

1 BEFORE THE COUNCIL OF THE
2 METROPOLITAN SERVICE DISTRICT

3 FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 81-269
4 CLACKAMAS COUNTY'S REQUEST FOR AN) Introduced by the Regional
5 AMENDMENT OF THE URBAN GROWTH) Development Committee
6 BOUNDARY FOR WALDO ESTATES)
7 CONTINGENT UPON RE-SUBMISSION)
8 AS A TRADE)

9 WHEREAS, Clackamas County has requested an Urban Growth
10 Boundary (UGB) amendment to allow the owner of the property known as
11 Waldo Estates to develop a large-scale mobile home subdivision with
12 amenities and support services for senior citizens 50 years of age
13 or older; and

14 WHEREAS, The development proposed would meet an identified
15 demand for housing for senior citizens in a community of their
16 peers, with the amenities and support services desired by many
17 seniors; and

18 WHEREAS, Metro supports the development as proposed but
19 finds it is not compelled to conclude that all applicable standards
20 which must be met for a major amendment of the UGB have been met; and

21 WHEREAS, It appears that an amendment of the UGB could and
22 should be approved to allow the proposed use if requested in
23 conjunction with a request for a trade which is consistent with the
24 standards and procedures for trades in Ordinance No. 81-105; and

25 WHEREAS, Approval of an amendment of the UGB for the
26 subject site cannot become effective in any case until the property
27 has been annexed to Metro; now, therefore,


28 /////

(41)

1 BE IT RESOLVED,

- 2 1. That the Council declares its intent to amend the UGB
3 to include the property known as Waldo Estates in
4 order to allow development of large-scale mobile home
5 subdivision with a full range of amenities and
6 support services for senior citizens 50 years of age
7 and older.
- 8 2. That the Council intends such amendment to occur
9 following annexation of the subject property to Metro
10 and in conjunction with Council approval of the
11 removal of a comparable amount of land from elsewhere
12 within the UGB at a location to be requested by the
13 applicant consistent with the standards and
14 procedures for trades in Ordinance No. 81-105.
- 15 3. That this Resolution shall be effective for twelve
16 (12) months following the date on which it is adopted.

17 ADOPTED by the Council of the Metropolitan Service District
18 this 6th day of August, 1981.

19 
20 Presiding Officer

21 EB/JH/srb
22 3760B/252
23 07/17/81

1 REGIONAL DEVELOPMENT COMMITTEE PROPOSED

2 FINDINGS FOR CLACKAMAS COUNTY'S

3 REQUEST FOR UGB AMENDMENT

4 July 20, 1981

5 SUMMARY AND CONCLUSIONS

6
7 The Council recognizes that mobile home subdivisions provide an
8 attractive lower cost housing alternative to both traditional
9 subdivisions and mobile home parks. The Council also recognizes
10 that a mobile home subdivision of 800 to 1,000 units with the array
11 of amenities and support services proposed for the subject property
12 would provide a unique and desired living environment for the
13 region's senior citizens. Accordingly, the Council resolves to
14 approve an Urban Growth Boundary (UGB) to accommodate the proposed
15 development.

16
17 However, the Council does not find that the evident demand for--and
18 desirability of--a project of this type constitutes a special public
19 need sufficient to meet State Goal requirements and Metro's own
20 commitment to effective and responsible urban growth management, nor
21 is the Council compelled to conclude that a development of the type
22 proposed could not be constructed within the existing UGB. In
23 particular, the Council finds that the costs of the project are such
24 that it will not be affordable for low and moderate income senior
25 citizens and that approval of the requested amendment on the basis
26 of a special need for affordable housing has not, therefore, been

1 justified. Accordingly, the Council finds it can approve a UGB
2 amendment to accommodate the proposed project only if and when it is
3 proposed as part of a trade consistent with Metro Ordinance
4 No. 81-105, Establishing Procedures for Locational Adjustments.

