

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING - revised 12/4/02
DATE: December 5, 2002
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. TRI-COUNTY LEVEL POPULATION FORECAST

Potiowsky

4. EXECUTIVE OFFICER COMMUNICATION

5. CONSENT AGENDA

5.1 Consideration of Minutes for the November 14 and 21, 2002 Metro Council Regular Meetings.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 02-990**, For the Purpose of Amending the Metro Urban Growth Boundary to add Land in the Site #48, Tualatin Quarry Area.

7. ORDINANCES - SECOND READING

7.1 **Ordinance No. 02-969A**, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022.

Park

7.2 **Ordinance No. 02-983B**, For the Purpose of Amending the Metro Urban Growth Boundary to add land for specific types of identified land need.

Bragdon

7.3 **Ordinance No. 02-984A**, For the Purpose of Amending the Metro Urban Growth Boundary to add Land for a public school in Study Area 85.

McLain

- | | | |
|-----------------------|--|------------|
| 7.4 | Ordinance No. 02-985A , For the Purpose of Amending the Metro Urban Growth Boundary in the Vicinity of the City of Forest Grove by Adding and Deleting an Equivalent Amount of Land. | McLain |
| 7.5 | Ordinance No. 02-986A , For the Purpose of Amending the Metro Urban Growth Boundary to Add land for a road improvement in the Sherwood Area, East of the Pacific Highway and North of the Tualatin-Sherwood Road. | Hosticka |
| 7.6 | Ordinance No. 02-987A , For the Purpose of Amending the Metro Urban Growth Boundary to add land in the Bethany area. | McLain |
| 8. RESOLUTIONS | | |
| 8.1 | Resolution No. 02-3254B , For the Purpose of Establishment of a Centers Team within the Planning Department and to Commence Implementation of the Centers Strategy. | Bragdon |
| 8.2 | Resolution No. 02-3255A , For the Purpose of Directing the Chief Operating Officer to Prepare Recommendations and a Report Addressing Options on: Regional Fiscal Policy Regarding Land Added to the Metro Urban Growth Boundary and Implementation of the 2040 Growth Concept. | Burkholder |

9. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for Week of December 5, 2002 (T VTV)

	Sunday (12/9)	Monday (12/10)	Tuesday (12/11)	Wednesday (12/5)	Thursday (12/6)	Friday (12/7)	Saturday (12/8)
CHANNEL 11 (Community Access Network) (most of Portland area)		4:00 PM				2:00 PM	
CHANNEL 21 (T VTV) (Washington Co., Lake Oswego, Wilsonville)	12:00 PM			7:00 PM 11:00 PM		7:00 PM 11:00 PM	
CHANNEL 30 (T VTV) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	12:00 PM			7:00 PM 11:00 PM		7:00 PM 11:00 PM	
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 PM	8:30 PM					
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
CHANNEL 32 (ATT Consumer Svcs.) (Milwaukie)		10:00 AM 2:00 PM 9:00 PM					

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.

Portland Cable Access	www.pcatv.org	(503) 288-1515
Tualatin Valley Television	www.tvca.org	(503) 629-8534
West Linn Cable Access	www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm	(503) 650-0275
Milwaukie Cable Access		(503) 652-4408

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: December 5, 2002
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. TRI-COUNTY LEVEL POPULATION FORECAST Potiowsky

4. CONSENT AGENDA

4.1 Consideration of Minutes for the November 14 and 21, 2002 Metro Council Regular Meetings.

5. ORDINANCES - SECOND READING

- 5.1 **Ordinance No. 02-969**, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022; and Declaring an Emergency. Community Planning Com.
- 5.2 **Ordinance No. 02-983**, For the Purpose of Amending the Metro Urban Growth Boundary to add land for specific types of identified land need; and Declaring an Emergency. Community Planning Com.
- 5.3 **Ordinance No. 02-984**, For the Purpose of Amending the Metro Urban Growth Boundary to add Land for a public school in Study Area 85; and Declaring an Emergency. Community Planning Committee
- 5.4 **Ordinance No. 02-985**, For the Purpose of Amending the Metro Urban Growth Boundary in the Vicinity of the City of Forest Grove by Adding and Deleting an Equivalent Amount of Land; and Declaring an Emergency. Community Planning Com.

5.5 **Ordinance No. 02-986**, For the Purpose of Amending the Metro Urban Growth Boundary to Add land for a road improvement in the Sherwood Area, East of the Pacific Highway and North of the Tualatin-Sherwood Road; and Declaring an Emergency. Community Planning Com.

5.6 **Ordinance No. 02-987**, For the Purpose of Amending the Metro Urban Growth Boundary to add land in the Bethany area; and Declaring an Emergency. Community Planning Com.

6. RESOLUTIONS

6.1 **Resolution No. 02-3254**, For the Purpose of Direction to the Executive Officer to Establish a Centers Team Within the Planning Department and to Commence Implementation of the Centers Strategy. Community Planning Committee

7. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for Week of December 5, 2002 (TVTV)

	Sunday (12/9)	Monday (12/10)	Tuesday (12/11)	Wednesday (12/5)	Thursday (12/6)	Friday (12/7)	Saturday (12/8)
CHANNEL 11 (Community Access Network) (most of Portland area)		4:00 PM				2:00 PM	
CHANNEL 21 (TVTV) (Washington Co., Lake Oswego, Wilsonville)	12:00 PM			7:00 PM 11:00 PM		7:00 PM 11:00 PM	
CHANNEL 30 (TVTV) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	12:00 PM			7:00 PM 11:00 PM		7:00 PM 11:00 PM	
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 PM	8:30 PM					
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
CHANNEL 32 (ATT Consumer Svcs.) (Milwaukie)		10:00 AM 2:00 PM 9:00 PM					

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.

Portland Cable Access	www.pcatv.org	(503) 288-1515
Tualatin Valley Television	www.tvca.org	(503) 629-8534
West Linn Cable Access	www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm	(503) 650-0275
Milwaukie Cable Access		(503) 652-4408

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of the November 14, and November 21, 2002 Regular Metro Council Meeting minutes.

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, November 14, 2002
Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, Rex Burkholder

Councilors Absent: Rod Monroe (excused), David Bragdon (excused)

Presiding Officer Hosticka convened the Regular Council Meeting at 2:11 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. MPAC COMMUNICATIONS

Councilor Park said Metropolitan Policy Advisory Committee (MPAC) discussed the Title 4 concept map. They also discussed the Regional Economic Strategy in Task 3 as well as park and vacancy issues. They came to no conclusions.

4. CONSENT AGENDA

4.1 Consideration of minutes of the November 7, 2002 Regular Council Meeting.

Motion	Councilor Atherton moved to adopt the meeting minutes of the November 7, 2002, Regular Council meeting.
Vote:	Councilors Atherton, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.

5. ORDINANCES – FIRST READING

5.1 Ordinance No. 02-980, For the Purpose of Amending Chapter 5.05 of Metro Code to adjust the Fee Schedule for Applications for Non-System Licenses.

Presiding Officer Hosticka announced that this ordinance had been removed from the agenda and would be considered at a later date.

Councilor Burkholder asked that item 7.5 be considered at this time, as potential members of the committee were present. Presiding Officer Hosticka called for objections and found none.

7.5 Resolution No. 02-3245, For the Purpose of Making Citizen Appointments to the Transportation Policy Advisory Committee (TPAC) and the Transportation Demand Management Subcommittee (TDM).

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3245.
Seconded:	Councilor Atherton seconded the motion

Councilor Burkholder spoke to the Transportation Policy Advisory Committee and the Transportation Demand Management subcommittee and the composite of those committees. He noted that there were several openings. He talked about the application and interview process. He introduced Chris Smith, Bonnie Lile, and Louis Ornelas. He invited these individuals to the testimony table to speak. Mr. Smith said he was looking forward to representing a neighborhood point of view. Ms. Lile said she had moved to the region from Newport. She has been involved in transportation issues in Newport and was looking forward to participating in TPAC. Councilor Burkholder said they had a wide range of individuals on the committee. He urged adoption of these appointments. Presiding Officer Hosticka welcomed the new committee members.

Vote:	Councilors McLain, Atherton, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

6. ORDINANCES - SECOND READING

6.1 **Ordinance No. 02-964**, For the Purpose of Amending Metro Code Sections 3.01.015, 3.01.025, 3.01.065, and 3.09.050 to Allow Expansion of the Urban Growth Boundary onto Land Outside the District Prior to Annexation on Condition that the Territory be Annexed Prior to Urbanization, and Declaring an Emergency.

Motion	Councilor McLain moved to adopt Ordinance No. 02-964.
Seconded:	Councilor Park seconded the motion

Councilor McLain said Exhibit A, page 2 described the changes to the code. They were trying to simplify the code and have correct language for moving land outside the district prior to annexation. She noted this resolution required an intergovernmental agreement (IGA) with the other involved jurisdiction. She clarified the IGA's requirements. Presiding Officer Hosticka said this has been discussed at MPAC last night. They had indications that local jurisdictions would be willing to enter into the IGAs. Councilor McLain said they had been working with the local jurisdictions on the ordinance. Councilor Park commented that they were protecting Metro's ability to fulfill its requirements under state land use law. This allowed Metro to move into those areas which were beyond out current jurisdictional boundary but were priorities area that we were required by state law to take in first. He further clarified what the ordinance did. He was comfortable with how Metro was proceeding and said we would only do this with individual Intergovernmental Agreements.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-964. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor McLain said this allowed us to make sure the state can look at our Urban Growth Boundary amendments this year and see them as filling the responsibilities that we have by legal standards of state law for a twenty year land supply.

Vote:	Councilors Park, Burkholder, McLain, Atherton and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

6.2 Ordinance No. 02-968A, For the Purpose of Amending Ordinance No. 99-809, Which Amended the Urban Growth Boundary to Include Former Urban Reserve Area 55W of Washington County.

Motion	Councilor McLain moved to adopt Ordinance No. 02-968A.
Seconded:	Councilor Atherton seconded the motion

Councilor McLain said they were amending Ordinance No. 99-809. She noted a letter from the City of Hillsboro (a copy which can be found in the meeting record). This will allow for urbanization of this area. She talked about the status of the approved conditions placed on the city (attachment C). She said the spirit of the conditions was being met. She supported this ordinance.

Councilor Burkholder asked about the revised version of the staff report and if there were any parts where the City of Hillsboro had claimed it had met the conditions, but Metro disagreed? Ray Valone, Planning Department, said no. There were no disagreements. He further explained that most conditions were met and some would be met in the future. Councilor McLain said Metro had placed conditions on the city before Metro had completed Title 11. They were now under the current conditions and process.

Presiding Officer Hosticka asked how many houses would be to be built in this area? Mr. Valone said they did not have a specific number yet. They were in the middle of the community planning process. Valerie Counts, Hillsboro Planning Department, responded that their planning process indicated they would be meeting the overall density of 10 units per net residential acre. There would be approximately 1300 to 1600 dwelling units planned for the site. Councilor Park commented that this showed flexibility. There had also been a reduction of land based on school sites. Councilor McLain said the City of Hillsboro was in line with the density capacity. Councilor Park said our current planning allowed the flexibility to make our concepts work and our ability to work with local partners. Councilor Atherton asked about conditions and how we enforced these provisions after the UGB amendment has been made? Dan Cooper, General Counsel, responded that we enforced these the same way we enforced all of our Functional Plan requirements. They required notices to Metro from the local governments when they were proposing comprehensive plans and zoning amendments so they could be reviewed to see if they were in compliance with the Functional Plan requirements. If they weren't in compliance then Metro would appeal to Land Use Board of Appeals (LUBA) and have a determination made. If non-action was the problem rather than action, Metro had the same enforcement mechanisms. Councilor Atherton asked if there was a requirement that may not be in our Functional Plan right now, for example, a rural community who wanted to become a town center who wanted to have control over their own zoning and planning. Could this be included as a condition of the UGB change? Mr. Cooper said if the condition was included then it was enforceable and further explained how this would be enforced. There was an opportunity in adoption. Councilor Atherton asked whom they would appeal this to? Mr. Cooper said they would appeal to LUBA. If there were concerns that things weren't going right ahead of time, obviously, there was an opportunity to communicate this to the local government. In most circumstances these concerns were responded to and there was no need for an appeal.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-968. No one came forward. Presiding Officer Hosticka closed the public hearing.

Vote:	Councilors Burkholder, McLain, Atherton, Park and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

6.3 Ordinance No. 02-971, For the Purpose of Amending the FY 2002-03 Budget and Appropriations Schedule Recognizing \$411,051 in Grant Funds from Various State, Federal and Private sources; and Increasing the Regional Parks Fund Operating Expenses by \$411,051.

Motion	Councilor McLain moved to adopt Ordinance No. 02-971.
Seconded:	Councilor Park seconded the motion

Councilor McLain said this was an ordinance that put together a partnership to improve the Gotter property. She further explained the partners that were involved. This would allow the Parks Department to do some good restoration work on property that Metro owned.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-971. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor McLain said this covered 90 acres of potential wetland and 20 acres of surrounding riparian habitat. Councilor Park noted that he appreciated the staff work on this ordinance. It was important that the Council review these as a council. Presiding Officer Hosticka said this was a good example of how public and private money were being used to achieve our natural resource objectives of protecting fish and wildlife habitat. Councilor Atherton asked if these funds were Pitman Roberson funds? Presiding Officer Hosticka said no they were not.

Vote:	Councilors McLain, Atherton, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

6.4 Ordinance No. 02-979, For the Purpose of Amending Metro Code Chapter 5.05 to Include the Coffin Butte Landfill on the List of Designated Facilities; and Declaring an Emergency.

Motion	Councilor McLain moved to adopt Ordinance No. 02-979.
Seconded:	Councilor Atherton seconded the motion

Councilor McLain said this was from Solid Waste Advisory Committee to put Coffin Butte Landfill on our list of designated facilities. Our system carries some of our work outside our Metro jurisdictional boundaries. This facility was down by Corvallis/Monmouth. This facility was used by some of our haulers. She noted some issues described at the committee. She urged support.

Councilor Burkholder asked about the need for an emergency clause. John Houser, Council Analyst, said there was a companion resolution, which would cause the adoption of the facility license. Legal recommended including the emergency clause to match the ordinance with the resolution.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-979. No one came forward. Presiding Officer Hosticka closed the public hearing.

Vote:	Councilors Atherton, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

6.5 Ordinance No. 02-981A, For the Purpose of Amending Ordinance No. 95-625A to Amend the 2040 Growth Concept Map and Ordinance No. 96-647C to Amend the Employment and Industrial Areas Map, November 2002, and Declaring an Emergency.

Motion	Councilor Park moved to adopt Ordinance No. 02-981A.
Seconded:	Councilor Burkholder seconded the motion

Councilor Park gave the history of Ordinance No. 95-625A. There were changes that had occurred over a period of time such as the lightrail and town center adjustments. He noted the cities that had requested changes (included in the attachments to the Ordinance). Brenda Bernards, Planning Department, pointed out the three new maps, 7, 8 and 15 and what had been changed to match the concept plans. She noted the large amended maps; Exhibit A and B. Councilor Park asked about exception areas in the rural reserves. Ms. Bernards said you could not see this on the current map. Councilor Park suggested a crosshatch change to the map to help with understanding that these areas had potential levels of urbanizations. Councilor McLain concurred with Councilor Park's comments but she was not sure this was the map that should be the one that was updated.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-981A. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor Park thanked staff for their hard work. Once again, it showed that Metro was responsive to working with their local partners.

Vote:	Councilors Atherton, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

6.6 Ordinance No. 02-982, For the Purpose of Amending the FY 2002-03 Budget and Appropriations Schedule to recognize \$104,570 in grant funds and government contributions from various state and local sources; transferring \$25,430 from Contingency to Operating Expenses; increasing the Regional Parks Fund Operating Expenses by \$130,000; amending the FY 2002-03 Capital Improvement Plan; and Declaring an Emergency.

Motion	Councilor Burkholder moved to adopt Ordinance No. 02-982.
Seconded:	Councilor Park seconded the motion

Councilor Burkholder said this was an ordinance to accept grant funds and governmental contributions to help with emergency maintenance dredging around the Gleason Boat Ramp. The ramp was shared by several agencies. He asked about the changes in the next Capital Improvement Plan (CIP) which might reduce this ongoing maintenance cost that we had. This dredging was necessary to make sure this boat basin continued to function for all three of the agencies. He urged adoption and suggested that Mr. Tucker speak to the work they were planning and what year the work would take place. Jeff Tucker, Park Department, said the CIP included improvements to the Gleason Boat Ramp. They were currently doing land use approval for that facility. Next fiscal year, they would start Phase 1 of those improvements, an upland improvement. He further explained the next phases in upcoming years. The improvements for that facility should take care of some of these problems. Presiding Officer Hosticka asked about the specifics of what was being fixed. Mr. Tucker responded that they would be dredging the whole basin and doing some redesign elements, which should take care of most of the sand catch. Presiding Officer Hosticka asked if environmental permits had been approved for the dredging.

Mr. Tucker said they were expecting them in a week or two but they had all indication that they were going to receive them.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-982. No one came forward. Presiding Officer Hosticka closed the public hearing.

Vote:	Councilors Burkholder, McLain, Atherton, Park and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

7. RESOLUTIONS

7.1 **Resolution No. 02-3237A**, For the Purpose of Endorsing the I-5 Transportation and Trade Study Recommendations.

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3237A.
Seconded:	Councilor Atherton seconded the motion

Councilor Burkholder gave an overview of the strategic plan recommendations. He spoke to the committee's work and public involvement. He noted that the committee endorsed an enhancement fund to help with neighborhood transitions.

Andy Cotugno, Planning Director, said the "A" version of the resolution, included amendments from JPACT and TPAC. He explained further the implementation process. He talked about the projects, which were included in the resolution.

Kate Deane, Oregon Department of Transportation, gave a power point presentation on this resolution (a copy of which is included in the record). She talked about the composition of the 26-member task force. They held 7 public input milestones, which involved about 1700 people. She talked about the Task Force's endorsement of the Regional Transportation Plan. She highlighted the strategic plan components, which included highway, transit, TDM, land use, environmental justice, and rail. She said the Task Force did not address the financial issues but they would have to rely on partners for funding. She noted a rail map (included in the record) improvement. Presiding Officer Hosticka asked about the reconfigurations of the rail bridge. Ms. Deane said they learned a lot from the study. The problem was separating the traffic from one another. They may be able to avoid having another bridge across the river. Mr. Cotugno clarified issues about the highway bridge. Ms. Deane spoke to a third bridge and said they would be studying this issue further.

Presiding Officer Hosticka opened a public hearing on Resolution No. 02-3237A.

Walter Valenta, Bridgeton Neighborhood, 173 NE Bridgeton Rd #6 Portland OR 97211 said he was the citizen representative from Portland on the I-5 Task Force. He emphasized his openness to various ideas. He was happy with the conclusions. He said we had an opportunity to build another freeway but we didn't, we built a light rail instead. He felt the three-lane facility worked. He said this made a connection to Vancouver. He said there was an esthetic component built into this plan as well. This was a wonderful long-range vision.

Michelle Tworoger, Jantzen Beach Moorage, 1545 N Jantzen, Portland OR 97217 said she represented over 400 residents who strongly opposed the potential destruction at Jantzen Beach moorage and many floating homes on the river. The Jantzen Beach Mall as well as other businesses will be impacted or eliminated. The improvement project has enormous impacts on the

island for the Portland area and ruined the livability for many citizens. Protect the island and do not destroy Jantzen Beach. She encouraged them to take their time to study other options to save a valuable neighborhood. Her group supported the west arterial instead of expanding the existing bridge. Councilor Atherton asked Ms. Tworoger how the west arterial would be paid for? Ms. Tworoger said she assumed it would be paid for the same way as the other I-5 improvement projects.

Patti McCoy Columbia Corridor Association, PO Box 55651, Portland, OR 97238 said she was here to support the plan. She detailed the association's contribution to the region (a copy of her testimony is included in the record). She urged support of the resolution.

Lenny Anderson, Project Manager, Swan Island TMA, 4567 N Channel Ave., Portland, OR 97217 summarized his written testimony (a copy of which is found in the meeting record). He felt this was a good package but made suggestions about the need for further analysis as to where our economy was going.

Ann Gardner, Schnitzer Investments, Northwest Industrial Neighborhood Association, and PBA, 3200 NE Yeon, Portland OR said she was here to support the package. During this time of economic downturn we know that if we wanted to have a livable community and enjoy the benefits, we needed to help business be prosperous. She felt this was an enlightened package.

Steve Satterlee, Milwaukie-Portland Light Rail Coalition, 1023 NE Hancock, Portland, OR 97212 said he was Outreach Director for the Milwaukie Light Rail Coalition and explained what the coalition was formed for. They were dedicated to improving transit areas in the region. They supported the package as a whole particularly transit options in the corridor.

Presiding Officer Hosticka closed the public hearing.

Presiding Officer Hosticka asked if staff would address the data issues that Mr. Anderson raised. Mr. Cotugno responded that the commodity forecast was one of the studies utilized to analyze truck movement. Councilor Atherton asked what percentage was represented? Ms. McCoy said it was 7.87% jobs. Columbia Corridor had a higher annual wage than the statewide wage. Councilor Atherton said he was trying to respond to Mr. Anderson issues about economic impact. Mr. Anderson said he couldn't speak on the Columbia Corridor. He was familiar with Swan Island and its businesses. The analysis of our economic engines would be helpful to the Task Force. Councilor Atherton said he was trying to understand if this plan helped maintain our existing economy or future economy. Mr. Cotugno said it was helpful to both and explained further the impact on growth. Councilor Atherton further clarified what he was trying to understand; how constrained the existing system was and was those forecasts of growth realistic. Mr. Anderson said they had a data point about congestion. Currently I-5 operated about 95% efficiency. Councilor Atherton talked about the DRI-WEFA forecast and their prediction that future growth was dependent on a smoothly operating transportation system. Mr. Cotugno said all of the forecasts showed that commodity and freight volumes forecasted were going faster than the rate of population growth. It was particular true in this corridor. Presiding Officer Hosticka rephrased Councilor Atherton's question, did the fact that these improvements were not there now and wouldn't be there for awhile act as a constraint on the possible economic growth of this region?

Kate Deane said that was unclear. They thought it was impacting the economy now. There was a sense of urgency that they heard from the business community that we needed to get on with this. She said Mr. Anderson raised a good point about origin of destination, which could be addressed

in the Environmental Impact Statement. Presiding Officer Hosticka said it was fair to say that transportation system did act as a constraint. Councilor Atherton expressed concern about monies being siphoned off from this project with expansion in the east area of the region. Mr. Cotugno said there was competition for dollars. Any of the dollars that went into implementing this plan out of the state of Washington were not going to shift to Clackamas County and at least half if not more of this cost was a Washington cost. Second, there was no silver bullet but the committee had discussed tolls as a potential source to pay for the highway bridge. The tolls would also not shift to a Sunrise Corridor location. Councilor Atherton said if they were to increase the lanes on I-205 would that increase the demand on the I-5 trade corridor? Mr. Cotugno said I-205 did not draw capacity away from I-5, it was the spill over road.

Councilor McLain commented that this was the beginning. This was the strategic plan. Comments indicated that everything was not whole. There were issues that had been addressed that would need to be looked at in the future. She reminded that transportation and land issues were married. Presiding Officer Hosticka said this was a vision, it provided the framework for what we were likely to do in the future. Each component would be brought back for further discussion and decision. Councilor Park said this study educated many on the importance of the connection between transportation and land use.

Councilor Burkholder closed by saying that the testimony pointed out that this was a step of many steps. We needed to make sure that the choices we make were good ones and timing was an important issue in that decision making process. He spoke to the assets of the projects and the need for financing these projects. This was a great starting point. He urged adoption.

Vote:	Councilors McLain, Atherton, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

Councilor Burkholder introduced Elizabeth Wemple, an appointee for TPAC. Ms. Wemple said she was excited about serving and explained why she wished to serve. Councilor Atherton said she spoke to environmental justice, had they ever mapped the noise contours? Ms. Wemple said she did not know.

7.2 Resolution No. 02-3238, For the Purpose of Considering a Designated Facility Agreement with Valley Landfills, Inc. for the Coffin Butte Landfill.

Motion	Councilor McLain moved to adopt Resolution No. 02-3238.
Seconded:	Councilor Atherton seconded the motion

Councilor McLain said Ordinance No. 02-979 changed the code to support this facility. She explained the resolution, which was the agreement with Valley Landfill Inc. She supported this agreement.

Presiding Officer Hosticka opened a public hearing on Resolution No. 02-3238.

Ray Phelps, Willamette Resources Inc., 12095 SW Ridder Rd, Wilsonville, OR 97070, expressed a concern about continuing to apply credit funds against their payment of user fees and excise taxes. He noted Councilor Atherton had asked staff to work with them. They developed a process that was very workable for Willamette Resources. He was happy with the actions of the Solid Waste department.

Presiding Officer Hosticka closed the public hearing.

Councilor Burkholder asked about the cumulative impact on our facilities as we approve these licenses. Councilor Atherton said they would be addressing this issue at the Rate Review Committee. Councilor McLain said she also had a deep interest in Councilor Burkholder's question as well. We were getting fees from the facility. They were just being collected in a different way.

Vote:	Councilors Atherton, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

7.3 Resolution No. 02-3240, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Years 2003-04 through 2007-08.

Motion	Councilor McLain moved to adopt Resolution No. 02-3240.
Seconded:	Councilor Atherton seconded the motion

Councilor McLain said they did a Capital Improvement Plan (CIP) on a regular basis. This was the right thing and long term planning at its best. She noted the Executive Order on the CIP.

Councilor Burkholder said Mr. Burton gave a message to the committee. He summarized that this was the seventh CIP. An important part of the presentation was a discussion on the unfunded projects. Many of our departments didn't have the financial resources for long term maintenance of our facilities. Having this process had helped the agency understand their long-term project needs.

Presiding Officer Hosticka asked about the status of Executive Order following the transition on January 6, 2003. Mr. Cooper said they had been discussing this at Governmental Affairs Committee. It was a policy question as to whether the Chief Operating Officer or the Council would provide such orders in the future. He suggested the Council affirm the current Executive Orders.

Vote:	Councilors Park, Burkholder, McLain, Atherton and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

7.4 Resolution No. 02-3241, For the Purpose of Authorizing the Executive Officer to Acquire a Conservation Easement and Execute a 25-Year Lease of Open Space Property in the Tualatin River Access Points Target Area.

Motion	Councilor McLain moved to adopt Resolution No. 02-3241.
Seconded:	Councilor Atherton seconded the motion

Councilor McLain said this issue helped with better access to the Tualatin River frontage. She showed on the map where this conservation easement would be. Councilor Burkholder asked what was the purpose of both of these actions? Jim Desmond, Regional Parks and Greenspaces, said we had a neighbor to Metro property who had taken care of an acre of this property. He had requested a long-term lease. They had tried to do an exchange. They now had a perpetual easement in exchange for a 25-year lease. This allowed Metro to control access to the river. From a natural resource point of view it was a tremendous net gain for Metro. Councilor Burkholder asked about the lease. Did Metro have any ability to control what happened on the property and when the lease expired what happened? Mr. Desmond said they didn't dictate what the property

owner could do other than not do harm to Metro's property. Could the land be sold? If he sold the property he has the option to transfer the lease to the new property owner.

Councilor Park asked if it was a separate tax lot. Mr. Desmond said it was one 10-acre tax lot. Councilor Park said he assumed that the normal EFU uses were allowed? Mr. Desmond said that issue had not come up. It was EFU land, which flooded during the winter. This was one of the properties that Ducks Unlimited would be doing wildlife restoration work. Mr. Gotter's farm was about 10 acres. Councilor McLain closed by saying that staff had out done themselves in looking for creative ideas for enhancing our property.

Vote:	Councilors Burkholder, McLain, Atherton, Park and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
-------	--

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 02-3239**, For the Purpose of Authorizing Release of RFB #03-1032-REM for the Provision of Diesel Fuel and Authorizing the Executive Officer to Execute the Resulting Contract.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3239.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said they were asking for a bid because Metro purchased diesel fuel. By purchasing fuel we saved taxes. This required that we have a contract with a provider. This contract will expire in February of 2003 so the RFB needed to occur now. There was substantial flexibility built into the contract and explained the specifics.

Vote:	Councilors Atherton, Park, McLain and Presiding Officer Hosticka voted aye. The vote was 4 aye with Councilor Burkholder abstaining from the vote, the motion passed.
-------	---

9. COUNCILOR COMMUNICATION

Presiding Officer Hosticka announced that at the next Council meeting on November 21st, we would have a public hearing on Ordinance No. 02-969. On November 22nd, the Council would be having a retreat on transition issues.

Councilor Park added that at the November 21st Council meeting there would also be first readings on specific land needs issues.

Councilor McLain asked Mr. Cooper about separate ordinances on specific identified land use matters. Mr. Cooper said they must be first read on November 21st in order to act on them on December 5th. Mr. Cooper further explained that having an ordinance first read would not preclude including that issued in Ordinance No. 02-969.

10. ADJOURN

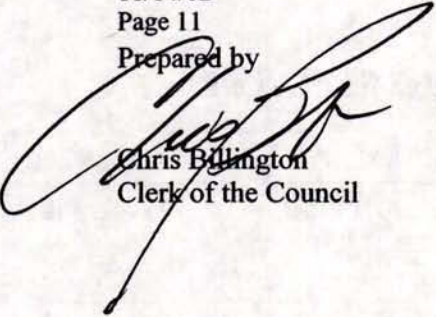
There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 4:45 p.m.

Metro Council Meeting

11/14/02

Page 11

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 7,
2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
4.0	MINUTES	11/7/02	METRO COUNCIL MINUTES OF NOVEMBER 7, 2002 SUBMITTED FOR APPROVAL	111402C-01
6.2	ORDINANCE No. 02-968A	11/14/02	ORDINANCE No. 02-968A, FOR THE PURPOSE OF AMENDING No. 99-809, WHICH AMENDED THE URBAN GROWTH BOUNDARY TO INCLUDE FORMER URBAN RESERVE AREA 55W OF WASHINGTON COUNTY	111402C-02
6.5	ORDINANCE No. 02-981A	11/14/02	ORDINANCE No. 02-981A, FOR THE PURPOSE OF AMENDING THE ORDINANCE No. 95-625A TO AMEND THE 2040 GROWTH CONCEPT MAP AND ORDINANCE No. 96-647C TO AMEND THE EMPLOYMENT AND INDUSTRIAL AREA MAP, AND DECLARING AN EMERGENCY	111402C-03
6.2	COMMITTEE REPORT	11/13/02	COMMITTEE REPORT ON ORDINANCE No. 02-968A FROM MICHAEL MORRISSEY, COUNCIL ANALYST TO METRO COUNCIL	111402C-04
7.1	COMMITTEE REPORT	11/14/02	COMMITTEE REPORT ON RESOLUTION No. 02-3237A FROM JOHN HOUSER, COUNCIL ANALYST TO METRO COUNCIL	111402C-05
7.2	COMMITTEE REPORT	11/12/02	COMMITTEE REPORT ON RESOLUTION No. 02-3238 FROM JOHN HOUSER, COUNCIL ANALYST TO METRO COUNCIL	111402C-06
7.5	COMMITTEE REPORT	11/14/02	COMMITTEE REPORT ON RESOLUTION No. 02-3245 FROM JOHN HOUSER, COUNCIL ANALYST TO METRO COUNCIL	111402C-07
8.1	COMMITTEE REPORT	11/6/02	COMMITTEE REPORT ON RESOLUTION No. 02-3239 FROM JOHN HOUSER, COUNCIL ANALYST TO METRO COUNCIL	111402C-08
6.3	COMMITTEE REPORT	11/14/02	COMMITTEE REPORT ON ORDINANCE No. 02-971 FROM JOHN HOUSER, COUNCIL ANALYST TO METRO COUNCIL	111402C-09

6.6	COMMITTEE REPORT	11/14/02	COMMITTEE REPORT ON ORDINANCE No. 02-982 FROM JOHN HOUSER, COUNCIL ANALYST TO METRO COUNCIL	111402C-10
6.2	LETTER	11/14/02	LETTER TO METRO COUNCIL FROM TOM HUGHES, CITY OF HILLSBORO CONCERNING ORDINANCE No. 02- 968A	111402C-11
7.1	POWER POINT AND I-5 TRANSPORTA- TION AND TRADE STUDY	11/14/02	POWER POINT PRESENTATION AND ADDITIONAL MATERIALS FROM KATE DEANE, ODOT TO METRO COUNCIL CONCERNING RESOLUTION No. 02- 3237A	111402C-12
7.1	LETTER	11/14/02	LETTER FROM COLUMBIA CORRIDOR ASSOCIATION TO METRO COUNCIL ON RESOLUTION NO. 02-3237A	111402C-13
7.1	LETTER	6/18/02	LETTER FROM LENNY ANDERSON, SWAN ISLAND TMA TO: I-5 TASK FORCE CONCERNING RESOLUTION No. 02-3237A	111402C-14

MINUTES OF THE METRO COUNCIL MEETING

Thursday, November 21, 2002

Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, David Bragdon, Rod Monroe, Rex Burkholder

Councilors Absent:

Presiding Officer Hosticka convened the Regular Council Meeting at 2:10 p.m. and announced that they would move directly to the public hearing on Ordinance No. 02-969.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Minutes of the November 14, 2002 Regular Council Meeting were not considered.

4. ORDINANCES – FIRST READING

Presiding Officer Hosticka announced that without objection they would begin the meeting with the public hearing on Ordinance No. 02-969. There was no objection.

4.2 **Ordinance No. 02-969**, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022; and Declaring an Emergency (**PUBLIC HEARING**)

Presiding Officer Hosticka assigned Ordinance No. 02-969 to the Council and opened a public hearing Ordinance No. 02-969. He spoke to the process to date. They will accept public testimony on this ordinance and other urban growth boundary amendments at tonight's meeting. He also talked about how to testify and opened the record.

Motion: Councilor Park moved to substitute draft Ordinance No. 02-969 for the current Ordinance No. 02-969.

Seconded: Councilor McLain seconded the motion.

Vote: There was not objection to the substitution.

Councilor McLain put a letter from Brad Young on Area 77 into the record.

Councilor Atherton said Melissa McDonald from West Linn had left a message indicated Metro should not move the Urban Growth Boundary, she liked space that surrounded communities and felt there was plenty of land inside the UGB now. Second, he noted a letter from Oregon City

Public Schools indicating that they had just recently been informed about Urban Growth Boundary choices preferred by Oregon City. Third, he placed an email in the record from Tom Petowski of the State Office of Economic Analysis (a copy of this may be found in the record).

Councilor Park gave an overview of testimony that had been received as of 2:30 p.m. today (a copy of these is found in the record).

Councilor McLain noted that this was additional information that we had received after the first record was closed on November 1, 2002.

Presiding Officer Hosticka added that if individuals did not wish to testify orally they could submit written comments on the purple Comment Card.

Andy Cotugno, Planning Director, gave a brief overview of the urban growth boundary expansion and growth within the region. He talked about the proposed policies in Ordinance No. 02-969 as well as recommended expansion areas. He also talked about the specific land need ordinances (a copy of his speaking points are included in the record).

Presiding Officer Hosticka said they would be taking action on the Ordinance on December 5th, and possibly on December 10th or 12th.

Councilor Park talked about the process that they had gone through at the Community Planning Committee in considering possible expansion of the Urban Growth Boundary. This was the most complete overhaul of the UGB the Metro had done. He talked about the public involvement process they had gone through in the past year.

Councilor McLain added that they appreciated the citizens being here today. They were here to listen today. They would do their best.

Tom Hughes, Mayor of Hillsboro, 123 W. Main St. Hillsboro, OR 97123 summarized his statement concerning Shute Road and Evergreen Road (a copy of his letter/testimony is found in the record).

Brent Curtis, Washington County Planning Manager, 155 N. First Street, Hillsboro, O R 97124 spoke to the conditions for the Shute Road/Evergreen Road (he provided a copy of his testimony for the record). He supported Mayor Hughes comments.

Councilor Bragdon said he supported the conditions and the need to be flexible in the future. Mayor Hughes said he was confident something could be worked out. Councilor Park asked for clarification on Mr. Curtis comments and whether they were comments from the Commission. Mr. Curtis said they were not but he was able to speak for the Commission. Councilor Park asked if they could get an official Commission comment on these issues for the December 5th Council public hearing.

Norman King, Councilor, City of West Linn 22500 Salamo Road, West Linn, OR 97068 said he was disappointed in the Metro Council's recommendation to bring Area 37 into the Urban Growth Boundary (a copy of his testimony is included in the record). He questioned the economic metric model. He spoke to Councilor Atherton's comments earlier in the meeting concerning population. He recommended reconsideration of the population growth rate. He also expressed concern about the vacancy rate.

Bob Adams, Councilor Elect, City of West Linn, 22500 Salamo Rd, West Linn, OR 97068 supported the opposition to include the Stafford area. He felt this was a direct violation of state goals 1 and 2 and explained why this was in violation. (A copy of his testimony is included in the record).

David Tripp, Councilor, City of West Linn, 22500 Salamo Rd, West Linn OR 97068 said he opposed expansion into the UGB. He was re-elected on that platform. If they added Area 37, they would add to the transportation problems. Traffic was now at capacity at peak travel times. (He provided a copy of his testimony for the record).

Bill Wilson, Councilor, City of West Linn, 22500 Salamo Rd, West Linn OR 97068, expressed concern about Area 37. West Linn had consistently opposed bringing Area 37 into the UGB. He recommended limiting development and not expanding the UGB. He didn't want to decrease the livability of the community. It would increase taxes and utility rates. He was also concerned about the quality of education with decreased state funding and increased growth (he provided two pieces of testimony for the record).

Mike Kapigan, Councilor, City of West Linn, 22500 Salamo Rd, West Linn OR 97068, opposed the addition of Area 37. He gave an overview of why. He spoke to their town center. He felt there had been misrepresentation to the Metro Council by developers. He hoped that Council would listen to the City of West Linn elected officials. Look at the analysis and consider what should be included. He felt West Linn had been a regional player. He spoke to fair share. He felt West Linn had accommodated a tremendous amount of growth. The infrastructure costs were burdensome. West Linn still had zoning to allow for additional population, they didn't need to expand.

David Dodds, Mayor of West Linn, 22500 Salamo Rd, West Linn OR 97068, said he felt the city council had spoken to his issue. He said the alternatives analysis for Area 37 showed difficulty for water and other public utilities because of the difficult topography of Area 37. (He provided written testimony for the record). He suggested finishing Goal 5 and Title 3 analysis before considering this area. He noted correspondence from citizens opposing Area 37. He said Area 37 was not considered a town center. The Tanner Basin had been developed as a master plan town center. There was no need to add Area 37. This process and the purpose of the Metro Council should be to achieve livability for the region and for the local jurisdictions. He noted the importance of separation of community. He urged reconsideration of Area 37.

Jack Hoffman, Councilor, City of Lake Oswego, PO Box 369 Lake Oswego, OR 97034 applauded Council for their courage to make the land use decisions. He encouraged the Council not to bring in the entire Stafford Basin. He spoke to Goal 1, significant high value farmland, jurisdictional governance, infrastructure challenges, and quality of life impact on neighboring communities. He publicly acknowledged Metro staff.

Judie Hammerstad, Mayor of Lake Oswego, PO Box 369 Lake Oswego, OR 97034 reiterate Councilor Hoffman's remarks for a job well done. She thanked Councilor Atherton for his passionate protection of the Stafford Triangle. She suggested Council considers the next tasks and not revisits the land decisions. (A copy of her testimony is included in the record). She encouraged not designating urban reserves at this time. She noted that the City of Lake Oswego would be submitting additional testimony

Richard Meyer, Community Development Director, PO Box 608, Cornelius, OR 97113 representing Mayor of Cornelius, read his testimony into the record (a copy of which is included in the record).

Councilor McLain said she would make a recommendation to take this out and put it into Task 3.

Joe Grillo, Community Development Director, City of Beaverton PO Box 4755 Beaverton OR 97076 spoke for Mayor Rob Drake and summarized his testimony. He will send a copy of his testimony for the record.

Councilor Monroe asked for clarification on Area 67, would the City of Beaverton also request Areas 65 and 66 be included?

Hall Bergsma, City of Beaverton, PO Box 4755 Beaverton OR 97076, spoke for Mayor Drake and said Area 67 was a lower priority area where 65 and 66 were closer to the city limits. They would continue to be involved in this process.

Richard Ross, AICP, Community Planning Division Manager, City of Gresham, 1333 NW Eastman Pkwy, Gresham, OR 97030 spoke for the Mayor Becker (his testimony is included in the meeting record).

Ross Schultz, City Manager, City of Sherwood, 20 NW Washington, Sherwood, OR 97140 said he and Dave Wechner, Building and Planning Director, were speaking for the Mayor Cottle. Mr. Wechner summarized the City of Sherwood comments (a copy of which is found in the meeting record).

Councilor Bragdon said in addition to the staff presentation from Sherwood he had also spoken with Mayor Cottle. Mayor Cottle clarified that the City and the School District often did these things jointly. They had a parks program that joined the schools so he wanted to make sure that in the conditions that were placed on that site that it was to be used for a school and a park. He would make sure wording was appropriate in the Ordinance. Presiding Officer Hosticka said that with those conditions the Council supported that inclusion.

Dan Drentlaw, Community Development Director, City of Oregon City, PO Box 3040, Oregon City, OR 97045 spoke for Mayor John Williams and include his testimony in the record.

Councilor Burkholder noted a letter from Oregon City School District expressing concern about traffic levels and lack of sidewalks around their school in Area 25. He was considering a condition be placed in the ordinance that the new connector between Holcomb and Redland and other roads that access the school include sidewalks and bike lanes. Mr. Drentlaw said he didn't see any problem with that. That collector road did not front that particular school. Councilor McLain asked about his presentation at MPAC. Mr. Drentlaw said the only new information was the discussion about the service provision. MPAC's discussion never got to the level of detail of suggesting that a portion of Area 24 and 25 be removed. She suggested Mr. Drentlaw get those areas mapped for staff. She asked what MPAC recommended on Henreesee Road both above and below? Mr. Drentlaw said MTAC recommended both sides, MPAC did not.

Al Burn, Portland Planning Bureau, 1900 SW 4th Portland OR spoke for Mayor Vera Katz, City of Portland and provided Mayor Katz written testimony which he summarized. He also acknowledged Metro's staff and their good work. He suggested addressing certain titles this year. He also acknowledged Mayor Hughes proposal for Shute Road.

Keith Liden, City of King City and West Linn-Wilsonville School District, 400 SW 6th Suite 802 Portland OR 97204, said King City appreciated having the flood plain area included in the

recommendation. West Linn-Wilsonville School District appreciated having Area 45 still remain in the recommendation. There was an important school site that was part of that area. The district did not have a position on Stafford Basin. They would like to remind Metro and local agencies that Stafford Basin was in the West Linn-Wilsonville School District and if brought in, it had huge implications for the district in terms of future enrollment. They estimated that Stafford Basin as a whole would represent a new high school, one or two new middle schools and three to five elementary schools. They would like to be involved in planning at the ground level.

Keith Fishback, 11375 NW Roy Rd Banks, OR 97106, spoke in favor of inclusion Areas 84-87. He was a farmer in Washington County and a nurseryman. These four sites were critical to keep together. If you did not included Area 87 with the others, there would be a jigsaw puzzle style of expansion with a boundary that had no buffers between agriculture and urbanization. Area 87 would provide a buffer between development and agriculture. You could also plan for an efficient community.

Tom VanderZanden, 15903 NW Logie Trail, Hillsboro, OR 97124, said on-site viewing had helped Council determine natural boundaries for Site 84-87. He shared a map of the area and showed how those natural boundaries worked. It kept agriculture and development separated. He felt these areas would help master plan the community and allowed for urban efficiency planning.

Presiding Officer Hosticka suggested he leave the map of that area. Councilor Monroe asked Mr. Fishback if he believed that this recommendation would be acceptable to the Washington County Farm Bureau. Mr. Fishback responded that the Farm Bureau would have to meet and make that determination.

Mark Ellerbrook, 14515 NW Springville Rd Portland, OR 97229, said he owned a wholesale nursery inside Area 87. Currently there were problems with water. If the boundary was moved and they were not included they would have even greater problems with both water and noise. If the area is brought in he would be forced to move.

Bruce Hosford, 7805 NW Kaiser Rd., Portland OR 97229 said they had a 72-acre farm which had been in the family for 60 year. He was in Area 87. Only 13 acres were farmable and they couldn't make a living farming. Most of the land was wetlands. They agreed with the Council's plan. Their farm should be a part of Metro's plan. They had complaints about their farming because of noise, dust and smell. Their property offered a buffer to farming.

John Van Grunsuen, 614 EW Main, Hillsboro, OR 97123 did not testify.

Craig Loughridge, 18553 S. Somewhere Lane, Mulino, OR 97042, was a real estate broker in Clackamas County, but not a developer and didn't represent them. He respected the residents of the Stafford area and West Linn but they also needed to consider what the Metro Council was supposed to be considering which were the overall regional needs and impacts of UGB planning and expansion in this process. He summarized the rest of his testimony (a copy of which is found in the record).

Richard Stevens, 400 Marylhurst Dr., West Linn OR 97068 said he lived in Area 39 and 41. He urged inclusion of these areas into the UGB. Prime farmland was used as a reason not to bring this area in. He felt the opinion that the UGB should not be expanded was a valid opinion but should not be the basis for the Council's impending decisions, for that they must be held to law. Regardless of the outcome he encouraged Metro to carefully explain the choices they make. The majority of the Stafford area city dwellers appeared to be on a crusade to keep Stafford out. He

suggested we be governed by the rule of law instead of being subjected to the tyranny of the majority.

Mark Dane, 13005 SW Foothill Dr Portland OR 97225, urged inclusion of Area 83. This was part of the Bethany area adjacent to Holcomb Lake. It had 128 acres of which 70 acres had been farmed historically. He encouraged bringing in less than more farmland if possible. This property was located adjacent to a town center, West Union Village. It was an urbanized boundary. It has urban services for immediate development. It was also located close to PCC Rock Creek. It also had important transportation implications including the essential intersection of 185th and Springville. These were major transportation corridors that have significant effects and needed significant improvements in order to work. This was one property under single ownership. This property could be master planned immediately.

Dirk Knudsen, 5517 NW Skywest Pkwy Portland OR, testified in favor of including of Area 83. Area 83 was the most urbanized piece of farmland in Washington County. He gave specifics of the property. 45-acres would be given to public trust. He talked about the EFU buffer. He showed their town center. They were completing a gap in the Urban Growth Boundary. He felt Area 83 was the gateway to the area.

Councilor Atherton asked about the aerial photograph. Mr. Knudson said he had provided Metro with aerial photos in 2002.

Jin Park, 13555 NW Laidlaw Rd Portland OR 97229, was an owner of Area 83. The only way that EFU land can be included was to provide opportunities to Areas 84 and 85. He said his engineer's report could provide water service to Areas 84 and 85. He noted Areas 83 was excluded on November 19th. Planning staff at Metro had said Area 83 was excluded because it was farmland.

Ryan Jeffries, 8835 SW Canyon Lane Portland OR 97225, said he was Mr. Jin Park's engineer. He had completed a study of Area 83 and found that it would provide sanitary sewer service to the other areas. Without Area 83's inclusion, Areas 84 and 86 would require pump stations for sanitary sewer services. He showed on a map the recommended service areas. It was his opinion that by extending service through Area 83, Areas 84-86 can be serviced most efficiently.

Presiding Officer Hosticka announced that the West Linn bus was leaving and encouraged them to stand to show their support of their position. 8 people stood.

Greg Hathaway, Attorney for David Wright and Tremaine, 1300 SW 5th Portland OR 97201, spoke to Area 83 and provided attributes of the property for inclusion into the UGB. He said it was difficult to farm in the area. He said this property had a natural barrier, which was significant. This was a legally defensible case because it could provide efficient urban services with the least amount of taking of EFU land to provide services to those exceptions lands. It was good planning. City of Beaverton's comments indicated City of Beaverton was willing to govern it.

Teresa Lockwood 17495 SW Brookman, Rd PO Box 1471 Sherwood OR 97140, spoke to the Tualatin area, Area 54 and 55. She requested inclusion (a copy of her testimony is found in the record). The property was contiguous with the City of Sherwood with few constraints to impede service. This was a logical extension to the community. They wanted to work with Metro and City of Sherwood to participate in a solution for future growth in this region.

Bob Mitchell 5303 NW 124th Portland OR 97229, did not testify.

Roger Martin, 2949 Mountain Lane West Linn OR 97068 said he lived south of the Stafford Triangle. He complimented Council for their diligence and patience. He objected to any further consideration anywhere along the corridor of I-205 from I-5 to the Oregon City area because of traffic. He spoke to transportation issues in the area on Stafford Road, I-205, and Borland Road. He had requested improvements on the roads in the area. He encouraged no increase in the amount of cars.

Councilor Monroe spoke to future transportation improvements in the area.

Brian Bellairs 16555 SW High Hill Lane Aloha OR 97007, said he was here to discuss Area 65. It was adjacent to the UGB and consisted of exception lands. It was an easy commute to the high tech corridor and NIKE. This land had been assessed thoroughly by Metro. Metro staff gave Area 65 high scores and recommended it for inclusion. He asked why Council had not decided to include this land. Land in the area had already been developed but their neighbors didn't want them to develop their land. He felt this was for political reason. The public was promised their land would be included based on its own merits. He encouraged Council to consider their site.

Kim Vandehey 17207 SW Siler Aloha OR 97007 spoke to Area 65. They had a higher yield in their area than some that were being proposed. He encouraged Council make their decision based on rankings. They needed to see a logical process. Area 65 was closer to a town center than many other areas that were being proposed.

Arnold Rochlin, Forest Park Neighborhood Association, PO Box 83645 Portland OR 97283 summarized his testimony and provided a copy for the record (which is found in the meeting record). He provided the natural resource assets of the area and why it should not be brought in. It did not meet the UGB criteria for inclusion. It would be costly to bring in urban services.

Beverly Bookin spoke for Todd Shaeffer, National Association of Industrial and Office Properties 15300 SW Millikan Way Beaverton OR 97005. She summarized the testimony and provided it for the record. She noted changes to the proposed language. NAIOP was pleased that Metro had chosen to expand the inventory of industrial sites. It was the core of economic development.

Kent Seida, 17501 SE Forest Hill, Clackamas, OR 97015, provided information for the record and said he was property owner in Area 37. He thanked the Council for their decision. He thought this area was the most logical area to bring into the UGB.

David Selby, PO Box 1427 Tualatin OR 97062, represented a group called South Grahams Ferry Business Group. He talked about an area immediately south of Site 49 along Grahams Ferry Road. He pointed out that he felt Council was close to bringing in this area and drawing the correct boundary for the south end of Area 49. Clackamas/Washington County line rather than the railroad. Conversely, they were extremely fearful if this property was not brought in, they would be a black hole that was become even more isolated than what it was previously. He noted Councilor McLain's interest and the fact that she came to look at the property. Lastly, they had shown the interest in being included.

Presiding Officer Hosticka suggested he submit written testimony as to where the line should be. Mr. Selby said there was roughly 500 feet between the railroad line and the Clackamas County line along Grahams Ferry Road. He also thought there was a piece of property across Grahams Ferry Road that he thought was owned by Metro that also had as its south boundary, the Clackamas County line. He indicated he would provide a map for the record.

Jayne Cronlund, Executive Director, Three River Land Conservancy 470 2nd St Lake Oswego, OR 97034, expressed concerns about expanding the boundary into certain areas and gave specifics of the Damascus, Stafford, Forest Park, and Sherwood areas, Area 94, 54, 55 that should be left out. There was need to protect the natural resources. She encouraged Council, if they decided to bring these areas in, to expand their greenspaces plan to include these areas. The Conservancy would be there to support Council.

Debbie Craig, 850 Cedar St Lake Oswego OR 97034, a Metro foot soldier, said there were many who were thrilled that Metro was leaving Stafford Basin outside the UGB. She spoke to Lake Oswego downtown core. If they brought in the Stafford Basin their effort to develop the core would be for not (a copy of her testimony is included in the record).

Andrea Hunderford 16509 S Edenwild Lane Oregon City OR 97045 did not testify

Dorothy Cofield, 4248 Galewood Lake Oswego OR 97035 represented Bill Vandermullin and Susan Schnell who owned property in area 31. She submitted testimony into the record today, a two page letter with several attached maps. She spoke to the attributes of the property. The property can't be farmed because of lack of water. It was under single ownership. She encouraged Council to include the property.

Chuck Adams, Outreach Director Alternative to Growth Oregon, 2255 Brandon Pl West Linn OR 97068, objected to including Area 37 into the proposed expansion (a copy of which is included in the record).

Dave Lohman, Port of Portland 121 NW Everett Portland OR 97209 did not testify.

Mary Kyle McCurdy, 1000 Friends, 534 SW 3rd Portland, OR 97204 read her testimony into the record, and she complimented the Council on the policy discussion they had had at the Community Planning Committee on the vacancy rate.

Matt Brady, Gramor Development, 19767 SW 72nd Ave, Tualatin OR 97062 testified on the Stafford Triangle, Area 42. He submitted a document, which he spoke to. It will take time to plan this area, he said, to make the infrastructure work. He urged the council to bring this area in.

Barry Cain, Gramor Development, 19767 SW 72nd Ave, Tualatin, OR 97062 said he was also speaking in favor of Area 42. They've heard the tales of the two Staffords, by now, and can decide whatever they will. Area 42 had an opportunity to create a significant employment area now. The public's concern was about residential, and that was all he believed they had heard tonight. He agreed the roads were terrible and that was one of the main reasons to bring it in. Something needed to be done now, not in 10 years. Clackamas County wasn't doing it. No one was saying development should happen ahead of the infrastructure. Roads should be planned and built first. This would be a solution to the problem. You needed employment opportunities in Clackamas County and not just on the far east side. Thousands of cars traveled over these poorly constructed roads each day to work in Washington County. Job related land was needed now, the roads needed fixing now and conditional uses were eating the area up. The only real opposition you will get was that if you brought Area 42 in with the expectation that it would be traditional industrial property because that would never work in this area. This should be Kruse Way II or better yet, Borland Business District.

Councilor Park asked Ms. McCurdy about the Boring area. He hadn't brought it up because he thought it was a Task 3 issue. Ms. McCurdy said she wasn't referring to the Noyer Creek, but an existing parcel, an abandon rural industrial site that could be developed.

Constance Ewing, 227 4th Street, Lake Oswego, OR 97034 was a concerned citizen and had sympathy for what the Council was trying to do. She hoped they were looking at underutilized properties for infill. Please pursue creative use of these properties and not create more strip malls. Adding traffic simply adds more pollution, please add mass transit and parks.

Adam Klugman, Rosemont Alliance, 19798 S. Hazehurst Lane, West Linn, OR 97068 said he lived in the rural area of West Linn. He felt that the tyranny of the twenty-year land supply law had all of their hands tied. The system undermined their resources. He spoke to the Stafford area and the fact that they had received assurances that Stafford was off the table. They felt betrayed. If Council insisted on proceeding with Area 37 they will be put in position to interpret it as an act of aggression and not friendship. They will fight to protect their community.

Councilor Park said in the process Mr. Klugman had been assured that the area was not coming in. He wanted to know who told them this?

Mr. Klugman said Councilor Atherton had indicated that West Linn was not on the table. They received late notice of the change. There had been no public process. Councilor Park said there was a public process. Presiding Officer Hosticka clarified Mr. Klugman's comments.

Ken IteI, 12155 SW Tualatin-Sherwood Road, Tualatin, OR 97062 supported inclusion of Study Area 48, it was proposed for industrial land and received unanimous support from MTAC and MPAC (a copy of his testimony is included in the record).

Councilor Burkholder asked whom Mr. IteI worked with? Mr. IteI said he was employed by the City of Lake Oswego but was not representing the city.

Herb Ross, 1098 Rosemont Rd, West Linn, OR 97068 was a property owner in Area 37. He supported inclusion of this area. He felt there was an employment base that had been missed. He spoke to current zoning, which would add more jobs and mixed use development opportunities. He submitted to Metro at the Oregon City public hearing a build a building map, which he obtained from Metro. He took out the steep slopes and flood plain. The result was you could hand count the permits. He had done a study on infrastructure and SDC credits. Area 37 was part of the Tanner Basin plan. He also spoke to Area 38 and 42. These areas weren't being farmed and it was not economical to do so.

Councilor Bragdon asked about city hall in Area 37. Mr. Ross responded that there was need for office space expansion in West Linn.

Erik Eselian, 18018 S Skyland Circle, Lake Oswego, OR 97034 was a Rosemont Property owner. He talked about high value farmland in Stafford Triangle. He noted that in Metro's records there was a copy of a study commissioned by Lake Oswego which indicated that the Stafford area had never been, is not now nor will ever be economically feasible farm land. He noticed that there was no empathy from West Linn for the people of Damascus. He hoped that Council would readdress their feelings about Stafford and bring it in.

George Faris, 9300 SE Philips Place, Portland, OR 97266 urged inclusion of the Boring Damascus area. They knew it wouldn't develop right away and would take time. He focused on

Areas 17 and 18 and noted a sewer line, a water pump station, and a new water line. They would like to bring some jobs into the area. They were surrounded on three sides by the UGB.

David Adams, 19621 S. Hazelhurst, West Linn, OR 97068 said he opposed inclusion of Area 37. He summarized a letter from Michael Jordan Commissioner of Clackamas County. He had also talked with the other commissioners.

W.L. Campbell, 24711 SW Campbell Lane, West Linn, OR 97068 was in favor of inclusion of Area 37. Lake Oswego and West Linn had grown far quicker than expected. Without planning we would continue to see additional growth by one to twenty acre gentleman farms. This was not a good use of urban lands. He spoke to careful planning (a copy of his notes are included in the record).

Robert Bruechert, 27300 SW Campbell Lane, West Linn, OR 97068 was in favor of inclusion of Area 37. He was a property owner across from West Linn City Hall. He said urban services were done for this area. They felt it would be an advantage to West Linn to include the land. Planning Commission of West Linn had asked to come to inspect the land for possible inclusion into the city. He spoke to his farming experience and felt that Stafford Triangle was not self-sustaining for farming (a copy of his notes are included in the record).

Charles Hoff, Rosemont Association, 21557 SW 91st Tualatin, OR 97062 talked about the public process for the Stafford area (a copy of his testimony is included in the record).

Nick Stearns 2531 NW Westover Rd, Portland, OR 97210 supported inclusion of Area 32 (a copy of this testimony is included in the record).

