

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE )  
URBAN GROWTH BOUNDARY TO ADD LAND ) ORDINANCE NO. 02-990A  
IN STUDY AREAS 47 AND 48, TIGARD SAND )  
AND GRAVEL SITE )  
)  
) Introduced by Councilor Hosticka  
)

WHEREAS, state law requires the Metro Council to assess the capacity of the urban growth boundary every five years, and, if necessary increase the region’s capacity to accommodate a 20-year supply of buildable land for housing; and

WHEREAS, the Council and the Land Conservation and Development Commission agreed that the Council would undertake the assessment and any necessary action to increase the capacity of the UGB as part of the state’s periodic review process; and

WHEREAS, Task 2 of the periodic review work program calls for completion of the same assessment of capacity and increase in capacity, if necessary, by December 20, 2002; and

WHEREAS, the Council determined a need for land to accommodate a forecast employment increase of 355,000 jobs for the three-county metropolitan area by the year 2022; and

WHEREAS, policy measures to protect industrial areas within the UGB as it existed prior to Ordinance No. 02-969A from non-industrial uses increase the capacity of the pre-existing UGB, but still leave a shortfall; and

WHEREAS, expansion of the UGB by Ordinances No. 02-969A and 02-983B added 2,400 acres of industrial land, leaving unmet the need for approximately 2,000 acres for industrial employment; and

WHEREAS, the Council consulted its Metropolitan Policy Advisory Committee and the 24 cities and three counties of the metropolitan region and considered their comments prior to making this decision; and

WHEREAS, Metro published, on August 25, 2002, notice of public hearings before the Council on the proposed decision in compliance with Metro Code 3.01.050; and

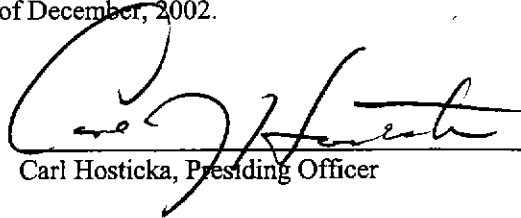
WHEREAS, Metro’s Community Planning Committee and the Metro Council held public hearings on the proposed decision on October 1, 3, 10, 15, 22, 24 and 29, November 21, and December 5, 2002, and considered testimony prior to making this decision; now, therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

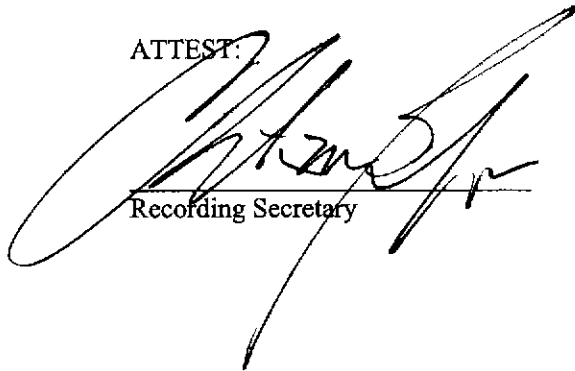
- 1. The Metro UGB is hereby amended to include the Tigard Sand and Gravel site, more precisely identified and mapped on Exhibit A, attached and incorporated into this ordinance in order to help meet the need for industrial land in large parcels.

2. Inclusion of the Tigard Sand and Gravel site within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance, in order to protect the site for large-parcel industrial use.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that addition of the Tigard Sand and Gravel site complies with state planning laws, the Regional Framework Plan and the Metro Code.

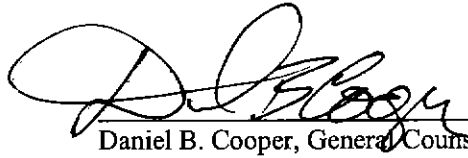
ADOPTED by the Metro Council this 12<sup>th</sup> day of December, 2002.

