and ambulance services will be provided by the Hillsboro Fire Department. This will require ultimately the relocation of the existing Brookwood station to the south side of Tualatin Valley Highway to the area at Century Boulevard and Davis Road. This station can provide fire protection during the initial phases of development, together with Tualatin Valley Fire. This relocated fire station will allow the Hillsboro Fire Department to supply first response to the South Hillsboro Urban Reserves, most SB 122 areas to the east and northeast, the

areas north of TV Highway, the Washington County RFPD No. 2 contract areas to the south and west and the western areas along TV Highway.

Police services will be provided by the Hillsboro Police Department from the emergency services complex at Century Boulevard and Davis Road. A civic center, including a recreation center and library, is planned to be located in the Ladd-Reed Town Center. Elementary school sites are planned in the mixed use areas of Gordon Creek and Butternut Creek. A middle or high school is sited in the Ladd-Reed town center.

Transportation impacts by development of the Hillsboro South urban growth boundary area.

Transportation impacts are analyzed in the *Hillsboro Concept Plan* and a July 2, 1998 transportation background memorandum authored by Dan Seeman of Kittelson & Associates. The surrounding transportation system includes: Tualatin Valley Highway (TV Highway), a regional arterial in the Washington County TSP (five lanes with paved shoulders and a designated trunk transit route); Farmington Road, a major arterial in the Washington County TSP which is planned to be widened to three lanes; River Road, a minor arterial in the Washington County TSP and with two existing and planned lanes of travel; Kinnaman Road, Blanton Road and Rosa Road, providing access to the east, are designated in the Washington County TSP as major collectors, to be improved to three lanes; Cornelius Pass Road, a minor arterial in the Washington County TSP, and planned for five lanes; 231st/234th Avenues (Century Boulevard), a potential connection to TV Highway and a designated collector in the draft Hillsboro TSP; Brookwood Avenue, a potential connection to TV Highway and a designated arterial in the draft Hillsboro TSP with planned three and five lanes of travel; 219th Avenue, a _____ in the draft Hillsboro TSP and planned for _____ lanes of travel. The draft Hillsboro TSP projects needed improvements to 219th Avenue, Brookwood Avenue, 231st/234th Avenues, Davis Road and TV Highway in the area of these urban reserves. Development of the Hillsboro South Urban Reserves will not change the functional classification of streets as presently identified in the Beaverton TSP and Washington County TSP, or as designated in the draft Hillsboro TSP.

There will likely be 5,200 additional peak hour vehicle trips generating and affecting this outside street system by full development of the South Hillsboro Urban Reserves as stated in the HSURP. TV Highway will experience a capacity deficiency in the Murray Boulevard to 10th Street section. Brookwood Avenue will experience a capacity deficiency between TV Highway and Cornell Road. The capacity deficiency on TV Highway has been identified in transportation plans prepared by Beaverton, Hillsboro and Washington County. The Beaverton TSP and the Washington County TSP recommend expanding TV Highway to seven lanes in the area of these urban reserves. The draft Hillsboro TSP recommends access management measures to forestall widening for another 20 years, but recognizes the need for widening shortly after the year 2015. Brookwood Avenue may need to be expanded to five lanes south of TV Highway in addition to its planned expansion to five lanes north of TV Highway.

Thus, TV Highway may need to be widened to seven lanes to accommodate the increased traffic generated by the Hillsboro South Urban Reserve, or a parallel east-west facility to TV Highway must be constructed to capture the equivalent demand. Two additional travel lanes of capacity will be needed in the Brookwood – 231st/234th Corridor. Development will generate a need to extend 219th Avenue and Brookwood Avenue south of TV Highway. Additional street improvements are listed in the Concept Plan.

The *Hillsboro Concept Plan* provides for an internal street network meeting the standards contained in the *UGM Functional Plan*: local streets are spaced at a minimum of 10 – 16 streets per mile; collector streets will be spaced at ¼ mile intervals; and arterials are spaced at ½ mile intervals. The system of streets includes a regional boulevard, community boulevards, community streets, minor collectors and local streets. The classification of these streets is set out in the Concept Plan.

Compatibility with Adjacent Uses.

Applicable Criteria.

ORS 197.732(1)(c)(D), MC 3.01.020(c)(2), OAR 660-04-0010(1)(c)(B)(iv) and Goal 2, Part II(c)(4): "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." "'Compatible' . . . is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

OAR 660-04-0020(2)(d): "'The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.' The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. 'Compatible' is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

OAR 660-14-0040(3)(c): "That Goal 2, Part II(c)(4) is met by showing the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

Goal 14, Urbanization factors four and seven: "Maximum efficiency of land uses within and on the fringe of the existing urban area" and "compatibility of the proposed urban uses with nearby agricultural activities."

MC 3.01.020(b)(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 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.

