

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)
URBAN GROWTH BOUNDARY TO ADD LAND)
IN THE BETHANY AREA)

ORDINANCE NO. 02-987A
Introduced by Councilor McLain

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

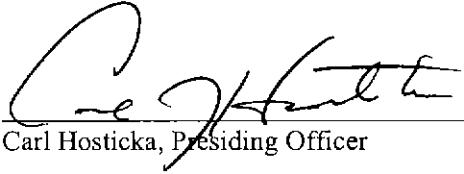
WHEREAS, this analysis included study of land in the Bethany area of Washington County both exception lands and lands identified as exclusive farm or forest use; and

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, now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

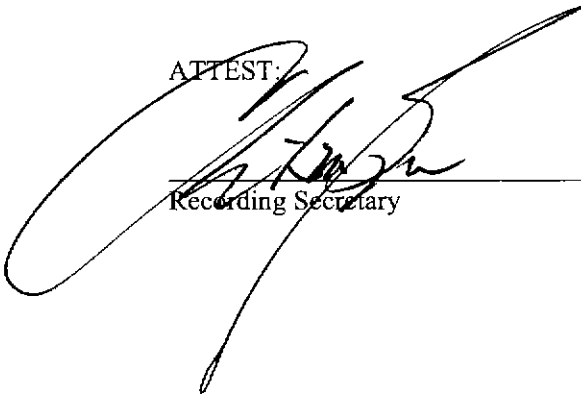
1. The areas in Exhibit A, attached and incorporated into this ordinance, are necessary to amend into the urban growth boundary to meet the identified regional need for housing. These areas are furthermore determined to support the Bethany Town Center as well as the Beaverton and Hillsboro Regional Centers.
2. Lands in exhibit A identified as exclusive farm or forest use are necessary to provide services to adjacent exception lands in Exhibit A.
3. Conditions set forth in Exhibit B, attached and incorporated into this ordinance, must be met by the responsible jurisdictions prior to urbanization.
4. 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.
5. 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.

ADOPTED by the Metro Council this 12th day of December 2002.



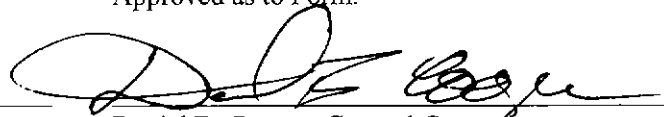
Carl Hosticka, Presiding Officer

ATTEST:



Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

4. 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.
5. 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 [insert date] _____ day of [insert month] _____, 2002.

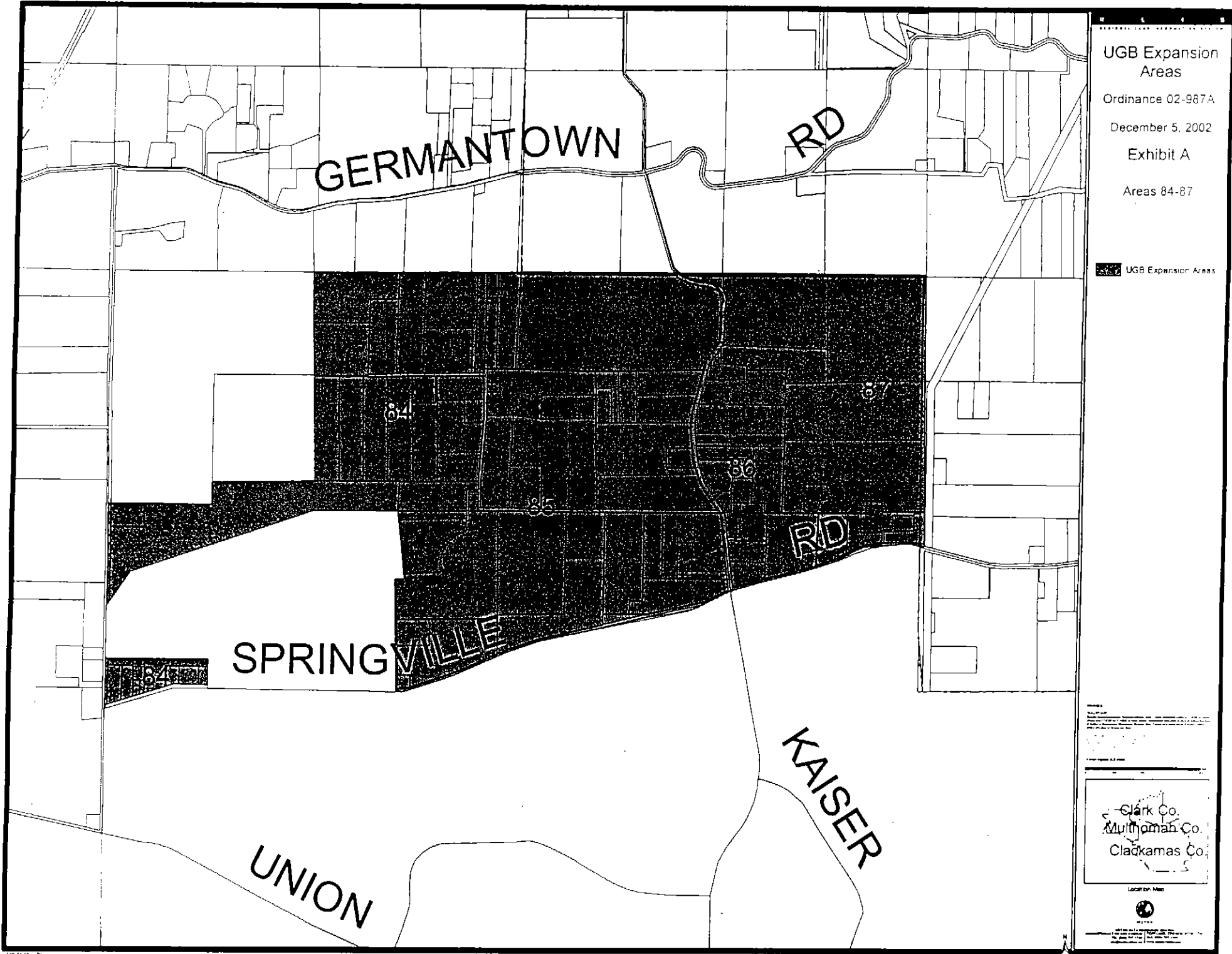
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