Councilor Bragdon said at committee level they had recommended this area.

Gail Snyder, Friends of Forest Park, 2366 NW Thurman, Portland, OR 97210 talked about the proposal in the Forest Park area. Metro had been a wonderful partner for Friends of Forest Park. They knew Metro understood the value of Forest Park. Forest Park was long and skinny, much of the habitat was considered edge habitat. They have sought conservation easement to provide a buffer for habitat and water quality. She encouraged continuing to keep buffers and not include Area 94.

Councilor Bragdon suggested that staff recalculate what was realistic in terms of housing in Area 94. He thought it would be helpful if they could add to that analysis some textual description of the environmental regulations that the City of Portland applies in the zone. It was his understanding from discussion with staff that there would be fairly strict City of Portland regulations. He was also curious to know if there was any place else within the City of Portland that was outside the UGB.

Councilor Monroe said he had similar concerns. He wanted to see it protected. He supported bringing Area 94 in because it was part of the city of Portland and they had strong protections.

Ken Olson, 6021 Canfield, West Linn, OR 97068 was in favor of including Area 37 as well as 38 through 42. He said West Linn was getting crowded. He said one of the city councilors had said that West Linn had room for 8000 more people. He wanted to know where. Schools were getting too crowded. Area 37 was close to major roads and freeways that needed improvements to support existing as well as future growth that would happen in the area. The whole Stafford Basin needs to be included in the UGB to accommodate the residential and business needs of the area.

Elizabeth McNaron Patte, married to President of Friends of Forest Park, 3204 NW Wilson St., Portland, OR 97210 recommended excluding Area 94 and provide written testimony for the record.

Mike Stewart, 20577 SW Johnson Rd., West Linn, OR 97068 provided his oral comments for the record.

Nicholas Storie, PO Box 12490, Portland OR, 97212 represented himself and the Tonquin Industrial Group. They supported areas 47-49 being included into the UGB. The Tonquin Industrial Group included about 70 acres of what was presently an NAE zone. They would like to be included into the boundary. They were close to I-5. They were restricted in an NAE zone. They had rail available, which would take trucks off the road. This could be an industrial park.

Presiding Officer Hosticka asked if they were aware that there was a motion to include these parcels? Mr. Storie said he thought they were but then someone had called from the Oregonian and indicated that they weren't in. Presiding Officer Hosticka suggested talking with staff about the status of those areas.

Greg Malinowski, 13450 NW Springville, Portland, OR 97229 summarized his testimony, which he included in the record. He said that the proposed changes in the Bethany area would leave his farm on a peninsula. The CPO was concerned about adding this area. He spoke to the CPO recommendation, which would take the least amount of agricultural lands and still service the most amount of exception area. He also included maps and photos of the farmland for the record.

Bob Thomas, 2563 Pimlico Drive, West Linn, OR 97068 summarized his testimony asking for exclusion of Area 37 and the Stafford Triangle. He placed his testimony in the record.

Dean Apostol Landscape Architect and Boring CPO, 23850 SE Borges, Gresham, OR 97060 was representing himself tonight. He spoke to the numbers for the Damascus/Boring area. He was not sure we could get the small town and greenbelt that they had advocated with those numbers. When he had sketched out the circles, he had come up with about 55,000 people and that included Boring and Damascus. Metro's numbers were 79,000 people without Boring. He was unsure how it would work and have a functional greenbelt. He had asked for the maximum flexibility both on the numbers and acreage. He would also like to see more explicit language in the decision that recognizes what their community wanted and Metro's intent to facilitate the concept planning. They felt a complete community included farms which would require a greenbelt.

Presiding Officer Hosticka asked Mr. Apostol if he had seen the draft conditions? Mr. Apostol said, yes he had. He felt condition number 10 spoke to their request of separation of town centers. Presiding Officer Hosticka said he would appreciate Mr. Apostol's commentary in detail. He thought the concern of the committee was that 1) the planning process led by the people in the area, 2) that the development proceed from a center outward, and 3) protection of natural areas. They wanted a commentary as to whether those conditions accomplished the goals. Mr. Apostol said those helped. The addition one would be that Metro foresees the possibility of having a functional greenbelt with farming. That would be helpful. Presiding Officer Hosticka clarified for the record that the numbers on this spreadsheet were not targets. They were not requirements, they were estimates of productivity. Mr. Apostol said if they came back with a plan that showed the town centers and greenbelts and the numbers were different that would not knock them out of the ballpark. Councilor McLain said don't plan so well that they created a place that every one

loved or they would get more than 55,000 people. Presiding Officer Hosticka said no one would say they didn't meet a target.

Mr. Apostol closed by saying that there was a lot of public involvement done in Damascus area. There was a clear consensus in the community that they didn't want development out there. Choice number two was the greenbelt concept, choice number one was no growth at all. He suggested Metro needed to revisit the Forest Park recommendation. More development around Forest Park was not a good idea.

Councilor Bragdon talked about Area 94. Forest Park itself was within the UGB. The impression that this creates development in Forest Park was erroneous. Mr. Apostol said it was not the "in" Forest Park but the adjacent area.

Elizabeth Lindsey Graser Beavercreek CPO, 21341 S. Ferguson, Rd, Beavercreek, OR 97004 addressed why the northern park of Area 28 should be left out of the UGB as Metro had done thus far. The CPO and MPAC opposed this area for inclusion. She detailed the area and why it should not be brought in which included transportation, schools, services and farming issues.

John Hartsock represented Committee for the Future of Damascus, 12042 SE Sunnyside Rd, Clackamas, OR 97015 said this had been a long process. He praised staff and council. The feeling of the community understood the process and that every piece of exception land was a potential. They wanted enough land brought in to plan appropriately for a complete community. They had good community involvement. There was a question on Tri-Met. Tri-Met didn't want to serve the area. Metro and Clackamas County felt that the Committee for the Future of Damascus should lead the planning and public involvement effort. He spoke to governance, services and including Boring.

Councilor Park thanked Mr. Hartsock for his hard work. He spoke to connectivity, the complete community concept and what efforts were currently underway. Presiding Officer Hosticka suggested Mr. Hartsock give his prospective on starting at a center and growing out versus growing in from the edge. Mr. Hartsock responded that they wanted enough land so that they didn't do another Sunnyside and piece parcel into it. They wanted to start in the center. The Boring piece would help the planning.

Dave Herman, 1148 Rosemont Rd, West Linn, OR 97068 said he was a proponent of including Area 37 in the boundary. He felt it supported the Council's policy and contributed to reasonable growth. This property was reasonable to develop. It was currently zoned five to ten acre lots. This was not a good use of property that was immediately adjacent to the boundary and to the city limits. The area was steep, had poor soil and services were available. The only value of this area was its scenic value. He felt inclusion of this area in the boundary would contribute to controlled and reasonable growth.

Councilor Atherton said his aerial photos from 1984 showed this area as all forested. He asked when it was logged. Mr. Herman said there was parts of it that were still forested. There was much more of the land that was not forested than was forested.

J. Douglas Gless, 1161 Woodbine Rd, West Linn, OR 97068 spoke against including Area 37 in the UGB. He felt the public had been blindsided by this recent decision. They had not been notified. They would like to be heard. The citizens of West Linn did not want to see this area developed. He was an engineering geologist. He said much of this area was steep, wet and unstable. They were never going to get the density they planned without having high density,

multi-family housing throughout much of the area. He asked the Council to give them some time to develop the infrastructure to make the system work.

Councilor Park said it was his understanding that both Lake Oswego and West Linn have voter annexation for this area. Mr. Gless said yes.

John Skouates, 17010 SW Weir Rd., Beaverton OR 97005 said he lived on Cooper Mountain. He had a parcel that had water on three sides. He spoke to Presiding Officer Hosticka's editorial. He felt that nothing was going to change because the majority of Council was anti-growth. He wanted Area 65 included.

Councilor Park said the current proposed expansion was over 18000 acres. He was not anti-growth. Councilor McLain said Area 65 was still on the list, there had been no decisions made yet. Mr. Skouates said the staff said that Area 65 had been voted out. Councilor McLain said they had made no decisions yet.

Stephan Lashbrook, Community Development Director, City of Lake Oswego, PO Box 369, Lake Oswego, 97034 said the city had taken a position opposing the urbanization of the Stafford area. He wanted to respond to Mr. Cain in his testimony regarding Area 42. Mr. Cain felt that bringing Area 42 would fix the roads. Mr. Lashbrook said that was a bold statement and explained some of the current traffic problems. He said he was suspicious when developers tell you that their development was going to fix problems rather than cause more of them.

Presiding Officer Hosticka asked him to comment on the issue of golf courses in Area 38 and the role of the City of Lake Oswego. Mr. Lashbrook said he had been told that there were people interested in golf course development in Stafford. He felt there was a potential zoning problem if in fact this was high value farmland. He didn't think the city's opposition to the Stafford area had anything to do with golf courses.

Councilor Atherton talked about Area 42. Had there been other testimony similar to this? He thought Sunnyside Road testimony was similar. Did Mr. Lashbrook think this was good planning policy? Mr. Lashbrook said the entire state was not doing well at transportation funding. We are not dealing with the problem nor are we ahead of the curve and we will keep getting further and further behind. He had supported the gas tax increase to help generate revenue and encourage a decrease in driving.

Councilor Park asked about purchase of parks in the Stafford Basin? Mr. Lashbrook said it could be included. Lake Oswego had acquired about 100 acres in the Stafford Basin for parks. He would be happy to supply more information about the bond measure.

Councilor Bragdon asked if he believed urban service should be sited outside the UGB. Mr. Lashbrook said he didn't believe that urban services should be located outside the UGB.

Councilor Atherton commented on the Lucsher Farm and active sports fields. He noted an article that he wished to have submitted for the record.

Judy Eselius, Lake Oswego, OR provided written testimony but did not testify.

Jim Emerson, Forest Park Neighborhood Association Board member, 13900 NW Old Germantown Rd Portland OR 9723 provided a copy of his testimony and did not testify.

Dawn Adams 2310 Century Lane West Linn, OR 97068 provided written testimony (which is found in the record) and did not testify.

Presiding Officer Hosticka closed the public hearing.

4.1 **Ordinance No. 02-965**, For the purpose of Amending Chapter 2.02 Personnel Rules, of the Metro Code to conform to the Metro Charter amendments adopted on November 7, 2000, and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-965 to the Governmental Affairs Committee.

4.3 **Ordinance No. 02-983**, For the Purpose of Amending the Metro Urban Growth Boundary to add land for a specific type of industry near specialized facilities north of Hillsboro; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-983 to the Community Planning Committee.

4.4 **Ordinance No. 02-984**, For the Purpose of Amending the Metro Urban Growth Boundary to add Land for a public school in Study Area 85; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-984 to the Community Planning Committee.

4.5 **Ordinance No. 02-985**, For the Purpose of Amending the Metro Urban Growth Boundary in the Vicinity of the City of Forest Grove by Adding and Deleting an Equivalent Amount of Land; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-985 to Community Planning Committee.

4.6 **Ordinance No. 02-986**, For the Purpose of Amending the Metro Urban Growth Boundary to Add land for a road improvement in the Sherwood Area, East of the Pacific Highway and North of the Tualatin-Sherwood Road; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-986 to Community Planning Committee.

4.7 **Ordinance No. 02-987**, For the Purpose of Amending the Metro Urban Growth Boundary to add land in the Bethany area; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-987 to Community Planning Committee.

4.8 **Ordinance No. 02-988**, For the Purpose of Establishing Regional Fiscal Policies Regarding Land Added to the Metro Urban Growth Boundary and Implementation of the 2040 Growth Concept; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-988 to Community Planning Committee.

5. **ORDINANCES - SECOND READING**

5.1 **Ordinance No. 02-966A**, For the Purpose of Amending Chapter 2.04 Metro

Contract Policies of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.2 **Ordinance No. 02-967**, For the Purpose of Amending Title II Administration and Procedures (Chapter 2.03, 2.05, 2.06, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17 and 2.18), of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.3 **Ordinance No. 02-972A**, For the Purpose of Amending Title III Planning of the Metro Code (Chapter 3.01 through Chapter 3.09), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.4 **Ordinance No. 02-973**, For the Purpose of Amending Title IV Oregon Zoo of the Metro Code (Chapter 4.01), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.5 **Ordinance No. 02-974**, For the Purpose of Amending Title V Solid Waste of the Metro Code (Chapter 5.01 through Chapter 5.09) to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.6 **Ordinance No. 02-975**, For the Purpose of Amending Title VI Commissions of the Metro Code (Chapter 6.01), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.7 **Ordinance No. 02-976**, For the Purpose of Amending Title VII Excise Taxes and Title VIII Financing Powers and Chapter 2.06 Investment Policy of the Metro Code, to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.8 **Ordinance No. 02-977**, For the Purpose of Amending Title IX Elections of the Metro Code (Chapter 9.01 and Chapter 9.02), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

5.9 **Ordinance No. 02-978**, For the Purpose of Amending Title X Metro Parks and Greenspaces of the Metro Code (Chapter 10.01 through Chapter 10.03), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

Motion	Councilor Bragdon moved to consider Ordinance Nos. 02-966A, 967, 972A, 973, 974, 975, 976, 977, 978 as a package.
Seconded:	Councilor Park seconded the motion
Vote:	There was no objection.

Motion	Councilor Bragdon moved to adopt Ordinance Nos. 02-966A, 967, 972A, 973, 974, 975, 976, 977, 978 as a package.
Seconded:	Councilor Park seconded the motion

Councilor Bragdon said this continues the process of amending the Code language to conform with the charter amendment that was approved on November 7, 2000. The major pieces had been done in June 2002. What was left was the clean up of the rest of the code. The Governmental Affairs Committee had reviewed all of the work. The distinction that was made was that things

that were administrative in nature were changed to Chief Operating Officer, things that were policy oriented were either delegated to the Council or the Council President, and things that were general counsel shifted to Metro Attorney. The committee approved these changes unanimously and recommended adoption.

Councilor McLain spoke to the amendments in Ordinance No. 02-972A. She felt it preserved the public review process. She supported the block of ordinances. Councilor Bragdon said Councilor McLain was correct. Whenever there was a need for Council review, they would notice the Councilors. Councilor McLain said with the commitment to notify Councilors, she felt it would be fine. Councilor Park said he was comfortable with this housekeeping effort. He appreciated Councilor McLain's comments.

Presiding Officer Hosticka opened a public hearing. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor McLain said this was breaking ground. There may additional amendments to the Code that they might want to support. She reminded everyone, this was an on-going continuing transitional period.

Councilor Bragdon said this was detailed, but it was important to remember the principles behind it, to preserve and enhance the Council's policymaking function. He felt Mr. Cooper did a good job with committee supervision. He urged an aye vote.

Vote:	Councilors Park, McLain, Bragdon, Atherton and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed with Councilor Monroe and Burkholder absent from the vote.
-------	---

6. COUNCILOR COMMUNICATION

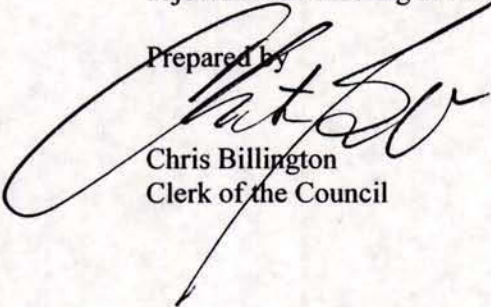
Presiding Officer Hosticka thanked the audience, staff, Council. This was a good opportunity to listen to the people of the region.

Councilor Atherton talked about transportation interchanges. He also suggested we needed to change the forecast.

7. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 7:45 p.m.

Prepared by


Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER
21, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
3.1	MINUTES	11/14/02	METRO COUNCIL MINUTES OF NOVEMBER 14, 2002 SUBMITTED FOR APPROVAL	112102C-01
4.1	AMENDED VERSION OF ORDINANCE NO. 02-965	11/19/02	Ordinance No. 02-965, For the purpose of Amending Chapter 2.02 Personnel Rules, of the Metro Code to conform to the Metro Charter amendments adopted on November 7, 2000, and Declaring an Emergency.	112102C-02
5.1	"A" VERSION OF ORDINANCE NO. 02-966	11/20/02	Ordinance No. 02-966A, For the Purpose of Amending Chapter 2.04 Metro Contract Policies of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.	112102C-03
5.3	"A" VERSION OF ORDINANCE NO. 02-972	11/20/02	Ordinance No. 02-972A, For the Purpose of Amending Title III Planning of the Metro Code (Chapter 3.01 through Chapter 3.09), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency	112102C-04
4.2	ORDINANCE NO. 02-969	11/21/02	A table of contents for those documents submitted as evidence to Ordinance No. 02-969 and related ordinances will be available prior to the December 5, 2002 Council meeting.	

Agenda Item Number 6.1

**Ordinance No. 02-990, For the Purpose of Amending the Metro Urban Growth Boundary to Add Land in the Site #48,
Tualatin Quarry Area.**

First Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

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;

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

RD

Areas 47,48

UGB Expansion Areas

48

47

47

49

STUDIES

5.2.1.17.149

Shaw, J. *Environmental Science and Technology*, 2001, 35, 10, 1939-1945, 19 pages. *DOI: 10.1021/es00062a017*

Study of the environmental impact of the use of the 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113) as a solvent in the extraction of the active ingredients from the plant material of the medicinal plant *Hypericum perforatum* L. The study was carried out in the laboratory of the Department of Chemistry, University of the Pacific, Valparaíso, Chile. The results show that the use of CFC-113 as a solvent in the extraction of the active ingredients from the plant material of the medicinal plant *Hypericum perforatum* L. is not recommended because of its high toxicity and its high cost.

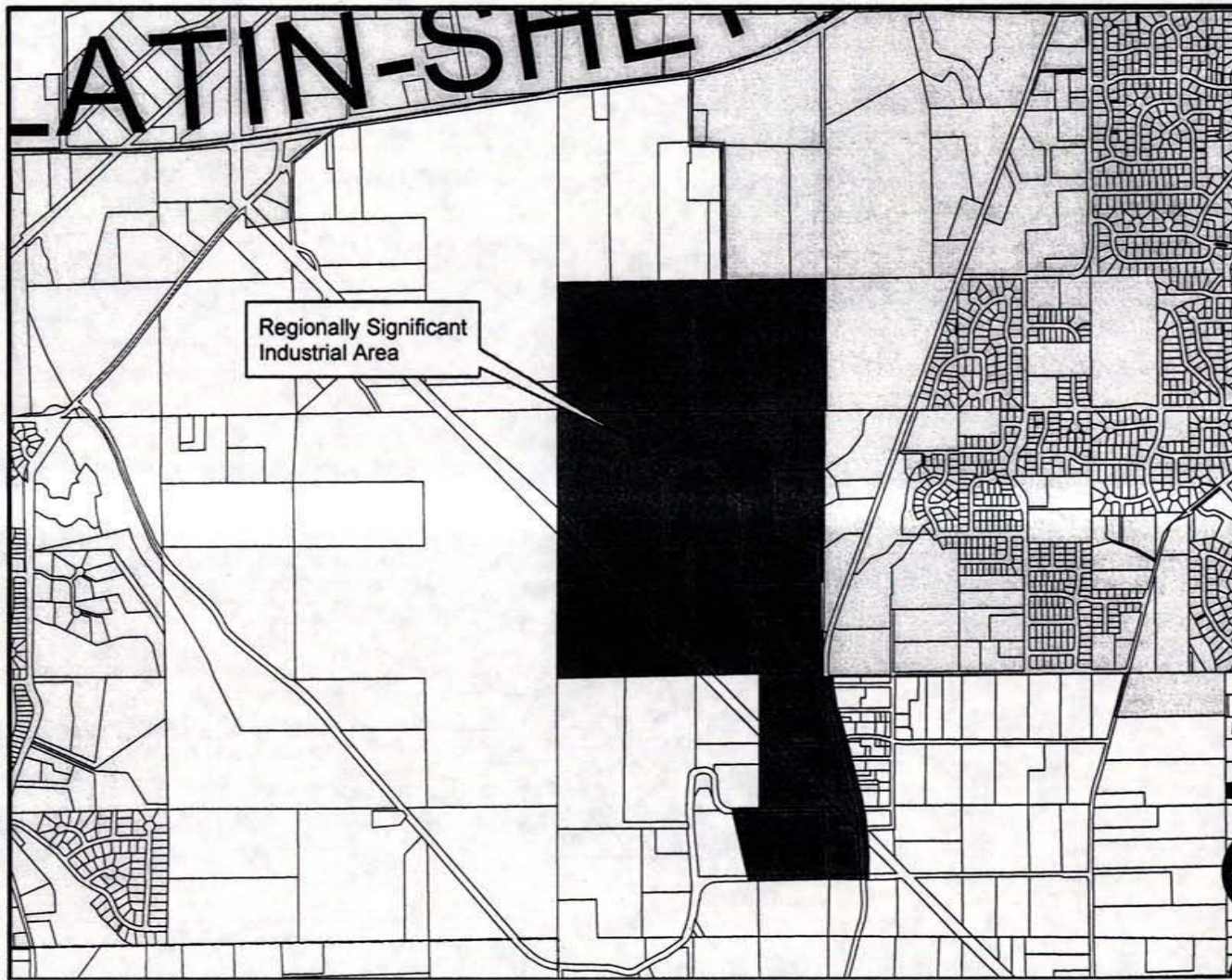
1000 µg/mL

Clark Co.
Multnomah Co.
Clackamas Co.

Location Map



WESTCOAST BRASS & STEEL CO. PORTLAND, OREGON 97208
TEL. (503) 741-1141 FAX (503) 741-1140



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

The information on this map was collected from digital data and is not Metro's own. Care was taken in the production of this map. Metro cannot accept any responsibility for errors, omissions, or inaccuracies. These are not intended to be used for legal purposes, including the use of the map for any other purpose. No warranty is made by Metro for any use of the map for any other purpose. No warranty is made by Metro for any use of the map for any other purpose.

1 inch equals 0.5 miles

0 0.05 0.1 0.2 Miles

Location Map

METRO DATA RESOURCE CENTER
800 NORTH EAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL: (503) 787-1742 FAX: (503) 787-1808
metro@metro.net or us | www.metro-region.org

Please recycle with news paper

Agenda Item Number 7.1

Ordinance No. 02-969A, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022.

Second Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)	
METRO URBAN GROWTH BOUNDARY,	)	ORDINANCE NO. 02-969A
THE REGIONAL FRAMEWORK PLAN AND)	
THE METRO CODE IN ORDER TO)	
INCREASE THE CAPACITY OF THE)	
BOUNDARY TO ACCOMMODATE	)	Introduced by the Community Planning
POPULATION GROWTH TO THE YEAR	)	Committee
2022; AND DECLARING AN EMERGENCY)	

WHEREAS, state law requires the Metro Council to assess the capacity of the urban growth boundary ("UGB") 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 220,700 new dwelling units to accommodate the forecast population increase of 525,000 and for 14,240 acres to accommodate the forecast employment increase of 355,000 jobs for the three-county metropolitan region by the year 2022; and

WHEREAS, the Council determined that the existing UGB has the capacity to accommodate 177,300 new dwelling units and 9,315 acres for new jobs; and

WHEREAS, policy measures to protect Industrial Areas within the existing UGB can accommodate additional new jobs; and

WHEREAS, policy measures to strengthen Regional and Town Centers as the hearts of the region's communities can accommodate an additional 6,000 units of needed housing; and

WHEREAS, expansion of the UGB in the Damascus, Gresham, Oregon City, West Linn, Wilsonville, Sherwood, Tigard, Beaverton, King City, Hillsboro, Cornelius, Bethany and Portland areas can accommodate the balance of this needed housing and land for new jobs; and

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

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; 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, the 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 the testimony prior to making this decision; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Title 1, Requirements for Housing and Employment Accommodation, of the Urban Growth Management Functional Plan ("UGMFP") is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance, in order to ensure that the UGB continues to provide capacity to accommodate housing and employment growth.
2. Policy 1.16 is hereby added to the Regional Framework Plan ("RFP"), as indicated in Exhibit B, attached and incorporated into this ordinance, in order to protect residential neighborhoods pursuant to Measure 26-29, enacted by voters of the district on May 21, 2002.
3. Title 12, Protection of Residential Neighborhoods, as set forth in Exhibit C, attached and incorporated into this ordinance, is hereby adopted as part of the UGMFP in order to implement Policy 1.16 of the RFP to protect residential neighborhoods pursuant to Measure 26-29.
4. Policies 1.4.1 and 1.4.2, as indicated in Exhibit D, and the accompanying map of Regionally Significant Industrial Areas, as indicated on Exhibit E, are hereby added to the RFP, both exhibits attached and incorporated into this ordinance, in order to increase the efficiency of the use of land within the UGB for industrial use.

5. Title 4, Industrial and Other Employment Areas, of the UGMFP is hereby amended as indicated in Exhibit F, attached and incorporated into this ordinance, in order to implement Policies 1.4.1 and 1.4.2 of the RFP to increase the efficiency of the use of land within the UGB for industrial use.
6. Policy 1.15 is hereby added to the RFP, as indicated in Exhibit G, attached and incorporated into this ordinance, in order to increase the efficiency of the use of residential land within the UGB as it existed prior to adoption of this ordinance and within areas added to the boundary by this ordinance.
7. Title 6, Regional Accessibility, of the UGMFP, is hereby re-titled as Central City, Regional Centers, Town Centers and Neighborhood Centers and amended, as set forth in Exhibit H, attached and incorporated into this ordinance, in order to implement Policy 1.15 of the RFP by strengthening the roles of centers as the hearts of the region's communities and to improve the efficiency of land use within centers.
8. Performance measures are hereby adopted, as set forth in Item 1 in Appendix A, "Performance Measures to Evaluate Efforts to Improve Land Use Efficiency", to evaluate the progress of efforts to achieve the 2040 Growth Concept and of actions taken in this ordinance to improve the efficiency of the use of land within the UGB.
9. Policy 1.9 is hereby added to the RFP, as indicated in Exhibit J, attached and incorporated into this ordinance, in order to ensure, to the extent practicable, that expansion of the UGB will enhance the roles of Regional and Town Centers in the region.
10. Chapter 3.01 of the Metro Code, Urban Growth Boundary and Urban Reserve Procedures, is hereby amended, as indicated in Exhibit K, attached and incorporated into this ordinance, in order to implement Policy 1.9 of the RFP and to clarify the authority of the Metro Council to place conditions on addition of territory to the UGB.
11. Section 3.07.1110 of Title 11, Urban Growth Boundary Amendment Urban Reserve Plan Requirements, of the UGMFP, is hereby amended as indicated in Exhibit L, attached and incorporated into this ordinance, in order to protect land added to the UGB as Regionally Significant Industrial Area from incompatible use during the planning for urbanization of the land.
12. The Metro UGB is hereby amended to include all or portions of the Study Areas, shown on Exhibit N and more precisely identified in the Alternatives Analysis Report, Item 6 in Appendix A, subject to the conditions set forth in Exhibit M, both exhibits attached and incorporated into this ordinance, in order to accommodate housing and employment that cannot be accommodated within the UGB as it existed prior to adoption of this ordinance.

13. The Metro UGB is hereby amended to include those lands described in the Technical Amendments Report and accompanying maps, Item 7 in Appendix A, to make the UGB coterminous with nearby property lines or natural or built features in order to make the UGB function more efficiently and effectively.
14. Appendix A, attached and incorporated into this ordinance, is hereby adopted in support of the amendments to the UGB, the RFP and the Metro Code in sections 1 through 12 of this ordinance. The following documents comprise Appendix A:
 1. Performance Measures to Evaluate Efforts to Improve Land Use Efficiency
 2. Regional Employment Forecast 2000 to 2030
 3. 2002-2022 Urban Growth Report: Residential Land Need Analysis
 4. 2002-2022 Urban Growth Report: An Employment Land Need Analysis
 5. Map Atlas Memorandum and Maps
 6. 2002 Alternative Analysis Study
 7. Technical Amendments Report
 8. Housing Needs Analysis
15. The Findings of Fact and Conclusions of Law in Exhibit P, attached and incorporated into this ordinance, explain how the supporting documents described in section 13 of this ordinance demonstrate that the amendments to the UGB, the RFP and the Metro Code in sections 1 through 11 of this ordinance comply with state law and the RFP.
16. ~~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 includes a 20-year supply of buildable land for housing upon the completion of its analysis of the capacity of the boundary. An emergency is therefore declared to exist, and this ordinance shall take effect _____, pursuant to Metro Charter section 39(1).~~

ADOPTED by the Metro Council this _____ day of _____ 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

Exhibit A to Ordinance No. 02-969A

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

3.07.110 Intent

State law and Metro Code require that the Metro urban growth boundary (UGB) have sufficient capacity to accommodate the expected growth for 20 years. It is Metro policy to minimize the amount of urban growth boundary expansion required for the expected population and employment growth by the year 2017 consistent with all Statewide Goals. To further that policy, it is beneficial and desirable for Metro to require actions intended to increase the capacity for development of land within the UGB. Increasing the capacity of land within the UGB will include requiring changes for appropriate locations in both the rate of development permitted per acre (zoned density) and the rate at which housing and employment are actually built within the UGB. Development consistent with the design types of the Metro 2040 Growth Concept will focus these efforts. As a matter of regional policy, each city and county must contribute its fair share to increasing the development capacity of land within the UGB.

Metro will work with local jurisdictions to develop a set of region-wide community development code provisions, standards and other regulations which local jurisdictions may adopt that will help implement the 2040 Growth Concept and this functional plan. Included in this project will be a review of development standards in support of smaller lots and more flexible use of land, strategies to encourage land assembly, more flexible zoning and improvements in the pre-application process to ensure timely and thorough review and to provide for early involvement by the public to address neighborhood concerns and assure community acceptance of these changes.

3.07.110 Purpose and Intent

One goal of the Framework Plan is the efficient use of land. Title 1 intends to use land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this section title.

(Ordinance No. 97-715B, Sec. 1.)

3.07.120 Methods to Increase Calculated Capacity Required for All Cities and Counties

All cities and counties within Metro are required to include within their comprehensive plans and implementing ordinances the following provisions:

- A. Cities and counties shall apply a minimum density standard to all zones allowing residential use as follows:
 - 1. a. Provide that no development application, including a subdivision, may be approved unless the development will result in the building of 80 percent or more of the maximum number of dwelling units per net acre permitted by the zoning designation for the site; or

- _____ b. Adopt minimum density standards that apply to each development application that vary from the requirements of subsection 1.a., above. However, for the purpose of compliance with Table 3.07-1, only those dwelling units that are allowed at these minimum density standards shall be counted for compliance with the calculated capacities of Table 3.07-1.
- _____ 2. The minimum density standard may be achieved by use of a small lot district where an average lot size of 5000 to 6200 square feet allows flexibility within that range on development applications, so long as the district remains in compliance with the minimum density standard used to calculate capacities for compliance with Table 3.07-1 capacities.
- _____ 3. No comprehensive plan provision, implementing ordinance or local process (such as site or design review) may be applied and no condition of approval may be imposed that would have the effect of reducing the minimum density standard.
- _____ 4. For high density zones with maximum zoned density higher than 37 dwelling units per net acre, the minimum residential density may be 30 dwelling units per net acre.
- _____ 5. This minimum density requirement does not apply (1) outside the urban growth boundary, (2) inside areas designated as open space on the attached Open Spaces Map[†]; and (3) inside areas designated as unbuildable on the attached Open Spaces Map. The maximum zoned density does not include the density bonus for zones that allow them.
- B. Cities and counties shall not prohibit partitioning or subdividing inside the Metro urban growth boundary where existing lot sizes are two or more times that of the minimum lot size in the development code.
- C. Cities and counties shall not prohibit the construction of at least one accessory unit within any detached single family dwelling that is permitted to be built in any zone inside the urban growth boundary. Reasonable regulations of accessory units may include, but are not limited to, size, lighting, entrances and owner occupancy of the primary unit, but shall not prohibit rental occupancy, separate access, and full kitchens in the accessory units.

3.07.120 Housing and Employment Capacity

A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.01-7. Local governments shall use data provided by Metro unless the Metro Council or its designee the Chief Operating Officer determines that data preferred by a city or county is more accurate.

B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number.

C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory.

[†] All "attached" documents referenced in this chapter are on file in the Metro Council office.

D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by ~~December 31~~ April 15 of the first calendar year following completion of its initial determination and by ~~December 31~~ April 15 of every following year.

(Ordinance No. 97-715B, Sec. 1.)

3.07.130 Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--~~Nine~~Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial area are set aside primarily for industrial activities with limited supporting uses.

Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

(Ordinance No. 97-715B, Sec. 1.)

3.07.140 Requirements to Increase Capacity If Recent Development At Low Density

- A. ~~All cities and counties shall determine whether actual built densities for housing during 1990-1995 were less than 80 percent of maximum zoned densities. The 1990-1995 actual built densities within cities and counties inside the urban growth boundary shall be compared with zoned densities for housing units during that period.~~

~~Residential developments to be analyzed shall be those which were permitted by a land use action and constructed during the period from 1990 to 1995, and residential density shall be measured in households per net developed acre.²~~

- B. ~~If the comparison of actual built densities to maximum zoned densities for the period 1990-1995 indicates that actual built densities were less than 80 percent of maximum zoned densities, the city or county shall also demonstrate that it has considered and adopted at least two of the following methods to increase capacity:~~

- ~~1. Financial incentives for higher density housing;~~
- ~~2. Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;~~
- ~~3. Removal or easing of approval standards or procedures;~~
- ~~4. Redevelopment and infill strategies; and~~
- ~~5. Authorization of housing types not previously allowed by the plan or regulations.~~

3.07.140 Measures to Increase Development Capacity

- A. Each city and county shall adopt a minimum dwelling unit density, as prescribed in this subsection, for each zoning district in which dwelling units are authorized inside the UGB:

1. Any city or county minimum density standard deemed to comply with the Urban Growth Management Functional Plan pursuant to section 3.07.810 prior to January 1, 2003, shall be deemed to comply with this subsection.
2. A city or county shall not approve a subdivision or development application that will result in a density below the minimum density for the zoning district.
3. A city or county may change the dwelling unit density of any zoning district so long as the zoning district continues to comply with this subsection and so long as the city or county continues to provide at least the overall capacity for housing for the city or county specified in Table 3.07-1.

- B. A city or county shall not prohibit the partition or subdivision of a lot or parcel that is at least twice the size of the minimum size for new lots or parcels in any zoning district in which dwelling units are authorized.

²-See Title 10, Definitions.

C. A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in a zoning district and for each detached or attached single-family dwelling unit in a Regional Center or Station Community. The authorization may be subject to reasonable regulation for siting and design purposes.

D. In order to assist Metro to evaluate the effectiveness of Title 1 in aid of accomplishment of the 2040 Growth Concept, and to comply with state progress reporting requirements in ORS 197.301, by April 1530 of each odd-numbered even-numbered year beginning 2004, each city and county shall report to Metro the actual density of new residential development per net developed acre authorized in those zoning districts that allow residential development in the preceding 24 months.

(Ordinance No. 97-715B, Sec. 1.)

3.07.150 Determination of Calculated Capacity of Housing Units and Jobs

The purpose of this section is to require each city and county within the Metro region to determine the housing and employment capacity of its existing comprehensive plan and implementing ordinances, determine calculated capacity for dwelling units and jobs by the method in this section, and increase calculated capacity, if necessary, to achieve the functional plan capacities in Table 3.07-1. Each city and county within the Metro region is hereby required to complete the following steps:

A. Determine the calculated capacity of dwelling units and jobs by the year 2017 using the zoned capacity³ of its current comprehensive plan and implementing ordinances.

1. Cities and counties shall use Metro estimates of vacant land, and land likely to redevelop, unless they have data that they believe is more accurate. In this case, the city or county may provide Metro the following:

a. The source of the data;

b. The reasons that the locally developed data is a more accurate estimate than the Metro estimate of vacant and redevelopable land;

c. The database from which the above were derived;

d. The database of committed development lands.

Cities and counties may use their data, subject to acceptance by the Metro Council or its designee, after the Executive Officer determines that the city or county data may be more accurate than the Metro data. The Executive Officer shall notify the Metro Council of each instance in which the data submitted by a city or county is determined by the Executive Officer to be less accurate than Metro data.

2. In determining the calculated capacity of existing comprehensive plans and implementing ordinances, cities and counties shall not use a calculated capacity for dwelling units of more than 80 percent of maximum zoned residential density, unless:

a. Actual experience in the jurisdiction since 1990 has shown that development has occurred at density greater than 80 percent of zoned residential density; or

³ See Title 10, Definitions, "zoned density" and "calculated capacity."

- b. ~~Minimum density standards are adopted or proposed for adoption in the zoning code that require residential development at greater than 80 percent of maximum zoned residential density.~~
- 3. ~~Cities and counties calculating capacity through the use of density bonus provisions may consider transfers, including off-site transfers, only upon demonstration that previous approvals of all density transfers within the past 5 years have resulted in an average of at least 80 percent of maximum zoned densities actually being built.~~
- 4. ~~The capacity calculation shall use only those development types that are allowed in the development code. Any discretionary decision must not diminish the zoned density if it is to be counted as a part of calculated capacity; and~~
- 5. ~~Cities and counties, in coordination with special districts, shall demonstrate that they have reviewed their public facility capacities and plans to assure that planned public facilities can be provided, to accommodate the calculated capacity within the plan period.~~
- B. ~~Calculate the increases in dwelling unit and job capacities by the year 2017 from any proposed changes to the current comprehensive plans and implementing ordinances that must be adopted to comply with section 3.07.120 of this title and add the increases to the calculation of expected capacities.~~
- C. ~~Determine the effect of each of the following on calculated capacities, and include any resulting increase or decrease in calculated capacities:~~
 - 1. ~~Required dedications for public streets, consistent with the Regional Accessibility Title;~~
 - 2. ~~Off-street parking requirements, consistent with this functional plan;~~
 - 3. ~~Landscaping, setback, and maximum lot coverage requirements;~~
 - 4. ~~The effects of tree preservation ordinances, environmental protection ordinances, view preservation ordinances, solar access ordinances, or any other regulations that may have the effect of reducing the capacity of the land to develop at the zoned density;~~
 - 5. ~~The effects of areas dedicated to bio-swales, storm water retention, open space dedications, and other requirements of local codes that may reduce the capacity of the land to develop at the zoned density.~~
- D. ~~If any of the calculated capacities are determined to be less than any of the city or county target dwelling unit and job capacities in Table 3.07-1, either jurisdiction-wide or in mixed-use areas, or both, then the city or county shall comply with the performance standards in section 3.07.160 of this title by amending its comprehensive plans and implementing ordinances to increase calculated capacities, as needed, to comply with the calculated capacities required in Table 3.07-1.~~

3.07.150 Transfer of Capacity

A. A city or county may amend its comprehensive plan and land use regulations to transfer capacity for housing or employment shown on Table 3.07-1 to another city or county inside the UGB upon a demonstration that:

1. The transfer complies with the policies of the Regional Framework Plan;
2. The transfer will not reduce the capacity of the region for housing or employment specified on Table 3.07-1;
3. The housing or employment capacity to be transferred is reasonably likely to occur at the receiving site within the 20-year planning period of Metro's last UGB capacity review under ORS 197.299; and
4. The transfer does not move capacity from a designated Center to an Inner or Outer Neighborhood, or from a Regional Center to a Town Center.

B. A city or county may seek a transfer of capacity as authorized in subsection A by filing an application on a form provided for that purpose by Metro. After receipt of a complete application, Metro shall set the matter for a public hearing before the Metro Council and shall notify MPAC and those persons who request notification of requests for transfers of capacity.

C. The Metro Council shall hold a public hearing to consider the request for a transfer of capacity. Any person may participate in the hearing. The Metro Council may set terms and conditions upon approval of a transfer so long as they relate to the criteria in subsection A and are incorporated into the Metro Council's order.

D. The Metro Council shall issue an order with its conclusions and analysis and send a copy to the local governments involved in the transfer and any person who participated in the hearing before the Metro Council. Any person who participated in the hearing may seek review of the Metro Council's order as a land use decision under ORS 197.015(10)(a)(A).

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 01-925E, Sec. 4.)

3.07.160 Local Plan Accommodation of Expected Growth Capacity for Housing and Employment—Performance Standard

All cities and counties within Metro shall demonstrate that:

- A. The provisions required in section ~~3.07.120~~3.07.140 of this title have been included in comprehensive plans and implementing ordinances; and that
- B. Using the computation method in section ~~3.07.150~~3.07.120, including the minimum residential density provisions required in section 3.07.120, that calculated capacities will achieve the target capacities for dwelling units and full-time and part-time jobs contained in Table 3.07-1, including both jurisdiction-wide expected capacities and capacities for mixed-use areas; and that
- C. Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs; and that

- D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.

(Ordinance No. 97-715B, Sec. 1.)

3.07.170 Design Type Density Recommendations

- A. For the area of each of the 2040 Growth Concept design types, the following average densities for housing and employment are recommended to cities and counties:

Central City - 250 persons per acre
Regional Centers - 60 persons per acre
Station Communities - 45 persons per acre
Town Centers - 40 persons per acre
Main Streets - 39 persons per acre
Corridor - 25 persons per acre
Employment Areas - 20 persons per acre
Industrial Areas - 9 employees per acre
Regionally Significant Industrial Area - 9 employees per acre
Inner Neighborhoods - 14 persons per acre
Outer Neighborhoods - 13 persons per acre

(Ordinance No. 97-715B, Sec. 1.)

Table 3.07-1 Target Capacity for Housing and Employment Units – Year 1994 to 2017 (Section 3.07.120(A)(1)(b))				
City or County	Dwelling Unit Capacity ¹	Job Capacity	Mixed-Use Areas ²	
			Dwelling Unit Capacity	Job Increase
Beaverton	15,021	25,122	9,019	19,084
Cornelius	1,019	2,812	48	335
Durham	262	498	0	0
Fairview	2,921	5,689	635	2,745
Forest Grove	2,873	5,488	67	628
Gladstone	600	1,530	20	140
Gresham	16,817	23,753	3,146	9,695
Happy Valley	2,030	1,767	52	245
Hillsboro	14,812	58,247	9,758	20,338
Johnson City	168	180	0	0
King City	182	241	55	184
Lake Oswego	3,353	8,179	446	3,022
Maywood Park	27	5	0	0
Milwaukie	3,514	7,478	2,571	6,444
Oregon City	6,157	8,185	341	2,341
Portland	70,704	158,503	26,960	100,087
River Grove	(15)	41	0	0
Sherwood	5,010	8,156	1,108	3,585
Tigard	6,073	14,901	981	8,026
Troutdale	3,789	5,570	107	267
Tualatin	3,635	9,794	1,248	2,069
West Linn	2,577	2,114	0	594
Wilsonville	4,425	15,030	743	4,952
Wood Village	423	736	68	211
Clackamas County ³	19,530	42,685	1,661	13,886
Multnomah County ³	3,089	2,381	0	0
Washington County ³	54,999	52,578	13,273	25,450
	243,993	461,633		

¹ – Based on Housing Needs Analysis. Applies to existing city limits as of June, 1996. Annexations to cities would include the city assuming responsibility for Target Capacity previously accommodated in unincorporated county.

² – Mixed-use areas are: Central City—about 250 persons per acre; regional centers—about 60 ppa; town centers—40 ppa; station communities—about 45 ppa; main streets—about 39 ppa.

³ – Standards apply to the urban unincorporated portion of the county only. At the request of cities, Metro may also supply targets for planning areas for cities in addition to the existing boundary targets cited above. (Ordinance No. 97-715B, Sec. 1.)

Table 3.07-1 Zoned Capacity for Housing and Employment Units – Year 1994 to 2017 Section 3.07.120(A)(1)(b)		
City or County	Dwelling Unit Capacity	Job Capacity
<u>Beaverton</u>	<u>13,635</u>	<u>21,368</u>
<u>Cornelius</u>	<u>1,285</u>	<u>3,054</u>
<u>Durham</u>	<u>243</u>	<u>522</u>
<u>Fairview</u>	<u>2,929</u>	<u>7,063</u>
<u>Forest Grove</u>	<u>3,054</u>	<u>5,943</u>
<u>Gladstone</u>	<u>880</u>	<u>1,569</u>
<u>Gresham³</u>	<u>20,020</u>	<u>27,679</u>
<u>Happy Valley⁴</u>	<u>5,705</u>	<u>1,418</u>
<u>Hillsboro⁵</u>	<u>16,106</u>	<u>59,566</u>
<u>Johnson City</u>	<u>38</u>	<u>82</u>
<u>King City⁶</u>	<u>461</u>	<u>470</u>
<u>Lake Oswego</u>	<u>4,049</u>	<u>13,268</u>
<u>Maywood Park</u>	<u>12</u>	<u>5</u>
<u>Milwaukie</u>	<u>3,188</u>	<u>3,650</u>
<u>Oregon City</u>	<u>9,750</u>	<u>8,298</u>
<u>Portland³</u>	<u>72,136</u>	<u>209,215</u>
<u>Rivergrove</u>	<u>20</u>	<u>0</u>
<u>Sherwood</u>	<u>5,216</u>	<u>9,518</u>
<u>Tigard</u>	<u>6,308</u>	<u>17,801</u>
<u>Troutdale</u>	<u>3,260</u>	<u>7,222</u>
<u>Tualatin⁷</u>	<u>4,054</u>	<u>12,301</u>
<u>West Linn</u>	<u>3,732</u>	<u>1,935</u>
<u>Wilsonville²</u>	<u>4,425</u>	<u>15,030</u>
<u>Wood Village</u>	<u>458</u>	<u>1,074</u>
<u>Clackamas County^{1,3}</u>	<u>13,340</u>	<u>31,901</u>
<u>Multnomah County⁸</u>	<u>0</u>	<u>0</u>
<u>Washington County¹</u>	<u>51,649</u>	<u>55,921</u>
<u>Regional Total</u>	<u>246,053</u>	<u>516,873</u>

¹Standards apply to the urban unincorporated portion of the county only.

² Wilsonville has not completed its capacity analysis (as of October 2002), 1996 Title 1 data used.

³Includes capacity for Pleasant Valley Concept Plan, former Urban Reserve Nos. 4 and 5.

⁴Includes capacity for former Urban Reserve Nos. 14 and 15.

⁵Includes capacity for former Urban Reserve No. 55.

⁶Includes capacity for former Urban Reserve No. 47.

⁷Includes capacity for former Urban Reserve No. 43.

⁸Capacity for unincorporated Multnomah County is included in the capacities of the Cities of Gresham, Portland and Troutdale.

Exhibit B to Ordinance No. 02-969A

New Regional Framework Plan Policy pursuant to Measure 26-29

Policy 1.16 Residential Neighborhoods

The livability of existing residential neighborhoods is essential to the success of the 2040 Growth Concept. In order to protect and improve the region's existing residential neighborhoods, Metro shall take measures to:

- Protect residential neighborhoods from air and water pollution, noise and crime.
- Make community services accessible to residents of neighborhoods by walking, bicycle and transit, where possible.
- Facilitate the provision of affordable government utilities and services to residential neighborhoods.

Metro shall not require local governments to increase the density of existing single-family neighborhoods identified solely as Inner or Outer Neighborhoods.

Exhibit C to Ordinance No. 02-969A

New Metro Code to implement Policy 1.16 of the Regional Framework Plan

TITLE 12: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.

3.07.1220 Residential Density

Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as an Inner or Outer Neighborhood pursuant to Metro Code section 3.07.130 prior to May 22, 2002.

3.07.1230 Access to Commercial Services

- A. In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of Inner and Outer Neighborhoods, each a city and or county may designate in its comprehensive plan and land use regulations one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as the central-a convenient location of commercial services.
- B. To ensure that commercial development principally serves the needs of the residents of Inner and Outer Neighborhoods; but does not generate excessive traffic, noise or air pollution, each a city and-or county that designates a Neighborhood Center shall adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county shall not approve:

 - 1. A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or
 - 2. Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel.

3.07.1240 Access to Parks and Schools

- A. Each city and county shall, within two years following adoption by the Metro Council of a process and criteria for such standards, establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.
- B. To make parks and greenspaces more accessible to residents of Inner and Outer Neighborhoods and all residents of the region, each city and county shall provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned.

- C. To make parks and schools more accessible to neighborhood residents, to reduce traffic, and to use land more efficiently, cities, counties, park providers and school districts shall, where appropriate, provide for shared use of school facilities for park purposes and of park facilities for school purposes.
- D. To make public schools more accessible to neighborhood residents, cities, counties and school districts shall consider school sites that are near concentrations of population and are connected to those concentrations by safe and convenient walking, biking and, where transit is available or planned, transit facilities.

Exhibit D to Ordinance No. 02-969A

New Regional Framework Plan Policy on Economic Opportunity

According to the Regional Industrial Land Study, economic expansion of the 1990s diminished the region's inventory of land suitable for industries that offer the best opportunities for new family-wage jobs. Sites suitable for these industries should be identified and protected from incompatible uses.

1.4.1 Metro, with the aid of leaders in the business and development community and local governments in the region, shall designate as Regionally Significant Industrial Areas those areas with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs.

1.4.2 Metro, through the Urban Growth Management Functional Plan, and local governments shall exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.

Exhibit F to Ordinance No. 02-969A

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Intent

It is the intent of the Metro 2040 Growth Concept that Employment and Industrial Areas contain supportive retail development. Employment and Industrial areas would be expected to include some limited retail-commercial uses primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas; not larger market areas outside the Employment or Industrial Areas.

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, the plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas. To protect the capacity and efficiency of the region's transportation system for movement of goods and services, and to promote the creation of jobs in centers, the plan encourages efficient patterns and mixes of uses within designated Centers and discourages certain kinds of commercial retail development outside Centers. It is the purpose of Title 4 to achieve these policies. Metro will consider amendments to this title in order to make the title consistent with new policies on economic development adopted as part of periodic review.

3.07.420 Comprehensive Plan and Implementing Ordinance Changes Required

- A. — Cities and counties are hereby required to amend their comprehensive plans and implementing regulations, if necessary, to prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business in the Industrial Areas designated on the attached Employment and Industrial Areas Map[†].
- B. — This subsection applies to city and county comprehensive plan designations and zoning ordinances acknowledged by the effective date of this functional plan, which allow retail uses larger than 60,000 square feet of gross leasable area per building or business in Employment Areas designated on the attached Employment and Industrial Areas Map. These cities and counties may continue to allow the extent and location of retail uses allowed in Employment Areas on the effective date of this Functional Plan for the specific zones in acknowledged land use regulations listed in Table 3.07-4. For all other zones in Employment Areas, these cities and counties are hereby required to amend their comprehensive plans and implementing regulations, if necessary, to require a process resulting in a land use decision for any retail uses larger than 60,000 square feet of gross leasable area per building or business on those lands where such uses are currently allowed by any process. The standards for the land use decision to allow any such retail uses shall require (1) a demonstration in the record that transportation facilities adequate to serve the retail use, consistent with Metro's functional plans for transportation, will be in place at the time the retail use begins operation; and (2) a demonstration that transportation facilities adequate to meet the transportation need for the other planned

[†]—On file in the Metro Council office.

uses in the Employment Areas are included in the applicable comprehensive plan provisions. If the city and county comprehensive plan designations and zoning ordinances which allow retail uses larger than 60,000 square feet of gross leasable area per building or business in Employment Areas have not been acknowledged by the effective date of this functional plan, subsection 3.07.420(C) of this title shall apply.

- C. City or county comprehensive plan designations and zoning ordinances acknowledged by the effective date of this functional plan which do not allow retail uses larger than 60,000 square feet of gross leasable area per building or business in Employment Areas designated on the attached Employment and Industrial Areas Map shall continue to prohibit them unless an exception is established under section 3.07.430 of this title pursuant to the compliance procedures of Title 8.

3.07.420 Protection of Regionally Significant Industrial Areas

- A. Regionally Significant Industrial Areas are those areas that offer the best opportunities for family-wage industrial jobs. Each city and county with land use planning authority over areas shown on the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969 shall derive specific plan designation and zoning district boundaries of the areas from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in subsection C, D and E of this section and the need of individual cities and counties to achieve a mix of types of employment uses.
- B. Each city and county with land use planning authority over an area designated by Metro on the 2040 Growth Concept Map, as amended by Ordinance No. 02-969, as a Regional Significant Industrial Area shall, as part of compliance with section 3.07.1120 of the Urban Growth Management Functional Plan, derive plan designation and zoning district boundaries of the areas from the Growth Concept Map.
- C. After determining boundaries of Regionally Significant Industrial Areas pursuant to subsections A and B, the city or county shall adopt implementing ordinances that limit development in the areas to industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters in compliance with subsection E of this section, utilities, and those non-industrial uses necessary to serve the needs of businesses and employees of the areas. Ordinances shall not allow financial, insurance, real estate or other professional office uses unless they are accessory to an industrial or other permitted use.
- D. Notwithstanding subsection C, a city or county shall not approve:
1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or
 2. Commercial retail uses that would occupy more than five percent of the net developable portion of all contiguous Regionally Significant Industrial Areas.

E. As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if:

1. The office is served by public or private transit; and
2. If the office is for a corporate headquarters, it accommodates at least 1,000 employees and is subject to a master plan that sets forth plans for long-term use of the subject property.

F. A city or county may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels 20 acres or smaller may be divided into any number of smaller lots or parcels;
2. Lots or parcels larger than 20 acres but smaller than 50 acres may be divided into any number of smaller lots and parcels so long as the resulting division yields the maximum number of lots or parcels larger than 20 acres;
3. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels so long as the resulting division yields the maximum number of lots or parcels of at least 50 acres;
4. Notwithstanding paragraphs 2, 3 and of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use;
 - d. To reconfigure the pattern of lots and parcels pursuant to subsection G of this section; or
 - e. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

G. A city or county may allow reconfiguration of lots or parcels less than 50 acres in area if the reconfiguration would be more conducive to a permitted use and would result in no net increase in the total number of lots and parcels. Lots or parcels 50 acres or greater in area may also be reconfigured so long as the resulting area of any such lot or parcel would not be less than 50 acres.

H. Notwithstanding subsections C and D of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection F of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to December 31, 2003.

J. By December 31, 2003, Metro shall, following consultation with cities and counties, adopt a map of Regionally Significant Industrial Areas with specific boundaries derived from the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969, taking into account the location of existing uses that would not conform to the limitations of non-industrial uses in subsections C, D and E of this section and the need of individual cities and counties to achieve a mix of types of employment uses. Each city and county with land use planning authority over the area shall use the map in the application of the provisions of this section until the city or county adopts plan designations and zoning district boundaries of the area as provided by subsection A of this section.

3.07.430 Exceptions

Exceptions to this standard for Employment Areas may be included in local compliance plans for:

- A. Low traffic generating, land consumptive commercial uses with low parking demand which have a community or region wide market; or
- B. Specific Employment Areas which have substantially developed retail areas or which are proposed to be or have been locally designated, but not acknowledged by the effective date of this functional plan, as retail areas, may allow new or redeveloped retail uses where adequate transportation facilities capacity is demonstrated in local compliance plans as provided in Title 8.

3.07.430 Protection of Industrial Areas

- A. In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, cities and counties shall limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Industrial Areas.
- B. In an Industrial Area, a city or county shall not approve:
 - 1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or
 - 2. Commercial retail uses that would occupy more than ten percent of the net developable portion of the area or any adjacent Industrial Area.
- C. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.

3.07.440 Protection of Employment Areas

- A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code section 3.07.130, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.
- B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.
- D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:
 - 1. The ordinance authorized those uses on January 1, 2003;
 - 2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
 - 3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area.
- E. A city or county may authorize new commercial retail uses in Employment Areas if the uses:
 - 1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
 - 2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.

Table 3.07-4
(Section 3.07.420(B))

Clackamas County unincorporated
Commercial
Commercial Industrial

Lake Oswego
General Commercial
Highway Commercial

Troutdale
General Commercial

Hillsboro
General Commercial

Sherwood
General Commercial

Tigard
General Commercial
Commercial Professional

Tualatin
Commercial General

Wilsonville
Planned Development Commercial

Exhibit G to Ordinance No. 02-969A

New Regional Framework Plan Policy on Centers

1.15 Centers

The success of the 2040 Growth Concept depends upon the maintenance and enhancement of the Central City, Regional and Town Centers, Station Communities and Main Streets as the principal centers of urban life in the region. Each Center has its own character and is at a different stage of development. Hence, each needs its own strategy for success.

Metro shall develop a regional strategy for enhancement of Centers, Station Communities and Main Streets in the region. The strategy shall recognize the critical connection between transportation and these design types, and integrate policy direction from the Regional Transportation Plan. The strategy shall place a high priority on investments in Centers by Metro and efforts by Metro to secure complementary investments by others. The strategy shall include measures to encourage the siting of government offices and appropriate facilities in Centers and Station Communities. Metro shall work with local governments, community leaders and state and federal agencies to develop an investment program that recognizes the stage of each Center's development, the readiness of each Center's leadership, and opportunities to combine resources to enhance results. To assist, Metro shall maintain a database of investment and incentive tools and opportunities that may be appropriate for individual Centers.

Metro shall assist local governments and shall seek assistance from the state in the development and implementation of strategies for each of the Centers on the 2040 Growth Concept Map. The strategy for each Center shall be tailored to the needs of the Center and shall include an appropriate mix of investments, incentives, removal of barriers and guidelines aimed to encourage the kinds of development that will add vitality to Centers and improve their functions as the hearts of their communities.

It is the policy of Metro to determine whether strategies for Centers are succeeding. Metro shall measure the success of Centers and report results to the region and the state. Metro shall work with its partners to revise strategies over time to improve their results.

Exhibit H to Ordinance 02-969A

New Metro Code to Implement Policy 1.15 of the Regional Framework Plan

TITLE 6: REGIONAL ACCESSIBILITY

3.07.610 Intent

Implementation of the 2040 Growth Concept requires that the region identify key measures of transportation effectiveness which include all modes of transportation. Developing a full array of these measures will require additional analysis. Focusing development in the concentrated activity centers, including the central city, regional centers, town centers and station communities, requires the use of alternative modes of transportation in order to avoid unacceptable levels of congestion. The continued economic vitality of industrial areas and intermodal facilities is largely dependent on preserving or improving access to these areas and maintaining reasonable levels of freight mobility in the region. Therefore, regional congestion standards and other regional system performance measures shall be tailored to reinforce the specific development needs of the individual 2040 Growth Concept design types.

