

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: December 12, 2002
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. **2002 RIVER STEWARDSHIP AWARD** Ciecko
Jim Lichatowich

4. EXECUTIVE OFFICER COMMUNICATIONS

5. **ORGANIC WASTE GRANT APPLICATIONS** Barrett

6. CONSENT AGENDA

6.1 Consideration of Minutes for the December 10, 2002 Metro Council Regular Meeting.

7. ORDINANCES - SECOND READING

7.1 **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

7.2 **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

7.3 **Ordinance No. 02-987A**, For the Purpose of Amending the Metro Urban Growth Boundary to add land in the Bethany area. McLain

Agenda Item Number 5.0

Organic Waste Grant Applications

Metro Council Meeting
Thursday, December 12, 2002
Metro Council Chamber

Agenda Item Number 7.1

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 12, 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

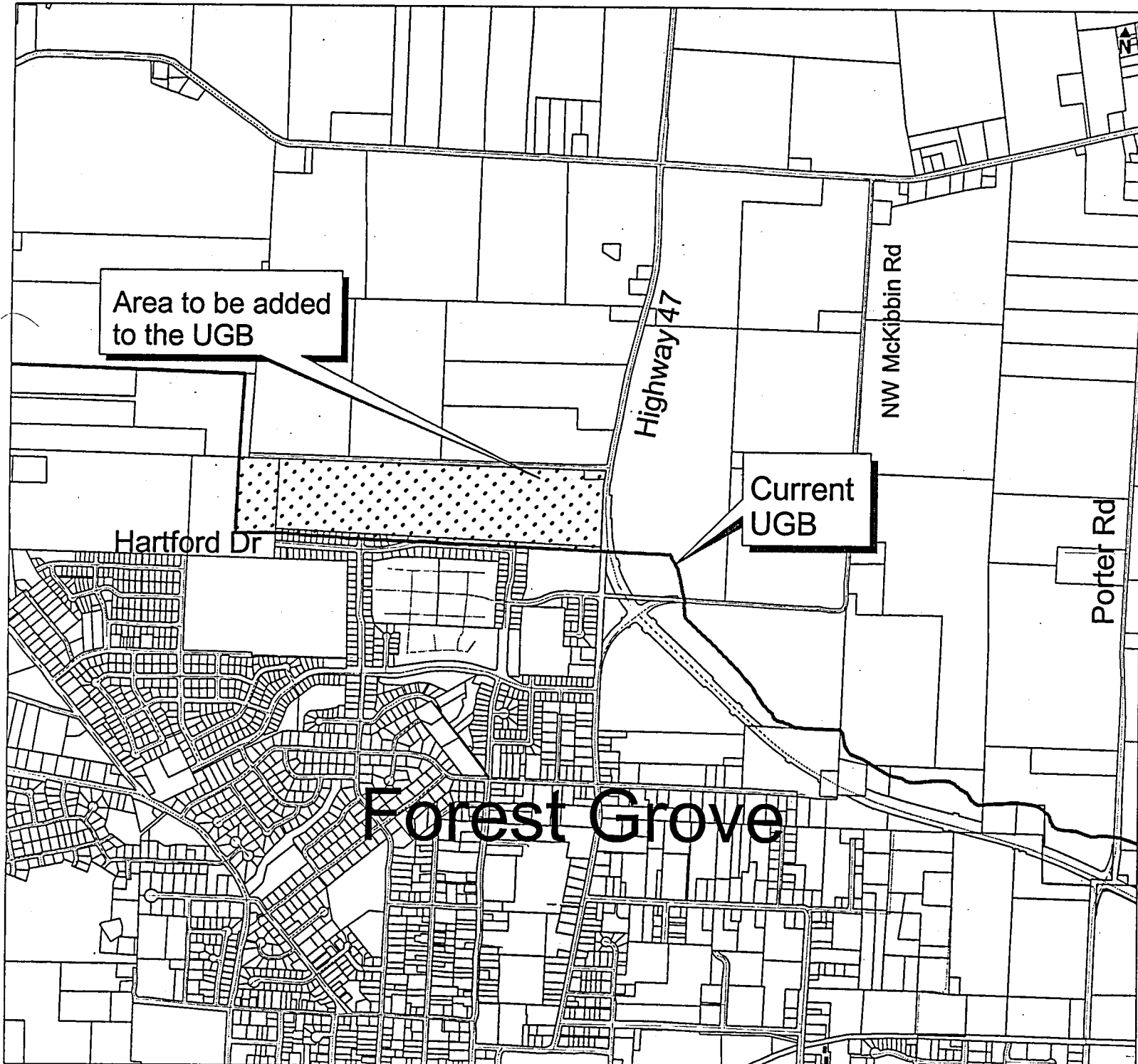
WHEREAS, Metro published, on August 25, 2002, notice of public hearings before the Council on the proposed decision in compliance with Metro Code 3.01.050; and

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



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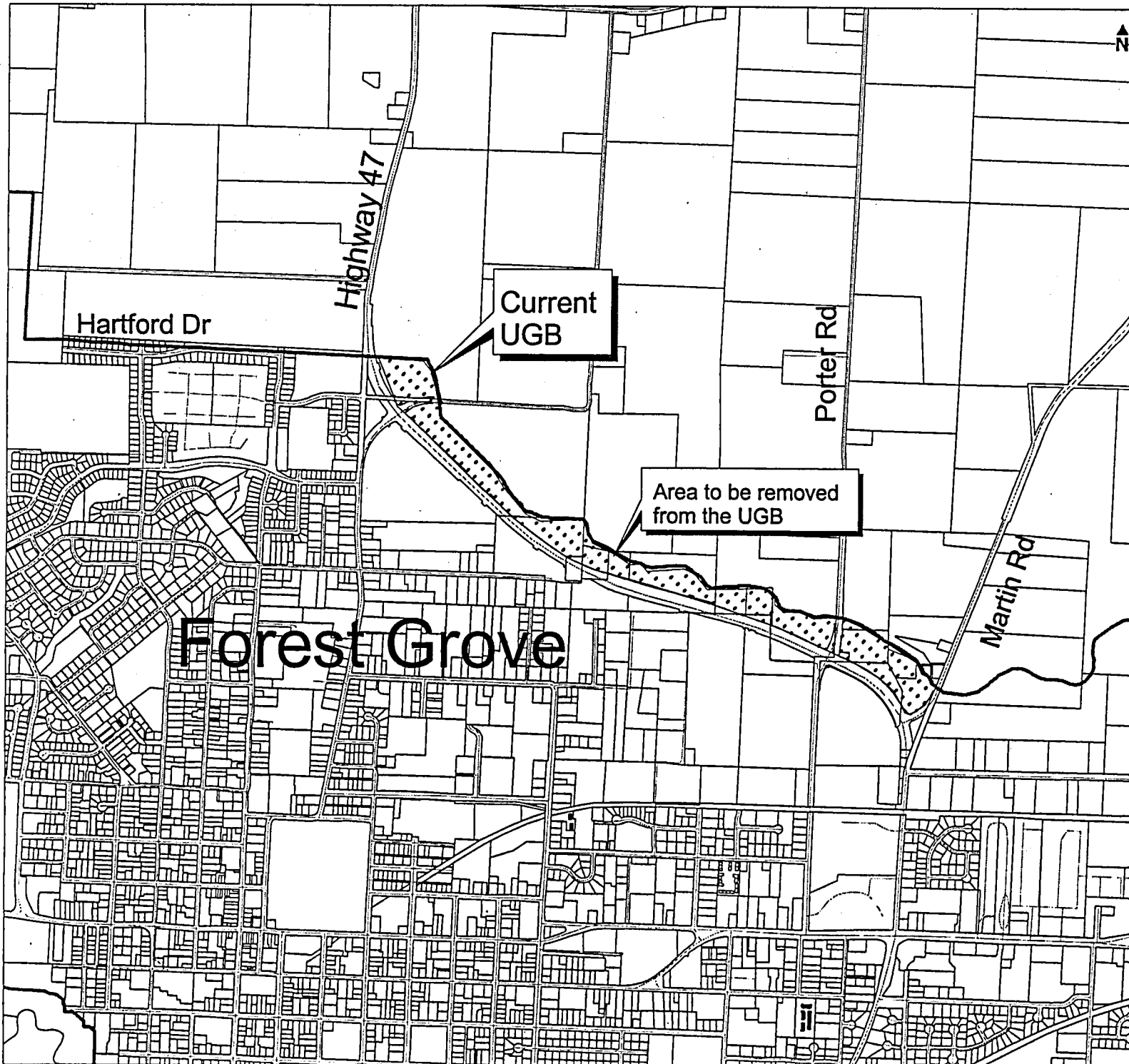
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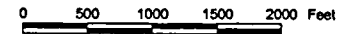
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Exhibit B
Ord. No. 02-985 A
City of Forest Grove