5
6
7 FINDINGS

8
9 The following findings are based on the standards for Urban Growth
10 Boundary (UGB) amendment endorsed by the Regional Development
11 Committee on May 27, 1981. At that time, the Committee found these
12 standards an adequate and appropriate application of all applicable
13 State Goals, in particular, LCDC Goals Nos. 2, 3 and 14.

14
15 Standard A.1 and 2(A): Findings that there is insufficient land
16 inside the UGB to meet projected needs for housing, employment
17 opportunities and semi-public land requirement...

18
19 1. The UGB Findings adopted in November, 1979, found the UGB
20 adequate to meet anticipated growth needs through the year 2000.

21
22 2. These Findings estimated that 26,068 acres of land for
23 residential use are needed in the region for housing needs
24 through the year 2000. Over 41,000 acres of vacant,
25 residentially zoned, land in tracks 10 acres or larger are now
26 included within the UGB--some 14,000 acres more than are likely

1 to be needed.

2
3 3. When acknowledging Metro's UGB as adopted, LCDC found that
4 Metro had, in fact, included more land within the UGB than was
5 justified to meet regional growth needs and found that this
6 "surplus" land was justified instead on the basis of locational
7 factors that committed the the land to urban development.

8
9 4. Notwithstanding the Findings of Metro and LCDC that the UGB
10 contained at least enough land to accommodate urban development
11 through the year 2000, both Metro and LCDC committed to allow
12 Clackamas County to seek a UGB amendment from Metro to equalize
13 the disproportionate distribution of urban land among the three
14 counties and to ensure that Clackamas County had enough urban
15 land to meet its own projected growth needs through the year
16 2000.

17
18 5. As a result, in April, 1980, Metro added almost 1,000 acres to
19 the UGB in response to the County's request. Metro found this
20 addition adequate to meet the County's projected growth needs
21 through the year 2000.

22
23 6. The record includes an analysis of County growth needs by the
24 Home Builders Association of Metropolitan Portland that was
25 considered and rejected by Metro and by Clackamas County at the
26 time the UGB was amended. No additional factual evidence has

1 been submitted to question any of the assumptions and
2 calculations in Metro's UGB Findings and findings and support
3 of Clackamas County's amendment to the UGB relating to
4 population projection, household size, housing vacancy rates,
5 housing mix, housing density, the amount of existing vacant
6 land and size of boundary, in-fill and redevelopment potential
7 and a determination of anticipated growth in rural population
8 to or to otherwise substantiate a finding that there is
9 insufficient land to meet general urban needs within the UGB.

10
11 7. Metro finds, therefore, that there is no general need for more
12 urban land in the region as a whole or in Clackamas County and
13 that Standard A.1 and 2(a) has not been met.

14
15 A.1 and 2(b): Findings that the particular use proposed is needed...

16
17 8. The applicant has argued that the development proposed would
18 provide 10 percent low cost and 90 percent moderate cost
19 housing for senior citizens 50 and older in a mobile home
20 subdivision of 800 to 1,000 units with certain specified
21 support services and amenities.

22
23 9. "Low income" is defined in the applicant's record as 50 percent
24 of median income; "moderate income" as 80 percent of median.

25
26 10. In 1978, median income in the Standard Metropolitan Statistical

1 Area was \$16,900.00; moderate income for a one-person household
2 was defined as \$9,450.00; for a two-person household as
3 \$10,800.00.
4

5 11. The applicant assumes a 2.5 income to value ratio. Using this
6 ratio, a moderate income, two-person household could afford a
7 housing unit costing \$26,000.00.
8

9 12. In 1978, the average cost of a mobile home, including land
10 costs, was \$39,300.00.^a
11

12 13. The average mobile home, therefore, does not meet the needs for
13 moderate income housing as defined by the applicant and would
14 have been affordable only to households with a higher than
15 median income.
16

17 14. There may, nonetheless, be a public policy objective in
18 providing housing outside the moderate income range in order to
19 make home ownership possible for those who have a higher than
20 median income or who choose to spend more than 25 percent of
21 their income on housing but who would otherwise not be able to
22 have this option.
23

24 15. Although detailed housing statistics countywide are not
25 available in the record, a 1978 outreach survey for the city of
26 Milwaukie provides some general indication of the housing needs

1 of the elderly population in Clackamas County. 87 percent of
2 those interviewed for this survey owned or were buying their
3 own homes.