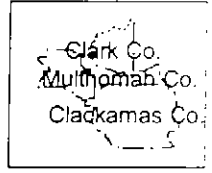
Daniel B. Cooper, General Counsel



UGB Expansion Areas
Ordinance 02-987A
December 5, 2002
Exhibit A
Areas 84-87

UGB Expansion Areas

Clark Co.
Multnomah Co.
Clackamas Co.



Location Map



Exhibit B to Ordinance No. 02-987A
Conditions on Addition of Study Areas 84, 85, 86 and 87 (partial) to UGB

1. Washington County or, upon annexation of the area to the City of Beaverton, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan, section 3.07.1120 ("Title 11 planning") for Study Areas 84, 85, 86 and 87 (partial) within two years following the effective date of this ordinance.
2. The city or county with land use planning responsibility for the site shall apply the 2040 Growth Concept design types shown on Attachment 1 to this ordinance to the planning required by Title 11.
3. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07110, to the study area.
4. The city or county with land use planning responsibility for the Beaverton School District elementary school site shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the school site to public school facilities and other development necessary and accessory to the public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.11201.
5. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.
6. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) 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 urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
7. The conceptual transportation plan required by Title 11, subsection 3.07.1120F for the area shall provide for bicycle and pedestrian access to and within the school site from the surrounding area designated for residential use.
8. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Washington County or the City of Beaverton 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 four years following the effective date of this ordinance Washington County or the City of Beaverton shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.

Exhibit B to Ordinance No. 02-987A
Conditions on Addition of Study Areas 84, 85, 86 and 87 (partial) to UGB

1. Washington County or, upon annexation of the site area to the City of ~~Hillsboro~~ Beaverton, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan, section 3.07.1120 (“Title 11 planning”) for Study Areas 84, 85, 86 and 87 (partial) within two years following the effective date of this ordinance.
2. The city or county with land use planning responsibility for the site shall apply the 2040 Growth Concept design types shown on ~~Exhibit N of this ordinance~~ Attachment 1 to this ordinance to the planning required by Title 11.
3. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07110, to the study area.
4. The city or county with land use planning responsibility for the Beaverton School District elementary school site shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the school site to public school facilities and other development necessary and accessory to the public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.11201.
5. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.
56. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) 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 urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
7. The conceptual transportation plan required by Title 11, subsection 3.07.1120F for the area shall provide for bicycle and pedestrian access to and within the school site from the surrounding area designated for residential use.

**Exhibit C to Ordinance No. 02-987A
Findings of Facts, Conclusions of Law**

I. General Findings for Task 2 Decision

The Metro Council made findings of facts and conclusions of law in Ordinance No. 02-969 related to (A) coordination with local governments, (B) Citizen Involvement, (C) Need For Land, (D) Alternatives: Increase the Capacity of the UGB, (E) Alternatives: Expand the UGB, (F) Water Quality, (G) Areas Subject to Natural Disasters and Hazards, and (H) Economic Development. Those findings establish the need to accommodate approximately 43,400 dwelling units for housing in the Metro region and are incorporated here by this reference.

II. Specific Findings for the Bethany Areas

These findings address ORS 197.298; ORS 197.732(1)(c)(B), (C) and (D); Goal 2, Exceptions, Criteria (c)(2), (3) and (4); Oregon Administrative Rules (OAR) 660-004-0010(1)(B)(ii), (iii) and (iv); OAR 660-004-0020(2)(b), (c) and (d); Goal 5; Goal 11; Goal 12; Goal 14, Factors 3 through 7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d); Metro RFP Policies 1.2, 1.3, 1.4, 1.6, 1.7 and 1.11; and Regional Transportation Plan Policies 2.0, 3.0, 4.0 and 14.0.

These findings apply to study areas 84, 85, 86 and 87 (partial) herein called “the Bethany area.” The Council includes these areas for several reasons as more fully explained below. First, the Bethany area is comparatively easier to serve as unit than other exception lands. Second, urbanization of the Bethany area will have comparably less impact on Natural and Cultural resources and agriculture in the region. Third, the Bethany area can provide local transportation efficiencies that respond well to goals set forth in the Regional Transportation Plan.

