

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING )  
DENIAL OF THE MULTNOMAH COUNTY )  
REQUEST FOR ACKNOWLEDGMENT OF )  
COMPLIANCE WITH THE LCDC GOALS )

RESOLUTION NO. 79-97

Introduced by the  
Planning and Development  
Committee,  
Marge Kafoury, Chairman

WHEREAS, Metro is the designated planning coordination  
body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to  
advise LCDC and local jurisdictions preparing comprehensive plans  
whether or not such plans are in conformity with the statewide  
planning goals; and

WHEREAS, Multnomah County is now requesting that LCDC  
acknowledge its Comprehensive Plan as complying with the statewide  
planning goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans  
be consistent with regional plans; and

WHEREAS, Multnomah County's Comprehensive Plan has been  
evaluated for compliance with LCDC goals and regional plans adopted  
by CRAG or Metro prior to June, 1979, in accordance with the  
criteria and procedures contained in the "Metro Plan Review Manual"  
as summarized in the staff report attached as Exhibit "A;" and

WHEREAS, Metro finds that Multnomah County's Comprehensive  
Plan does not comply with Goals #2, #6, #11, #14 and #15, and,  
subject to an interpretation of the Goal by LCDC, may not comply  
with Goal #10; for the reasons listed on page 1 and explained in the  
text of Exhibit "A"; now, therefore,


BE IT RESOLVED,

1. The Metro Council recommends to LCDC that Multnomah County's Comprehensive Plan be denied compliance acknowledgment on the basis of violations of Goals #2, #6, #11, #14, #15 and, as appropriate, Goal #10; until such time as the problems identified on page 1 of Exhibit "A" are corrected.

2. That the Executive Officer forward copies of this Resolution and staff report attached hereto as Exhibits "A" to LCDC, Multnomah County and to the appropriate agencies.

3. That, subsequent to adoption by the Council of any goals and objectives or functional plans after June, 1979, the Council will again review Multnomah County's plan for consistency with regional plans and notify Multnomah County of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District this 11th day of October, 1979.

  
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Presiding Officer

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## A G E N D A   M A N A G E M E N T   S U M M A R Y

TO: Metro Council  
FROM: Executive Officer  
SUBJECT: Multnomah County Compliance Request

BACKGROUND: At its September 27, 1979, meeting, the Council heard the Planning and Development Committee's recommendation for a continuance of Multnomah County's acknowledgment request. The Council deferred action on its recommendation until its October 11 meeting in order to allow the Committee to review and respond to the following:

1. A letter received from County Executive Don Clark expressing the County's disagreement with the condition in the Metro report regarding realignment of the UGB in the West Hills area;
2. Testimony by Ed Sullivan, representing the Mobile Home Dealers Association, regarding the County's provisions for mobile homes; and
3. An amendment to the condition proposed by Coun. Kirkpatrick regarding groundwater pollution and the phasing out of septic tanks and cesspools.

The Planning and Development Committee discussed these issues at a special meeting October 1. Staff requested that the Committee postpone a decision on whether or not the County's position on the UGB warranted a recommendation for denial rather than a continuance until the County's position could be clarified. The Committee agreed to postpone its recommendation on this question until its October 8 meeting.

On the issue of mobile homes, the Committee heard testimony from County staff, community planning group representatives, Ed Sullivan, and 1000 Friends of Oregon. After discussion, the Committee unanimously approved a motion which staff has summarized as follows:

1. The statement in LCDC's housing policy paper that: "Where a need has been shown for housing...at particular price ranges and rent levels, housing types determined to meet that need shall be permitted...." is ambiguous and properly should be interpreted by LCDC;
2. That if LCDC's intent in this statement was to consider "housing types" as a group of various forms of housing of roughly comparable cost, then Metro finds that the County has adequately identified and provided for housing types to meet housing need;
3. If, on the other hand, LCDC's intent was to view mobile homes as a distinct housing type, the need for which should be determined and provided, then Metro finds that the Multnomah County Plan has not adequately addressed mobile homes;

4. That if LCDC supports the latter interpretation, then the County Plan should not be acknowledged until clear and objective conditions for the approval of mobile homes are established. Staff was directed to make appropriate revisions to the staff report and recommendations for final approval by the Committee at its October 8 meeting.

The Committee also heard testimony from County and DEQ staff on the issue of the provision of sewers. No motion was proposed but the Committee agreed that while continued development on septic tanks or cesspools might be appropriate on a small scale, infill basis, the issue of allowing larger scale development without sewers required closer scrutiny. Staff was directed to prepare an analysis of the impact on housing construction of a possible requirement that any development of six units or more be sewerred. The Committee will consider recommending such a requirement as a condition for acknowledgment at its October 8 meeting.

Final Committee recommendations for Council action and a revised report will be available as soon after that meeting as possible.

BUDGET IMPLICATIONS: None.

POLICY IMPLICATIONS: Policy implications cannot be evaluated until Committee recommendations are finalized.

ACTION REQUESTED: Adoption of a Resolution to be made available at the meeting expressing Metro's recommendation to LCDC on Multnomah County's request for compliance acknowledgment.

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## E X H I B I T " A "

### MULTNOMAH COUNTY ACKNOWLEDGMENT REVIEW

#### Conclusions and Recommendations

Metro finds that Multnomah County's Comprehensive Plan for land within Metro's boundaries complies with all state goals and regional plans with the following exceptions:

1. Goals #6 (Air, Water, Land Resource Quality) and #11 (Public Facilities and Services) are violated by:
  - a) the lack of any policy or program in the plan itself for the solution of the groundwater contamination problem, including the lack of any plan policy to curtail severely the amount of new development permitted on septic tanks or cesspools and to commit to the sewerage of existing development when service becomes available,
  - b) inappropriate locational criteria for the siting of solid waste facilities;
2. The County's failure to recognize the regional Urban Growth Boundary (UGB) adopted by Metro by designating as "urban" all land within that boundary is a substantial violation of the coordination requirements of Goal #2 (Land Use Planning) and of Goal #14 (Urbanization).
3. The question as to whether the County's provisions concerning mobile homes violates Goal #10 depends on LCDC's interpretation of that goal. If the goal is interpreted to require identification of needs for specific housing types (including mobile homes) the County's provisions are inadequate. No specific need for mobile homes has been identified. Further, although the potential for the mobile homes is provided for in a variety of urban zones, the procedures for approval involve vague and discretionary criteria which allow for their exclusion.

On the other hand, if Goal #10 is not interpreted by LCDC to require specification of need by housing type, but rather to require identification of need for a variety of income levels and clear and objective zoning criteria for housing to meet this need, the County complies with this goal.

4. Failure to apply a greenway zone in the urban area violates Goal #15 (Willamette Greenway).

Metro finds that all of the above deficiencies could be corrected in a manner and within a time frame consistent with the issuance of a continuance order by LCDC. A continuance requires, however, the County's willingness to undertake the necessary corrections. In a letter to the Metro Council dated September 25, 1979, County Executive Don Clark has declared the County unwillingness to amend the County's Comprehensive Plan Framework Map to be consistent with Metro's UGB in the West Hills area. The County's adoption of a UGB consistent with Metro's is essential for compliance. Without an agreement by the County to do so, a continuance order should not be issued.

Metro recommends, therefore, that LCDC deny the County's compliance acknowledgment request based on violations of Goals #2, #6, #11, #14, #15, and, if appropriate, Goal #10.