(B) The proposed urban growth boundary 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 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 resident and employees."

MC 3.01.020(b)(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."*

Description of adjacent uses and determination of compatibility.

The nearby land uses are described in the *Hillsboro Concept Plan*, as well as in the *Preliminary Staff Report* of October 30, 1998 which is incorporated herein. The majority of adjacent land uses are residential, with commercial and light industrial uses located along TV Highway. An unincorporated residential neighborhood is located east of the site. A commercial area is located north of TV Highway and east of 209th Avenue, containing a grocery store, drug store, services, specialty shops and several restaurants. Many service oriented and specialty shops and restaurants are located further west on TV Highway. There is a Fred Meyer store north of TV Highway and west of 229th Avenue. Century High School, a retirement facility and residential neighborhoods are located north of the Fred Meyer complex. There is light industrial and commercial development south of TV Highway and west of 229th Avenue, including a multi-screen theater, building supply store and other service uses. The Tualatin River borders the western part of Urban Reserve 55, across from a USA wastewater treatment facility, the Meriwether Golf Course and Rood Bridge Park. The southern boundary is adjacent to rural residential and farm uses, as well as the Reserve & Vineyards Golf Club. These uses are depicted in Figure D of the *Hillsboro Concept Plan*.

Determination that development will not detract for ability of service providers to provide services.

The development of Urban Reserves 51 – 55 will not inhibit the provision of urban services and facilities to existing urban areas. As noted above, there is sufficient and planned water supply and treatment capacity and wastewater treatment capacity to serve the area. There will be the need to make comparable transportation improvements to accommodate growth in this area, whether the urban growth boundary is expanded or not. Similarly, additional school capacity will be needed whether the boundary is expanded here or elsewhere. Police, fire and emergency services will be provided by the City of Hillsboro and will not undercut the ability of existing service districts to provide services to their territories. No objections have been raised by service districts to this planned urban growth boundary amendment. The Hillsboro School District is supportive.

Analysis of impacts on agricultural activities on nearby EFU land: effect on land and water resources, effect on farming practices, impact on local agricultural community.

These sites are bordered on two sides by developed urban communities. the only separation of the sites from the urbanized area to the north is Tualatin Valley Highway, one of the two main state highway facilities connecting Portland/Beaverton to the Hillsboro area. On the east, the Reedville and Aloha areas have undergone significant subdivision development and other forms of urbanization over the past 20 to 25 years.

The *Hillsboro Concept Plan* reflects the use of The Reserve & Vineyards golf course as a buffer between the actively farmed areas south and southwest of the sites. The golf course land use findings (which are incorporated by reference in these findings) demonstrate that the golf course is compatible with the surrounding agricultural uses and serves as an appropriate transition between the existing urban activity to the north and east. The Reserve is a recent development, reflecting the more recent land use policies and objectives for agricultural lands which are in relative close proximity to urban areas, especially those agricultural lands under active production. With respect to the urban reserve sites under consideration, The Reserve is an excellent transitional buffer and functions as an active open space recreational use. The Reserve is primarily utilized by the Portland Metro area's urban population and has meeting and food service facilities consistent with this patronage. As a result, there is already an urban-type presence existing south and southwest of the subject urban reserve sites.

Furthermore, The Reserve & Vineyards Golf Course is not the only golf course to the west of the urban reserve sites. The Meriwether Golf Course sits on the western edge of the one mile radius, directly west of the river. The golf course consists of approximately 318 acres, and occupies most of the parcels between Rood Ridge Road to the west, the one mile boundary to the south, the river to the east, and the urban growth boundary to the north. Exclusive farm use lands being actively farmed begin to appear to the west of the golf course, but the lands within the one mile radius are in significant contrast with the active farm parcels to the west and the southwest.

The one mile radius standard under the Metro Code has greatest applicability to areas south of these urban reserve sites. Recent aerial photographs and on-site observations indicate that this area has been broken into numerous small parcels, most of which are between 1 and 20 acres. Many of these parcels are rural home sites with little or no agricultural use. They represent lifestyle choices to those people who wish to live "on acreage." The area along S.W. Grabhorn Road is characterized by one acre home sites and was specially zoned to allow development to occur at one acre minimums. None of this area is EFU land. The area south of Farmington Road is on the flanks of Cooper Mountain. Cooper Mountain has been steadily urbanized over the past 20 years. The resulting home sites have been developed in a subdivision or a planned unit development format, resulting in urban residential usage. Directly south of the urban reserve sites are three exception land areas sitting both east and west of Farmington Road. These areas are zoned AF-5 and are developed with rural home sites on approximately 1 to 2 acre residential lots.