 Urban Growth Boundary



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1" = 1500 feet



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UGB LAND SWAP PROPOSAL

City of Forest Grove
June 24, 2002

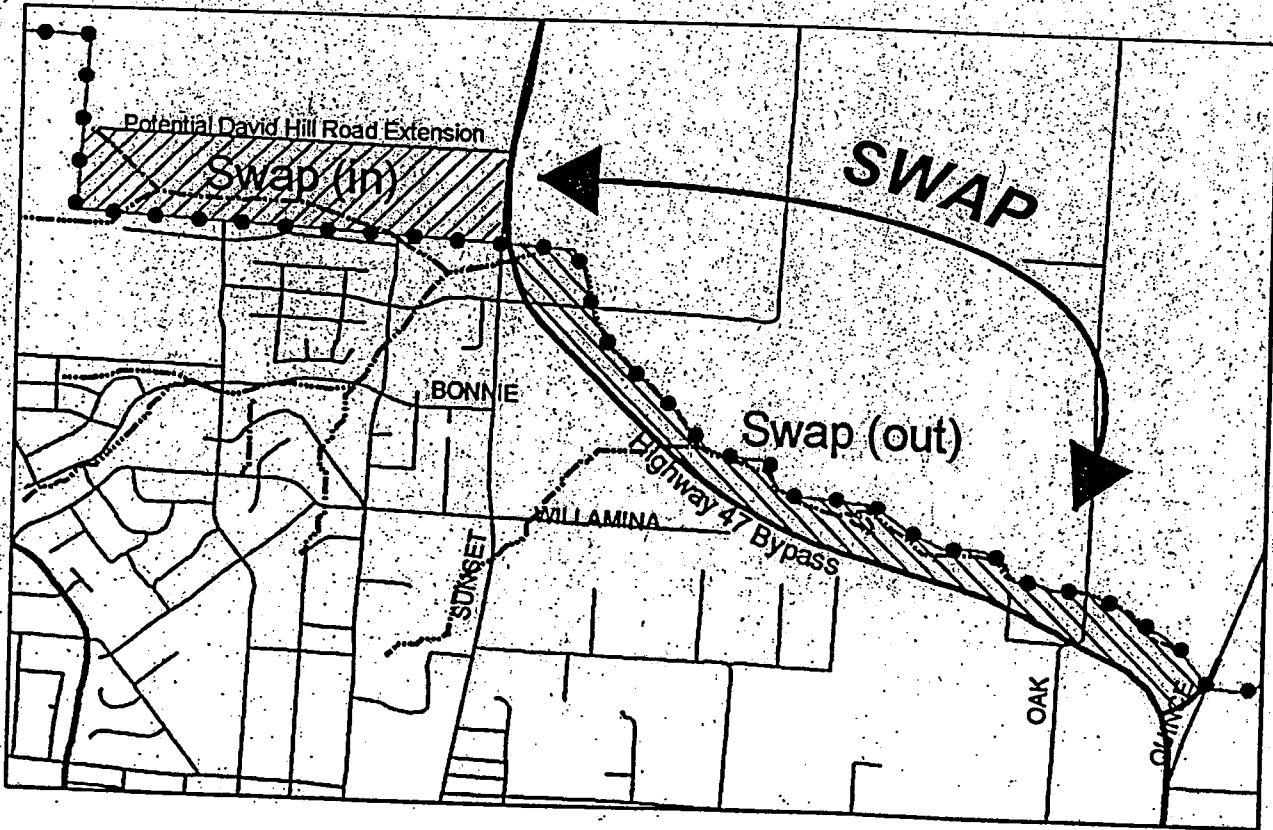


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EXECUTIVE SUMMARY

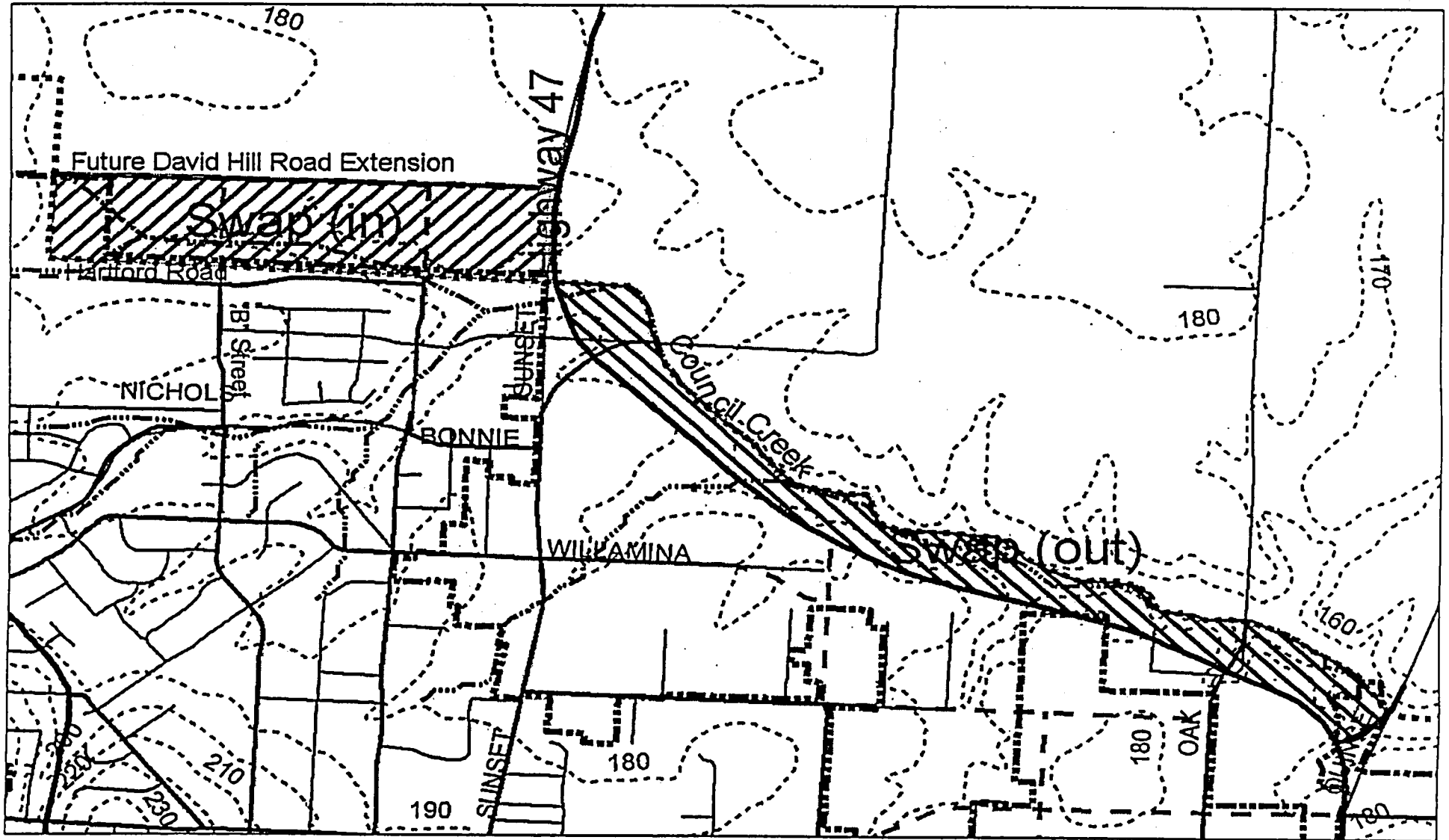
The City of Forest Grove has identified two areas of equal size north of Forest Grove for inclusion in a UGB land swap (Figure 1). The northern expansion of the City is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from 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.

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.

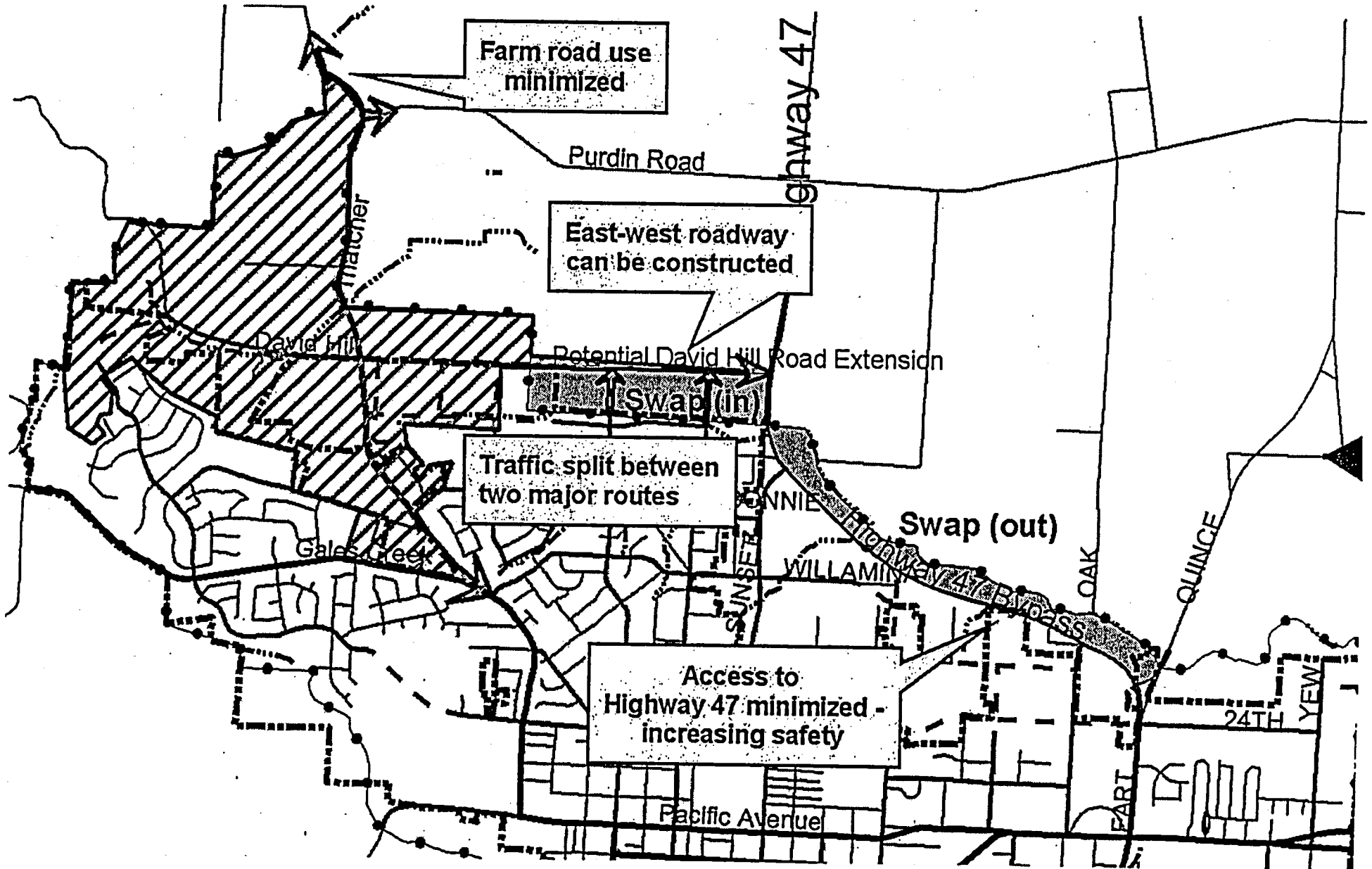
Benefits of Adding Land Between Thatcher and Highway 47

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 a 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