This recommendation does not include consideration of compliance with Goal #3 (Agricultural Lands) and with Goal #2 requirements for taking an exception to this Goal, because LCDC will make its own decision on this issue prior to hearing the County's acknowledgment request. However, Metro comments for consideration by LCDC at the time of its October decision are included in the report.

### Summary

**GENERAL REQUIREMENTS:** Although the County's population projections are inconsistent with the regional "208" plan projections, Metro finds that this inconsistency does not threaten the viability of local or regional planning efforts and can best be resolved when Metro completes current work to develop regional consensus for a projected population distribution in the region. Metro finds, therefore, that all general requirements have been adequately satisfied.

**GOAL #1 -- CITIZEN INVOLVEMENT:** The County has undertaken an extensive citizen involvement program which has been positively evaluated by the local Committee for Citizen Involvement. The County complies with goal requirements.

**GOAL #2 -- LAND USE PLANNING:** The County's UGB is inconsistent with the regional boundary adopted by Metro, in violation of the coordination requirements of this goal. Although the County adequately complies with other goal requirements, the following items should be undertaken during the County's plan update process: (1) amendment of the plan to include reproductions or, at a minimum, a listing of all available inventory maps; (2) clarification of the status of remaining study areas; (3) resolution of two small inconsistencies between the plan map and zoning map.

**GOAL #3 -- AGRICULTURAL LANDS:** The only agricultural designation in Metro boundaries is Multiple Use Agriculture (MUA). This zone is not an EFU Zone and LCDC will decide in October whether or not the County has taken a proper exception to this goal in order to apply

MUA. Because this issue will be resolved prior to the acknowledgment hearing, Metro does not make a formal recommendation on compliance as part of its review, but does find that, in general, exception material is adequate to justify the relatively small deviations from EFU zoning provided for by MUA. It does not appear, however, that the County has adequately justified the wider range of commercial and community service uses permitted conditionally in MUA.

GOAL #4 -- FOREST LANDS: The County complies with goal requirements.

GOAL #5 -- NATURAL RESOURCES: Although the County does not appear to have undertaken adequate implementation measures for the protection of historic sites, Metro does not believe this small deficiency jeopardizes the otherwise thorough work the County has done in this area and finds that the County adequately complies with goal requirements.

GOAL #6 -- AIR, WATER AND LAND RESOURCE QUALITY: The County has a problem with groundwater pollution which it is working with DEQ to resolve, but which is not currently addressed by plan policy.

Failure to address this issue in the plan is a violation of this Goal and of Goal #11.

GOAL #7 -- NATURAL HAZARDS: The County complies with goal requirements.

GOAL #8 -- RECREATION: Although the County has not yet completed work on its Park Plan, Metro finds that materials now contained in the Framework Plan and Community Plans adequately comply with goal requirements.

GOAL #9 -- ECONOMY: The County has done extensive planning for economic development and integrated work for its Overall Economic Development Plan with its comprehensive planning efforts. The County complies with goal requirements.

GOAL #10 -- HOUSING: The County has done a thorough housing analysis and planned and zoned for a wide variety of housing types at densities which exceed those assumed necessary in Metro's UGB Findings. The design review process for multi-family housing and the conditional use process for mobile homes have been appealed to LCDC as violations of its "St. Helens" policy, which prohibits subjecting needed housing types to vague or discretionary conditions or standards in order to win approval. Metro believes the County's design review provisions are an admirable example of how to deal with complex design issues without unnecessarily slowing the rate or increasing the cost of construction and are sufficiently specific and limited that they will pass the St. Helens test.

Vague and discretionary conditions do apply to the approval of mobile homes, however. While the County has not identified a need for mobile homes, neither has it provided sufficient evidence to conclude that there is not one. If LCDC interprets this goal to

require that the need for each specific type of housing be determined and provided for, the County does not comply with this requirement. Metro's recommendation on compliance with this goal is thus a contingent one, subject to LCDC's interpretation of the St. Helen's policy with respect to this question.

**GOAL #11 -- PUBLIC FACILITIES AND SERVICES:** The County has generally done a good job of planning for the provision of all facilities and services listed in the goal. Current plan provisions for the siting of solid waste facilities are not adequate but the County has indicated its willingness to make appropriate plan amendments. These amendments along with those identified as needed under Goal #6 will be adequate to comply with goal requirements.

**GOAL #12 -- TRANSPORTATION:** Metro's transportation staff has identified a number of inconsistencies between the County's functional street classification system and that in the regional Interim Transportation Plan (ITP) for which revision of the ITP is not warranted. This problem can best be dealt with after completion of Metro's Regional Transportation Plan and does not jeopardize compliance. The County complies with goal requirements.

**GOAL #13 -- ENERGY CONSERVATION:** The County complies with goal requirements.

**GOAL #14 -- URBANIZATION:** The County's UGB is not consistent with the Metro UGB. This inconsistency violates both this goal and Goal #2. The County should be denied compliance acknowledgment until consistency is achieved.

**GOAL #15 -- WILLAMETTE GREENWAY:** The County has a Greenway Overlay Zone which provides for compatibility review consistent with goal requirements for most uses. Amendment of the plan and zoning maps to apply this zone in the urban portion of the Greenway will be adequate to achieve compliance.



## MULTNOMAH COUNTY ACKNOWLEDGMENT REVIEW

### Introduction

In preparing its comprehensive plan, Multnomah County has been faced with one of the most challenging and complex planning problems in the state. The County contains not only extensive natural resource areas but highly developed urban communities served by a plethora of special districts. To design a plan adequate to deal with the full range of planning issues facing it, the County developed a twostaged planning process. During the first stage, a Framework Plan was prepared and adopted to establish policy for Rural and Natural Resource areas and a policy framework within which more detailed Community Plans for the urban area could be completed. The second stage was the careful evaluation and application of Framework Policies to each community, culminating in the adoption of seven Community Plans. At the same time, the County was involved in the preparation of detailed functional plans in the areas of transportation, economic development, and sewerage treatment.

The results are impressive. The County's comprehensive planning documents include a wealth of background data and analysis and a variety of creative solutions to planning problems which require a delicate balancing of numerous goal requirements and competing community interests.

The nature of the County's planning process required completion and adoption of plan elements over a period of years. Each year brought with it new interpretations of goal requirements and new regional planning activities. While the plan must nonetheless be evaluated against state and regional policy as currently understood, consideration of the time frame within which the plan was completed must be a part of that evaluation.

Metro's review of the plan has been facilitated by the County's own compliance evaluation. County planning staff prepared notebooks for each goal and in each notebook listed and in many cases, reproduced the materials relevant to each review criterion.

A detailed evaluation of the plan shows that the County has adequately satisfied most of the DLCD/Metro plan review criteria and in many cases gone far beyond minimum requirements.

Although Metro finds that some problems remain which must preclude acknowledgment of the plan as it now stands, the County should nonetheless be congratulated on both the quantity and quality of work completed to date.

### General Requirements

DLCD has notified the County that all items on the "completeness check" have been complied with.

The only other general requirement (based on Goals #2, #10, #11, #12 and #14) is for population projections which, in the Metro region, should be consistent with those used in the regional "208" Plan (0.2 and 0.2.1). The County's Framework Plan discusses population projections prepared by various agencies for the entire county on pp. 39 - 44 and concludes that "Multnomah County will use the CRAG projections in their assessments of future needs." In the discussion of "Land Needed to Accommodate Future Growth" on p. 149, high, medium and low projections for population growth in the unincorporated urban area are presented. These range from 39,300 to 91,300. Although not identified as such, the low projection is most consistent with the "208" Plan.