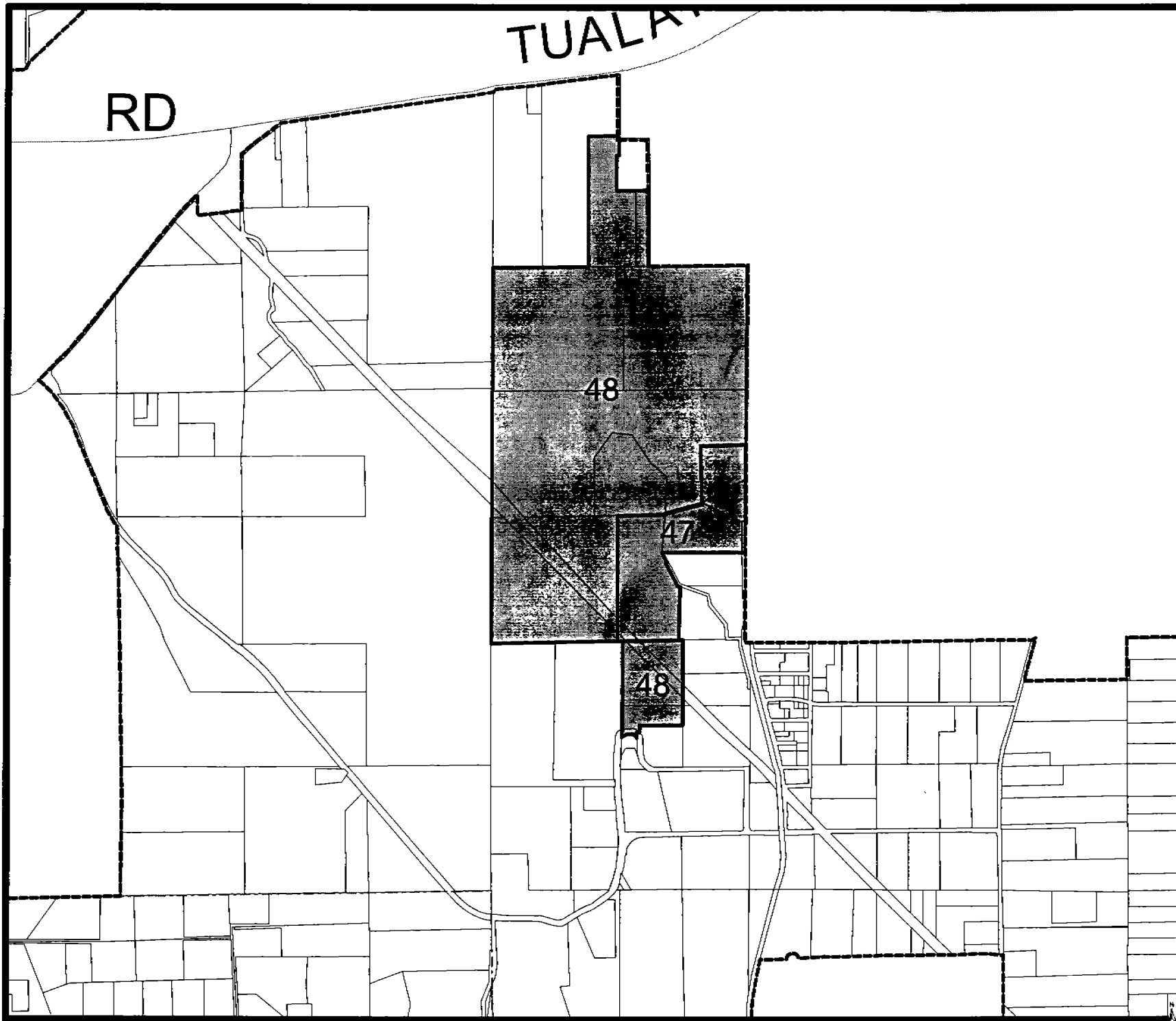
  
Carl Hosticka, Presiding Officer

ATTEST:

  
Recording Secretary

Approved as to Form:

  
Daniel B. Cooper, General Counsel



UGB Expansion Areas

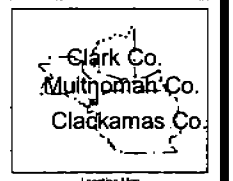
Ordinance 02-990A

Exhibit A

Areas 47,48

Urban Growth Boundary

Map Date: 12/13/02  
 Map Scale: 1" = 1000'  
 Map Projection: UTM  
 Map Units: Feet  
 Map Contour Interval: 100'  
 Map Contour Elevation: 100'  
 Map Contour Interval: 100'  
 Map Contour Elevation: 100'  
 Map Contour Interval: 100'  
 Map Contour Elevation: 100'



Location Map



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**Exhibit B to Ordinance No. 02-990A**  
**Conditions on Addition of the Tigard Sand & Gravel Site to UGB**

1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (“UGMFP”), section 3.07.1120, for the Tigard Sand and Gravel site (“the site”) within four years following the effective date of this ordinance.
2. Washington County or, upon annexation of the area to the City of Tualatin, the city shall apply interim protection standards to the site as provided in Metro Code Title 11, UGMFP, section 3.07.1110.
3. The site, as described in this ordinance, shall be designated Regionally Significant Industrial Area on the 2040 Growth Concept Map and shall be subject to Title 4 of the UGMFP of the Metro Code.
4. Washington County or, upon annexation of the area to the City of Tualatin, the city shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between industrial uses on the site and agricultural practices on land zoned for farm use to the west and north of the site.
5. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Washington County or, upon annexation of the area to the City of Tualatin, the city shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission (“LCDC”) to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within two years following the effective date of this ordinance, the county or the city shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county’s Goal 5 process.
6. Neither the county nor the City of Tualatin shall allow the division of a lot or parcel in the site to create a smaller lot or parcel except as part of the plan required in Condition 7 to reconfigure all of the lots and parcels that comprise the site.
7. Washington County or, upon annexation of the area to the City of Tualatin, the city shall, as part of Title 11 planning for the site in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan that results in (1) at least one parcel that is 100 acres or larger, and (2) at least one parcels 50 acres or larger. The remainder of the site shall be configured pursuant to section 3.07.420 of Title 4 of the UGMFP, providing for protection of the portion of the site subject to Title 3 of the Metro Code.
8. Neither the county nor the city shall allow new commercial retail uses on the site. The county or the city may allow commercial office uses accessory to and in the same building with industrial uses.

**Exhibit C to Ordinance No. 02-990A**  
**Findings of Fact, Conclusions of Law**

**I. Need for Land**

These findings address ORS 197.298(3)(a); ORS 197.732(1)(c)(A); Goal 2, Exceptions, Criterion (c)(1); Oregon Administrative Rules 660-004-0010(1)(c)(B)(i) and 660-004-0020(2)(a); Goal 9 (local plan policies); Goal 10; Goal 14, Factors 1 and 2; Metro Regional Framework Plan (RFP) Policies 1.2 and 1.4 and; and Metro Code 3.01.020(b)(1) and (2).

Need for Industrial Land

In Ordinance No. 02-969A, adopted with this Ordinance 02-990 as part of Task 2 of periodic review, the Metro Council concluded that the urban growth boundary (UGB) as it existed prior to adoption of Ordinance 02-969A did not have capacity to accommodate employment growth to the year 2022 (Urban Growth Report-Employment, Appendix A, Item 4 (UGR-E)). That ordinance added approximately 2,400 acres for employment after finding a shortfall of 4,425 acres. Adoption of Ordinance No. 02-969B, then, left a shortfall of approximately 2,000 industrial land. The Council relies upon the record and the findings that support Ordinance No. 02-969A for its conclusion here that a shortfall in land needed for industrial use through the year 2022 remains following expansion of the UGB by that ordinance.