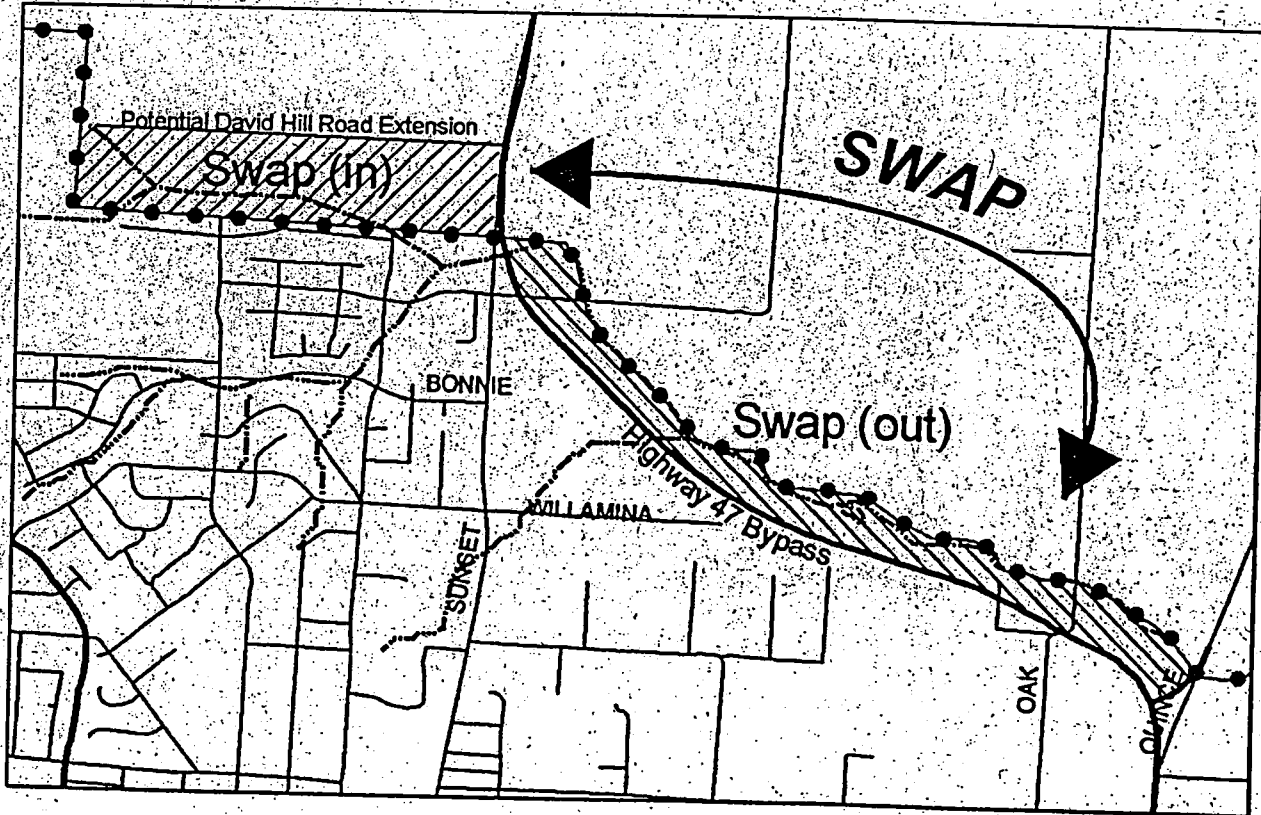


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EXECUTIVE SUMMARY

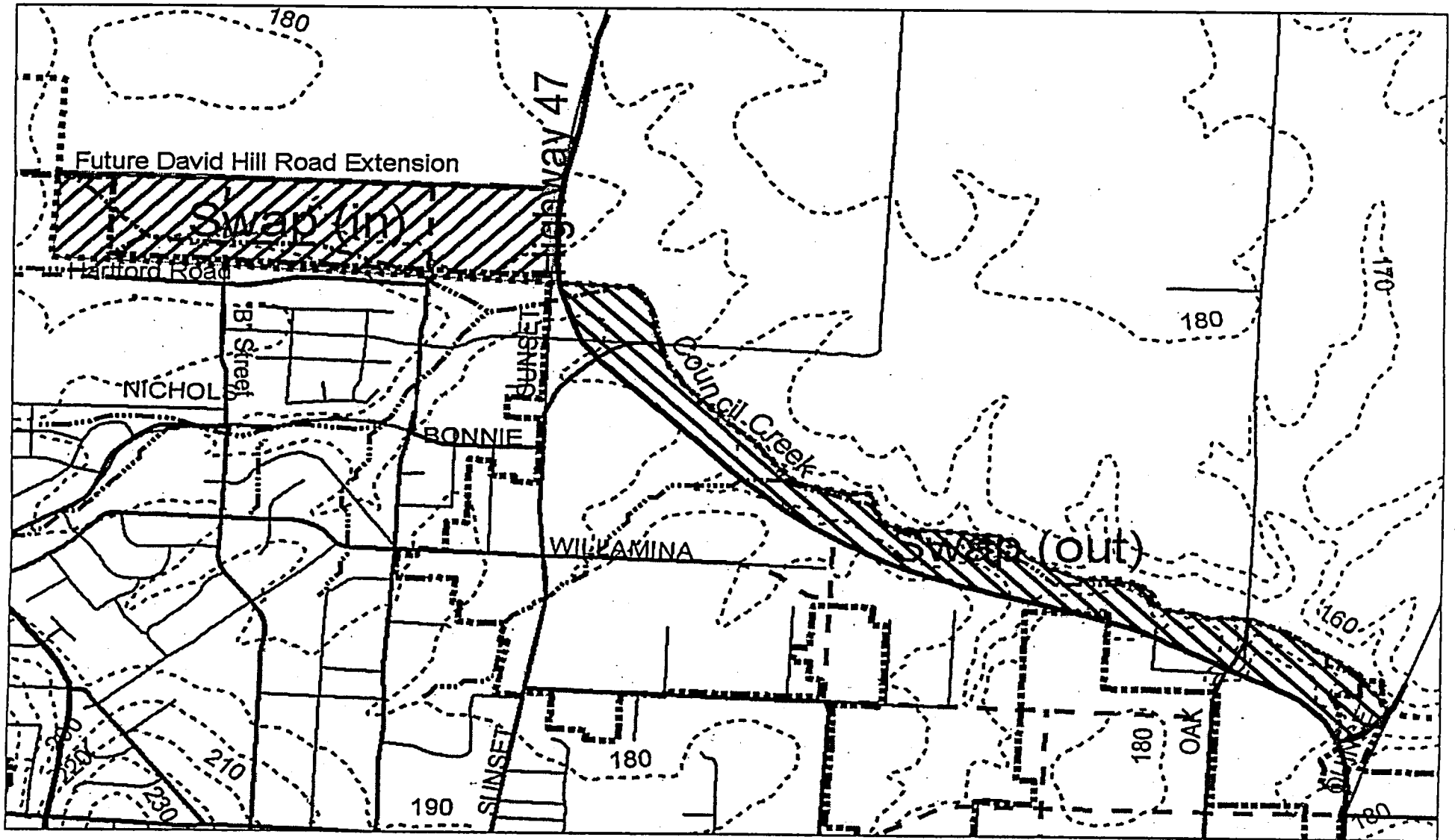
The City of Forest Grove has identified two areas of equal size north of Forest Grove for inclusion in a UGB land swap (Figure 1). The northern expansion of the City is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from 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

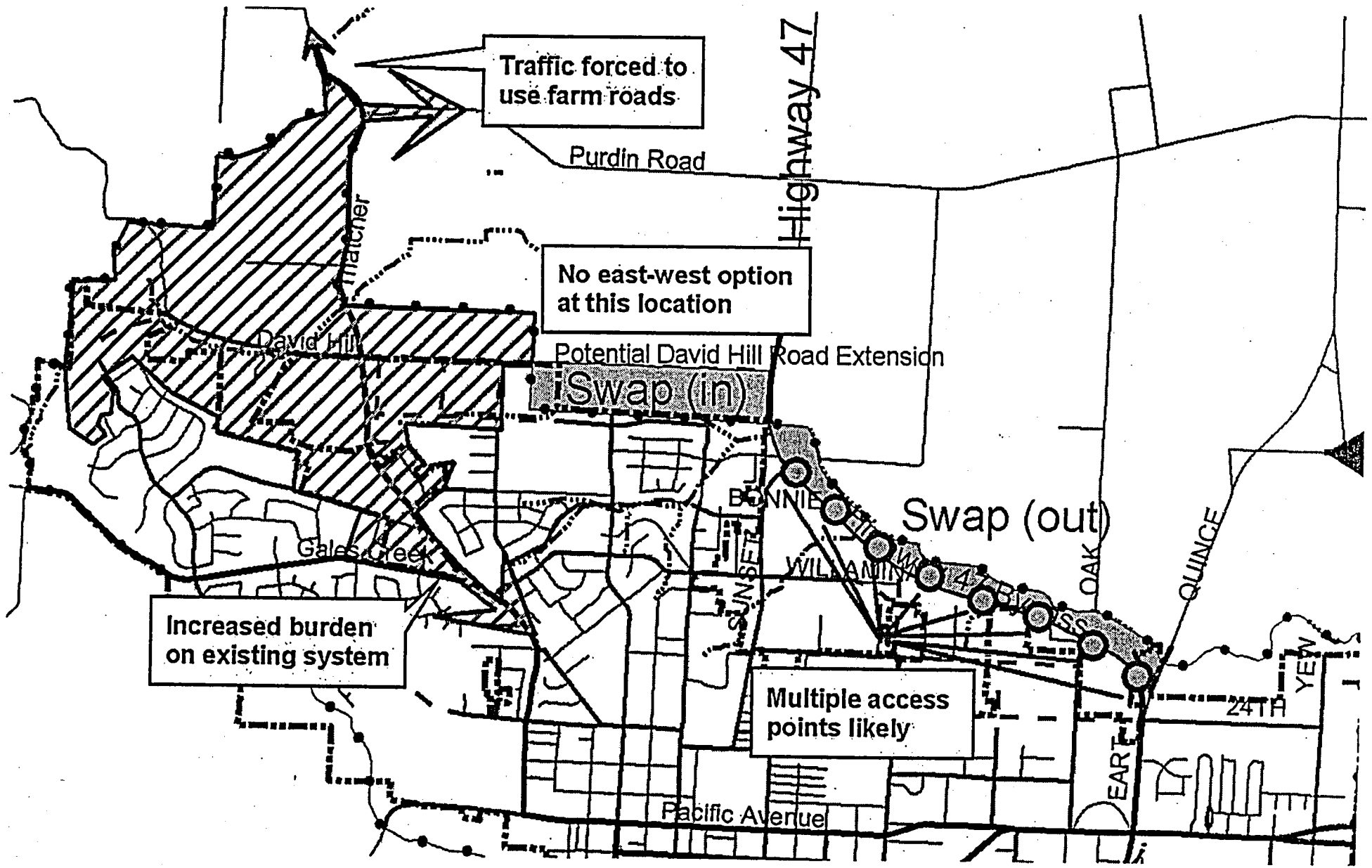
Transportation issues faced by the community without the David Hill Road extension include:

- **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.

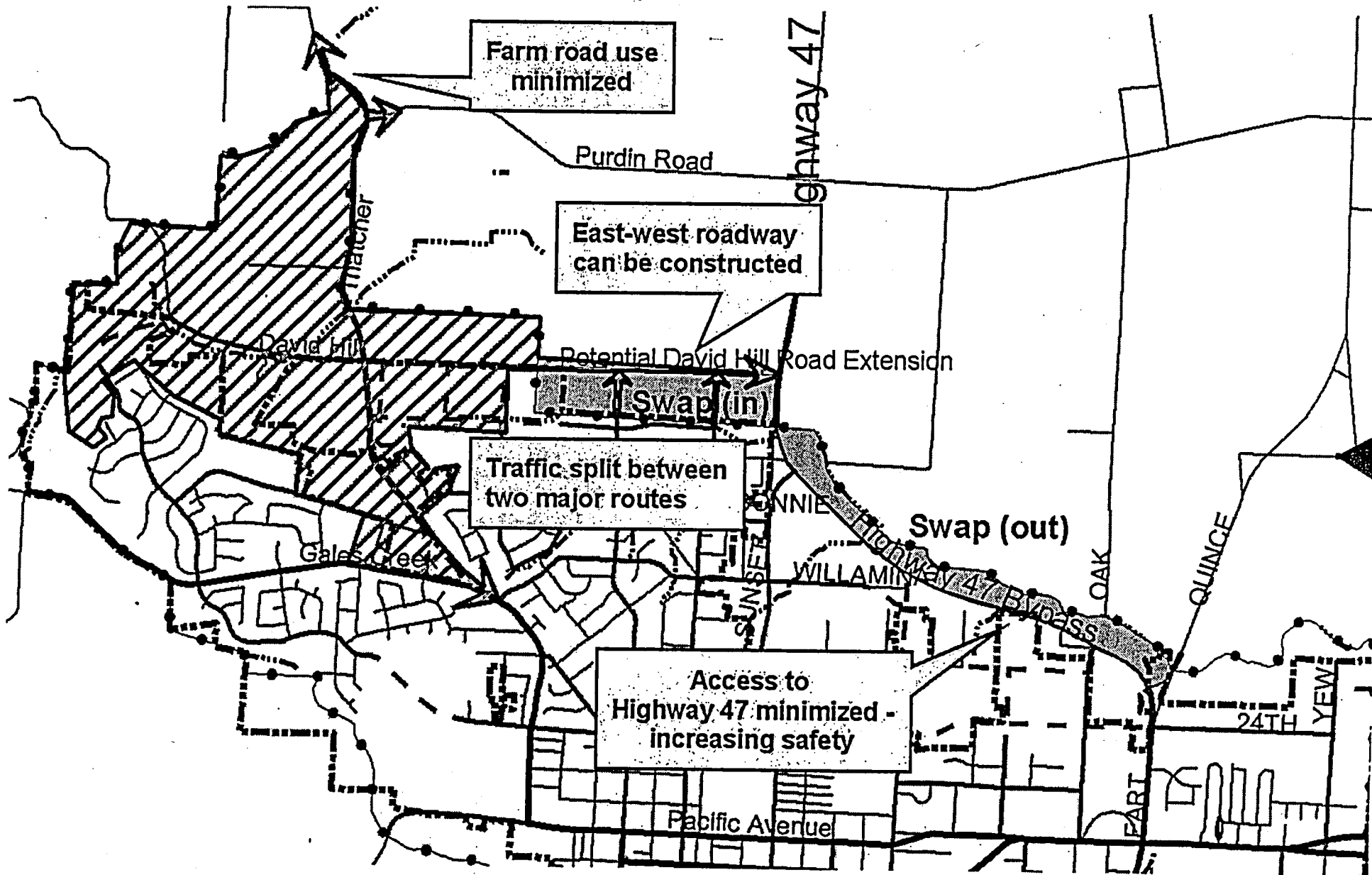
Benefits of Adding Land Between Thatcher and Highway 47

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. 02-986A, 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 12, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

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)

ORDINANCE NO. 02-986A
Introduced by Presiding Officer Carl Hosticka

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.