In an "Update on Housing Needs and Supply Assessment in Urban Unincorporated East Multnomah County, 1978-2000" dated February 1979, the County uses an estimate of 52,596 additional people by the year 2000 to assess housing needs. This estimate is identified as 33 percent higher than the CRAG projection.

Because the "208" projections are for census tracts which contain a larger area than that covered by Multnomah County's urban area plans, it is difficult to make direct comparisons. However, Metro staff analysis indicates that the population the County is reporting as its current population in the urban unincorporated area is close to an estimate of "208" projections to the year 2000 for that area, and that the County's year 2000 estimate for that area exceeds the "208" projections for all land in the census tracts which encompass but extend beyond the County's unincorporated urban area. The County's most recent population projections are, therefore, inconsistent with those used in the regional "208" Plan.

Metro is now in the process, however, of developing revised population projections for the region and will be working with the County and the other jurisdictions in the region to achieve consensus on estimates of regional population distribution to the year 2000. When completed, these numbers will be used by EPA in evaluating "208" projects, as well as by Metro for transportation planning purposes. While it is Metro policy that the "208" projections should be used in the interim for comprehensive planning, Metro does not believe that the County's failure to do so jeopardizes compliance.

Population projections are important in comprehensive planning primarily in the establishment of a UGB and in the planning and sizing of major public facilities. Since the County's "Update on Housing Needs" demonstrates that even the higher population estimate can be accommodated within the regional UGB for the county, the inconsistency does not threaten Goal #14 compliance. If actual population growth in the county is closer to that projected in the "208" plan than that currently expected by the County, the only land use consequence will be that land may develop somewhat less intensively, or that some land may remain vacant. Since the County's "Update on Housing Needs" indicates that the County's urban plan provides for close to exactly that amount of residential land that

will be needed to accommodate expected growth if all land were developed to the highest density permitted without recourse to special approval procedures, a somewhat lower population projection would actually be more consistent with County's land use plan, in order to account for market uncertainties and allow for market flexibility. If subsequent Metro projections require a downward revision of the County's current estimates, in other words, no changes in the County's land use plan or in the regional UGB would be required.

Similarly, the highest population estimates do not jeopardize efficient facilities planning, nor would any subsequent revisions require any major changes in those plans. As is discussed under Goal #11 (Public Facilities and Services), the County is currently involved in a consortium with Gresham and Troutdale to prepare a sewer plan for East Multnomah County. This effort is an outgrowth of and coordinated with the regional "208" planning process and its outcome will become a part of the regional "208" plan. Metro coordination of this ongoing process will be adequate to insure that the County's sewer plan is designed in a manner consistent with regional plans and projections.

The County's transportation planning work, as summarized in its "Transportation Technical Appendix: East Multnomah County Road System," has been based on population projections used in the regional Interim Transportation Plan (ITP), which are consistent with those in the "208" plan. Thus, there is no inconsistency between population projections used in the County's Transportation Plans and those in the "208" Plan. Because it is unlikely that the County's vacant land will be fully developed, neither is there any serious inconsistency between the County's Transportation and Land Use Plans.

In conclusion, Metro finds that the County's current population projections are inconsistent with the regional "208" Plan but that this inconsistency is not of a character to require changes in the County's land use or facilities plans or to otherwise jeopardize goal compliance. Furthermore, the adopted Framework Plan contains language recognizing and supporting the regional projections and policy supporting ongoing coordination with regional agencies, while the "Update on Housing Needs" is only a technical memorandum used to evaluate rather than create policy. For these reasons, Metro finds the inconsistency is not of a character to warrant denial of acknowledgment. This finding does not mean, however, that Metro in any way recognizes or condones the County's population estimates; Metro will not approve either requests for amendment to the UGB or for project funding based on these estimates, but will continue to work with the County to develop consensus on regionally coordinated population projections.

**CONCLUSION:** The County adequately satisfies general requirements.

## Goal #1: Citizen Involvement

The County has undertaken an extensive citizen involvement program, including the notification of all households of proposed land use changes, as required by law. The lengthy and complex Community Planning process provided an opportunity for residents to understand and evaluate the effects of the general policies of the Framework Plan and to tailor and apply them in response to the needs of individual communities.

The County's Committee for Citizen Involvement (CCI) has evaluated the County's program against each of the six points of the goal and found it to be satisfactory. The Community Plans include policy for ongoing citizen involvement in both the implementation of the plan and in updates and amendments to it.

Metro has not received directly any complaints against the County's program but has received copies of correspondence to the County from citizens concerned about actions on specific issues or the process in general. Metro's Citizen Involvement Specialist has reviewed this correspondence and has not found any evidence of violations of goal requirements. In any case, this correspondence dates back to as much as a year prior to the completion of the comprehensive planning process and, as the CCI evaluation indicates, most citizen concerns appear to have since been resolved satisfactorily.

Comprehensive planning is a difficult and complex process of balancing the interests and needs of a variety of different groups and individuals and no plan can be equally responsive to everyone's concerns. Metro finds that the County has prepared its plan in a fair and open manner, consistent with goal requirements.

**CONCLUSION:** The County complies.

## Goal #2: Land Use Planning

2.1.1. Plan includes overall identification of problems, analysis of inventories, evaluation of alternatives, and ultimate policy choices.

**INVENTORIES:** Although the County has been thorough in undertaking the inventories required by various goals, the results have been presented only sketchily in the Framework and no maps have been included. More detailed work was done for the Community Plans, which generally contain a more site specific discussion of the location, quality and quantity of various resources and hazards and many of the important elements are mapped on "design features" maps or elsewhere. However, the Community Plans cover only the East County urban area and the number of inventory items included and the manner of their presentation varies among the Community Plans themselves.

Metro believes that it is important to the comprehensive planning process that basic background data, including required inventories, be presented in a clear, accessible, site specific manner in order

to promote an effective evaluation of alternatives, to insure clear and understandable policy choices, and to make plan implementation both simple and effective. Although the County's plan suffers in this respect from the absence of summary maps of Countywide inventory information, Metro does not believe it jeopardizes compliance for the following reasons:

- (1) the necessary work has been done, and maps of the results are on file with the County, as documented in the County's compliance evaluation;
- (2) where resources are protected through the application of specific zones (the agricultural and forest zones in the non-urban area, the "significant environmental concern" zone, the Greenway zone), plan and zoning maps indicate the location of these resources;
- (3) where resources are protected (or hazards are protected against) through site-specific review procedures (design review and subdivision approval standards relating to natural resources and hazards), generalized maps would not be effective in indicating the likely impact on any specific development, while the site-specific information needed for protection is adequately provided at the time development is proposed.

Nonetheless, Metro recommends that the County either reproduce maps of significant inventories or, at a minimum, publish a summary list of inventory maps on file for addition to the plan (similar to the lists made available to Metro and LCDC in its compliance evaluation), as part of its plan update process.

**POLICY CHOICES:** For the non-urban portions of the county and for those urban areas covered by the newly adopted Community Plans, the County's "ultimate policy choices" are clear. For the two communities (Wilkes and Hayden Island) for which plans were completed prior to adoption of the Framework Plan, and for lands on the west side of the County for which no Community Plan has been prepared, the County's policy is less clear.

Although the Framework Plan sets a policy direction for the entire County, the Framework Plan also provides that in these areas the pre-existing Community Plans, or, on the west side, the 1964 plan map, shall be used to determine the permitted use of land in any specific location, notwithstanding a conflict with the Framework Plan. The applicable plans in these areas are not themselves sufficiently detailed to meet all goal requirements.