These regional standards are linked to a series of regional street design concepts that fully integrate transportation and land use needs for each of the 2040 land use design types in the Regional Framework Plan. The designs generally form a continuum; a network of throughways (freeway and highway designs) emphasize auto and freight mobility and connect major activity centers. Slower-speed boulevard designs within concentrated activity centers balance the multi-modal travel demands for each mode of transportation within these areas. Street and road designs complete the continuum, with multi-modal designs that reflect the land uses they serve, but also serving as moderate-speed vehicle connections between activity centers that complement the throughway system. It is intended that the entirety of these Title 6 standards will be supplemented by the 1998 Regional Transportation Plan (RTP).

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1.)

3.07.620 Regional Street Design Guidelines

Regional routes in each of the 2040 Design Types are designated as one of four major classifications on the Regional Street Design Map, attached[†]. The four classifications are: Throughways, Boulevards, Streets and Roads. All cities and counties within the Metro region shall consider the following regional street design elements when planning for improvements to these facilities, including those facilities built by ODOT, Tri-Met or the Port of Portland. "Creating Livable Streets: Street Design for 2040" (1997) is a resource for cities, counties, ODOT, Tri-Met and the Port of Portland to use when prioritizing street design elements within a constrained right-of-way.

A. Throughways. Throughways connect the region's major activity centers within the region, including the central city, regional centers, industrial areas and intermodal facilities to one another and to points outside the region. Throughways are traffic-oriented with designs that emphasize motor vehicle mobility. Throughways are divided into Freeway and Highways designs.

1. Freeway Design. Freeways are designed to provide high speed travel for longer motor vehicle trips throughout the region. These designs usually include four to six vehicle lanes, with additional lanes in some situations. They are completely

[†] - On file in the Metro Council office.

divided, with no left turn lanes. Street connections always occur at separated grades with access controlled by ramps. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Freeway design elements when proceeding with improvements to the right of way on regional routes designated on the regional street design map:

- a. — High vehicle speeds;
- b. — Improved pedestrian crossings on overpasses;
- c. — Parallel facilities for bicycles;
- d. — Motor vehicle lane widths that accommodate freight movement and high-speed travel.

2. — Highway Design. Highways are designed to provide high-speed travel for longer motor vehicle trips throughout the region while accommodating limited public transportation, bicycle and pedestrian travel. Highways are usually divided with a median, but also have left turn lanes where at-grade intersections exist. These designs usually include four to six vehicle lanes, with additional lanes in some situations. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Highway design elements when proceeding with improvements to the right of way on regional routes designated on the regional street design map:

- a. — High vehicle speeds;
- b. — Few or no driveways;
- c. — Improved pedestrian crossings at overpasses and all intersections;
- d. — Accommodation of bicycle travel through the use of a striped bikeway;
- e. — Sidewalks where appropriate;
- f. — Motor vehicle lane widths that accommodate freight movement and high-speed travel.

B. — Boulevard Designs. Boulevards serve major centers of urban activity, including the Central City, Regional Centers, Station Communities, Town Centers and some Main Streets. Boulevards are designed with special amenities to favor public transportation, bicycle and pedestrian travel and balance the many travel demands of these areas. Boulevards are divided into regional and community scale designs on the Regional Street Design Map. Regional and Community Boulevards combine motor vehicle traffic with public transportation, bicycle and pedestrian travel where dense development is oriented to the street. Regional Boulevard designs usually include four vehicle lanes, with additional lanes or one-way couplets in some situations. Community Boulevard designs may include up to four vehicle lanes and on-street parking. Fewer vehicle lanes may be appropriate in Community Boulevard designs in some situations, particularly when necessary to provide on-street parking. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Regional

and Community Boulevard design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map:

1. — Low to moderate vehicle speeds on Regional Boulevard and low vehicle speeds on Community Boulevards;
2. — The use of medians and curb extensions to enhance pedestrian crossings where wide streets make crossing difficult;
3. — Combined driveways;
4. — On-street parking where possible;
5. — Wide sidewalks with pedestrian amenities such as benches, awnings and special lighting;
6. — Landscape strips, street trees or other design features that create a pedestrian buffer between curb and sidewalk;
7. — Improved pedestrian crossings at all intersections, and mid-block crossings where intersection spacing exceeds 530 feet;
8. — Striped bikeways or shared outside lane;
9. — Motor vehicle lane widths that consider the above improvements.

C. — Street Designs. Streets serve the region's transit corridors, neighborhoods and some main streets. Streets are designed with special amenities to balance motor vehicle traffic with public transportation, bicycle and pedestrian travel in the 2040 Design Types they serve. Streets are divided into regional and community scale designs on the Regional Street Design Map. Regional Streets are designed to carry motor vehicle traffic while also providing for public transportation, bicycle and pedestrian travel. Regional street designs usually include four vehicle lanes, with additional lanes in some situations. Community Street designs may include up to four vehicle lanes. Fewer vehicle lanes may be appropriate in Community Street designs in some situations, particularly when necessary to provide on-street parking. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Regional Street design elements when proceeding with improvements to the right-of-way on regional routes designated on the Regional Street Design Map:

1. — Moderate vehicle speeds;
2. — The use of medians and curb extensions to enhance pedestrian crossings where wide streets make crossing difficult or to manage motor vehicle access;
3. — Combined driveways;
4. — On-street parking when appropriate;
5. — Buffered sidewalks with pedestrian amenities such as special lighting and special crossing amenities tied to major transit stops;

6. ~~_____~~ Landscape strips, street trees or other design features that create a pedestrian buffer between curb and sidewalk;
7. ~~_____~~ Improved pedestrian crossings at signaled intersections on Regional Streets and improved pedestrian crossings at all intersections on Community Streets;
8. ~~_____~~ Striped bikeways or shared outside lane;
9. ~~_____~~ Motor vehicle lane widths that consider the above improvements.

D. ~~_____~~ Urban Roads. Urban Roads serve the region's industrial areas, intermodal facilities and employment centers where buildings are less oriented to the street, and primarily emphasize motor vehicle mobility. Urban Roads are designed to carry significant motor vehicle traffic while providing for some public transportation, bicycle and pedestrian travel. These designs usually include four vehicle lanes, with additional lanes in some situations. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Urban Road design elements when proceeding with improvements to the right of way on regional routes designated on the regional street design map:

1. ~~_____~~ Moderate vehicle speeds;
2. ~~_____~~ Few driveways;
3. ~~_____~~ Sidewalks;
4. ~~_____~~ Improved pedestrian crossings at major intersections;
5. ~~_____~~ Striped bikeways;
6. ~~_____~~ Center medians that manage access and control left turn movements;
7. ~~_____~~ Motor vehicle lane widths that consider the above improvements.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1.)

3.07.630 Design Standards for Street Connectivity

The design of local street systems, including "local" and "collector" functional classifications, is generally beyond the scope of the Regional Transportation Plan (RTP). However, the aggregate effect of local street design impacts the effectiveness of the regional system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the regional network. Therefore, streets should be designed to keep through trips on arterial streets and provide local trips with alternative routes. The following design and performance options are intended to improve local circulation in a manner that protects the integrity of the regional system.

Cities and counties within the Metro region are hereby required to amend their comprehensive plans and implementing ordinances, if necessary, to comply with or exceed one of the following options in the development review process:

A. ~~Design Option.~~ Cities and counties shall ensure that their comprehensive plans, implementing ordinances and administrative codes require demonstration of compliance with the following, consistent with regional street design policies:

1. ~~For new residential and mixed-use development, all contiguous areas of vacant and primarily undeveloped land of five acres or more shall be identified by cities and counties and the following will be prepared, consistent with regional street design policies:~~

~~A map that identifies possible local street connections to adjacent developing areas. The map shall include:~~

- a. ~~Full street connections at intervals of no more than 530 feet, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Street connections at intervals of no more than 330 feet are recommended in areas planned for the highest density mixed-use development.~~
- b. ~~Accessways for pedestrians, bicycles or emergency vehicles on public easements or right-of-way where full street connections are not possible, with spacing between full street or accessway connections of no more than 330 feet, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.~~

2. ~~New residential and mixed-use developments shall include local street plans that:~~

- a. ~~Encourage pedestrian and bicycle travel by providing short, direct public right-of-way routes to connect residential uses with nearby existing and planned commercial services, schools, parks and other neighborhood facilities; and~~
- b. ~~Include no cul-de-sac streets longer than 200 feet, and no more than 25 dwelling units on a closed-end street system except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension; and~~
- c. ~~Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers; and~~
- d. ~~Consider opportunities to incrementally extend and connect local streets in primarily developed areas; and~~
- e. ~~Serve a mix of land uses on contiguous local streets; and~~
- f. ~~Support posted speed limits; and~~
- g. ~~Consider narrow street design alternatives that feature total right-of-way of no more than 46 feet, including pavement widths of no more than 28 feet, curb face to curb face, sidewalk widths of at least 5 feet and landscaped pedestrian buffer strips that include street trees; and~~

- h. ~~Limit the use of cul-de-sac designs and closed street systems to situations where topography, pre-existing development or environmental constraints prevent full street extensions.~~
- 3. ~~For redevelopment of existing land uses, cities and counties shall develop local approaches for dealing with connectivity.~~
- B. ~~Performance Option. For residential and mixed use areas, cities and counties shall amend their comprehensive plans, implementing ordinances and administrative codes, if necessary, to require demonstration of compliance with performance criteria in the following manner. Cities and counties shall develop local street design standards in text or maps or both with street intersection spacing to occur at intervals of no more than 530 feet except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Street connections at intervals of no more than 330 feet are recommended in areas planned for the highest density mixed use development. Local street designs for new developments shall satisfy the following additional criteria:~~
 - 1. ~~Performance Criterion: minimize local traffic on the regional motor vehicle system, by demonstrating that local vehicle trips on a given regional facility do not exceed the 1995 arithmetic median of regional trips for facilities of the same motor vehicle system classification by more than 25 percent.~~
 - 2. ~~Performance Criterion: everyday local travel needs are served by direct, connected local street systems where: (1) the shortest motor vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight line distance; and (2) the shortest pedestrian trip on public right of way is no more than one and one half the straight line distance.~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1.)~~

3.07.640 Transportation Performance Standards

~~A process to identify transportation mode split targets, transportation needs and appropriate actions to address those targets and needs is included in this section. The intent is to provide guidance to cities, counties, ODOT, Tri-Met and the Port of Portland when developing a transportation system plan, defining a project, or evaluating the potential transportation impacts of a land use action.~~

~~A transportation need is identified when a particular transportation standard or threshold has been exceeded. Standards which may be used in identifying transportation needs include: safety, statewide mobility as identified in the Oregon Transportation Plan, mode splits, motor vehicle congestion analysis, freight mobility or demonstration that lack of access is limiting development of a priority regional land use. Needs are generally identified either through a comprehensive plan amendment review or as result of a system planning analysis which evaluates forecast travel demand.~~

~~Subsequent to the identification of a need, an appropriate transportation strategy or solution is identified through a two-phased multi-modal planning and project development process. The first phase is multi-modal system level planning. The purpose of system level planning is to examine a number of transportation alternatives over a large geographic area such as a corridor or sub-area, or through a local or regional Transportation System Plan (TSP). The purpose of the multi-modal system level planning step is to (1) consider alternative modes, corridors, and strategies to address identified needs; and~~

(2) determine a recommended set of transportation projects, actions, or strategies and the appropriate modes and corridors to address identified needs in the system-level study area.

The second phase is project-level planning (also referred to as project development). The purpose of project-level planning is to develop project design details and select a project alignment, as necessary, after evaluating engineering and design details and environmental impacts.

The following sub-sections (A-D): (1) require that cities and counties establish regional mode split targets for all 2040 design types that will be used to guide transportation system improvements; (2) establish optional performance standards and deficiency thresholds intended to identify transportation needs through multi-modal system-level planning and (3) establish the process to identify appropriate recommended solutions to address those needs identified through multi-modal system-level planning and project-level planning.

A. Alternative Mode Analysis:

1. Person travel represents the largest share of trips for all modes of travel. Improvement in mode split will be used as the key regional measure for assessing transportation system improvements in the Central City, Regional Centers, Town Centers and Station Communities. For other 2040 Growth Concept design types, mode split will be used as an important factor in assessing transportation system improvements. Each jurisdiction shall establish an alternative mode split target (defined as non-Single Occupancy Vehicle person-trips as a percentage of all person-trips for all modes of transportation) for trips into, out of and within all 2040 Growth Concept land use design types within its boundaries one year after adoption of the 1998 Regional Transportation Plan. The alternative mode split target shall be no less than the regional targets for these 2040 Growth Concept land use design types to be established in the 1998 Regional Transportation Plan.
2. Cities and counties shall identify actions which will implement the mode split targets one year after adoption of the 1998 Regional Transportation Plan. These actions should include consideration of the maximum parking ratios adopted as part of Title 2, section 3.07.220; Regional Street Design considerations in this title; and transit's role in serving the area.

B. Motor Vehicle Congestion Analysis:

1. Motor Vehicle Level Of Service (LOS) is a measurement of congestion as a share of designed motor vehicle capacity of a road. Table 3.07-5, Motor Vehicle Level Of Service Deficiency Thresholds and Operating Standards, may be incorporated into local comprehensive plans and implementing ordinances to replace current methods of determining motor vehicle congestion on regional facilities, if a city or county determines that this change is needed to permit Title 1, Table 3.07-1 capacities for the 2040 design types and facilities.
2. Analysis: A transportation need is identified in a given location when analysis indicates that congestion has reached the level indicated in the "exceeds deficiency threshold" column of Table 3.07-5 and that this level of congestion will negatively impact accessibility, as determined through section 3.07.640(B)(4), below. The analysis should consider a mid-day hour appropriate for the study area and the appropriate two-hour peak-hour condition, either A.M. or P.M. or both to address the problem. Other non-peak

hours of the day, such as mid-day on Saturday, should also be considered to determine whether congestion is consistent with the acceptable or preferred operating standards identified in Table 3.07-5. The lead agency or jurisdictions will be responsible for determining the appropriate peak and non-peak analysis periods. The lead agency or jurisdictions will be responsible for determining the appropriate peak analysis period.

— An appropriate solution to the need is determined through multi-modal system-level planning considerations listed in section 3.07.640(C), below. For regional transportation planning purposes, the recommended solution should be consistent with the acceptable or preferred operating standards identified in Table 3.07-5. A city or county may choose a higher level of service operating standard where findings of consistency with section 3.07.640(C) have been developed.

3. — Regional Highways. Figure 3.07-1 identifies the Regional Highways specified in Table 3.07-5. Each corridor will be evaluated on a case-by-case basis through system-level refinement studies. The studies will identify the performance and operating expectations for each corridor based on their unique operating and geographic characteristics. Appropriate multi-modal solutions to needs identified through these studies will be forwarded for inclusion in the Regional Transportation Plan.

4. — Accessibility. If a deficiency threshold is exceeded on the regional transportation system as identified in Table 3.07-5, cities and counties shall evaluate the impact of the congestion on regional accessibility using the best available quantitative or qualitative methods. If a determination is made by Metro that exceeding the deficiency threshold negatively impacts regional accessibility, cities and counties shall follow the transportation systems analysis and transportation project analysis procedures identified in 3.07.640(C) and (D) below.

5. — Consistency. The identified function or the identified capacity of a road may be significantly affected by planning for 2040 Growth Concept design types. Cities and counties shall take actions described in section 3.07.640(C) and (D) below, including amendment of their transportation plans and implementing ordinances, if necessary, to preserve the identified function and identified capacity of the road, and to retain consistency between allowed land uses and planning for transportation facilities.

C. — Transportation Systems Analysis. This section applies to city and county comprehensive plan amendments or to any studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to multi-modal arterials and/or highways.

Consistent with Federal Congestion Management System requirements (23 CFR Part 500) and TPR system planning requirements (660-12), the following actions shall be considered through the Regional Transportation Plan when recommendations are made to revise the Regional Transportation Plan and/or local transportation system plans to define the need, mode, corridor and function to address an identified transportation need consistent with Table 3.07-5, and recommendations are made to add significant SOV capacity:

1. — Regional transportation demand strategies;

2. — Regional transportation system management strategies, including intelligent transportation systems (ITS);

3. — High occupancy vehicle (HOV) strategies;
4. — Regional transit, bicycle and pedestrian system improvements to improve mode split;
5. — Unintended land use and transportation effects resulting from a proposed SOV project or projects;
6. — Effects of latent demand from other modes, routes or time of day from a proposed SOV project or projects;
7. — If upon a demonstration that the above considerations do not adequately and cost-effectively address the problem, a significant capacity improvement may be included in the regional transportation plan.

Consistent with Federal Congestion Management System requirements (23 CFR Part 500) and TPR system planning requirements (660-12), the following actions shall be considered when local transportation system plans (TSPs), multi-modal corridor and sub-area studies, mode specific plans or special studies (including land use actions) are developed:

1. — Transportation demand strategies that further refine or implement a regional strategy identified in the RTP;
2. — Transportation system management strategies, including intelligent Transportation Systems (ITS), that refine or implement a regional strategy identified in the RTP;
3. — Sub-area or local transit, bicycle and pedestrian system improvements to improve mode split;
4. — The effect of a comprehensive plan change on mode split targets and actions to ensure the overall mode split target for the local TSP is being achieved;
5. — Improvements to parallel arterials, collectors, or local streets, consistent with connectivity standards contained in section 3.07.620 of this title, as appropriate, to address the transportation need and to keep through trips on arterial streets and provide local trips with alternative routes;
6. — Traffic calming techniques or changes to the motor vehicle functional classification, to maintain appropriate motor vehicle functional classification;
7. — If upon a demonstration that the above considerations do not adequately and cost-effectively address the problem, a significant capacity improvement may be included in the comprehensive plan.

Upon a demonstration that the above considerations do not adequately and cost-effectively address the problem and where accessibility is significantly hindered, Metro and the affected city or county shall consider:

1. — Amendments to the boundaries of a 2040 Growth Concept design type;
2. — Amendments or exceptions to land use functional plan requirements; and/or

3. — Amendments to the 2040 Growth Concept.

Demonstration of compliance will be included in the required congestion management system compliance report submitted to Metro by cities and counties as part of system level planning and through findings consistent with the TPR in the case of amendments to applicable plans.

- D. — Transportation Project Analysis. The TPR and Metro's Interim Congestion Management System (CMS) document require that measures to improve operational efficiency be addressed at the project level. Section 3.07.620 of this title requires that street design guidelines be considered as part of the project level planning process. Therefore, cities, counties, Tri Met, ODOT, and the Port of Portland shall address the following operational and design considerations during transportation project analysis:

1. — Transportation system management (e.g., access management, signal inter-ties, lane channelization, etc.) to address or preserve existing street capacity.
2. — Guidelines contained in "Creating Livable Streets: Street Design Guidelines for 2040" (1997) and other similar resources to address regional street design policies.

The project need, mode, corridor, and function do not need to be addressed at the project level. This section 3.07.640(D) does not apply to locally funded projects on facilities not designated on the Regional Motor Vehicle System Map or the Regional Street Design Map. Demonstration of compliance will be included in the required Congestion Management System project level compliance report submitted to Metro as part of project level planning and development.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1.)

Table 3.07-5
Motor Vehicle Level of Service Deficiency Thresholds and Operating Standards*
 (Section 3.07.640(B)(1))

Location	Mid-Day One Hour Peak			A.M./P.M. Two Hour Peak		
	Preferred Operating Standard	Acceptable Operating Standard	Exceeds Deficiency Threshold	Preferred Operating Standard	Acceptable Operating Standard	Exceeds Deficiency Threshold
Central City, Regional Centers, Town Centers, Main Streets and Station Communities	C	E	F	1 st -hour E 2 nd -hour E	1 st -hour F 2 nd -hour E	1 st -hour F 2 nd -hour E
Corridors, Industrial Areas and Intermodal Facilities, Employment Areas and Inner and Outer Neigh- borhoods	C	D	E	1 st -hour E 2 nd -hour D	1 st -hour E 2 nd -hour E	1 st -hour F 2 nd -hour E
Regional Highway Corridors	identify and evaluate on a case-by-case basis** to balance regional and local mobility and accessibility objectives			identify and evaluate on a case-by-case basis** to balance regional and local mobility and accessibility objectives		

*Level of Service is determined by using either the latest edition of the Highway Capacity Manual (Transportation Research Board) or through volume to capacity ratio equivalencies as follows: LOS C = .8 or better; LOS D = .8 to .9; LOS E = .9 to 1.0; and LOS F = 1.0 to 1.1. A copy of the Level of Service Tables from the Highway Capacity Manual is attached as Table 3.07-6. Regional Highway Corridors are identified in the map attached as Figure 3.07-1.

** See section 3.07.640(B)(3).

(Ordinance No. 98-721A, Sec. 1.)

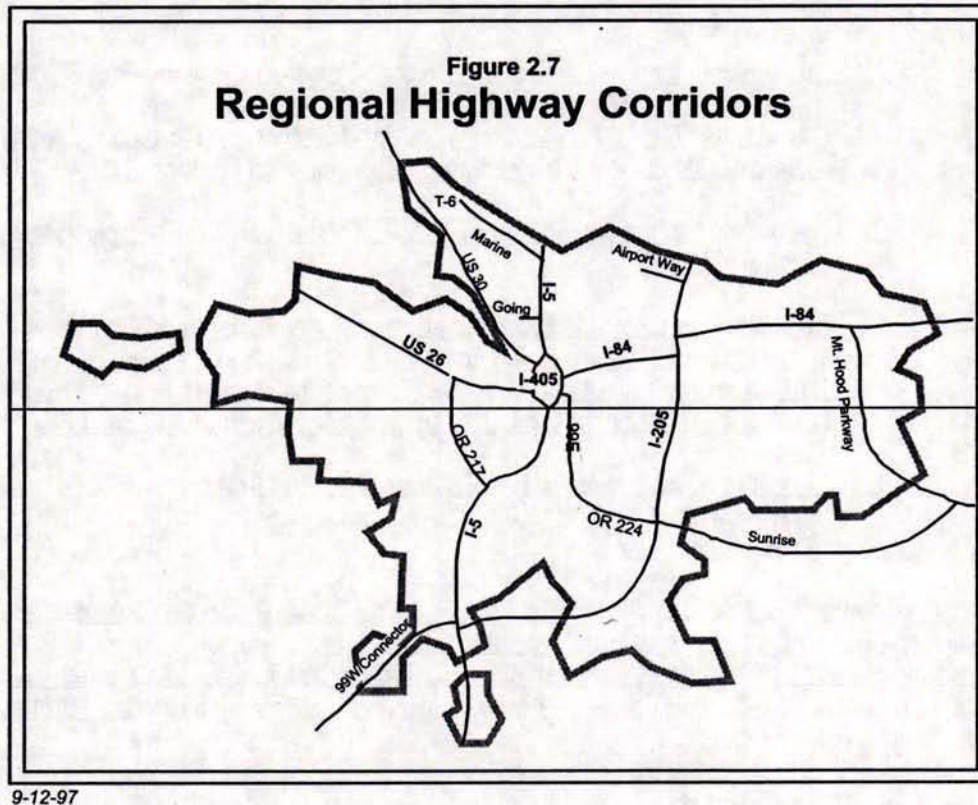
Table 3.07-6
Level-of-Service (LOS) Definitions for Freeways, Arterials and Signalized Intersections
 (Section 3.07.640(B)(1))

LOS	Freeways (average travel speed assuming 70 mph design speed)	Arterials (average travel speed assuming a typical free flow speed of 40 mph)	Signalized Intersections (stopped delay per vehicle)	Traffic Flow Characteristics
A	Greater than 60 mph Average spacing: 22 car lengths	Greater than 35 mph	Less than 5 seconds; most vehicles do not stop at all	Virtually free flow; completely unimpeded Volume/capacity ratio less than or equal to .60
B	57 to 60 mph Average spacing: 13 car lengths	28 to 35 mph	5.1 to 15 seconds; more vehicles stop than for LOS A	Stable flow with slight delays; reasonably unimpeded Volume/capacity ratio .61 to .70
C	54 to 57 mph Average spacing: 9 car lengths	22 to 28 mph	15.1 to 25 seconds; individual cycle failures may begin to appear	Stable flow with delays; less freedom to maneuver Volume/capacity ratio of .71 to .80
D	46 to 54 mph Average spacing: 6 car lengths	17 to 22 mph	25.1 to 40 seconds; individual cycle failures are noticeable	High density, but stable flow Volume/capacity ratio of .81 to .90
E	30 to 46 mph Average spacing: 4 car lengths	13 to 17 mph	40.1 to 60 seconds; individual cycle failures are frequent; poor progression	Operating conditions at or near capacity; unstable flow Volume/capacity ratio of .91 to 1.00
F	Less than 30 mph Average spacing: bumper to bumper	Less than 13 mph	Greater than 60 seconds; not acceptable for most drivers	Forced flow, breakdown conditions Volume/capacity ratio of greater than 1.00
>F	Demand exceeds roadway capacity, limiting volume that can be carried and forcing excess demand onto parallel routes and extending the peak period			Demand/capacity ratios of greater than 1.10

Source: 1985 Highway Capacity Manual (A through F descriptions); Metro (>F description)

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1.)

Figure 3.07-1
(Section 3.07.640(B)(3))



(Ordinance No. 98-721A, Sec. 1.)

TITLE 6: CENTRAL CITY, REGIONAL CENTERS, AND TOWN CENTERS AND STATION COMMUNITIES

3.07.610 Purpose and Intent

The success of the 2040 Growth Concept depends upon the maintenance and enhancement of the Central City, Regional and Town Centers and Station Communities as the principal centers of urban life in the region. Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles Centers they play in the region and by discouraging development outside Centers that will detract from those roles. As used in this title, the term "Centers" includes the Central City, Regional and Town Centers and Station Communities.

3.07.620 Local Strategy to Improve Centers

- A. Each city and county with a Regional or Town Center shown on the 2040 Growth Concept map shall, on a schedule established jointly with Metro but not later than

December 31, 2007, develop a strategy to enhance Centers within its jurisdiction. The strategy shall include at least the following elements:

1. An analysis of physical and regulatory barriers to development and a program of actions to eliminate or reduce them.
2. An accelerated review process for preferred types of development.
3. An analysis of incentives to encourage development and a program to adopt incentives that are available and appropriate for each Center.
4. A schedule for implementation of Title 4 of the Urban Growth Management Functional Plan.
5. An analysis of the need to identify one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as the central-a convenient location of neighborhood commercial services, as authorized by Title 12, section 3.07.1230 of the Urban Growth Management Functional Plan.
6. A work plan, including a schedule, to carry out the strategy.

3.07.630 Special Transportation Areas

Any city or county that has adopted a strategy for a Center pursuant to section 3.07.620 and measures to discourage commercial retail use along state highways outside Centers, Station Communities and Neighborhood Centers shall be eligible for designations of a Center by the Oregon Transportation Commission as a Special Transportation Area under Policy 1B of the 1999 Oregon Highway Plan.

3.07.640 Government Offices

- A. Cities and counties shall encourage the siting of government offices in Centers, Station Communities, Main Streets and Corridors by taking action pursuant to section 3.07.620 to eliminate or reduce unnecessary physical and regulatory barriers to development and expansion of such offices in Centers and Station Communities.
- B. Cities and counties shall discourage the siting of government offices outside Centers, Station Communities, Main Streets and Corridors by requiring a demonstration by the applicant government agency that sites within these designations cannot reasonably accommodate the proposed offices due to characteristics of the offices other than parking for employees.
- C. For purposes of this section, "government offices" means administrative offices and those offices open to and serving the general public, such as libraries, city halls and courts. The term "government offices" does not include other government facilities, such as fire stations, sewage treatment plants or equipment storage yards.

3.07.650 Reporting on Center Progress

In order to assist Metro to evaluate the effectiveness of Title 6 in aid of accomplishment of the 2040 Growth Concept, and to comply with state progress reporting requirements in ORS 197.301,

by April 15 of each even-numbered year beginning 2004, each city and county shall report to Metro on a set of measures prescribed by the Council on a form developed for that purpose by Metro.

Exhibit J to Ordinance No. 02-969A

New Regional Framework Plan Policy on the Urban Growth Boundary

1.9 Urban Growth Boundary

It is the policy of Metro to ensure that expansions of the UGB help achieve the objectives of the 2040 Growth Concept. When Metro expands the boundary, it shall consider whether the expansion will enhance the roles of Regional and Town Centers and, to the extent practicable, ensure that it does.

Exhibit K to Ordinance No. 02-969A

CHAPTER 3.01: URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

3.01.005 Purpose

(a) This chapter is established to provide procedures to be used by Metro in making amendments to the Metro Urban Growth Boundary (UGB) adopted pursuant to ORS 268.390(3) and 197.005 through 197.430. The chapter is intended to interpret all criteria and standards for boundary amendments pertaining to Statewide Planning Goals 2 and 14, and the Regional Urban Growth Goals and Objectives. Unique circumstances associated with a proposed amendment may require consideration of statewide planning goals other than Goals 2 and 14. This chapter is also established to be used for the establishment and management of Urban Reserves, pursuant to OAR 660-21-000 to 660-21-100 and RUGGO Objective 22.

(b) The objectives of the UGB are to:

- (1) Provide sufficient urban land for accommodating the forecast 20-year urban land need, reevaluated at least every five years as set forth in sections 3.01.015-3.01.020;
- (2) Provide for an efficient urban growth form which reduces sprawl;
- (3) Provide a clear distinction between urban and rural lands;
- (4) Encourage appropriate infill and redevelopment in all parts of the urban region.

(c) The objectives of the Urban Reserves are to:

- (1) Identify sufficient land suitable for urbanization sufficient to accommodate the forecast needs for a 30 to 50 year interval, reevaluated at least every 15 years;
- (2) Limit the areas which are eligible to apply for inclusion to the Urban Growth Boundary consistent with ORS 197.298, and protect resource lands outside the urban reserve areas;
- (3) Protect lands designated as urban reserves for their eventual urbanization, and insure their efficient urbanization consistent with the 2040 Growth Concept, the RUGGOs and the Urban Growth Management Functional Plan;
- (4) Provide for coordination between cities, counties, school districts, and special districts for planning for the urban reserve areas;
- (5) Ensure a smooth transition to urban development by planning for general governance, public facilities, land uses, and planning for financing the capital needs of the urban development.

3.01.010 Definitions

- (a) "Council" has the same meaning as in chapter 1.01.
- (b) "Compatible," as used in this chapter, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. Any such interference or adverse impacts must be balanced with the other criteria and considerations cited.
- (c) "District" has the same meaning as in chapter 1.01.
- (d) "Goals" means the statewide planning goals adopted by the Oregon Land Conservation and Development Commission at OAR 660-15-000.
- (e) "Gross developable vacant land" means the total buildable land area within the UGB, as compiled by Metro for the purpose of determining the need for changes in the urban land supply. These are lands that can be shown to lack significant barriers to development. Gross developable vacant lands include, but are not limited to, all recorded lots on file with the county assessors equal to or larger than either the minimum lot size of the zone in which the lot is located or the minimum lot size which will be applied in an urban holding zone which:
 - (1) Are without any structures as corroborated through examination of the most recent aerial photography at the time of inventory; or
 - (2) Have no improvements according to the most recent assessor records.
- (f) "Gross redevelopable land" means the total area of redevelopable land and infill parcels within the UGB including:
 - (1) That portion of all partially developed recorded lots, where one-half acre or more of the land appears unimproved through examination of the most recent aerial photography at the time of inventory; and
 - (2) All recorded lots on file with the county assessors that are 20,000 square feet or larger where the value of the improvement(s) is significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of infill and redevelopment properties will be developed by the district to provide a means to define what is significant when comparing structure value and land values; or, when a city or county has more detailed or current gross redevelopable land inventory data, for all or a part of their jurisdiction, it can request that the district substitute that data for inclusion in the gross developable land inventory.
- (g) "Gross developable land" means the total of gross developable vacant land and gross redevelopable land.
- (h) "Legislative amendment" means an amendment to the UGB initiated by the district, which is not directed at a particular site-specific situation or relatively small number of persons.

(i) "Natural area" means a landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated habitat. Natural areas must be identified in a city, county or special district open space inventory or plan.

(j) "Natural feature" means any landscape unit, such as a slope greater than 25 percent, a water body, a floodplain or a forest, that acts as a barrier or transition between human activities.

(k) "Net acre" for purposes of calculating the total land area within a proposal to amend the UGB means an area measured in acres which excludes:

- (1) Any developed road rights-of-way through or on the edge of the proposed UGB amendment; and
- (2) Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a federal fill and removal permit under Section 404 of the Clean Water Act. These excluded areas do not include lands for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and,
- (3) All publicly-owned land designated for park and open space uses.

(l) "Net developable land" means the total of net developable vacant land and net redevelopable land.

(m) "Net developable vacant land" means the number of acres that are available for all types of development after the total number of developable acres within the UGB is reduced by the amount of land for the provision of roads, schools, parks, private utilities, churches, social organizations, legally buildable single family lots, and other public facilities.

(n) "Net redevelopable land" means the amount of land remaining when gross redevelopable land is reduced by the estimated land needed for the provision of additional roads, schools, parks, private utilities and other public facilities. The district shall determine the appropriate factor to be used for each jurisdiction in consultation with the jurisdiction within which the specific redevelopable land is located.

(o) "Nonurban land" means land currently outside the UGB.

(p) "Party" means any individual, agency, or organization who participates orally or in writing in the creation of the record established at a public hearing.

(q) "Planning period" means the period covered by the most recent officially adopted district forecasts, which is approximately a 20-year period.

(r) "Property owner" means a person who owns the primary legal or equitable interest in the property.

(s) "Public facilities and services" means sanitary sewers, water service, fire protection, parks, open space, recreation, streets and roads and mass transit.

(t) "Regional forecast" means a 20-year forecast of employment and population by specific areas within the region, which has been adopted by the district.

(u) "Site" means the subject property for which an amendment or locational adjustment is being sought.

(v) "Specific land need" means a specific type of identified land needed which complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on urban reserve land.

(w) "UGB" means the Urban Growth Boundary for the district pursuant to ORS 268.390 and 197.005 through 197.430.

(x) "Urban land" means that land inside the UGB.

(y) "Urban reserve" means an area designated as an urban reserve pursuant to section 3.01.012 of this code and applicable statutes and administrative rules.

3.01.012 Urban Reserve Areas

(a) Purpose. The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Designation of Urban Reserves.

- (1) The Council shall designate the amount of urban reserves estimated to accommodate the forecast need.
- (2) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, taking into account an estimate of all potential developable and redevelopable land within the current urban growth boundary.
- (3) The Council shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area set forth in section 3.01.020.
- (4) The minimum residential density to be used in estimating the capacity of the areas designated as urban reserves shall be an average of at least 10 dwelling units per net developable acre or lower densities which conform to the 2040 Growth Concept design type designation for the urban reserve area.
- (5) The Council may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

- (6) Metro has designated as urban reserve areas those lands indicated on the 2040 Growth Concept map which was adopted as part of the Regional Urban Growth Goals and Objectives.

(c) Plans For Urban Reserve Areas. Subject to applicable law, cities and counties may prepare and adopt comprehensive plan amendments for urban reserve areas consistent with all provisions of the Urban Growth Management Functional Plan prior to the inclusion of an urban reserve area within the Urban Growth Boundary. Prior to the preparation and adoption of any such comprehensive plan amendments, at the request of a city or county, the Council shall establish the 2040 Growth Concept design types and the boundaries of the area to be planned, if it has not previously done so.

3.01.015 Legislative Amendment Procedures

(a) The process for determination of need and location of lands for amendment of the UGB is provided in section 3.01.020.

(b) Notice shall be provided as described in section 3.01.050.

(c) The Council shall initiate Legislative Amendments when it determines pursuant to Goal 14 and section 3.01.020 that there is a need to add land to the Urban Growth Boundary.

(d) Before adopting any legislative amendment, Metro shall consult with cities, counties and MPAC to determine which cities and counties, if any, are prepared to initiate comprehensive plan amendments for urban reserve areas, if they are included, within the Urban Growth Boundary.

(e) Where a city or county has adopted comprehensive plan amendments for an urban reserve area pursuant to section 3.01.012(c), the Metro Council shall rely upon the planned status of that urban reserve in considering applicable criteria.

(f) Legislative amendment decisions shall be based upon substantial evidence in the decision record which demonstrates how the amendment complies with applicable state and local law and statewide goals as interpreted by section 3.01.020.

(g) The following public hearings process shall be followed for legislative amendments:

- (1) The district council shall refer a proposed amendment to the appropriate council committee at the first council reading of the ordinance.
- (2) The committee shall take public testimony at as many public hearings as necessary. At the conclusion of public testimony, the committee shall deliberate and make recommendations to the council.
- (3) The council shall take public testimony at its second reading of the ordinance, discuss the proposed amendment, and approve the ordinance with or without revisions or conditions, or refer the proposed legislative amendment to the council committee for additional consideration.

- (4) Testimony before the council or the committee shall be directed to Goal 14 and Goal 2 considerations interpreted at section 3.01.020 of this chapter.
- (5) Prior to the council acting to approve a legislative amendment, including land outside the district, the council shall annex the territory to the district. The annexation decision shall be consistent with the requirements of section 3.09.120 of this code. If the annexation decision becomes the subject of a contested case pursuant to chapter 3.09 of this code, the Legislative amendment to the Urban Growth Boundary shall not be approved until the contested case is either withdrawn or the annexation is approved by the Boundary Appeals Commission, whichever occurs first.

3.01.020 Legislative Amendment Criteria

(a) The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the district UGB. Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.

(b) While all of the following Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors ignores obvious overlaps between them. Demonstration of compliance with one factor or subfactor may not constitute a sufficient showing of compliance with the goal, to the exclusion of the other factors when making an overall determination of compliance or conflict with the goal. For legislative amendments, if need has been addressed, the district shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7.

- (1) Factor 1: Demonstrated need to accommodate long-range urban population growth.
 - (A) The district shall develop 20-year Regional Forecasts of Population and Employment, which shall include a forecast of net developable land need, providing for coordination with cities, counties, special districts and other interested parties, and review and comment by the public. After deliberation upon all relevant facts the district shall adopt a forecast. This forecast shall be completed at least every five years or at the time of periodic review, whichever is sooner. Concurrent with the adoption of the district's 20-year Regional Forecast, the district shall complete an inventory of net developable land calculating the supply of buildable land within the urban growth boundary by applying the variables set forth in Chapter 1 of the Regional Framework Plan. The district shall provide the opportunity for review and comment by all cities and counties in the district, and by the public.

- (i) In calculating the supply of buildable lands in the urban growth boundary, the district shall estimate the effect, based on the best information available, of changes to zoned capacity that have been adopted and implemented by local governments to comply with the Region 2040 Growth Concept and all titles of the Urban Growth Management Functional Plan.
- (ii) The district shall estimate the number of gross vacant buildable acres within the urban growth boundary.
- (iii) The district shall estimate the number of net vacant buildable acres within the urban growth boundary from the gross vacant buildable acres. The number of acres estimated to be unavailable for housing development shall be subtracted to estimate the net acres, including, but not limited to:
 - (I) Lands in environmentally sensitive areas and lands with slopes equal to or exceeding 25 percent, provided those lands are zoned so as to be unavailable for housing development.
 - (II) Lands for streets, schools, parks, churches and social organizations.
 - (III) Vacant legally buildable lots zoned for single family residential use.
- (iv) The district shall estimate the number of net vacant buildable acres that are available for residential use based on current local government zoning designations. The district shall also estimate the number of dwelling units that these residentially zoned lands can accommodate under existing zoning designations.
- (v) The district shall reduce the estimated number of dwelling units that can be accommodated on vacant residential lands to account for the following:
 - (I) The number of dwelling units estimated to be lost when property owners do not develop to maximum residential densities, taking into account zoned minimum densities; and
 - (II) If Metro adopts additional measures to increase residential densities inside the existing urban growth boundary, the number of additional dwelling units estimated to be accommodated as the result of the new measures.

- (vi) The district shall increase the estimated number of dwelling units that may be accommodated on vacant residential lands due to changes in zoning or development patterns, including but not limited to, the following:
 - (I) Local adoption of mixed use zoning designations;
 - (II) Local adoption of increased residential densities to meet Region 2040 Growth Concept and Title 1 of the Urban Growth Management Functional Plan;
 - (III) The estimated number of dwelling units that may be accommodated as a result of redevelopment and infill development and accessory dwelling units;
 - (IV) The estimated number of dwelling units allowed on legally buildable lots in environmentally constrained areas.
 - (V) Development on vacant and legally buildable lots zoned for single family at a rate of one dwelling unit per lot.
- (B) The forecast and inventory, along with all other appropriate data shall be considered by the district in determining the need for net developable land. Appropriate data includes, but is not limited to, estimates of the actual density and the actual average mix of housing types of residential development that have occurred within the urban growth boundary since the last periodic review of the urban growth boundary or last five years, whichever is greater. The results of the inventory and forecast shall be compared, and if the net developable land equals or is larger than the need forecast, then the district council shall hold a public hearing, providing the opportunity for comment. The council may conclude that there is no need to move the UGB and set the date of the next five-year review or may direct staff to address any issues or facts which are raised at the public hearing.
- (C) If the inventory of net developable land is insufficient to accommodate the housing need identified in the 20-year Regional Forecast at the actual developed density that has occurred since the last periodic review of the urban growth boundary, the district shall
 - (i) Conduct a further analysis of the inventory of net developable land to determine whether the identified need can reasonable be met within the urban growth boundary including a consideration of whether any significant surplus of developable land in one or more land use categories could be suitable to address the unmet forecasted need;

- (ii) Estimate city and county progress toward meeting the target capacities for dwelling units and employment set forth in Title 1 of the Urban Growth Management Functional Plan (Metro Code, Table 3.07-1);
 - (iii) Consider amendments to the Urban Growth Management Functional Plan that would increase the number of dwelling units that can be accommodated on residential and mixed-use land within the urban growth boundary;
 - (iv) Adopt amendments to the Urban Growth Management Functional Plan that the Metro Council determines are appropriate;
 - (v) Estimate whether the increased number of dwelling units accommodated within the urban growth boundary due to amendments to the Urban Growth Management Functional Plan will provide a sufficient number of dwelling units to satisfy the forecasted need;
 - (vi) The Metro Council shall hold a public hearing prior to its determination of whether any estimated deficit of net developable land is sufficient to justify an analysis of locations for a legislative amendment of the UGB.
- (D) For consideration of a legislative UGB amendment, the district council shall review an analysis of land outside the present UGB to determine those areas best suited for expansion of the UGB to meet the identified need.
- (E) The district must find that the identified need cannot reasonably be met within the UGB, consistent with the following considerations:
- (i) That there is not a suitable site with an appropriate comprehensive plan designation.
 - (ii) All net developable land with the appropriate plan designation within the existing UGB shall be presumed to be available for urban use during the planning period.
 - (iii) Market availability and level of parcelization shall not render an alternative site unsuitable unless justified by findings consistent with the following criteria:
 - (I) Land shall be presumed to be available for use at some time during the planning period of the UGB unless legal impediments, such as deed restrictions, make it unavailable for the use in question.

(II) A parcel with some development on it shall be considered unavailable if the market value of the improvements is not significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of infill and redevelopment will be developed by the district to provide a means to define what is significant when comparing structure value and land values. When a city or county has more detailed or current gross redevelopable land inventory data, for all or a part of their jurisdiction, it can request that the district substitute that data in the district gross developable land inventory.

(III) Properly designated land in more than one ownership shall be considered suitable and available unless the current pattern or level of parcelization makes land assembly during the planning period unfeasible for the use proposed.

(2) Factor 2: Need for housing, employment opportunities and livability may be addressed under either subsection (A) or (B) or both, as described below.

(A) For a proposed amendment to the UGB based upon housing or employment opportunities the district must demonstrate that a need based upon an economic analysis can only be met through a change in the location of the UGB. For housing, the proposed amendment must meet an unmet need according to statewide planning Goal 10 and its associated administrative rules. For employment opportunities, the proposed amendment must meet an unmet long-term need according to statewide planning Goal 9 and its associated administrative rules. The amendment must consider adopted comprehensive plan policies of jurisdictions adjacent to the site, when identified by a jurisdiction and must be consistent with the district's adopted policies on urban growth management, transportation, housing, solid waste, and water quality management.

(B) To assert a need for a UGB amendment based on livability, the district must:

(i) factually define the livability need, including its basis in adopted local, regional, state, or federal policy;

(ii) factually demonstrate how the livability need can best be remedied through a change in the location of the UGB;

- (iii) identify both positive and negative aspects of the proposed UGB amendment on both the livability need and on other aspects of livability; and
 - (iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.
- (3) Factor 3: Orderly and economic provision of public facilities and services. An evaluation of this factor shall be based upon the following:
 - (A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.
 - (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route rather than an area which would require an entirely new route.
- (4) Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. An evaluation of this factor shall be based on at least the following:
 - (A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.
 - (B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and

improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

- (5) Factor 5: Environmental, energy, economic and social consequences. An evaluation of this factor shall be based upon consideration of at least the following:

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.
- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.
- (C) The long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

- (6) Factor 6: Retention of agricultural land. This factor shall be addressed through the following:

- (A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:
 - (i) Expansion on rural lands excepted from statewide planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment. The smallest amount of resource land necessary to achieve improved efficiency shall be included;
 - (ii) If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by the state, should be considered;
 - (iii) If there is not enough land as described in either (i) or (ii) above, to meet demonstrated need, secondary agricultural resource lands, as defined by the state should be considered;

- (iv) If there is not enough land as described in either (i), (ii) or (iii) above, to meet demonstrated need, primary forest resource lands, as defined by the state, should be considered;
- (v) If there is not enough land as described in either (i), (ii), (iii) or (iv) above, to meet demonstrated need, primary agricultural lands, as defined by the state, may be considered.
- (B) After urban reserves are designated and adopted, consideration of factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.
- (C) After urban reserves are designated and adopted, a proposed amendment for land not wholly within an urban reserve must also demonstrate that the need cannot be satisfied within urban reserves.
- (7) Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

The record shall include an analysis of the potential impact on nearby agricultural activities including the following:

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site;
- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land, as well as the impact on the local agricultural economy.
- (c) The requirements of statewide planning Goal 2 will be met by addressing all of the requirements of section 3.01.020(b), above, and by factually demonstrating that:
 - (1) The land need identified cannot be reasonably accommodated within the current UGB; and
 - (2) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts; and

- (3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas than the proposed site and requiring an exception.

(d) The proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

(e) The Council shall consider whether adding land to the UGB contributes to the purposes of a Regional or Town Center.

((e)f) Satisfaction of the requirements of section 3.01.020(a) and (b) does not mean that other statewide planning goals do not need to be considered. If the proposed amendment involves other statewide planning goals, they shall be addressed.

((f)g) Section 3.01.020(a), (b), (c), [and] (d) and (e) shall be considered to be consistent with and in conformance with the Regional [Urban Growth Goals and Objectives]Framework Plan.

(g) Where efficiencies in the future development of an existing urban reserve are demonstrated, the Metro Council may amend the urban reserve in the same UGB amendment process to include additional adjacent nonresource lands up to 10 percent of the total acreage. Any urban reserve amendment shall demonstrate compliance with the Urban Reserve Rule (OAR 660-021-0030).

3.01.025 Major Amendment Procedures

(a) A city, a county, a special district or a property owner may file an application for a major amendment to the UGB on a form provided for that purpose. The Executive Officer will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Metro Council is completing its five-year analysis of buildable land supply under ORS 197.299(1). After receipt of a complete application, the Executive Officer will set the matter for a public hearing and provide notice to the public in the manner set forth in sections 3.01.050 and 3.01.055.

(b) The Executive Officer will determine whether the application is complete and notify the applicant of its determination within seven working days after the filing of an application. If the application is not complete, the applicant shall revise it to be complete within 14 days of notice of incompleteness from the Executive Officer. The Executive Officer will dismiss an application and return application fees if it does not receive a complete application within 14 days of its notice.

(c) Upon a request by a Metro councilor and a finding of good cause, the Metro Council may, by a two-thirds vote of the full Council, waive the filing deadline for an application.

(d) Except for that calendar year in which the Metro Council is completing its five-year analysis of buildable land supply, the Executive Officer shall give notice of the March 15 deadline for acceptance of applications for major amendments not less than 120 calendar days

before the deadline and again 90 calendar days before the deadline in a newspaper of general circulation in the district and in writing to each city and county in the district. A copy of the notice shall be mailed not less than 90 calendar days before the deadline to anyone who has requested notification. The notice shall explain the consequences of failure to file before the deadline and shall specify the Metro representative from whom additional information may be obtained.

(e) The Executive Officer shall submit a report and recommendation on the application to the hearings officer not less than 21 calendar days before the hearing. The Executive Officer shall send a copy of the report and recommendation simultaneously to the applicant and others who have requested copies. Any subsequent report by the Executive Officer to be used at the hearing shall be available at least seven days prior to the hearing.

(f) An applicant shall provide a list of names and addresses of property owners for notification purposes, consistent with section 3.01.055, when submitting an application. The list shall be certified in one of the following ways:

- (1) By a title company as a true and accurate list of property owners as of a specified date; or
- (2) By a county assessor, or designate, pledging that the list is a true and accurate list of property owners as of a specified date; or
- (3) By the applicant affirming that the list is a true and accurate list as of a specified date.

(g) An applicant may request postponement of the hearing to consider the application within 90 days after filing of the application. The Executive Officer may postpone the hearing for no more than 90 days. If the Executive Officer receives no request for rescheduling within 90 days after the request for postponement, the application shall be considered withdrawn and the Executive Officer shall return the portion of the fee deposit not required for costs assessed pursuant to 3.01.045.

(h) Position of City or County:

- (1) Except as provided in paragraph (4) of this section, an application shall not be considered complete unless it includes a written statement by the governing body of each city or county with land use jurisdiction over the area included in the application that:
 - (A) Recommends approval of the application;
 - (B) Recommends denial of the application; or
 - (C) Makes no recommendation on the application.
- (2) Except as provided in paragraph (4) of this subsection, an application shall not be considered complete unless it includes a written statement by any special district that has an agreement with the governing body of any city or county with land use jurisdiction over the area included in the application to provide an urban service to the area that:

- (A) Recommends approval of the application;
 - (B) Recommends denial of the application; or
 - (C) Makes no recommendation on the application.
- (3) If a city, county or special district holds a public hearing to consider an application, it shall:
- (A) Provide notice of such hearing to the Executive Officer and any city or county whose municipal boundary or urban planning area boundary abuts the area; and
 - (B) Provide the Executive Officer with a list of the names and addresses of persons testifying at the hearing and copies of any exhibits or written testimony submitted for the hearing.
- (4) Upon request by an applicant, Executive Officer shall waive the requirements of subsections (1) and (2) of this section if the applicant shows that the local government has a policy not to comment on such applications or that a request for comment was filed with the local government or special district at least 120 calendar days before the request and the local government or special district has not yet adopted a position on the application. The governing body of a local government may delegate the decisions described in paragraphs (1) and (2) of this subsection to its staff.
- (i) Applications involving land outside district boundary:
- (1) An application to expand the UGB to include land outside the district shall not be accepted unless accompanied by a copy of a petition for annexation to the district.
 - (2) A city or county may approve a plan or zone change to implement the proposed amendment prior to a change in the district UGB if:
 - (A) The Executive Officer receives notice of the local action;
 - (B) The local action is contingent upon subsequent action by the Metro Council to amend its UGB; and
 - (C) The local action to amend the local plan or zoning map becomes effective only if the Metro Council amends the UGB consistent with the local action.
 - (3) If the Metro Council approves the application, the local government shall amend its plan or map within one year to be consistent with the amendment.

(j) The proposed amendment to the UGB shall include the entire right-of-way of an adjacent street to ensure that public facilities and services can be provided to the subject property by the appropriate local government or service district in a timely and efficient manner.

3.01.030 Criteria for Major Amendment

(a) The purpose of the major amendment process is to provide a mechanism to address needs for land that were not anticipated in the last five-year analysis of buildable land supply and cannot wait until the next five-year analysis. This section establishes criteria for major amendments to the UGB and sets forth how state law applies to these amendments. Metro intends compliance with the criteria of this section to constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives. Land may be added to the UGB under this section only for the following purposes: public facilities, public schools, natural areas, land trades and other nonhousing needs.

(b) The applicant shall demonstrate that the amendment will provide for an orderly and efficient transition from rural to urban use, considering the following factors:

- (1) Demonstrated need to accommodate long-range urban population growth. The Metro Council will consider, based upon evidence in the record, whether the need for the subject land was accommodated at the time of the last legislative analysis of the UGB required by ORS 197.299. If the need was not accommodated in that analysis, the Metro Council will consider whether the need must be met now, rather than at the time of the next legislative amendment, in order to ensure an orderly and efficient transition from rural to urban use.
- (2) Need for employment opportunities and livability. The Metro Council will consider, based upon evidence in the record, whether the need must be met at a particular location, or in a particular part of the region, in order to secure an employment or livability opportunity that cannot await the next legislative review of the UGB required by ORS 197.299(1), or to ensure the livability of that part of the region.
- (3) Orderly and economic provision of public facilities and services. The Metro Council will consider, based upon evidence in the record, whether adding the subject land to the UGB, as compared with other land that might be added, will result in a more logical extension of public facilities and services and reduce the overall cost of public facilities and services to land already within the UGB.
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area. The Metro Council will consider, based upon evidence in the record, whether, in comparison with other land that might be added to the UGB, addition of the subject land will better achieve the residential and employment targets and transportation objectives in the 2040 Growth Concept that apply to nearby land within the UGB.
- (5) Environmental, energy, economic and social consequences. The Metro Council will consider, based upon evidence in the record, whether the consequences of addition of the subject land would be, on the whole,

more positive than not including the land, and more positive than including other land.

- (6) Retention of agricultural and forest land. The Metro Council will consider, based upon evidence in the record, addition of land designated for agriculture or forestry pursuant to a statewide Goal 3 (Agricultural Land) or 4 (Forest Land) only under the following circumstances:
 - (A) There is no land designated as urban reserve land pursuant to OAR 660, Division 021, as exception land pursuant to ORS 197.732(1)(a) or (b), or as marginal land pursuant to ORS 197.247 (1991 Edition) available to accommodate the subject need; or
 - (B) There is no land designated urban reserve available to accommodate the subject need, the subject land is not high-value farmland as described in ORS 215.710, and the subject land is completely surrounded by exception land; or
 - (C) The application identifies a specific type of land need that cannot reasonably be accommodated on land described in (A) or (B) of this paragraph; or
 - (D) Future urban services could not reasonably be provided to land described in (A) or (B) of this paragraph.
 - (7) Compatibility of proposed urban development with nearby agricultural activities. The Metro Council will consider, based upon evidence in the record, whether urban development on the subject land would likely cause a change in farm practices, or an increase in the cost of farm practices, on farms in areas designated for agriculture or forestry pursuant to a statewide planning goal within one mile of the subject land, based upon an inventory and analysis of those practices. The Metro Council will also consider measures that might eliminate or alleviate the potential conflicts with farm practices.
- (c) The applicant shall demonstrate that:
- (1) There is no land within the existing UGB that can reasonably accommodate the subject need;
 - (2) The long-term environmental, economic, social and energy consequences of addition of the subject land would not be significantly more adverse than the consequence of adding other land; and
 - (3) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land.
 - (4) The amendment will not result in the creation of an island of urban land outside the UGB or an island of rural land inside the UGB.

(5) The amendment complies with applicable statewide planning goals.

(6) If the amendment would add land for public school facilities, a conceptual school plan as described in section 3.07.1120(I) has been completed.

(d) If the Metro Council adds land to the UGB in order to facilitate a trade and the land is available for housing, the Metro Council shall designate the land to allow an average density of at least 10 units per net developable acre or such lower density that is consistent with the 2040 Growth Concept plan designation for the area.

(e) Compliance with the criteria in subsections (b) and (c) of this section shall constitute conformance with the Regional Urban Growth Goals and Objectives.

3.01.033 Minor Adjustment Procedures

(a) A city, a county, a special district or a property owner may file an application with Metro for a minor adjustment to the UGB on a form provided for that purpose by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special districts, in the manner required by section 3.01.025(h).

(b) Upon receipt of a complete application, the Executive Officer shall provide notice of the application to the persons specified in 3.01.050(d)(1) and 3.01.050(d)(3) through (6), to owners of property within 100 feet of the land involved in the application, to the Metro Council and to any person who requests notification of applications for minor adjustments.

(c) The Executive Officer shall determine whether the application is complete and shall notify the applicant of its determination within seven working days after the filing of an application. If the application is not complete, the applicant shall complete it within 14 days of the Executive Officer's notice. The Executive Officer will dismiss an application and return application fees if it does not receive a complete application within 14 days of its notice.

(d) The Executive Officer shall review the application for compliance with the criteria in section 3.01.035 and issue an order with its analysis and conclusion within 90 days of receipt of a complete application. The Executive Officer shall send a copy of its order to the applicant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy.

(e) The applicant or any person who commented on the application may appeal the Executive Officer's order to the Metro Council by filing an appeal on a form provided by the Executive Officer for that purpose within 14 days of receipt of the order. The Council shall consider the appeal at a public hearing held not more than 60 days following receipt of a timely appeal. Following the hearing, the Council shall uphold, deny or modify the Executive Officer's order on the minor adjustment. The Council shall issue an order with its analysis and conclusion and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy.

3.01.035 Criteria for Minor Adjustments

(a) The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to boundary adjustments.

(b) Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.

(c) To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:

- (1) the adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;
- (2) adjustment of the UGB will make the provision of public facilities and services more efficient or less costly;
- (3) urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
- (4) urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
- (5) the adjustment will help achieve the 2040 Growth Concept;
- (6) the adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and
- (7) if the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is currently designated for agriculture or forestry pursuant to a statewide planning goal.

(d) To make a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:

- (1) the adjustment will result in the addition of no more than two net acres to the UGB;
- (2) urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;

- (3) urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
- (4) the adjustment will help achieve the 2040 Growth Concept;
- (5) the adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

(e) If the Metro Council adds land to the UGB in order to facilitate a trade and the land is available for housing, the Metro Council shall designate the land to allow an average density of at least 10 units per net developable acre or such lower density that is consistent with the 2040 Growth Concept designation for the area.

(f) The Executive Officer shall submit a report to the Council at the end of each calendar year with an analysis of all boundary adjustments made during the year pursuant to this section. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept.

3.01.040 Metro Conditions of Approval

(a) Land added to the UGB by legislative amendment pursuant to 3.01.015 or by major amendment pursuant to 3.01.025 shall be subject to the Urban Growth Boundary area comprehensive plan requirements of Title 11 of the Urban Growth Management Functional Plan (Metro Code section 3.07.1110 et seq.).