The UGR-E identified a net need for nine parcels 50 to 100 acres and four parcels 100 acres or larger for industrial use. Given conditions in Exhibit M to protect large parcels, land added to the UGB for industrial use by Ordinance No. 02-969A has the potential to yield three sites 50 acres or larger, leaving a shortfall of ten large sites. The Council relies upon the record and the findings that support Ordinance No. 02-969A for its conclusion here that a shortfall in large parcels needed for industrial use through the year 2022 remains following expansion of the UGB by that ordinance.

**II. Alternative Sites**

These findings address ORS 197.298(1); ORS 197.732(c)(B), (C) and (D) and Goal 2, Exceptions; OAR 660-004-0010(1) and 660-004-0020(2); Goal 14, Factors 3-7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d).

Within the UGB

Metro took measures to increase the efficiency of land use within the UGB designated for employment. The Council amended the Regional Framework Plan (Ordinance No. 02-969B, Exhibit D, Policies 1.4.1 and 1.4.2) and Title 4 (Exhibit F) to improve the protection of the existing industrial land base. The Council created a new 2040 Growth Concept design type – “Regionally Significant Industrial Land” (RSIA) – and developed new limitations on commercial office and commercial retail uses in RSIA’s. Title 4 limits non-employment uses in areas designated for employment use. Title 4 also limits commercial retail uses in areas designated for industrial employment.

These new measures will reduce by some 1,400 acres the shortfall in industrial land by reducing encroachment by commercial uses. But the measures do not create new large parcels for industrial use. The UGR-E concludes that the region’s inventory of large parcels for industrial use includes only three sites within the UGB, each being held (“land-banked”) by an industrial owner for its own expansion or for lease. These sites cannot meet the need identified in the UGR-E for large parcels to the year 2022.

The Council concludes that the need described above cannot reasonably be accommodated within the UGB.

#### On Higher Priority Land Outside the UGB

Metro has not designated any land outside the UGB as “urban reserve” since its 1997 designation was invalidated on appeal. There are exception areas that border the UGB. Metro studied over 60,000 acres of exception land and resource land interspersed among the exception areas – Metro studied 80,000 acres in all – as part of Task 2 of periodic review. Ordinances No. 02-969A and 02-983B bring approximately 2,400 acres of industrial land into the UGB. Measures in place to protect the existing large parcels among those 2,400 acres (Ordinance No. 02-969A Exhibit F, Title 4, section 3.07.1220 and Exhibit L, Title 11, section 3.07.1110), and consolidation requirements in both ordinances that apply to some of the land added to the UGB for industrial use (Ordinance No. 02-969A Exhibit M; Ordinance No. 02-983B Exhibit), will yield six parcels larger than 50 acres. These ordinances leave a shortfall of at least four large parcels.

Nearly all the exception land studied, but not included in the UGB in Task 2, is divided into small parcels and settled with residences. It is not possible or practicable to consolidate the small, vacant parcels scattered among the developed parcels to create large parcels for industrial use. There are six parcels among these approximately 40,000 acres of exception lands that are larger than 50 acres (in Study Areas 27, 29, 30, 35 and 43). These parcels have characteristics that make it impossible for them to accommodate industrial use. Several are unbuildable due to steep slopes, streams and riparian areas. Other are remote from the UGB and from urban services. In sum, the exceptions areas studied by Metro cannot accommodate the remaining need for large parcels for industrial use.

The majority of the included portions of Study Areas 47 and 48, on the other hand, belongs to a single owner, making consolidation of existing parcels into as many as four parcels larger than 50 acres practicable.

The included portions contain exception land and land designated for agriculture. As shown on maps and more fully described in materials submitted by the City of Tualatin, however, most of the portions designated for agriculture have been part of the Tigard Sand & Gravel aggregate extraction operation for many years. The topsoil has been removed from most of the site during these years of aggregate extraction. Of the nearly 20,000 acres of resource land studied as part of Task 2 of periodic review, this tract, given removal of topsoil, has the lowest capability for agriculture or forestry. The included portions of these two study areas are the highest priority land after exception land that can accommodate the need to large parcels for industrial land.

Hence, the site offers the region its best opportunity on the poorest designated farmland studied to yield large parcels for industrial use.

#### Orderly and Economic Services

The City of Tualatin can extend urban services to the Tigard Sand and Gravel site in an orderly and economic manner, as explained in detail in the Alternatives Analysis and the materials submitted by the city and the Tonquin Industrial Group.

### Maximum Efficiency of Land Uses Requires Inclusion of this Site

According to Metro's Alternatives Analysis, it would be "easy" to "moderately difficult" to provide services to all of Study Areas 47 and 48. The included portions of these two areas will, in fact, be easier to serve because they are the closest portions to the existing UGB.

The City of Tualatin and the Tonquin Industrial Group submitted more detailed analysis than contained in the Alternatives Analysis, with the locations of existing sewer, water, storm-water and transportation facilities. These maps and analyses show that sewer, water, storm-water and transportation facilities are all readily available to this site. But in order to serve exception land to the south – portions of Study Areas 47 and 49 brought into the UGB in Ordinance No. 02-969A for industrial use – these services must pass through this site. Services cannot come from the west without passing through farmland in farm use. Services cannot come from the exception areas to the south because there is no service provider on these lands. Services cannot come from the east because Kolk Pond, numerous wetlands and the tracks of the Portland and Western Railroad lie between Tualatin and these study areas. From this the Council concludes that it must include the Tigard Sand and Gravel site in the UGB in order to provide urban services to the exception land to the south, included for industrial use in the UGB by Ordinance No. 02-969A, and to urbanize this exception land (portions of Study Areas 47 and 49) efficiently.

### Consequences

The Council agrees with and incorporates the analysis and findings submitted by the City of Tualatin and the Tonquin Industrial Group on environmental, economic, energy and social consequences of urbanization of the site. Given the mining activity on the site, these consequences will be positive and less adverse than those that would result from inclusion of other resource land for industrial use.