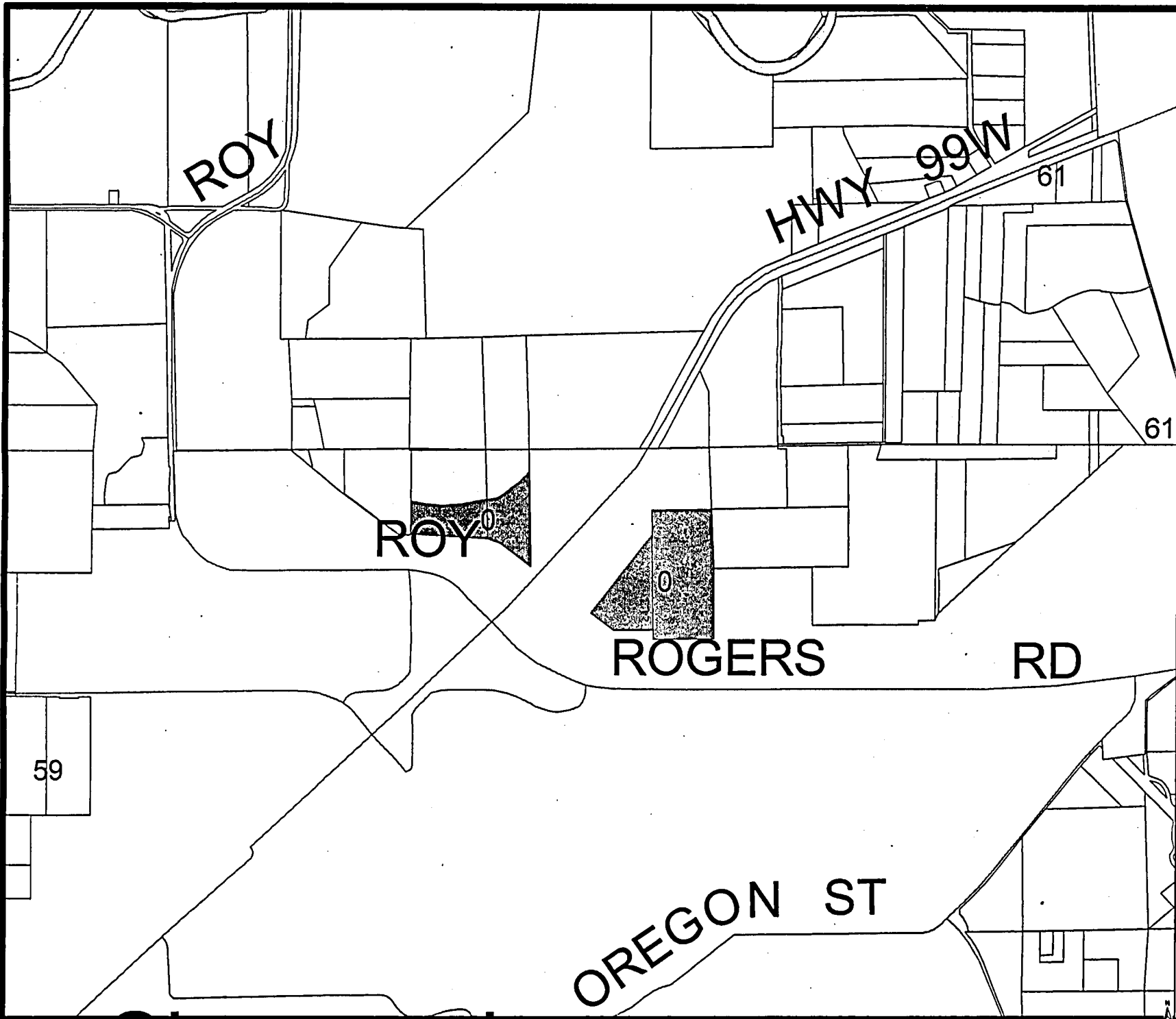
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

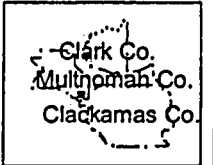
Daniel B. Cooper, General Counsel



UGB Expansion Areas
 Ordinance 02-986A
 December 5, 2002
 Exhibit A
 City of Sherwood

UGB Expansion Areas

DATE: 12/04/2002 10:58:11 AM
 USER: J:\hall\proj\02497\ord02_986A\ord986A.mxd
 PROJECT: 02497
 SHEET: 01
 SCALE: 1" = 1000'



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.

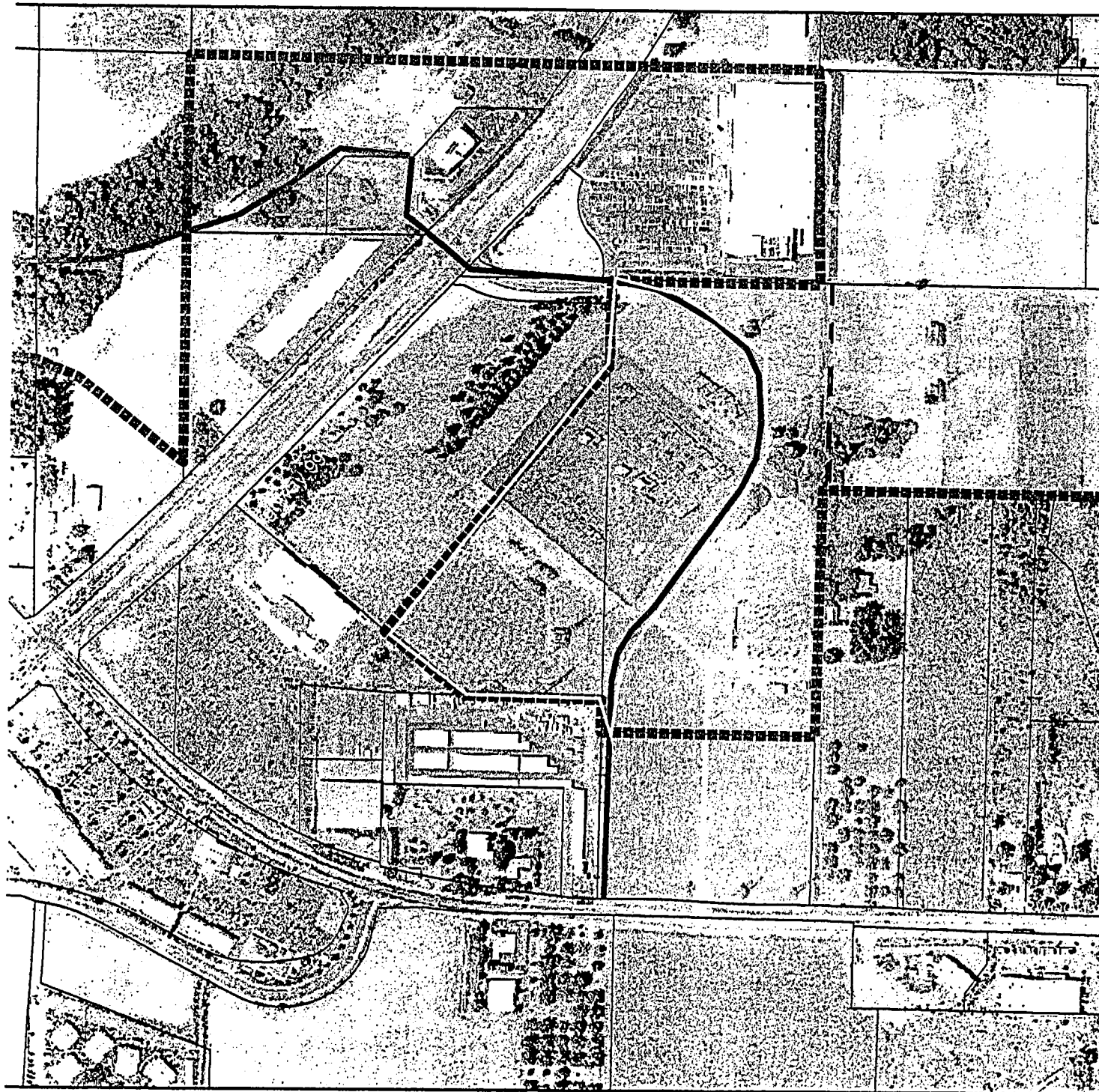
BUDGET IMPACT

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

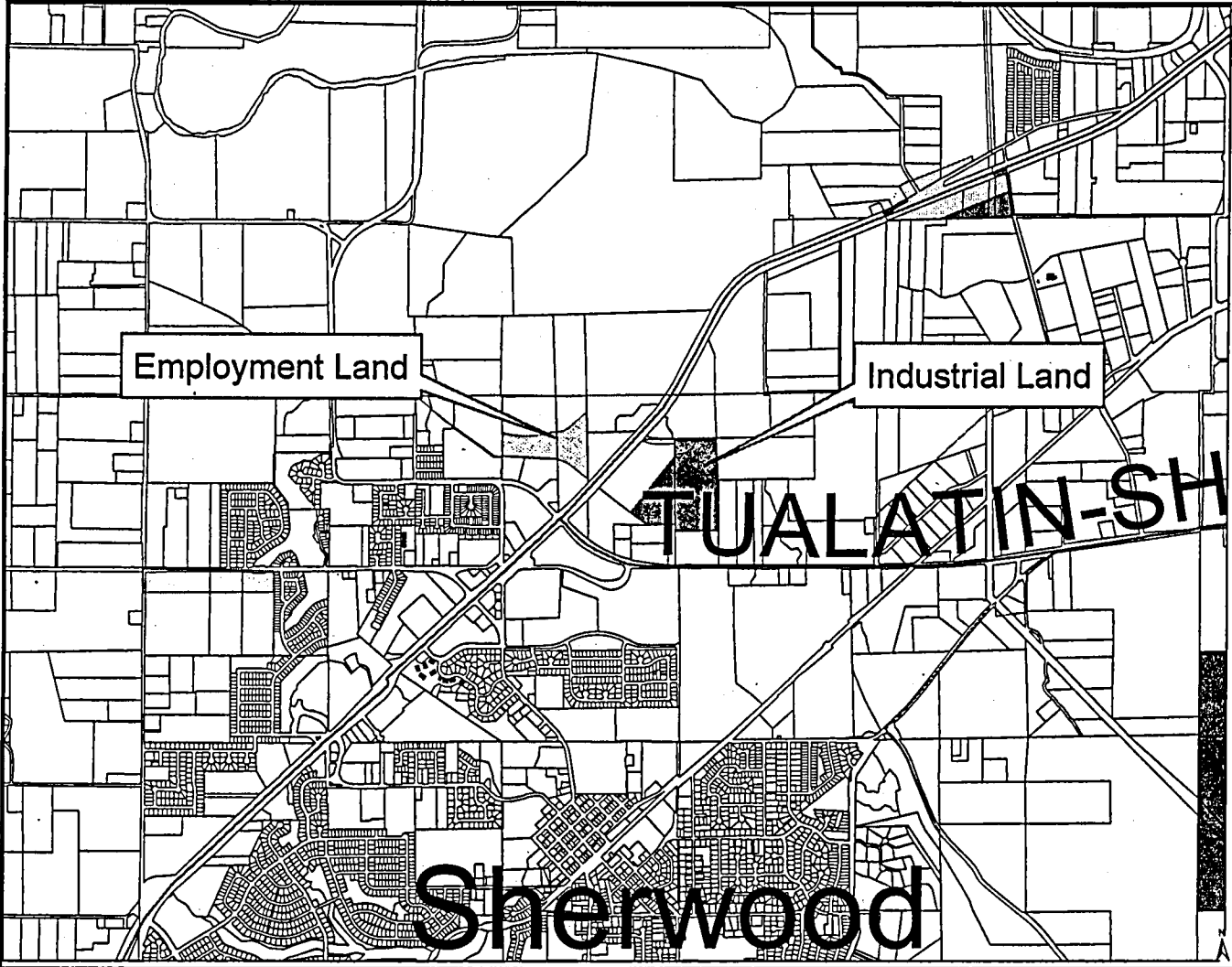
Portion that is used
as substation 8.10 Acres



Photo Taken
July 2001

Map Created September 2002

200
 Feet



R L I S
REGIONAL LAND INFORMATION SYSTEM

2040 Growth Concept Map

ORDINANCE 02-986A 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 derived from digital land use maps of Metro's 2040 Comprehensive Transportation Plan. Metro does not warrant the accuracy or completeness of the information. There is no warranty, expressed or implied, including the use of the information for purposes not intended by Metro. Metro is not responsible for any errors or omissions. It is the user's responsibility to verify the accuracy of the information. It is the user's responsibility to verify the accuracy of the information.