However, the Wilkes community is scheduled for an update of its plan this coming year, Hayden Island is currently the subject of a special study project and lands on the west side are planned for annexation by the City of Portland. In addition, there do not appear to be any major conflicts between the planning and zoning for these areas and the applicable Framework Plan policies, which are

general rather than site specific, and implementation measures other than zoning (e.g., subdivision standards and capital improvement programming) are applied uniformly Countywide. Finally, Metro is satisfied that goal requirements which are not site specific (e.g., for housing) have been adequately complied with by means of the more recent Community Plans.

Thus, although the situation is an unusual one, Metro finds that it does not jeopardize goal compliance.

#### 2.1.2. Implementation measures consistent with and adequate to carry out the plan

The Framework Plan and the Community Plans contain both policies, which establish the comprehensive planning standards, and strategies, which provide recommendations as to how these policies should be implemented. While many of the strategies are quite general, those in the Community Plans often are quite detailed -- for example, those for housing, which discuss specific zoning provisions for various residential zones. The County's implementation measures (primarily the zoning and subdivision ordinances) are generally consistent with and adequate to carry out plan policies, but there are some inconsistencies between specific strategies suggested in the Community Plans and specific provision of the zoning ordinance.

The plan, however, is clear that it is the policies which are the guide to land use actions and that the strategies are merely suggestions for implementation which do not and should not have the force of law. The Community Plans explain that the terms "strategies" and "community recommendations" are interchangeable and are "recommendations which the County should consider in making future land use actions" (e.g., Hazelwood, pp. 57 - 58). Metro does not, therefore, believe that inconsistencies between the strategies and the implementation measures now in place are a violation of goal requirements.

##### 2.1.2.1. Plan map consistent with and derived from ultimate policy choices.

The Hazelwood, Centennial, Cully/Parkrose and Errol Heights plan maps show land designated as a "special study area." The study area in Hazelwood is adjacent to I-205 and designated as a "transit station study area." Within the study area, land is designated for high density residential, light industrial and commercial use, consistent with plan provisions for such areas. What the intent of the study area designation was and how it will be implemented is not clear. However, Metro supports this effort to integrate land use with regional transportation. The study area in Centennial is currently planned for neighborhood commercial and accompanied by a "community recommendation" as to the circumstances under which the plan might be amended to provide for a community commercial center. The Errol Heights study area is now designated for industrial and residential use but the plan contains a "community recommendation" that a (presumably new) plan for this area should be developed in consideration, in part, of the relationship with Johnson Creek,

which runs through it. The nature of the special study area in Cully/Parkrose is unclear.

In general, all policy issues relating to the use of land should be resolved and all study areas completed before completion of the comprehensive plan. However, since land use designations for these areas have been established, and since neither the current plans for these areas nor any changes which might be made as a result of the study area designation appear to jeopardize goal compliance in any substantive way, Metro does not believe that the presence of these study areas on the plan maps jeopardizes compliance with Goal #2. Metro does recommend, however, that policy for these study areas and, if appropriate, a schedule for their resolution, should be clarified as part of the plan update process.

#### 2.1.2.2. Zoning map consistent with plan map

There are several types of small differences between the plan and zoning maps. The first is in Cully/Parkrose, where about 20 acres that have been designated for General Industry on the plan map are zoned LR 40 (one dwelling unit/40,000 sq. ft.). However, since the land so zoned has not been counted toward and is not needed for the County's supply of residential land to meet its housing needs, since this designation is sufficiently low-density to be consistent with future industrial development of the area, and since, in any case, the entire area affected is so small and does not appear to affect goal compliance in any substantive way, Metro does not believe that this method of providing for industrial development in this area on a "by request" basis jeopardizes goal compliance.

The second area of concern is in the Wilkes community, where the plan was adopted before the Framework Plan and revised zoning ordinance. The Wilkes plan contains only "policy areas" on its plan map, within which uses which should be allowed outright and conditionally are listed. Although in several of these policy areas uses are allowed "outright," where the plan provides for them only conditionally the rezoning of these areas subsequent to plan adoption should have provided the type of community review and site-specific evaluation which is the intent of allowing uses conditionally. Therefore, Metro finds that these differences do not constitute an actual inconsistency.

Finally, there are two small areas in the Centennial community where there are inconsistencies between plan and zoning maps for which there is no apparent explanation: at Powell and 165th, designated for office use and zoned LR-7, and at Division and 143rd, designated for light industry and zoned HR-2. These are inconsistencies which should be resolved through the plan amendment process as early as possible, but they affect so small an area, and have so little an effect on substantive goal compliance, that Metro does not believe that they warrant a denial of acknowledgment.

## 2.2. Procedural criteria

Inconsistencies between the County's designation of urban land and Metro's Urban Growth Boundary are discussed under Goal #14 but also violate the regional coordination requirements of this goal.

The County has submitted all necessary material to comply with the remaining requirements.

**CONCLUSION:** The County complies with all but the regional coordination requirements. However, the following items should be included in the plan update process:

- (1) reproduction or listing of countywide inventories for inclusion in the plan;
- (2) clarification of status of study areas;
- (3) resolution of inconsistencies between the plan and zoning maps in the Centennial community.

### GOAL #3: Agricultural Lands

The county has two agricultural zones: an EFU zone which meets statutory and Goal #3 requirements for the preservation of agricultural land and an Multiple Use Agriculture Zone (MUA) which LCDC indicated in an advisory opinion requires a goal exception.

The EFU designation has been applied to lands which lie entirely outside the Metro boundary, and so has not been reviewed or evaluated. The MUA designation is the zone applied to all agricultural land within the Metro boundary.

1000 Friends has appealed this designation to LCDC and the Exceptions Statement on which it was based. The Hearings Officer's initial report included the following findings:

- . The (County's) Exceptions Statement does not justify a general exception to permit MUA zoning of agricultural lands.
- . The Exceptions Statement adequately demonstrates that the Orient and Corbett rural centers and the Corbett buffer strip are committed to non-farm uses.
- . The Exceptions Statement does not adequately demonstrate that the other lands in questions are committed to nonfarm uses and, therefore, exempt from the requirements of Goal #3.
- . It appears that substantial portions of the areas in question are so committed, but it is the County's responsibility to clearly and accurately delineate them. Department staff will be directed to assist in preparing



modified findings to be submitted as part of the acknowledgment process.

Metro makes no recommendation on whether the County complies with this Goal because this matter is scheduled for resolution by LCDC in October, prior to the acknowledgment hearing in November. However, Metro staff has reviewed the County's Exception Statement and the reports of the Hearings Officer and of DLCD staff and offers the following comments for consideration by LCDC at its October hearing.

**BURDEN OF PROOF:** Metro concurs with the County that the exception requested for MUA is a minor one, with a correspondingly lighter burden of proof. Areas designated for rural residential or rural center use allow a more substantial departure from EFU zoning and so require a heavier burden of proof, but Metro concurs with the Hearings Officer that data presented on commitment to non-farm use in these areas is sufficient to meet this burden.

Although the MUA designation covers thousands of acres, it is not the size of the area but the degree to which the uses permitted in the area depart from uses which would otherwise be permitted under EFU zoning which should determine the degree of departure from the excepted zone, and the corresponding burden of proof.

The MUA zone differs from an EFU zone mainly in the following ways:

- a. Single family housing is allowed outright on 20 acre lots or lots of record, whether or not in conjunction with a farm use, although those not in conjunction with a farm use would require a conditional use permit under EFU.
- b. Commercial activities in conjunction with farm use are permitted "under prescribed" conditions" (without a hearing) in MUA which are permitted only as conditional uses (with a hearing) in EFU.
- c. A variety of activities which would be prohibited in an EFU zone are permitted as conditional uses in MUA. Some -- tourist and rural service commercial uses and rural planned developments -- are permitted only on Class IV soils or higher, while others -- community services uses including government buildings, hospitals, and racetracks -- are not so restricted.