### Retention

Although the site includes land designated for agriculture, none of the site is farmed. The site is held for aggregate extraction and has been mined for many years. Addition of this site to the UGB meets a need for large-parcel industrial use that would otherwise have to be met on land in farm production.

### Compatibility

Conversion this site from aggregate extraction to industrial use is not likely to increase conflict with agricultural practices on farmland to the north or west. Industrial use is generally more compatible with agriculture than residential or commercial use. Condition 4 of Exhibit B requires Washington County or the City of Tualatin to take measures to reduce conflict between industrial use and agricultural activities.

### Water Quality and Natural Resources

The Tigard Sand and Gravel site is a protected site on the Washington County inventory of Goal 5 resources. Under Metro's Title 11, current county land use regulations will remain in place until the county or the City of Tualatin adopts new plan provisions and land use regulations to allow urbanization of the area, at which time the city or county will apply Goal 5 to the site. The local government will determine whether to limit urbanization near the site, or to re-evaluate earlier decision to protect the site. There are no other inventoried and protected Goal 5 resources on the Tigard Sand and Gravel site.

Title 3 of the Urban Growth Management Functional Plan will apply to protect the wetlands and any riparian area on the site (Exhibit B, Conditions). Title 11 of the UGMFP, section 3.07.1120G, requires the city and county to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of planning for the area.

#### Areas Subject to Natural Disasters and Hazards

Conditions 1 and 2 in Exhibit B of this ordinance require the City of Tualatin or Washington County to complete the planning requirements of Title 11, Urban Growth Management Functional Plan (UGMFP), including compliance with Title 3 of the UGMFP on floodplains and erosion control.

#### Economy of the Region

Inclusion of the Tigard Sand and Gravel site will help the region accommodate the forecast employment to the year 2022 and the need for large parcels for industrial use. Inclusion is consistent with the economic development elements of the Washington County and City of Tualatin comprehensive plans. Conditions 6, 7 and 8 of Exhibit B will help ensure that the economic objectives of inclusion of the site will be achieved.

#### Public Utilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits the City of Tualatin and Washington County from upzoning and from dividing land into smaller lots or parcels until the city or county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the city or the county to develop a public facilities and services plan and an urban growth diagram with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the site.

#### Transportation

Metro has responsibility to ensure that this ordinance does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits the City of Tualatin and Washington County from upzoning and from dividing land into smaller lots or parcels until the city or county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the city or the county to develop a conceptual transportation plan and an urban growth diagram with the general locations of arterial, collector and essential local streets for the area.

#### Regional Framework Plan

Inclusion of the Tigard Sand and Gravel site helps implement the Regional Framework Plan by adding industrial land (and protecting it for that use) that will help meet the need for large parcels. This will retain and reinforce the region's compact form. Condition 5 in Exhibit B of this ordinance will keep the jobs/housing ratio from worsening in this part of the region. In Task 3 of periodic review, the Council will address the transition between industrial use in this part of the region and agriculture in the region as a whole.



Citizen Involvement

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969A. Hence, the Council incorporates into this ordinance the findings it made in that ordinance to show compliance with statewide planning Goal 1 and Regional Framework Plan Policy 1.13.

Coordination with Local Governments

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969A. Hence, the Council incorporates into this ordinance the findings it made in that ordinance to show compliance with statewide planning Goal 2 (Coordination). Metro worked on this ordinance with the City of Tualatin and Washington County and accommodated their interests as much as possible.

The Council adopts the findings and conclusions in companion Ordinance No. 02-969A, and relies upon the record of that ordinance, to support this Ordinance No. 02-990A.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE )  
URBAN GROWTH BOUNDARY TO ADD LAND ) ORDINANCE NO. 02-990A  
IN STUDY AREAS 47 AND 48, TIGARD SAND )  
AND GRAVEL SITE, THE SITE #48, TUALATIN )  
QUARRY AREA; AND DECLARING AN ) Introduced by Councilor Hosticka  
EMERGENCY )

WHEREAS, state law requires the Metro Council to assess the capacity of the urban growth boundary every five years, and, if necessary increase the region's capacity to accommodate a 20-year supply of buildable land for housing; and

WHEREAS, the Council and the Land Conservation and Development Commission agreed that the Council would undertake the assessment and any necessary action to increase the capacity of the UGB as part of the state's periodic review process; and

WHEREAS, Task 2 of the periodic review work program calls for completion of the same assessment of capacity and increase in capacity, if necessary, by December 20, 2002; and

WHEREAS, ~~after consideration of the Urban Growth Report and Housing Needs analysis the Council estimated~~ determined a need for approximately 37,000 dwelling units land to accommodate a forecast employment increase of 355,000 jobs for the three-county metropolitan area by the year 2022; and

WHEREAS, ~~Metro has conducted an analysis of lands considered for amendment into the UGB policy measures to protect industrial areas within the UGB as it existed prior to Ordinance No. 02-969A from non-industrial uses increase the capacity of the pre-existing UGB, but still leave a shortfall;~~ and

~~WHEREAS, this analysis included study of land in the Tualatin area of Washington County; and~~

WHEREAS, ~~Metro has conducted an analysis of lands for employment purposes, including site #48 in Washington County~~ expansion of the UGB by Ordinances No. 02-969A and 02-983B added 2,400 acres of industrial land, leaving unmet the need for approximately 2,000 acres for industrial employment; and

WHEREAS, ~~recommendations for lands for jobs and housing made by the Community Planning Committee on November, 19, 20 and 26 still leaves a shortfall in the forecasted need for industrial land~~ the Council consulted its Metropolitan Policy Advisory Committee and the 24 cities and three counties of the metropolitan region and considered their comments prior to making this decision; and

WHEREAS, Metro published, on August 25, 2002, notice of public hearings before the Council on the proposed decision in compliance with Metro Code 3.01.050; and

WHEREAS, Metro's Community Planning Committee and the Metro Council held public hearings on the proposed decision on October 1, 3, 10, 15, 22, 24 and 29, ~~and~~ November 21, and December 5, 2002, and considered testimony prior to making this decision; and now, therefore