(b) Unless a comprehensive plan amendment has been previously approved for the land pursuant to 3.01.012(c), when it adopts a Legislative or major amendment adding land to the UGB, the Council shall take the following actions:

- (1) The Council shall consult with affected local governments and MPAC to determine whether local governments have agreed, pursuant to ORS 195.065 to 195.085 or otherwise, which local government shall adopt comprehensive plan amendments for the area consistent with requirements of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code section 3.07.1110 et seq.). Where the affected local governments have agreed as to which local government or governments shall be responsible, the Council shall so designate. If there is no agreement, then the Council shall, consistent with ORS 195.065 to 195.085, establish a process to determine which local government or governments shall be responsible and at the conclusion of the process, so designate.
- (2) The Council shall establish the 2040 Growth Concept design type designations applicable to the land added to the Urban Growth Boundary, including the special land need, if any, that is the basis for the amendment.
- (3) The Council shall establish the boundaries of the area that shall be included in the conceptual level of planning required by Title 11 of the

Urban Growth Management Functional Plan (Metro Code section 3.07.1110 et seq.). The boundary of the planning area may include all or part of one or more designated urban reserves.

- (4) The Council shall also establish the time period for city or county compliance with the requirements of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code section 3.07.1110 et seq.); however, the time period shall not be less than two (2) years from the time a local government is designated pursuant to section 3.01.040(b)(1) above.
- (5) The Council may adopt text interpretations of the requirements of Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code section 3.07.1110 et seq.) that shall be applicable to the required City or County comprehensive plan amendments. These interpretations may address special land needs that are the basis for the amendment but otherwise such interpretations shall not impose specific locational development requirements. Text interpretations may include determinations that certain provisions of Title 11 are not applicable to specific areas because of the size or physical characteristics of land added to the Urban Growth Boundary.

(c) When it adopts a legislative or major amendment adding land to the UGB, the Council may establish conditions that it deems necessary to ensure that the addition of land complies with state planning laws and the Regional Framework Plan.

3.01.045 Fees

(a) Each application submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount to be established by resolution of the council. Such fees shall not exceed the actual costs of the district to process an application. The filing fee shall include administrative costs and hearings officer/public notice costs.

(b) The fees for administrative costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.

(c) An applicant also shall be charged for the costs of the district hearings officer as billed for that case and for the costs of public notice.

(d) Before a hearing is scheduled, an applicant shall submit a fee deposit.

(e) The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of a final disposition of the application.

(f) If hearings officer/public notice or administrative costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit, prior to final action by the Metro council.

(g) The Metro council may, by resolution, reduce, refund or waive the administrative fee, or portion thereof, if it finds that such fees would create an undue hardship for the applicant.

3.01.050 Hearing Notice Requirements

(a) **45-Day Notice.** A proposal to amend the UGB by legislative amendment under 3.01.015 or by major amendment under 3.01.025 shall be submitted to the director of the Department of Land Conservation and Development at least 45 days before the first public hearing on the matter. The notice shall be accompanied by the appropriate forms provided by the department and shall contain a copy of a map showing the location of the proposed amendment. A copy of the same information shall be provided to the city and county, representatives of recognized neighborhoods, citizen planning organizations and/or other recognized citizen participation organizations adjacent to the location of the proposed amendment.

(b) **Newspaper Ads.** A 1/8 page advertisement in a newspaper of general circulation of the district for all legislative amendments and major amendments. For legislative amendments and major amendments the initial newspaper advertisements shall be published at least 45 days prior to the public hearing and shall include the same information listed in subsection (a).

(c) Notice of public hearing shall include:

- (1) The time, date and place of the hearing.
- (2) A description of the property reasonably calculated to give notice as to its actual location. A street address or other easily understood geographical reference can be utilized if available.
- (3) For major amendments,
 - (A) An explanation of the proposed action, including the nature of the application and the proposed boundary change.
 - (B) A list of the applicable criteria for approval of the petition at issue.
 - (C) A statement that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.
- (4) Notice that interested persons may submit written comments at the hearing and appear and be heard.
- (5) Notice that the hearing will be conducted pursuant to district rules and before the hearings officer unless that requirement is waived by the Metro council;
- (6) Include the name of the Metro staff to contact and telephone number for more information;

- (7) State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the final hearing, and that a copy will be made available at no cost or reasonable cost. Further that if additional documents or evidence is provided in support of the application any party shall be entitled to a continuance of the hearing; and
 - (8) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
- (d) Not less than 20 calendar days before the hearing, notice shall be mailed to the following persons:
- (1) The applicant and owners of record of property on the most recent property tax roll where the property is located.
 - (2) All property owners of record within 500 feet of the site. For purposes of this subsection, only those property owners of record within the specified distance from the subject property as determined from the maps and records in the county departments of taxation and assessment are entitled to notice by mail. Failure of a property owner to receive actual notice will not invalidate the action if there was a reasonable effort to notify owners of record.
 - (3) Cities and counties in the district, or cities and counties whose jurisdictional boundaries either include or are adjacent to the subject property, and affected agencies who request regular notice.
 - (4) The neighborhood association, community planning organization or other citizen group, if any, which has been recognized by the city or county with land use jurisdiction for the subject property.
 - (5) Any neighborhood associations, community planning organizations, or other vehicles for citizen involvement in land use planning processes whose geographic areas of interest either include or are adjacent to the site and which are officially recognized as being entitled to participate in land use planning processes by the cities and counties whose jurisdictional boundaries either include or are adjacent to the site.
 - (6) The regional representatives of the director of the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation.
 - (7) Any other person requesting notification of UGB changes.
- (e) At the conclusion of the hearing, the hearings officer may continue the hearing to a time, place and date certain, without additional notice.

3.01.055 Public Hearing Rules before the Hearings Officer

(a) Notice of the hearings governed by this section shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located:

- (1) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
- (2) Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
- (3) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- (4) At the discretion of the applicant, the Executive Officer shall also provide notice to the Department of Land Conservation and Development.
- (5) The notice shall:
 - (A) Explain the nature of the application and the proposed use or uses which could be authorized;
 - (B) List the applicable criteria from the ordinance and the regional framework plan that apply to the application at issue;
 - (C) Set forth the street address or other easily understood geographical reference to the subject property;
 - (D) State the date, time and location of the hearing;
 - (E) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
 - (F) Be mailed at least:
 - (i) Twenty days before the evidentiary hearing; or
 - (ii) If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing;
 - (G) Include the name of a Metro representative to contact and the telephone number where additional information may be obtained;

- (H) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - (I) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
 - (J) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (6) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the Executive Officer can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.
- (b) All applications for a major amendment accepted under this chapter shall receive a contested case hearing according to the following rules:
- (1) Hearings officers shall be selected by the district pursuant to the provisions of section 2.05.025(a) of the Metro Code.
 - (2) Parties to the case shall be defined as being any individual, agency, or organization who participates orally or in writing in the creation of the record used by the hearings officer in making a decision. If an individual represents an organization orally and/or in writing, that individual must indicate the date of the organization meeting in which the position presented was adopted. The hearings officer may request that the representative explain the method used by the organization to adopt the position presented. Parties need not be represented by an attorney at any point in the process outlined in this subsection and elsewhere in this chapter.
 - (3) At the time of the commencement of a hearing, the hearings officer shall provide the following information to parties:
 - (A) A list and statement of the applicable substantive criteria and procedures for notice and conduct of local quasi-judicial land use hearings provided that failure to provide copies to all those present shall not constitute noncompliance with this subsection; and
 - (B) A statement that testimony and evidence must be directed toward the criteria or other specific criteria which the person believes apply to the decision; and
 - (C) A statement that the failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker

and the parties an opportunity to respond to the issue precludes appeal.

- (4) (A) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The hearing may be continued for a reasonable period as determined by the hearings officer. The hearings officer shall grant such request by continuing the public hearing pursuant to paragraph (B) of this subsection or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (C) of this subsection.
 - (B) If the hearings officer grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
 - (C) If the hearings officer leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the hearings officer for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings officer shall reopen the record pursuant to subsection (11) of this section.
 - (D) Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
- (5) Failure of the applicant to appear at the hearing without making arrangements for rescheduling the hearing shall constitute grounds for immediately denying the application.
 - (6) The hearing shall be conducted in the following order:
 - (A) Staff report.
 - (B) Statement and evidence by the applicant in support of a petition.
 - (C) Statement and evidence of affected persons, agencies, and/or organizations opposing or supporting the petition, and/or anyone else wishing to give testimony.

(D) Rebuttal testimony by the applicant.

- (7) The hearings officer shall have the right to question any participant in the hearing. Cross-examination by parties shall be by submission of written questions to the hearings officer. The hearings officer shall give parties the opportunity to submit such questions prior to closing the hearing.
- (8) The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.
- (9) A verbatim audio tape or video tape, written, or other mechanical record shall be made of all proceedings, and need not be transcribed unless necessary for review upon appeal.
- (10) The burden of presenting evidence in support of a fact or position in the contested case rests on the applicant. The proponent of a proposed UGB amendment shall have the burden of proving that the proposed amendment complies with all applicable standards.
- (11) The hearings officer may reopen a record to receive evidence not available or offered at the hearing. If the record is reopened, any person may raise new issues which relate to the new evidence before the record is closed.
- (12) An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the Metro Council. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the governing body, planning commission, hearings body or hearings officer, and the parties an adequate opportunity to respond to each issue.
- (13) All documents or evidence relied upon by the applicant shall be submitted to the Executive Officer and be made available to the public.
- (14) Applications may be consolidated by the hearings officer for hearings where appropriate. Following consultation with district staff and prospective applicants, the hearings officer shall issue rules for the consolidation of related cases and allocation of charges. These rules shall be designed to avoid duplicative or inconsistent findings, promote an informed decision-making process, protect the due process rights of all parties, and allocate the charges on the basis of cost incurred by each party.

(c) Within 30 calendar days following the close of the record, the hearings officer shall prepare and submit a proposed order and findings, together with the record compiled in the hearing and a list of parties to the case, to the executive officer. Within seven working days of receiving the materials from the hearings officer, the executive officer, or designate, shall furnish the proposed order and findings to all parties to the case. Accompanying the proposed order and findings shall be notification to parties which includes:

- (1) The procedure for filing an exception and filing deadlines for submitting an exception to the proposed order and findings of the hearings officer. Parties filing an exception with the district must furnish a copy of their exception to all parties to the case and the hearings officer.
- (2) A copy of the form to be used for filing an exception.
- (3) A description of the grounds upon which exceptions can be based.
- (4) A description of the procedure to be used to file a written request to submit evidence that was not offered at the hearing, consistent with Metro Code sections 2.05.035(c) and (d).
- (5) A list of all parties to the case.

(d) Once a hearings officer has submitted the proposed order and findings to the executive officer, the executive officer, or designate, shall become the custodian of the record compiled in the hearing, and shall make the record available at the district offices for review by parties.

3.01.060 Exceptions to Hearing Officer Decision

(a) Standing to file an exception and participate in subsequent hearings is limited to parties to the case.

(b) Parties shall have 20 calendar days from the date that the proposed order and findings are mailed to them to file an exception to the proposed order and findings of the hearings officer with the district on forms furnished by the district.

(c) The basis for an exception must relate directly to the interpretation made by the hearings officer of the ways in which the application satisfies the standards for approving an application for a UGB amendment. Exceptions must rely on the evidence in the record for the case. Only issues raised at the evidentiary hearing will be addressed because failure to raise an issue constitutes a waiver to the raising of such issues at any subsequent administrative or legal appeal deliberations.

3.01.065 Council Action On Quasi-Judicial Amendments

(a) The council may act to approve, remand or deny an application in whole or in part. When the council renders a decision that reverses or modifies the proposed order of the hearings officer, then, in its order, it shall set forth its findings and state its reasons for taking the action.

(b) Parties to the case and the hearings officer shall be notified by mail at least 10 calendar days prior to council consideration of the case. Such notice shall include a brief summary of the proposed action, location of the hearings officer report, and the time, date, and location for council consideration.

(c) Final council action following the opportunity for parties to comment orally to council on the proposed order shall be as provided in Code section 2.05.045. Parties shall be

notified of their right to review before the Land Use Board of Appeals pursuant to 1979 Oregon Laws, chapter 772.

(d) Comments before the council by parties must refer specifically to any arguments presented in exceptions filed according to the requirements of this chapter, and cannot introduce new evidence or arguments before the council. If no party to the case has filed an exception, then the council shall decide whether to entertain public comment at the time that it takes final action on an application.

(e) Within 20 days from the day that the proposed order and findings of the hearings officer are mailed to them, parties may file a motion to reopen the record to receive admissible evidence not available at the hearing. The motion shall show proof of service on all parties. The council shall rule on such motions with or without oral argument at the time of its consideration of the case. An order approving such a motion to reopen the record shall remand the case to the hearings officer for evidentiary hearing. When the council or the hearings officer reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(f) When the council acts to approve an application in whole or in part by requiring annexation to a city and/or service district(s) and Tri-Met and whenever an application includes land outside the district:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the Resolution.
- (2) The council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice that all required annexations to a city, service district(s) and the district have been approved.

(g) When the council is considering an ordinance to approve an application, it shall take all public comment at its first reading of the ordinance, discuss the case, and then either pass the ordinance to second reading or remand the proposed order and findings of the hearings officer to the executive officer or the hearings officer for new or amended findings. If new or amended findings are prepared, parties to the case shall be provided a copy of the new order and findings by mail no less than seven calendar days prior to the date upon which the council will consider the new order and findings, and parties will be given the opportunity to provide the council with oral or written testimony regarding the new order and findings.

3.01.070 Final Action Notice Requirements

(a) The district shall give each county and city in the district notice of each amendment of the UGB. Mailing the notice required by Ballot Measure 56 (Nov. 1998) [ORS Chapter 268] or ORS 197.615 shall satisfy this subsection.

(b) For the local government designated as having the responsibility for land use planning for the area(s) added to the UGB, the district shall provide an additional notice stating the time period for completing comprehensive plan amendments for the area.

3.01.080 Chapter Regulation Review

The procedures in this chapter shall be reviewed by the district every five years, and can be modified by the council at any time to correct any deficiencies which may arise. This chapter shall be submitted upon adoption to the Land Conservation and Development Commission for acknowledgment pursuant to ORS 197.251, as an implementing measure to the district UGB. Amendments to this chapter shall be submitted to the Department of Land Conservation and Development pursuant to the requirements of OAR 660 Divisions 18 and 19 as appropriate.

3.01.085 Severability

Should a section, or portion of any section of this chapter, be held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall continue in full force and effect.

Exhibit L to Ordinance No. 02-969A

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

~~It is the purpose of this Title 11 to require that all territory added to the Urban Growth Boundary shall be included within a city or county's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with the Functional Plan. The intent of this title is that comprehensive plan amendments shall promote the integration of the new land added to the Urban Growth Boundary into existing communities or provide for the establishment of new communities.~~

3.07.1105 Purpose and Intent

It is the purpose of Title 11 to require and guide planning for conversion from rural to urban use of areas brought into the UGB. It is the intent of Title 11 that development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept.

3.07.1110 Interim Protection of Areas Brought Inside Urban Growth Boundary

Prior to the adoption by all local governments having jurisdiction over any territory added to the Urban Growth Boundary of comprehensive plan amendments consistent with all requirements set forth in this title, a city or county shall not approve of:

- A. ~~Any land use regulation or zoning map amendments specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the Urban Growth Boundary amendment;~~
- B. ~~Any land use regulation or zoning map amendments specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the Urban Growth Boundary Amendment;~~
- C. ~~Any land division or partition that would result in the creation of any new parcel which would be less than 20 acres in total size.~~

3.07.1110 Interim Protection of Areas Brought into the Urban Growth Boundary

After inclusion of an area within the UGB and prior to the adoption by all local governments with jurisdiction over an area brought into the UGB of amendments to comprehensive plans and implementing land use regulations that comply with 3.07.1120, the local government shall not approve of:

- A. Any land use regulation or zoning map amendments specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the UGB amendment;
- B. Any land use regulation or zoning map amendments specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the UGB amendment;

- C. Any land division or partition that would result in the creation of any new parcel which would be less than 20 acres in total size;
- D. In an area identified by the Metro Council in the ordinance adding the area to the UGB as a Regionally Significant Industrial Area:
 - 1. A commercial use that is not accessory to industrial uses in the area; and
 - 2. A school, church or other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1120 Urban Growth Boundary Amendment Urban Reserve Plan Requirements

All territory added to the Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Provision for annexation to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- B. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Growth Concept Plan design type designation for the area.
- C. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- D. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.
- E. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
- F. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that

is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

- G. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.
- H. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- I. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.
- J. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:
 - 1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
 - 2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
 - 3. General locations for mixed use areas, commercial and industrial lands;
 - 4. General locations for single and multi-family housing;
 - 5. General locations for public open space, plazas and neighborhood centers; and
 - 6. General locations or alternative locations for any needed school, park or fire hall sites.
- K. The plan amendments shall be coordinated among the city, county, school district and other service districts.

3.07.1130 Implementation of Urban Growth Boundary Amendment Urban Reserve Plan Requirements

- A. On or before 60 days prior to the adoption of any comprehensive plan amendment subject to this Title 11, the local government shall transmit to Metro the following:
1. A copy of the comprehensive plan amendment proposed for adoption;
 2. An evaluation of the comprehensive plan amendment for compliance with the Functional Plan and 2040 Growth Concept design types requirements and any additional conditions of approval of the urban growth boundary amendment. This evaluation shall include an explanation of how the plan implements the 2040 Growth Concept;
 3. Copies of all applicable comprehensive plan provisions and implementing ordinances as proposed to be amended.
- B. The Council may grant an extension of time for adoption of the required Comprehensive Plan Amendment if the local government has demonstrated substantial progress or good cause for failing to adopt the amendment on time. Requests for extensions of time may accompany the transmittal under subsection A of this section.

3.07.1140 Effective Date and Notification Requirements

The provisions of this Title 11 are effective immediately. Prior to making any amendment to any comprehensive plan or implementing ordinance for any territory that has been added to the Urban Growth Boundary after the effective date of this code amendment, a city or county shall comply with the notice requirements of section 3.07.830 and include in the required staff report an explanation of how the proposed amendment complies with the requirements of this Title 11 in addition to the other requirements of this functional plan.

Exhibit M to Ordinance No. 02-969A
Conditions on Addition of Land to UGB

I. General Conditions Applicable to All Land Added to UGB

- A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years. Specific conditions below identify the city or county responsible for each study area.
- B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit N of this ordinance to the planning required by Title 11 for the study area.
- C. 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 3.07.1110, to the study area.
- D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB 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.
- E. Each city or county with land use planning responsibility for a study area included in the UGB 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.
- F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area ("RSIA"), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit N). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.
- G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use planning responsibility for a study area included in the UGB 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 by the deadline for completion of Title 11 planning, the city or county shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county's application of Goal 5 to its Title 11 planning.

II. Specific Conditions for Particular Areas

A. Study Areas 6 (partial), 10 (partial), 11, 12, 13, 14, 15, 16, 17, 18 and 19 (partial)

1. Clackamas and Multnomah Counties and Metro shall complete Title 11 planning for the portions of these study areas in the Gresham and Damascus areas as shown on Exhibit N within four years following the effective date of this ordinance. The counties shall invite the participation of the cities of Gresham and Happy Valley and all special districts currently providing or likely to provide an urban service to territory in the area. If a portion of the area incorporates or annexes to the City of Happy Valley or the City of Gresham prior to adoption by Clackamas and Multnomah Counties of the comprehensive plan provisions and land use regulations required by Title 11, the Metro Council shall coordinate Title 11 planning activities among the counties and the new city pursuant to ORS 195.025.
2. ~~In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Clackamas and Multnomah Counties 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, Clackamas and Multnomah Counties shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.~~
32. In the planning required by Title 11, subsections A and F of section 3.07.1120, Clackamas and Multnomah Counties shall provide for annexation to the TriMet district of those portions of the study areas whose planned capacity for jobs or housing is sufficient to support transit.
43. In the planning required by Title 11, Clackamas County shall ensure, through phasing or staging urbanization of the study areas and the timing of extension of urban services to the areas, that the Town Center of Damascus, as shown on the 2040 Growth Concept Map (Exhibit N) or comprehensive plan maps amended pursuant to Title 1 of the UGMFP, section 3.07.130, becomes the commercial services center of Study Areas 10 and 11 and appropriate portions of Study Areas 12, 13, 14, 17 and 19. The Damascus Town Center shall include the majority of these areas' commercial retail services and commercial office space. Title 11 planning for these areas shall ensure that the timing of urbanization of the remainder of these areas contributes to the success of the town center.
54. In the planning required by Title 11, Clackamas and Multnomah Counties shall provide for separation between the Damascus Town Center and other town centers and neighborhoods centers designated in Title 11 planning or other measures in order to preserve the emerging and intended identities of the centers using, to the extent practicable, the natural features of the landscape features in the study areas.

65. If, prior to completion by Clackamas County of Title 11 planning for the Damascus Area, the county and Metro have determined through amendment to the 2000 Regional Transportation Plan to build the proposed Sunrise Highway, the county shall provide for the preservation of the proposed rights-of-way for the highway as part of the conceptual transportation plan required by subsection G of section 3.07.1120 of Title 11. In the planning required by Title 11, subsection G of section 3.07.1120F, Clackamas County shall include measures to protect the possible corridors identified in the 2000 Regional Transportation Plan for the Sunrise Highway.
76. Neither Multnomah County nor, upon annexation of the area to the City of Gresham, the city shall allow the division of a lot or parcel in an area designated RSIA to create a smaller lot or parcel except as part of the lot/parcel reconfiguration plan required in Condition 8.
87. Multnomah County or, upon annexation of the area to the City of Gresham, the city, as part of Title 11 planning, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for land designated RSIA that results in the largest practicable number of parcels 50 acres or larger.

B. Study Areas 24 (partial), 25 (partial), 26 (partial) and 32 (partial)

1. Clackamas County or, upon annexation of the area to the City of Oregon City, the city shall complete Title 11 planning for the portions of Study Areas 24, 26 and 32 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969.
2. For the portion of Study Area 25 included within the UGB, 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 any school site from the surrounding area designated for residential use.

C. Study Area 37

Clackamas County or, upon annexation of the area to the City of West Linn, the city shall complete Title 11 planning for Study Area 37 shown on Exhibit N.

D. Study Area 45

1. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for Study Area 45 as shown on Exhibit N.
2. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the three parcels in Study Area 45 owned by the West Linn-Wilsonville School District site to public school facilities and other development necessary and accessory to public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.1120I.

3. 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.

E. Study Areas 47 and 49 (partial)

1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete Title 11 planning for the portions of Study Areas 47 and 49 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969.
2. Washington County or, upon annexation of the area to the City of Tualatin, the city, as part of the planning required for the site by section 3.07.1120F of the Metro Code, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for the areas that results in at least one parcel 50 acres or larger.
3. Neither the county nor the city shall allow new commercial retail uses on the portions of Study Areas 47 and 49 shown on Exhibit N.

F. Study Area 49 (partial)

Washington County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for the portion of Study Area 49 shown on Exhibit N.

G. Study Areas 54 (partial) and 55 (partial)

1. Washington County or, upon annexation of the area to the City of Sherwood, the city shall complete Title 11 planning for the portions of Study Areas 54 and 55 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969.
2. In the planning required by Title 11, subsection F of section 3.07.1120, the county or the city shall include measures to protect the possible corridor identified in the 2000 Regional Transportation Plan for the Tualatin-Sherwood Connector.

H. Study Area 59 (partial)

1. Washington County or, upon annexation of the area to the City of Sherwood, the city shall complete Title 11 planning for the portion of Study Area 59 shown on Exhibit N.
2. The county or the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development in this portion of Study Area 59 to public school facilities and other development necessary and accessory to public school use.

I. Study Area 61 (partial)

Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete Title 11 planning for the portions of Study Area 61 shown on Exhibit N.

J. Study Areas 62 (partial), 63 and 64

Washington County or, upon annexation of the area to the ~~City~~-cities of Tigard, King City or Beaverton, the city shall complete Title 11 planning for the portions of Study Areas 62, 63 and 64 shown on Exhibit N.

K. Study Areas 67 and 69 (partial)

Washington County or, upon annexation of the area to the City of Beaverton, the city shall complete Title 11 planning for the portion of Study Areas 67 and 69 shown on Exhibit N.

L. Study Areas 71 and 0

Washington County or, upon annexation of the area to the City of Hillsboro, the city shall complete Title 11 planning for Study Areas 71 and 0 shown on Exhibit N.

M. Study Areas 75 and 76

Washington County or, upon annexation of the area to the City of ~~Hillsboro~~Cornelius, the city shall complete Title 11 planning for Study Areas 75 and 76 shown on Exhibit N.

N. Study Area 93 (partial)

Multnomah County or, upon annexation of the area to the City of Portland, the city shall complete Title 11 planning for the portion of Study Areas 93 shown on Exhibit N within six years after the effective date of this ordinance.

O. Study Areas 89 (partial) and 94

The City of Portland shall complete Title 11 planning for the portions of Study Areas 89 and 94 shown on Exhibit N.

Areas 24,25,26

UGB Expansion Areas

Oregon City

REDLAN

THE



HOLLY LANE

Abstracts

Clark Co.
Multnomah Co.
Clackamas Co.

Location M

GETTING DATA AND/OR CREDIT
 888-888-8888 10000 AVENUE PINE LAKE, CHICAGO ILL 60643
 TEL: (847) 751-1742 FAX: (847) 751-1743
 WWW: WWW.METRO-AD.COM WWW: WWW.METRO-AD.COM

UGB Expansion Areas

RE

26

HWNY

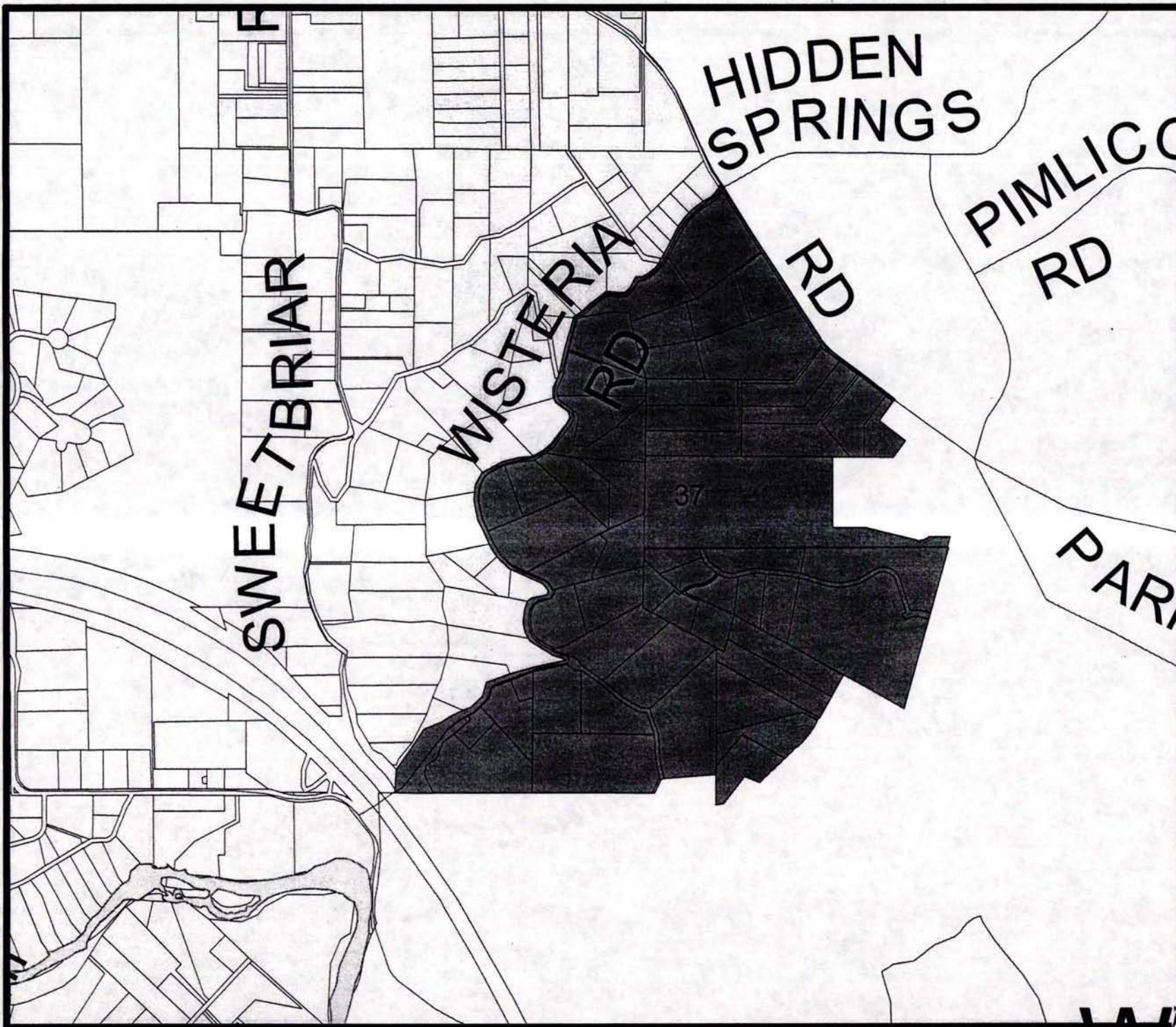
Abstracts

Book Reviews

Sherry, David, and David Sherry, eds. *From the Kitchen to the Boardroom: Women's Entrepreneurial Journeys*. Boston, MA: Harvard Business School Press, 2004. Pp. 288. \$39.95.

The book contains 12 essays by women of color, each representing a different stage in the entrepreneurial journey. The essays are written by women who have successfully transitioned from the kitchen to the boardroom, and they provide a wealth of information and inspiration for women who are considering entrepreneurship. The book is a valuable resource for women who are looking for role models and practical advice.

Clark Co.
Multnomah Co.
Clackamas Co.



REGIONAL LAND INFORMATION SYSTEM

**UGB Expansion
Areas**

Ordinance 02-969A

December 5, 2002

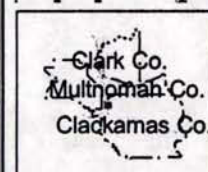
Exhibit M

Area 37

 UGB Expansion Areas

NOTES:
1. The information on this map was derived from the Regional Land Information System (RLIS) database, which is a compilation of information from various sources, including the Oregon Department of Transportation, the Oregon Department of Geology and Mineral Industries, and the Oregon Department of Fish and Wildlife. The information on this map is for informational purposes only and should not be used for any other purpose.
2. The information on this map is not a guarantee of accuracy or completeness. The information on this map is provided as is, without warranty of any kind, express or implied.
3. The information on this map is not a substitute for a professional survey or other professional services. The information on this map is provided for informational purposes only.

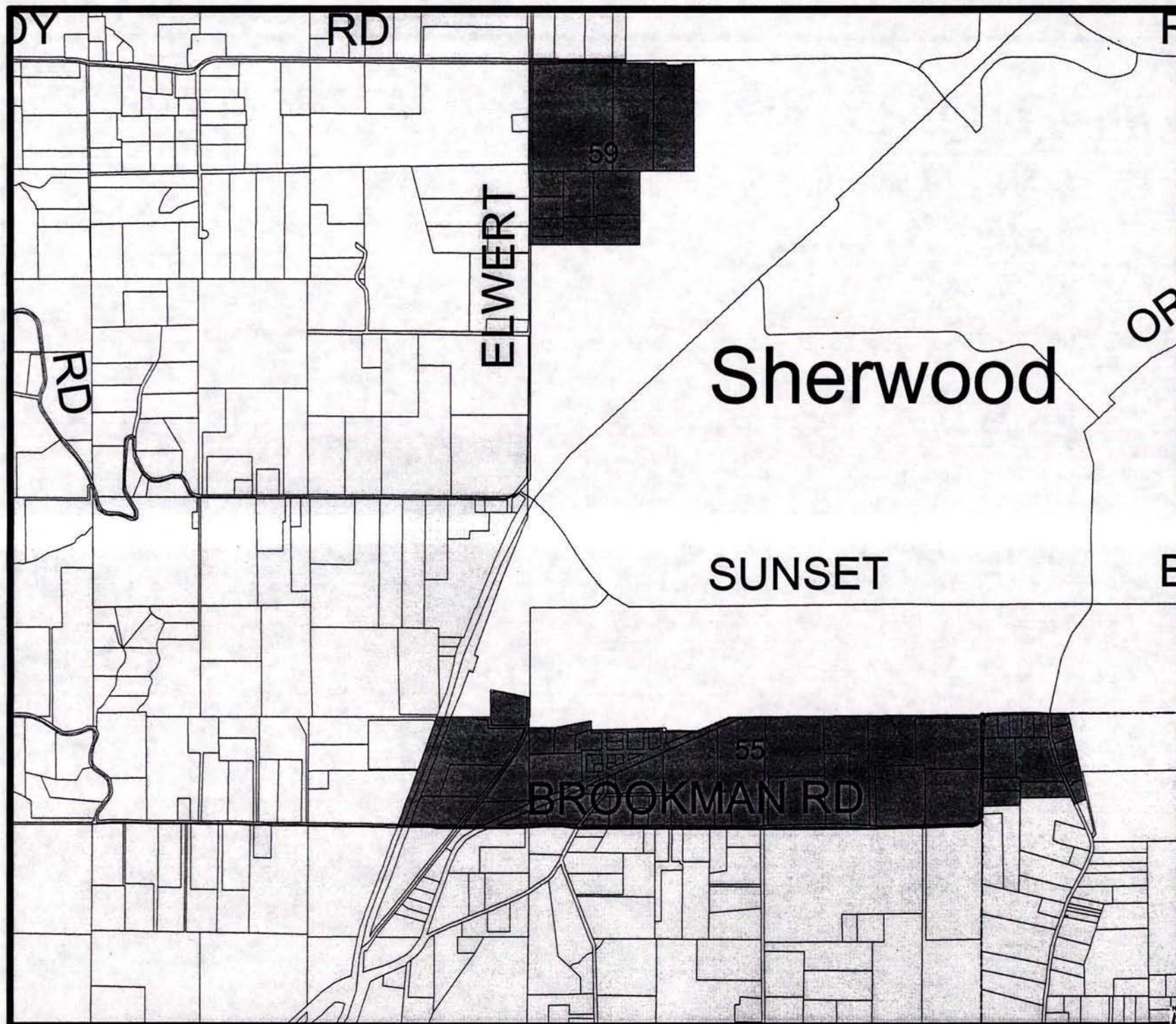
Scale: 1 inch equals 0.2 miles



Location Map



N



REGIONAL LAND INFORMATION SYSTEM

UGB Expansion Areas

Ordinance 02-969A

December 5, 2002

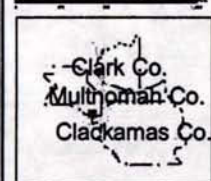
Exhibit M

Areas 55,59

UGB Expansion Areas

Notes:
1. The information on this map is for informational purposes only and is not intended to be used for any other purpose.
2. The information on this map is not intended to be used for any other purpose.
3. The information on this map is not intended to be used for any other purpose.
4. The information on this map is not intended to be used for any other purpose.
5. The information on this map is not intended to be used for any other purpose.

1 inch equals 0.5 miles

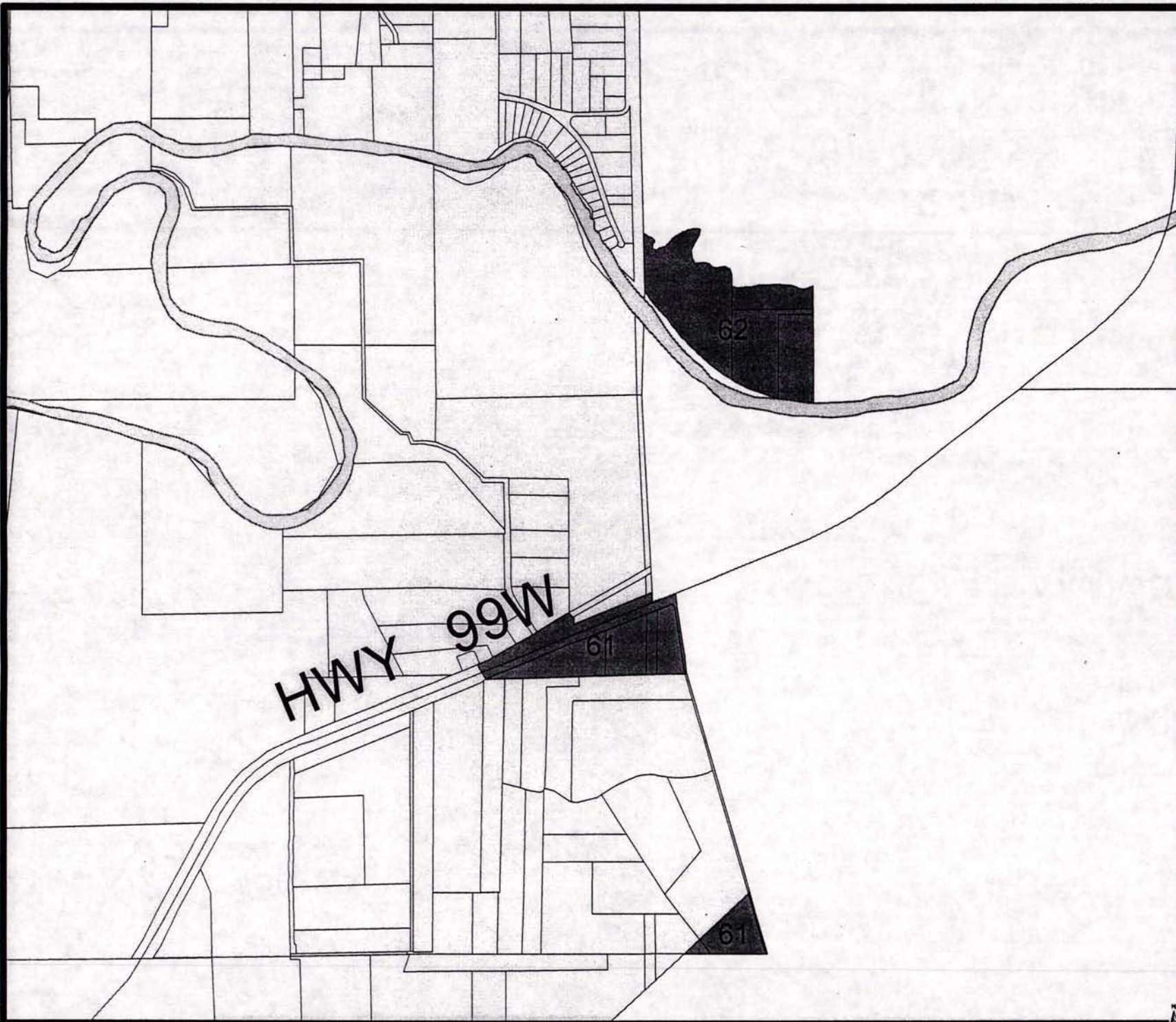


Location Map



N

Copyright 2002 by Clark County, Oregon. All rights reserved. No part of this publication may be reproduced without prior written permission from Clark County, Oregon.




REGIONAL LAND INFORMATION SYSTEM **UGB Expansion Areas**

Ordinance 02-969A

December 5, 2002

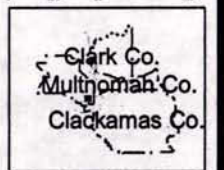
Exhibit M

Areas 61,62

 UGB Expansion Areas

NOTES:
1. All areas shown on this map are subject to the provisions of Ordinance 02-969A, which provides for the expansion of the Urban Growth Boundary (UGB) to include certain areas within the unincorporated areas of Clark County, Oregon.
2. The areas shown on this map are not intended to be used for any other purpose.
3. The areas shown on this map are not intended to be used for any other purpose.
4. The areas shown on this map are not intended to be used for any other purpose.

1 inch equals 0.2 miles



Location Map

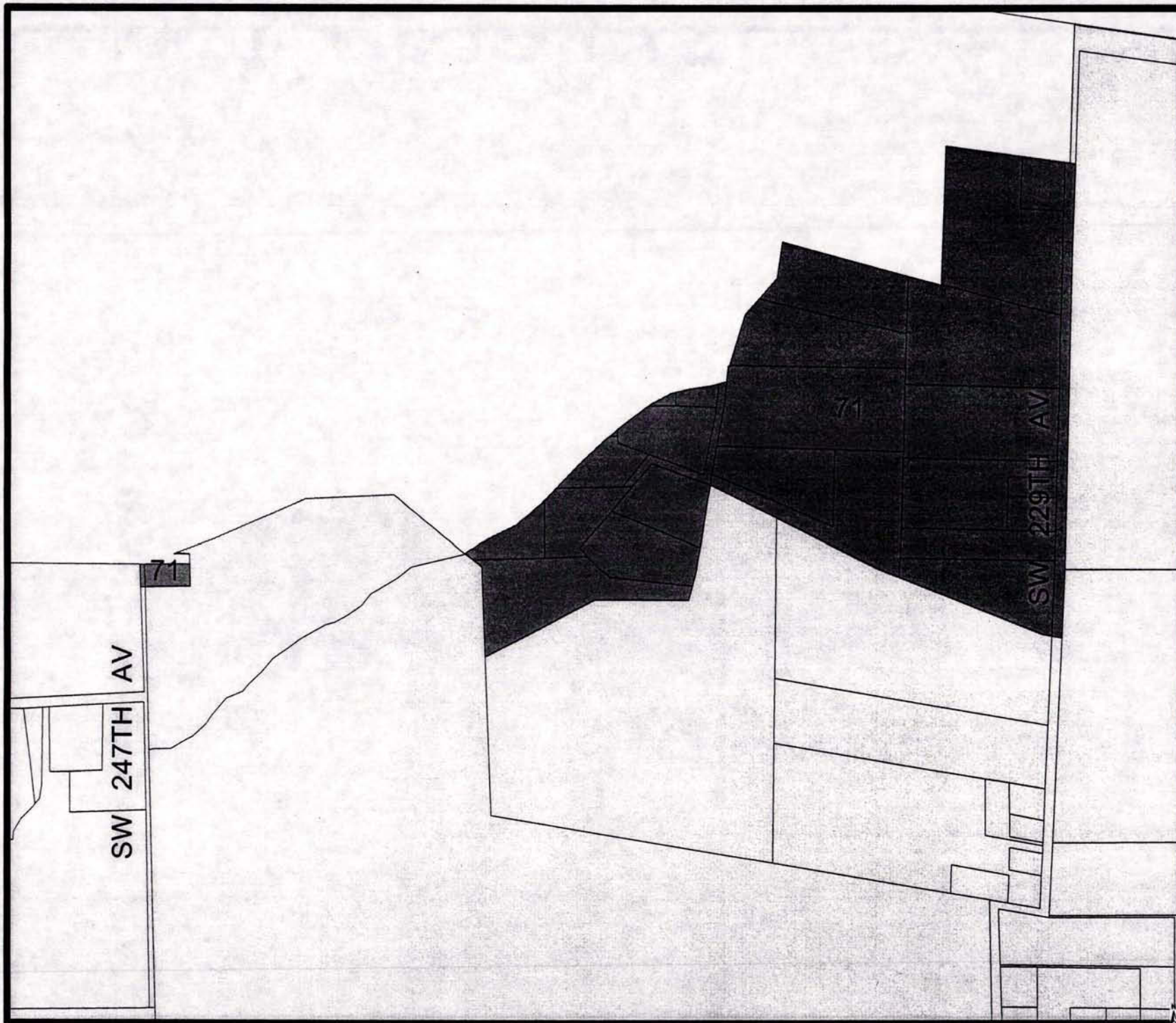


WESTON

WESTON
3000 NE Oregon Street, Suite 200
Portland, Oregon 97232
Phone: 503.255.1234
Fax: 503.255.1235
www.westoninc.com

Mtn

[illegible]




REGIONAL LAND INFORMATION SYSTEM **UGB Expansion Areas**

Ordinance 02-969A

December 5, 2002

Exhibit M

Area 71

 UGB Expansion Areas

NOTES

1. This map was prepared by Clark Co. Multnomah Co. Clackamas Co. for the purpose of showing the UGB Expansion Areas. It is not to be used for any other purpose without the written consent of Clark Co. Multnomah Co. Clackamas Co.

2. The UGB Expansion Areas are shown in dark gray. The UGB Expansion Areas are shown in dark gray.

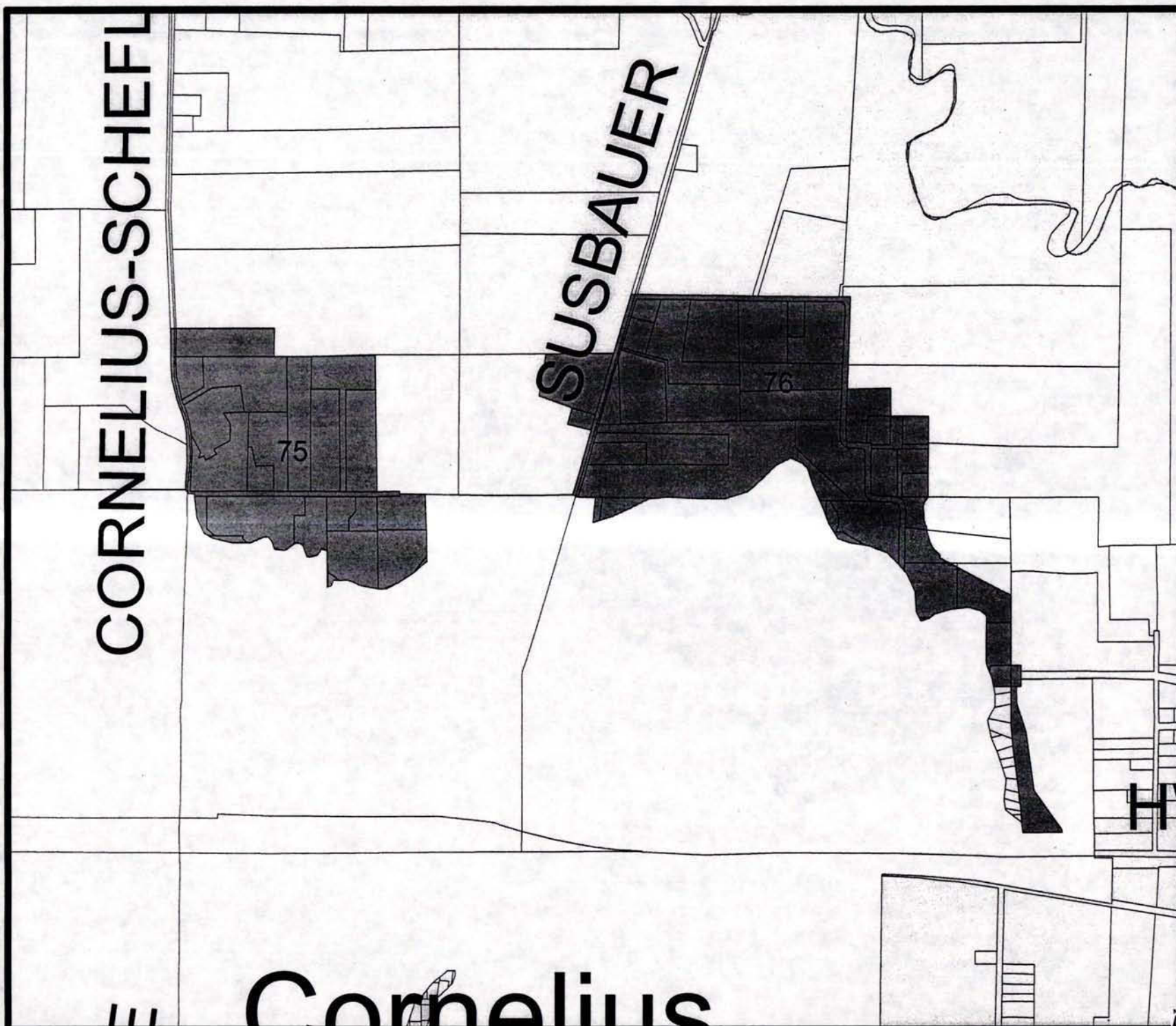
3. The UGB Expansion Areas are shown in dark gray. The UGB Expansion Areas are shown in dark gray.



Location Map



Clark Co. Multnomah Co. Clackamas Co.



REGIONAL LAND INFORMATION SYSTEM

**UGB Expansion
Areas**

Ordinance 02-969A

December 5, 2002

Exhibit M

Areas 75,76

 UGB Expansion Areas

Disclaimer
The information on this map was prepared by the Multnomah County Planning Department. It is not intended to be used for any purpose other than that for which it was prepared. The information is provided "as is" and without warranty. The user assumes all liability for any use of the information. The information is not to be used for any purpose other than that for which it was prepared. The information is provided "as is" and without warranty. The user assumes all liability for any use of the information.

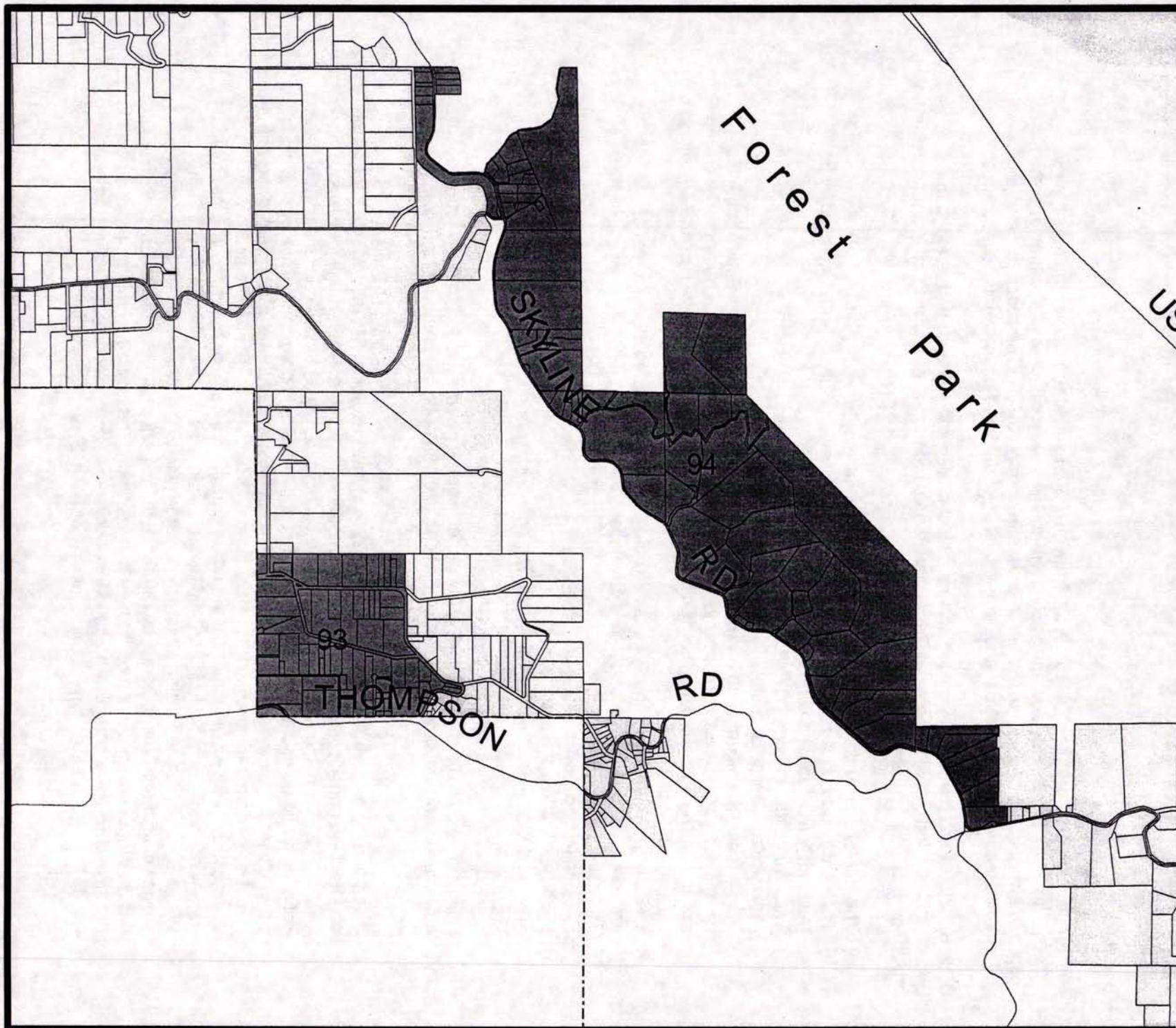
1 inch equals 0.2 miles



Location Map



MULTNOMAH COUNTY PLANNING DEPARTMENT
1000 NE Oregon Street, Suite 200, Portland, OR 97232
503.281.3000
www.multnomahcountypa.gov



REGIONAL LAND INFORMATION SYSTEM **UGB Expansion Areas**

Ordinance 02-969A

December 5, 2002

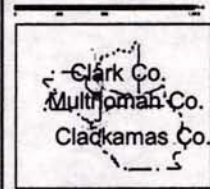
Exhibit M

Areas 93-94

UGB Expansion Areas

NOTES:
1. This map is a preliminary map and is not intended to be used for legal purposes.
2. The map is a preliminary map and is not intended to be used for legal purposes.
3. The map is a preliminary map and is not intended to be used for legal purposes.
4. The map is a preliminary map and is not intended to be used for legal purposes.
5. The map is a preliminary map and is not intended to be used for legal purposes.
6. The map is a preliminary map and is not intended to be used for legal purposes.
7. The map is a preliminary map and is not intended to be used for legal purposes.
8. The map is a preliminary map and is not intended to be used for legal purposes.
9. The map is a preliminary map and is not intended to be used for legal purposes.
10. The map is a preliminary map and is not intended to be used for legal purposes.

Scale: 1 inch = 1 mile



Clark Co.
Multnomah Co.
Clackamas Co.

Performance Measures to Evaluate Efforts to Improve Land Use Efficiency

Draft – October 30, 2002

Background

This report addresses statutory (ORS 197.301 and 197.302) and Metro Code requirements (Sections 3.07.910 and 3.07.920) to develop and apply performance measures to evaluate the performance of actions to increase the capacity of the urban growth boundary (UGB). The report includes the performance measures themselves, and, where available, data and analysis for the measures.

ORS 197.301 states that a metropolitan service district shall compile, adopt and report to the Department of Land Conservation and Development on performance measures that include but are not limited to measures that analyze the following:

- a) The rate of conversion of vacant land to improved land;
- b) The density and price ranges of residential development, including both single family and multifamily residential units;
- c) The level of job creation within individual cities and the urban areas of a county inside the metropolitan service district;
- d) The number of residential units added to small sites assumed to be developed in the metropolitan service district's inventory of available lands but which can be further developed, and the conversion of existing spaces into more compact units with or without the demolition of existing buildings;
- e) The amount of environmentally sensitive land that is protected and the amount of environmentally sensitive land that is developed;
- f) The sales price of vacant land;
- g) Residential vacancy rates;
- h) Public access to open spaces; and
- i) Transportation measures including mobility, accessibility and air quality indicators. [1997 c.763 §3]

ORS 197.302 states that prior to submitting the performance measures report to the Department of Land Conservation and Development as stated in ORS 197.301 above, a metropolitan service district shall:

- 1) determine if actions taken under **ORS 197.296 (6)** have established the buildable land supply and housing densities necessary to accommodate estimated housing needs determined under ORS 197.296 (3). If the metropolitan service district determines that the actions undertaken will not accommodate estimated need, the district shall develop a corrective action plan, including a schedule for implementation. The district shall submit the plan to the department along with the report on performance measures required under ORS 197.301. Corrective action under this section may include amendment of the urban growth boundary, comprehensive plan, regional framework plan, functional plan or land use regulations as described in ORS 197.296;
- 2) Within two years of submitting a corrective action plan to the department, the metropolitan service district shall demonstrate by reference to the performance measures described in ORS 197.301 that implementation of the plan has resulted in the buildable land supply and housing density within the urban growth boundary necessary to accommodate the estimated housing needs for each housing type as determined under ORS 197.296 (3); and

Metro Report

DRAFT

Appendix A, Item #2 Ordinance 02-969

2000-2030 Regional Economic Forecast

Portland-Vancouver
Metropolitan Area

- Employment
- Population
- Income

Prepared for the Metro Council by the Metro
Data Resource Center, Dennis Yee, Chief Economist

March 2002



METRO

PEOPLE PLACES
OPEN SPACES

Metro Report

DRAFT

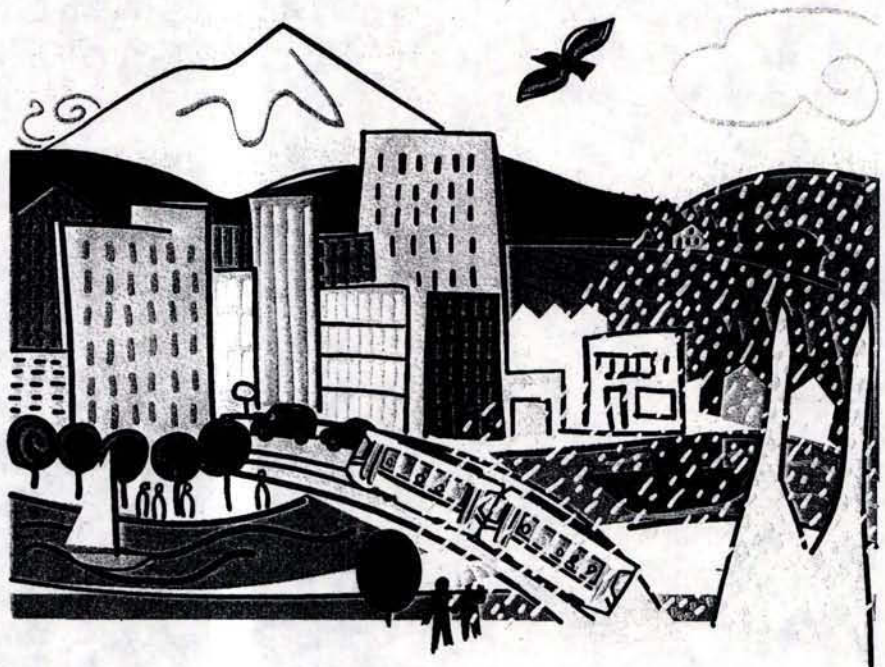
Appendix A, Item #3 Ordinance 02-969

2002-2022

Urban Growth Report:

A Residential Land Need Analysis

August 2002



METRO

PEOPLE PLACES
OPEN SPACES

Metro Report

DRAFT

Appendix A, Item #4 Ordinance 02-969

2002-2022

Urban Growth Report:

An Employment Land Need
Analysis

August 2002



METRO

PEOPLE PLACES
OPEN SPACES





Date: March 20, 2002

To: Andy Cotugno, Planning Director

From: Lydia Neill, Principal Regional Planner

Re: Map Atlas Release

Background

The Data Resource Center (DRC) has produced a series of maps to geographically represent the 2000 Buildable Lands inventory as well as subsets of this land that is available for residential and industrial development. The 2000 Buildable Land Inventory is based on the 2000 Vacant Land Inventory for use in the MetroScope model and the Urban Growth Report (UGR) to establish the documentation for meeting the land need.