Most of these differences (a and b) are largely differences in process rather than differences in actual uses. Admittedly, the differences in process are such that some single family not in conjunction with farm use and some of the commercial activities which are in conjunction with farm use which would be permitted under MUA might be denied under EFU. Nonetheless, Metro believes that this increment of additional uses of a type which would still occur under EFU and which is generally compatible with farm use is a minor rather than major departure from the goal.

Although other uses (c) would also be allowed which would be prohibited altogether in an EFU zone, the standards for the issuance of a conditional use permit for these uses are sufficiently restrictive, and consistent with the intent of Goal #3, as to constitute only a minor departure from the goal as well.

Metro believes that conversion of agricultural land to rural or urban use, or any form of development which effectively precludes continued agricultural use is a major departure from the goal which should be subject to the strictest scrutiny. When, however, the issue is only one of the exact type and degree of agricultural protection afforded, the justification for an exception (or for the non-applicability of the goal in the case of committed lands) need not be so weighty as to be "compelling."

**COMMITTED LANDS:** The County has designated parts of each subarea as "committed lands." The Hearings Officer accepts some of these lands as adequately justified as committed and questions the level of commitment of others. The findings of DLCD staff are similar. Both reports find inadequate evidence that the remaining areas are sufficiently committed to non-farm uses to exempt them from application of the goal.

Although Metro is inclined to recognize as "committed" more land than so recognized by either the Hearings Officer or DLCD staff, it is clear that there remain some lands which are not committed irrevocably to non-farm use. The County must, therefore, demonstrate a need for an exception for these lands. The County's argument of need applies equally to the entire exception area and, if found compelling, would be adequate to justify MUA for that area. For this reason, rather than dispute precisely which areas are committed, this report will focus on the issue of the demonstration of need.

**NEED:** The County's case rests on an argument that the topography, soil classification, parcelization patterns and land use patterns are such that virtually any land owner wishing to construct a single family house not in conjunction with a farm use could meet the conditional use standards required for EFU zones and receive permission to build. The County, therefore, believes that the primary consequence of MUA rather than EFU zoning would not be one of results but one of process -- a shorter, simpler, less costly administrative procedure for the approval of such uses. Although inevitably, a certain number of additional dwellings would be built under MUA than EFU, Metro finds the savings in administrative time and cost a sufficiently compelling reason to justify this incremental difference in the level and type of development, given that this small difference would not appear to have any negative environmental, social, economic or energy consequences (as the County argues, some of the consequences would in fact be positive), and would be compatible with new or continued agricultural uses.

While Metro believes that the County has met the burden of proof that there is a need to allow single family housing outright and

commercial uses in conjunction with a farm use under prescribed conditions, rather than conditionally, it does not find that the County has presented sufficient justification for the range of additional uses permitted as conditional uses. Most of these uses appear more appropriate to nearby rural centers or rural residential areas and, if permitted in MUA, might increase pressures from employees for proximate housing in a manner that would significantly alter the character of the MUA zone.

Metro believes that if the County were either to eliminate those is not included with submitted materials. Framework Plan policy calls for consideration of historic sites in the designation of areas of significant environmental concern, but without maps of identified sites, it is difficult to tell how often sites have been protected in this way. The County has also adopted an historic preservation overlay zone, but has not yet applied it to any areas. In short, the County has done everything necessary to meet goal requirements with respect to historic sites except for actual implementation of its policies.

The County has generally provided such strong protection for the resources covered by this goal that Metro does not believe that this one shortcoming should jeopardize compliance. Work done to date shows a strong commitment by the County to historic preservation, and policy has been adopted to provide for adequate protection through the application of appropriate zoning as soon as staff resources are available to undertake this project. Metro believes this adequate for goal compliance.

**CONCLUSION:** The County complies.

#### Goal #4: Forest Lands

Although the absence of summary maps (discussed under Goal #2) is a problem, the County appears to have done an adequate job of inventorying its forest resources and protecting lands identified in an appropriate manner.

The County has two plan and zone designations for forest lands: one for commercial forest, the other for multiple use forest. Since the former lies entirely outside Metro boundaries, only the latter has been evaluated in this review.

Framework Plan policy and zoning provisions for multiple use forest areas are consistent with goal requirements for the protection of forest lands. In addition, the propagation and harvesting of forest products is permitted in multiple use agricultural areas, and conditional use standards for all non-urban zones include considerations for the protection of this resource.

**CONCLUSION:** The County complies.

## Goal #5: Natural Resources

Although not all the required inventories have been mapped on the Community Design Features maps or elsewhere, the Framework and Community Plans generally contain a discussion of each resource adequate to meet goals requirements.

Identified resources are protected primarily through designation of an area of "significant environmental concern (SEC)." An overlay zone for these areas establishes a permit process which provides for review of all development to insure maximum feasible protection of these resources. Design review provisions also include criteria relating to resource protection.

Although the County has done extensive work in the area of historical preservation, plan materials remain weakest in this area. The Framework Plan and most Community Plans do identify some historical sites, and a more comprehensive inventory has been undertaken, but is not included with submitted materials. Framework Plan policy calls for consideration of historic sites in the designation of areas of significant environmental concern, but without maps of identified sites, it is difficult to tell how often sites have been protected in this way. The County has also adopted an historic preservation overlay zone, but has not yet applied it to any areas. In short, the County has done everything necessary to meet goal requirements with respect to historic sites except for actual implementation of its policies.

The County has generally provided such strong protection for the resources covered by this goal that Metro does not believe that this one shortcoming should jeopardize compliance. Work done to date shows a strong commitment by the County to historic preservation, and policy has been adopted to provide for adequate protection through the application of appropriate zoning as soon as staff resources are available to undertake this project. Metro believes this adequate for goal compliance.

**CONCLUSION:** The County complies.

## Goal #6: Air, Water and Land Resources Quality

The plan generally contains adequate background information on air, water and land quality, although some of the information on air quality is no longer accurate and should be revised when the plan is updated. The State Implementation Plan for air quality in the metropolitan region indicates that federal standards will not be met in some categories unless significant additional control measures are undertaken and both the extent and causes of the problem should be accurately reflected in the County's plan. Metro staff will provide the County with data and assistance to make these changes when the plan is updated.

The plan also recognizes the regional role in air, water and land quality planning, and although the plan does not contain separate

policies recognizing and supporting each of these activities, the "sample language" which Metro plan review staff has been encouraging local jurisdictions to adopt was not available until after the Framework Plan was adopted. The plan does contain a general policy on intergovernmental coordination which is adequate to meet most requirements in this respect.

There are, however, two problems related to this goal which must be further addressed by the County. The first, relating to land quality, is a problem with County policy on the provision of solid waste facilities. This problem is discussed under Goal #11 (Public Facilities and Services).

The second problem relates to water quality. There is a problem with groundwater pollution from septic tanks and cesspools in parts of the developed urban area which the Environmental Quality Commission has asked the County to address by preparing a plan for the phasing out of the use of these systems. The County believes that the only effective way to solve the groundwater problem is to sewer the areas affected. The County is currently working on preparation of a sewer plan and although funding of the system remains a major problem, Metro is satisfied that the County is doing all it can to work towards the provision of sewer service to these areas (see the discussion under Goal #11). To avoid a worsening of the problem, the County does require new development to hook into the system in areas where sewer service is available. Sewer service is not yet readily accessible in the area being contaminated, however.