WHEREAS, Metro has received correspondence from the Morse Brothers company on October 29, and November 12, 2002 asking that their land, generally in the southern portion of site #48 not be brought into the UGB; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. ~~The areas in Exhibit A, attached and incorporated into this ordinance, are necessary to amend into the urban growth boundary to meet the need for industrial land. These areas are furthermore determined to support the Tualatin Town Center. The Metro UGB is hereby amended to include the Tigard Sand and Gravel site, more precisely identified and mapped on Exhibit A, attached and incorporated into this ordinance in order to help meet the need for industrial land in large parcels.~~
2. ~~Conditions set forth in Exhibit B, attached and incorporated into this ordinance, must be met by the responsible jurisdictions prior to urbanization. Inclusion of the Tigard Sand and Gravel site within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance, in order to protect the site for large-parcel industrial use.~~
3. ~~The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that this action complies with state planning laws, the Regional Framework Plan and the Metro Code. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that addition of the Tigard Sand and Gravel site complies with state planning laws, the Regional Framework Plan and the Metro Code.~~
4. ~~This ordinance is necessary for the immediate preservation of public health, safety and welfare because state law requires Metro to ensure that the region's UGB has an immediate need for this action. An emergency is therefore declared to exist, and this ordinance shall take effect on \_\_\_\_\_, 2003, pursuant to Metro Charter section 39(1).~~

ADOPTED by the Metro Council this 12<sup>th</sup> day of December, 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

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

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

**Exhibit B to Ordinance No. 02-990A**  
**Conditions on Addition of the Tigard Sand & Gravel Site to UGB**

1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (“UGMFP”), section 3.07.1120, for the Tigard Sand and Gravel site (“the site”) within two years following the effective date of this ordinance.
2. Washington County or, upon annexation of the area to the City of Tualatin, the city shall apply interim protection standards to the site as provided in Metro Code Title 11, UGMFP, section 3.07.1110.
3. The site, as described in this ordinance, shall be designated Regionally Significant Industrial Area on the 2040 Growth Concept Map and shall be subject to Title 4 of the UGMFP of the Metro Code.
4. Washington County or, upon annexation of the area to the City of Tualatin, the city shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between industrial uses on the site and agricultural practices on land zoned for farm use to the west and north of the site.
5. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Washington County or, upon annexation of the area to the City of Tualatin, the city shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission (“LCDC”) to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within two years following the effective date of this ordinance, the county or the city shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county’s Goal 5 process.
6. Neither the county nor the City of Tualatin shall allow the division of a lot or parcel in the site to create a smaller lot or parcel except as part of the plan required in Condition 6 to reconfigure all of the lots and parcels that comprise the site.
7. Washington County or, upon annexation of the area to the City of Tualatin, the city shall, as part of Title 11 planning for the site in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan that results in (1) at least one parcel that is 100 acres or larger, and (2) at least one parcels 50 acres or larger. The remainder of the site shall be configured pursuant to section 3.07.420 of Title 4 of the UGMFP, providing for protection of the portion of the site subject to Title 3 of the Metro Code.
8. Neither the county nor the city shall allow new commercial retail uses on the site. The county or the city may allow commercial office uses accessory to and in the same building with industrial uses.

**Exhibit C to Ordinance No. 02-990A  
Findings of Fact, Conclusions of Law**

**I. Need for Land**

These findings address ORS 197.298(3)(a); ORS 197.732(1)(c)(A); Goal 2, Exceptions, Criterion (c)(1); Oregon Administrative Rules 660-004-0010(1)(c)(B)(i) and 660-004-0020(2)(a); Goal 9 (local plan policies); Goal 10; Goal 14, Factors 1 and 2; Metro Regional Framework Plan (RFP) Policies 1.2 and 1.4 and; and Metro Code 3.01.020(b)(1) and (2).

Need for Industrial Land

In Ordinance No. 02-969A, adopted with this Ordinance 02-990 as part of Task 2 of periodic review, the Metro Council concluded that the urban growth boundary (UGB) as it existed prior to adoption of Ordinance 02-969A did not have capacity to accommodate employment growth to the year 2022 (Urban Growth Report-Employment, Appendix A, Item 4 (UGR-E)). That ordinance added approximately 2,400 acres for industrial use employment after finding a shortfall of 4,425 acres. Adoption of Ordinance No. 02-969B, then, left a shortfall of approximately 2,000 industrial land. The Council relies upon the record and the findings that support Ordinance No. 02-969A for its conclusion here that a shortfall in land needed for industrial use through the year 2022 remains following expansion of the UGB by that ordinance.

The UGR-E identified a net need for nine parcels 50 to 100 acres and four parcels 100 acres or larger for industrial use. Given conditions in Exhibit M to protect large parcels, land added to the UGB for industrial use by Ordinance No. 02-969A has the potential to yield three sites 50 acres or larger, leaving a shortfall of ten large sites. The Council relies upon the record and the findings that support Ordinance No. 02-969A for its conclusion here that a shortfall in large parcels needed for industrial use through the year 2022 remains following expansion of the UGB by that ordinance.

**II. Alternative Sites**

These findings address ORS 197.298(1); ORS 197.732(c)(B), (C) and (D) and Goal 2, Exceptions; OAR 660-004-0010(1) and 660-004-0020(2); Goal 14, Factors 3-7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d).

Within the UGB

Metro took measures to increase the efficiency of land use within the UGB designated for employment. The Council amended the Regional Framework Plan (Ordinance No. 02-969B, Exhibit D, Policies 1.4.1 and 1.4.2) and Title 4 (Exhibit F) to improve the protection of the existing industrial land base. The Council created a new 2040 Growth Concept design type – “Regionally Significant Industrial Land” (RSIA) – and developed new limitations on commercial office and commercial retail uses in RSIA. Title 4 limits non-employment uses in areas designated for employment use. Title 4 also limits commercial retail uses in areas designated for industrial employment.