The Metro vacant land inventory uses aerial photography and GIS tax lot base layers to identify undeveloped and partially developed tax lots. The DRC strives for a high degree of accuracy when developing this critical data set because the UGB expansion decision is ultimately based on this data. This exhaustive process is rule based and methodologically consistent year to year. The vacant land inventory has performed annually since 1990. The following criteria are applied to obtain vacant land:

Criteria 1. Every tax lot is determined to be vacant, partially vacant or developed.

Criteria 2. Vacant tax lots are verified to have no building, improvements or identifiable land use.

Criteria 3. Developed lots are determined to have improvements and specific land uses (i.e. paved parking lots are classified as developed but gravel lots with trucks parked on them are not).

Criteria 4. Lots under site development but do not contain structures are considered vacant.

Criteria 5. If a developed tax lot has a half an acre (20,000 sq.ft.) or a greater portion of the lot that is vacant then the lot is considered partially vacant and partially developed. The vacant portion of the lot is added to the vacant land database.

Criteria 6. Parks and Open space are treated as developed land.

Criteria 7. During the assessment of each tax lot, no consideration is given to constrained land, suitability for building or to redevelopment potential. This is not a feasibility analysis for development purposes.

To obtain vacant buildable land a series of steps are applied to remove land that is not considered buildable. Current street right of ways, Metro Title 3 Water Quality areas, Federal/State/County/City government owned land, platted lots (less than 3/8th of an acre), major utility easements and churches/fraternal organizations are removed. The result is Vacant Buildable Acres. The results of these deductions establishes a buildable land database for regional capacity analysis of the Urban Growth Boundary (UGB) that is used in the Urban Growth Report (UGR).

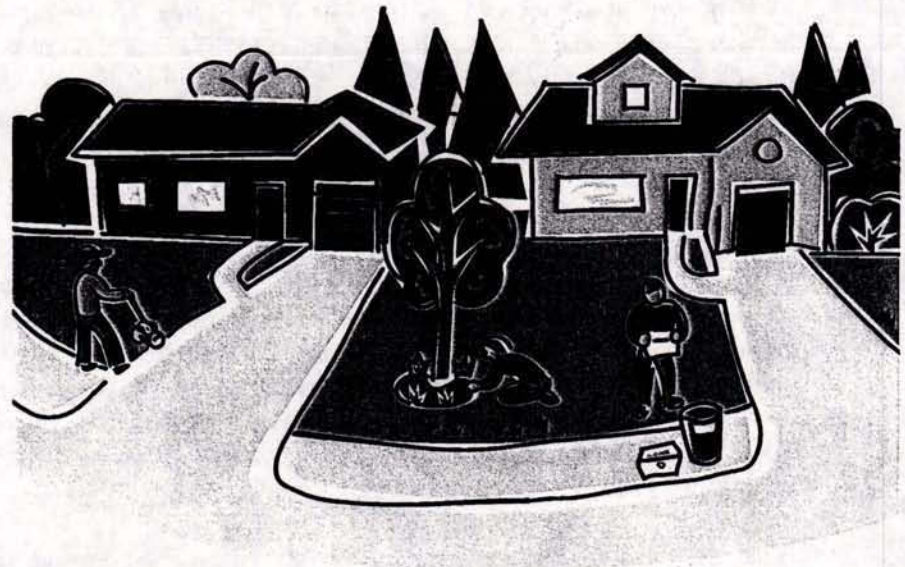
Metro Report

DRAFT

Appendix A, Item #6 Ordinance 02-969

2002 Alternative Analysis Study

August 2002



METRO

PEOPLE PLACES
OPEN SPACES

TECHNICAL AMENDMENTS TO THE URBAN GROWTH BOUNDARY

November 2002

Prepared and Presented by: Brenda Bernards

BACKGROUND AND ANALYSIS

Subtask 17 of Task 2 of the Periodic Review work program includes the consideration of technical amendments to the UGB as part of the Final UGB decision. An extensive review was undertaken by staff to identify technical modifications that would improve the function of the boundary. Generally, the review revealed four categories of amendments:

- Amendments requiring annexation into the Metro jurisdictional boundary;
- Amendments to alignment of the UGB with jurisdictional boundaries;
- River related amendments; and
- Amendments that are more than technical in nature.

Council has already made a number of technical amendments to the UGB in Subtask 5 of Task 1 of the Periodic Review work program through Ordinance No. 01-900A. Ordinance No. 01-900A corrected map inconsistencies that were a result of mapping errors and interpretations of the UGB.

Since the initial review, two additional technical amendments were brought to the attention of staff. The first is a roadway realignment south of the City of Tualatin and the second is a case, south of Hillsboro, where the UGB does not follow the lot line resulting in a lot only partially in the boundary.

Annexations into the Metro Jurisdictional Boundary

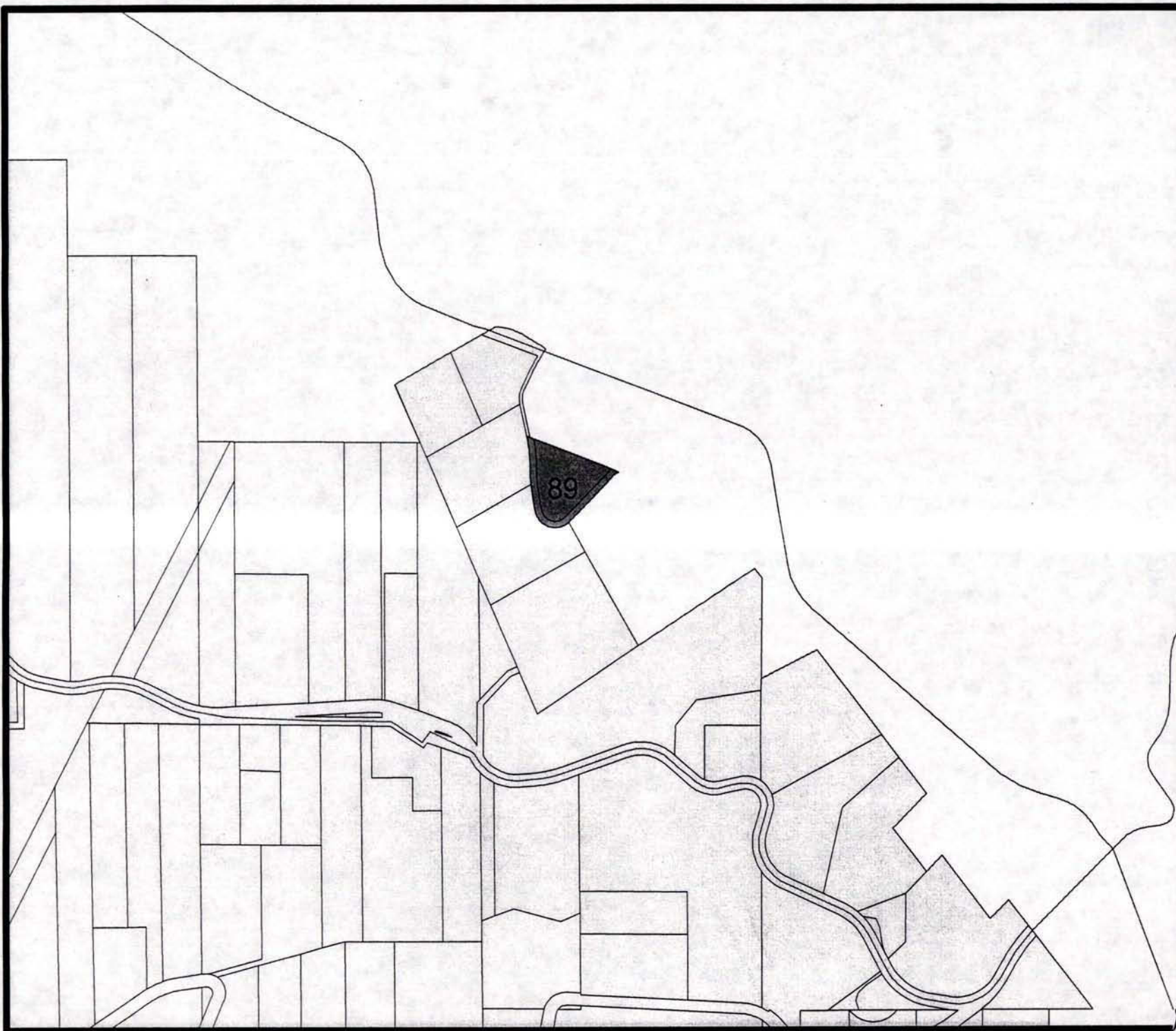
The annexation related amendments are found in Oregon City, Sherwood, Forest Grove, Cornelius and Hillsboro. These are instances where the UGB extends beyond the Metro jurisdictional boundary. In a number of cases, city limits extend beyond both the UGB and the Metro jurisdictional boundary. A number of these areas are already developed. Also, there are a number of cases where the city limits extends to the entire right of way but the Metro jurisdictional boundary and the UGB extend to the centerline. Due to the complexity of the annexation process, these technical amendments will be dealt with in a follow-up task to periodic review.

Alignment of the UGB with Jurisdictional Boundaries

In a number of areas, the UGB was defined by floodplains while city boundaries were defined by lot lines. These are relatively simple fixes where the UGB needs to be expanded to coincide with jurisdictional boundaries. In addition, there are a number of cases where the jurisdictional boundary extends to the entire right-of-way but the UGB extends to the centerline. The review identified 19 locations that city limits extend beyond the UGB covering approximately 44 acres. These were located adjacent to the Cities of Troutdale, Gresham, Happy Valley, Oregon City, West Linn, Tualatin, Cornelius and Forest Grove.

Generally these areas can be grouped by three types. First, amending the UGB to cover the same portion of a roadway as a city's boundary. Second, amending the UGB where it follows the floodplain and the city limits follow property lines. Third, amending the UGB to include a parcel

Housing Needs Analysis



REGIONAL LAND INFORMATION SYSTEM


UGB Expansion Areas

Ordinance 02-969A

December 5, 2002

Exhibit M

Area 89

 UGB Expansion Areas

NOTES:
1. The information on this map is derived from the Regional Land Information System (RLIS) database. The RLIS database is a compilation of information from various sources, including the Oregon Department of Transportation, the Oregon Department of Forestry, the Oregon Department of Fish and Wildlife, the Oregon Department of Agriculture, and the Oregon Department of Transportation. The information on this map is not intended to be used for any purpose other than the purpose for which it was created. The information on this map is not intended to be used for any purpose other than the purpose for which it was created.

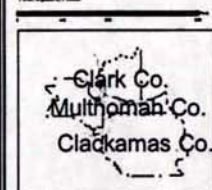
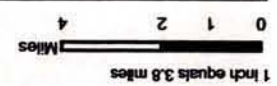


Exhibit N

REGIONAL LAND INFORMATION SYSTEM

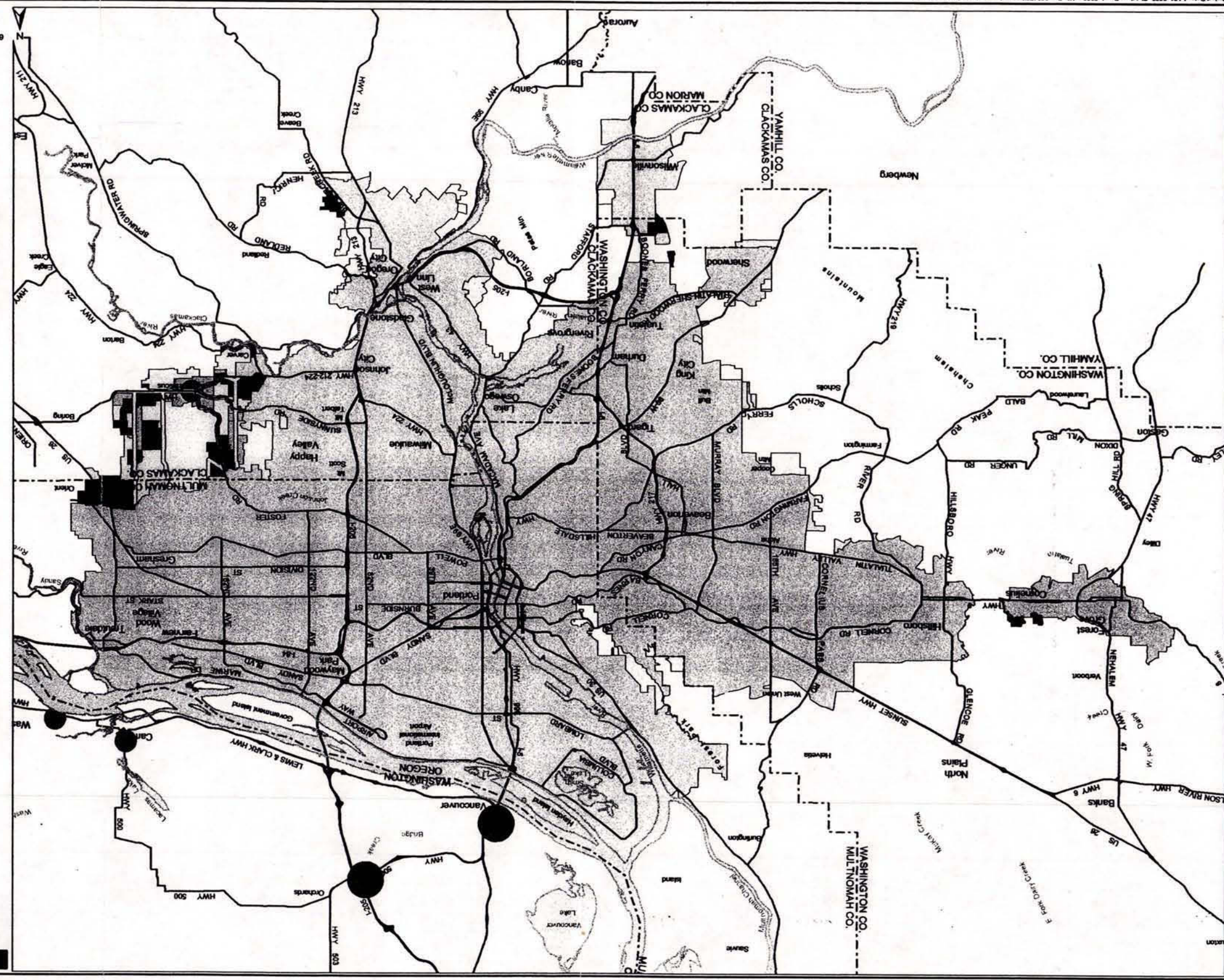
- Design Types**
- Industrial
 - Regionally Significant
 - Employment
 - Inner Neighborhood
 - Outer Neighborhood
 - Town Center
 - Corridor
 - Current UGB

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



Location Map

METRO DATA RESOURCE CENTER
100 NORTHEAST GRAND AVENUE
PORTLAND, OREGON 97232-2738
TEL (503) 787-1742
FAX (503) 787-1908
drc@metro-ds.com
www.metro-region.org



STAFF REPORT

CONSIDERATION OF ORDINANCE 02-969 FOR THE PURPOSE OF AMENDING THE METRO URBAN GROWTH BOUNDARY THE REGIONAL FRAMEWORK PLAN AND THE METRO CODE IN ORDER TO INCREASE THE CAPACITY OF THE BOUNDARY TO ACCOMMODATE POPULATION GROWTH TO THE YEAR 2022; AND DECLARING AN EMERGENCY

Date: November 21, 2002

Presented by: Councilor Rod Park

PROPOSED ACTION

Adoption of Ordinance 02-969 to amend Metro's Urban Growth Boundary, the Regional Framework Plan, and Metro Code

BACKGROUND

Under state law, Metro is responsible for managing the Urban Growth Boundary (UGB) in the Portland metropolitan region. State law requires the Metro Council to assess the capacity of the UGB every five years and, if necessary, increase the region's capacity to accommodate a 20-year supply of buildable land for housing. In 2000, 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. As part of the periodic review process, the Council and Commission agreed to an extensive work program to accomplish periodic review work program tasks. The Commission set a final date in the work program for completing all tasks related to Metro's periodic review for December 20, 2002. The Commission will then review Metro's submission to ensure compliance with state law and statewide planning goals.

Ordinance 02-969 contains a series of exhibits that amends Metro Code, the Regional Framework Plan (RFP) and the Urban Growth Boundary to comply with state law.

ANALYSIS/INFORMATION

In 1997, the Metro Council adopted the Regional Framework Plan that created an integrated set of regional planning policies that direct Metro's efforts to manage growth and its impact. Included in the Regional Framework Plan is the 2040 Growth Concept. Metro policies contained in the Framework Plan and 2040 Growth Concept were aggregated into eight 2040 Fundamentals which were adopted by the Metro Council in 2000. The 2040 Fundamentals summarize the goals contained in Metro's growth management policies.

Agenda Item Number 7.2

**Ordinance No. 02-983B, For the Purpose of Amending the Metro Urban Growth
Boundary to add land for specific types of identified land need.**

Second Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)
METRO URBAN GROWTH BOUNDARY TO) ORDINANCE NO. 02-983B
ADD LAND FOR A SPECIFIC TYPE OF)
INDUSTRY NEAR SPECIALIZED)
FACILITIES NORTH OF HILLSBORO; AND) Introduced by Community Planning Committee
DECLARING AN EMERGENCY)

WHEREAS, state law requires the Metro Council to assess the capacity of the urban growth boundary ("UGB") every five years and, if necessary, increase the region's capacity to accommodate the long-term need for employment opportunities; 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 region by the year 2022; and

WHEREAS, the Council determined that the pre-existing UGB ~~had the capacity to~~ accommodate _____ of those _____ did not have sufficient capacity to accommodate the forecast new jobs; and

WHEREAS, policy measures to protect Industrial Areas within the UGB as it existed prior to adopted in Ordinance No. 02-969 from non-industrial uses ~~increased the capacity of the pre-existing UGB to can~~ accommodate an additional _____ of those _____ ~~new jobs within the UGB~~ increase the capacity of the pre-existing UGB, but still leave a shortfall; and

WHEREAS, expansion of the UGB by Ordinance No. 02-969 added approximately 2,400 acres of industrial land ~~land with the capacity to accommodate _____ of those _____ new jobs,~~ leaving unmet the need for approximately 2,000 acres for industrial employment ~~land to accommodate _____ new jobs; and~~

WHEREAS, the Council identified a specific type of high-technology industrial need that cannot reasonably be accommodated on land within the UGB, or on land of higher priority under state law for inclusion within the UGB; and

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

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; 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, the 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 the testimony prior to making this decision; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro UGB is hereby amended to include the Shute/Evergreen site, more precisely identified and mapped on Exhibit A, attached and incorporated into this ordinance, in order to accommodate a specific type of high-technology industrial need.
2. Inclusion of the Shute/Evergreen site within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance, in order to ensure that development on the site is limited to the specific need for which the Council includes the site.
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 Shute/Evergreen 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 includes a long term supply of land for employment and there is an immediate need for a site for the specific type of high technology industry identified in this ordinance. An emergency is therefore declared to exist, and this ordinance shall take effect _____, 2003, pursuant to Metro Charter section 39(1).~~

ADOPTED by the Metro Council this ___ day of December, 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel



R L I S

REGIONAL LAND INFORMATION SYSTEM

Exhibit A

Ordinance No. 02-983B

UGB

Shute Road
Site

NW Shute Road

US Highway 26

NW Evergreen

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

0 500 1000 1500 2000 Feet

1" = 1400 feet



METRO

600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: drc@metro.dst.or.us



Please recycle with colored office grade paper

Plot date: Nov 14, 2002; I:\gm\community_development\share\alternatives analysis\councilor requests\shute rd.apr

Exhibit B to Ordinance No. 02-983BA
Conditions on Addition of Shute Road Site to UGB

1. Washington County or, upon annexation to the city of Hillsboro, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (UGMFP), section 3.07.1120, for the Shute Road site ("the site") within two years following the effective date of this ordinance.
2. Washington County or, upon annexation to the city of Hillsboro, 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 to the city of Hillsboro, 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 northwest of the site.
5. The city of Hillsboro shall, within two years after the effective date of this ordinance, demonstrate that it has capacity to accommodate the additional dwelling units, as determined in Title 11 planning for the site, likely to be generated by the employment capacity of the site. The city may demonstrate this additional capacity through any measure or set of measures it chooses, including a Center Strategy pursuant to Title 6 of the UGMFP, in any or all of these design type designations: the Hillsboro Regional Center, Tanasbourne Town Center, Orenco Town Center, Station Communities, Corridors or Main Streets.
6. Neither the county nor the city of Hillsboro 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 to the city of Hillsboro, 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, or (2) at least three parcels 50 acres or larger. In either case 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.
9. Washington County or, upon annexation to the city of Hillsboro, the city, as part of Title 11 planning for the site, shall limit industrial uses on the parcels 50 acres or larger on the site that result from the reconfiguration plan required by Condition 7 to high-technology product manufacturing, either as the main activity or in conjunction with experimental product research, testing or prototype production, or other high-technology industrial uses that need a dependable and uninterruptible supply of specialized, dual-feed electric power or nitrogen gas. The county or city shall limit industrial uses on parcels smaller than 50 acres that result from the reconfiguration plan to those that are supportive of the industrial uses described above.

Exhibit C to Ordinance No. 02-983B
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. 02-969, adopted with this Ordinance 02-983 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 02-969 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 2,471 acres for employment after finding a shortfall of 4,425 acres. Adoption of Ordinance No. 02-969, then, left a shortfall of 1,954 employment acres.

The UGR-E identified a net need for nine large parcels for industrial use (50 acres or larger). Given conditions in Exhibit M to protect large parcels, land added to the UGB for industrial use by Ordinance No. 02-969 has the potential to yield three sites 50 acres or larger, leaving a shortfall of six such sites.

Need for "Tech/Flex" Industrial Land

Within this overall need for industrial land, the UGR-E noted a need for four parcels 50 acres or larger (as well as for smaller parcels) for a group of industries called "tech/flex." These industries tend to locate near one another for many reasons, including the specialized public and private services that develop where clusters of these firms emerge. This locational phenomenon is more fully described in "Alternatives Sites Analysis for the 'Shute Road Site' Urban Growth Boundary Amendment"(herein called "the Shute Road Analysis"), dated October 31, 2002, and "The Ecology of the Silicon Forest", March, 2000.

Specific Need for Certain "Tech/Flex" Industrial Land

There are several such clusters in the region where new tech/flex industries can locate. As noted in the Shute Road Analysis, not all tech/flex industries have the same characteristics and service needs. Some can locate or expand anywhere in the region. Others need to be in or near one of the clusters. Some high technology industries – semi-conductor and chip/wafer manufacturing and experimental product research and development – have more specific site and locational requirements. These firms need seismic stability, a specialized supply of electricity (redundant and uninterruptible) and specialized gases (nitrogen in particular). Firms with these requirements have recently sought, but been unable to find, large sites with these locational characteristics (Shute Road Analysis, pp. 26-27).

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

Only one cluster in the region - the Sunset Corridor cluster - has these specialized services. Given the cost of installing these services in other parts of the region, the Council concludes that other clusters cannot reasonably accommodate the need described in section I, above.

There is no land in large parcels available within the UGB in the Sunset Corridor cluster to accommodate the need. There are a few tracts of land in large parcels in the Corridor. The UGR-E includes this land in its analysis of capacity to accommodate employment. The need for industrial land, however, greatly exceeds the employment capacity of these tracts. The tracts themselves will be used by the firms that have developed portions of the tracts. These firms have "land-banked" the balance of the tracts for future expansion, as explained in detail in the Shute Road Analysis, making them unavailable to meet the need described in section I, above.

The Shute Road Analysis identifies small parcels in the UGB and the Sunset Corridor cluster that are not "land-banked." But these parcels cannot be assembled to create large parcels because they are not contiguous.

There is vacant land designated for residential and commercial use in Hillsboro. But this land is not proximate to the specialized services needed by the high-technology industries described in section I, above, and it is not available in large parcels (50 acres or larger). Rezoning of land from residential use to industrial use would exacerbate the shortage of land available for residential use identified in the Urban Growth Report-Residential (URG-R). Rezoning of residential land near the Sunset Corridor cluster would also reduce residential capacity in a part of the region with little residential capacity. Condition 5 of Exhibit B of this ordinance requires the City of Hillsboro to increase the residential capacity of land in the Hillsboro Regional Center and the Town Centers, Station Communities, Corridors or Main Streets to accommodate the dwelling units generated by the jobs that will come to the Shute Road site. Rezoning of residential land near the Sunset Corridor cluster would work against accomplishment of Condition 5. In short, there is no land designated for residential or commercial use that can reasonably accommodate the need described in section I, above.

Metro took measures to increase the efficiency of land use within the UGB designated for employment. Metro's UGMFP 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. Analysis of results of local implementation of Title 4 indicates that commercial uses and other non-industrial uses are converting land designated for industrial use to non-industrial use.

In response to this information, the Metro Council amended the RFP (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. These new measures will reduce the shortfall in industrial land by reducing encroachment by commercial uses. But the measures do not create new large parcels for industrial use.

The Council concludes that the need described in section I, above, cannot reasonably be accommodated with the UGB as it existed prior to expansion by Ordinance No. 02-969.

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 in the vicinity of the Sunset Corridor high-technology cluster. None of these areas has large parcels or small parcels that can reasonably be assembled into parcels 50 acres or larger, given their small size, large number and existing residential uses. Each of the areas is outside the range of the PGE Sunset Substation, the source of the redundant, uninterruptible electricity needed by the industries described in section I, above.

There are large tracts of resource lands adjacent to the UGB in the vicinity of the Sunset Corridor cluster. A comparison of the soils of these tracts with the soils of the Shute Road site, however, indicates that the Shute Road site has poorer soils. The two most likely tracts, described in detail in the Shute Road Analysis, are outside the range of the PGE Sunset Substation.

There are no "higher priority" lands, as that term is used in ORS 197.298(1), that can reasonably accommodate the need.

Shute Road Site is the Best Site

The Shute Road site is the only site with the combination of locational and site characteristics that can reasonably accommodate the industries described in section I, above. It is the closest to the PGE Sunset Substation (2,000 feet) and nitrogen gas (across Shute Road from site). It is composed of 11 parcels (three are 40 acres or larger, two 30-35 acres), only three with residences, making assembly into parcels 50 acres and larger practicable.

Given its proximity to the very highly developed and sophisticated sewer, water, storm-water, transportation, public safety services in the Hillsboro High Tech Industrial Sanctuary, the city and other service providers can extend urban services to the Shute Road site in an orderly and economic manner. This will allow maximum efficiency of urbanization in the area. Urbanization and servicing of this site would be more efficient, less costly and more orderly than urbanization and servicing of any exception area or resource land considered.

There are no inventoried and protected Goal 5 resources on the Shute Road site. The site includes a portion of the course of a tributary of Waibel Creek. This tributary is protected by Title 3 of the Urban Growth Management Functional Plan and will remain protected in the UGB (Exhibit B, Conditions 1 and 2).

The Council agrees with and incorporates the analysis and findings on environmental, economic, energy and social consequences in the Shute Road Analysis, pages 79-85. These consequences will be positive or no more adverse than those that would result from inclusion of other land for these industrial uses.

There is farmland in farm zoning to the north and west of the Shute Road site. Generally, industrial use is more compatible with adjacent farm practices than is residential or commercial use. As noted in the Shute Road Analysis, industrial uses within the UGB have been relatively compatible with agricultural activities to the north and west. Condition 4 in Exhibit B of this ordinance requires the City of Hillsboro or Washington County to take measures to reduce the incompatibility.

Citizen Involvement

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969. 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. 02-969. 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 closely on this ordinance with the City of Hillsboro and Washington County and accommodated their interests as much as possible.

Water Quality and Natural Resources

There are no inventoried and protected Goal 5 resources on the Shute Road site. The site includes a portion of the course of a tributary of Waibel Creek. This tributary is protected by Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the Urban Growth Management Functional Plan and will remain protected in the UGB. Title 3 requires Washington County and the City of Hillsboro 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.

Areas Subject to Natural Disasters and Hazards

Conditions 1 and 2 in Exhibit B of this ordinance require the City of Hillsboro 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 Shute Road site will help the region accommodate the forecast employment to the year 2022 and is consistent with the economic development elements of the Washington County and City of Hillsboro comprehensive plans. Conditions 6 through 9 will help ensure that the economic objectives of inclusion of the site will be achieved.

Housing

Inclusion of the Shute Road site in the UGB will generate a demand for housing in the Hillsboro area. Condition 5 in Exhibit B of this ordinance requires the City of Hillsboro to demonstrate additional residential capacity to accommodate this demand for housing.

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 Washington County from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE METRO URBAN GROWTH BOUNDARY TO ADD LAND FOR A SPECIFIC TYPE OF INDUSTRY NEAR SPECIALIZED FACILITIES NORTH OF HILLSBORO

Date: November 14, 2002

Prepared by: Tim O'Brien, Planning Department

PROPOSED ACTION

Adoption of Ordinance No. 02-983, to amend the Metro Urban Growth Boundary (UGB) to add land for a specific type of industry near specialized facilities north of Hillsboro. 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 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).

On October 31, 2002 the City of Hillsboro submitted to Metro a document entitled *Alternative Sites Analysis for the "Shute Road Site" Urban Growth Boundary Amendment* in support of amending the UGB to include property located near the intersection of NW Evergreen Boulevard and NW Shute Road in Washington County, hereafter referred to as the "Shute Road Site" (see Attachment 1). The Shute Road Site is proposed as a specific high tech/flex land need and is adjacent to an area identified by the City of Hillsboro as the Westside High Tech Industrial Cluster in Washington County, Oregon. The 203-acre Shute Road Site is proposed to accommodate some of the large lot shortfall identified in the UGR—Employment Land Need Analysis and the RILS.

county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the county or the City of Hillsboro 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 Shute Road 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 Washington County from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the county or the City of Hillsboro 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. Metro's 2000 Regional Transportation Plan's "Priority System" of planned transportation facilities in shows improvements planned near the Shute Road site (Evergreen Road Project 3131) to serve anticipated growth.

Regional Framework Plan

Inclusion of the Shute Road site helps implement the Regional Framework Plan by adding industrial land (and protecting it for that use) close to the heart of the Hillsboro High Tech Industrial Sanctuary and close to the specialized services available at least cost. 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.

The land identified as the Shute Road Site is designated as resource land, is zoned Exclusive Farm Use (EFU) by Washington County and contains high-value farmland as defined by ORS 215.710. This area was not part of the Metro 2002 Alternative Analysis Study due to its resource land designation.

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. Inclusion of the Shute Road Site into the UGB as a specific land need falls under the provision of ORS 197.298(3)(a), which states that

- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
 - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

Compliance with the criteria contained in Metro Code Section 3.01.020 (Legislative Amendment Criteria), constitutes compliance with the Regional Framework Plan.

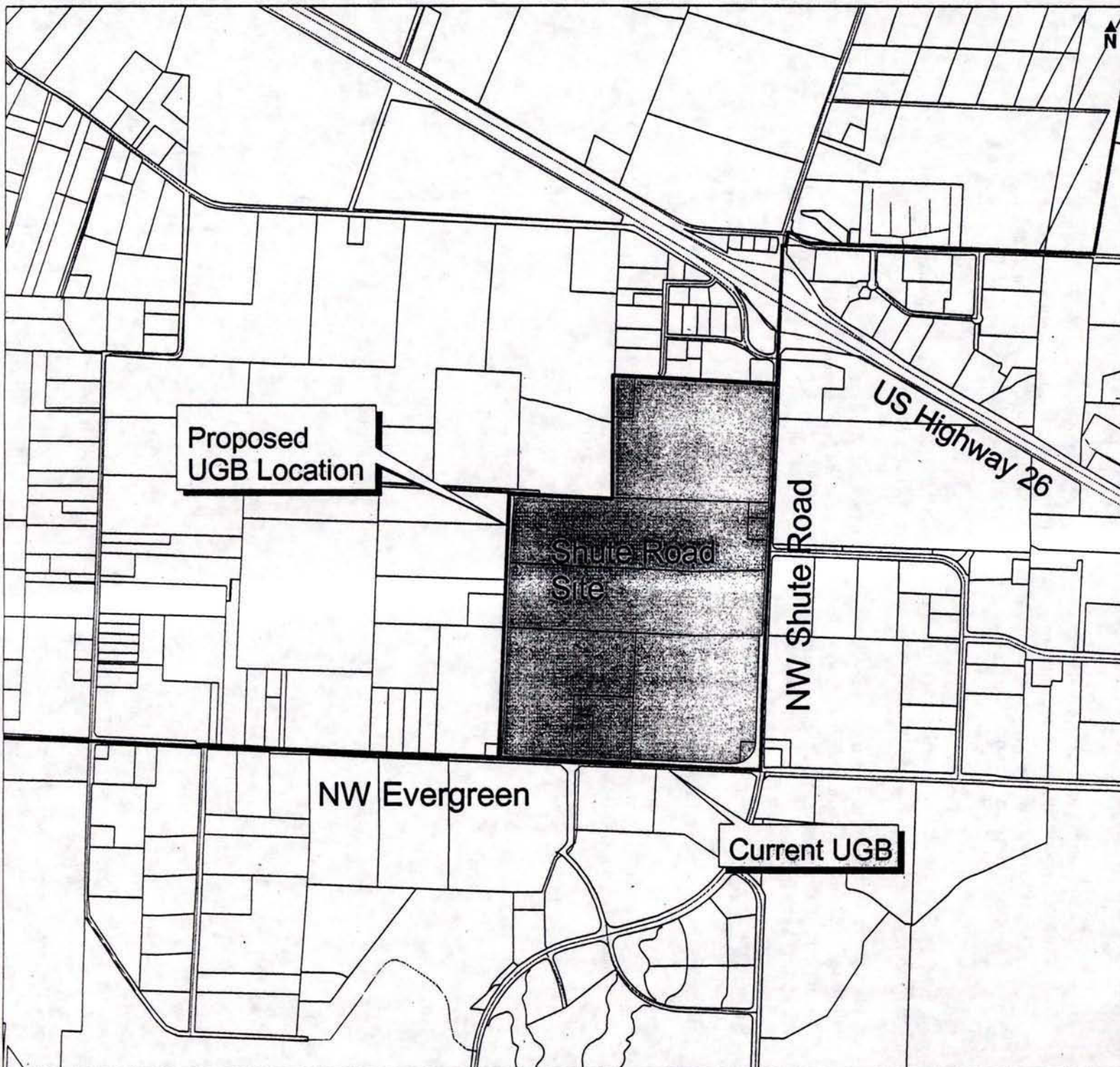
A response to the criteria in Metro Code Section 3.01.020 is found in Attachment 2, the City of Hillsboro's submittal, *Alternative Sites Analysis for the "Shute Road Site" Urban Growth Boundary Amendment*. This document was hand delivered to each Metro Councilor and a copy is also available in the Metro Council Office.

BUDGET IMPACT

There is no budget impact from adopting this ordinance.

TOB/srb

I:\gm\community_development\share\Alternatives Analysis\shute road staff report.doc



R L I S

REGIONAL LAND INFORMATION SYSTEM

Attachment 1 Shute Road Site

Staff Report to
Ordinance No. 02-983B

 Urban Growth Boundary

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or outdated information. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, no liability of any sort will be accepted.

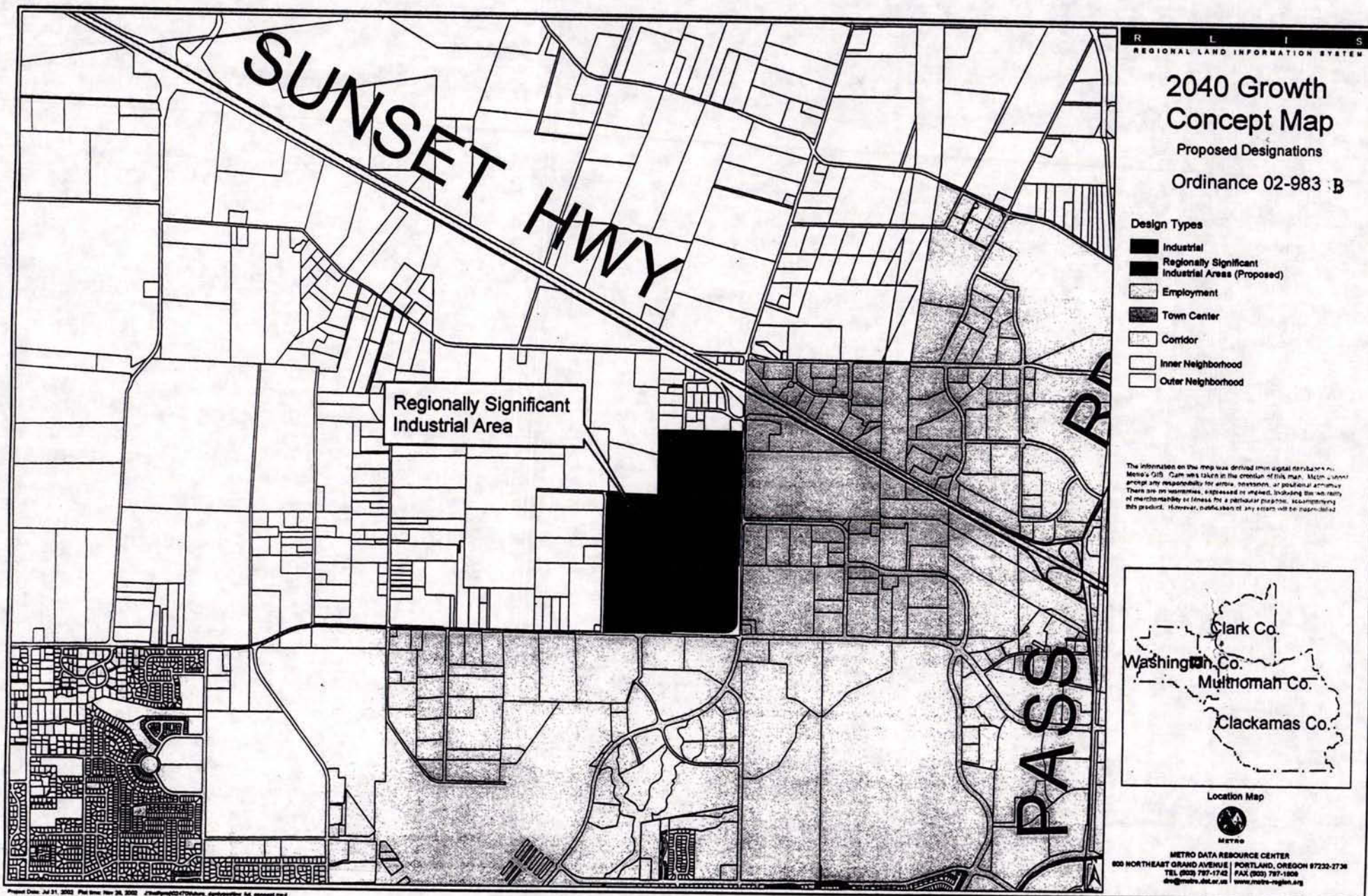
0 500 1000 1500 2000 Feet

1"= 1384 feet



METRO

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



Agenda Item Number 7.3

Ordinance No. 02-984A, For the Purpose of Amending the Metro Urban Growth Boundary to add Land for a public school in Study Area 85.

Second Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	ORDINANCE NO. 02-984A	|
METRO URBAN GROWTH BOUNDARY TO)		
ADD LAND FOR A PUBLIC SCHOOL IN)		
STUDY AREA 85; AND DECLARING AN	)	Introduced by Community Planning Committee	|
EMERGENCY)		

WHEREAS, state law requires Metro to assess the capacity of the urban growth boundary (UGB) every five years and, if necessary, increase the region's capacity to accommodate the long-term need for employment opportunities; and

WHEREAS, the same state law requires Metro to include sufficient land to accommodate the siting of new public school facilities; and

WHEREAS, the Metro 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 identified a specific need for land to site a public elementary school in the Beaverton School District that cannot reasonably be accommodated on land within the UGB, or on land of higher priority under state law for inclusion within the UGB; and

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

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; 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, the 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 the testimony prior to making this decision; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro UGB is hereby amended to include a portion of Study Area 85, more precisely identified and mapped on Exhibit A, attached and incorporated into this ordinance, in order to accommodate a site for a public elementary school for the Beaverton School District.
2. Inclusion of the Beaverton School District site within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance, in order to ensure that development on the site is limited to the public elementary school for which the Council included the site.
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 Beaverton School District 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 includes sufficient land to accommodate the siting of new public school facilities, and the Beaverton School District has an immediate need for facilities. 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 _____ day of _____ 2002.

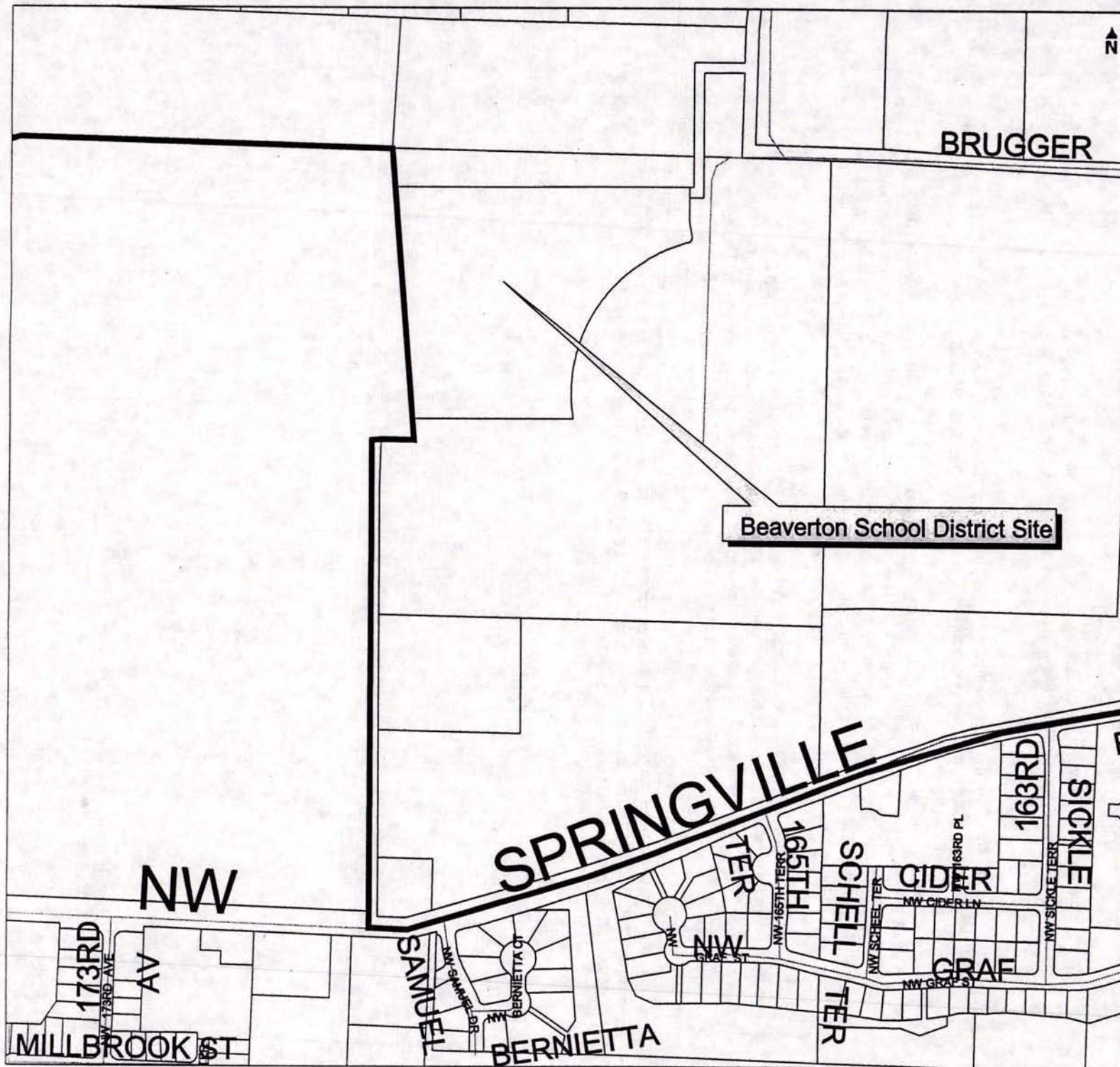
Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary


Daniel B. Cooper, General Counsel



N

R L I S
REGIONAL LAND INFORMATION SYSTEM

Proposed Beaverton School District Site

 Urban Growth Boundary

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

0 200 400 600 Feet
1"= 400 feet



METRO

600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: drc@metro.dst.or.us


 Please recycle with colored office grade paper

EXHIBIT A TO ORDINANCE NO. 02-984

Plot date: Nov 14, 2002; nil

Exhibit B to Ordinance No. 02-984A
Conditions on Addition of Beaverton School District Site to UGB

1. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (UGMFP), section 3.07.1120, for the Beaverton School District site ("school site") within two years following the effective date of this ordinance.
2. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall apply interim protection standards to the school site as provided in Metro Code Title 11, UGMFP, section 3.07.1110.
3. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall designate the school site Inner Neighborhood as shown on the 2040 Growth Concept Map.
4. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, 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 school activities on the school site and agricultural practices on any land zoned for farm use to the north, south and east of the school site.
5. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city 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 public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.1120I.
6. 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. 02-984A
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, 1.6 and 1.7; and Metro Code 3.01.020(b)(1) and (2).

Land for Public Schools

The Metro Council determined in its Urban Growth Report, Appendix A, Item 3, to Ordinance No. 02-969, that the region needs 900 acres of additional land for schools to serve the forecast population. Nearly all of this need can be accommodated either on buildable land within the UGB, as it existed prior to the expansion made by Ordinance No. 02-969, or on land added to the UGB by that ordinance.

Specific Need for Land for Public School in Beaverton School District

The Beaverton School District prepared its "Beaverton School District Facility Plan, May, 2002" ("facility plan") as required for fast-growing school districts under ORS 195.110. The facility plan identifies a specific need for an elementary school to serve the north end of the district. Based upon this facility plan and the District's "Petition for an Amendment to the Urban Growth Boundary for an Elementary School" ("petition"), the Council concludes that this need must be accommodated within or near the north end of the district. It cannot be met elsewhere in the Portland metropolitan region because the population to be served by the school arises in the north end of this fast-growing district.

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 Regional Framework Plan (RFP) Policies 1.2, 1.6 and 1.7; and Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d).

Within the UGB

The Beaverton School District has taken efficiency measures, such as year-round schools, multi-track educational programs, portable classrooms, multi-story construction and double shifting, more fully described in the facility plan, to reduce its need for land for new schools. The District has revised its targets for school sizes downward so smaller lots can accommodate some of the demand for new sites. The District has also adopted a policy to coordinate site selection with Tualatin Hills Parks and Recreation District to use sites jointly for education and recreation. These measures cannot satisfy the need for a site for an elementary school at the north end of the district.

The District looked at 30 sites within the UGB, including five sites involving aggregation of small parcels. These sites are now part of approved residential subdivisions, have natural resource or powerline constraints, or are too close to existing elementary schools. For these reasons, more fully discussed in the petition, none of these sites can reasonably accommodate the district's elementary school facilities.

The Council concludes that the need described in section I, above, cannot reasonably be accommodated with the UGB as it existed prior to expansion by Ordinance No. 02-969.

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. Exception areas, therefore, are the highest priority location for the school site. The School District considered four sites on exception land outside and adjacent to the UGB near district boundaries. Each has lot configuration or natural resource constraints that renders it unsuitable for a school site, as explained in the petition. None can reasonably accommodate the district's elementary school facilities.

Beaverton School District Site is the best Site

The School District considered six sites on resource land outside and adjacent to the UGB near district boundaries. Of these, only one has an appropriate lot configuration and is free from natural resource or other constraints that render other sites unsuitable for the school site, as explained in the petition. Only the 10-acre Beaverton School District Site can reasonably accommodate the district's elementary school facilities.

As set forth in greater detail in the district's petition, sewer, water and transportation services can be extended to the site in an orderly and efficient manner (existing facilities are capable of accommodating storm-water from the site at no additional cost). The site is adjacent to the Portland Community College (PCC) Rock Creek campus. Sewer and water services can be extended to the site from the Rock Creek campus. The site has access to NW Brugger Road to the north, but a traffic study may determine a better access.

Proximity to the Rock Creek campus of PCC maintains a compact urban form and will allow efficient use of educational facilities to the college and the elementary school. Given inclusion in the UGB of land in Study Areas 84, 85 and 86 by Ordinance No. 02-987, the school site is well-located to serve not only the north end of the current district, but new residential development in the added land. The school site will be available for shared use by Tualatin Hills Parks and Recreation District. The Council relies upon the facts and analysis in the District's petition.

The Council finds that no significant adverse environmental, energy, economic or social consequences will be caused by school facilities on the site. The site contains no resources protected in Washington County's Goal 5 program. Application of Title 3 of Metro's Urban Growth Management Functional Plan to the site, as required by Condition 1 of Exhibit B, will protect water quality from the development of school facilities on the site. Economic, social and energy consequences will be insignificant or positive, as more fully discussed in the district's petition.

The Council agrees with and incorporates the analysis and findings on environmental, economic, energy and social consequences in the District's petition, pages 36-38.

The site is zoned for farm use and contains Class II soils. Development of an elementary school on the site will make the property unavailable for agricultural production. For reasons discussed above, other sites within the UGB, on exception land or lower quality farmland cannot reasonably accommodate the school.

Given inclusion of Study Areas 84, 85 and 86 in the UGB by Ordinance No. 02-987, also part of this periodic review work task, there is no protected farmland adjacent to or in the vicinity of the site. If Study Area 85 were not included in the UGB, Condition 4 of Exhibit B would reduce incompatibility between school development on the site and agricultural activities in Area 85.

Inclusion of the site in the UGB will not intrude upon the separation between the UGB and a neighboring city. There is none in the vicinity. If Study Area 85 were not included in the UGB, the site would be an extension of urban development from the Rock Creek campus to the west into the farmland of Area 85.

Inclusion of this site helps fulfill Metro's responsibility under ORS 197.296(6)(a) and Goal 14 to provide sites for public schools. The Council has consulted and worked with the school district, Washington County, the City of Beaverton and likely service providers (through the school district) in order to accommodate their concerns as much as possible.

Citizen Involvement

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969. 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. 02-969. 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 closely on this ordinance with the Beaverton School District, the City of Beaverton and Washington County and accommodated their interests as much as possible.

Water Quality and Natural Resources

There are no inventoried and protected Goal 5 resources on the school site. Title 3 requires Washington County and the City of Beaverton 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.

Areas Subject to Natural Disasters and Hazards

Conditions 1 and 2 in Exhibit B of this ordinance require the City of Beaverton 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.

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 Washington County from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the county or the City of Beaverton 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 school 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 Washington County from up-zoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the county or the City of Beaverton 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

Metro coordinated the inclusion of this site for an elementary school with the Beaverton School District, the City of Beaverton and Washington County, as required by the Regional Framework Plan (RFP), Policy 1.14. The included school site lies adjacent to the UGB as it existed prior to expansion in this periodic review, extending the form of the UGB. Inclusion by Ordinance No. 02-987 of land in Study Areas 84, 85, 86 and 87 which border the school site on three sides, makes this site well-positioned in the north end of the Beaverton School District to serve the population within the old and the new UGB. Because the site lies in the midst of these areas, there is need to provide a clear transition between the school site and rural land. Had Metro not added these areas to the UGB, Condition 4 of Exhibit B would provide the transition. Oregon law allows the siting of schools within farm zones under specified circumstances, recognizing that schools can be relatively compatible with agricultural activities. In this case, the school will be oriented toward the adjoining Rock Creek Campus of Portland Community College, away from nearby agricultural activity.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-984 FOR THE PURPOSE OF AMENDING THE METRO URBAN GROWTH BOUNDARY TO ADD LAND FOR A PUBLIC SCHOOL IN STUDY AREA 85; AND DECLARING AN EMERGENCY

Date: November 2002

Prepared by: Brenda Bernards

PROPOSED ACTION

Adoption of Ordinance No. 02-984 bringing a site into the Urban Growth Boundary (UGB) to accommodate an elementary school in the Beaverton School District.

BACKGROUND

Metro is currently undertaking a process that will result in a legislative amendment to the UGB in December 2002. The school districts were offered the opportunity to participate in this process by requesting inclusion into the UGB of specific sites that were required to meet the districts' needs. The Beaverton School District has taken advantage of this opportunity and submitted a request for consideration of a specific site as part of Metro's legislative action to amend the UGB.

The Beaverton School District Site is located in Alternative Analysis Study Areas 85, shown on Exhibit A of Ordinance No. 02-984. If Study Area 85 is brought into the UGB as part of the general land need consideration, this separate amendment to include the site is unnecessary.

ANALYSIS/INFORMATION

Known Opposition

There is no known opposition to the proposed legislation.

Anticipated Effects

Adoption of this Ordinance will result in the inclusion of a 10 acre site into the Urban Growth Boundary for an elementary school.

Budget Impacts

Adoption of this ordinance has no budget impact.

PROCESS

At the request of State Representatives for the Beaverton and Hillsboro School Districts, Metro staff met with school district representatives to discuss a process for the inclusion of specific sites to meet the school districts' needs in Metro's legislative process to amend the UGB. The Forest Grove, Sherwood, Tigard-Tualatin and West Linn-Wilsonville School Districts were also invited to participate. Potential sites for inclusion to meet the needs of the Gresham-Barlow and Oregon City School Districts were also discussed with these school districts. By offering this opportunity, Metro recognizes that expansion in one part of the region will not meet the needs of a school district whose boundaries are not within the expansion area.

A school district choosing to take advantage of this process needed to address the seven Statewide Planning Goal 14 factors identified in Metro Code 3.01.020(b). The first two factors address need and the remaining five address the locational factors that can be considered for inclusion in the UGB. A school district needed to have completed a Facilities Plan that, among other requirements, identifies the need for additional sites and the process and criteria for selecting a potential site.

SCHOOL DISTRICTS' LONG RANGE SCHOOL FACILITIES PLANS

The Beaverton School District was advanced enough in their planning, with a completed Facilities Plan and an identified site, to be able to participate in this current legislative process. A Copy of the Facilities Plans has been included as part of the record of the Periodic Review Program. The Facilities Plan meets the requirements of ORS 195.110. This Plan assists the school district to facilitate future planning efforts. It is a valuable tool that enable the school district to forecast future school enrollment growth, the distribution of that growth, and the timing and need for new schools. The Beaverton School District sufficiently demonstrated that there is a need for an additional school and that the site selected to accommodate this need is the most appropriate to meet the identified need. The school district outlined its selection process using its established policies for school siting to guide the decision. Metro staff is satisfied that the process used has determined the most appropriate location to meet the defined need as set out in Metro Code 3.01.020.

BEAVERTON SCHOOL DISTRICT'S REQUEST

The Beaverton School District is requesting an adjustment of the UGB to include a 10-acre site located in Alternative Analysis Study Area 85 which is adjacent to, and east of, the Portland Community College Rock Creek campus and north of NW Springville Road. Study Area 85 is a Tier 3 area surrounded by Tier 1 Study Areas 84 and 86. The site is adjacent to the UGB and is intended to meet the need for an elementary school in the northern portion of that school district.

This site was previously considered as part of a larger proposal to include a 109-acre site known as Gossamer Hills (former Urban Reserve Area 65).

The school district's Facility Plan forecasted a short-term need (2002 to 2007) for two to three new elementary schools, one middle school and one high school. Since the need is distributed throughout the school district, the siting of all of these schools will not necessarily involve expanding the UGB. One of the new elementary school is proposed to be located on the 10-acre site outside of the UGB to serve the northern portion of the school district.

Need for an Additional School Site

Over the last decade, the population within the Beaverton School District's boundary has grown from 151,285 residents to 215,167 residents. This represents a 42 percent increase in population and has resulted in a steep increase in student enrollment. Since 1990, the enrollment has grown over 37 percent, almost 10,000 new students. Much of the population and corresponding enrollment growth has occurred in the northern and southern portions of the school district. Growth forecasts prepared by Metro's Data Resource Center and the Portland State University Center for Population Research and Census indicate that student enrollment will continue to grow over the next twenty years at an annual average growth rate of at least 1.8%

Before considering building a new school, the school district considers other techniques for expanding existing school capacity such as additions to schools, portable classrooms and redrawing school attendance boundaries.

Site Selection Process

The Beaverton School District uses the site selection process noted below. For an elementary school, the school district looks for a site of 7 to 10 acres. In addition to the physical size of a site, the Facility Plan includes a set of general site selection guidelines to identify and select new sites for schools.

1. Location

- a. Is the site geographically located in a place where a school is needed within the next ten years based on enrollment growth?
- b. Is the site located in a land use zone where a school is not a prohibited use?
- c. Is the site inside the Urban Growth Boundary? If not, it is preferred that the site be adjacent to the Urban Growth Boundary.
- d. Are adjacent land uses compatible with the grade level of the proposed school?
Compatibility is generally defined as:
 - i. Elementary and middle school sites should be adjacent to residential land.
 - ii. High school sites should be adjacent to residential land with limited and compatible non-residential uses adjacent.
- e. If site assembly is required, can several parcels be aggregated to create an appropriately sized and configured school site? Because site assembly potentially adds additional time and expense to the District, the following characteristics are preferred:
 - i. Six or fewer parcels to reach the 7- to 10-acre minimum.
 - ii. Improvements on fewer than 20% of the parcels.
 - iii. Improvement values of less than \$250,000.
 - iv. Probability of need for condemnation on fewer than 20% of the parcels.
 - v. Probability of need for condemnation of owner occupied residences on fewer than 10% of the parcels.
- f. Public utilities are currently available or are readily available through the development process.
- g. Is the site served by the preferred classification of roads?
 - i. Local road or minor collector for elementary schools.
 - ii. Minor or major collector for middle schools.
 - iii. Major collector or arterials for high schools (access to an arterial preferred).

2. Topography

- a. Are the existing slopes on the site consistent with reasonable grading costs to provide for the building and grounds needed for the proposed school?
- b. Are the existing slopes configured such that site configuration and access to public streets can be reasonably accommodated?
- c. Are the site geology and soils conditions appropriate for the required construction?