4
5 16. Seventy percent of the elderly surveyed paid no rent or
6 mortgage payment at all, a figure that presumably reflects
7 mostly those who have retired the mortgages on their property.
8 96 percent paid \$250.00 a month or less for rent or mortgage
9 payment.

10
11 17. Average monthly cost for the proposed project would be at least
12 \$600.00 a month.^b In other words, the housing in a proposed
13 project would cost more than twice as much as 96 percent of the
14 elderly community were paying for housing in 1978. A household
15 paying 25 percent of its income for rent would require an
16 income of \$29,000 to afford \$600 a month.

17
18 18. The ammenities proposed for the project would add about \$2,000
19 to the housing costs of the project.^c

20
21 19. 62 percent of the elderly surveyed by the city of Milwaukie
22 said they did not plan on moving; only five percent expressed
23 an interest in moving to a retirement community or a facility,
24 the remaining 33 percent planned on moving to another house,
25 moving to an apartment, moving in with family or relatives or
26 had no definite plans.

1 20. Many seniors may, nonetheless, desire to live in a community of
2 the type proposed. Indeed, there was compelling public
3 testimony to this effect.
4

5 21. Metro is eager to accommodate these desires in order to provide
6 everyone with an opportunity to live in the housing environment
7 they would prefer, and for this reason Metro is committed to
8 approve a UGB amendment to accommodate the project if it can be
9 done without a net cost to the region's public policy
10 objectives.
11

12 22. In considering whether to approve a UGB amendment based on
13 findings that the proposed use is a needed one, the Committee's
14 standards provide that the Council should take into
15 consideration LCDC's findings acknowledging the existing UGB,
16 including its findings that "Metro has drawn a boundary with
17 28,000 acres of surplus land with the understanding that this
18 boundary would not be substantially enlarged for 20 years." In
19 other words, the need for the proposed amendment must be so
20 compelling as to justify adding more land to an UGB already
21 found to be more than adequate to meet projected needs for the
22 next 20 years.
23

24 23. Metro does not find that the desires of many elderly to live in
25 a project of this type constitutes a special need which alone
26 compels the UGB amendment. The proposed project would not meet

1 the clear and compelling need for low and moderate income
2 housing for elderly, and so does not serve a public policy
3 objective strong enough to outweigh the costs to the public
4 policy objectives served by maintaining a fixed or constrained
5 supply of urban land, in particular, the objectives of
6 discouraging speculation on and conversion of more resource
7 lands and of promoting more compact development that increases
8 service, land-use and energy efficiencies.

9
10 24. Metro finds, therefore, that the proposed project does not
11 serve public policy objectives to provide low and moderate cost
12 housing for seniors and that the housing demands and
13 preferences served by the proposed project do not constitute a
14 need adequate to justify amendments under these standards.

15
16 25. Metro does, nonetheless, find the project to be one of merit
17 which will provide a desirable housing alternative which may
18 not otherwise be available to seniors in the County and the
19 region. Accordingly, Metro finds the project of sufficient
20 importance to commit to amend the UGB to accommodate it if and
21 when such an amendment can be made in conjunction with a trade
22 removing a comparable amount of land elsewhere in the UGB,
23 pursuant to the standards and procedures adopted in Metro
24 Ordinance No. 81-105.

25
26 /////

1 A.3: Orderly and economic provision for public facilities and
2 services.

3

4 26. The Council has reviewed the applicant's proposed findings
5 addressing this standard (3.A through I pages 19 to 23) and
6 concurs with the findings of fact contained therein, with the
7 exception that the sentence under schools beginning "as the
8 proposed project will not have any residents under 18,..."
9 should be modified to read "will have few residents under
10 18,..." as some households with heads 50 and over may have
11 school-aged children.