Metro’s Alternative Analysis Study, and the documents referenced therein, provide a region-wide analysis and comparison of areas considered for inclusion in the UGB. The inclusion of the Bethany area is also based on more site-specific evidence and analysis, in particular, the exhibits in the record labeled as “Area 85 West” exhibits and related testimony. The references in the findings and evidence to various subareas within the Bethany area are illustrated on the maps attached to Area 85 West, Exhibit 1. For example, see Exhibit G, Aerial Photo, attached thereto. For the reasons discussed below, the Bethany expansion areas are more consistent with and more fully implement Goal 14, factors 3-7 and Metro’s related suitability considerations than any of the alternative sites that were analyzed. Some of the factors demonstrating the area’s consistency with Goal 14, factors 3-7, MC 3.01.020(b)(3)-(7) include:

- Proximity to existing Bethany Town Center.
- Proximity to PCC Rock Creek Campus, a major urban destination use.
- Land inside UGB in the Bethany area has been fully developed. Because a significant amount of development has occurred within the last five years, it has developed at density levels consistent with Metro 2040 objectives.
- Springville Road is already served by two Tri-Met bus lines, and is designated as an urban corridor.
- Bethany is closer to both downtown Portland and the employment areas around Hillsboro than any other expansion area.
- Washington County has already amended its comprehensive plan to allow for urbanization in this area. Property owners in Area 85 West have entered into an annexation agreement with the City of Beaverton. The 778 acres in the Bethany area

(including the 10-acre school site) are projected to yield approximately 4.3 dwelling units per (gross) acre. Area 71, an 88-acre site in south Hillsboro, is the only other expansion site in the region that is projected to achieve more than four dwelling units per (gross) acre.

As discussed below, exception areas 84N and 86 have numerous constraints that make it unreasonable to expect that they would be developed in any kind of an efficient urban form if they were to be brought inside the boundary as unconnected, stand-alone sites. The evidence demonstrates that they can be developed in an efficient urban form if they are connected by urban development in area 85 and also with the inclusion of area 87. Efficient urbanization of areas 84N and 86 could be achieved by developing those sites in conjunction with area 85W and all or portions of area 85E. The inclusion of area 87 achieves the greatest efficiencies and allows for the planning and development of the entire Bethany area consistent with ORS 197.298(3)(c) and Goal 14, factors 3-7. Planning for all of the Bethany sites together would allow the most efficient street pattern and connectivity between the two exception areas. The inclusion of all of areas 84-87 allows Abby Creek and the adjoining riparian zone to form a natural buffer separating the Bethany area from the resource land and existing rural neighborhoods to the north, and it utilizes the powerlines and also the Multnomah County line as clear demarcations along the expansion area's eastern border. Including area 87 is also important because, if it were not part of the Bethany expansion, it would become, in effect, an orphaned resource site with little potential to be utilized for resource purposes because it would be physically cut off from the resource land to the north and east and would have urbanization on its southern and western boundaries.

The Metro Council finds that areas 84 and 86 are exception areas which meet all the requirements of the Metro Code, Goal 2, Goal 14 and state law, including the priorities set forth in ORS 197.298. For reasons articulated below, the Metro Council also concludes that services, including sewer, water, stormwater and transportation cannot efficiently be provided to areas 84 and 86 without also urbanizing areas 85 and 87 as provided by ORS 197.298(3)(c). The discussion below also addresses the suitability considerations described in MC 3.01.020(b)(3)-(7) and demonstrates that, on balance, the Bethany area is a suitable location for a boundary expansion and is better than alternative sites.

Alternatives

Metro completed a region wide Alternatives Analysis which is attached to Ordinance No. 02-969 as Appendix A. That analysis is incorporated here by this reference. For the reasons set forth below, the Council finds that the Bethany area compares more favorably than other expansion study areas that were not chosen for urbanization such as areas 65 and 82. Regarding area 65 in particular, Area 85 West, Exhibit 16 and extensive evidence submitted by the Cooper Mountain Petitioners, dated October 1, 2002 discuss in more detail some of the constraints that make it unreasonable to expect that efficient urbanization could occur in that area. The Council finds that information most persuasive and the findings and evidence referenced therein are incorporated here by this reference.

Orderly Services

The Council considered whether public facilities and services could be provided in an orderly and economic fashion to the Bethany area. The Council relied upon the Water, Sewer and Stormwater Feasibility Analysis and the Transportation Services Feasibility Analysis contained in its Alternatives Analysis. In addition to that analysis, more area-specific evidence was submitted demonstrating that both public facilities and services could be provided to the Bethany area in an orderly and economic manner. That evidence and testimony is summarized in Area 85 West, Exhibit 1. Both that exhibit and the Metro analysis are incorporated here by this reference.

- Sewer, Water and Stormwater

According to the Alternatives Analysis, sewer, water and stormwater services are “moderately difficult to “difficult” to provide for areas 65 and 82. Area 86 is rated “easy” to serve for water and stormwater, while area 84 is rated “moderately difficult.” Thus, standing alone, areas 84 and 86 are generally easier to serve than other exception areas. However, the Council finds that service efficiencies are maximized by urbanizing areas 85 and 87 which abut areas 84 and 86 as allowed by ORS 197.298(3)(c). Supplemental evidence on utility feasibility (See, Area 85 West, Exhibits 1 and 12) shows that the service cost to provide sewer, water and stormwater services to areas 84 and 86 are greatly reduced by urbanizing area 85 and 87 at the same time. That analysis is incorporated into these findings by this reference. That information also demonstrates that public costs for infrastructure will be comparatively low.

A November 4, 2002 letter from Clean Water Services explores three scenarios for providing sanitary sewer service to parts of the Bethany area. The Council finds that none of these scenarios maximizes the efficiency of the exception lands in areas 84 and 86. The primary problem for the lowest cost scenario identified by CWS is that it would reduce the urbanizable land in areas 84 and 86 by about 156 acres or more.

After the submission of Clean Water Services’ letter of November 4, the Council heard testimony from various parties discussing whether the most efficient way to provide sewer service to the Bethany area was through area 83 or area 85 West. LDC Design Group Inc. presented testimony and evidence demonstrating that, utilizing an existing 21” trunk line located near 85W, it would be possible to extend gravity sanitary sewer service through area 85W to area 84N and the rest of areas 85, 86 and 87. As LDC explained, that configuration would be possible by using a deep gravity line that partially crosses the PCC Campus. An alternative to utilizing a line across the northeast corner of the PCC Campus would be to utilize a lift station. In contrast, extending a sewer line from area 83 across NW 185th avenue would only be able to serve the northern portion of areas 84, 85, 86, and 87, leaving a large gap in the expansion area.