3. Environmental

- a. Is the site encumbered with excessive wetland or riparian areas?
- b. Are there existing stands of trees or vegetation that would interfere with site development?
- c. Is there significant wildlife habitat on the site?
- d. Is the site adjacent to a stream that will require significant setbacks or be subject to periodic flooding?

- e. Has the site previously been in an industrial or commercial use that may have resulted in contamination?

4. Economic

- a. Can the site be secured at a fair market value?
- b. Are there extraordinary development costs?
- c. Will there be extraordinary operating costs?

These guidelines are intended to assist and inform the school district in evaluating potential future school sites. They are not intended to be absolute decision factors. Many factors go into determining the suitability of a new site and these factors need to be balanced with school district objectives and conditions at the time of site selection.

Selection of the Proposed Site

As noted above the school district's Facility Plan has recommended that new elementary schools be constructed on building sites in the 7 to 10-acres size range. The school district undertook an analysis to find a potential school site in the 7 to 10-acres range in the northern portion of the school district. This analysis included two steps. First, sites seven acres or greater with an improvement value of less than \$250,000 were evaluated in the designated north study area, inside the UGB, to determine if there were potential sites to locate a new elementary school in this area. The analysis focused on the area north of West Union Road because that is where the majority of the new residential growth is anticipated. Additionally, the analysis looked closely at the western portion of the north study area because the eastern portion already has two elementary schools.

Based on this analysis, a total of 25 sites in the 7-acres or greater range and inside the UGB were identified. Each site was examined to determine the potential for siting an elementary school. Of these 25 sites, none are considered to have the potential for locating a new elementary school. The issues associated with these sites include approved (but yet to be built) subdivisions, natural resource or public facility (power line) constraints, proximity to existing elementary schools, or schools are not a permitted use in the zoning category. Consideration of the zoning of the alternative sites is necessary. Unlike commercial, residential or industrial developers, school districts have finite resources for property acquisition and development, which is coupled with the duty to spend public money wisely. Residentially zoned land that does not allow schools are prohibitively expensive because not only is the price of the land itself exorbitant, but also rezoning the property contributes to the expense of developing, while adding an element of uncertainty to the school siting. Furthermore, rezoning multi-family residential sites so that a school is allowed reduces the buildable land supply and impedes Beaverton's ability to reach Metro's target densities.

The second step was to consider the opportunity for aggregating smaller lots into a 7-acre or greater site for a new elementary school. Lot aggregation, while feasible, requires substantially more time and costs to the school district and offers less certainty in terms of when a new school could be constructed. Issues such as multiple property owner negotiations, use and/or removal of existing structures, relocation costs, and potential condemnation issues complicate the process of lot aggregation. However, the analysis for this application did examine those existing lots inside the UGB that are two acres or greater with improvement values less than \$250,000 to identify if there were opportunities inside the north study area to aggregate smaller lots into a viable elementary school site.

This assessment discovered that there were five groupings of tax lots that could potentially be assembled into a 7 to 10-acres site for an elementary school. However, in all five instances, the groupings are located in the eastern portion of the north study area, in close proximity to two existing elementary schools.

The close proximity of potential sites to the existing elementary schools preclude them from being viable school sites. The school district and the community place great value on neighborhood schools, especially at the elementary level. Multiple elementary schools in such close proximity will divide the neighborhood and community, cause confusion among parents and students over which school they should attend, and create significant difficulties for determining school attendance boundaries.

The school district determined that there are no feasible parcels available within the UGB in the north study area of the Beaverton School District for an additional elementary school. The need for a school is in the northwest corner of the Beaverton School District. Recently constructed elementary schools serve the areas in the northeast corner of the study area. The only feasible alternative is to locate a new elementary school outside the UGB. There are several parcels greater than seven acres outside of the UGB but located within the school district boundaries. Many of these parcels are not adjacent to the UGB, and therefore would not comply with Section 3.01.020(d) of Metro Code. These parcels were ruled out of consideration.

The proposed site is large enough (ten acres) and is a feasible location and configuration for an elementary school to serve the north study area of the school district. The subject site has other advantages that make it appropriate for a future elementary school site. These advantages include:

1. The site's immediate proximity to the Rock Creek Campus of Portland Community College. This proximity will provide the Beaverton School District and Portland Community College an opportunity to explore collaborative educational programs between the two campuses. Discussions have already occurred regarding potential opportunities to establish programs such as early childhood development, after-school daycare and/or activities and teacher aide programs.
2. The fact that the property is already in public ownership and is dedicated to a specific public use – namely an elementary school. The public use of this property is further reinforced in Washington County's Bethany Community Plan that identifies this property as a future school site.
3. Services can be made readily available to the subject site.

APPLICABLE REVIEW CRITERIA

The criteria for a Legislative UGB amendment are contained in Metro Code 3.01.020.

Metro Code 3.01.020(a) states that the purpose of Metro Code 3.01.020 is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and the Regional Urban Growth Goals and Objectives (RUGGO). This section details a process, which is intended to interpret Goals 2 and 14 for specific application to consideration of lands to be added to the UGB. Compliance with this section constitutes compliance with ORS 197.298, statewide planning Goals 2 and 14 and the RUGGOs.

Metro Code 3.01.020(b) notes that, while all of the seven Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors would

ignore obvious overlaps between them. Demonstration of compliance with one factor or sub-factor may not constitute a sufficient showing of compliance with the goal, to the exclusion of the other factors when making an overall determination of compliance or conflict with the goal. Generally, the consideration of the factors for legislative amendments is undertaken by Metro staff. In the case of the Beaverton School District's request for consideration of its site in the current legislative amendment process, the school district undertook this work. Not all elements of the factors apply to the school district; these elements are noted as not applying. The school district has demonstrated the need for an additional school site and demonstrated that the priorities of ORS 197.298 have been followed and that the recommended site is better than alternative sites, balancing factors 3 through 7.

The seven factors to be addressed are included in Metro Code 3.01.020(b)(1)-(7). Attachment 1 to this report detail the response of the school district to the seven factors and other applicable criteria outlined in the Metro Code.

EXECUTIVE OFFICER'S RECOMMENDATION

It is recommend that this site be brought into the UGB for school purposes.

BEAVERTON SCHOOL DISTRICT

APPLICABLE REVIEW CRITERIA

The criteria for a major UGB amendment are contained in Metro Code 3.01.020. The criteria and Metro staff analysis follow.

Metro Code 3.01.020(a) states that the purpose of Metro Code 3.01.020 is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and the Regional Urban Growth Goals and Objectives (RUGGO). This section details a process, which is intended to interpret Goals 2 and 14 for specific application to consideration of lands to be added to the UGB. Compliance with this section constitutes compliance with ORS 197.298, statewide planning Goals 2 and 14 and the RUGGOs.

Metro Code 3.01.020(b) notes that, while all of the seven Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors would ignore obvious overlaps between them. Demonstration of compliance with one factor or sub-factor may not constitute a sufficient showing of compliance with the goal, to the exclusion of the other factors when making an overall determination of compliance or conflict with the goal. Generally, the consideration of the factors for legislative amendments is undertaken by Metro staff. In the case of the Beaverton School District request for consideration of its site in the current legislative amendment process, the School District undertook this work. Not all elements of the factors apply to the School Districts; these elements are noted as not applying. The School District has demonstrated the need for an additional school site and demonstrated that the priorities of ORS 197.298 have been followed and that the recommended site is better than alternative sites, balancing factors 3 through 7.

The seven factors to be addressed are included in Metro Code 3.01.020(b)(1)-(7)

FACTOR 1: Demonstrated need to accommodate long-range urban population growth [3.01.020(b)(1)].

(A) The district shall develop 20-year Regional Forecasts of Population and Employment, which shall include a forecast of net developable land need, providing for coordination with cities, counties, special districts and other interested parties, and review and comment by the public. This factor goes on to indicate how land needs are to be calculated, which necessary land for schools to be included in these calculations.

(B) The forecast and inventory, along with all other appropriate data shall be considered by the district in determining the need for net developable land. This factor goes on to indicate how Metro is to conduct this analysis.

(C) If the inventory of net developable land is insufficient to accommodate the housing need identified in the 20-year Regional Forecast at the actual developed density that has occurred since the last periodic review of the urban growth boundary, the district shall (this subsection goes on to describe the process Metro will follow to evaluate additional land need).

(D) For consideration of a legislative UGB amendment, the district council shall review an analysis of land outside the present UGB to determine those areas best suited for expansion of the UGB to meet the identified need.

(E) The district must find that the identified need cannot reasonably be met within the UGB, consistent with the following considerations:

- (i) That there is not a suitable site with an appropriate comprehensive plan designation.
- (ii) All net developable land with the appropriate plan designation within the existing UGB shall be presumed to be available for urban use during the planning period.

(iii) Market availability and level of parcelization shall not render an alternative site unsuitable unless justified by findings consistent with the following criteria:

(I) Land shall be presumed to be available for use at some time during the planning period of the UGB unless legal impediments, such as deed restrictions, make it unavailable for the use in question.

(II) A parcel with some development on it shall be considered unavailable if the market value of the improvements is not significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of infill and redevelopment will be developed by the district to provide a means to define what is significant when comparing structure value and land values. When a city or county has more detailed or current gross redevelopable land inventory data, for all or part of their jurisdiction, it can request that the district substitute that data in the district gross developable land inventory.

(III) Properly designated land in more than one ownership shall be considered suitable and available unless the current pattern or level of parcelization makes land assembly during the planning period unfeasible for the use proposed.

Beaverton School District: Staff Response

Factor 1 primarily sets forth requirements for Metro to undertake when evaluating regional land needs and future Urban Growth Boundary requirements. Metro is currently considering the entire UGB through periodic review and will make recommendations by the end of 2002 regarding where UGB expansions will occur to accommodate the anticipated 20-year need for urban land.

Metro has requested that the Beaverton School District provide information regarding the specific ten-acre site it wishes to bring into the UGB. Section III (Background) of this petition provides the technical documentation and findings on the need for an additional elementary school in the North Study Area, which satisfied MCC 3.01.020(b)(1)(B). Section III also provides an analysis demonstrating that the identified need for an elementary school cannot reasonably be met inside the UGB.

The analysis in Section III examines the potential for school sites within the UGB based on (1) parcels seven acres and greater (see Table 6) and (2) sites seven acres and greater comprised of several adjacent parcels ("aggregated sites" – see Table 7). The analysis did not rely on market availability or level of parcelization as criteria for site suitability, in compliance with Factor 1Eiii.

According to Factor 1Eiii, market availability and level of parcelization are not to render alternative sites unsuitable unless findings show that alternative sites (1) have deed restrictions; (2) have high improvement/building values relative to their land values; or (3) are located in areas where the current pattern or level of parcelization makes land assembly unfeasible. Per Factor 1Eiii(II), the analysis focused on parcels with building values of \$250,000 or less. By limiting the potential parcels to those with building values of \$250,000 or less, the parcels being examined are more realistic options, given that their building values are generally lower than their land values. The building value limitation is necessary to prevent effort spent on analyzing sites that would be nearly impossible to acquire and, therefore, impractical to develop.

Aggregation of parcels also must be analyzed through the lens of realistic alternatives. Aggregation of parcels can often be inefficient, in that it can require more time for acquisition and condemnation than does acquisition of one parcel. Per Factor 1Eiii(II), only parcels with building values of \$250,000 or less (each) were examined for potential aggregation.

Land patterns, or zoning districts, per Factor 1Eiii(III), were used as valid criteria for site suitability. Schools are not permitted in several zoning districts in Washington County, and several sites were ruled

out because they were located in inappropriate zones. The assumptions used for site suitability criteria in the analysis in Section III are in compliance with Factor 1E.

This analysis clearly demonstrates that there are no suitable sites in the UGB where student enrollment growth is driving the need for a new elementary school. This information satisfies the requirements of Factor 1E and ORS 195.110.

FACTOR 2: Need for housing, employment and livability. A proponent may choose to address either subsection (A) or (B) or both, as described below.

(B) To assert a need for a UGB because of a livability need, an applicant must:

- (i) factually define the livability need, including its basis in adopted local, regional, state, or federal policy;**
- (ii) factually demonstrate how the livability need can best be remedied through a change in the location of the UGB;**
- (iii) identify both positive and negative aspects of the proposed boundary amendment on both the livability need and on other aspects of livability; and**
- (iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.**

Beaverton School District: Staff Response

Factor 2A does not apply to this petition for UGB Amendment. The proposed amendment is for the siting of an elementary school and is not based upon housing or employment opportunities.

Factor 2B applies to this petition because the need for the UGB amendment is directly based on livability and the provision of public education services to the growing population in the Beaverton School District. Regarding the specific subsections of Factor 2B, the following findings are provided:

- ◆ The Beaverton School District is obligated to provide public education services to all residents within its boundaries. Because the Beaverton School District is classified as a "high growth district", it is required, by state statute (ORS 195.110) to prepare and adopt a School Facility Plan to identify school facility needs based on population growth projections. The District adopted the Facility Plan in June 2002. Elements of this Facility Plan will be incorporated into the Washington County and City of Beaverton Comprehensive Plans and will become land use planning policy.
- ◆ The Beaverton School District Facility Plan has identified the need for up to three new elementary schools in the District in the next five years. The Facility Plan indicates that at least one of these three schools needs to be located in the northern portion of the District, which includes the North Study Area, where significant population growth has occurred. Inclusion of the ten-acre parcel within the UGB will serve the documented need for an elementary school to serve enrollment in the northern portion of the Beaverton School District. As demonstrated in Section III, this need cannot be met inside the UGB, and must, therefore, be accommodated outside of the UGB. Also see ORS 195.110(8).
- ◆ The proposed UGB amendment will provide a positive benefit to the livability of residents in the District by offering additional school capacity in an area where existing schools are reaching or exceeding their enrollment capacities. Enrollment growth forecasts clearly indicate that there will be more demand for additional student capacity in the northern portion of the District. Absent new elementary school facilities in this area, existing schools will need to accommodate this growth. As this petition and the District's Facility Plan demonstrate, the existing schools serving the area are at or above capacity and, therefore, will be unable to accommodate the significant increases in enrollment projected for this portion of the District.

◆ Additional benefits of the UGB amendment include the provision of recreational and community space that will be provided when school is not in session (play fields, etc.) and the site's proximity to the Rock Creek Campus of Portland Community College. This proximity will provide the Beaverton School District and Portland Community College an opportunity to explore collaborative educational programs between the two campuses. Discussions have already occurred regarding potential opportunities to establish programs such as early childhood development, after-school daycare and/or activities and teacher aide programs.

◆ As land is included in the UGB, a change in the character of the land will occur. While this can be perceived as a negative impact associated with a new school, given the fact that the site is located next to an existing public educational institution (Rock Creek Campus of Portland Community College) the proposed use is already an established use in the area. A new elementary school will result in additional school buses and student access on the road system that will access the site via either the PCC Rock Creek Campus, NW Brugger Road, or an alternative appropriate route the school obtains via its condemnation authority. In the event that the access is via NW Brugger Road, some residents along NW Brugger Road may be affected by the increase in vehicle traffic (consisting of mostly school buses, teachers, and parents), more people would be impacted positively by the location of the school than impacted negatively by slight increase in traffic. The provision of public educational services in a growing community always involves tradeoffs, and the petitioner believes that the provision of adequate and accessible education outweighs the small number of potential additional vehicles on NW Brugger Road.

◆ When the positive and negative aspects of this proposal are balanced, the proposed school site will have a major positive benefit to the residents of the immediate area and the Beaverton School District by providing needed elementary school capacity to accommodate enrollment growth.

"LOCATIONAL" FACTORS

Having established the need for a UGB amendment based on factors 1 and 2, factors 3 through 7 require an analysis of other sites outside the UGB to determine if they are better alternatives for inclusion in the UGB than the BSD site, and whether any of the alternative sites can reasonably accommodate the identified need.

MC 3.01.030(b)(3)-(7) sets out factors and subfactors that must be considered and balanced for the alternative sites, and then compared to the subject site. The fundamental legal standard that must be addressed and satisfied is set out in MC 3.01.030(b), which provides:

"While all of the following Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors ignores obvious overlaps between them . . . factors 3 and 7 are intended to assist in the decision as to which site is **most appropriate** for inclusion within the boundary through a **balancing of factors** . . ."

(Emphasis added)

According to LUBA, factors 3 and 7 "set forth five considerations that must be balanced in deciding where to expand the urban growth boundary. The goal of that process is to determine the 'best' land to include within the UGB, based on appropriate consideration and balancing of each factor." *1000 Friends v. Metro*, 38 Or LUBA, 565, 584 (2000) ("Ryland I"), *aff'd as modified*, *1000 Friends v. Metro*, __ Or App __, __ P3d __ (May 31, 2001) ("Ryland II"). The Oregon Court of Appeals has made clear that the factors and subfactors relevant to the alternative site analysis are not independent approval criteria, but rather, the less demanding standard is that each of them be considered and balanced. The court stated: "... the locational factors are not independent approval criteria. It is not necessary that a designated level of satisfaction of the objectives of each of the factors must always be met before a local government can justify a change in a UGB. Rather, the local government must show that the factors were 'considered' and balanced by the local government in determining if a change in the UGB for a particular area is

justified. It is within a local government's authority to evaluate the Goal 14 factors and exercise its judgment as to which areas should be made available for growth. *Branscomb v. LCDC*, Or App 738, 743, 699 P2d 1192 (1983), *aff'd* 297 Or 142, 681 P2d 124 (1984)."

Ryland II, 3.

The Court of Appeals has emphasized the importance of the balancing process for UGB amendment by explaining, "[t]he purpose of Goal 14 is to allow a local government to evaluate the seven factors and to exercise its judgment as to which areas should be available for urban growth in the most orderly, economic manner with the least adverse consequences." *Branscomb v. Land Conservation and Development Commission*, 64 Or App 738, 699 P2d 1192, 1195 (1983), *aff'd* 297 Or 142, 681 P2d (1984).

FACTOR 3: Orderly and economic provision of urban services. Consideration of this factor shall be based upon the following [3.01.020(b)(3)]:

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other properties outside the subject property proposed to be brought into the boundary.

(B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this would mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area, which could be served by the extension of an existing route rather than an area, which would require an entirely new route.

Beaverton School District: Staff Response

The proposed site for the elementary school will promote both orderly and economic provision of urban services because (1) the site is located adjacent to the UGB, and (2) the site is located adjacent to a similar use (Portland Community College, Rock Creek campus), and will require similar types of services.

The following service providers were contacted regarding this proposal: Clean Water Services, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue, Washington County Sheriff, and Tri-Met (see Service Provider Letters, Appendix).

Sanitary Sewer: The site can be serviced by the existing sanitary sewer system via gravity service (see Figure 8). Sanitary sewer service is available approximately 2,000 feet south of the site near the intersection of NW Springville Road and NW Samuel Drive. The existing sanitary sewer service consists of an 8-inch pipe, which drains directly into a 21-inch Clean Water Services (CWS) mainline. According to CWS, the existing system has capacity to serve development on the BSD site, likely via an extraterritorial line extension.

Storm Drainage: No costs would be required to service this site with storm drainage facilities. Stormwater detention will not be required for the development of the BSD site, per the Gossamer Hills Preliminary Water Quality/Water Quantity Stormwater Report, prepared by CES/NW, Inc. and dated July 20, 2000. CES/NW analyzed the downstream flow to a point approximately 660 feet downstream of the site and found all existing storm facilities to this point to have capacity adequate to convey the increased

flows from development up to 50 acres. There are no streams or floodplains located on the BSD site. Stormwater quality treatment facilities can easily be constructed on site at a minimal cost with no required off-site improvements. Treatment facilities can consist of ponds or biofiltration swales.

Water: Efficient water service can be provided to this site. Water service is available approximately 1,500 feet south of the site in NW Springville Road. Pressures from the existing facilities will be adequate to serve the site with domestic and fire protection flow. The Tualatin Valley Water District supports the petition (see Figure 9).

Schools: The use of the ten acres as an elementary school site will provide the surrounding area with a needed elementary school facility as supported by the Beaverton School District Facility Plan 2002. Though the school's primary purpose would be education, the school would also provide the surrounding neighborhood with a community focal point and recreational space.

Parks and Recreation: Development of the site as an elementary school will include play fields and other areas for use by both students and the general public. The school is intended to not only provide the area with a needed elementary facility to accommodate increasing enrollment, but is also intended to serve as a community focal point and gathering place for the neighborhood. The Tualatin Hills Park and Recreation District (THPRD) was contacted regarding the provision of park and recreation services to the BSD site. THPRD has not yet commented on service to this site. According to an Intergovernmental Agreement between the Beaverton School District and THPRD, the sharing of facilities between THPRD and the Beaverton School District is encouraged. The Beaverton School District works closely with THPRD to make their facilities available for parks and recreation programs.

Fire and Life Safety: Fire and rescue services are available to the site. TVFR has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations. As mentioned previously, water pressure would be adequate to serve the site with water for fire protection purposes.

Police: The site is serviceable by police. The Washington County Sheriff supports the petition.

Transit: According to Tri-Met, the site can be served by Tri-Met's Line 67 (30 minute peak hour frequencies), and Tri-Met does not foresee a need to implement additional service changes. Tri-Met recommends that the development of a school on the site should be well-integrated with the community as a community amenity.

Transportation: The size and operation of the elementary school has not yet been determined, and, therefore, a traffic study has not yet been prepared. The site has access to NW Brugger Road. Discussions are under way with Portland Community College to determine if a potential access easement would be available to access the site from Springville Road. A different alternative route could also be explored, if necessary, which could be obtained via the Beaverton School District's condemnation authority.

The Bethany Community Plan and the Gossamer Hills Master Plan, which were both approved by Washington County, support the development of an elementary school on the BSD site. Both of these plans provide for the servicing of the school site with transportation and other public facilities. Washington County has already reviewed the infrastructure plans to serve the site, and has approved the development application. If the Gossamer Hills area were to be included in the UGB, the plans for access to the school would be in place.

This information satisfies the requirements of Factor 3.

FACTOR 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. Consideration of this factor shall be based on the following [3.01.020(b)(4)]:

(A) That the subject site can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

Beaverton School District Response

The elementary school will benefit the neighborhood by serving the growing population in the northwestern portion of the Beaverton School District, an area where there are no existing elementary schools in close proximity to students. The BSD site is located adjacent to an educational use, the PCC-Rock Creek campus. The proximity of the two educational facilities provide the Beaverton School District and Portland Community College the unique opportunity to explore collaborative educational programs between the two campuses. Discussions have already occurred regarding potential program opportunities. The proximity of these two educational facilities is one unique advantage that the BSD site has over other potential sites.

The use proposed for the BSD site, an elementary school, will be developed with features of an efficient urban growth form and will be integrated into the urban fabric of the neighborhood. The site will be accessible by bicyclists and pedestrians, and pedestrian and bicycle facilities would be designed for accommodating students and teachers traveling to and from school, as well as community members seeking recreational or extra-curricular opportunities while school is not in session. The school would have safe and adequate bicycle parking, and the site is serviceable by transit. The site size (ten acres) meets the guidelines for elementary school site size recommended in the Beaverton School District Facility Plan (7-10 acres), and, therefore would maximize utilization of land. The school will meet educational, recreational, and public gathering space needs of the community.

Although other sites outside the UGB could potentially be developed with urban growth forms similar to those possible on the BSD site, there is no reason to believe that another site could be more efficient than the BSD site (see Table 8). Many of the other potential sites outside the UGB have environmental constraints or odd configurations, which detract from efficiency of land development. Some potential sites (#5 and #9) are too large, and would require the purchase of over 20 acres of excess property, which is inefficient in terms of the use of public money and facility decision-making.

Potential sites within the UGB (see Tables 6 and 7) have zoning or environmental constraints, or are too close to existing elementary schools. Locating an elementary school too close to another elementary school (e.g. within one mile) is an inefficient distribution of educational facilities and would create attendance boundary issues. The BSD Site is located over 1.5 miles from the nearest elementary school, and, therefore, would contribute to a better distribution of educational benefits among the community.

The Bethany Community Plan and the Gossamer Hills Master Plan, which were both approved by Washington County, support the development of an elementary school on the BSD site. Both of these plans provide for the servicing of the school site with transportation and other public facilities. Washington County has already reviewed the infrastructure plans to serve the site, and has approved the development application. If the Gossamer Hills area were to be included in the UGB, the plans for provision of a mix of uses and multi-modal transportation service would be in place.

(B) The proposed amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with adopted local comprehensive and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Beaverton School District: Staff Response

The BSD site is located immediately adjacent to the UGB and to an existing educational use. The Beaverton School District Facility Plan recommends siting a new elementary school in the northern portion of the Beaverton School District, which includes the North Study Area. The Facility Plan is consistent with existing local community plans which support the elementary school use in this location. In 1999, Washington County amended the Bethany Community Plan portion of the comprehensive plan to designate the school site and surrounding area (the "Gossamer Hills" area) as appropriate for an urban use. (Ordinance No. 546 and Resolution and Order No. 99-186; October 1999). The Bethany Community Plan identifies the Gossamer Hills site, which includes the school site, as "Area of Special Concern #2" and includes a series of design elements for the area to guide future urban development. Included in the design elements is the following language:

Area of Special Concern No. 2 encompasses land located east of the PCC Rock Creek Campus and north of Springville Road. This area was included within the regional Urban Growth Boundary (UGB) by action of the Metro Council in 1999. Consistent with the conditions of that action, the following provisions shall apply to new development in this area:

f) Prior to commencement of development in the area, the developer shall provide the opportunity for the Beaverton School District to acquire up to 10 acres of land on the development site for an elementary school.

Following adoption of this language the Gossamer Hills Master Plan was approved by Washington County (Casefile 00-601-M; July 2001). This Master Plan included the ten-acre site and identified it as a future school site. Following Master Plan approval, the County approved a Property Line Adjustment creating the ten-acre site (Casefile 01-399-PLA; October 2001). The zoning on the property, as shown on current Washington County records, is R-9. Elementary schools are permitted in this zoning district. The Bethany Community Plan and the Gossamer Hills Master Plan, which were both approved by Washington County, support the development of an elementary school on the BSD site. Both of these plans provide for the servicing of the school site with transportation and other public facilities. Washington County has already reviewed the infrastructure plans to serve the site, and has approved the development application. If the Gossamer Hills area were to be included in the UGB, the plans for provision of a mix of uses and multi-modal transportation service would be in place. If approved, the Gossamer Hills site will be developed in an efficient urban form, in conformance with the Gossamer Hills Master Plan.

The Washington County Comprehensive Framework Plan for the Urban Area includes the following policies and implementation strategies that address school facilities:

POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:

It is the policy of Washington County to work with service providers, including cities and special districts, and the Portland Metropolitan Area Boundary Commission, to insure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Implementing Strategy:

1. Enter into intergovernmental agreements with high growth school districts which are consistent with ORS 195.020 and ORS 195.110, and which contain at a minimum the following items:

- 1. An explanation of how objective criteria for school capacity in the District's school facility plan will be used by the County;*
- 2. School District involvement with the County's periodic review; and*
- 3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing. These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.*

POLICY 30, SCHOOLS:

It is the policy of Washington County to coordinate with school districts and other educational institutions in planning future school facilities to ensure proper location and safe access for students.

Implementing Strategies

The County will:

- a. Include as an element of the Resource Document of the Comprehensive Plan, the School Facility Plans adopted by high growth school districts pursuant to ORS 195.110. The County will also provide notice to the affected high growth school district when considering a plan or land use regulation amendment that affects school capacity.*
- b. Include in the Community Development Code the opportunity for school districts to review and comment on all development proposals subject to the growth management standards.*
- c. Include in the Community Development Code clear and objective criteria regarding the location and design of educational facilities. Such criteria will address pedestrian, bicycle and vehicle access, the means to ensure compatibility of the facility with surrounding uses and consistency with the applicable Community Plan.*
- d. Encourage the re-use of school buildings when such facilities are removed from use by the school district.*

The Comprehensive Plan also states that Washington County and school districts should coordinate regarding school facility placement, future development potentially affecting school facilities, and safety. The Comprehensive Plan policies and implementation strategies above primarily focus on Washington County's coordination with administrative districts, and school districts in particular. As stated in Policy 30, Implementation Strategy A, the County is to include School Facility Plans adopted by high growth school districts pursuant to ORS 195.110 (e.g. Beaverton School District) as part of the Resource Document of its Comprehensive Plan. The Objective Enrollment Capacity Criteria contained in the District's Facility Plan will be adopted into the County's Community Development Code. The Beaverton School District Facility Plan identifies a need for an elementary school in the northern portion of the Beaverton School District, contains an analysis of the northern portion of the Beaverton School District, notes that the Northern Study Area lacks adequate elementary school site options, and states that the BSD site is well positioned to serve the growing student enrollment demand in the northern portion of the District in the next five years, with or without any expansions for residential development to the UGB in the area. This petition supports the conclusions presented in the Beaverton School District Facility Plan and the Washington County Comprehensive Plan.

FACTOR 5: Environmental, energy, economic and social consequences. An evaluation of this factor shall be based upon consideration of at least the following [3.01.020(b)(5)]:

Attachment 1 to Staff Report to Ordinance No. 02-984

Page 9 of 15

(A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

Washington County's Comprehensive Plan identifies and maps "significant natural resources," which include minerals, water areas and wetlands, wildlife habitat, fish habitat, scenic resources, significant natural areas and historic and cultural resources. The BSD site does not contain any resources or hazards subject to special protection identified in the Washington County Comprehensive Plan.

(B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no economic opportunity analysis, one may be completed for the subject land.

Beaverton School District: Staff Response

No adverse economic impacts are expected to occur as a result of the development of an elementary school on the subject site. Economic impacts would primarily be positive, the most significant including the provision of education for future productive members of society. Other economic benefits would include job creation for teachers, staff, and administration, as well as the generation of need for food services, construction, maintenance, and other services.

(C) The long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site shall be identified. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

Beaverton School District: Staff Response

Long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site would not be significantly more adverse than consequences resulting from siting an elementary school on the alternative sites.

Environmental Impacts. As stated previously, the site does not contain any resources or hazards subject to special protection identified in the Washington County Comprehensive Plan. In 1999, EnviroScience, Inc. prepared a Natural Resource Evaluation and Protection Plan for Site #65, which included the subject BSD site. This Plan confirmed that the ten-acre site does not require any special environmental mitigation. A majority of the potential sites outside the UGB (see Table 8) have environmental constraints, such as streams, floodplains, or steep terrain. The lack of environmental resources or hazards on the BSD site means that locating an elementary school in this location would have less environmental impact than locating on one of the sites with environmental constraints.

Energy Impacts. Increases in energy usage as a result of the approval of this petition would primarily be due to heating, cooling and lighting needs for the elementary school building and vehicles and school buses traveling to and from the site. However, these energy impacts would be comparable regardless of where the school is sited, although traveling to sites 6-8 would trigger more vehicle miles traveled for students because of the distance between these sites and the student population. In order to mitigate energy usage resulting from transportation, the school will be designed to accommodate and encourage pedestrian, bicycle, and transit usage. It may be possible to obtain an easement for pedestrian and bicycle usage (and potentially vehicle usage) through one of the parcels between the subject site and Springville Road, or to obtain access via eminent domain. The approved Gossamer Hills Master Plan includes such

connections. The location of this site adjacent to the UGB will minimize energy usage with regard to many services. Energy use on-site will be addressed as development plans progress.

Economic Impacts. As discussed in the response to Factor 5B, economic impacts resulting from the development on the subject site would be positive.

Social Impacts. The social impacts resulting from the siting of a school would be overwhelmingly positive. Education is one of the foundations for productive, civic-minded members of society. The construction of a new school in the North Study Area is necessary to prevent overcrowding from the expected continued population growth in the area. In addition to benefits for the students themselves, the school would offer the community a place for congregating for community events or extracurricular activities, such as athletic events or civic organizations. The new school would also serve the neighborhood by providing open space for recreation and exercise. As mentioned previously, there are no known historical or archaeological resources located on the site. If during construction such resources are discovered, development will comply with appropriate federal and state regulations.

These environmental, energy, economic, and social impacts are no more adverse for the BSD site than for other potential sites. With regard to environmental impacts, this site is preferable because it has no significant environmental features. Economic and social impacts are positive, based on the nature of the school facility and its location near the population it is intended to serve. Energy impacts related to building needs and maintenance are no different than on any other site. Energy impacts related to transportation will be minimized through the provision of adequate transit, pedestrian, and bicycle facilities. The Beaverton School District is exploring opportunities to access the site via an agreement with PCC. Other transportation access options include a route acquired by powers of eminent domain, or via NW Brugger Road.

FACTOR 6: Retention of agricultural land. This factor shall be addressed through the following [3.01.020(b)(6)]:

(A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:

- (i) Expansion on rural lands excepted from statewide planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment. The smallest amount of land necessary to achieve improved efficiency shall be included;**
- (ii) If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by the state, should be considered;**
- (iii) If there is not enough land as described in either (i) or (ii) above, to meet demonstrated need, secondary agricultural resource lands, as defined by the state should be considered;**
- (iv) If there is not enough land as described in either (i), (ii) or (iii) above, to meet demonstrated need, primary forest resource lands, as defined by the state, should be considered;**
- (v) If there is not enough land as described in either (i), (ii), (iii) or (iv) above, to meet demonstrated need, primary agricultural lands, as defined by the state, may be considered.**

Beaverton School District: Staff Response

Factor 6 establishes a hierarchy for including sites in the UGB to meet a demonstrated need. In this case, the demonstrated need is for a site of at least seven acres that meets the District's site selection criteria. In accordance with ORS 195.110(8), the District identified the BSD site as being the most appropriate site to meet the demonstrated need. The alternative sites cannot meet the demonstrated need because of

impediments such as environmental and topographic constraints, proximity to existing elementary schools and site size and configuration problems. See Figure 7 and Table 8 in Section III.

The alternative sites that are designated exception areas include site numbers 2, 6, 7 and 8. Although these exception sites are preferred in the Factor 6 hierarchy, it is appropriate to consider lower ranked agricultural land for inclusion in the UGB because the exception lands cannot meet the demonstrated need. Specifically, sites 6-8 are located in Multnomah County and are too distant from the students that need service. These sites are further impeded by steep terrain, stream and environmental constraints. Site 2 cannot meet the demonstrated need because of its proximity to existing elementary schools in the eastern portion of the Study Area and topographic and stream/environmental constraints.

Based on their designation in Washington County's Comprehensive Plan, the BSD site and the remainder of the alternative sites analyzed are considered primary agricultural lands under the Factor 6 hierarchy. As such, these sites and the BSD site have equal priority for inclusion in the UGB under Factor 6. Although these sites are equally ranked, the BSD site can best meet the demonstrated need. The primary constraint for the alternative sites is their size and configuration. Specifically, site 4 is too narrow to accommodate all of the needed elementary school facilities, and sites 5 and 9 are too large for the needed school, so utilizing these sites would require the District to purchase excess property. Sites 1 and 3 are also too large for the elementary school, and also include stream and environmental constraints.

As discussed above, Factor 6 must be balanced with the other locational factors to determine which site is most appropriate for inclusion in the UGB (MC 3.01.030(b)). Based on the demonstrated need and for a site of at least seven acres that meets the District's site selection criteria, the BSD site is the most appropriate site under Factor 6. This finding is consistent with the District's identification of the BSD site as being the most appropriate site to meet the demonstrated need, in accordance with ORS 195.110(8).

(B) After urban reserves are designated and adopted, consideration of factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

Beaverton School District: Staff Response

This factor is not applicable. Per a January 2000 Court of Appeals ruling, Urban Reserves have ceased to exist.

(C) After urban reserves are designated and adopted, and a proposed amendment is for land not wholly within an urban reserve, the petition must also demonstrate by substantial evidence that the need cannot be met within urban reserves.

Beaverton School District: Staff Response

This factor is not applicable. Per a January 2000 Court of Appeals ruling, Urban Reserves have ceased to exist.

FACTOR 7: Compatibility of proposed urban development with nearby agricultural activities [3.01.020(b)(7)].

(A) The record shall include an analysis of the potential impact on nearby agricultural activities including, but not limited to, the following:

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site;

(ii) **An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land, as well as the impact on the local agricultural economy.**

Beaverton School District: Staff Response

The proposed elementary school will have little if any effect on agricultural activities within one mile of the subject site or the agricultural economy in the area. The subject site itself is currently vacant, and not being used for agricultural purposes. Therefore, the inclusion of these ten acres of land inside the UGB would not reduce the amount of productive farmland. The urbanization of the land south of Springville Road has already created the majority of impacts possible on farming in the North Study Area.

A Farming Practices Report was prepared for Site 65 at Bethany in 2000. The subject site was previously part of Site 65. The Report was prepared with the assistance of Clifford Joss, a farmer with 60 years of experience farming in the North Study Area and Keith Fishback, a farmer with 20 years of experience farming in the area. The Report identified the current farm usage within one mile of Site 65, which included the BSD site. According to the Report, there is not enough contiguous land in the one-mile area to support full time farming. Within the one-mile radius, some small farms exist that grow grain, wheat, red clover, grass, and grass seed, oats, Christmas trees, nursery stock and pasture. Many parcels also include single-family dwellings. According to the Report, the average parcel size of EFU land that is farmed in this area is smaller than 30 acres, which is too small for viable farming. As noted in the Report, the farms are too small for farmers to make a living wage. The largest parcel in the area belongs to Portland Community College (247 acres) and is located within the UGB. All farming in this area is dryland farming, and requires no taking of water from other uses.

The majority of farms within a one-mile radius of the site are not accessed by Brugger Road, a proposed access road for the elementary school site. Similarly, farm traffic does not utilize the interior PCC roads, the other proposed access for the BSD site. Therefore, conflicts would be minimized. There is urban housing development along the south side of Springville Road, and the largest farms are located along the west side of 185th Avenue, well-separated from the subject site. According to the Farming Practices Report, most slow-moving farm traffic uses West Union Road, US 26, or 185th Avenue. The Report states that trips to and from farms are concentrated around certain times of the year (typically during the summer when school is not in session), and, therefore, any conflicts between farm vehicles and trips to the school would occur sporadically rather than on a regular basis. Many of the potential conflicts between farm vehicles and other vehicles already exist based on current development patterns. The addition of an elementary school to the area would make little difference in terms of traffic flow.

3.01.020(c) The requirements of statewide planning Goal 2 will be met by addressing both the criteria in section 3.01.020(b), above, and by factually demonstrating that:

- (1) The land need identified cannot be reasonably accommodated within the current UGB; and**
- (2) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts; and**
- (3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas than the proposed site and requiring an exception.**

Beaverton School District: Staff Response

This petition meets the requirements of Section 3.01.020(b) as discussed in the previous responses, and satisfies the three criteria listed in this section of the Metro Code, as follows:

- (1) As discussed in the Introduction to this petition and as determined in the Beaverton School District Facility Plan, there is an identified need for an elementary school in the northern portion of the Beaverton School District (North Study Area) to serve the growing population in this area. As discussed in response to Section 3.01.020.b.1(e) and in the Introduction to this petition, there are no adequate sites for an elementary school in the UGB within the North Study Area. Sites which are large enough either have environmental constraints or are located in extremely close proximity to the other two elementary schools in the North Study Area, which is not as preferable as locating the school closer to the population it is intended to serve (the western portion of the North Study Area). It is best to distribute schools evenly through a community to achieve neighborhood benefits and provide neighborhood schools. Potential aggregation of land into sites at least 7 acres also does not produce adequate sites due to environmental constraints, proximity to existing elementary schools, or odd site configuration.
- (2) The proposed use of the BSD site is an elementary school, which is compatible with adjacent land uses. The BSD site is located adjacent to the PCC-Rock Creek campus, another educational use. As discussed in the response to Section 3.01.02.b.2, this proximity will provide the Beaverton School District and Portland Community College an opportunity to explore collaborative educational programs between the two campuses. The BSD site is also located near existing residential land uses, which will help foster a sense of community ownership. Design measures such as landscaping will be incorporated into the school's site plan during the development review process in accordance with Washington County code.
- (3) As discussed in the response to Section 3.01.02.b.5, Long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site would not be significantly more adverse than consequences resulting from siting an elementary school in other areas.

3.01.020(d) The proposed location for the UGB shall result in a clear transition between urban and rural lands, as evidenced by its use of natural and built features, such as roads, drainage divides, floodplains, power lines, major topographic features, and historic patterns of land use or settlement.

Beaverton School District: Staff Response

The proposed UGB amendment would maintain a clear transition between urban and rural lands, as it is located adjacent to the UGB. The BSD site would be used for an elementary school, and would be located directly east of the Portland Community College (PCC) Rock Creek Campus. The elementary school use would be compatible with the existing educational use (the PCC campus). The proposed addition does not include any islands of non-urban land. The site is large enough to incorporate landscaping or buffering requirements that will be applied during the development review process.

3.01.020(e) Satisfaction of the criteria in section 3.01.020(a) and (b) does not mean that other statewide planning goals do not need to be considered. If the proposed amendment involves other statewide planning goals, they shall be addressed.

Beaverton School District: Staff Response

There are no additional statewide goals that apply to this petition.

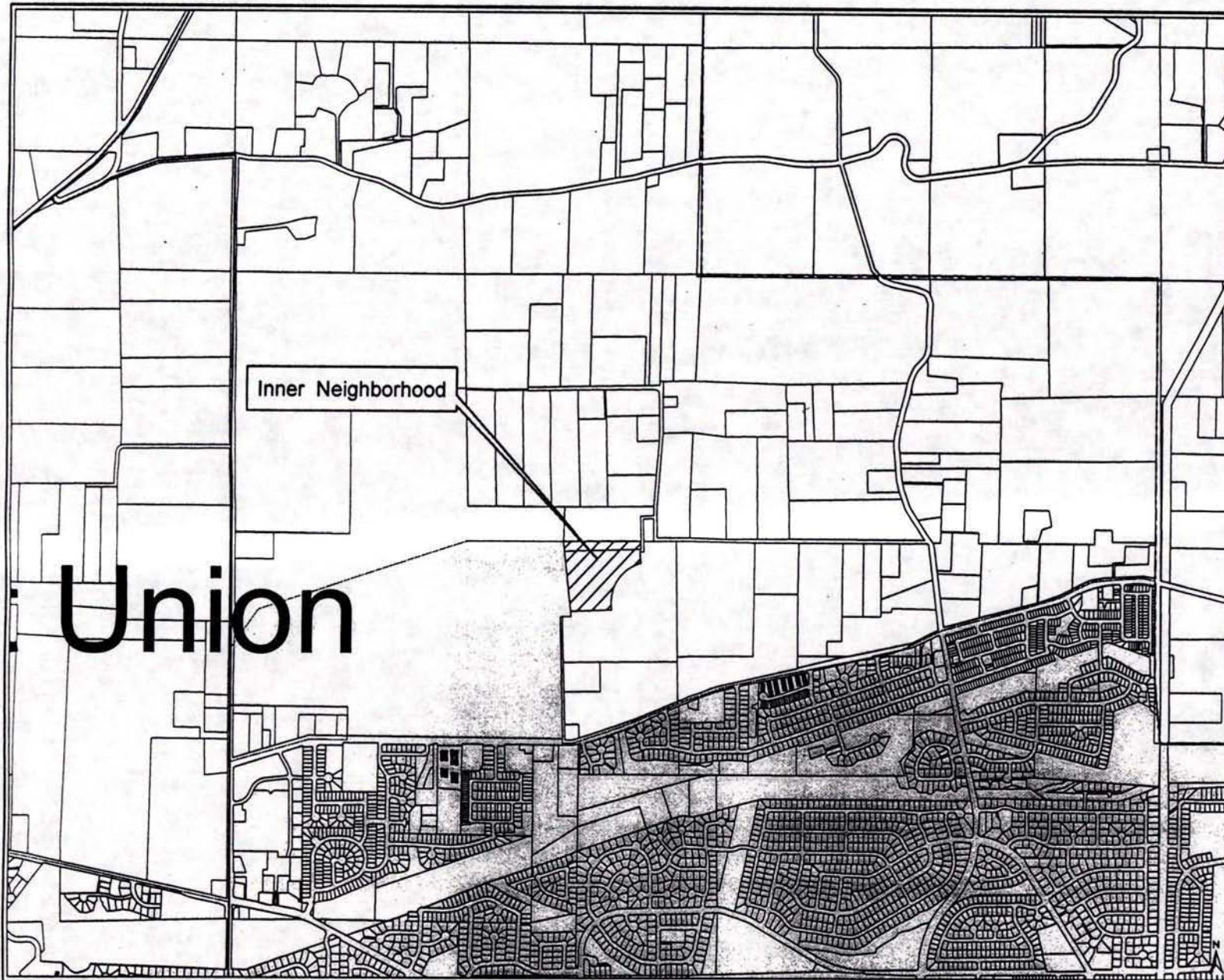
Attachment 1 to Staff Report to Ordinance No. 02-984

Page 14 of 15

3.01.020(f) Section 3.01.020(a), (b), (c) and (d) shall be considered to be consistent with and in conformance with the Regional Urban Growth Goals and Objectives.

Beaverton School District: Staff Response

As demonstrated in the responses to Sections 3.01.020(a-d), this petition for UGB Amendment is in conformance with the Regional Urban Growth Goals and Objectives.



R L I S
REGIONAL LAND INFORMATION SYSTEM

2040 Growth Concept Map

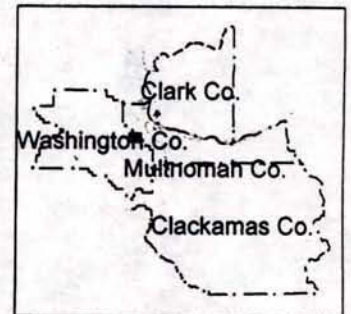
Proposed Designations

Ordinance 02-984 A

Design Types

- Industrial
- Regionally Significant Industrial Areas (Proposed)
- Employment
- Town Center
- Corridor

The information on this map was derived from digital data provided by Metro's GIS. Data were taken in the creation of this map. Metro cannot assume any responsibility for errors, omissions, or inaccuracies. There are no warranties, expressed or implied, including the accuracy of information or fitness for a particular purpose. Assurances of this period. However, publication of this map is not guaranteed.



Location Map



METRO DATA RESOURCE CENTER
800 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 FAX (503) 797-1809
drc@metro.or.us | www.metro-region.org

Agenda Item Number 7.4

Ordinance No. 02-985A, For the Purpose of Amending the Metro Urban Growth Boundary in the Vicinity of the City of Forest Grove by adding and deleting an Equivalent Amount of Land.

Second Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 02-985A
METRO URBAN GROWTH BOUNDARY IN)
THE VICINITY OF THE CITY OF FOREST)
GROVE BY ADDING AND DELETING AN) Introduced by Community Planning Committee
EQUIVALENT AMOUNT OF LAND; AND)
~~DECLARING AN EMERGENCY~~)

WHEREAS, the Metro Council provided notice for and conducted workshops and hearings consistent with the legislative process provided for in the Metro Code and state law to consider an amendment to the Metro Urban Growth Boundary ("UGB"); and

WHEREAS, as a part of that process, the City of Forest Grove submitted a proposed UGB LAND SWAP PROPOSAL dated June 24, 2002 for consideration of a proposed amendment to expand and withdraw land from the existing UGB; and

WHEREAS, the proposed amendment was deliberated and discussed by the Metropolitan Planning Advisory Committee and included as a part of the overall expansion recommendation to the Metro Council; and

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives including the City of Forest Grove; 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, the 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 the testimony prior to making this decision; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro UGB is hereby amended to include property identified in Exhibit A and to exclude property identified in Exhibit B in order to address a specific transportation problem within the City of Forest Grove that will allow for the efficient development of vacant lands within the existing UGB and will create a clear distinction between urban and rural uses.
2. The UGB LAND SWAP PROPOSAL prepared by the City of Forest Grove and dated June 24, 2002, as provided in Exhibit C and the ALTERNATIVES ANALYSIS in Exhibit E is hereby adopted in support of the amendments to the UGB.
3. The Findings of Fact and Conclusions of Law in Exhibit D, attached and incorporated into this ordinance, explain how the UGB LAND SWAP PROPOSAL demonstrates that the amendments to the UGB in Exhibit A and B comply with the Metro Code, state law and the Regional Framework Plan.

Exhibit A
Ord. No. 02-985 A

City of Forest Grove



Urban Growth Boundary

Area to be added
to the UGB

Highway 47

NW McKibbin Rd

Current
UGB

Hartford Dr

Porter Rd

Forest Grove

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

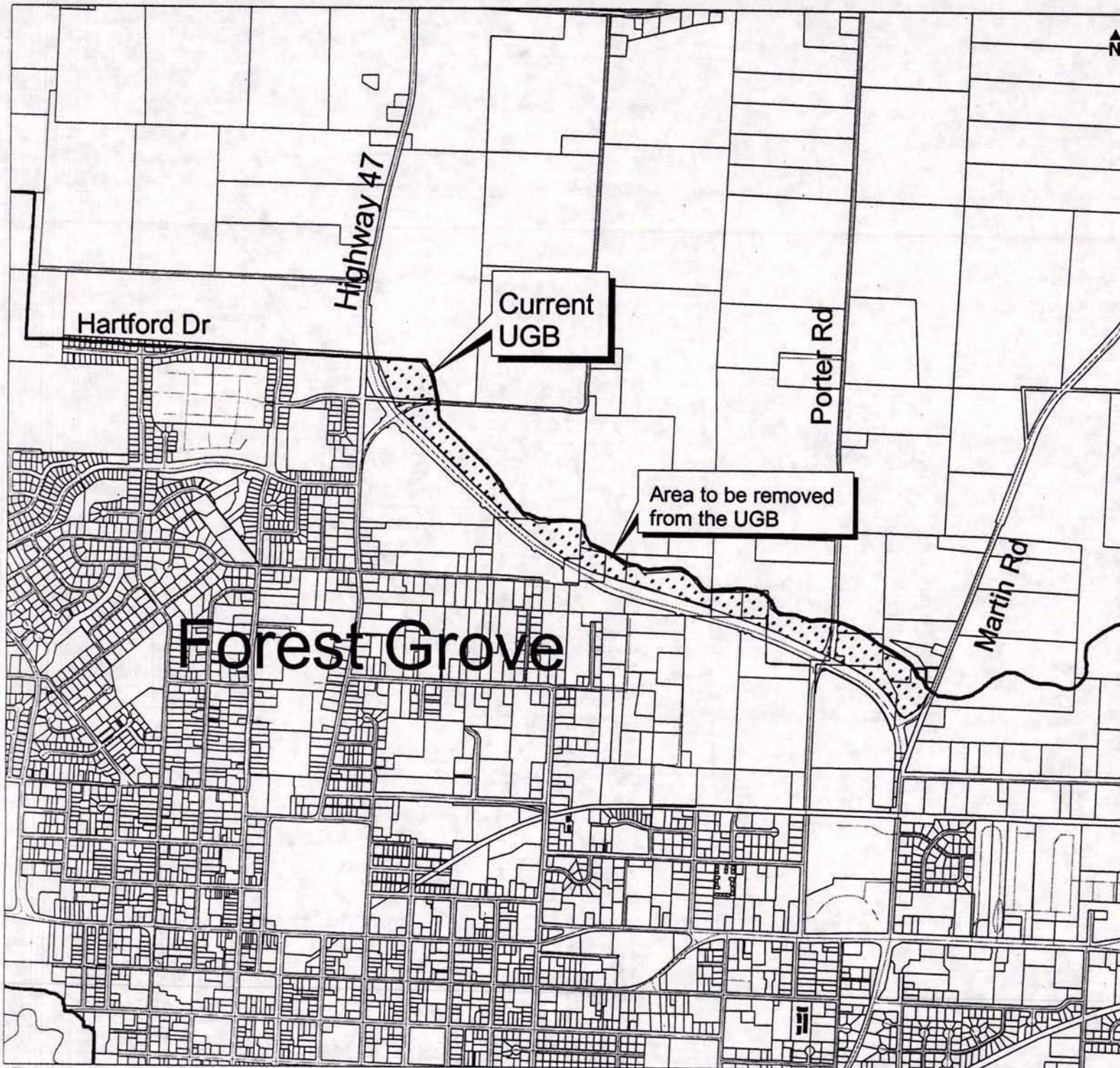
0 500 1000 1500 2000 Feet

1"= 1384 feet



METRO

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



R L I S

REGIONAL LAND INFORMATION SYSTEM

Exhibit B Ord. No. 02-985 A

City of Forest Grove

 Urban Growth Boundary

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

0 500 1000 1500 2000 Feet

1" = 1500 feet



METRO

600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: drc@metro.dst.or.us

UGB LAND SWAP PROPOSAL

City of Forest Grove
June 24, 2002

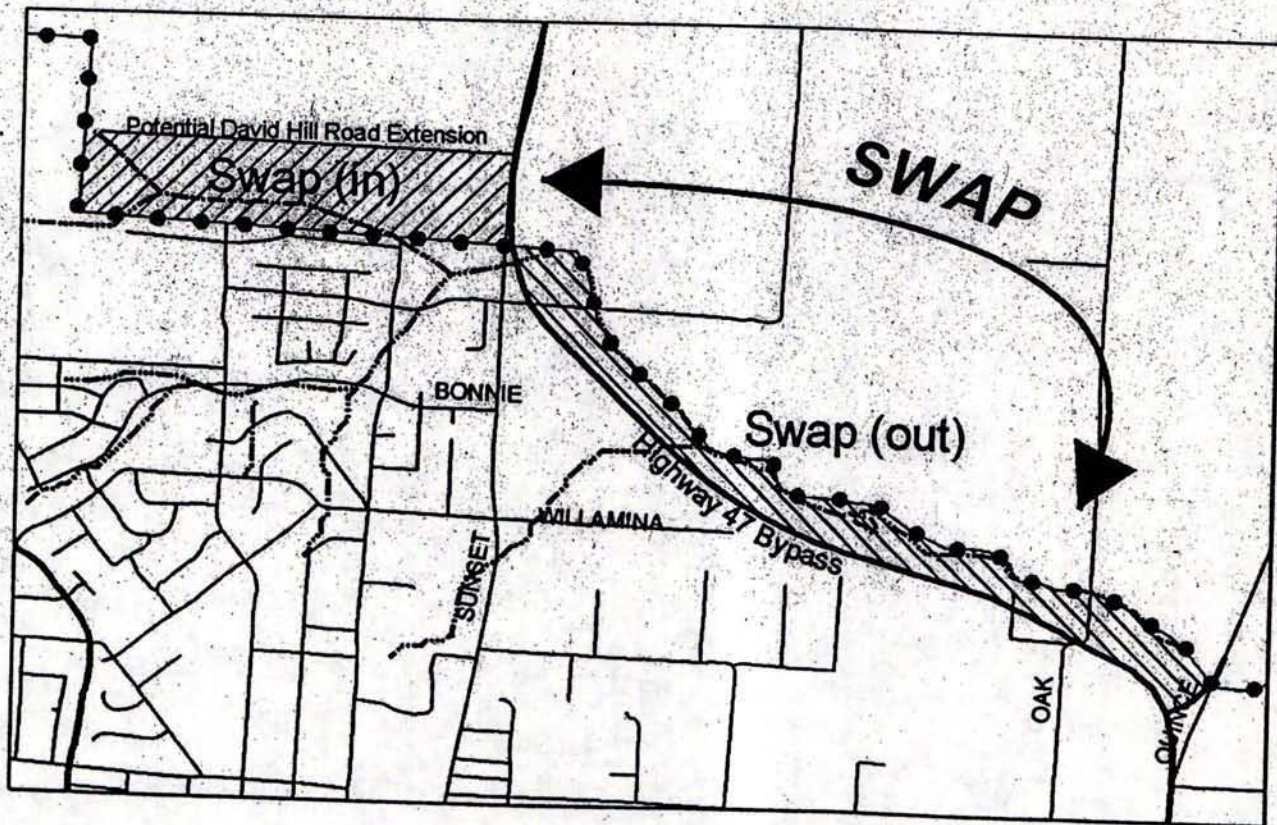


TABLE OF CONTENTS

	<u>Page Number</u>
Executive Summary	i
Section 1 – State and Metro Regulatory Framework	1
Section 2 – Land Use Implications.....	3
Section 3 – Soil Classifications	6
Section 4 – Transportation Implications.....	8
Section 5 – Environmental Implications	13

Document prepared by the City of Forest Grove, Community Development Department staff.
For questions contact either:

Jon Holan
Community Development Director
(503) 992-3224
jholan@ci.forest-grove.or.us

or

Jeff Beiswenger, AICP, Senior Planner
(503) 992 – 3226
jbeiswenger@ci.forest-grove.or.us

EXECUTIVE SUMMARY

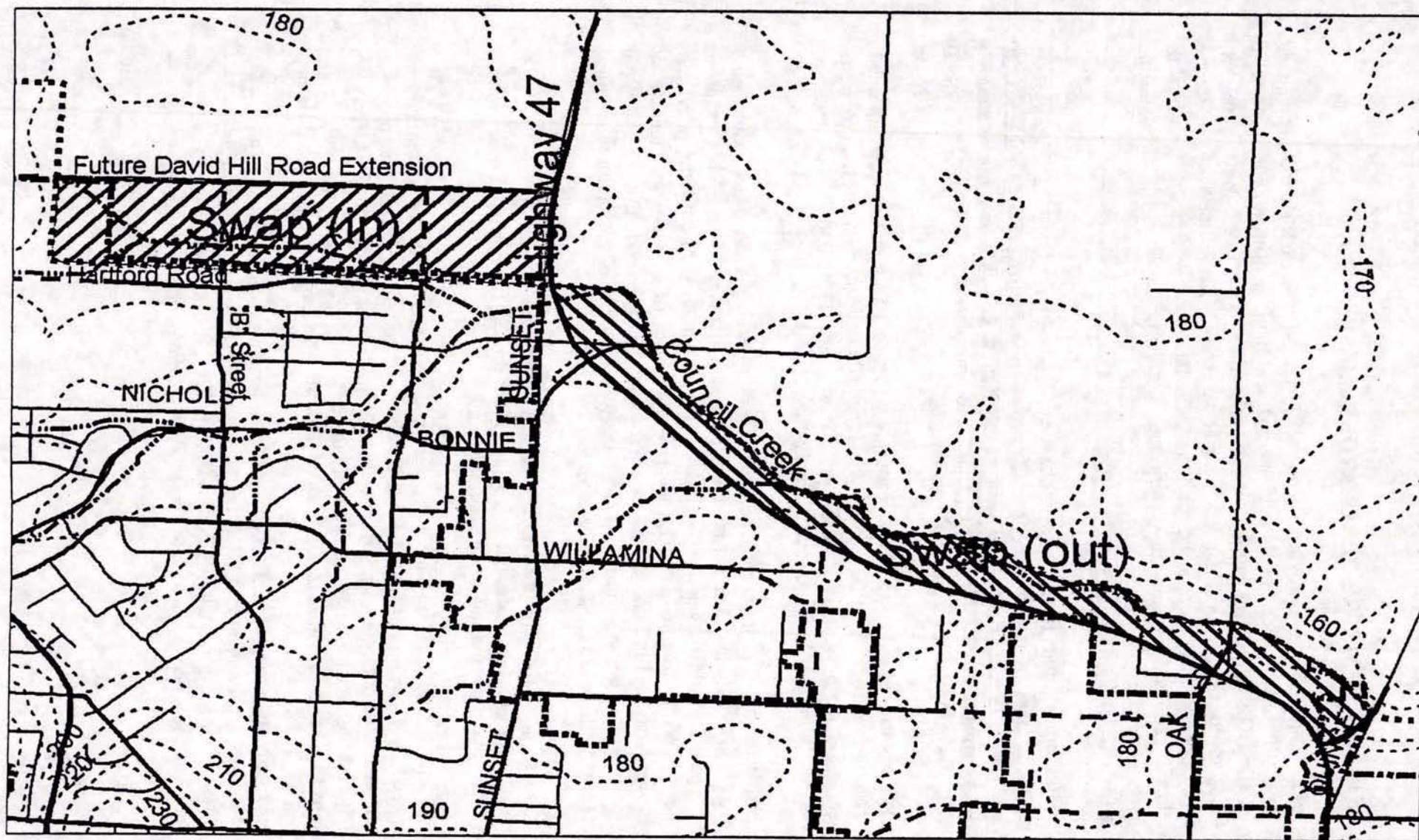
The City of Forest Grove has identified two areas of equal size north of Forest Grove for inclusion in a UGB land swap (Figure 1). The northern expansion of the City is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from land zoned for Exclusive Farm Use (EFU) in Washington County. While this separation is important to protect valuable farmland, the current delineation of the boundary aggravates efficient urban expansion of Forest Grove.