The problem is a difficult one, and although the County does not appear to have pursued all of DEQ's suggested solutions, they have adopted some important interim measures and are working hard toward a permanent solution. DEQ is responsible for monitoring the County's planning efforts and is continuing to work with them to address the problem.

Metro is concerned that this work is going on more or less independently of the comprehensive plan. The Framework Plan utilities policy requires only that approval of legislative or quasi-judicial actions include findings that the proposed use can either be sewered or that DEQ will approve subsurface sewage disposal. All community plans with the exception of Cully/Parkrose adopt this policy without additions. Cully/Parkrose has added a policy requiring that, for larger developments where sewers cannot be provided, financial security be provided in the amount of the sewerage project, but it is not clear if or how this policy is currently being implemented.

One of the biggest problems facing the County is that the needed sewers will have to be financed through voluntary assessment districts, yet property owners are likely to balk at the costs of such projects and vote against the assessment. The comprehensive planning process is the ideal occasion to focus attention on the problem and establish policy with respect to its solution in ways which could help promote successful assessments when appropriate in the future. The County's plan has not done this. There is no

policy to support the continuation of those measures the County is currently employing to help mitigate the problem (e.g., requiring the installation of a sealed sewer line, where appropriate for future hook-up, or deed restrictions in which the property owner covenants to pay the assessment), nor is there any recognition of the possible need for additional measures.

In the absense of such policy in the plan, the plan is not adequate to comply with the goal requirement "to maintain and improve the quality of...water...resources."

Metro believes that strong, decisive action on the County's part in the adoption and implementation of policies to eliminate the use of septic tanks and cesspools for major new urban developments is important for a timely and efficient solution to this problem and will work closely with the County to see that this work is responsive to regional concerns. The County is now in the process of preparing an update of its groundwater plan, to include specific management strategies, for adoption by the County Board of Commissioners and approval by DEQ.

Metro will review this report and evaluate whether or not it is adequate to address Metro's concerns. If it is, the inclusion of this adopted plan with the County's comprehensive planning material, along with an amendment to the Framework Plan itself to include policies in support of continued cooperation with DEQ for the implementation of the County's groundwater plan, will be adequate for goal compliance. If Metro is not satisfied with the strategies proposed, it will present its concerns, and proposed additions or revisions to the County's plan adequate to address them, to the County planning staff and Board of Commissioners for their consideration prior to adoption of the plan.

**CONCLUSION:** The County's failure to include in its plan policies and programs for the phasing out of septic tanks and cesspools in favor of sewer service violates both this goal and Goal #11. Adoption of an updated groundwater plan with adequate strategies to achieve this end, along with adoption of Framework Plan policy on support of this work, will be adequate to achieve compliance.

#### Goal #7: Natural Hazards

As discussed under Goal #2, inventory information included in the plans is sometimes sketchy, but the availability of more detailed maps on file with the County, coupled with the site-specific review process used for hazard protection, is sufficient to insure compliance with goal requirements.

Although the County has not yet adopted and applied its Flood Hazard Zone, due to constraints of the process agreed to by the Federal Insurance Administration, the approved schedule for completion of this work will be adequate to insure compliance with federal regulations. In any case, currently adopted provisions of the zoning and subdivision codes are adequate to meet goal requirements for this

and all other applicable hazards. The subdivision ordinance restricts development in hazard areas, and design review, planned development and SEC provisions all provide for additional consideration of design elements which minimize hazard potential.

CONCLUSION: The County complies.

#### Goal #8: Recreation

The County has prepared a draft Parks Plan but it is not yet adopted and has not been submitted for review. Although the completion of this plan will undoubtedly enhance the County's recreation planning efforts, materials already adopted in the Framework and Community Plans can be considered adequate to meet goal requirements.

The Framework Plan contains a general discussion of recreation facilities and an overall identification of existing and future needs. The Community Plans contain more detailed inventories of park facilities, including those related to the goal requirements, and in some cases, the identification of specific community recreational needs. Both contain policy supporting continued work on recreation planning such as has been undertaken by preparation of the Parks Plan, and policy on the dedication of lands for bicycle and pedestrian paths and the provision of landscaped areas suitable for passive recreation in new developments.

Given the County's limited financial resources to undertake a more immediate and aggressive recreation plan, these materials are adequate to meet goal requirements.

CONCLUSION: The County complies.

#### Goal #9: Economy

The County has adopted and annually updates an Overall Economic Development Plan which includes an analysis of the range of factors affecting economic development required by the goal. Relevant portions of the OEDP were included in the Framework Plan and the two planning efforts appear to have been well integrated. The Framework Plan contains detailed locational criteria for various types of commercial and industrial uses, which have been applied consistently by the Community Plans to locate areas on the plan maps for economic development.

CONCLUSION: The County complies.

#### Goal #10: Housing

##### 10.2 Analysis and Policies

The County's housing analysis is contained in a 1977 publication by that name, in Framework Plan and Community Plan materials, and in the County's "Update on Housing Needs." These documents contain an analysis of buildable land available, assessment of lands needed,

and analysis of alternatives adequate to meet goal requirements. The only difficulty with this material is that the data on buildable lands is not consistent from document to document. It is hard to tell to what extent the discrepancies are due to differences in the total area under consideration and changes in zoning within the area and which to refinements and revisions to the base data itself. Each of these are legitimate reasons for differences among the numbers, but the failure to explain them is confusing. The most current and apparently most accurate assessment of buildable land, that in the "Update of Housing Needs," does not include sufficient detail on suitability and availability (found in the discussion of buildable lands in the Framework Plan) to stand quite on its own. This is not a problem which jeopardizes goal compliance, since a thorough inventory of buildable land has clearly been completed and used, but one which might be addressed by the County as part of its plan update.

Policies on housing choice and housing location, along with consistent plan map designations, are adequate to meet goal requirements.

### 10.3 Implementation

The County's zoning ordinance provides for a range of lower cost housing alternatives, from duplexes and multi-plexes permitted under certain specific conditions in low density residential zones to multi-plexes and garden apartments at densities of 10 to 16 units per net acre, to apartments with up to almost 60 units per acre. Ample land has been zoned in each category to provide for flexibility of type and location at densities consistent with those assumed necessary in Metro's UGB Findings. If all land were developed to the maximum density allowed outright or under "prescribed conditions," the rate of new construction is estimated in the "Update of Housing Needs" to be six attached dwellings to every four detached dwellings, in excess of the one-for-one ratio assumed necessary in the UGB Findings. The overall density of new development would be over nine units per net acre, again exceeding the six units per net acre assumed in the UGB Findings.

These figures apply only to residential land in East Multnomah County. The "Update" does not include data for land on the west-side, where zoning ranges from R-7 (six units an acre) to as low as R-30 (1.5 units an acre). However, much of this land is subject to natural hazards or other features which limit the density of development or the availability of services. Under the circumstances, such low density development is not inappropriate to provide for a full range of housing choices, provided that, as is the case, sufficient land is available for higher density development elsewhere in the County.

Although the County has generally done an admirable job of planning to meet its housing needs, a petition has been filed with LCDC by the Mobile Home Dealers Association claiming that the County does not comply with Goal #10, primarily because of alleged violations of



LCDC's "St. Helens" policy, which provides that vague and discretionary conditions for approval cannot be attached to zoning provisions for needed housing types. The petition questions whether the County's ordinance violates this policy both for mobile homes and for multi-family housing (10.3.1.3).