The contrasting sewer scenarios are illustrated in Exhibits E and F attached to Area 85 West, Exhibit 1. Extending sewer service from area 83 could not be fully accomplished with gravity fed lines, but would require one or more lift stations. Another problem with that scenario is that it would require extending a sewer line through area 84-PCC which area has steep slopes and an abundance of natural resources that would be negatively affected by the construction of a sewer line. Also, the urbanization of area 83 would not provide any opportunities for street connections necessary to serve area 84N in particular, as well as the rest of the Bethany expansion areas on the east side of NW 185th Avenue. In particular, area 83 provides no benefits or efficiencies to facilitate the development of the school site within area 85W.

Finally, Clean Water Services reviewed the analysis prepared by LDC Design Group and concluded in a letter to Metro dated November 25, 2002, that on balance, it appears greater efficiencies for the largest portions of the Bethany area can be gained by designing a system that extends through area 85. The evidence presented to Clean Water Services and the Council is summarized in Area 85 West, Exhibit 1 which the Council relies on in reaching the conclusion that efficient sewer service, as well as the other urban services discussed therein, can be most efficiently provided to the Bethany area by extending those services through area 85 West.

Public facilities capable of serving the entire Bethany area are immediately available. Water service is available from an existing 24” water line in Springville Road, and sanitary sewer service is available from an existing 21” sanitary sewer trunk line located in the drainage way several hundred feet to the south of area 85W. These services can be extended through area 85W and easily routed to the rest of the Bethany area. A looped water system, connecting areas 84N and 86 along Brugger Road, will create the most cost-efficient and safest water delivery service to the area. There is an existing eight-inch sewer line at

Oats Terrace which could be used to provide service for the development of a small portion of area 86 (perhaps 20-25 acres). The rest of area 86, however, cannot reasonably be provided with sewer service without extending the existing trunk line through area 85W, and 85E and servicing the balance of area 86.

Urban services to accommodate development on the south side of Springville Road have been designed, sized and located in anticipation that urbanization on the north side of Springville Road would logically be served from the drainage basin beginning in area 85W. The necessary facilities and services can be reasonably provided to the Bethany area, through area 85W, without negatively impacting or leaving any urban areas already within the UGB with inadequate facilities or services. The fact that extending urban services and facilities to the expansion sites will not have any negative impacts in Bethany is due, in part, because those urban areas have already been fully developed or are approved for development.

- Transportation

The Transportation Analysis component of the Alternatives Analysis shows that the Bethany area will have “good” connectivity to the existing system, “moderate” impact on the existing system and overall will be moderately cost effective to connect to the existing system. More detailed traffic analysis has been done for the Bethany area than for other expansion sites. In particular, Washington County reviewed the site-specific traffic reports when it amended its comprehensive plan to provide for the urbanization in the Bethany area, and again when it approved the master plan for the 109 acres that comprise area 85W. Urbanization can occur in accord with the Transportation Planning Rule, as demonstrated in the access report prepared by DKS Associates (July 2000), which is in the record as Area 85 West, Exhibit 10.

Due to topographical constraints, ownership patterns, and the overall configuration of areas 84 and 86, it would be difficult to develop an internal road network that has adequate connectivity if area 84 and area 86 were each developed as stand-alone expansion areas. The inefficient road configuration that would result from the development of these areas as stand-alone sites is shown on the local street plan submitted to the Council on December 5, 2002. It is also discussed in Area 85 West, Exhibit 1. That evidence demonstrates that in order to have an efficient, well-connected road system it is essential that the area between areas 84 and 86 is urbanized. That evidence demonstrates several local road networks that could serve that purpose. The southern portion of Brugger Road¹ could serve as the main road connection between areas 84 and 86. Greater efficiencies would be obtained by designing a local road network that utilizes the extension of the northern portion of Brugger Road to connect areas 84 and 86 and to serve as a demarcation for the boundary of the expansion area. Designing a local road network that utilizes all of the Bethany area, including all of area 87, would allow the greatest flexibility and achieve the greatest efficiencies, as shown on one of the draft local street plans submitted to the Council on December 5, 2002. The addition of area 87 also provides the opportunity for a transit center that will promote important regional transportation goals by providing alternatives to cars, and allowing for urban densities of housing near transit centers. Complementing this advantage, is the ability to link pedestrian trails from the Bethany area through area 87 to the Washington County bike and pedestrian trail on the southwest edge of area 87. This linkage would not be possible without area 87. The Council finds that urbanization of these lands meets Regional Transportation Plan Policies 2.0, 3.0, 4.0 and 14.0 in a form that is superior to a configuration without area 87.

¹ There are three portions to Brugger Road. The southern portion connects area 86 to the northern parcel in area 85W. The center portion of Brugger Road connects area 85W to area 84N. The northern portion of Brugger Road runs through the middle of area 84N; and it would make logical planning sense to extend that portion of Brugger Road across the top of area 85E to connect to area 86 and then on into area 87.