Forest Grove is proposing a land swap at this time to coincide with Metro's current periodic review. As a result of periodic review, UGB recommendations will be made by Metro staff in late 2002 and we hope to have this land swap included. Outside of periodic review, a land swap of this nature would most likely be unsuccessful due to the EFU land found north of the City.

As illustrated on Figure 1, the land proposed to be removed (Swap (out)) is a 62.1 acre area between the Highway 47 bypass and Council Creek. The land proposed to be added (Swap (in)) is a 59.9 acre area immediately north of the current City limits between Thatcher and Highway 47. The proposed UGB land swap provides the following advantages:

- **Allows for a necessary transportation connection.** The UGB land swap is critical to the development of an adequate east-west roadway system in Forest Grove. The swap would allow the extension of David Hill Road to Highway 47, which would have a number of significant transportation benefits.
- **Maintains land supply for jobs.** Thirty-seven acres of the Swap (out) area is currently in the industrial comprehensive plan designation. This land is essentially unusable for this purpose. The swap would provide for the same amount of industrial land in a usable configuration. This would be accomplished by designating the Swap (in) area primarily for residential purposes and redesignating residential land adjacent to existing industrial areas for industrial development.
- **Facilitates efficient extension of public utilities.** The swap would allow the efficient extension of water, sanitary sewer and storm sewer systems through the Swap (in) area. The topography of the site slopes from west to east. Therefore, the Swap (in) would improve the City's ability to extend storm water and sanitary sewer systems. A needed water main could also be extended. In direct contrast, utility extensions in the Swap (out) area would be expensive and inefficient, and would induce growth in an environmentally sensitive area.
- **Protects natural resources.** The current UGB delineation conflicts with the protection of wetland and riparian resources along Council Creek. About 77% of the Swap (out) land area, due to its location along Council Creek, contains a natural resource area (as determined by Metro's Goal 5 analysis).
- **Maintains productive soils.** Neither the Swap (in) nor Swap (out) area contains Class 1 soils – considered the most suitable for farmland. However the Class 2 and 3 soils found in both areas are considered valuable for agriculture production. If the UGB was not present the Swap (out) would likely be classified as EFU based on the quality of soils.

Figure 1 – Location of UGB Land Swap Areas



SECTION 1 – STATE AND METRO REGULATORY FRAMEWORK

Both the State of Oregon and Metro provide a regulatory framework for considering expansions to the Urban Growth Boundary. The State's land use goal and implementing statutes provide for the expansion of the UGB while protecting land for agriculture production. Metro provides a variety of methods to consider a UGB land swap. This section will outline why the City of Forest Grove feels it is necessary to proceed with the UGB land swap at this time and how the proposal helps the City address State land use requirements, in particular Goal 14 - Urbanization.

Metro Options for a UGB Land Swap

The Metro Code has three options to allow the exchange of land within a UGB for land outside a UGB: a minor adjustment; a major amendment; or part of a Metro periodic review UGB expansion. Forest Grove is proposing a land swap at this time to coincide with Metro's current periodic review. As a result of periodic review, UGB recommendations will be made by Metro staff in late 2002 and we hope to have this land swap included.

Outside of periodic review, a land swap of this nature would most likely be unsuccessful due to the exclusive farm use land found north of the City. City staff's understanding of the criteria for minor adjustments and major amendments in the Metro Code (3.01.030) makes potential adjustments to the UGB north of Forest Grove unlikely outside of the Periodic Review process:

- **Minor Adjustment.** The proposed land swap would meet 6 of the 7 criteria outlined in the Metro Code (3.01.035). The net land area change is less than 20 acres, in fact the net change proposed would *reduce* the City's UGB by 1.2 acres. Public facility provisions would be less costly to provide. The swap would result in no adverse impacts, and would in fact have positive impacts on the environment and the economy. The swap is consistent with 2040 growth concept. Due to the predominance of agriculture land north of Forest Grove, the swap does not meet Criteria 7:

“(7) If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is currently designated for agriculture or forestry pursuant to a statewide planning goal.”

- **Major Amendment.** Based on City staff interpretation of the major amendment criteria, the proposed land swap could not be processed under this procedure. The proposed UGB amendment is extremely important to the City of Forest Grove, but it is likely not have sufficient regional significance to satisfy the criteria. Also, the criteria indicate that expansions should occur within the legislative (Periodic Review) process when possible.

The current Metro legislative amendment process to consider the expansion of the UGB is the best opportunity to consider the proposed UGB land swap. As expressed throughout this report, the issue is of critical concern to the City of Forest Grove. The proposal needs to be considered at this time to add critically needed land into the UGB and remove land which should not be urbanized.

State Goal 14 - Urbanization

The State of Oregon land use goals provides a framework for UGB decisions. The intent of State Goal 14: Urbanization, is to provide for an orderly and efficient transition from rural to urban land use. The goal outlines a set of criteria to follow when boundary changes are considered:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agriculture land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
7. Compatibility of the proposed urban uses with nearby agriculture activities.

The proposed UGB land swap is in conformance to the Goal 14 criteria for UGB change. Note that the City is not requesting an increase acreage within the UGB, but a swap to use land outside and within the UGB more efficiently. The land swap will satisfy the Goal 14 criteria as follows:

- **Maintains land supply for housing and jobs.** The Swap (out) area is essentially unusable for efficient use for residential or commercial development. The Swap (in) area is more suitable for development and satisfies Goal 14 criteria 1 and 2.
- **Allows for efficient extension of public infrastructure and utilities.** The Swap satisfies Goal 14 criteria 3. The UGB land swap is critical to the development of an adequate east-west roadway system. The swap would allow the efficient extension of water, sanitary sewer and storm sewer systems through the Swap (in) area. In direct contrast, utility extensions in the Swap (out) area would be expensive and inefficient, and would induce growth in an environmentally sensitive area.
- **Efficient Use of Land.** The land swap satisfies criteria 4 and 5 of Goal 14. The land swap will result in a more efficient land use pattern due to the favorable location and configuration of the Swap (in) area compared to the location and configuration of Swap (out). Also the environmental, energy, economic and social consequences referred to in criteria 5 will be more favorably addressed with the land swap.
- **Protects natural resources.** The current UGB delineation conflicts with the protection of wetland and riparian resources along Council Creek. Over 77% of the Swap (out) land area, due to its location along Council Creek, contains a Title 3 or a Goal 5 resource.
- **Maintains productive soils.** Neither the Swap (in) nor Swap (out) area contains Class 1 soils – considered highly suitable for agriculture production. However the Class 2 and 3 Soils found in both areas are considered valuable for agriculture production. If the UGB was not present the Swap (out) would likely be classified for exclusive farm use (EFU) based on the quality of soils present. Therefore the land swap would essentially be an "EFU for EFU" swap.

SECTION 2 – LAND USE IMPLICATIONS

A primary purpose of the land swap is to maintain a similar amount of land for residential and industrial development purposes. This would be accomplished by shifting Comprehensive Plan designations onto land that can be more effectively used for development.

The City is particularly concerned about the supply of land for industrial development. The 37 acres of land in Swap (out) designated for industrial development is essentially unusable for this purpose. The swap would allow the City to designate areas within the Swap (in) area primarily for residential purposes and redesignate existing residential zoned land adjacent to existing industrial areas for industrial development purposes. Under this strategy the City would retain the same amount of industrial and residential land in a usable configuration for development.

Table 1: Acres within each Comprehensive Plan Designation

Comprehensive Plan Designation	Acres
General Industrial	20.76
Light Industrial	16.16
Low Density Residential	6.60
Medium Density Residential	8.02
Total	51.54

(remaining acres in street right-of-way)

Existing land uses

A distinction between Swap (out) and Swap (in) is the level of public versus private ownership (see Table below). Swap (out) is 83.5% publicly owned, while the Swap (in) area is 16.6% publicly owned. Most of the land in Swap (out) was acquired by Washington County as part of the Highway 47 bypass project, which was completed in 2000.

Table 2: Public versus privately owned land in swap areas

	Public Owned	Private Owned
Swap (out)	83.5%	16.5%
Swap (in)	16.6%	83.4%

The Swap (out) area contains 21 parcels – with 16 owned by Washington County. Washington County is actively attempting to sell some of these properties, which are surplus from the Highway 47 project. The City of Forest Grove owns one 2.0 acre parcel, which was formerly used by the Public Work Department for composting fall leaves and other woody debris. The site is no longer used for this purpose and is now vacant. Four of the properties are privately owned. Three parcels have single family homes and the fourth parcel is used for agriculture.

The Swap (in) area contains a large 49.1 acre parcel, which is mostly vacant, with a single family dwelling fronting Highway 47 on the east side. The parcel has been used in past for agriculture. The area also contains a 0.5 parcel with a single family home; a 40 foot wide County right-of-way; a 6.9 acre portion of a parcel owned by Forest Grove School District; and a 0.4 acre corner of a larger parcel.

Land Use Benefits of Approach

The existing and potential land use conditions of Swap (out) suggest that it should be removed from the UGB. The area is highly fragmented and significantly constrained by natural resources (see "Environmental Implications", and cut-off from Forest Grove by a major regional highway (see "Transportation Implications"). Most of Swap (out) is currently under public ownership due to the bypass project, reducing the feasibility of development for the few remaining private property owners.

The Swap (in) area is ideally suited for development. The area is fairly flat and the majority of the land is developable. The property will lend itself to an efficient development pattern, reducing the need for Forest Grove to add land in other locations in the future.

SECTION 3 – SOIL CLASSIFICATIONS

The northern expansion of the City of Forest Grove is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from land zoned for Exclusive Farm Use (EFU). While this separation is important to protect valuable farmland, the current delineation of the boundary aggravates efficient urban expansion of Forest Grove.

The current delineation has limited justification from a soil quality, agriculture and natural resource protection stand point. Both the land proposed for removal from the UGB (Swap (out)) and land proposed to be added (Swap (in)) have similar soil characteristics. The proposed swap would result in a level of resource protection superior to the resource protection from the current UGB delineation.

The proposed land swap would result in an essentially one-to-one trade of high quality land of identical soil types. Land removed from the boundary (Swap (out)) has the characteristics to be zoned for exclusive farm use (EFU zone) and the irregular configuration and environmental limitations of Swap (out) make the area almost completely unusable for urban development. Much of the land within Swap (out) is currently used for agricultural purposes. The continuation of agriculture use or open space preservation would be appropriate due to the high soil quality and existence of natural resources in the area.

Underlying the entire City of Forest Grove are soils well suited for agricultural use. A review of the soil class map indicates that Class 2 and Class 3 soils comprise 94 percent of the land area within the Forest Grove UGB. Hypothetically, if the City was not built at this location, the entire land area could be use for agricultural purposes and soils may qualify for the EFU land classification because of the high quality. From a soil class perspective, there is no difference between land within the Forest Grove UGB and land outside this boundary and the original delineation was clearly not based on the location of higher and lower priority soils. The proposed UGB land swap would trade high quality soils for high quality soils and would be consistent with the original spirit of the UGB delineation for the City.

Note that none of the land within Swap (in) or Swap (out) is classified as Class 1 soils – the most productive soil type. Both the Swap (in) and Swap (out) areas have a mixture of Class 2 and Class 3 soils (Table 3). The soil types found in both these areas are considered highly desirable for agriculture purposes. The land area to be added to the UGB (Swap (in)) is 61.8% Class 2 and 38.2% Class 3. The land area to be removed from the UGB is 45.2% Class 2 and 54.8% Class 3.

Table 3
Percentage of Land Area by Soil Class in UGB Land Swap Area

<i>Soil Class</i>	<i>Swap (in)</i>	<i>Swap (out)</i>
2	61.8%	45.2%
3	38.2%	54.8%

SECTION 4 – TRANSPORTATION IMPLICATIONS

The current configuration of the UGB to the north and west of Forest Grove creates significant transportation problems for the community, which will become particularly apparent as vacant land within the existing UGB is developed. Without the proposed UGB land swap, Forest Grove would be faced with transportation impacts that extend well beyond the swap area (see Figure 1). The Transportation System Plan specifically calls for a high quality collector or arterial facility between Highway 47 and Thatcher to serve the northwest sector of the city. As the UGB is currently delineated, this connection is difficult, if not impossible due to regulatory and fiscal constraints of building a road in an area outside the UGB.

Over 590 acres of developable vacant land is available in the northwest quadrant of the City (west of Thatcher Road and north of Gales Creek Road). Over 310 acres of this land is north of David Hill Road. Currently the only direct east-west connection in Forest Grove is Gales Creek Road to Pacific Avenue. The Forest Grove Transportation System Plan, adopted in 1999, projected the number of total households expected in this portion of the community in the year 2020 (Table below). According to this estimate, a total of 2,124 households could be expected in the northwest portion of the community in 2020, an increase of 1,358 households from 1994.

Table 4: Expected Households in Northwest Forest Grove

Location	TAZ	1994 Households	2020 Households
North of David Hill / West of Thatcher	1330	2	305
South of David Hill / North of Gales Creek / West of Thatcher	1331	333	908
North of Nichols / East of Thatcher	1328 & 1326	84	387
South of Gales Creek / West of "E" Street	1325	347	524
Total		766	2124

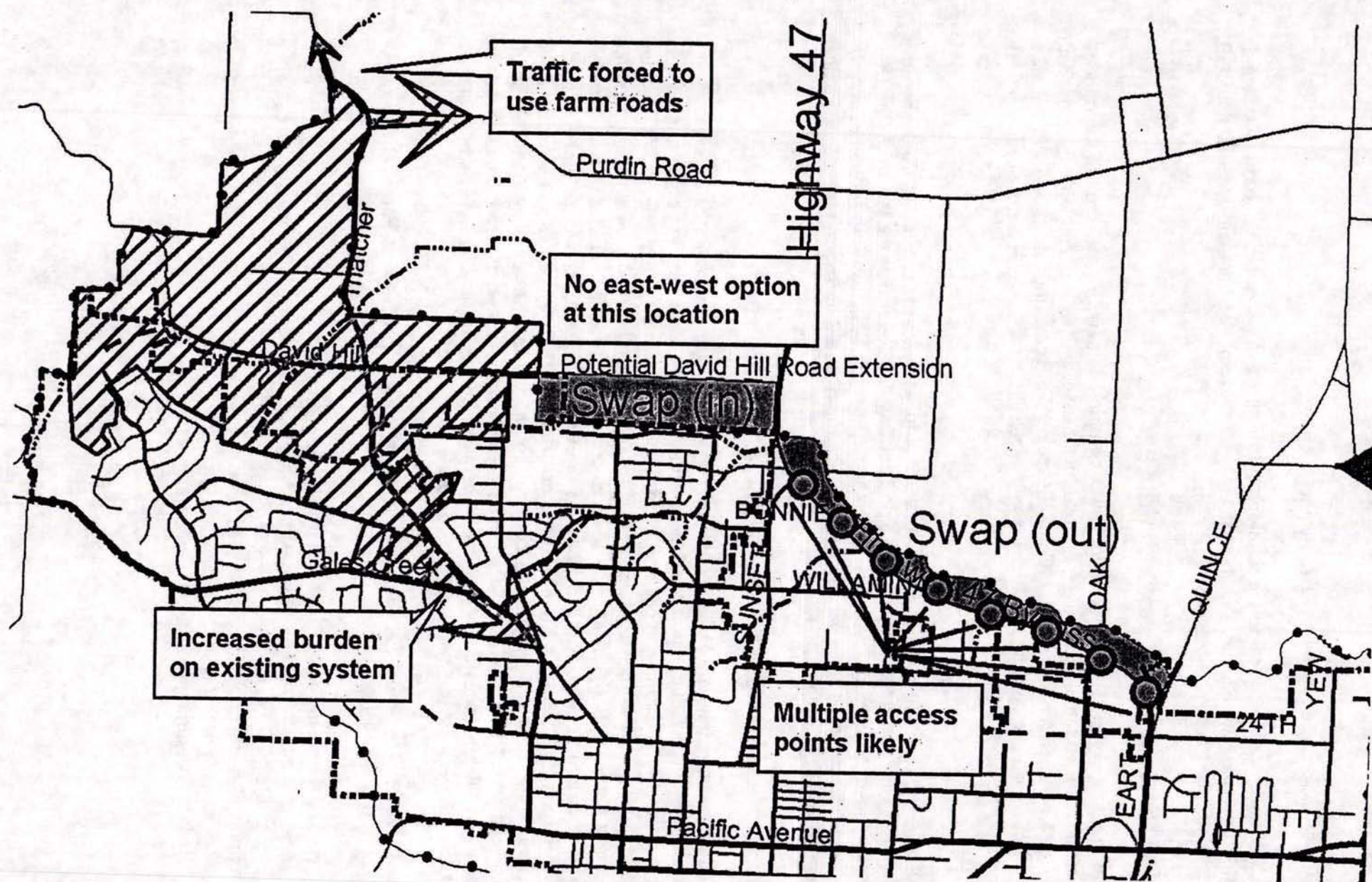
Transportation issues faced by the community without the David Hill Road extension include:

- **Congestion on existing east-west connections within City.** Without the transportation improvement related to the Swap, Pacific Avenue and other arterials, collector and local roads would experience a significant increase in congestion. The 1999 Forest Grove Transportation System Plan indicates that a connection between David Hill and Thatcher would carry a forecasted daily volume of 5,000 to 8,000 vehicles. Without this road these vehicle would find other less desirable routes. Some of these routes would likely include traffic cutting through existing and planned residential areas, which would degrade the character of these neighborhoods.
- **Heavy commuter traffic on County farm roads.** County farm roads and intersections are not designed to handle the high urban levels of traffic which would result from future development in the Forest Grove UGB. Purdin Road, a narrow paved road in the County north of the City, would experience a significant increase in traffic. Forest Grove residents living in the western portion of the community are already using this road. Without the Swap, Purdin Road would remain the only viable option for northbound traffic from the west Forest Grove area. Purdin road has a narrow pavement width (less than 28 feet) and currently has only a stop sign at the Highway 47 intersection. High volumes of traffic would create congestion and safety concerns.

- **Strip development potential along Highway 47.** The land proposed to be removed from the UGB currently forms a narrow band of land sandwiched between Highway 47 to the southwest and Council Creek to the northeast. The Highway 47 bypass completed in 2000 created these parcels, as property was acquired for the road right-of-way. If the County is successful in selling their surplus property, the nature of development along this stretch would likely be strip commercial on shallow parcels with numerous access points along Highway 47. A frontage road is not feasible due to the narrow dimensions. The development of these parcels, with multiple curb cuts would result in traffic conflicts and degradation of Highway 47 mobility objectives.

The diagram on the following page (Figure 1) illustrates the transportation issues which result from the current UGB configuration. Traffic from the northwestern quadrant of the community has limited east-west options. The hatched area of Figure 1 represents approximately 590 undeveloped or underdeveloped acres. The additional vehicle trips created from this future development would have only two options, which are represented by the large arrows on Gales Creek/Thatcher and Purdin Road. Under the current UGB configuration the area labeled Swap (in) on this map, represents a major missing piece of the roadway system.

Figure 1 – Transportation Problems without UGB Land Swap



Benefits of UGB Land Swap on the Transportation System

The UGB land swap is critical to the development of an adequate east-west roadway system in Forest Grove. In fact, both components of the swap, land removed from and added to the UGB, would benefit the transportation system.

Benefits of Removing Land Northeast of Highway 47

The north portion of the Highway 47 bypass was completed in 2000. One result of the right-of-way acquisition was the creation of narrow lots between 200 feet and 400 feet in depth sandwiched between the highway and Council Creek. Wetlands, floodplains and wildlife areas further limit the development potential these parcels and exacerbate access. Removing this narrow strip of land (Swap (out)) from the UGB would have a positive impact on the road network.

If property within Swap (out) is allowed to develop as planned, the result would be strip development with numerous access points onto Highway 47. Removing the land from the UGB would eliminate the need for curb-cuts along the north side of Highway 47 and could actually improve the effectiveness and safety of the road system. Figure 2 illustrates the reduced number of potential access point onto Highway 47.

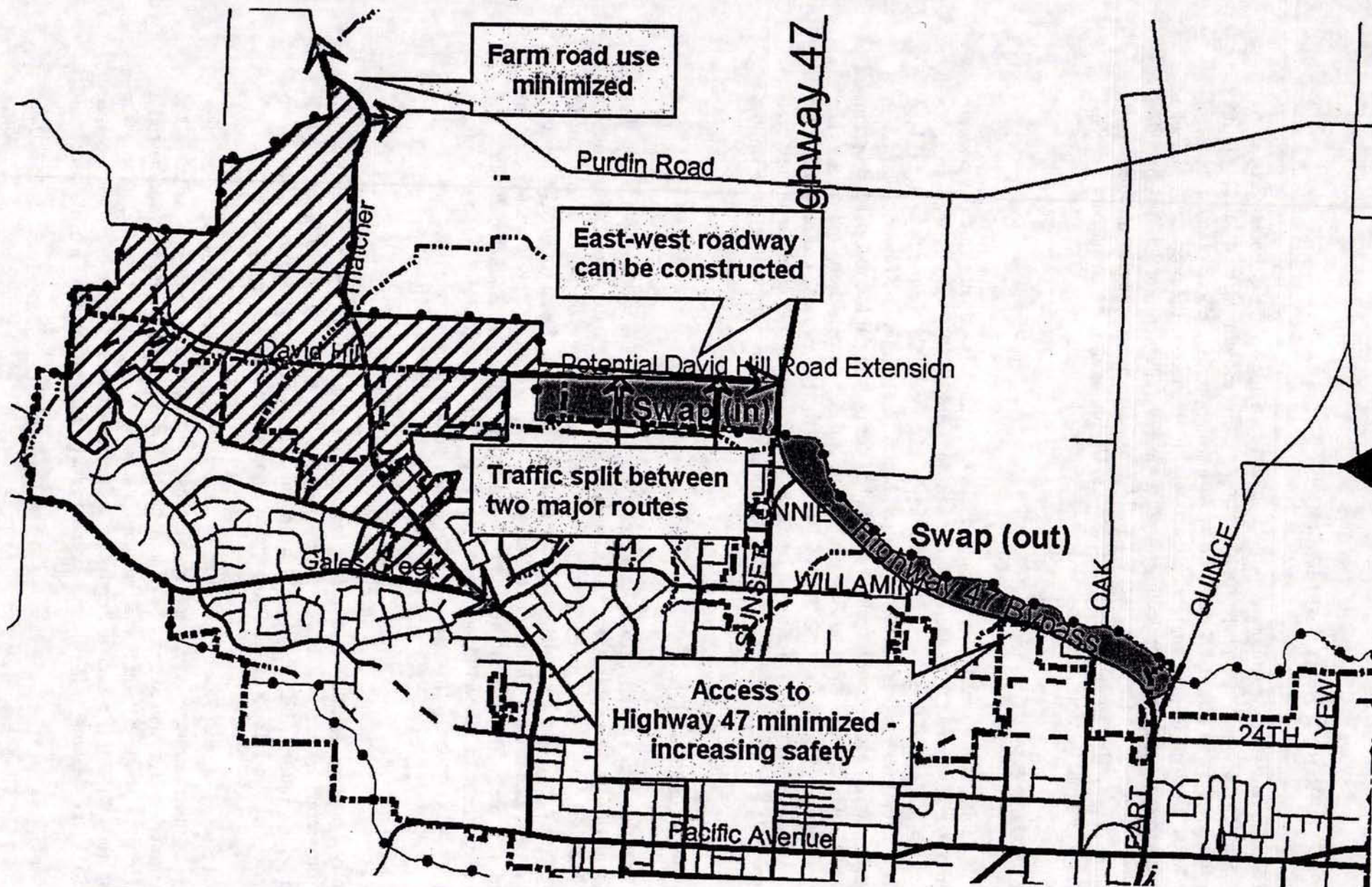
Benefits of Adding Land Between Thatcher and Highway 47

The current configuration of the UGB creates a disjointed transportation system, which essentially disconnects a large portion of the community from the regional transportation system and funnels east-west traffic onto one arterial roadway within Forest Grove - the Pacific Avenue/ 19th Avenue couplet and one Washington County road - Purdin Road. Four general areas in west Forest Grove with significant future development potential drain traffic into the existing roadway system: north of David Hill Road (310 developable acres); between Gales Creek and David Hill roads (280 acres); south of Gales Creek Road (130 acres); and east of Thatcher Road (120 acres). The 1999 TSP projected 2,124 total households in these areas by 2020. At build-out, the number of household would be even higher with dramatic impacts on the roadway system. The TSP indicates that a connection between David Hill and Thatcher would carry a forecasted daily volume of 5,000 to 8,000 vehicles.

The UGB land swap would help reduce transportation impacts in west Forest Grove in the following ways (see Figure 2):

1. Allows the extension of David Hill Road to Highway 47.
2. Allows connection of collector road system north to the David Hill extension to complete the grid network in the area.
3. Reduces pressure on the existing road network.
4. Reduces use of County farm roads.
5. Reduces cut-through traffic on local streets.

Figure 2 - Transportation Pattern with Swap



SECTION 5 – ENVIRONMENTAL IMPLICATIONS

The proposed UGB land swap would better protect natural resources north of Forest Grove. As discussed earlier in this report, the swap would retain a similar amount of land for agriculture production – both the Swap (in) and Swap (out) areas have approximately the same acreage of high quality soils. In terms of riparian, wetland, and wildlife resources, the proposed land swap would be much more effective in protecting these resources. The current UGB delineation conflicts with the desire of the City to protect Council Creek. Under the proposal this area would be removed from the UGB. The land to be added to the UGB contains some riparian resources, but significantly less than the area to be removed.

Natural Resources in Swap (out)

The quality of habitat is high in the Swap (out) area, due to the wide, linear, and downstream characteristic of the area, creating an ideal environment for wildlife. The current UGB includes a 1.5 mile stretch of Council Creek. Adjacent to the Creek, about 77% of the Swap (out) land area contains a natural resource as identified on draft Metro Goal 5 maps. About 51% of Swap (out) contains a natural resource with “primary value” as defined by the Metro Goal 5 program. The Highway 47 bypass project further fragmented and isolated parcels along the creek. The combination of natural resources and the fragmentation from the Highway 47 project make these parcels almost completely unusable for urban land uses. More appropriate land use for this area would be preservation as open space or the continuation of the agricultural uses on the properties.

Natural Resources in Swap (in)

The Swap (in) area has a small riparian resource running along the southern boundary that consumes about 13% of the total land area. This area is considered to have a “primary” value as defined by Metro’s Goal 5 study. The size of this resource is several orders of magnitude smaller than the Council Creek riparian and wetland resource area in Swap (out). The location of this riparian resource in Swap (in) suggests that it could be protected as development occurs to the north of the site. The riparian resource found in Swap (in) is a smaller habitat and development near the resource would have much less impact than development in the Swap (out) area, which is a wider downstream creek area with larger wetland and riparian resources.

Goal 5 Criteria

Metro recently completed an analysis of natural resources in the Portland Metro area as part of the Goal 5 program. Natural resources were mapped and classified by Metro based on their relative value for wildlife habitat. The result from this Metro study relevant to the land swap areas are summarized in Table 5 on the next page and mapped on page 15.

Metro’s Goal 5 analysis scored each resource area or “patch” based on five characteristics: size; connectivity to other resource areas; species richness; proximity to water; and whether the habitat is an interior versus an exterior or edge habitat. If a natural resource patch possessed a primary value for a single criteria it was assigned a score of “6”. For a secondary value, the patch was scored a “1”. If the patch did not possess the characteristics of the criteria it received a score of “0.” For example, if a particular patch had excellent species richness, excellent

connectivity, but was fairly small, it would be scored a "13" – 6 points for species richness, 6 for connectivity and 1 for size.

Table 5 – Goal 5 Resource Areas
(% of total land area in Swap areas based on criteria score)

<i>Wildlife Value</i>	<i>Score</i>	<i>Swap (in)</i>	<i>Swap (out)</i>
<i>Good</i>	<i>1 – 5</i>	<i>29.6%</i>	<i>16.4%</i>
<i>Very Good</i>	<i>6 – 11</i>	<i>12.1%</i>	<i>9.5%</i>
<i>Excellent</i>	<i>12 – 30</i>	<i>12.9%</i>	<i>51.3%</i>
	<i>Total</i>	<i>54.6%</i>	<i>77.2%</i>

Table 5 summarizes the land area within each swap area based on the score received from the Goal 5 criteria analysis. In short, the higher the score the more valuable the resource area is for wildlife habitat. The scores "1 - 5" indicate that the resources received all secondary value ratings, and therefore provide a good habitat for wildlife. A score of "6 – 11" indicates a primary value rating in one category, a very good habitat for wildlife. A score of "12 to 30" indicates at least two and potentially five primary value ratings, with as many as five primary value ratings, an excellent habitat for wildlife.

Benefits of the UGB Land Swap

The UGB land swap would lead to more effective protection of environmental resources in north Forest Grove. The majority of the Swap (out) area – over 51%, contains environmental resources considered by Metro's Goal 5 analysis to serve a primary function for wildlife. In comparison, only 13% of the Swap (in) area provides a primary function for wildlife. The location and small size of the riparian resource in Swap (in) would better allow it to be protected under a development scenario.

Ordinance No. 02-985 A
EXHIBIT F

Conditions

- A. The city or county with land use planning responsibility for a study included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan section 3.07.1120 for the area.
- B. The city or county with land use planning responsibility for an area brought into the UGB shall apply the 2040 Growth concept design types shown on Exhibit C of this ordinance to the planning required by Title 11 for the study area.
- C. The city or county with land use planning responsibility for an area included in the UGB shall apply interim protection standards in Metro code Title 11, UGMFP, section 3.07.1110, to the study area.
- D. No urbanization may occur in this area until the alignment of the David Hill Road connection with the Highway 47 bypass is determined and adopted as part of the City's TSP.

STAFF REPORT

CONSIDERATION OF ORDINANCE 02-985 FOR THE PURPOSE OF AMENDING METRO'S URBAN GROWTH BOUNDARY TO REMOVE 62.1 ACRES FROM THE BOUNDARY AND ADD 59.9 ACRES WEST OF THE HIGHWAY 47 BYPASS AND DECLARING AN EMERGENCY

Date: November 25, 2002

Prepared by: Michael Morrissey

PROPOSED ACTION

Adoption of Ordinance 02-985 to amend the urban growth boundary to remove 62.1 acres from the boundary in the Council Creek area and add 59.9 acres west of the Highway 97 bypass to facilitate a needed road connection as allowed under ORS 197.298(3). The proposed amendment area is shown on Exhibit A.

BACKGROUND

The City of Forest Grove's requests that Metro amend the Urban Growth Boundary (UGB) in the vicinity of Highway 47 through a land trade that would remove 62.1 acres and add 59.9 acres to the UGB.

Forest Grove argues that the land proposed to be removed from the UGB is a 62.1 acre area between the Highway 47 bypass and Council Creek. The land proposed to be added is 59.9 acre area immediately north of the currently city limits between Thatcher and Highway 47. Further the City argues that the propose land swap provides the following advantages:

- Allows for a necessary transportation connection. The UGB land swap is critical to the development of an adequate east-west roadway system in Forest Grove. The swap would allow the extension of David Hill Road to Highway 47, which would have a number of significant transportation benefits.
- Maintains land supply for jobs. Thirty-seven acres of the area to be removed from the UGB is currently in the industrial comprehensive plan designation. This land is essentially unusable for this purpose. The swap would provide for the same amount of industrial land in a usable configuration
- Facilitates efficient extension of public utilities. The swap would allow the efficient extension of water, sanitary sewer and storm sewer systems through the swap (in) area.
- Protects natural resources. The current UGB delineation conflicts with the protection of wetland and riparian resources along Council Creek.
- Maintains productive soils. Neither the swap (in) nor swap (out) areas contain class 1 soils.

The City's submittal to Metro dated June 24, 2002 is attached to this staff report.

Suggested Conditions

That the City of Forest Grove follow Metro's Title 11 Concept Planning requirements and adopt the 2040 design type for the area as show in Exhibit C. Also that no urbanization can occur until the actual road alignment of David Hill Road is determined and adopted in the City's TSP.

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.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer did not consider the City of Forest Grove's request in his recommendation.

UGB LAND SWAP PROPOSAL

City of Forest Grove
June 24, 2002

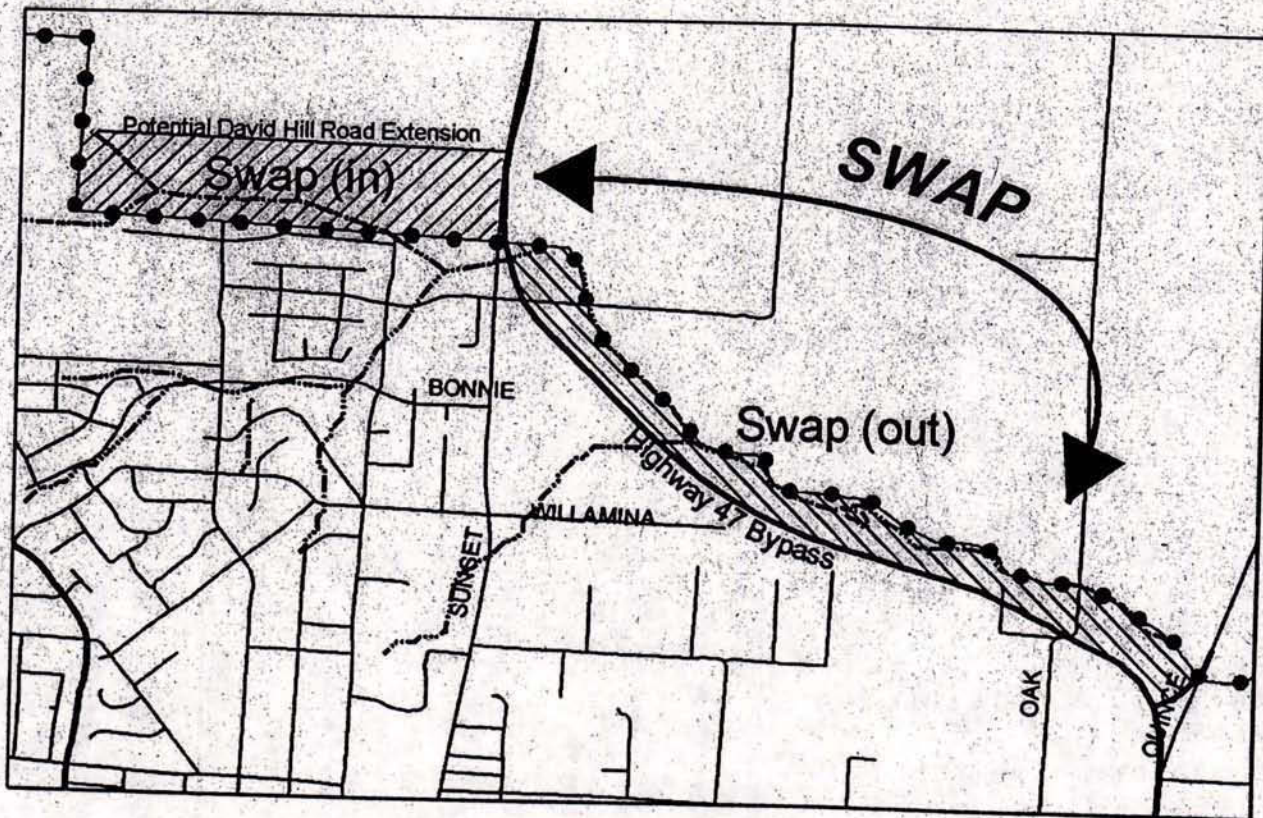


TABLE OF CONTENTS

	<u>Page Number</u>
Executive Summary	i
Section 1 – State and Metro Regulatory Framework	1
Section 2 – Land Use Implications.....	3
Section 3 – Soil Classifications	6
Section 4 – Transportation Implications.....	8
Section 5 – Environmental Implications	13

Document prepared by the City of Forest Grove, Community Development Department staff.
For questions contact either:

Jon Holan
Community Development Director
(503) 992-3224
jholan@ci.forest-grove.or.us

or

Jeff Beiswenger, AICP, Senior Planner
(503) 992 – 3226
jbeiswenger@ci.forest-grove.or.us

EXECUTIVE SUMMARY

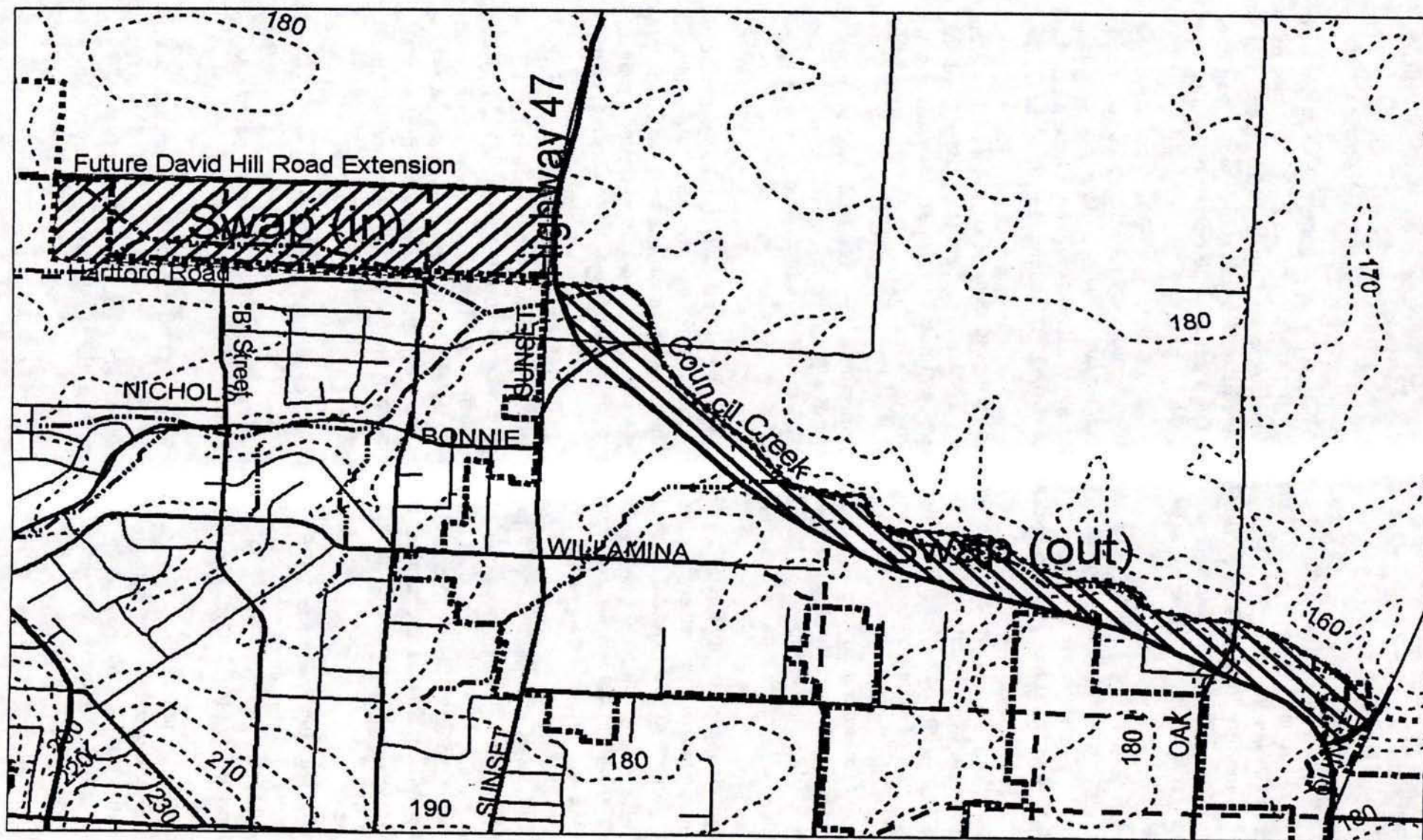
The City of Forest Grove has identified two areas of equal size north of Forest Grove for inclusion in a UGB land swap (Figure 1). The northern expansion of the City is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from land zoned for Exclusive Farm Use (EFU) in Washington County. While this separation is important to protect valuable farmland, the current delineation of the boundary aggravates efficient urban expansion of Forest Grove.

Forest Grove is proposing a land swap at this time to coincide with Metro's current periodic review. As a result of periodic review, UGB recommendations will be made by Metro staff in late 2002 and we hope to have this land swap included. Outside of periodic review, a land swap of this nature would most likely be unsuccessful due to the EFU land found north of the City.

As illustrated on Figure 1, the land proposed to be removed (Swap (out)) is a 62.1 acre area between the Highway 47 bypass and Council Creek. The land proposed to be added (Swap (in)) is a 59.9 acre area immediately north of the current City limits between Thatcher and Highway 47. The proposed UGB land swap provides the following advantages:

- **Allows for a necessary transportation connection.** The UGB land swap is critical to the development of an adequate east-west roadway system in Forest Grove. The swap would allow the extension of David Hill Road to Highway 47, which would have a number of significant transportation benefits.
- **Maintains land supply for jobs.** Thirty-seven acres of the Swap (out) area is currently in the industrial comprehensive plan designation. This land is essentially unusable for this purpose. The swap would provide for the same amount of industrial land in a usable configuration. This would be accomplished by designating the Swap (in) area primarily for residential purposes and redesignating residential land adjacent to existing industrial areas for industrial development.
- **Facilitates efficient extension of public utilities.** The swap would allow the efficient extension of water, sanitary sewer and storm sewer systems through the Swap (in) area. The topography of the site slopes from west to east. Therefore, the Swap (in) would improve the City's ability to extend storm water and sanitary sewer systems. A needed water main could also be extended. In direct contrast, utility extensions in the Swap (out) area would be expensive and inefficient, and would induce growth in an environmentally sensitive area.
- **Protects natural resources.** The current UGB delineation conflicts with the protection of wetland and riparian resources along Council Creek. About 77% of the Swap (out) land area, due to its location along Council Creek, contains a natural resource area (as determined by Metro's Goal 5 analysis).
- **Maintains productive soils.** Neither the Swap (in) nor Swap (out) area contains Class 1 soils – considered the most suitable for farmland. However the Class 2 and 3 soils found in both areas are considered valuable for agriculture production. If the UGB was not present the Swap (out) would likely be classified as EFU based on the quality of soils.

Figure 1 – Location of UGB Land Swap Areas



SECTION 1 – STATE AND METRO REGULATORY FRAMEWORK

Both the State of Oregon and Metro provide a regulatory framework for considering expansions to the Urban Growth Boundary. The State's land use goal and implementing statutes provide for the expansion of the UGB while protecting land for agriculture production. Metro provides a variety of methods to consider a UGB land swap. This section will outline why the City of Forest Grove feels it is necessary to proceed with the UGB land swap at this time and how the proposal helps the City address State land use requirements, in particular Goal 14 - Urbanization.

Metro Options for a UGB Land Swap

The Metro Code has three options to allow the exchange of land within a UGB for land outside a UGB: a minor adjustment; a major amendment; or part of a Metro periodic review UGB expansion. Forest Grove is proposing a land swap at this time to coincide with Metro's current periodic review. As a result of periodic review, UGB recommendations will be made by Metro staff in late 2002 and we hope to have this land swap included.

Outside of periodic review, a land swap of this nature would most likely be unsuccessful due to the exclusive farm use land found north of the City. City staff's understanding of the criteria for minor adjustments and major amendments in the Metro Code (3.01.030) makes potential adjustments to the UGB north of Forest Grove unlikely outside of the Periodic Review process:

- **Minor Adjustment.** The proposed land swap would meet 6 of the 7 criteria outlined in the Metro Code (3.01.035). The net land area change is less than 20 acres, in fact the net change proposed would *reduce* the City's UGB by 1.2 acres. Public facility provisions would be less costly to provide. The swap would result in no adverse impacts, and would in fact have positive impacts on the environment and the economy. The swap is consistent with 2040 growth concept. Due to the predominance of agriculture land north of Forest Grove, the swap does not meet Criteria 7:

“(7) If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is currently designated for agriculture or forestry pursuant to a statewide planning goal.”

- **Major Amendment.** Based on City staff interpretation of the major amendment criteria, the proposed land swap could not be processed under this procedure. The proposed UGB amendment is extremely important to the City of Forest Grove, but it is likely not have sufficient regional significance to satisfy the criteria. Also, the criteria indicate that expansions should occur within the legislative (Periodic Review) process when possible.

The current Metro legislative amendment process to consider the expansion of the UGB is the best opportunity to consider the proposed UGB land swap. As expressed throughout this report, the issue is of critical concern to the City of Forest Grove. The proposal needs to be considered at this time to add critically needed land into the UGB and remove land which should not be urbanized.

State Goal 14 - Urbanization

The State of Oregon land use goals provides a framework for UGB decisions. The intent of State Goal 14: Urbanization, is to provide for an orderly and efficient transition from rural to urban land use. The goal outlines a set of criteria to follow when boundary changes are considered:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agriculture land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
7. Compatibility of the proposed urban uses with nearby agriculture activities.

The proposed UGB land swap is in conformance to the Goal 14 criteria for UGB change. Note that the City is not requesting an increase acreage within the UGB, but a swap to use land outside and within the UGB more efficiently. The land swap will satisfy the Goal 14 criteria as follows:

- **Maintains land supply for housing and jobs.** The Swap (out) area is essentially unusable for efficient use for residential or commercial development. The Swap (in) area is more suitable for development and satisfies Goal 14 criteria 1 and 2.
- **Allows for efficient extension of public infrastructure and utilities.** The Swap satisfies Goal 14 criteria 3. The UGB land swap is critical to the development of an adequate east-west roadway system. The swap would allow the efficient extension of water, sanitary sewer and storm sewer systems through the Swap (in) area. In direct contrast, utility extensions in the Swap (out) area would be expensive and inefficient, and would induce growth in an environmentally sensitive area.
- **Efficient Use of Land.** The land swap satisfies criteria 4 and 5 of Goal 14. The land swap will result in a more efficient land use pattern due to the favorable location and configuration of the Swap (in) area compared to the location and configuration of Swap (out). Also the environmental, energy, economic and social consequences referred to in criteria 5 will be more favorable addressed with the land swap.
- **Protects natural resources.** The current UGB delineation conflicts with the protection of wetland and riparian resources along Council Creek. Over 77% of the Swap (out) land area, due to its location along Council Creek, contains a Title 3 or a Goal 5 resource.
- **Maintains productive soils.** Neither the Swap (in) nor Swap (out) area contains Class 1 soils – considered highly suitable for agriculture production. However the Class 2 and 3 Soils found in both areas are considered valuable for agriculture production. If the UGB was not present the Swap (out) would likely be classified for exclusive farm use (EFU) based on the quality of soils present. Therefore the land swap would essential be an "EFU for EFU" swap.

SECTION 2 – LAND USE IMPLICATIONS

A primary purpose of the land swap is to maintain a similar amount of land for residential and industrial development purposes. This would be accomplished by shifting Comprehensive Plan designations onto land that can be more effectively used for development.

The City is particularly concerned about the supply of land for industrial development. The 37 acres of land in Swap (out) designated for industrial development is essentially unusable for this purpose. The swap would allow the City to designate areas within the Swap (in) area primarily for residential purposes and redesignate existing residential zoned land adjacent to existing industrial areas for industrial development purposes. Under this strategy the City would retain the same amount of industrial and residential land in a usable configuration for development.

Table 1: Acres within each Comprehensive Plan Designation

Comprehensive Plan Designation	Acres
General Industrial	20.76
Light Industrial	16.16
Low Density Residential	6.60
Medium Density Residential	8.02
Total	51.54

(remaining acres in street right-of-way)

Existing land uses

A distinction between Swap (out) and Swap (in) is the level of public versus private ownership (see Table below). Swap (out) is 83.5% publicly owned, while the Swap (in) area is 16.6% publicly owned. Most of the land in Swap (out) was acquired by Washington County as part of the Highway 47 bypass project, which was completed in 2000.

Table 2: Public versus privately owned land in swap areas

	Public Owned	Private Owned
Swap (out)	83.5%	16.5%
Swap (in)	16.6%	83.4%

The Swap (out) area contains 21 parcels – with 16 owned by Washington County. Washington County is actively attempting to sell some of these properties, which are surplus from the Highway 47 project. The City of Forest Grove owns one 2.0 acre parcel, which was formerly used by the Public Work Department for composting fall leaves and other woody debris. The site is no longer used for this purpose and is now vacant. Four of the properties are privately owned. Three parcels have single family homes and the fourth parcel is used for agriculture.

The Swap (in) area contains a large 49.1 acre parcel, which is mostly vacant, with a single family dwelling fronting Highway 47 on the east side. The parcel has been used in past for agriculture. The area also contains a 0.5 parcel with a single family home; a 40 foot wide County right-of-way; a 6.9 acre portion of a parcel owned by Forest Grove School District; and a 0.4 acre corner of a larger parcel.

Land Use Benefits of Approach

The existing and potential land use conditions of Swap (out) suggest that it should be removed from the UGB. The area is highly fragmented and significantly constrained by natural resources (see "Environmental Implications", and cut-off from Forest Grove by a major regional highway (see "Transportation Implications"). Most of Swap (out) is currently under public ownership due to the bypass project, reducing the feasibility of development for the few remaining private property owners.

The Swap (in) area is ideally suited for development. The area is fairly flat and the majority of the land is developable. The property will lend itself to an efficient development pattern, reducing the need for Forest Grove to add land in other locations in the future.

SECTION 3 – SOIL CLASSIFICATIONS

The northern expansion of the City of Forest Grove is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from land zoned for Exclusive Farm Use (EFU). While this separation is important to protect valuable farmland, the current delineation of the boundary aggravates efficient urban expansion of Forest Grove.

The current delineation has limited justification from a soil quality, agriculture and natural resource protection stand point. Both the land proposed for removal from the UGB (Swap (out)) and land proposed to be added (Swap (in)) have similar soil characteristics. The proposed swap would result in a level of resource protection superior to the resource protection from the current UGB delineation.

The proposed land swap would result in an essentially one-to-one trade of high quality land of identical soil types. Land removed from the boundary (Swap (out)) has the characteristics to be zoned for exclusive farm use (EFU zone) and the irregular configuration and environmental limitations of Swap (out) make the area almost completely unusable for urban development. Much of the land within Swap (out) is currently used for agricultural purposes. The continuation of agriculture use or open space preservation would be appropriate due to the high soil quality and existence of natural resources in the area.

Underlying the entire City of Forest Grove are soils well suited for agricultural use. A review of the soil class map indicates that Class 2 and Class 3 soils comprise 94 percent of the land area within the Forest Grove UGB. Hypothetically, if the City was not built at this location, the entire land area could be use for agricultural purposes and soils may qualify for the EFU land classification because of the high quality. From a soil class perspective, there is no difference between land within the Forest Grove UGB and land outside this boundary and the original delineation was clearly not based on the location of higher and lower priority soils. The proposed UGB land swap would trade high quality soils for high quality soils and would be consistent with the original spirit of the UGB delineation for the City.

Note that none of the land within Swap (in) or Swap (out) is classified as Class 1 soils – the most productive soil type. Both the Swap (in) and Swap (out) areas have a mixture of Class 2 and Class 3 soils (Table 3). The soil types found in both these areas are considered highly desirable for agriculture purposes. The land area to be added to the UGB (Swap (in)) is 61.8% Class 2 and 38.2% Class 3. The land area to be removed from the UGB is 45.2% Class 2 and 54.8% Class 3.

Table 3
Percentage of Land Area by Soil Class in UGB Land Swap Area

<i>Soil Class</i>	<i>Swap (in)</i>	<i>Swap (out)</i>
2	61.8%	45.2%
3	38.2%	54.8%

SECTION 4 – TRANSPORTATION IMPLICATIONS

The current configuration of the UGB to the north and west of Forest Grove creates significant transportation problems for the community, which will become particularly apparent as vacant land within the existing UGB is developed. Without the proposed UGB land swap, Forest Grove would be faced with transportation impacts that extend well beyond the swap area (see Figure 1). The Transportation System Plan specifically calls for a high quality collector or arterial facility between Highway 47 and Thatcher to serve the northwest sector of the city. As the UGB is currently delineated, this connection is difficult, if not impossible due to regulatory and fiscal constraints of building a road in an area outside the UGB.

Over 590 acres of developable vacant land is available in the northwest quadrant of the City (west of Thatcher Road and north of Gales Creek Road). Over 310 acres of this land is north of David Hill Road. Currently the only direct east-west connection in Forest Grove is Gales Creek Road to Pacific Avenue. The Forest Grove Transportation System Plan, adopted in 1999, projected the number of total households expected in this portion of the community in the year 2020 (Table below). According to this estimate, a total of 2,124 households could be expected in the northwest portion of the community in 2020, an increase of 1,358 households from 1994.

Table 4: Expected Households in Northwest Forest Grove

Location	TAZ	1994 Households	2020 Households
North of David Hill / West of Thatcher	1330	2	305
South of David Hill / North of Gales Creek / West of Thatcher	1331	333	908
North of Nichols / East of Thatcher	1328 & 1326	84	387
South of Gales Creek / West of "E" Street	1325	347	524
Total		766	2124

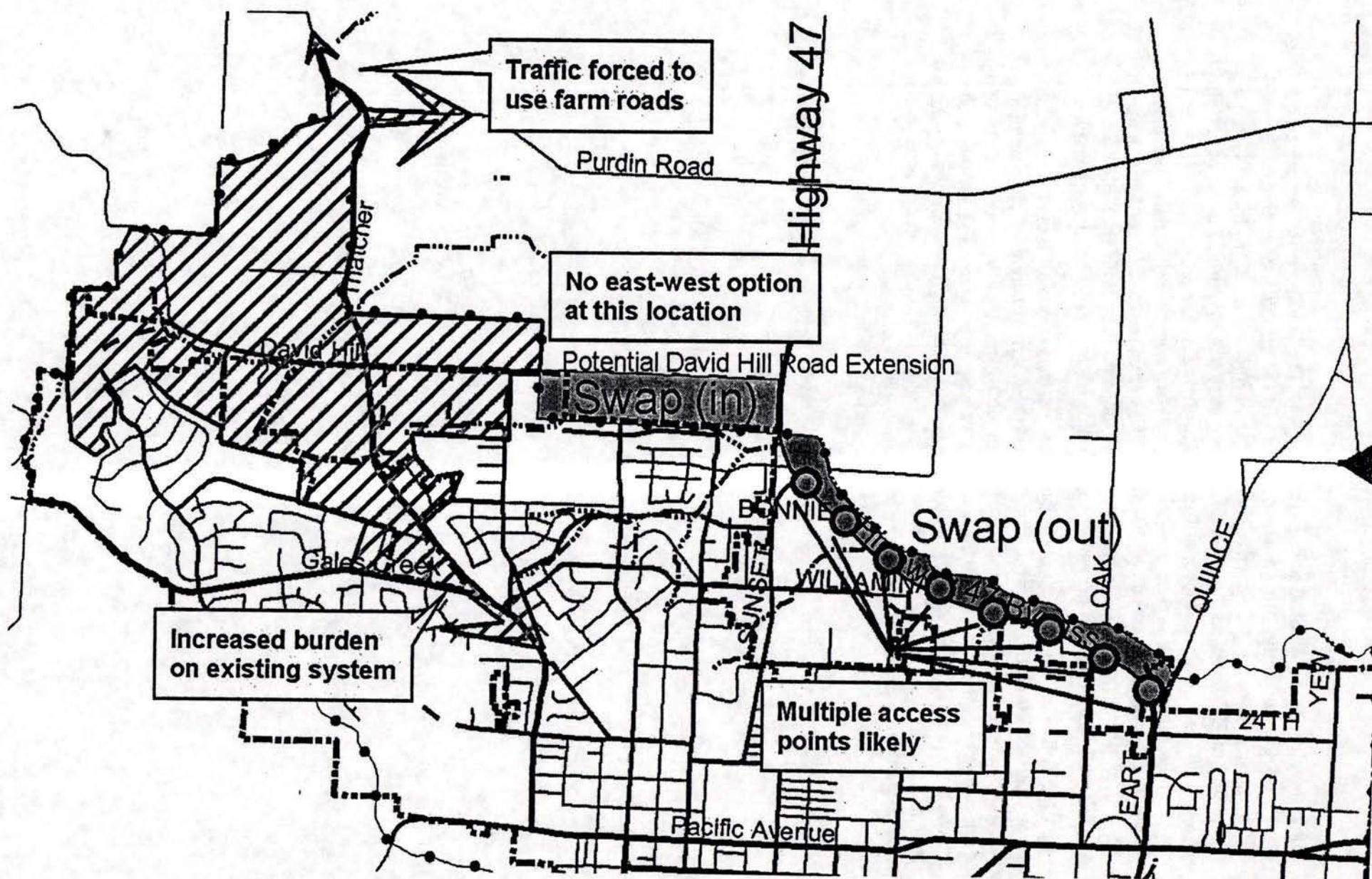
Transportation issues faced by the community without the David Hill Road extension include:

- **Congestion on existing east-west connections within City.** Without the transportation improvement related to the Swap, Pacific Avenue and other arterials, collector and local roads would experience a significant increase in congestion. The 1999 Forest Grove Transportation System Plan indicates that a connection between David Hill and Thatcher would carry a forecasted daily volume of 5,000 to 8,000 vehicles. Without this road these vehicle would find other less desirable routes. Some of these routes would likely include traffic cutting through existing and planned residential areas, which would degrade the character of these neighborhoods.
- **Heavy commuter traffic on County farm roads.** County farm roads and intersections are not designed to handle the high urban levels of traffic which would result from future development in the Forest Grove UGB. Purdin Road, a narrow paved road in the County north of the City, would experience a significant increase in traffic. Forest Grove residents living in the western portion of the community are already using this road. Without the Swap, Purdin Road would remain the only viable option for northbound traffic from the west Forest Grove area. Purdin road has a narrow pavement width (less than 28 feet) and currently has only a stop sign at the Highway 47 intersection. High volumes of traffic would create congestion and safety concerns.