12

13 27. Accordingly, the Council finds that the area added is capable
14 of being provided with water, sewerage, storm drainage, traffic
15 circulation, fire protection, and schools, in an orderly and
16 economical fashion and that those public facilities and
17 services can be made available at that location; and that the
18 traffic circulation and other public facility systems of nearby
19 jurisdictions within the UGB can accommodate the proposed
20 expansion.

21

22 28. Since, however, these findings are based upon the provision of
23 services to be provided by the Oregon City Bypass and the
24 Tri-Cities sewerage treatment plant, future approval of a UGB
25 amendment to accomodate the proposed project should include
26 requirements that the land be annexed to Tri-Cities and that,

(50)

1 until the Bypass is completed, the project should be phased in
2 such a way that no more than 200 units are available for
3 occupancy each year.

4
5 29. Tri-Met has testified that transit service cannot be
6 efficiently provided to the site. The applicants propose to
7 provide transit by means of a shuttle service. This approach
8 and/or an agreement to subsidize a portion of Tri-Met service
9 to the site, would be adequate to provide adequate transit
10 service if there is a written agreement with Tri-Met relative
11 to the service to be provided signed prior to Metro adoption of
12 an ordinance approving the amendment as part of a trade.

13
14 B.4: Maximum efficiency of land use within and on the fringe of the
15 existing area.

16
17 30. The Council has reviewed and concurs with this following
18 findings of the applicant addressing this standard:

- 19
20 - "There are 160 buildable acres on the project site.
21 Assuming 20 percent of the growth's buildable acres are
22 used for streets, easements, etc., that leaves 128 net
23 buildable acres. Thus the density of development of the
24 site under the proposed project is between 6.25 to 7.8
25 units per net buildable acre (for 800 and 1,000 unit
26 developments, respectively). This exceeds the base

1 density Clackamas County has planned for its low density
2 designated areas (4.87 units/acres) by 28 to 60 percent.
3 It is also very close to Metro's overall standard for
4 Clackamas County of 8 units per acres."
5

6 - "The efficiency of land use is supported by the proximity
7 of the development to commercial activity and the
8 Community College. The design of the project also
9 contributes to its efficient use of land by including many
10 leisure activities and other services on site."
11

12 - "North of the site...parcelization and development of
13 usable land fronting on Holly Lane has isolated the bulk
14 of this land from the Holly Lane/Maple Lane area. Natural
15 features effectively preclude any intensive use of this
16 area. The steep topography north of the site effectively
17 isolates it from the Redland Road area. Similarly, a
18 ravine between the site and the aforementioned rural
19 residential area on Holly Lane separates the area from the
20 site. East of the site, the substation and power line act
21 as a physical barrier for areas further east. Therefore,
22 the only adjacent area not physically separated from the
23 site is the existing rural residential area fronting on
24 Maple Lane to the south."
25

26 31. Accordingly, the Council finds that the land to be included can

1 be efficiently developed for urban use, at an appropriate urban
2 intensity, and that urbanization of the area is compatible with
3 orderly and efficient use of adjacent urban lands and lands on
4 the urban fringe.

5
6 A.5: Environmental, energy, economic and social consequences.

7
8 32. The Council has reviewed and concurs with the applicant's
9 findings on environmental consequences (5.A, page 27).

10
11 33. The Council finds no significant positive or negative energy
12 consequences of the proposal.

13
14 34. The property is committed to non-farm use (see Finding #38) and
15 the applicant has submitted the report of a timber appraiser
16 finding that the property is not well suited for timber
17 management (Applicant's Record, pp. 226-228).

18
19 35. Testimony from the local chapter of the AFL-CIO suggests that
20 there are positive economic consequences of approving the
21 amendment, as it would provide substantial construction
22 activity during a period when activity in the housing market
23 has been sluggish.

24
25 36. The project would have the positive social consequences of
26 allowing seniors an opportunity to live in the type of

1 integrated retirement community many seniors desire.