Efficiency

The Council considered whether the Bethany area can urbanize in an efficient manner. The Council's goal is to achieve housing and job density targets associated with the 2040 Growth Concept design types assigned to Bethany. Areas 84 and 86 are composed of comparatively few individual tax lots (about 60 total). Most of those lots are larger than one acre. The other areas contain large numbers of existing small parcels (Area 65=150 lots, Area 82=65 lots), with a higher proportion of lots less than one acre in size. Similarly, areas 85 and 87 have very few lots comparatively, with the majority of those lots being larger than one acre. The Council finds that areas 84, 85, 86 and 87 have the best potential to urbanize at densities consistent with the 2040 Growth Concept. In contrast, the majority of the lots in areas 65 and 82 are already improved to some degree. The high level of parcelization and existing development nearly precludes any efficient development potential suitable for an urban area. The Council concludes that it better achieves Goal 14 to include the land in the Bethany area because it can urbanize more fully and efficiently than areas 65 and 82.

Consequences

The Council considered the consequences of urbanization on the people and land of the Bethany area. In general, the Bethany area is less wooded than area 65, and about the same as area 82. The Alternatives Analysis states that area 65 contains abundant steep slopes and that about 50 percent of the area has been mapped as regionally significant fish and wildlife habitat. Area 82 contains a significant floodplain near Holcomb Creek. While Metro has not attached a regulatory program to the fish and wildlife inventory, it provides evidence of the relative level and quality of habitat that may be impacted by urbanization. The Council desires to limit those impacts region wide.

The Bethany area contains creeks and some regionally significant floodplains, and there will be some impact on fish and wildlife habitat. The Council finds that there is less potential impact to regional fish and wildlife habitat by urbanizing the Bethany areas instead of area 65. It also finds that urbanizing area 82 verses areas 84 and 86 have about the same potential to impact regional fish and wildlife habitat. Considerable analysis has already been undertaken regarding the creek that traverses the southern portion of areas 85 and 86. In particular, as part of Washington County's approval of the master plan for area 85W, a detailed wetland and natural resource assessment has been conducted. See, Area 85 West, Exhibit 9. Much of the creek along area 85W has been seriously degraded due to cattle grazing, and, in its current condition, according to the report, is void of most of the functional values associated with creeks and riparian areas. The master plan includes proposed wetland mitigation and enhancement activities to restore the functional values of that portion of the creek. Thus, there will be a net benefit to the creek and associated riparian corridor values by allowing for the urbanization consistent with the approved master plan. The mitigation and enhancement plan has been determined to be consistent with applicable Metro Title 3 policies and has been certified as such by Clean Water Services. See, Area 85 West, Exhibit 9.

Also, another advantage to urbanizing the Bethany area, particularly in contrast to areas 82 and 65, is that urbanization in that area can be accomplished with features of an efficient urban growth form and will be compatible with the existing urbanization on the fringe of the urban area in the vicinity of areas 84-87. In contrast to the land inside the boundary in the vicinity of area 65 and 82, the urban area near areas 84-87 has been fully developed in a manner consistent with Metro's 2040 density and design objectives, and there is also an existing town center that is already being developed, which will support the additional urbanization of the Bethany expansion sites. Roughly half of the designated Bethany Town Center has been developed, and Washington County has approved a master plan for the development of the undeveloped portions of the town center area. Expanding the population base in the immediate vicinity of the town center will help support the economic viability of the town center and, in all likelihood, stimulate the development of the remaining portions of the town center master plan. Pedestrian and bike

paths have been designated, which will connect area 85W and the rest of the expansion areas to the town center, providing connectivity and helping to create a sense of community between the expansion area and the town center. As discussed above, the addition of area 87 also provides linkage between the Washington County bike and pedestrian trail to the open space areas and trails that are conceptually planned for the Bethany area. Thus, the expansion area and the town center support each other.

Compatibility

Similar to ORS 197.298(3)(c), Metro factor 6, MC 3.01.020(b)(6)(a)(i), allows for the inclusion of resource lands, such as areas 85 and 87, if they are “necessary to achieve improved efficiency” on adjoining exception land. The Metro policy calls for including the smallest amount of resource land as possible. That is one of the factors to be balanced in determining the overall suitability for inclusion in the boundary of each of the Bethany area sites. As discussed below in response to ORS 197.298(3)(c), the Council has considered the extent to which some or all of the resource lands within areas 85 and 87 should be included to gain the greatest efficiencies when developing areas 84 and 86. While efficient urbanization of areas 84 and 86 can be obtained by including area 85W and the portion of 85E south of Brugger Road, greater efficiencies are obtained as more of area 85 and 87 are added to the expansion area. On balance, including some or all of those resource lands is generally consistent with Metro factor 6.

The Agricultural Compatibility Analysis shows that urbanization of the Bethany area will have relatively fewer impacts on agricultural activities in the same area. Traffic and transportation impediments related to farming operation are two of the primary factors that the Council reviewed in considering compatibility. While all the exception areas reviewed in these findings will have some impact on agricultural activities, the Council finds that impacts from urbanizing areas 84 and 86 will be reduced by the ability to direct traffic south to Springville Road away from nearby farmland. The Alternatives Analysis also shows that existing forested areas and creeks have the potential to buffer farm operation from development. The close proximity of Germantown Road is likely to buffer farmlands to the north of the Bethany area and provide alternative transportation opportunities for nearby farms.

Metro factor 7 (MC 3.01.020(b)(7) calls for an analysis of the impacts urbanization in the proposed expansion area will have “with nearby agricultural activities.” That analysis for the Bethany area was done in prior farm practice reports that are in the record at Area 85 West, Exhibit 14. There is no commercial farming activity taking place in areas 84-87, so urbanization in the expansion areas will not displace existing commercial farming activity. Moreover, the proposed expansion area is well-buffered from agricultural activities in the area. NW 185th Avenue, Abby Creek and associated riparian corridors, and the powerlines and Multnomah County line create a well-buffered and clearly demarcated UGB boundaries for the Bethany expansion sites. Including area 87 in the expansion area is consistent with factor 7 because to not include area 87 would create a situation where that EFU land was, in effect, orphaned from any surrounding resource lands.