- **Strip development potential along Highway 47.** The land proposed to be removed from the UGB currently forms a narrow band of land sandwiched between Highway 47 to the southwest and Council Creek to the northeast. The Highway 47 bypass completed in 2000 created these parcels, as property was acquired for the road right-of-way. If the County is successful in selling their surplus property, the nature of development along this stretch would likely be strip commercial on shallow parcels with numerous access points along Highway 47. A frontage road is not feasible due to the narrow dimensions. The development of these parcels, with multiple curb cuts would result in traffic conflicts and degradation of Highway 47 mobility objectives.

The diagram on the following page (Figure 1) illustrates the transportation issues which result from the current UGB configuration. Traffic from the northwestern quadrant of the community has limited east-west options. The hatched area of Figure 1 represents approximately 590 undeveloped or underdeveloped acres. The additional vehicle trips created from this future development would have only two options, which are represented by the large arrows on Gales Creek/Thatcher and Purdin Road. Under the current UGB configuration the area labeled Swap (in) on this map, represents a major missing piece of the roadway system.

Figure 1 – Transportation Problems without UGB Land Swap



Benefits of UGB Land Swap on the Transportation System

The UGB land swap is critical to the development of an adequate east-west roadway system in Forest Grove. In fact, both components of the swap, land removed from and added to the UGB, would benefit the transportation system.

Benefits of Removing Land Northeast of Highway 47

The north portion of the Highway 47 bypass was completed in 2000. One result of the right-of-way acquisition was the creation of narrow lots between 200 feet and 400 feet in depth sandwiched between the highway and Council Creek. Wetlands, floodplains and wildlife areas further limit the development potential these parcels and exacerbate access. Removing this narrow strip of land (Swap (out)) from the UGB would have a positive impact on the road network.

If property within Swap (out) is allowed to develop as planned, the result would be strip development with numerous access points onto Highway 47. Removing the land from the UGB would eliminate the need for curb-cuts along the north side of Highway 47 and could actually improve the effectiveness and safety of the road system. Figure 2 illustrates the reduced number of potential access point onto Highway 47.

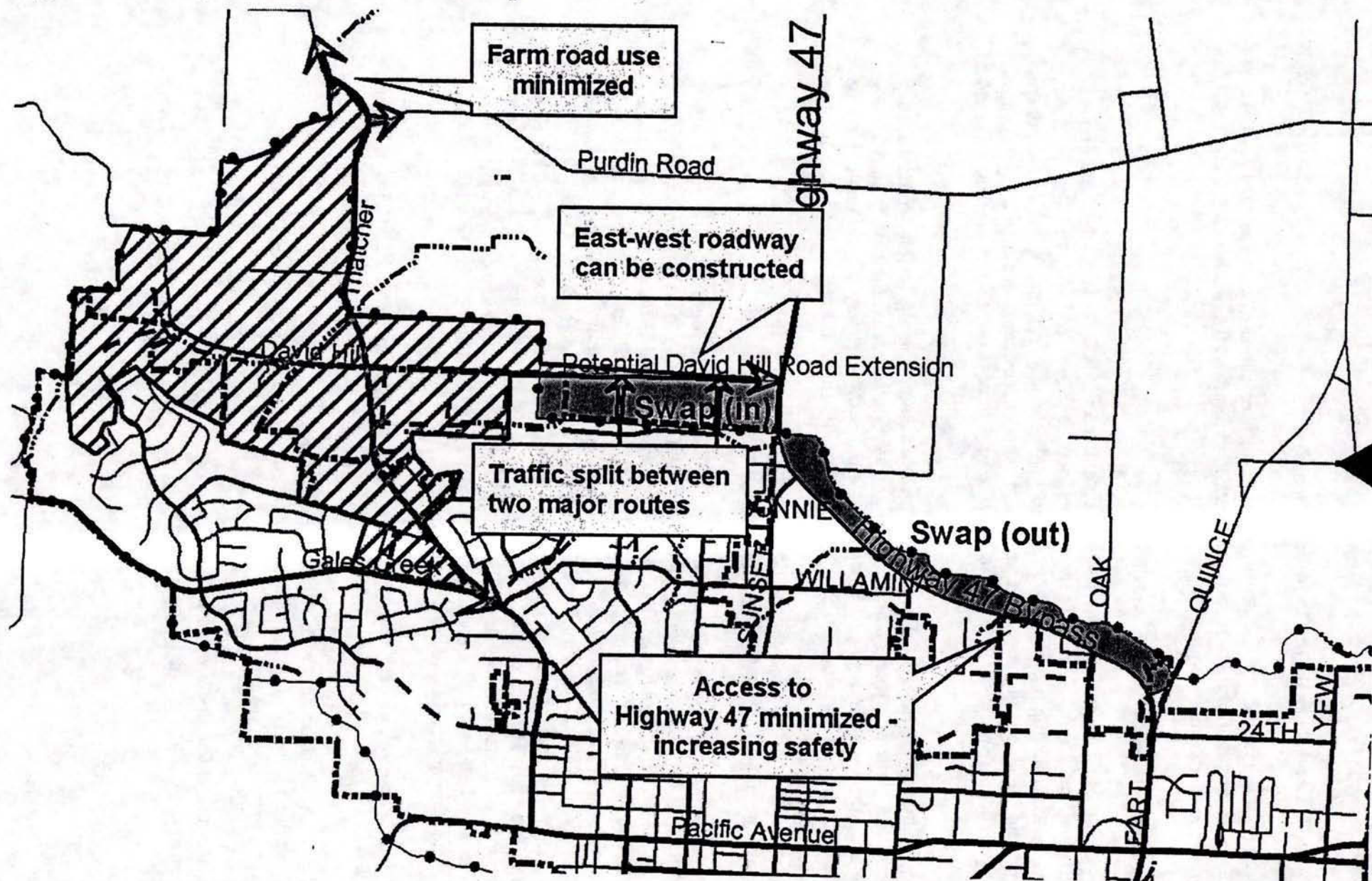
Benefits of Adding Land Between Thatcher and Highway 47

The current configuration of the UGB creates a disjointed transportation system, which essentially disconnects a large portion of the community from the regional transportation system and funnels east-west traffic onto one arterial roadway within Forest Grove - the Pacific Avenue/ 19th Avenue couplet and one Washington County road - Purdin Road. Four general areas in west Forest Grove with significant future development potential drain traffic into the existing roadway system: north of David Hill Road (310 developable acres); between Gales Creek and David Hill roads (280 acres); south of Gales Creek Road (130 acres); and east of Thatcher Road (120 acres). The 1999 TSP projected 2,124 total households in these areas by 2020. At build-out, the number of household would be even higher with dramatic impacts on the roadway system. The TSP indicates that a connection between David Hill and Thatcher would carry a forecasted daily volume of 5,000 to 8,000 vehicles.

The UGB land swap would help reduce transportation impacts in west Forest Grove in the following ways (see Figure 2):

1. Allows the extension of David Hill Road to Highway 47.
2. Allows connection of collector road system north to the David Hill extension to complete the grid network in the area.
3. Reduces pressure on the existing road network.
4. Reduces use of County farm roads.
5. Reduces cut-through traffic on local streets.

Figure 2 - Transportation Pattern with Swap



SECTION 5 – ENVIRONMENTAL IMPLICATIONS

The proposed UGB land swap would better protect natural resources north of Forest Grove. As discussed earlier in this report, the swap would retain a similar amount of land for agriculture production – both the Swap (in) and Swap (out) areas have approximately the same acreage of high quality soils. In terms of riparian, wetland, and wildlife resources, the proposed land swap would be much more effective in protecting these resources. The current UGB delineation conflicts with the desire of the City to protect Council Creek. Under the proposal this area would be removed from the UGB. The land to be added to the UGB contains some riparian resources, but significantly less than the area to be removed.

Natural Resources in Swap (out)

The quality of habitat is high in the Swap (out) area, due to the wide, linear, and downstream characteristic of the area, creating an ideal environment for wildlife. The current UGB includes a 1.5 mile stretch of Council Creek. Adjacent to the Creek, about 77% of the Swap (out) land area contains a natural resource as identified on draft Metro Goal 5 maps. About 51% of Swap (out) contains a natural resource with “primary value” as defined by the Metro Goal 5 program. The Highway 47 bypass project further fragmented and isolated parcels along the creek. The combination of natural resources and the fragmentation from the Highway 47 project make these parcels almost completely unusable for urban land uses. More appropriate land use for this area would be preservation as open space or the continuation of the agricultural uses on the properties.

Natural Resources in Swap (in)

The Swap (in) area has a small riparian resource running along the southern boundary that consumes about 13% of the total land area. This area is considered to have a “primary” value as defined by Metro’s Goal 5 study. The size of this resource is several orders of magnitude smaller than the Council Creek riparian and wetland resource area in Swap (out). The location of this riparian resource in Swap (in) suggests that it could be protected as development occurs to the north of the site. The riparian resource found in Swap (in) is a smaller habitat and development near the resource would have much less impact than development in the Swap (out) area, which is a wider downstream creek area with larger wetland and riparian resources.

Goal 5 Criteria

Metro recently completed an analysis of natural resources in the Portland Metro area as part of the Goal 5 program. Natural resources were mapped and classified by Metro based on their relative value for wildlife habitat. The result from this Metro study relevant to the land swap areas are summarized in Table 5 on the next page and mapped on page 15.

Metro’s Goal 5 analysis scored each resource area or “patch” based on five characteristics: size; connectivity to other resource areas; species richness; proximity to water; and whether the habitat is an interior versus an exterior or edge habitat. If a natural resource patch possessed a primary value for a single criteria it was assigned a score of “6”. For a secondary value, the patch was scored a “1”. If the patch did not possess the characteristics of the criteria it received a score of “0.” For example, if a particular patch had excellent species richness, excellent

connectivity, but was fairly small, it would be scored a "13" – 6 points for species richness, 6 for connectivity and 1 for size.

Table 5 – Goal 5 Resource Areas
(% of total land area in Swap areas based on criteria score)

<i>Wildlife Value</i>	<i>Score</i>	<i>Swap (in)</i>	<i>Swap (out)</i>
<i>Good</i>	<i>1 – 5</i>	<i>29.6%</i>	<i>16.4%</i>
<i>Very Good</i>	<i>6 – 11</i>	<i>12.1%</i>	<i>9.5%</i>
<i>Excellent</i>	<i>12 – 30</i>	<i>12.9%</i>	<i>51.3%</i>
	<i>Total</i>	<i>54.6%</i>	<i>77.2%</i>

Table 5 summarizes the land area within each swap area based on the score received from the Goal 5 criteria analysis. In short, the higher the score the more valuable the resource area is for wildlife habitat. The scores "1 - 5" indicate that the resources received all secondary value ratings, and therefore provide a good habitat for wildlife. A score of "6 - 11" indicates a primary value rating in one category, a very good habitat for wildlife. A score of "12 to 30" indicates at least two and potentially five primary value ratings, with as many as five primary value ratings, an excellent habitat for wildlife.

Benefits of the UGB Land Swap

The UGB land swap would lead to more effective protection of environmental resources in north Forest Grove. The majority of the Swap (out) area – over 51%, contains environmental resources considered by Metro's Goal 5 analysis to serve a primary function for wildlife. In comparison, only 13% of the Swap (in) area provides a primary function for wildlife. The location and small size of the riparian resource in Swap (in) would better allow it to be protected under a development scenario.



R L I S
REGIONAL LAND INFORMATION SYSTEM

2040 Growth Concept Map

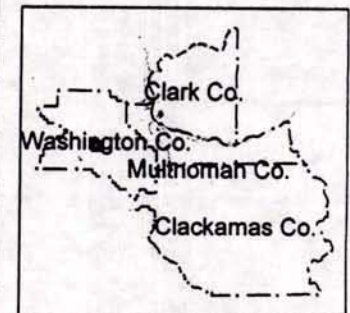
Proposed Designations

Ordinance 02-985 A

Design Types

- Industrial
- Regionally Significant Industrial Areas (Proposed)
- Employment
- Town Center
- Corridor

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



Location Map



METRO DATA RESOURCE CENTER
800 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 | FAX (503) 797-1808
drc@metro-data.org | www.metro-region.org

Please recycle with nearest paper

Ordinance No. 02-986A, For the Purpose of Amending the Metro Urban Growth Boundary to add land for a road improvement in the Sherwood Area, East of the Pacific Highway and North of the Tualatin-Sherwood Road.

Second Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO'S	)	ORDINANCE NO. 02-986A	|
URBAN GROWTH BOUNDARY TO ADD LAND)		
FOR A ROAD IMPROVEMENT IN THE	)	Introduced by Presiding Officer Carl Hosticka	
SHERWOOD AREA, EAST OF THE PACIFIC)		
HIGHWAY AND NORTH OF THE TUALATIN)		
SHERWOOD ROAD AND DECLARING AN)		
EMERGENCY)		

WHEREAS, transportation improvements that make areas work is part of the transportation priorities of the Metro Council; and

WHEREAS, the City of Sherwood has requested a road improvement in the Sherwood area, East of the Pacific Highway and North of the Tualatin-Sherwood Road; and

WHEREAS, this road alignment and extension of Adams road has the goal to relieve congestion; and

WHEREAS, the site requested is roughly 18 acres of prime Exclusive Farm Use land; and

WHEREAS, the Metro Council has determined that this road alignment meets the Special Identified Land Need requirements and should be brought into the Urban Growth Boundary; and

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; 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, 2002, and considered testimony prior to making this decision, now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Council ordains that the Adams Road extension and road alignment and improvement East of Pacific Highway and North of the Tualatin-Sherwood Road are added to the UGB, more precisely identified and mapped in Exhibit A, attached and incorporated into this ordinance.
2. Inclusion of this road alignment within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance.
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.

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 ~~[insert date]~~ _____ day of ~~[insert month]~~ _____, 2002.

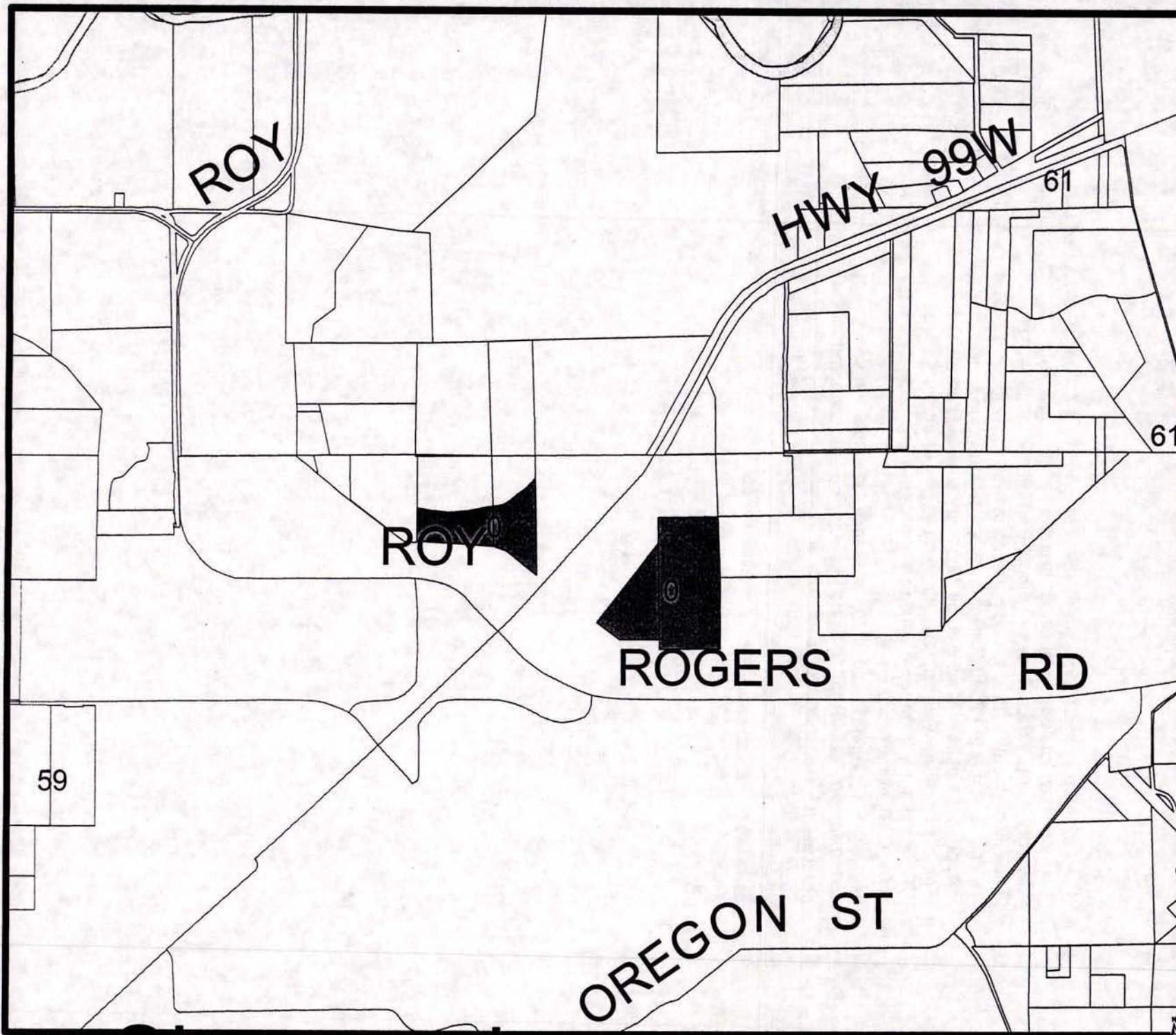
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel



UGB Expansion Areas

Ordinance 02-986A

December 5, 2002

Exhibit A

City of Sherwood

UGB Expansion Areas

1. The City of Sherwood, Oregon, has adopted this Ordinance to amend the Urban Growth Boundary (UGB) to include the areas shown on the attached map. The City of Sherwood, Oregon, has adopted this Ordinance to amend the Urban Growth Boundary (UGB) to include the areas shown on the attached map.

Clark Co.
 Multnomah Co.
 Clackamas Co.

Location Map



1. The City of Sherwood, Oregon, has adopted this Ordinance to amend the Urban Growth Boundary (UGB) to include the areas shown on the attached map. The City of Sherwood, Oregon, has adopted this Ordinance to amend the Urban Growth Boundary (UGB) to include the areas shown on the attached map.

Ordinance No. 02-986A
EXHIBIT B

Conditions

- A. The city or county with land use planning responsibility for a study included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan section 3.07.1120 for the area.
- B. The city or county with land use planning responsibility for an area brought into the UGB shall apply the 2040 Growth concept design types shown on Attachment of this exhibit to the planning required by Title 11 for the study area.
- C. The city or county with land use planning responsibility for an area included in the UGB shall apply interim protection standards in Metro code Title 11, UGMFP, section 3.07.1110, to the study area.
- D. No urbanization shall occur in the area until the actual alignment of the Adams Road Extension and Teal Road have been determined and adopted into the City of Sherwood's Transportation System Plan.

STAFF REPORT

CONSIDERATION OF ORDINANCE 02-986 FOR THE PURPOSE OF AMENDING METRO'S URBAN GROWTH BOUNDARY TO ADD LAND FOR A ROAD IMPROVEMENT IN THE SHERWOOD AREA, EAST OF THE PACIFIC HIGHWAY AND NORTH OF THE TUALATIN SHERWOOD ROAD AND DECLARING AN EMERGENCY

Date: November 25, 2002

Prepared by: Michael Morrissey

PROPOSED ACTION

Adoption of Ordinance 02-986 to amend the urban growth boundary to bring land in the Sherwood area into the urban growth boundary to facilitate a needed road connection as allowed under ORS 197.298(3). The proposed amendment area is shown on Exhibit A.

BACKGROUND

The City of Sherwood has been one of the fastest growing cities in Oregon over the last 10 years. The proposed alignment of the Adams Avenue extension, as a road connection, is needed to help relieve traffic congestion at the intersection of Tualatin-Sherwood Road and Pacific Highway 99W. This small area is surrounded on three sides by the City, but it is outside the urban growth boundary hindering the function of the local transportation system. The Adams Avenue extension is a connection that is included in the City's Draft Transportation Plan.

ANALYSIS/INFORMATION

A total of 17.88 acres of land is needed to extend the road and make the needed connection to the traffic light at 99W. Of this acreage, 8.10 acres are occupied by an electrical substation, which has no present or future potential for agriculture, despite the zoning designation. The City of Sherwood argues that the requirements of ORS 197.298(3) allow for lower priority land to be included within the UGB if one or more of three criteria are satisfied:

- (1) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
- (2) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
- (3) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

The City finds in regards to criteria (1) that the land requested for inclusion is situated between parcels that are within the UGB already, and should be considered despite the presence of higher priority land elsewhere near the city, as other land would not be located in the unique position of the subject parcel. The land need is for a collector arterial – designed to connect major roadways, and the primary factor behind considering this parcel is its geographic position - not a comparison to other lands with different soil categories or agricultural potential. Despite a higher priority, other land could not possibly provide the connection.

Further, the City argues that in regard to criteria (3), the efficiency sought for development of land uses requires that the two separate portions of the UGB be connected. The lower priority

lands proposed for inclusion are to connect "higher priority" lands – which includes those already within the UGB. Industrial-zoned parcels along 99W and Tualatin-Sherwood Road are not likely to develop without a more efficient flow of traffic that would be provided with the extension of Adams Avenue; therefore, the maximum efficiency of land can be achieved in the existing urban growth boundary.

Suggested Conditions

That the City of Sherwood follow Metro's Title 11 Concept Planning requirements and adopt the 2040 design type for the area as show in Exhibit C. Also that no urbanization can occur until the actual road alignment determined and adopted in the City's TSP.

APPLICABLE REVIEW CRITERIA

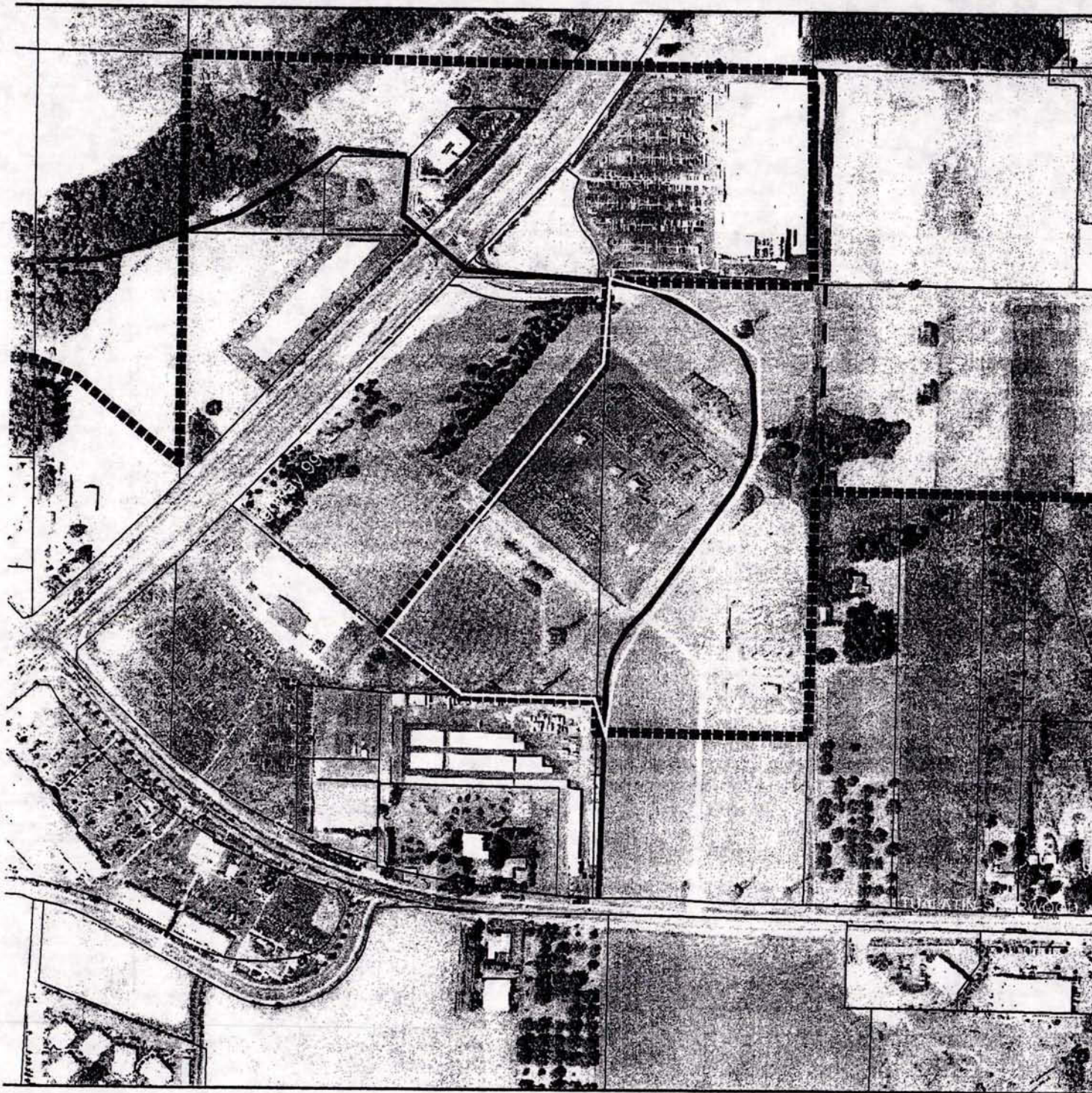
The standards applicable to a legislative amendment to the UGB are set out in ORS 197.298, Statewide Planning Goals 2 and 14 and Metro code Section 3.01.

BUDGET IMPACT

There is no budget impact form adopting this ordinance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer did not consider the City of Sherwood's request in his recommendation.



Proposed Roads Outside UGB Sherwood, OR



Area of Interest

- Adams Road Extension
- Teal Road Extension
- Urban Growth Boundary

UGB Expansion Proposed

Total 17.88 Acres

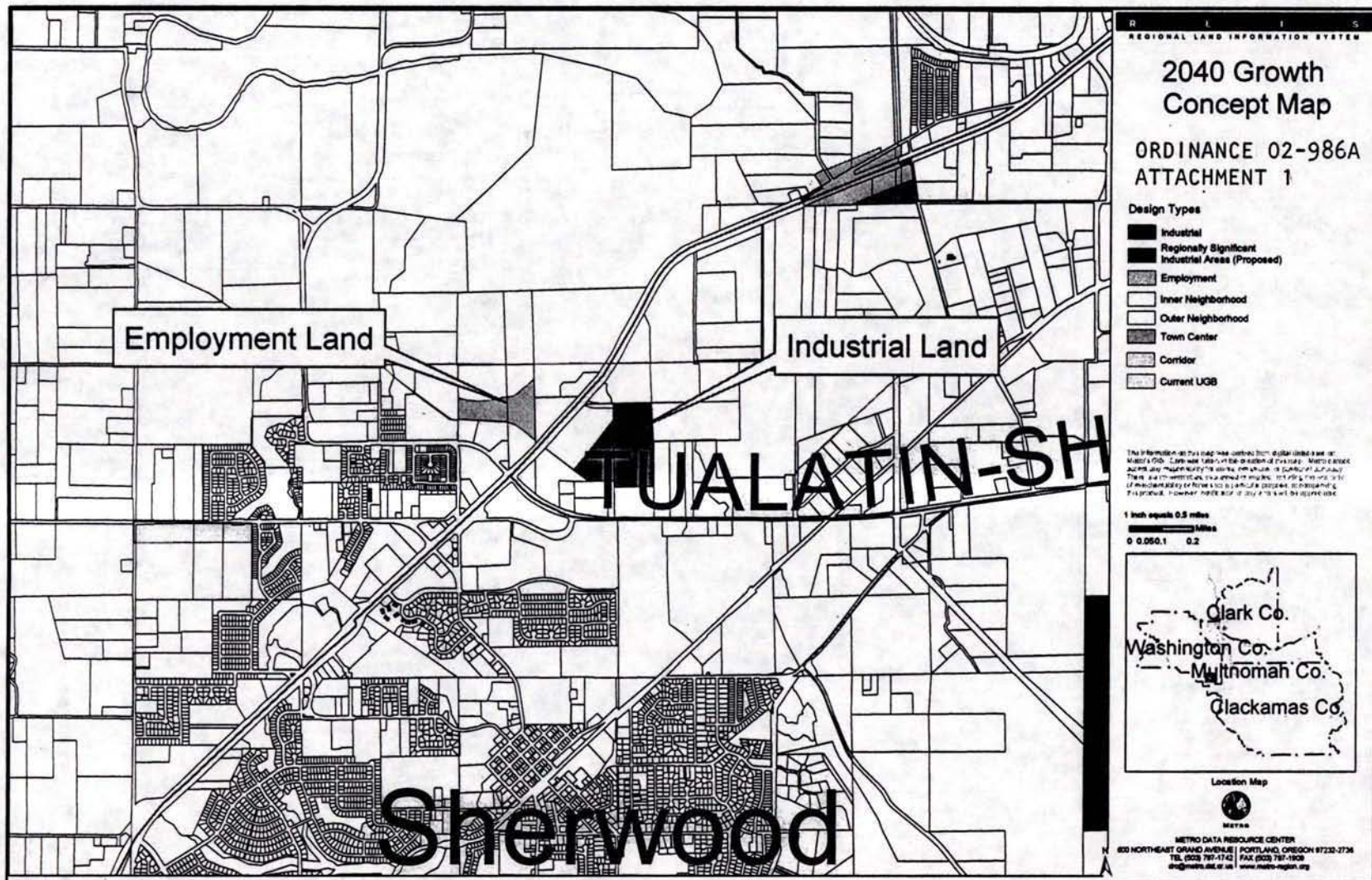
Portion that is used
as substation 8.10 Acres



Photo Taken
July 2001

Map Created September 2002

200
Feet



Agenda Item Number 7.6

Ordinance No. 02-987A, For the Purpose of Amending the Metro Urban Growth Boundary to add land to the Bethany area.

Second Reading

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	ORDINANCE NO. 02-987A
URBAN GROWTH BOUNDARY TO ADD LAND)	
IN THE BETHANY AREA; AND DECLARING	)	Introduced by Councilor McLain
AN 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 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. |

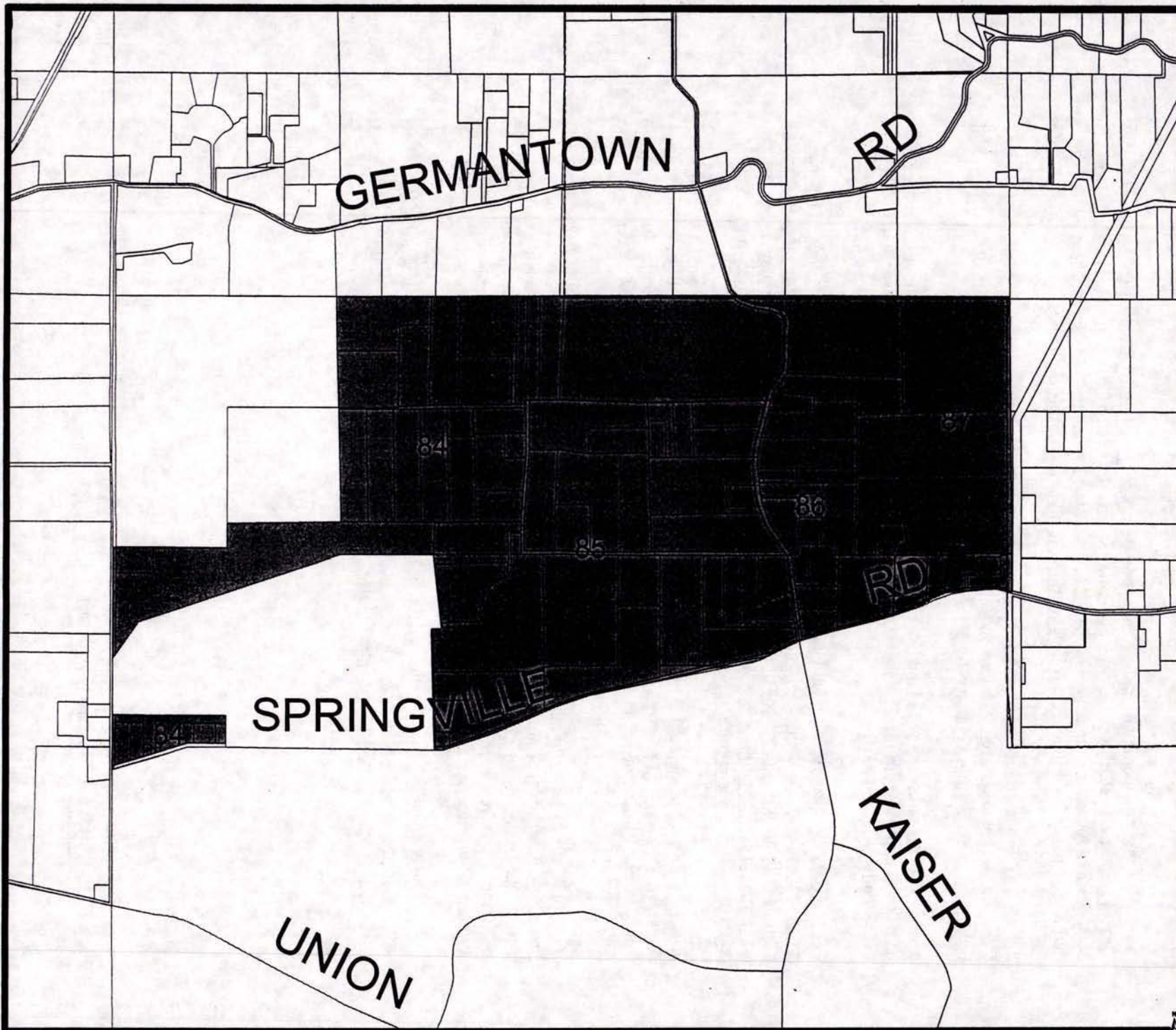
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel



REGIONAL LAND INFORMATION SYSTEM

UGB Expansion Areas

Ordinance 02-987A

December 5, 2002

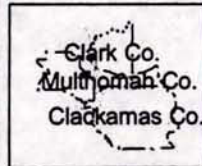
Exhibit A

Areas 84-87

UGB Expansion Areas

NOTES:
1. The information on this map was derived from the Regional Land Information System (RLIS) database. The RLIS database is a computerized system that stores and retrieves land use information. The information on this map is for informational purposes only and should not be used for legal or financial decisions.
2. The information on this map is subject to change without notice. The information on this map is not a guarantee of accuracy or completeness. The information on this map is not a warranty of any kind.
3. The information on this map is not a representation of any kind. The information on this map is not a statement of any kind. The information on this map is not a contract of any kind.

1 inch equals 0.5 miles



Location Map



N

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.

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 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.

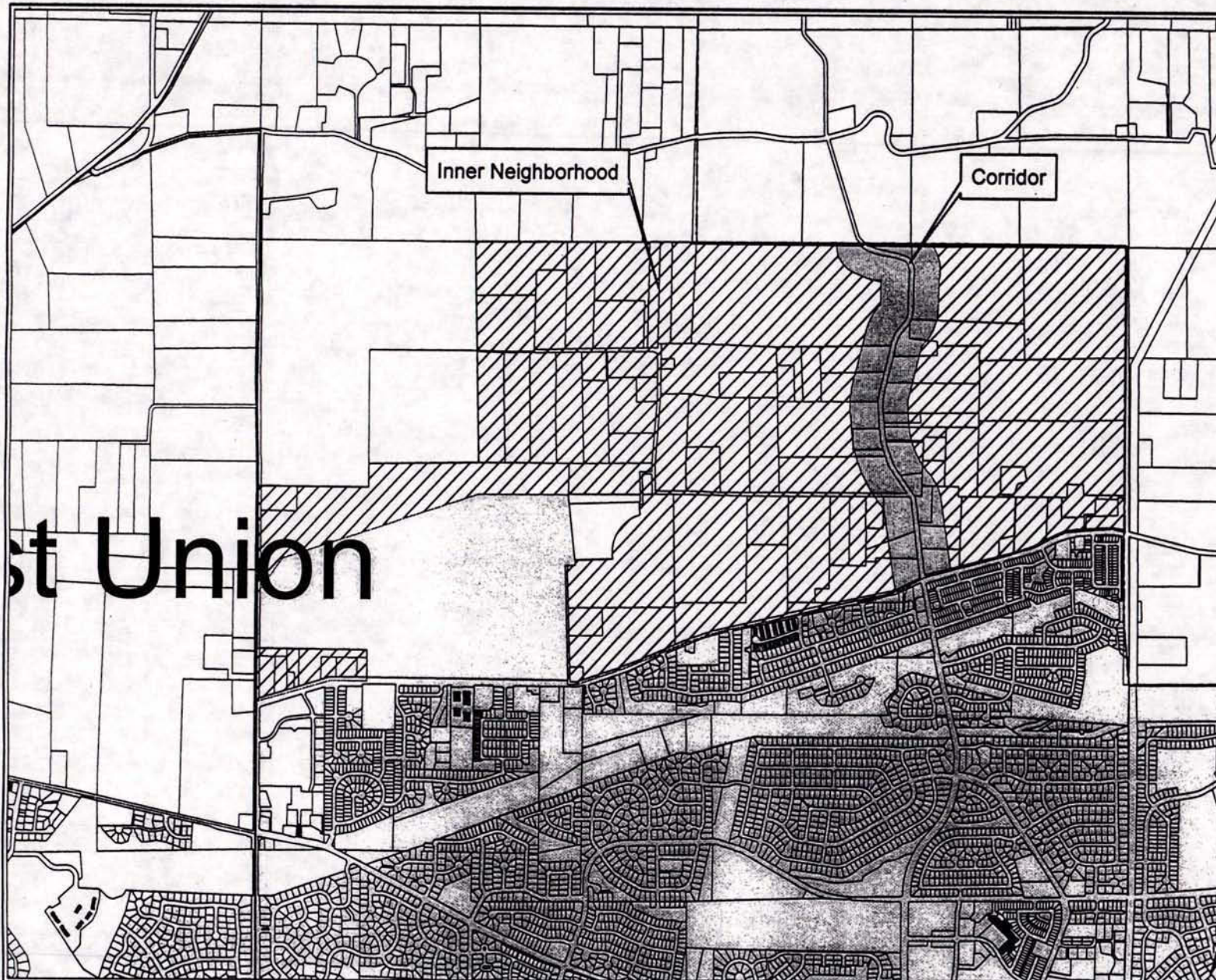
APPLICABLE REVIEW CRITERIA

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 cannot accept any responsibility for errors, omissions, or positional inaccuracies. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose. Metro assumes no liability for any errors or omissions. However, notification of any errors will be appreciated.

Clark Co.
Washington Co.
Multnomah Co.
Clackamas Co.

Location Map

METRO DATA RESOURCE CENTER
800 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 | FAX (503) 797-1808
dm@metro.or.gov | www.metro-region.org

Agenda Item Number 8.1

Resolution No. 02-3254B, For the Purpose of Establishment of a Centers Team within the Planning Department and to Commence Implementation of the Centers Strategy.

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ~~DIRECTION TO~~)
~~THE EXECUTIVE OFFICER TO ESTABLISH~~) RESOLUTION NO. 02-3254B
ESTABLISHMENT OF A CENTERS TEAM)
WITHIN THE PLANNING DEPARTMENT)
AND TO COMMENCE IMPLEMENTATION) Introduced by Community Planning Committee
OF THE CENTERS STRATEGY)

WHEREAS, the 2040 Growth Concept in the Regional Framework Plan looks to the Central City, and Regional and Town Centers, Station Communities and Main Streets as the centers of urban life in the region and depends for its success upon the maintenance and enhancement of those centers; and

WHEREAS, Metro engaged the services of consultants to develop a strategy to enhance the Central City and Regional and Town Centers; and

WHEREAS, the consultants recommended a course of action to provide incentives for, and remove barriers to, the kind of development in Centers described in the Regional Framework Plan; and

WHEREAS, in order to reduce the need to expand the urban growth boundary ("UGB"), the Metro Council has chosen to increase the capacity of the existing UGB by encouraging a higher rate of infill and redevelopment; and

WHEREAS, because voters of the Metropolitan Service District enacted Measure 26-29 on May 21, 2002, prohibiting Metro from requiring local governments to increase density within specified residential neighborhoods, Metro wants the higher rate of infill and redevelopment to take place in Centers ~~and other mixed-use areas~~ Station Communities and Main Streets designated on the 2040 Growth Concept Map; and

WHEREAS, ORS 197.296(6)(b) requires Metro to demonstrate that a higher percentage of forecast growth is reasonably likely to occur through infill and redevelopment during the 20-year period 2002 to 2022; and

WHEREAS, because of the high priority the Council places on the Centers Strategy, the President and Members of the Council will provide policy direction at each step of the development and implementation of the strategy; and

WHEREAS, in light of the close and strong link between land use and transportation, the Metro Council adopted Resolution No. 02-3206 on July 25, 2002, to give priority to Centers in allocation of funds through the Metropolitan Transportation Improvement Program; now, therefore,

BE IT RESOLVED:

~~The Executive Officer shall~~ Council directs the Metro staff to:

1. Establish a Centers Team within the Planning Department to refine and carry out the program of work set forth in points 2 through 6 of this resolution by December 31, 2002, and direct the team to conduct its work in consultation with local governments, agencies, groups and citizens.
2. Develop a budget for fiscal years 2003 and 2004 to support implementation of the Centers Strategy, including a program of grants to local governments to implement Title 6 of the Urban Growth Management Functional Plan, by December 31, 2002.
3. As provided in Title 6 of the Urban Growth Management Plan, subsection 3.07.620A, develop a schedule for development of strategies for individual Centers in conjunction with local governments in the Metro area and report to the Council on progress semi-annually, beginning in June, 2003.
4. Develop a program of assistance to local governments in the development of strategies (including assessment of Center needs; a model process for development of an individual Center strategy of incentives, investments and removal of barriers; and a model set of incentives) for individual Centers by March 31, 2003.
5. Develop, with the Governor's Community Solutions Team, a mechanism for coordination of local, regional and state efforts and investments by March 31, 2003, to ensure complementary benefits from those efforts and investments.
6. Based upon consultation with local governments and the Community Solutions Team, and the schedule of MTIP funding, recommend to the Metro Council the first Centers in which to implement Title 6 by May 31, 2003.
7. Begin implementation of Title 6 in two Centers by July 1, 2003.

ADOPTED by the Metro Council this __ day of _____ 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO.02-3254 FOR THE PURPOSE OF DIRECTION TO THE EXECUTIVE OFFICER TO ESTABLISH A CENTERS TEAM WITHIN THE PLANNING DEPARTMENT AND TO COMMENCE IMPLEMENTATION OF THE CENTERS STRATEGY

Date: November, 2002

**Presented by: Brenda Bernards
Prepared by: Brenda Bernards**

PROPOSED ACTION

Adoption of Resolution No. 02-3254 to establish a Centers Team within the Planning Department and to commence implementation of the 2040 Centers strategy.

BACKGROUND

The Metro 2040 Growth Concept was adopted for the long-term growth management of the region. It provides a general approach to where the growth should be directed and at what density and it also provides for a hierarchy of Centers. 2040 Centers are the keystone of the region's strategy to manage growth. The adopted strategies in the Regional Framework Plan and the Urban Growth Management Functional Plan establish policy directions, regulations and recommendations to strengthen 2040 Centers.

The Residential Urban Growth Report forecasts that 29 percent of new housing units will locate on already developed land. This represents an increase of 2.7 percent over the observed rate of 26.3 percent. This rate increase means 6,000 more dwelling units inside the boundary. As much of the development inside the Centers will be refill, it is necessary for Metro, working with its local government partners, to develop a strategy to realize the higher refill rates.

The Work Program will build on the Phases I, II and III Centers Studies of 2000 – 2002. Three basic strategies were identified in the studies: reduce barriers to development; provide incentives for development in Centers; and prune retail and other employment outside of Centers.

This program will coordinate with other Planning sections and Metro departments to provide technical assistance to local governments and other Metro sections such as transportation, green space and open space planning.

ANALYSIS/INFORMATION

Known Opposition

There is no known opposition to the proposed legislation.

Anticipated Effects

Adoption of this Resolution will result in the establishment of a 2040 Centers Team within the Planning department and begin the implementation of the 2040 Centers strategy.

Budget Impacts

A program enhancement package has been prepared which would result in an excise tax need of an additional \$300,000.00

INITIATING THE CENTERS WORK PROGRAM

The first step in the Centers Strategy is to establish a Centers Team within the Planning Department. This Team will be similar in nature to the State's Community Solution Team that draws its membership from a number of State Departments. Included in the Planning Department Team will be representatives from Community Development, Regional Transportation, Corridor Planning and Transit-Oriented Development Sections. Additional representation from outside of the Planning Department but internal to Metro could include participation from the Legal, Council and Parks Departments. Community Development staff will lead this effort.

During the first six months of the Centers Work Program, the policy framework for the program and the basic direction of the program will be set. This will include establishing a 2040 Centers Team that includes representation from outside of the Planning Department, refining Metro's policies, expanding on the definition of the 2040 Centers and initiating a system of coordination between the various 2040 Centers interests.

The membership for the Centers Team from outside of Metro will be drawn from local jurisdictions, state agencies, industry representatives, in particular retail and office development interests and economic development agencies.

The success of the 2040 Growth Concept depends upon the maintenance and enhancement of the Central City, Regional Centers, Town Centers and Station Communities as the principal centers of urban life in the region. The intention of the proposed Title 6 of the Urban Growth Management Functional Plan, included as Exhibit H to Ordinance No. 02-969, is to enhance Centers by encouraging development in Centers that will improve the critical role they play in the region and by discouraging development outside the Center that will detract from those roles.

The proposed Title 6 calls for Metro and local jurisdictions to develop a strategy to enhance each Center over a scheduled period. This process will begin January 2003 and will be undertaken in coordination with the State Community Solutions Team (CST) and the Metro Transportation Improvement Program (MTIP) schedules.

The Centers strategy work program, Attachment 1 to this staff report, will commit Metro to work with local governments on individual strategies for each Center on a schedule determined by local willingness and readiness and opportunity to combine investments.

EXECUTIVE OFFICER'S RECOMMENDATION

That the Council adopt Resolution No. 02-3254 in order to establish a Centers Team within the Planning Department and begin the implementation of the Centers Strategy.

Proposed 2040 Centers Work Program
November 25, 2002

Draft

PROGRAM DESCRIPTION AND OBJECTIVE

The Metro 2040 Growth Concept was adopted for the long-term growth management of the region. It provides a general approach to where the growth should be directed and at what density and it provides for a hierarchy Centers. The Centers are the keystone of the region's strategy to manage growth. The adopted strategies in the Regional Framework Plan and the Urban Growth Management Functional Plan establish policy directions, regulations and recommendations to strengthen the Centers.

The Residential Urban Growth Report forecasts that 29 percent of new housing units will locate on already developed land. This represents an increase of 2.7 percent over the observed rate of 26.3 percent. This rate increase means 6,000 more dwelling units inside the boundary. As much of the development inside the Centers will be refill, it is necessary for Metro, working with its local government partners, to develop a strategy to realize the higher refill rates.

The Work Program will build on the Phases I, II and III Centers Studies of 2000 – 2002. Three basic strategies were identified in the Studies: reduce barriers to development; provide Incentives for Development in Centers; and prune retail and other employment outside of Centers. This program will coordinate with other Planning sections and Metro departments to provide technical assistance to other disciplines such as transportation, green space and open space planning.

WORK PROGRAM

Task 1: Establish a 2040 Centers Team

Establish a multi-disciplinary 2040 Centers Team to refine and carry out this work program. The six interrelated elements of this work program include:

- Implement Title 6
- Refine Regional Framework Plan Policies
- Develop a Region-wide Strategy for Centers
- Coordination with Internal/External Partners
- Research and Data Collection
- Highlight Successes

Task 2: Implement the new Title 6: Central City, Regional Centers, Town Centers and Neighborhood Centers

The proposed Title 6 calls for Metro and local jurisdictions to develop a strategy to enhance each Center over a scheduled period. This process, beginning in 2003, will be undertaken in coordination with the State Community Solutions Team and the Metro Transportation Improvement Program schedule.

First Step:

- Development a program of assistance to local governments, including a grant program for local implementation and an assessment of Center needs;
- Development of a model for a process for development of an individual center strategy of initiatives, investments and removal of barriers; and
- Development of a set of incentives for individual centers.

Second Step:

- Choose two or three 2040 Centers as pilots projects
- Undertake an analysis of barriers to development; incentives to encourage development; and policies/regulations directing commercial uses outside of Centers.
- Development of a program of actions to eliminate or reduce the barriers; discourage new office and retail uses outside of Centers; adopt incentives for Centers.
- Development of an accelerated review process for preferred types of development

Task 3: Refine Regional Framework Plan Policies

The Executive Officers Recommendation for UGB expansion included Regional Framework Plan amendments. This task will build on the proposal to include:

- Development of more comprehensive policies to support Metro's activities in Centers
- Provide further definitions of the different Centers
- Expand on the concept of Neighborhood Centers
- Expand on phases of Centers described in the Phase III report.

Task 4: Develop a Region-wide Strategy for Centers

A region-wide strategy for Centers could include:

- Prioritization of Centers
- Identification of markets appropriate to specific Centers
- Determination of the appropriate land uses for Centers
- Coordination of activities between jurisdictions

Task 5: Develop a Coordination Program with Internal/External Partners

Coordination within Metro, with local governments and State agencies.

- Metro Programs: Corridor Planning; Performance Measures; TOD Program; MTIP; Park Acquisition Programs for urban areas.
- Local Governments: Work in coordination with the local jurisdictions programs for Centers
- State Agencies: Work with the Community Solutions Team to develop a mechanism for coordination of local, regional and state efforts and investments to ensure complementary benefits. Work with the Oregon Transportation Commission to designate Centers as Special Transportation Areas

Task 6: Establish a Research and Data Collection Process

Activities will include:

- Research Programs: The roles/relationships of Centers and Corridors. (TGM funds will be sought to complete this task).
- Data Collection: create an inventory of the Centers.
- Performance Measures: participate in the ongoing performance development work.
- Establish a Reporting System: this would mark progress in Centers, including density of development, and would be coordinated the Performance Measures program and provide data to be used in future Urban Growth Reports

Task 7: Highlight Successes

- On the Ground Newsletter: a monthly newsletter to assist in Center implementation.
- Inventory of Successes: examples of success that can be used to assist others in new projects will be developed.
- Awards program: to celebrate successful developments and programs in Centers.

Agenda Item Number 8.2

Resolution No. 02-3255A, For the Purpose of Directing the Chief Operating Officer to Prepare Recommendations and a Report Addressing Options on: Regional Fiscal Policy Regarding Land Added to the Metro Urban Growth Boundary and Implementation of the 2040 Growth Concept.

Metro Council Meeting
Thursday, December 5, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE	)	RESOLUTION NO. 02-3255A
CHIEF OPERATING OFFICER TO PREPARE)	
RECOMMENDATIONS AND REPORTS	)	Introduced by Councilor Rex Burkholder
ADDRESSING OPTIONS ON: REGIONAL)	
FISCAL POLICY REGARDING LAND ADDED)	
TO THE METRO URBAN GROWTH)	
BOUNDARY AND IMPLEMENTATION OF THE)	
2040 GROWTH CONCEPT.)	

WHEREAS, state law requires the Metro Council to assess the capacity of the Urban Growth Boundary (UGB) every five years and, if necessary, increase the region's capacity to accommodate a 20-year supply of buildable land for housing; and

WHEREAS, as a result of this action, land brought into the Metro UGB increases in value; and

WHEREAS, the benefits of increased economic activity are distributed unevenly throughout the region, adversely affecting the fiscal health of some jurisdictions; and

WHEREAS, it is the intent of the Metro Council to consider and either adopt or refer to the voters for adoption or through state legislative action, measures to ensure that the Metro area has available sufficient resources to provide for the orderly planning and development consistent with the pattern envisioned in the Metro 2040 Growth Concept; and

WHEREAS, options on a regional fiscal policy regarding land added to the Metro UGB, after December 1, 2002, should be developed at the earliest possible date and be presented to the Metro Council; and

WHEREAS, the Metro Council intends to create a new Chapter in the Metro Code dealing with Regional Fiscal Policy as outlined in Exhibit A (Ordinance No. 02-988); now therefore

BE IT RESOLVED that, effective January 6, 2003, the Metro Council

1. Directs the Chief Operating Officer, in consultation with the Council, to study and propose options on a regional fiscal policy on lands added to the Metro Urban Growth Boundary.
2. Directs the Chief Operating Officer to study and propose options on a regional system of sharing the benefits of growth and addressing fiscal disparities among jurisdictions within the Metro District.
3. Directs the Chief Operating Officer to work with regional partners, including state departments or the legislature, to ensure the maximum number of options available to the agency.
4. Directs the Chief Operating Officer to present the results of the above studies by September 1, 2003.

ADOPTED by the Metro Council this _____ day of December, 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

**EXHIBIT A – ORDINANCE NO. 02-988
TO
RESOLUTION NO. 02-3255A**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING	)	ORDINANCE NO. 02-988
REGIONAL FISCAL POLICIES REGARDING)	
LAND ADDED TO THE METRO URBAN)	
GROWTH BOUNDARY AND IMPLEMENTATION)	
OF THE 2040 GROWTH CONCEPT, AND)	
DECLARING AN EMERGENCY	)	Introduced by Councilor Burkholder

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. A new Chapter 7.04 Regional Fiscal Policy is added to Title VII Finance of the Metro Code to read as follows:

CHAPTER 7.04

REGIONAL FISCAL POLICY

7.04.010 Purpose

This chapter establishes the intent of the Metro Council to consider and either adopt or refer to the voters for adoption, measures to ensure that the Metro Area has available sufficient resources to provide for the orderly planning and development of the Metro Area and that to the extent practical, differences between local jurisdictions in fiscal resources not have adverse impacts on the orderly development of the region, in a manner that promotes the growth pattern envisioned in the Metro 2040 Growth Concept.

7.04.020 Intent to Adopt Measures to Ensure Excess Increase in Land Values is Fairly Allocated to Regional Needs

The Metro Council directs the Chief Operating Officer to study and propose to the Metro Council for adoption or referral to the voters, measures that require that the increase in value in land added to the Urban Growth Boundary by Metro Council action after December 1, 2002, be subject to regional value capture for regional purposes related to implementation of the 2040 Growth Concept. The study and recommendation shall be presented the Metro Council before July 30, 2003. The Chief Operating Officer may present a preliminary report and recommendation prior to presentation of the final report and recommendation and may seek Metro Council approval of an alternative completion date.

7.04.030 Regional Revenue Sharing

The Metro Council directs the Chief Operating Officer to study and refer to the Metro Council for referral to the voters, measures to implement a system and source of revenues for creation of regional revenue sharing or alternative mechanism to ensure that disparities in local government revenues do not adversely

**EXHIBIT A – ORDINANCE NO. 02-988
TO
RESOLUTION NO. 02-3255A**

affect implementation of the 2040 Growth Concept by precluding development of necessary transportation, parks and other urban services. The study and recommendation shall be presented the Metro Council before July 30, 2003. The Chief Operating Officer may present a preliminary report and recommendation prior to presentation of the final report and recommendation and may seek Metro Council approval of an alternative completion date.

2. This ordinance is necessary because the Metro Council should state its intent and direct action by the Chief Operating Officer as soon as practical in order to comply with the deadlines created by this ordinance. An emergency is therefore declared to exist and this ordinance shall take effect on January 6, 2003.

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 RESOLUTION NO. 02-3255A, FOR THE PURPOSE OF DIRECTING THE CHIEF OPERATING OFFICER TO PREPARE RECOMMENDATIONS AND REPORTS ADDRESSING OPTIONS ON: REGIONAL FISCAL POLICY REGARDING LAND ADDED TO THE METRO URBAN GROWTH BOUNDARY AND IMPLEMENTATION OF THE 2040 GROWTH CONCEPT

Date: November 27, 2002

Prepared by: Michael Morrissey
Jeff Stone

This is a revised staff report: December 4, 2002

Proposed Action: Calls for the creation of studies and option regarding Urban Growth Boundary (UGB) related fiscal policy, and the distribution of differential benefits (e.g. tax base), to be presented by September 1, 2003.

Factual Background and Analysis: Metro is required to consider amending the Urban Growth Boundary every five years. Discussion and analysis of this activity includes the ability of local jurisdictions to provide infrastructure and services to any land brought into the UGB, such as roads, parks and utilities. At the same time, the planning for the urbanization of areas brought into the UGB itself is a costly proposition that is not easily borne by the local jurisdictions or Metro.

The value of land brought into the UGB can increase greatly, benefiting the owner of the property merely by action of the regional government. This resolution will study the advisability, practicality, and other policy aspects of capturing some of the value of that increase for the reasons mentioned above or other public purposes deemed to benefit the people of the region.

There also exists a significant disparity in the ability of jurisdictions to provide for the needs of their citizens and implement the 2040 Growth Concept due to disparities in tax capacity. The need for equity among all areas within the regional boundaries should receive a high level of thought, scrutiny and public attention.

Known Opposition: None at this time

Budget Impact: There are no estimates of staffing and professional services costs required to carry out these activities available at this time.