These new measures will reduce by some 1,400 acres the shortfall in industrial land by reducing encroachment by commercial uses. But the measures do not create new large parcels for industrial use. The UGR-E concludes that the region’s inventory of large parcels for industrial use includes only three sites within the UGB, each being held (“land-banked”) by an industrial owner for its own expansion or for lease. These sites cannot meet the need identified in the UGR-E for large parcels to the year 2022.

The Council concludes that the need described above cannot reasonably be accommodated within the UGB.

### On Higher Priority Land Outside the UGB

Metro has not designated any land outside the UGB as “urban reserve” since its 1997 designation was invalidated on appeal. There are exception areas that border the UGB. Metro studied over 60,000 acres of exception land and resource land interspersed among the exception areas – Metro studied 80,000 acres in all – as part of Task 2 of periodic review. Ordinances No. 02-969A and 02-983B bring approximately 2,400 acres on industrial land into the UGB. Measures in place to protect the existing large parcels among those 2,400 acres (Ordinance No. 02-969A Exhibit F, Title 4, section 3.07.1220 and Exhibit L, Title 11, section 3.07.1110), and consolidation requirements in both ordinances that apply to some of the land added to the UGB for industrial use (Ordinance No. 02-969A Exhibit M; Ordinance No. 02-983B Exhibit), will yield six parcels larger than 50 acres. These ordinances leave a shortfall of at least four large parcels.

Due to the pattern of small lots and parcels and residential settlement, none of the exceptions areas Metro studied in its Alternatives Analysis (Ordinance No. 02-969A, Appendix A) can accommodate the need for large parcels of industrial land. Exception lands cannot reasonably accommodate the need for these large parcels.

The majority of the included portions of Study Areas 47 and 48 belongs to a single owner, making consolidation of existing parcels into as many as four parcels larger than 50 acres practicable.

The included portions contain land designated for farm use. The portion that is in farm zoning, however, has been part of an aggregate extraction operation for many years. The soil has largely been removed with extraction of the aggregate. Of the nearly 20,000 acres of resource land studied as part of Task 2 of periodic review, this tract, given removal of topsoil, has the lowest capability for agriculture or forestry. The included portions of these two study areas are the highest priority land after exception land that can accommodate the need to large parcels for industrial land.

Hence, the site offers the region its best opportunity on the poorest designated farmland studied to yield large parcels for industrial use.

### Orderly and Economic Services

The City of Tualatin can extend urban services to the Tigard Sand and Gravel site in an orderly and economic manner, as explained in detail in the Alternatives Analysis and the materials submitted by the city and the Tonquin Industrial Group.

### Maximum Efficiency of Land Uses Requires Inclusion of this Site

According to Metro’s Alternatives Analysis, it would be “easy” to “moderately difficult” to provide services to all of Study Areas 47 and 48. The included portions of these two areas will, in fact, be easier to serve because they are the closest portions to the existing UGB.

The City of Tualatin and the Tonquin Industrial Group submitted more detailed analysis than contained in the Alternatives Analysis, with the locations of existing sewer, water, storm-water and transportation facilities. These maps and analyses show that sewer, water, storm-water and transportation facilities are all readily available to this site. But in order to serve exception land to the south – portions of Study Areas 47 and 49 brought into the UGB in Ordinance No. 02-969A for industrial use – these services must pass through this site. Services cannot come from the west without passing through farmland in farm use. Services cannot come from the exception areas to the south because there is no service provider on these lands. Services cannot come from the east because Kolk Pond, numerous wetlands and the tracks of the Portland and Western Railroad lie between Tualatin and these study areas. From this the Council

concludes that it must include the Tigard Sand and Gravel site in the UGB in order to provide urban services to the exception land to the south, included for industrial use in the UGB by Ordinance No. 02-969A, and to urbanize this exception land (portions of Study Areas 47 and 49) efficiently.

#### Consequences

The Council agrees with and incorporates the analysis and findings submitted by the City of Tualatin and the Tonquin Industrial Group on environmental, economic, energy and social consequences of urbanization of the site. Given the mining activity on the site, these consequences will be positive and less adverse than those that would result from inclusion of other resource land for industrial use.

#### Retention

Although the site includes land designated for agriculture, none of the site is farmed. The site is held for aggregate extraction and has been mined for many years. Addition of this site to the UGB meets a need for large-parcel industrial use that would otherwise have to be met on land in farm production.

#### Compatibility

Conversion this site from aggregate extraction to industrial use is not likely to increase conflict with agricultural practices on farmland to the north or west. Industrial use is generally more compatible with agriculture than residential or commercial use. Condition 4 of Exhibit B requires Washington County or the City of Tualatin to take measures to reduce conflict between industrial use and agricultural activities.

#### Water Quality and Natural Resources

The Tigard Sand and Gravel site is a protected site on the Washington County inventory of Goal 5 resources. Under Metro's Title 11, current county land use regulations will remain in place until the county or the City of Tualatin adopts new plan provisions and land use regulations to allow urbanization of the area, at which time the city or county will apply Goal 5 to the site. The local government will determine whether to limit urbanization near the site, or to re-evaluate earlier decision to protect the site. There are no other inventoried and protected Goal 5 resources on the Tigard Sand and Gravel site.

Title 3 of the Urban Growth Management Functional Plan will apply to protect the wetlands and any riparian area on the site (Exhibit B, Conditions). Title 11 of the UGMFP, section 3.07.1120G, requires the city and county to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of planning for the area.

#### Areas Subject to Natural Disasters and Hazards

Conditions 1 and 2 in Exhibit B of this ordinance require the City of Tualatin or Washington County to complete the planning requirements of Title 11, Urban Growth Management Functional Plan (UGMFP), including compliance with Title 3 of the UGMFP on floodplains and erosion control.