2
3 37. Metro finds, therefore, that there are no significant negative
4 environmental, energy, economic, or social consequences and
5 that the project would have positive economic and social
6 consequences.

7
8 A.6: Retention of agricultural land.

9
10 38. The Council has reviewed the applicant's finding on this
11 standard (pages 28 to 30) and the report by the agricultural
12 consultant on which these findings are based (applicant's
13 record, pages 200 to 225) and concurs with the applicant
14 finding that the site is irrevocably committed to non-farm use.

15
16 A.7: Compatibility of the proposed urban uses with nearby
17 agricultural activity.

18
19 39. There are no existing nearby agricultural activities.

20
21 A.8: No suitable alternative exists within the UGB where use with
22 the characteristics identified as needed can be provided...

23
24 40. There are ample opportunities within the UGB, including within
25 the cities and unincorporated areas of Clackamas County, for
26 the construction of affordable small-scale mobile home

1 subdivision with limited on-site amenities.

2
3 41. Mobile homes cannot compete with other residential uses in
4 zones where other uses are allowed more units per acre than
5 mobile homes. In zones where mobile homes are allowed the same
6 number of units per acre as other residential uses, there is no
7 evidence in the record that mobile homes cannot compete with
8 other residential uses. In Clackamas County, mobile home
9 subdivisions are allowed the same number of units per acre as
10 other residential uses allowed in the same zone.

11
12 42. There are alternatives available to local jurisdictions to
13 ensure that the need for a mobile home subdivisions is met
14 within the UGB, e.g., to provide a density bonus for mobile
15 home subdivision suspensions to overcome any economic
16 disadvantage relative to stick built homes.

17
18 43. At a minimum, the following alternatives appear both suitable
19 and available for a project of the type proposed:

20
21 CLACKAMAS COUNTY

22 Site A: Although this site is noted as "not available" by
23 the applicant, no owner contact is listed. There are no
24 findings by the applicant "demonstrating why level of
25 parcelization makes land assembly unfeasible," as required
26 by Committee standard A.8.(d).

1 MULTNOMAH COUNTY

2 Site MC.1: In the applicant's record, page 109, this site
3 is identified as the County Farm, in Troutdale. It is
4 rejected by the applicant "because of potential for
5 intensive use and unknown intent for the site by the
6 County." Public sewer and water are available, it is
7 located proximate to adequate support activities and has
8 no major topographic constraints. Although Committee
9 standards A.8.(c) provides that a site may be rejected if
10 "valued for a substantially more intensive use," the
11 applicant's data do not demonstrate this to be the case.

12
13 WASHINGTON COUNTY

14 Site C: Rejected by applicant because "annexation
15 required but not feasible in near future; owned by
16 prospective developer." Where annexation is required
17 because of a City/County agreement not to extend sewers
18 without annexation, there should be findings to show why
19 this agreement could not be amended, as it has been for
20 the subject site, in order to meet standard A.8.(b). The
21 fact the current owner would like to develop the property
22 himself does not make the site either unsuitable or
23 unavailable for the proposed use.

24
25 Site M: Rejected by the applicant on the grounds that
26 "annexation is required for development, which is not

1 feasible in foreseeable future" and that it is "partially
2 zoned industrial." See findings on Site C, above,
3 regarding annexation requirements. See comments on MC-1
4 regarding zoning.

5
6 Site N and O: There are no findings as to why the fact
7 that these sites are planned and zoned for industrial use
8 make them unsuitable.

9
10 Site P: When comparing a site within the UGB that is
11 "difficult to sewer" with one now outside the UGB that
12 requires a major sewer extension, there should, at a
13 minimum, be findings showing that extending sewers to the
14 subject site would nonetheless promote more efficient sewer
15 provisions than development of the alternative site.
16 There are no facts or reasons in the record adequate to
17 support such a finding.