The area south of the urban reserve sites is also developed with quarries. Accommodations between residential uses in the vicinity and the quarry operations (to the extent they are active) have long ago been structured. Because of the quarrying operations, the quarry sites are not utilized for agricultural purposes. The area bordered by Farmington Road, the UGB, Grabhorn Road, and the one mile radius line is predominantly used for mining. At least seven large parcels zoned EFC are being actively mined at the present time. The parcels being actively mined are owned by the

following companies: Electra Partners, Inc., Baker Rock (Violet Baker), Hardrock Enterprises et al., and Cobb Rock, Inc. Hardrock Enterprises also owns several parcels which are presently not being mined, but are on farm deferral and are being used for a nursery. Due to the presence of these quarries, the traffic on Farmington Road is heavily populated with trucks traveling to and from the quarries. The mining activities are well-established and are a strong indicator that the land within the one mile radius is not exclusively active farm land, but is actually heavily used for both residential and mining purposes.

The principal agricultural uses in this area are nursery operations and field crops. These types of operations exist throughout Washington County in concert with surrounding urban uses. There are numerous examples of active nursery operations immediately adjacent to subdivision development (e.g. Cedar Mill area). Therefore, there is no inherent incompatibility between this type of agricultural use and urban uses, nor is there evidence that incompatibility will exist with urbanization. For example, Farmington Nursery, located south of the urban reserve sites in the southernmost portion of the one mile radius, is completely surrounded by non-agricultural uses. It is bordered on the north by a residential subdivision in exception lands zoned AF-5, on the east by Farmington Road and the quarry operations to the east of the road, on the south by large residential lots zoned EFU, and to the west by a forested area. The forested area to the west abuts several active farms. The Farmington Nursery remains successful even though it is bordered by residential and mining uses rather than agricultural uses.

Other agricultural uses south of the urban reserve sites should not be impaired by urbanization of the urban reserve areas. Retention of these rural uses was specifically taken into account in the *Hillsboro Concept Plan*. There are very few sites in excess of 20 acres, and many of the larger sites are actually being used for mining purposes rather than farming. The larger, active agricultural lands are further south of Farmington Road.

The Butternut Creek (Hanauer) property previously was utilized for agricultural purposes. However; as shown by the 1996 agricultural analysis previously provided to Metro during the urban reserve deliberations, the Hanauer property was allowed (prior to the present ownership) to grow into an unmaintained ornamental and Christmas tree farm. Efforts to resume an agricultural use were attempted and proved unsuccessful due to the highly adverse soil conditions which resulted from the prior attempt to grow ornamental nursery stock and Christmas trees on the property, including the widespread use of herbicides. The Hanauer property is not an active agricultural use nor is there any prospect that it will be so converted. As the agricultural analysis indicates, it is extremely ineffective to attempt to restore this use. The materials submitted to Metro in the urban reserve deliberations, detailing the agricultural conditions relating to the Hanauer property, are also incorporated by reference in these findings.

During the urban reserve deliberations, there was no evidence contradicting any of the materials submitted by the property owners describing the adverse agricultural circumstances existing on the property. The Hanauer property is in close proximity to the Sisters St. Mary's property. To the extent that either of these properties is incorporated into the UGB, this will be a significant influence over the level of agricultural usage which could feasibly occur on the other property. Metro recognized this at the time that both of these large properties were included in the urban reserves. Because these two parcels are the two largest parcels within this general area, they are most heavily impacted by agricultural use (or lack thereof) on the other property. During the public process relating to the consideration of the *Hillsboro Concept Plan*, there was no information submitted which indicated that adverse consequences to agricultural uses would result

from inclusion of these sites in the UGB. This is indicative of the significant level of parcelization, the relative lack of agricultural operations, and the existing home site pattern which exists in the areas south of the urban reserve sites.

Goal 14, Factor 7 and MC 3.01.020(b)(7), require the local government to consider the "[c]ompatibility of the proposed urban uses with nearby agricultural activities." Compatible is not intended to be an absolute term meaning no interference or adverse impacts of any type with adjacent uses. ORS 197.732(2).

"Agricultural activity," as used in Factor 7, corresponds with the term "farm use" as defined in ORS 215.203(2)(a). "Farm use" is defined as "the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops." Farm use also includes the use of land for "obtaining a profit in money by stabling or training equines." Thus, conflicts can exist only where farm use is actually occurring. Conflicts will not be present simply because adjacent lands are zoned for agricultural use.

The *Farm Impact Analysis* describes the types of agricultural activities generally within a mile of the subject property. The evidence demonstrates that there is very little agricultural activity in the vicinity of the subject property. As noted earlier, a "Farm Impact" study was conducted in 1991 for the Reserves & Vineyards Golf Course which is located immediately to the southwest of St. Mary's. That study examined all the parcels in the vicinity of the proposed golf course which includes all the properties in the vicinity of St. Mary's. Of the 33 parcels located along Butternut Creek and along 229th Avenue, 25 are improved with dwellings. Only eight of these parcels are in farm tax deferral. This indicates that the majority of the owners along 229th Avenue are not seeking a profit from their land through growing crops.