**MULTI-FAMILY HOUSING:** The "St. Helens" policy paper states that:

It would be appropriate for a community to attach special conditions to a particular development proposal by, for example, requiring additional screening, controlling access, or even by specifying, in precise terms, design features which ensure that development will be safe and attractive. However, it would not be appropriate for a community to employ special conditions or procedures governing special conditions as a device to exclude a needed housing type, delay construction, or to push the cost of a proposal beyond the financial capabilities of the households for whom it was intended.... In order for special conditions to meet the "St. Helens" test, the range of conditions that may be imposed on a specific development must be strictly stated and must be strictly limited in scope.

All but single family developments are subject to design review procedures which establish a set of approval criteria which must be met. Although these criteria cover a fairly broad range of concerns, none are of a character as to promote denial or the attachment of unreasonable conditions in response to neighborhood pressure (e.g., "in harmony with the character of the neighborhood") and both the nature of the criteria and the elements of the design plan which will be evaluated against these criteria are stated as specifically as possible while still allowing some flexibility. In addition, the County has prepared and adopted a Developers Handbook to provide further suggestions and guidelines as to how these criteria could be met. There is no evidence that either the purpose or effect of the design review process is to increase the cost or slow the rate of multi-family construction. In fact, by designing a procedure which allows for administrative approval (subject to appeal by the applicant to the Planning Commission), the process is likely to keep development costs down and shorten approval time more than ordinances which, however clear and objective the standards, require a public hearing for approval.

Metro believes the County has adopted a creative and effective method for making multi-family housing readily available without sacrifice of other important community needs (including those mandated for consideration by Goals #5 - #7), and that the design review criteria, and any design conditions which may be attached to meet them, are within the range of those "appropriate" conditions recognized in the "St. Helens" policy paper. To discourage this

type of cooperative planning between the public and private sectors would be taking the legitimate concerns on which the "St. Helens" policy is based to an absurd extreme. Metro finds, therefore, that the County has provided sufficient land for multi-family housing which can be readily developed without unnecessary delays or an increase in costs as a result of the administrative review process, and that the County's design review provisions do not violate either the spirit or the letter of Goal #10.

**MOBILE HOMES:** Mobile homes on individual lots or in parks are allowed in the two highest density "low density (single family) residential" zones (LR 5 and 7) as a conditional use subject to Planned Development provisions and as a conditional use subject to some specific locational and site design standards in the "medium density residential" zones.

The minimum lot size for mobile homes in parks, in the MR 3 zones, is 3,200 sq. ft., while garden apartments are allowed outright with 2,700 sq. ft. per unit, which makes it difficult for mobile home parks to compete for available land in this zone.

Metro believes that the "Planned development" criteria for approval (Section 6.440) and that the "approval criteria" and "development standards" for mobile homes in medium residential zones (Sections 3.410-3.413) are clear and objective, but there is no statement that compliance with these conditions is sufficient to assure approval -- the ordinance says only that such uses "may" be permitted when the standards are met.

In addition, all conditional uses are subject to a requirement that the applicant must show that the proposal is in the public interest and "fully accords with the applicable elements of the Comprehensive Plan" (Section 12.25.3 (a) and (c)). These standards, though generally appropriate, are too vague to avoid the possibility of discriminatory or exclusionary application.

Finally, there are a number of comprehensive plan policies which apply to all quasi-judicial actions such as conditional use approval, some of which allow a good deal of discretionary latitude.

Metro finds that the standards and conditions attached to the approval of mobile homes are too vague and discretionary to provide for assurance that mobile homes will be provided in the County. It is not clear, however, whether the County is under an obligation to provide for mobile homes.

The Housing Policy paper adopted by LCDC in July (The "St. Helens Policy") states: "Where a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, housing types determined to meet that need shall be permitted in a zone or zones with sufficient buildable land to satisfy that need."

Metro is unsure whether the phrase "housing types determined to meet that need" implies that the need for each housing type must be

determined individually or whether it implies simply that types of housing which do meet identified needs should be determined and provided for.

Metro finds that the County has adequately identified and provided for various types of housing which do meet the needs of lower income households: from duplexes and multi-plexes under prescribed conditions in low density residential zones, to multi-plexes on 2,700 sq. ft. per unit and small garden apartments on 2,400 sq. ft. per unit to highrise apartments. If LCDC did not intend the St. Helens policy to mean that the need for each type of housing must be determined, but only that some type(s) of housing be provided which has been determined to meet identified needs, then Metro believes the County complies with goal requirements.

Metro does not believe, however, that the County's findings for the adoption of its mobile home policy are adequate to determine that there is not a need for mobile homes as a specific housing type. Rather, these findings state that there is "inconclusive evidence" on cost and that "the mobile home issue...needs monitoring and further evaluation." There is no reason why the County cannot elect, as they have in essence done, to evaluate the need for mobile homes on a case-by-case rather than comprehensive basis provided that the goal does not require a specific evaluation of the need for this type of housing and, as is the case, they have provided for other lower cost housing alternatives adequate to meet needs in terms of price ranges and rent levels. Metro does not wish to interpret LCDC's housing policy for them. If the Commission intended that policy to mean that the need for each type of housing must be separately evaluated, then Metro finds that the County has not adequately determined the need for mobile homes and does not comply with goal requirements.

**CONCLUSION:** The County complies with all general goal requirements. If, however, the LCDC interprets this goal to require identification of need for each specific housing type and consequent zoning adequate to meet identified needs for each type of housing, the County does not comply with this requirement.

#### Goal #11: Public Facilities and Services

The Framework Plan contains general information and the Community Plans contain more detailed information on service areas and providers, current and projected capacities, and any identified problems for most of the major facilities and services (sewer, water, police, fire, schools, storm drainage). Data and analysis for health, energy and communication, and general government services are somewhat sketchier, but generally adequate to meet goal requirements when coupled with plan policies, discussed below, adequate to address relevant planning concerns in these areas.

The County's plan for the timely, orderly and efficient provision of public facilities and services is covered in four policy categories. The first is its policy on the location of community

facilities and uses. This policy establishes criteria for the location of all key public facilities and services. Second, is its Capital Improvements Policy, which provides for a capital improvement program to coordinate the efficient provision of County services. Third, are its utilities and facilities policies which provide for an evaluation of the provisions for drainage, energy and communications, schools, fire and police protection when approving any legislative or quasi-judicial land use action. Finally, is its policy on intergovernmental coordination, supporting coordination with other local governments and with special districts. The County's policies are implemented through application of a community service zone, preparation of an annual capital improvements program, appropriate standards and procedures in the subdivision ordinance, and urban planning area agreements which include provisions for the coordination of service provisions. In addition, the County has a plan for sewerage collection which it is in the process of implementing.

Although the County has not completed its sewerage treatment plan, it is engaged in a planning consortium with Troutdale and Gresham to evaluate alternatives for the most efficient method of providing sewage treatment for the entire East County urban area. This effort is consistent with the regional "208" planning process and coordinated with and supported by Metro. The process established for the completion of a sewer plan is adequate to insure the efficient provision of sewer service and is being pursued as expeditiously as possible.

Metro's concerns about interim controls to limit new development on septic tanks and cesspools and facilitate sewer extensions when service is available are discussed under Goal #6.

There is one additional problem which must be addressed, that of solid waste facility siting (11.1.5.4 and 11.1.5.5). The plan contains no policy explicitly on solid waste disposal. Background information does contain an adequate discussion of the problem and recognizes Metro's role in solid waste planning, but states that any landfill site must be "in conformance to existing local land use plans." Plan policies for the siting of landfills and transfer stations, included in the list of major regional facilities are not consistent with solid waste facility needs, nor with Metro's landfill siting criteria. For example, the criteria include access to public transit and that "the project can be integrated into the existing community."