#### Economy of the Region

Inclusion of the Tigard Sand and Gravel site will help the region accommodate the forecast employment to the year 2022 and the need for large parcels for industrial use. Inclusion is consistent with the economic development elements of the Washington County and City of Tualatin comprehensive plans. Conditions 6, 7 and 8 of Exhibit B will help ensure that the economic objectives of inclusion of the site will be achieved.

### Public Utilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits the City of Tualatin and Washington County from upzoning and from dividing land into smaller lots or parcels until the city or county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the city or the county to develop a public facilities and services plan and an urban growth diagram with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the site.

### Transportation

Metro has responsibility to ensure that this ordinance does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits the City of Tualatin and Washington County from upzoning and from dividing land into smaller lots or parcels until the city or county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the city or the county to develop a conceptual transportation plan and an urban growth diagram with the general locations of arterial, collector and essential local streets for the area.

### Regional Framework Plan

Inclusion of the Tigard Sand and Gravel site helps implement the Regional Framework Plan by adding industrial land (and protecting it for that use) that will help meet the need for large parcels. This will retain and reinforce the region's compact form. Condition 5 in Exhibit B of this ordinance will keep the jobs/housing ratio from worsening in this part of the region. In Task 3 of periodic review, the Council will address the transition between industrial use in this part of the region and agriculture in the region as a whole.

### Citizen Involvement

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969A. Hence, the Council incorporates into this ordinance the findings it made in that ordinance to show compliance with statewide planning Goal 1 and Regional Framework Plan Policy 1.13.

### Coordination with Local Governments

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969A. Hence, the Council incorporates into this ordinance the findings it made in that ordinance to show compliance with statewide planning Goal 2 (Coordination). Metro worked on this ordinance with the City of Tualatin and Washington County and accommodated their interests as much as possible.

The Council adopts the findings and conclusions in companion Ordinance No. 02-969A, and relies upon the record of that ordinance, to support this Ordinance No. 02-990A.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE )  
URBAN GROWTH BOUNDARY TO ADD LAND )  
IN THE SITE #48, TUALATIN QUARRY AREA. )  
 )  
 )  
 )  
 )

ORDINANCE NO. 02-990  
Introduced by Councilor Hosticka

WHEREAS, state law requires the Metro Council to assess the capacity of the urban growth boundary every five years, and, if necessary increase the region's capacity to accommodate a 20-year supply of buildable land for housing; and

WHEREAS, the Council and the Land Conservation and Development Commission agreed that the Council would undertake the assessment and any necessary action to increase the capacity of the UGB as part of the state's periodic review process; and

WHEREAS, Task 2 of the periodic review work program calls for completion of the same assessment of capacity and increase in capacity, if necessary, by December 20, 2002; and

WHEREAS, after consideration of the Urban Growth Report and Housing Needs analysis the Council estimated a need for approximately 37,000 dwelling units; and

WHEREAS, Metro has conducted an analysis of lands considered for amendment into the UGB; and

WHEREAS, this analysis included study of land in the Tualatin area of Washington County; and

WHEREAS, Metro has conducted an analysis of lands for employment purposes, including site #48 in Washington County; and

WHEREAS, The Regional Partners and MTAC recommended inclusion of site #48 in the urban growth boundary to satisfy industrial large-lot need in the region; and

WHEREAS, recommendations for lands for jobs and housing made by the Community Planning Committee on November, 19, 20 and 26 still leaves a shortfall in the forecasted need for industrial land; and

WHEREAS, Metro's Community Planning Committee and the Metro Council held public hearings on the proposed decision on October 1, 3, 10, 15, 22, 24 and 29 and November 21, 2002, and considered testimony prior to making this decision; and

WHEREAS, Metro has received correspondence from the Morse Brothers company on October 29, and November 12, 2002 asking that their land, generally in the southern portion of site #48, not be brought into the UGB; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The areas in Exhibit A, attached and incorporated into this ordinance, are necessary to amend into the urban growth boundary to meet the need for industrial land. These areas are furthermore determined to support the Tualatin Town Center.
2. Conditions set forth in Exhibit B, attached and incorporated into this ordinance, must be met by the responsible jurisdictions prior to urbanization.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that this action complies with state planning laws, the Regional Framework Plan and the Metro Code.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

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

## **STAFF REPORT**

*CONSIDERATION OF ORDINANCE 02-990 FOR THE  
PURPOSE OF AMENDING METRO'S URBAN GROWTH  
BOUNDARY TO ADD LAND IN THE SITE #48, TUALATIN  
QUARRY AREA.*

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**Date: December 5, 2002**

**Prepared by: Michael Morrissey**

### **PROPOSED ACTION**

Adoption of Ordinance 02-990 to amend the urban growth boundary to bring land in the Tualatin area into the urban growth boundary. The proposed amendment area is shown on Exhibit A.

### **BACKGROUND**

State law requires Metro to assess the capacity of the UGB every five years and if necessary increase the region's capacity to accommodate the long-term need for employment opportunities. The 2002-2030 Regional Population and Economic Forecast produces an employment projection by standard industrial classification, where employment needs are stratified by firm and parcel size and by six real estate types. The industrial building types are warehouse and distribution, general industrial and tech/flex space. The number of parcels and acreage needed for industrial purposes is determined for building type and size based on average regional employment densities. Industrial and commercial land demand and supply are segmented into seven categories: 1) under 1 acre, 2) 1-5 acres, 3) 5-10 acres, 4) 10-25 acres, 5) 25-50 acres, 6) 50-100 acres, and 7) 100 acres plus.

The Metro 2002-2022 Urban Growth Report (UGR)– Employment Land Need Analysis, which is derived from the forecast, evaluates the need for employment land in the region based on market conditions and a specialized analysis according to the firms that do business in the region. The 2002-2022 UGR – Employment Land Need Analysis estimates there is a deficit of 5,684 net acres of industrial land projected across all lot sizes. More significant is the shortage of approximately 14 large lots (greater than 50 acres) as these lots are the most difficult to supply due to consolidation and topographic constraints. The Phase III Regional Industrial Land Study (RILS) forecasted a demand for 15 large parcels (over 50 acres in net land area).