18
19 44. The Council finds, therefore, the evidence that suitable
20 locations within UGB are not available where the proposed use
21 could be accommodated is not compelling. Including additional
22 land within the UGB when alternatives for the proposed use are
23 available creates an unneeded surplus of urban land
24 inconsistent with State Goal requirements, LCDC's
25 acknowledgment order, and with Metro's commitment to
26 accommodate the region's growth in an orderly, efficient and

1 economic manner.

2
3 45. If a comparable amount of land were removed from the UGB, no
4 such surplus would be created and an UGB amendment could be
5 approved without further consideration of alternative sites
6 within the UGB.

7
8 A.9: The proposed location is the most suitable alternative outside
9 the UGB to accommodate the needed use...

10
11 46. Since the need for a UGB amendment to accommodate the proposed
12 use has not been substantiated under standards A.1 and 2 and
13 A.8 alternative locations for a UGB amendment need not and have
14 not been evaluated.

15
16 E. Based upon consideration of the above factors, any major
17 amendments of the UGB shall be supported by findings that
18 demonstrate with compelling reasons and facts: (1) why the proposed
19 use should be provided for; (2) what alternative locations within
20 the region could be used for the proposed land use..

21
22 47. Although the project would be a desirable addition to the
23 region's range of housing choices, the Council is not compelled
24 to conclude that a mobile home subdivision of the scale
25 proposed with all the amenities proposed must be provided for.

26 Nor is the Council compelled to conclude that there are no

1 suitable alternatives within the UGB that could accommodate the
2 use as proposed.

3
4 C. Before approving any UGB amendment, the Council shall consider
5 and accommodate as much as possible relevant comprehensive plan
6 provisions and applicable intergovernmental agreements...

7
8 48. Both Clackamas County and Oregon City have supported the
9 proposed project and the UGB amendment necessary to accommodate
10 it.

11
12 49. An amendment to accommodate the proposed use would be
13 consistent with relevant comprehensive plan provisions and
14 applicable intergovernmental agreements as discussed in the
15 Applicant's Findings on this standard (p. 36).

16
17 CONCLUSION AND RECOMMENDATION

18
19 The requested UGB amendment at issue in this case is one that would
20 permit a desirable development with obvious merit. The Committee
21 approves of developments such as the one proposed. However, the
22 Committee concludes that under the applicable standards for
23 approving an amendment to an acknowledged UGB, the requested
24 amendment could only be approved as a trade under the standards and
25 procedures adopted in Metro Ordinance No. 81-105.

1 FOOTNOTES

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a. -An average mobile home in 1978 cost: \$22,000
-Delivery and set up charges equal
approximately 15 percent of sale price, or: 3,300
-An average improved lot in 1979 was \$21,000,
up 400 percent from 1973. Assuming an
average increase of 67 percent a year, a
lot in 1978 would cost: 14,000
Total Cost: \$39,300

b. The Applicant estimates that an installed double wide mobile
home unit would cost \$25,900 and that each lot in the proposed
project would cost approximately \$21,000, totaling
approximately \$47,000. In a letter to Mark Greenfield from
Jonathan Moore, monthly payments for a 90 percent or \$45,000
sale at 13 percent would be \$526. A \$47,000 sales price would
add approximately \$25 a month to monthly payments. As an
estimate of monthly costs, this figure is likely to be an
underestimate since: (1) mobile home costs cited are not
current 1981 figures and so do not reflect inflation; (2) lot
costs cited do not appear to include developer profit; and (3)
13 percent loans may not be available in the near future. The
Applicant estimates monthly homeowner association fees at \$15 a
month, although 1000 Friends has submitted evidence that
average fees in Eugene run \$70 a month.

(60)

| | | | |
|---|----|--------------------------------------|----------------|
| 1 | c. | -Applicant estimates the golf course | \$ 450,000 |
| 2 | | -The recreation center | 1,100,000 |
| 3 | | -The community center | <u>600,000</u> |
| 4 | | | \$2,150,000 |
| 5 | | -Divided among 800 to 1,000 units | |

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8 JH/gl
9 3729B/255

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