1 inch equals 0.5 miles
 Miles
 0 0.050.1 0.2

Clark Co.
 Washington Co.
 Multnomah Co.
 Clackamas Co.

Location Map

METRO
 METRO DATA RESOURCE CENTER
 600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-3736
 TEL: (503) 797-1742 | FAX: (503) 797-1908
 drc@metro.ore.gov | www.metro-oregon.org

Please recycle with honor ♻️

Agenda Item Number 7.3

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 12, 2002
Metro Council Chamber

4. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that this action complies with state planning laws, the Regional Framework Plan and the Metro Code.
5. This ordinance is necessary for the immediate preservation of public health, safety and welfare because state law requires Metro to ensure that the region's UGB has an immediate need for this action. ~~An emergency is therefore declared to exist, and this ordinance shall take effect on _____, 2003, pursuant to Metro Charter section 39(1).~~

ADOPTED by the Metro Council this [insert-date] _____ day of [insert-month] _____, 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

UGB Expansion Areas

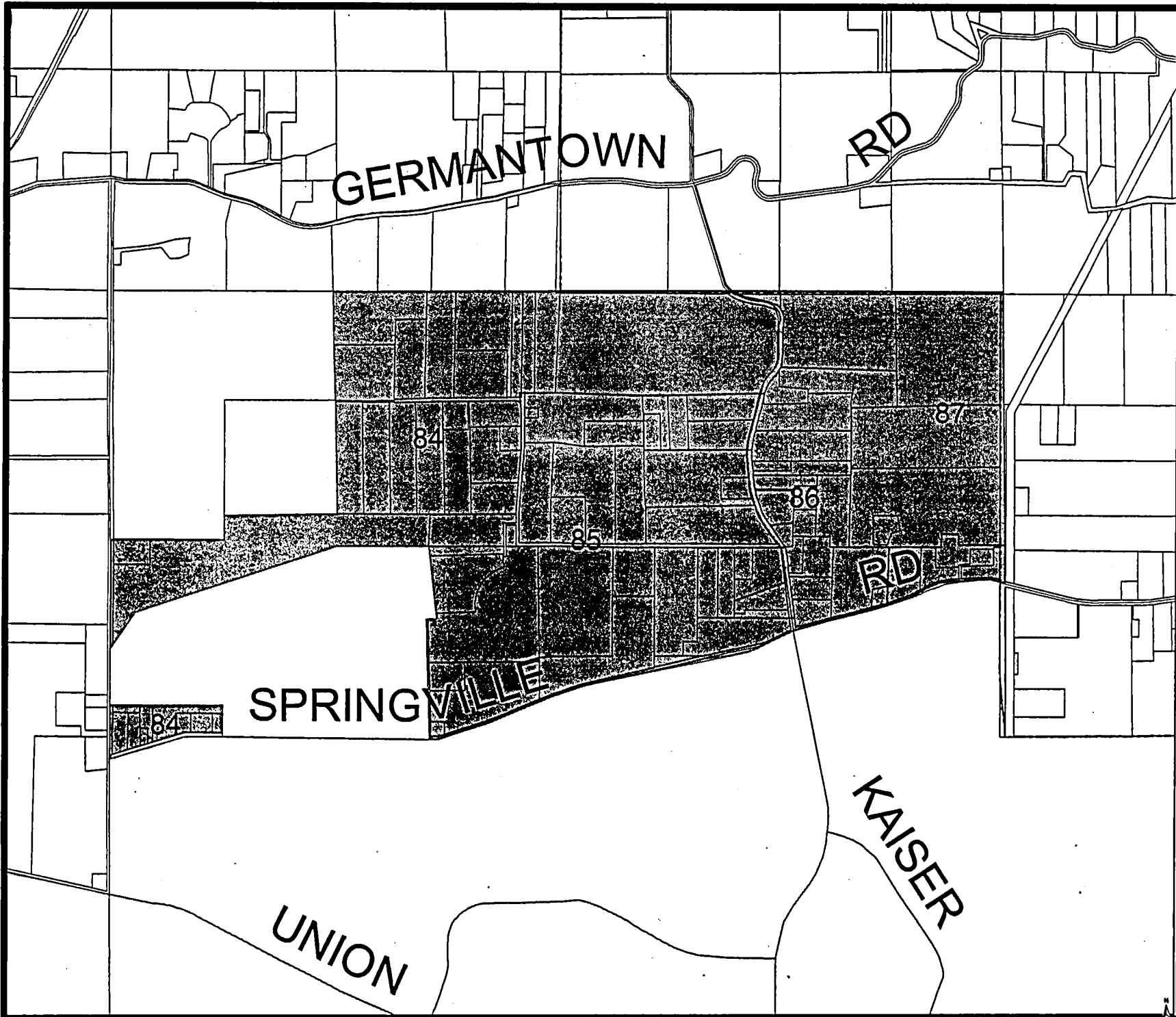
Ordinance 02-987A

December 5, 2002

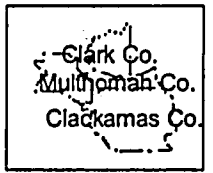
Exhibit A

Areas 84-87

 UGB Expansion Areas



1. This map is a computer-generated map based on data provided by the Clark County Assessor's Office, Multnomah County Assessor's Office, and Clackamas County Assessor's Office. The user assumes all responsibility for the accuracy of the data and the resulting map.



Locator Map



2002 DEC 4 10:00 AM
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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 86 and 87. Clean Water Services has emphasized the need to provide gravity sewer service and to reduce or eliminate pump stations where possible. Pump stations add to the initial costs of providing sanitary sewer service, require ongoing maintenance and have a limited lifespan. The Executive Officer's recommendation dated November 11, 2002 reflects a review and consideration of this information provided by Clean Water Services and resulted in a proposal of bringing in a portion of Area 83 to serve Area 84 which is exception land.

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

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

APPLICABLE REVIEW CRITERIA

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

BUDGET IMPACT

There is no budget impact from adopting this ordinance.

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

Agenda Item Number 7.4

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

Second Reading

Metro Council Meeting
Thursday, December 12, 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; and

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

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

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

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

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

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

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

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

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

**Ordinance No. 02-990
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 1 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. Urbanization of this area can occur until the alignment of the 99W I-5 connector is determined.**

STAFF REPORT

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

Date: December 5, 2002

Prepared by: Michael Morrissey

PROPOSED ACTION

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

BACKGROUND

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

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

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

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

Suggested Conditions

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

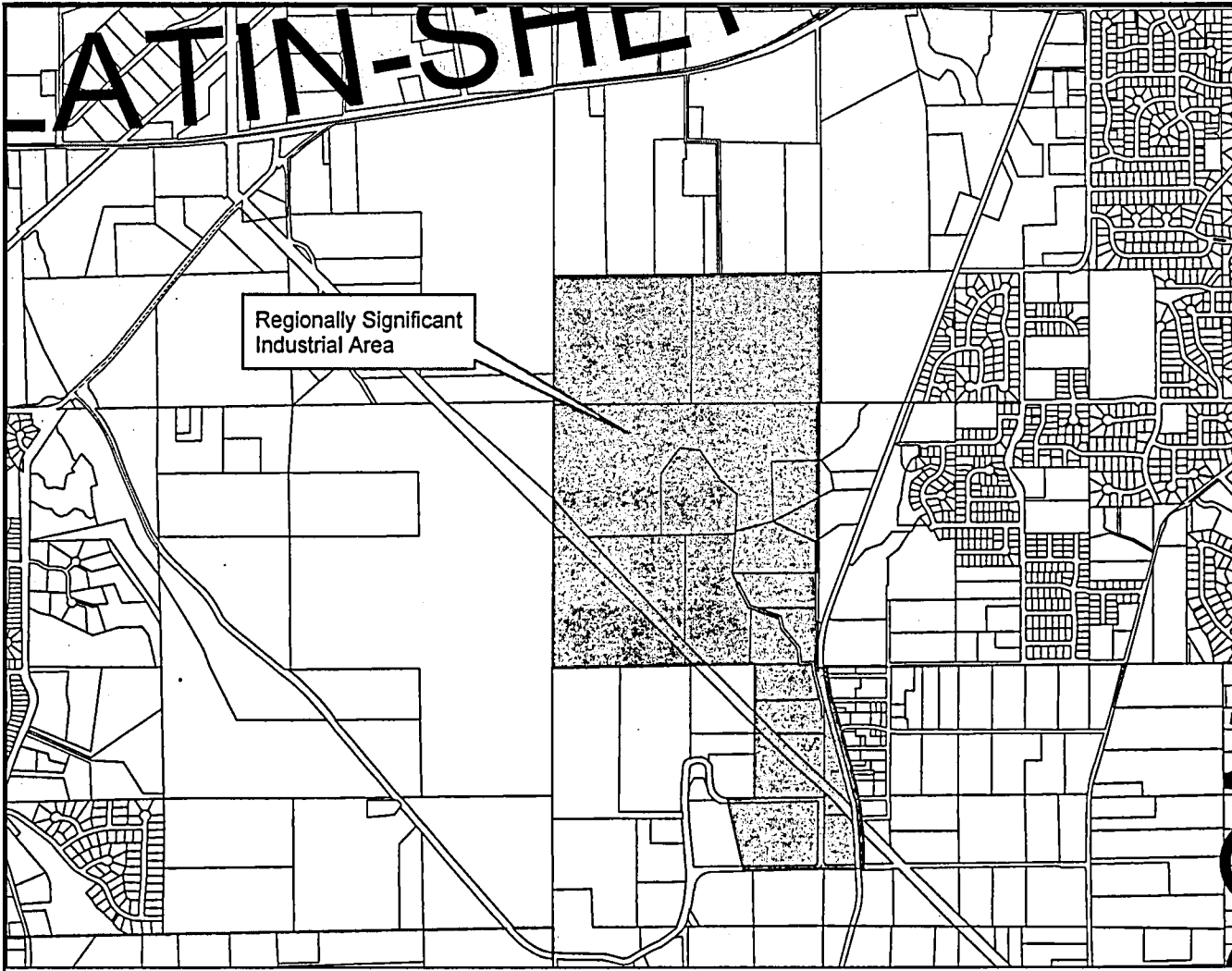
additional urbanization of this area should not occur until the alignment of the Highway 99W and I-5 connector is determined.

APPLICABLE REVIEW CRITERIA

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

BUDGET IMPACT

There is no budget impact from adopting this ordinance.