The Alternatives Analysis shows that urbanization of areas 65 and 82 will have similar impacts on farm land as urbanization of 84 and 86. The main differences are that development 65 and 82 is more likely to result in traffic impacts on nearby farm operations and there are no roads in the vicinity of either area to provide a buffer to agriculture as Abby Creek and Germantown Road will do for Bethany.

School Site

The Metro Council in Ordinance No. 02-983 expanded the UGB in the Bethany area to provide a 10-acre school site within Area 85 as a specific type of land need pursuant to ORS 197.298(3)(a). The findings for Ordinance No. 02-983 are incorporated here by this reference, and so is the testimony regarding the school site in Area 85 West, Exhibit 4.

The evidence demonstrates that it will be far less feasible to build an elementary school on the Area 85W school site unless it is developed in conjunction with the master plan that Washington County has already approved for Area 85W. Without the development of the master plan, the school site is essentially a landlocked parcel, and is much more difficult to extend necessary public facilities to the site, including road and pedestrian access. Development of the school as a stand-alone site, rather than as part of the approved master plan, is less desirable because it would create an isolated pocket of urbanization not connected to or compatible with any adjoining urbanization. Compatibility issues are discussed in more detail in the testimony summarized in Area 85, Exhibit 4, which is incorporated herein. There is no existing urban development adjacent to or in close proximity to the school site. Thus, it would be more consistent with Metro factor 4 if the site is developed in conjunction with the rest of the proposed Bethany expansion areas.

The evidence demonstrates that there is a specific land need to build an elementary school on the 10-acre site owned by the Beaverton School District. ORS 195.110(8) allows for the expansion of the UGB to address a specific need for a school site, however, the statute also provides that such an expansion must be done "pursuant to applicable law and rules."

The most feasible way to utilize the site for a school is if it is developed as part of the approved master plan for Area 85. That is the position of the Washington County Board of Commissioners as stated in their letter of November 22, 2002:

"The school is an integral component of the [approved master] plan. The layout of the roads and utilities, the configuration of the school site, and the conditions of approval all work together to ensure that the school can be built efficiently and in a timely manor. * * * Providing access and utilities to the school without development of the master plan would be difficult, inefficient and very expensive."

Therefore, pursuant to ORS 197.298(3)(a), including all of Area 85 is justified in order to amend the boundary to address the specific need for a school at the designated location. The inclusion of Area 85W is necessary, pursuant to ORS 197.298(3)(c), because the school site cannot be efficiently developed for its intended purpose unless the development occurs in conjunction with the development of the Area 85W master plan.

Natural and Cultural Resources (Goal 5)

Metro's alternatives analysis addresses the Goal 5 resources protected in the Bethany area by Washington County in its acknowledged comprehensive plan. The county will be responsible for protecting inventoried Goal 5 resources in the area when they amends their comprehensive plans and zoning ordinances to implement expansion of the UGB. Exhibit B, Condition 6 of Ordinance No. 02-987 requires the county or the City of Beaverton, if the city annexes the area, to consider Metro's inventory of Goal 5 resources in their application of Goal 5. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the 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 county planning for the area. Under Metro's Title 11, current county land use regulations will remain in place until the county or City of Beaverton adopts new plan provisions and land use regulations to allow urbanization of the Bethany area, at which time the responsible local government will apply Goal 5 to these resources. Moreover, as noted above, Washington County's Clean Water Services has approved the mitigation and enhancement plan submitted in conjunction with the approved master plan for area 85W and found it to comply with the applicable Goal 5 regulations.

Regional Transportation Plan

Metro has responsibility to ensure that its Task 2 decision for the Bethany area 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 Washington County from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until it revises its comprehensive plans and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area.

Regional Framework Plan

The Council has determined that including the Bethany area in the UGB allows for compact development in an area that can assist in satisfying the regional need for housing. Taking this land into the UGB allows Metro to concentrate development potential and realize efficiencies that are promoted by the RFP. The Council has applied conditions in Exhibit B to this ordinance to ensure that RFP policies can be met as urbanization occurs. The conditions reference Title 11 of the Urban Growth Management Functional Plan which requires Washington County, and potentially the City of Beaverton, to plan for concentration of housing that will support and efficient arrangement of public facilities and services, including transportation.

Goal 2 Coordination

The Bethany area, and in particular area 85W, has been the subject of numerous planning processes and studies undertaken jointly by the City of Beaverton and Washington County. The history of those planning activities is summarized in the chronology attached and incorporated herein as Area 85 West, Exhibit 3. In addition, both Beaverton and Washington County have gone on record specifically supporting the inclusion in the UGB of area 85W. Consistent with Goal 2 coordination, the land use decisions and official positions of the affected local governments are relevant considerations that support the decision to include area 85W as part of the Bethany expansion area. The County's approval of the master plan for area 85W, which includes and incorporates the school site, was the culmination of numerous planning processes and land use decision-making, which was undertaken in coordination with Metro and DLCD, and included notice and opportunity for significant citizen involvement. That coordination between the various affected governments and the opportunities for citizen involvement are unique to this area amongst all other areas included or considered for inclusion in the boundary.

ORS 197.298

ORS 197.298(3)(c) establishes a "maximum efficiency" test that allows for lower priority land (typically resource land) to be included in a boundary expansion if it is necessary in order to provide services to and otherwise allow for the efficient urbanization of higher priority land (typically exception land). The inclusion of the lower priority land within areas 85 and 87 satisfies the maximum efficiency test.