The area is an active quarry site in Washington County and was considered in Metro's Alternative Lands Analysis. The City of Tualatin argues that the very nature, aggregate extraction removes topsoil from the site to get to the rock below. Consequently, the identification of this area as containing high value farmland is erroneous since the soil bestowing this designation is not present.

The Regional Economic Development Partners and MTAC recommended inclusion of site #48 in the urban growth boundary to satisfy industrial large-lot need in the region.

### **Suggested Conditions**

It is likely that the City of Tualatin will be the authority to plan for the area. Either the City of Tualatin or Clackamas County will be responsible for Metro's Title 11 Concept Planning requirements. Because of the unique size and single ownership of the area being brought into the urban growth boundary, the 2040 design type designation is a Regional Significant Industrial Area, which includes restrictions that are outlined in the Metro code section 3.07.420. In

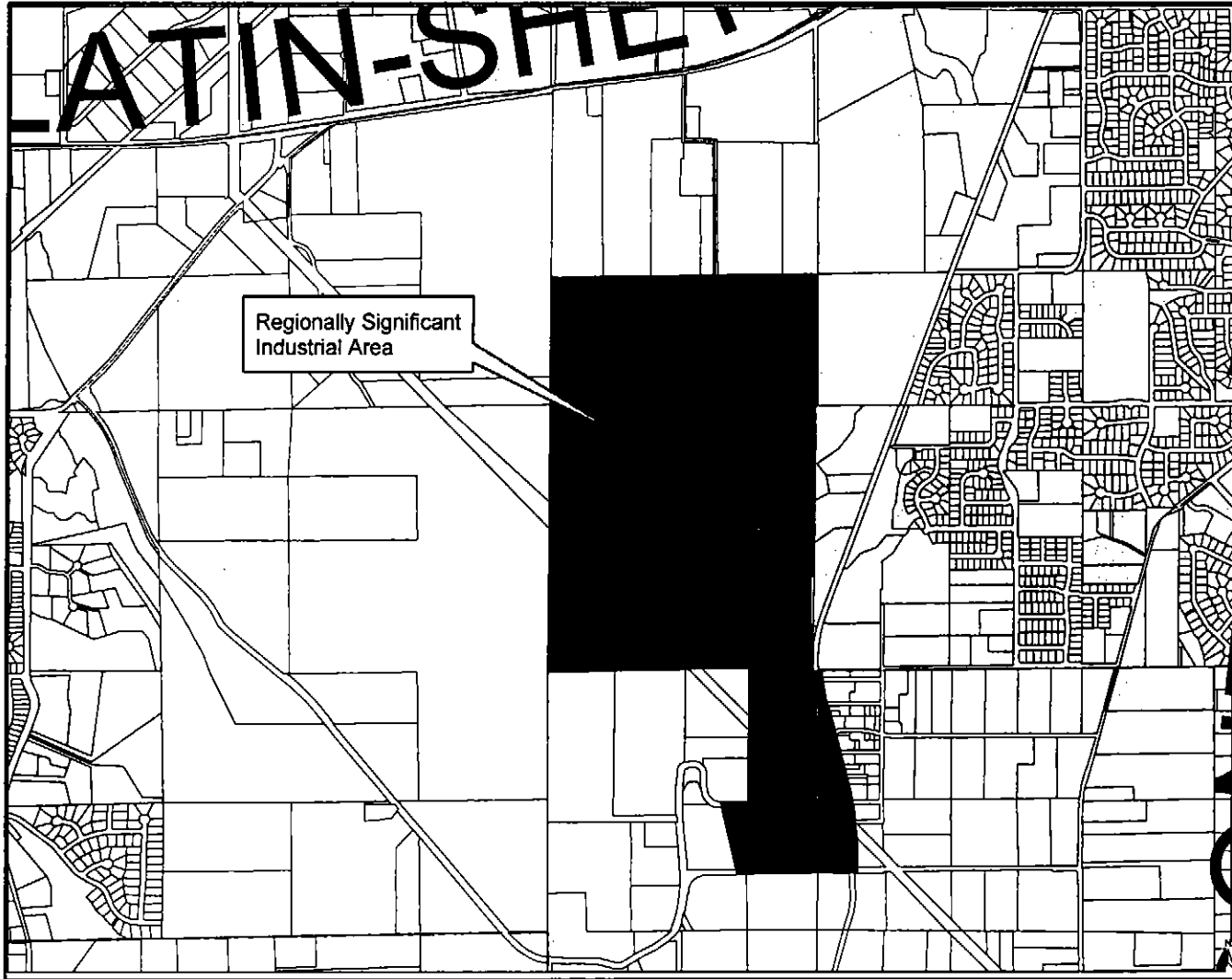
additional urbanization of this area should not occur until the alignment of the Highway 99W and I-5 connector is determined.

**APPLICABLE REVIEW CRITERIA**

The standards applicable to a legislative amendment to the UGB are set out in ORS 197.298, Statewide Planning Goals 2 and 14 and Metro code Section 3.01.

**BUDGET IMPACT**

There is no budget impact from adopting this ordinance.



R L I S  
REGIONAL LAND INFORMATION SYSTEM

## 2040 Growth Concept Map

### ORDINANCE 02-990 ATTACHMENT 1

**Design Types**

- Industrial
- Regionally Significant Industrial Areas (Proposed)
- Employment
- Inner Neighborhood
- Outer Neighborhood
- Town Center
- Corridor
- Current UGB

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1 inch equals 0.3 miles

0 0.05 0.1 0.2

Clark Co.

Washington Co.

Multnomah Co.

Clackamas Co.

Location Map

METRO

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