Regionally Significant Industrial Area

R L I S
REGIONAL LAND INFORMATION SYSTEM

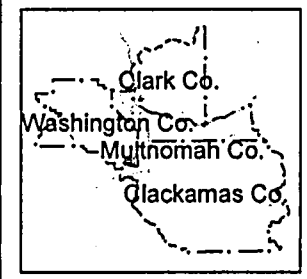
2040 Growth Concept Map

ORDINANCE 02-990 ATTACHMENT 1

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

The information on this map was derived from digital databases of Metro's GIS. Care was taken in the selection of this map. Metro does not accept any responsibility for errors, omissions, or inaccuracies. There is no warranty, expressed or implied, for any use of the information on this map. Metro is not responsible for any errors or omissions. This product is provided "as is" and may be subject to change without notice.

1 inch equals 0.3 miles



Location Map

METRO DATA RESOURCE CENTER
800 NORTH EAST GRAND AVENUE | PORTLAND, OREGON 97232-2738
TEL: (503) 797-1142 FAX: (503) 797-1609
metro@metro.org or www.metro-region.org

Agenda Item Number 8.1

Resolution No. 02-3250, For the Purpose of Confirming all Metro Executive Orders in Existence on January 6, 2003, and Authority of the Chief Operating Officer to Adopt and Amend all Metro Executive Orders.

Metro Council Meeting
Thursday, December 12, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING ALL) RESOLUTION NO. 02-3250
METRO EXECUTIVE ORDERS IN EXISTENCE ON)
JANUARY 6, 2003, AND AUTHORITY OF THE)
CHIEF OPERATING OFFICER TO ADOPT AND) Introduced by Governmental Affairs
AMEND ALL METRO EXECUTIVE ORDERS) Committee

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, require the Metro Council to create the offices of Chief Operating Officer pursuant to Metro Charter 26 and to define the duties and responsibilities of the Chief Operating Officer; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council create the Office of the Chief Operating Officer and describe the duties and responsibilities of the Chief Operating Officer as set forth in a recommended Metro Code Chapter and the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; and

WHEREAS, Metro Council approved Metro Code Chapter 2.20 Chief Operating Officer, which was adopted on June 27, 2002 pursuant to Ordinance No. 02-942A; and

WHEREAS, the former Executive Officer's duties and responsibilities included the authority to adopt written Metro Executive Orders; and

WHEREAS, the Chief Operating Officer will assume administrative duties and responsibilities substantially similar to that of the former Executive Officer; and

WHEREAS, the existing Metro Executive Orders Nos. 1 through 82 are hereby listed in a Master Index of Metro Executive Orders as described in Exhibit A attached hereto; now therefore:

BE IT RESOLVED that the Metro Council hereby authorizes:

1. That the existing Metro Executive Orders Nos. 1 through 82 are hereby confirmed as described in Exhibit A attached hereto;
2. That the Chief Operating Officer will have the authority to adopt and amend the existing Executive Orders Nos. 1 through 82 for Metro; and

///

///

3. That the Chief Operating Officer will have the authority to adopt new Executive Orders for Metro as they become necessary or advisable.

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, Resolution No. 02-3250
MASTER INDEX OF METRO EXECUTIVE ORDERS

#	SUBJECT	COMMENTS	EFFECTIVE DATE
1.	No order on record		N/A
2.	Internal Procedure for contracting and selection of contractors	Amended by EO # 15 Rescinded by Metro Code Chapter 2.04	04/14/81
3.	Administrative Interpretation of the Urban Growth Boundary (UGB) Northwest of Wilsonville		07/10/81
4.	Administrative Interpretation of the Urban Growth Boundary (UGB) Northeast of Wilsonville		07/10/81
5.	Public Involvement Plan		06/26/81
6.	Employee Smoking Policy		08/10/81
7.	Administrative Interpretation of the Urban Growth Boundary (UGB) South of Cornelius		09/24/81
8.	Administrative Interpretation of the Urban Growth Boundary (UGB) Southeast of Troutdale		09/29/81
9.	FY 1982 Budget Controls	Rescinded by EO # 11	01/11/92
10.	Credit Policy for Metro Solid Waste Disposal Facilities	Rescinded by EO # 40	03/01/82
11.	FY 1982 Budget Controls	Rescinds EO # 9	03/22/82
12.	Fiscal Management for FY 1982-83		07/01/82
13.	Meal Per Diem	Rescinded by EO # 32, Section IV (B)	07/01/82
14.	Clarification on Personal Holiday Leave		07/01/82
15.	Minority Business Enterprise (MBE) Amendments	Amends EO # 2; Rescinded by Metro Code Chapter 2.04	12/07/82
16.	Clarification of Contract Procedures	Supp. to EO # 2; Rescinded by Metro Code Chapter 2.04	12/07/82
17.	Administrative Interpretation of the Urban Growth Boundary (UGB) South of Cornelius	Rescinded by EO # 43	08/26/83
18.	Overtime Compensation Policy for Non-Exempt Employees		07/01/83

Exhibit A, Resolution No. 02-3250
MASTER INDEX OF METRO EXECUTIVE ORDERS

#	SUBJECT	COMMENTS	EFFECTIVE DATE
19.	Administration of the Equal Employment Opportunity/Affirmative Action (EEO/AA) Program		12/20/83
20.	Administration of the Disadvantaged Business (DBE) Program	Rescinded by EO # 34	12/20/83
21.	Administrative Interpretation of the UGB North of Hillsboro		02/22/84
22.	Delegation of the Executive Officer's Authority	Rescinded by EO # 34	09/10/84
23.	Microcomputer Acquisition Policy	Rescinded by EO # 28	03/14/85
24.	Administrative Interpretation of the UGB North of Sherwood		08/09/85
25.	Adoption of Procedures for Processing Application and Rate; Adjustment Requests for Solid Waste Disposal Franchisees		02/19/86
26.	Administrative Interpretation of the UGB Harborton, Northwest Portland Area		03/28/86
27.	Metro's Responsibility for Damage or Loss to Employee's Work-related Personal Property		08/06/86
28.	Microcomputer Acquisition	Rescinds EO # 23	09/08/86
29.	Relocation Regulations Relating to Acquisition of Real Property		10/15/86
30.	Public Affairs Relating to Responsibilities of Public Affairs Director and Policy for Handling Press Inquiries		01/16/87
31.	Non-Travel Expense Policy	Revised	07/01/92
32.	Travel Expenditures	Revised	07/01/93
33.	Submittal of Supplementary Material on Petitions for Amendment to the Urban Growth Boundary		04/10/87
34.	Delegation of Executive Officer's Authority	Rescinds EO # 22; originally issued as EO # 22, revised	06/19/87
35.	Administrative Interpretation of the UGB South of Oregon City		09/11/87

Exhibit A, Resolution No. 02-3250
MASTER INDEX OF METRO EXECUTIVE ORDERS

#	SUBJECT	COMMENTS	EFFECTIVE DATE
36.	Procedures for Appointments of Members of Metropolitan Exposition-Recreation Commission		10/26/87
37.	Administrative Procedures Related to Hearing Petitions to Amend the UGB		11/09/87
38.	Administrative Interpretation of the UGB as Adopted for Congested Case No. 87-1: Bull Mountain Site		03/08/88
39.	Administrative Interpretation of the UGB South of Lake Oswego		07/07/88
40.	Credit Policy for Metro Solid Waste Disposal Facilities	Rescinds EO # 10	10/01/88
41.	Sexual Harassment		04/14/89
42.	Drugs in the Workplace		03/18/89
43.	Overtime, Comp Time, and Bonus Extra Time Policy for FLSA Exempt Employees		05/08/89
44.	Agency Credit Cards		04/14/89
45.	Rules and Procedures Implementing Ordinance 89-302A Relating to Charitable Contributions Among Metro Employees		11/06/89
46.	Administration of the Equal Employment Opportunity/Affirmative Action (EEO/AA) Program		07/02/90
47.	Establishment of a Comprehensive Waste Reduction and Recycling Program for Metro Departments and Facilities	Revised	09/19/93
48.	Service Award Program		09/15/93
49.	Metro Credit Policy		08/19/93
50.	Metro Regional Center Meeting Use		03/24/94
51.	Computer User Administrative Rules		12/12/93
52.	Telecommuting		12/16/94
53.	Disciplinary Rules		01/01/87

Exhibit A, Resolution No. 02-3250
MASTER INDEX OF METRO EXECUTIVE ORDERS

#	SUBJECT	COMMENTS	EFFECTIVE DATE
54.	Public Records	Supp. Memo from Scott Moss, Assistant Director of ASD, dated 02/23/00, regarding procedures and changes	08/01/94
55.	401K		04/01/95
56.	Loaned Executives		08/24/95
57.	Delegation of Contract Signature Authority		09/11/95
58.	Removing/Replacing Previous Executive Orders		10/02/95
59.	Inclement Weather Policy		10/19/95
60.	Integrated Pest Management		12/20/95
61.	Inclement Weather Policy	Rescinds EO # 59	02/27/96
62.	Comp, Bonus, Overtime		03/25/96
63.	Travel Procedures	Revised from 07/05/96	09/09/02
64.	Weapons on Premises		07/23/96
65.	Disposal of Surplus Property		10/16/96
66.	Code of Ethics		01/21/97
67.	Disaster Debris Disposal Assistance		03/28/97
68.	Public Access to Metro Regional Center		03/05/98
69.	E-Mail and Voice Mail Policy		03/05/98
70.	Issued	Not Used	N/A
71.	Contract Employees		05/20/98
72.	Jurisdictional Boundary Appeals Fee Structure		08/09/99
73.	Annexation to the Jurisdictional Boundary Fee		10/29/99
74.	Administrative Interpretation—Urban Growth Boundary of West Hayden Island	Not Issued	N/A
75.	Administrative Interpretation – Urban Growth Boundary of Forest Grove		08/08/00

**Exhibit A, Resolution No. 02-3250
MASTER INDEX OF METRO EXECUTIVE ORDERS**

#	SUBJECT	COMMENTS	EFFECTIVE DATE
76.	Network Access Policy		10/10/00
77.	Sick Leave Transfer		In Process
78.	Restriction of Weapons at Metro Facilities	Replaces EO # 64, dated 07/22/96	In Process
79.	Administrative Adjustment to UGB Wheeler Property in Oregon City		09/24/01
80.	Displaying Employee Identification at MRC		12/01/01
81.	Metro Identification Standards		05/28/02
82.	Project Management		11/12/02

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3250 FOR THE PURPOSE OF CONFIRMING ALL METRO EXECUTIVE ORDERS IN EXISTENCE ON JANUARY 6, 2003, AND AUTHORITY OF THE CHIEF OPERATING OFFICER TO ADOPT AND AMEND ALL METRO EXECUTIVE ORDERS

Date: November 25, 200

Prepared by: Peggy Coats

BACKGROUND

As a result of the passage by the voters of Ballot Measure 26-10 on November 7, 2000, various changes to Metro's code, policies, and procedures are in order to conform to the approved amendments to Metro's charter. The changes proposed in this resolution confirms the authority for all past Executive Orders, and allows the Chief Operating Officer to replace the Executive Officer as the primary officer responsible for adopting and amending Executive Orders.

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Metro Code Chapter 2.20 Chief Operating Officer
3. **Anticipated Effects** Continuance of administrative regulation of Executive Orders
4. **Budget Impacts** None

RECOMMENDED ACTION

Approval of Resolution 02-3250.