Areas 84N and 86 are exception land, but have numerous constraints that make it unreasonable to expect that they can or would be developed in the kind of efficient urban form that would be consistent with the objectives of the Regional Framework Plan and legislative amendments of the UGB. See, for example, MC 3.01.005(b)(2) and (3). Because of its location and topographical constraints, area 84N is severely limited in its ability to develop without the inclusion of at least area 85W. There would also be numerous impediments to achieving an urban form if area 86 were to develop as a stand-alone site. As summarized in Area 85 West Exhibit 1, the key to an efficient urbanization of the Bethany area is developing the land in between areas 84N and 86, and the logical gateway for extending services throughout the entire Bethany area is area 85W.

Planning and developing all of the Bethany area satisfies the maximum efficiency test in two important ways: first, it enables areas 84N and 86 to be efficiently urbanized, and second, it creates the greatest opportunity to plan and design the entire 778 acres as a community with the greatest flexibility and opportunities to satisfy Metro's acknowledged urbanization objectives and the suitability factors of Goal 14. The Bethany expansion area will have clear boundaries that serve to both visibly highlight the line separating urban and rural uses, and to also serve as a buffer between urban development and rural uses. NW 185th Avenue, Abby Creek and its adjoining riparian zone and slopes and the powerline easement coupled with the Multnomah County boundary line all serve to clearly demarcate and buffer the proposed expansion area.

Determining how much resource land needs to be included in the Bethany expansion to ensure the efficient urbanization of areas 84N and 86 requires a balancing of the priority considerations under ORS 197.298(1) with the efficiencies that can be achieved, consistent with ORS 197.298(3) and Goal 14, factors 3-7. Limiting the expansion to the lower priority lands in area 85W and that portion of area 85E south of Brugger Road (about 140 acres) would facilitate the efficient urbanization of the two higher priority areas. That would result in the southern portion of Brugger Road being the UGB boundary line in the middle of the expansion area. While that would adequately allow for road and utility connections between the two exception areas, the evidence shows that greater efficiencies and greater opportunities to design a whole community can be achieved if the boundary line between the two exception areas is moved further north. For example, the evidence shows that the northern portion of Brugger Road could be extended as a connection between the two expansion areas and that greater efficiencies can be achieved by utilizing that as the northern UGB boundary between the two exception areas. To achieve maximum efficiency in the planning and development of the exception lands, the Council has concluded it is appropriate to include area 87 in the Bethany expansion for all of the reasons discussed above.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)
URBAN GROWTH BOUNDARY TO ADD LAND)
IN THE BETHANY AREA; AND DECLARING)
AN EMERGENCY)
)
)
)

ORDINANCE NO. 02-987
Introduced by Councilor McLain

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 Bethany area of Washington County both exception lands and lands identified as exclusive farm or forest use; 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, 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 identified regional need for housing. These areas are furthermore determined to support the Bethany Town Center as well as the Beaverton and Hillsboro Regional Centers.
2. Lands in exhibit A identified as exclusive farm or forest use are necessary to provide services to adjacent exception lands in Exhibit A.
3. Conditions set forth in Exhibit B, attached and incorporated into this ordinance, must be met by the responsible jurisdictions prior to urbanization.

4. 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.
5. 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 [insert date] day of [insert month] , 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE METRO URBAN GROWTH BOUNDARY TO ADD LAND FOR HOUSING AND A SCHOOL SITE IN THE BETHANY AREA NORTH OF SPRINGVILLE ROAD

Date: November 25, 2002

Prepared by: Lydia Neill, Principal Regional Planner

PROPOSED ACTION

Adoption of Ordinance No.02-987, to amend the Metro Urban Growth Boundary (UGB) to add land for housing in the Bethany Area located north of Springville Road. The proposed amendment area is shown on Attachment 1.

BACKGROUND AND ANALYSIS

State law requires Metro to assess the capacity of the UGB every five years and if necessary expand the UGB or increase the region's capacity to meet the long-term needs for housing. The 2002-2030 Regional Population and Economic Forecast as well as a number of other studies and calculations found in the 2002 Urban Growth Report indicate a regional need for 37,400 dwelling units. The 2002 Alternatives Analysis was used as a basis for reviewing lands suitable for development and developing findings that meet Goal 14. The western portion of the region contains a limited amount of exception lands that under Goals 2 and 14 are the first priority for inclusion in the UGB. The Bethany area includes approximately 190 acres of exception land and 510 acres of exclusive farm use (EFU) land that can be used to help satisfy the long term 20-year need for housing. A number of different proposals for providing services to these areas have been submitted into the record.

Clean Water Services has provided staff with 3 scenarios for providing sanitary sewer to Areas 83, 84, 85, 86 and 87. Clean Water Services has emphasized the need to provide gravity sewer service and to reduce or eliminate pump stations where possible. Pump stations add to the initial costs of providing sanitary sewer service, require ongoing maintenance and have a limited lifespan. The Executive Officer's recommendation dated November 11, 2002 reflects a review and consideration of this information provided by Clean Water Services and resulted in a proposal of bringing in a portion of Area 83 to serve Area 84 which is exception land.

Three proponents have presented information for providing sanitary sewer and transportation services to serve these areas. Some of these proponents have suggested that a portion of Area 87 should be included to provide a natural buffer from the surrounding agricultural lands by urbanizing north to Abbey Creek and to the east to a BPA transmission line. A third proponent suggest that a more limited expansion could take place by including Area 83 and providing gravity sewer to Area 84 and a necessary transportation connection off of 185th Avenue to West Union Road.