The County has indicated its willingness to amend its plan to add policy recognizing the regional role in solid waste facilities planning and to delete landfills and transfer stations from the list of major regional facilities for the purposes of applying locational criteria.

**CONCLUSION:** The County complies with all goal requirements with the exception of those for solid waste facilities planning. Elimination of "landfills" and "transfer stations" from the list of major

regional facilities and adoption of Metro's "sample language" on solid waste coordination will be adequate to achieve compliance.

#### Goal #12: Transportation

The County's inventories, analysis and policies are contained in the Framework Plan and a series of technical appendices and special reports. Some more detailed inventory information and analysis is found in the Community Plans.

The County has done a thorough job which is adequate to meet most goal requirements. The only problem is one of regional coordination of its functional street classification system (12.2.1.3 and 12.2.2.1). Metro's transportation staff has undertaken a detailed analysis of the County's classification system, identified where that system was inconsistent with the classification system in the regional Interim Transportation Plan, and analyzed each inconsistency to determine whether the ITP should be revised to reflect County classifications. In a number of cases such revisions have been undertaken, but in others, staff found revision unwarranted, either because the County's classification did not appear appropriate or because there were inconsistencies with the classification of the same street in neighboring jurisdictions which required resolution. Copies of the staff report are available upon request. Metro is now in the process of preparing its regional transportation plan which will serve as the basis for a region-wide street classification system with which all jurisdictions must be coordinated. Until this plan is completed, Metro can only identify inconsistencies which remain between the County's plan and the ITP but cannot recommend with finality how these inconsistencies should be resolved. To achieve consistency on a comprehensive and coordinated basis, the regional plan must first be adopted. At that time, Metro will use its authority to "re-open" local plans to achieve such reclassifications as may be required.

In the interim, Metro does not believe the inconsistencies threaten goal compliance. This does not mean that Metro in any way recognizes or supports those street classifications which are inconsistent with the ITP, nor will it approve any project fundings requests based on those classifications. Metro recognizes the problem, however, as one which can best be solved after the completion of the regional transportation plan.

**CONCLUSION:** The County complies.

#### Goal #13: Energy Conservation

The Framework Plan contains a discussion of energy sources, consumption and distribution and methods for conserving energy. The efficient use of energy has been considered as a part of policy choices affecting the location and density of land uses, and the plan contains policy for the evaluation of legislative and quasi-judicial actions with respect a variety of energy conserving factors. The subdivision and design review ordinances contain

standards relating to energy conservation, particularly solar orientation.

CONCLUSION: The County complies.

Goal #14: Urbanization

In this region, Metro has the authority for the establishment and maintenance of a regional UGB. Therefore the findings requirements in the first part of the goal do not apply to local comprehensive plans. Instead, Metro reviews local plans to see that they contain an adopted UGB and process for its amendment consistent with the regional UGB and amendment process.

The County's adopted Urban Growth Boundary currently differs from Metro's in four locations:

1. in the West Hills;
2. around Barbara Welch Road just above the Clackamas County line;
3. southwest of Gresham; and
4. south of Troutdale below Streben Lane.

The County petitioned CRAG for amendments to the UGB in the last two areas in the fall of 1978, at which time, after a public hearing and staff evaluation of the proposed amendments against the seven considerations in Goal #14, the CRAG Board voted to deny the County's petition.

The County is now in the process of amending its comprehensive plan map to designate the last three areas as "urban," consistent with the Metro UGB. The County has appealed the Metro UGB in the West Hills to LCDC and the Court of Appeals and these cases are still pending.

The plan does not contain any language recognizing the regional role in the establishment and change of regional UGB.

In order to comply with Goal #14 requirements for the metropolitan area, as interpreted by LCDC in the Sherwood Order, the County must designate all land within the regional UGB as urban.

Although the County is, of course, entitled to appeal regional decisions for review by higher authority, Metro does not feel it is entitled to acknowledgment of compliance until a consistent boundary is achieved. To achieve a consistent boundary, the County need not rezone the land for immediate urban use. In the West Hills area, for example, retention of current zoning may be an appropriate method for preserving options until the outcome of the appeals. The County must, however, adopt policy controlling when and how these lands will be converted for urban use.

In addition, Metro urges the County to amend its policy on maintenance of the UGB to reflect the Metro role in this process, but does not feel the policy inconsistency would jeopardize compliance if the UGB in the County's plan were itself consistent.

An additional part of Metro's review for consistency with the regional UGB is an evaluation of whether or not local policies for development outside the UGB are consistent with those in the regional Land Use Framework Element (LUF) for Rural and Natural Resource areas.

While the County's provisions for Natural Resource areas are entirely consistent with the LUF, its zoning for rural residential and rural center areas does allow some uses not explicitly recognized in LUF policy. In particular, the rural center zone permits, as conditional uses, planned residential developments of up to two units an acre, including attached dwelling units, and tourist commercial facilities.

However, while these uses are not explicitly provided for in the LUF, the County's standards for the approval of planned developments and conditional uses in rural areas meet or exceed LUF policy requirements and provide for the approval of such uses only when consistent with the character of the area and the protection of the natural resource base. Therefore, Metro finds that these provisions are sufficiently consistent with regional policy to provide adequate containment of urban development within the UGB and so do not threaten goal compliance. Additional policy work is currently being planned with respect to the definition of appropriate rural uses, however, and Metro may need to reevaluate these provisions in light of any new regional policy and, if appropriate, request that the plan be reopened to make any needed changes.

The second part of the goal deals with the conversion of urbanizable land to urban use. The County has identified lands which should be designated as "Urban Future" areas and adopted policy for the conversion to urban use which is consistent with goal requirements and LUF policy. "Urban Future" zones have been adopted and applied which establish a minimum lot size of at least ten acres. Because the County requested acknowledgment of its plan before Metro adoption of its policies for the control of urban sprawl, the County is not required to comply with these policies until September, 1980, and a detailed evaluation of the County's conversion policies for consistency with these policies has not been undertaken as a part of this review. Nonetheless, the County's conversion policies are sound ones and, on the basis of a cursory comparison with Metro policy, appear to address the major issues of concern.

**CONCLUSION:** The County complies with all goal requirements with the exception of that for a cooperatively established UGB which, in this region, means one identical to Metro's. This inconsistency constitutes a violation of Goals #2 and #14 which warrants denial of compliance acknowledgment. Amendment of the County's UGB and adoption of appropriate zoning and/or conversion policies would be adequate to achieve compliance.

Goal #15: Willamette River Greenway

The County has completed the required inventories and prepared and adopted a Greenway Overlay Zone. The Greenway is addressed by plan policy and on the plan map as one type of area of "significant environmental concern."

The Greenway runs through both urban and natural resource areas of the County. The non-urban portion of the Greenway lies outside the Metro boundary (along Sauvie Island) and Metro therefore makes no recommendation on compliance for that area.

In the urban area inside the Metro Boundary, the County has not formally adopted the urban Greenway boundary for zoning purposes, nor does this boundary show on the Plan map. The Greenway must be protected by the Greenway zone for the County to comply with this goal. In addition, the goal requires that the boundary be shown on comprehensive plan maps as well.

**CONCLUSION:** Plan policy and zoning provisions comply with goal requirements and adoption of the proposed urban Greenway boundary on plan and zoning maps will be adequate to achieve compliance.

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