Agenda Item Number 8.2

**Resolution No. 02-3257, For the Purpose of Accepting the November 5, 2002, General Election Abstract of
Votes.**

Metro Council Meeting
Thursday, December 12, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING THE) RESOLUTION NO. 02-3257
NOVEMBER 5, 2002 GENERAL ELECTION)
ABSTRACT OF VOTES) Introduced by Presiding Officer
) Carl Hosticka

WHEREAS, the Metro Council adopted Resolution No. 02-3208A on July 18, 2002, accepting the May 21, 2002 Primary Election Abstract of Votes for Metro; and

WHEREAS, a General Election was held in the State of Oregon on November 5, 2002 (General Election); and

WHEREAS, the following positions for Metro appeared on the General Election:

1. Metro Council President;
2. Metro Councilor, District 2; and

WHEREAS, ORS.255.295 requires that Metro shall determine the results of the General Election and notify the Multnomah County Elections Division of same; and

WHEREAS, the Multnomah, Clackamas and Washington County abstract of votes were received by the Metro Council as described in Exhibit A attached hereto and made a part hereof; now, therefore,

BE IT RESOLVED:

1. That the Metro Council hereby accepts the results of the November 5, 2002 General Election;
2. That the voters of Multnomah, Clackamas and Washington Counties of the Metro Area (Metro Area) have elected David Bragdon as Metro Council President at the General Election for a term commencing on January 6, 2003 and ending on January 2, 2007;
3. That the voters of the Metro Area, District 2 have elected Brian Newman as for the position of Metro Councilor at the General Election for a term commencing on January 6, 2003 and ending on January 2, 2007;
4. The term of Metro Councilor Rod Park for the Metro Area, District 1, elected by the voters on May 21, 2002 Primary Election, commences on January 6, 2003 and ends on January 2, 2007; and
5. The term of Metro Councilor Susan McLain for the Metro Area, District 4, elected by the voters on May 21, 2002 Primary Election, commences on January 6, 2003 and ends on January 2, 2007.

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

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

**Exhibit A
November 5, 2002 General Election
Abstract of Votes**

Abstract Report-METRO COUNCIL PRESIDENT

ESS

Election Name: GENERAL ELECTION

Election Date: 11/5/02

Race: METRO COUNCIL PRESIDENT

Legend: -1- DAVID BRAGDON , -2- KATE SCHIELE

Group(s) Reporting: Election Day

	Reg	Votes	Pct	-1-	-2-	UV	OV	WI
PCT 0156	66	54	81.82%	21	19	14	0	0
PCT 0158	102	85	83.33%	45	22	18	0	0
PCT 0543	37	11	29.73%	8	1	2	0	0
PCT 0547	53	38	71.70%	12	12	14	0	0
PCT 0548	33	18	54.55%	4	12	2	0	0
PCT 0601	0	0	0.00%	0	0	0	0	0
PCT 1002	787	568	72.17%	281	165	118	0	4
PCT 1013	4514	3548	78.60%	2403	600	526	1	18
PCT 1025	3960	2561	64.67%	1554	570	417	2	18
PCT 1045	249	211	84.74%	139	44	27	0	1
PCT 1053	2797	1419	50.73%	910	316	181	0	12
PCT 1103	3446	2146	62.28%	1221	550	343	1	31
PCT 1156	3106	2510	80.81%	1656	472	370	1	11
PCT 1170	3831	3098	80.87%	2006	599	483	3	7
PCT 1183	2412	1814	75.21%	1110	406	291	2	5
PCT 1205	3970	2947	74.23%	1677	692	557	5	16
PCT 1211	2120	1659	78.25%	1005	351	290	3	10
PCT 1213	3087	2354	76.26%	1342	560	436	2	14
PCT 1222	4049	3196	78.93%	1742	848	585	3	18
PCT 1224	3219	2635	81.86%	1668	565	395	2	5
PCT 1226	2284	1840	80.56%	1122	395	306	1	16
PCT 1230	4065	3146	77.39%	1826	754	547	2	17
PCT 1238	2362	1730	73.24%	870	519	323	4	14
PCT 1240	1601	1264	78.95%	806	236	211	3	8
PCT 1245	4351	3333	76.60%	1879	836	591	5	22
PCT 1315	3636	2457	67.57%	1416	584	437	1	19
PCT 1321	2251	1765	78.41%	867	503	381	0	14
PCT 1400	1737	1329	76.51%	659	384	282	1	3
PCT 1500	571	447	78.28%	230	134	81	2	0
PCT 1504	1559	78	5.00%	44	20	14	0	0
PCT 1507	340	285	83.82%	160	76	47	0	2
PCT 1515	1120	929	82.95%	577	210	134	4	4
PCT 1546	1056	866	82.01%	482	227	155	0	2
PCT 2002	3707	2092	56.43%	868	767	407	6	44
PCT 2026	3727	2059	55.25%	918	738	373	3	27
PCT 2029	3741	2239	59.85%	1023	770	411	3	32
PCT 2077	4568	2949	64.56%	1352	980	567	1	49
PCT 2086	3702	2344	63.32%	1227	677	411	3	26
PCT 2099	3345	1875	56.05%	994	527	319	2	33
PCT 2100	3994	2752	68.90%	1311	828	584	2	27
PCT 2114	3534	2438	68.99%	1332	668	421	1	16

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Abstract Report-METRO COUNCIL PRESIDENT

ESS

Election Name: GENERAL ELECTION

Election Date: 11/5/02

Race: METRO COUNCIL PRESIDENT

Legend: -1- DAVID BRAGDON , -2- KATE SCHIELE

Group(s) Reporting: Election Day

	Reg	Votes	Pct	-1-	-2-	UV	OV	WI
PCT 2143	2503	1588	63.44%	654	583	336	2	13
PCT 3000	3414	2137	62.60%	955	671	491	2	18
PCT 3002	3859	2500	64.78%	1244	725	506	3	22
PCT 3004	2894	1608	55.56%	731	546	306	3	22
PCT 3008	3888	2647	68.08%	1380	698	538	4	27
PCT 3058	4316	2763	64.02%	1553	684	485	3	38
PCT 3097	3962	2528	63.81%	1462	568	465	2	31
PCT 3113	3645	2900	79.56%	1725	597	572	3	3
PCT 3128	3761	3086	82.05%	1859	602	606	5	14
PCT 3144	2955	2451	82.94%	1527	455	451	3	15
PCT 3151	4416	2724	61.68%	1602	612	478	4	28
PCT 3177	3933	2840	72.21%	1508	718	583	4	27
PCT 3185	2464	1633	66.27%	659	606	341	8	19
PCT 3193	4099	2966	72.36%	1657	707	583	2	17
PCT 3240	4314	2997	69.47%	1512	864	584	1	36
PCT 3248	2800	1923	68.68%	1109	467	321	2	24
PCT 3253	2871	2038	70.99%	1245	441	343	2	7
PCT 3259	3721	2829	76.03%	1826	530	460	2	11
PCT 3274	3355	2311	68.88%	1443	432	411	1	24
PCT 3290	3399	2778	81.73%	1748	531	481	1	17
PCT 3297	2297	1283	55.86%	586	435	241	2	19
PCT 3307	2685	1754	65.33%	748	619	373	3	11
PCT 3311	2991	1889	63.16%	691	701	469	1	27
PCT 3315	2256	1263	55.98%	487	498	258	1	19
PCT 3322	2209	1545	69.94%	640	555	335	1	14
PCT 3327	1970	1265	64.21%	470	459	322	0	14
PCT 3329	3470	2459	70.86%	950	936	543	3	27
PCT 3330	3450	2375	68.84%	999	833	531	2	10
PCT 4022	3485	2313	66.37%	1392	475	421	2	23
PCT 4027	3313	2406	72.62%	1582	393	402	4	25
PCT 4041	4042	3064	75.80%	2028	489	510	5	32
PCT 4049	4168	2929	70.27%	1758	603	535	4	29
PCT 4065	4531	3172	70.01%	1885	715	546	5	21
PCT 4106	2889	2152	74.49%	1410	397	322	1	22
PCT 4111	3400	2631	77.38%	1534	627	447	3	20
PCT 4125	3213	1950	60.69%	835	695	393	8	19
PCT 4131	2764	1967	71.16%	1083	523	345	1	15
PCT 4155	3558	2512	70.60%	1331	669	485	1	26
PCT 4167	4087	2854	69.83%	1637	637	537	4	39
PCT 4178	2828	1734	61.32%	809	573	319	8	25
PCT 4185	2636	1548	58.73%	714	519	291	0	24

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Abstract Report-METRO COUNCIL PRESIDENT

ESS

Election Name: GENERAL ELECTION

Election Date: 11/5/02

Race: METRO COUNCIL PRESIDENT

Legend: -1- DAVID BRAGDON , -2- KATE SCHIELE

Group(s) Reporting: Election Day

	Reg	Votes	Pct	-1-	-2-	UV	OV	WI
PCT 4202	3189	1960	61.46%	852	683	392	3	30
PCT 4216	1281	699	54.57%	256	289	140	2	12
PCT 4242	3381	2471	73.08%	1346	667	439	1	18
PCT 4250	2711	1962	72.37%	1065	529	343	1	24
PCT 4254	1889	1310	69.35%	706	371	221	0	12
PCT 4282	3634	2826	77.77%	1775	559	479	1	12
PCT 4295	3541	2660	75.12%	1678	570	394	0	18
PCT 4299	4097	2297	56.07%	918	898	440	3	38
PCT 4309	2397	1465	61.12%	526	599	318	2	20
PCT 4320	2077	1395	67.16%	534	521	331	0	9
PCT 4333	3161	1960	62.01%	756	759	421	5	19
PCT 4338	3285	1993	60.67%	699	850	421	1	22
PCT 4339	3514	1966	55.95%	734	752	433	3	44
PCT 4340	2160	1177	54.49%	404	462	281	0	30
PCT 4344	2444	1471	60.19%	520	626	306	1	18
PCT 4345	3668	2173	59.24%	778	882	488	1	24
PCT 4350	3753	2183	58.17%	795	946	410	2	30
PCT 4352	2228	1187	53.28%	388	527	250	0	22
PCT 4359	1643	1052	64.03%	413	406	223	1	9
PCT 4360	2329	1306	56.08%	452	579	254	2	19
PCT 4361	3267	1886	57.73%	690	783	377	0	36
PCT 4362	2491	1425	57.21%	578	524	293	1	29
PCT 4363	3720	2597	69.81%	1333	774	464	3	23
PCT 5029	541	396	73.20%	166	136	92	0	2
PCT 5100	3339	1977	59.21%	726	874	352	3	22
PCT 5200	3922	2436	62.11%	818	1046	542	1	29
PCT 5201	3250	2190	67.38%	708	942	513	2	25
PCT 5301	1336	736	55.09%	222	337	170	1	6
PCT 5401	402	279	69.40%	116	101	59	0	3
PCT 5425	2510	277	11.04%	83	106	86	0	2
PCT 5602	353	249	70.54%	68	127	51	0	3
PCT 5604	2101	1091	51.93%	300	511	260	1	19
PCT 5605	140	94	67.14%	29	52	13	0	0
PCT 5819	3299	1959	59.38%	707	860	372	0	20
PCT 5820	4163	2521	60.56%	948	1060	488	1	24
PCT 5828	3506	1939	55.31%	701	878	333	1	26
PCT 5842	4258	2989	70.20%	1229	1128	603	4	25
PCT 5846	4292	2926	68.17%	960	1328	616	2	20
PCT 5850	2126	1265	59.50%	501	493	258	0	13
PCT 5851	4047	2655	65.60%	916	1158	555	1	25
PCT 5853	3389	2214	65.33%	788	939	456	1	30

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Abstract Report-METRO COUNCIL PRESIDENT

ESS

Election Name: GENERAL ELECTION

Election Date: 11/5/02

Race: METRO COUNCIL PRESIDENT

Legend: -1- DAVID BRAGDON , -2- KATE SCHIELE

Group(s) Reporting: Election Day

	Reg	Votes	Pct	-1-	-2-	UV	OV	WI
PCT 5855	3719	2554	68.67%	968	1001	561	4	20
PCT 5861	2545	1611	63.30%	569	691	332	1	18
PCT 5868	2647	1632	61.65%	618	636	363	2	13
PCT 5870	3241	1965	60.63%	734	785	416	3	27
PCT 5871	2039	988	48.46%	405	395	171	1	16
Race Totals	362925	241765	66.62%	121211	72165	45817	247	2325