After analyzing this servicing information the Metro Council finds that the most efficient land to provide both a buffer from agricultural areas to the north to Abbey Creek and west to the BPA power line easement can be accomplished by bringing a portion of Area 87 (EFU), all of Areas 84, 85 (EFU) and 86. The west boundary will remain at 185th Avenue. It appears that the majority of this territory can be served by a gravity sewer system.

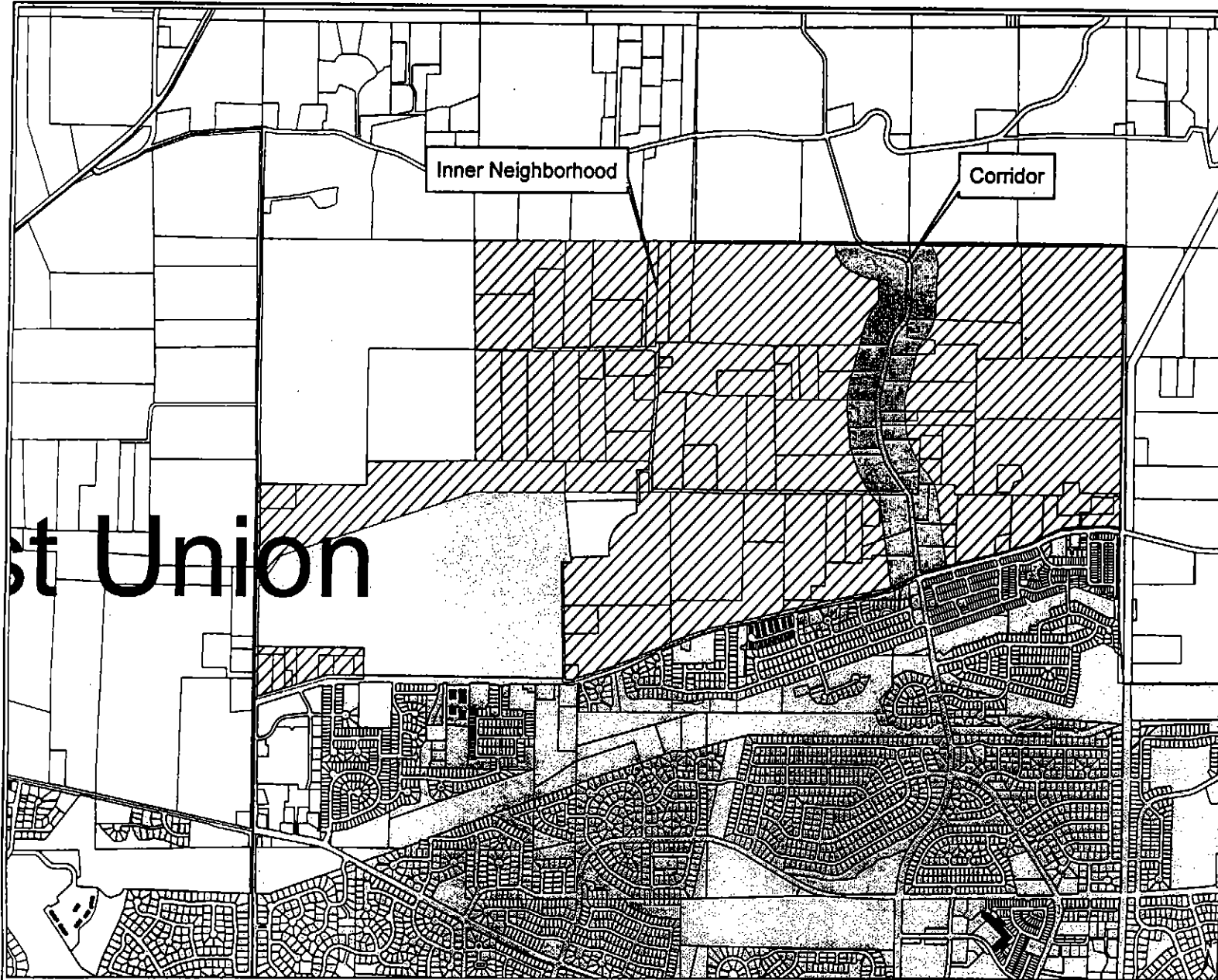
APPLICABLE REVIEW CRITERIA

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

BUDGET IMPACT

There is no budget impact from adopting this ordinance.

I:\gm\community_development\staff\neill\memos and letters\bethanystaffrep.doc



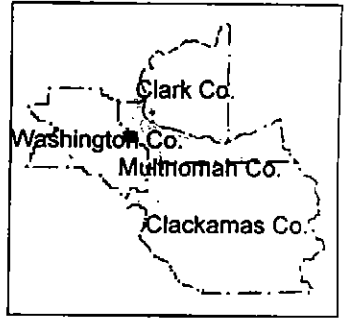
R L I S
REGIONAL LAND INFORMATION SYSTEM

2040 Growth Concept Map

Proposed Designations
Ordinance 02-987A

- Design Types**
- Industrial
 - Regionally Significant Industrial Area (Proposed)
 - Employment
 - Town Center
 - Corridor

The information on this map was derived from digital data provided by Metro's GIS. Care was taken in the creation of this map. Metro does not assume any responsibility for errors, omissions, or omissions appearing thereon or for any information, expressed or implied, including the accuracy of the information as shown on a particular map. Metro does not warrant the accuracy of this product. However, publication of any map will be subject to the following:



Location Map



METRO DATA RESOURCE CENTER
400 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2734
TEL (503) 797-1742 | FAX (503) 797-1808
drc@metrodata.org | www.metro-region.org