There are 13 houses along McInnis Lane in the Washington County exception area along the southern border of the subject property. Of these, only seven are in farm tax deferral. Four of the parcels along McInnis Lane are owned by the McInnis family and are used together to grow hay to feed their horses. There is no evidence that the McInnis family derives a profit from stabling or training horses.

The Reserves golf course is approximately 370 acres located immediately to the southwest of the St. Mary's property. Originally approved for 330 acres, the golf course has recently acquired 42 additional acres which the hearings officer, in his findings of fact, called the only farm parcel adjacent to the golf course. Although state statute allows for golf courses on EFU land, a golf course operation is not an agricultural use and is more consistent with urban activities than with rural farming.

There are only a few parcels in the vicinity of the subject property which have the potential for farm use. One is a parcel of EFU land farmed by an individual who farms portions of property. That parcel is approximately 20 acres and is located directly to the west of the southwest corner of the St. Mary's property. There are a few other parcels nearby which are planted in grass or hay that may also support agricultural activities. To the south of the subject property, larger parcels, which appear from aerial photos to be in farm use, become more common.

ORS 197.732 and OAR 660-04-020 state that the term compatible "is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses." The potential impact from adjacent housing on the nearby agricultural uses will be limited to traffic

congestion which can be mitigated. Potential nuisances from the adjacent farms on housing uses, such as dust and pesticide spraying, will be minimal because there are very few farming operations in the area. These considerations also bear on compliance with OAR 660-04-020(2)(d) which calls for compatibility with other adjacent uses. The only other adjacent uses besides the ones already discussed are the residential and commercial uses that exist inside the urban growth boundary to the north and east of the property. The uses proposed for the area will be similar to those uses, and through site design and traffic control improvements, the site will be made compatible with those urban uses. The future use of the area for residential and related urban purposes will be compatible with nearby agricultural activities and other adjacent uses.

Because it is located in an urbanized area, and because there are no active farm operations -- as that term is applied pursuant to ORS 215.203(2)(a) -- in the general vicinity, the future development of the subject property will not have any adverse impacts on surrounding properties that cannot be mitigated as part of the master-planning process.

Maximum efficiency of land uses within and on the fringe of the urban area: ability to be developed with features of an efficient urban growth form.

One of the principal advantages of inclusion of the South Hillsboro Urban Reserves within the urban growth boundary is its ability to be developed as an efficient planned community. If the area is developed as required by the *Hillsboro Concept Plan*, there will be a residential mixed-use community with a town center and two satellite neighborhood/main street centers. The centers will accommodate a concentration of shops, services, employment facilities, civic uses, amenities and other public and private activities. This distribution provides the maximum efficiency of non-automobile transportation. Development proposed in the *Hillsboro Concept Plan* will create new neighborhoods with a strong sense of community and that are pedestrian oriented.

As noted above, this type of a planned community can be accommodated better through addition of Urban Reserves 51 – 55 to the urban growth boundary than other alternatives around the Hillsboro area. The development densities will be comparable to the urban design of existing neighborhoods to the east and north. The Reserves & Vineyards Golf Course will operate as a buffer between Hillsboro South and agricultural lands to the south and west. Addition of these urban reserves is less likely to result in the conversion of additional resource lands than intrusions into resource lands to the north or west of Hillsboro.

Conclusions.

Consistency with Approval Criteria.

Based on the above analysis and findings, an amendment to the *Hillsboro Comprehensive Plan* to add the *Hillsboro Concept Plan* is justified under Goals 2 and 14 and MC 3.01.012(e). Amendment of the urban growth boundary to add Urban Reserves 51 – 55 is also justified under the relevant criteria. There is a need for a significant amount of urban land in the Hillsboro area to comply with ORS 197.296 and ORS 197.299, to correct a grow jobs/housing imbalance and to allow an urban design and arrangement of land uses consistent with the *2040 Growth Concept*. This need cannot be met by expanding the urban growth boundary to include existing exceptions lands. The consequences of expanding the urban growth boundary to include this land are no more severe than the consequences of expanding the boundary onto other resource lands. Finally, the land uses

allowed in this urban growth boundary expansion are not incompatible with nearby and adjacent land uses.

Alternative Justifications and Severability of Findings.

These findings and conclusions are severable. They are made to justify several alternative bases for approval of the *Hillsboro Concept Plan* and addition of Urban Reserves 51 – 55 to the urban growth boundary. Should any particular finding be determined on review to lack evidentiary support or be inconsistent with other findings, it should be disregarded and severed from the analysis. In the event of any inconsistency between these particular findings and those contained in any Metro general findings on the legislative amendment criteria, the general findings shall control.

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