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Certificate

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

John Kauffman, Director of Elections
Multnomah County, Oregon



Abstract Report-METRO COUNCILOR, POS 2

ESS

Election Name: GENERAL ELECTION

Election Date: 11/5/02

Race: METRO COUNCILOR, POS 2

Legend: -1- BILL ATHERTON , -2- BRIAN NEWMAN

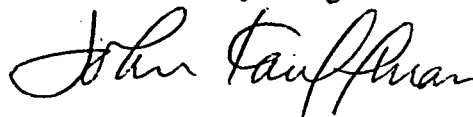
Group(s) Reporting: Election Day

	Reg	Votes	Pct	-1-	-2-	UV	OV	WI
PCT 0156	66	54	81.82%	17	14	23	0	0
PCT 1211	2120	1288	60.75%	267	567	440	3	11
PCT 1213	3087	2354	76.26%	617	976	741	4	16
PCT 1222	4049	3196	78.93%	761	1433	965	1	36
PCT 1238	2362	696	29.47%	177	290	219	0	10
PCT 1400	1737	1329	76.51%	426	527	372	0	4
PCT 1546	1056	866	82.01%	276	338	251	0	1
Race Totals	14477	9783	67.58%	2541	4145	3011	8	78

Certificate

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

John Kauffman, Director of Elections
Multnomah County, Oregon



Statement of Vote - Clackamas County General Election - Nov. 5, 2002

** Metro Council President - Council Dist. 2 **

Page Number 4.041.001

	REG ISTERED VOTERS	T URN OUT			D avid C ou ng il P re s i d e n t	K ate S ch ie le P re s i d e n t	B L A N K S	O V E R V O T E S		B rian C ou ng il - D i s t. - 2	B ill A th er t on - D i s t. - 2	B L A N K S	O V E R V O T E S				
CONSOL PREC NO 001	0	787			264	284	238	1		272	227	287	1				
CONSOL PREC NO 002	0	891			288	315	287	1		318	244	329	0				
CONSOL PREC NO 003	0	706			187	265	252	2		230	194	278	4				
CONSOL PREC NO 005	0	657			189	222	245	1		229	158	269	1				
CONSOL PREC NO 006	0	803			285	263	253	2		254	244	302	3				
CONSOL PREC NO 007	0	1583			491	515	572	5		464	469	642	8				
CONSOL PREC NO 008	0	2345			669	855	818	3		729	635	978	3				
CONSOL PREC NO 009	0	649			184	255	209	1		212	197	240	0				
CONSOL PREC NO 011	0	847			213	339	294	1		271	224	350	2				
CONSOL PREC NO 031	0	325			80	131	111	3		114	80	123	8				
CONSOL PREC NO 032	0	359			110	135	113	1		125	90	142	2				
CONSOL PREC NO 033	0	1017			297	371	344	5		334	268	407	8				
CONSOL PREC NO 034	0	982			279	376	324	3		308	274	393	7				
CONSOL PREC NO 038	0	631			198	210	218	5		217	150	258	6				
CONSOL PREC NO 039	0	935			294	330	311	0		306	250	376	3				
CONSOL PREC NO 051	0	800			298	279	222	1		358	169	270	3				
CONSOL PREC NO 053	0	716			269	230	216	1		284	177	255	0				
CONSOL PREC NO 054	0	594			216	194	182	2		231	148	214	1				
CONSOL PREC NO 056	0	581			210	188	182	1		203	167	209	2				
CONSOL PREC NO 057	0	841			311	258	270	2		325	186	327	3				
CONSOL PREC NO 058	0	603			209	192	202	0		252	117	233	1				
CONSOL PREC NO 060	0	824			293	273	257	1		303	209	310	2				
CONSOL PREC NO 062	0	822			261	278	278	5		292	192	333	5				
CONSOL PREC NO 063	0	756			262	249	244	1		300	185	270	1				
CONSOL PREC NO 064	0	764			249	264	247	4		272	205	283	4				
CONSOL PREC NO 090	0	4			0	2	2	0		1	0	3	0				
CONSOL PREC NO 091	0	130			58	30	42	0		53	19	57	1				
CONSOL PREC NO 092	0	75			20	21	34	0		18	11	46	0				
CONSOL PREC NO 093	0	113			45	30	38	0		37	25	50	1				
CONSOL PREC NO 094	0	8			3	4	1	0		0	0	0	0				
CONSOL PREC NO 095	0	3			1	0	2	0		1	0	2	0				
CONSOL PREC NO 096	0	2539			799	937	788	15		0	0	0	0				
CONSOL PREC NO 130	0	1490			480	503	504	3		442	462	582	4				
CONSOL PREC NO 131	0	1777			593	556	623	5		501	603	668	5				
CONSOL PREC NO 132	0	1293			469	417	407	0		371	481	438	3				
CONSOL PREC NO 134	0	1279			514	358	400	7		351	473	450	5				
CONSOL PREC NO 135	0	948			386	253	308	1		245	402	300	1				
CONSOL PREC NO 136	0	925			390	258	276	1		261	379	283	2				
CONSOL PREC NO 138	0	1321			498	361	459	3		391	495	434	1				
CONSOL PREC NO 139	0	1155			418	356	379	2		337	441	375	2				
CONSOL PREC NO 140	0	616			250	176	189	1		200	211	203	2				
CONSOL PREC NO 151	0	1038			471	255	308	4		337	344	351	6				
CONSOL PREC NO 152	0	855			368	235	250	2		263	325	267	0				
CONSOL PREC NO 153	0	1067			452	282	329	4		344	331	388	4				
CONSOL PREC NO 154	0	1139			439	326	372	2		349	336	452	2				
CONSOL PREC NO 155	0	1501			671	401	427	2		483	536	479	3				
CONSOL PREC NO 157	0	627			243	183	200	1		183	204	240	0				
CONSOL PREC NO 158	0	1000			471	208	317	4		314	322	358	6				
CONSOL PREC NO 159	0	1008			424	292	291	1		296	387	323	2				
CONSOL PREC NO 160	0	1033			407	319	307	0		340	352	339	2				
CONSOL PREC NO 162	0	1245			506	360	378	1		391	413	440	1				
CONSOL PREC NO 163	0	1245			546	320	377	2		358	472	410	5				
CONSOL PREC NO 164	0	814			342	240	227	5		257	269	282	6				
CONSOL PREC NO 165	0	927			406	270	251	0		296	328	298	5				
CONSOL PREC NO 166	0	1084			428	326	327	3		324	378	379	3				
CONSOL PREC NO 167	0	929			395	264	268	2		314	294	320	1				
CONSOL PREC NO 169	0	579			223	152	204	0		180	162	237	0				
CONSOL PREC NO 170	0	13			3	5	5	0		4	4	5	0				
CONSOL PREC NO 171	0	15			6	2	7	0		4	5	6	0				
CONSOL PREC NO 201	0	706			255	245	203	3		0	0	0	0				
CONSOL PREC NO 202	0	1146			358	403	374	11		0	0	0	0				

Exhibit A-6 of 12
Resp. No. 02-3257

Statement of Vote - Clackamas County General Election - Nov. 5, 2002
 ** Metro Council President - Council Dist. 2 **

Page Number 5.041.001

	REG- ISTERED VOTERS	TURN- OUT		DAVID METRO COUNCIL PRESIDENT	KATE SCHIELE METRO COUNCIL PRESIDENT	BLANKS	OVER- VOTES		BRIAN NEWMAN METRO COUNCIL DIST. 2	BILL AHERN METRO COUNCIL DIST. 2	BLANKS	OVER- VOTES						
CONSOL PREC NO 203	0	1046		396	274	360	16		0	0	0	0						
CONSOL PREC NO 204	0	780		307	211	256	6		0	0	0	0						
CONSOL PREC NO 205	0	771		246	258	261	6		0	0	0	0						
CONSOL PREC NO 206	0	1139		356	363	417	3		0	0	0	0						
CONSOL PREC NO 251	0	1		1	0	0	0		1	0	0	0						
CONSOL PREC NO 252	0	1111		356	335	416	4		0	0	0	0						
CONSOL PREC NO 300	0	660		266	209	184	1		199	234	227	0						
CONSOL PREC NO 301	0	639		253	218	167	1		221	217	200	1						
CONSOL PREC NO 302	0	458		167	165	125	1		129	172	153	4						
CONSOL PREC NO 303	0	626		224	195	204	3		101	90	122	1						
CONSOL PREC NO 305	0	44		29	8	7	0		19	16	8	1						
CONSOL PREC NO 306	0	111		52	30	28	1		36	47	27	1						
CONSOL PREC NO 313	0	483		218	136	128	1		157	181	143	2						
CONSOL PREC NO 326	0	811		366	214	231	0		238	299	198	3						
CONSOL PREC NO 327	0	1078		346	352	367	13		15	11	18	0						
CONSOL PREC NO 328	0	70		22	23	25	0		19	20	30	1						
CONSOL PREC NO 337	0	1042		3	5	3	0		0	0	0	0						
CONSOL PREC NO 390	0	942		245	348	338	11		0	0	0	0						
CONSOL PREC NO 394	0	877		175	296	214	4		0	0	0	0						
CONSOL PREC NO 401	0	1046		288	420	329	9		0	0	0	0						
CONSOL PREC NO 403	0	804		203	336	258	7		0	0	0	0						
CONSOL PREC NO 405	0	1276		202	329	287	10		0	0	0	0						
CONSOL PREC NO 407	0	526		40	53	53	1		0	0	0	0						
CONSOL PREC NO 411	0	981		316	329	334	2		316	248	411	6						
CONSOL PREC NO 412	0	950		260	347	338	5		297	226	420	7						
CONSOL PREC NO 413	0	451		135	163	151	2		121	133	196	1						
CONSOL PREC NO 414	0	904		284	298	318	4		287	217	396	4						
CONSOL PREC NO 422	0	652		160	170	187	5		0	0	0	0						
CONSOL PREC NO 441	0	230		68	89	72	1		74	65	91	0						
CONSOL PREC NO 442	0	853		257	311	283	2		289	193	368	3						
CONSOL PREC NO 443	0	1018		250	367	288	9		0	0	0	0						
CONSOL PREC NO 444	0	421		108	168	141	4		0	0	0	0						
CONSOL PREC NO 445	0	807		229	304	263	11		146	82	136	6						
CONSOL PREC NO 446	0	481		158	189	131	3		0	0	0	0						
CONSOL PREC NO 451	0	406		118	137	147	4		130	91	178	7						
CONSOL PREC NO 452	0	351		100	142	109	0		130	88	132	1						
CONSOL PREC NO 453	0	888		272	338	274	4		304	237	343	4						
CONSOL PREC NO 454	0	1035		318	336	375	6		342	213	478	2						
CONSOL PREC NO 475	0	937		301	338	297	1		340	211	382	4						
CONSOL PREC NO 478	0	225		72	101	52	0		86	64	74	1						
CONSOL PREC NO 480	0	597		194	217	182	4		198	163	232	4						
CONSOL PREC NO 481	0	1314		393	518	397	6		475	331	500	8						
CONSOL PREC NO 491	0	242		64	98	80	0		79	71	90	2						
CONSOL PREC NO 503	0	846		296	282	267	1		265	236	339	6						
CONSOL PREC NO 505	0	854		283	317	252	2		311	230	307	6						
CONSOL PREC NO 506	0	514		175	183	150	6		177	146	186	5						
CONSOL PREC NO 507	0	666		235	219	209	3		238	180	247	1						
CONSOL PREC NO 521	0	660		207	252	198	3		251	168	237	4						
CONSOL PREC NO 522	0	387		211	84	89	3		193	62	126	6						
CONSOL PREC NO 523	0	208		99	44	63	2		93	36	76	3						
CONSOL PREC NO 525	0	810		285	284	238	3		311	204	291	4						
CONSOL PREC NO 526	0	827		302	273	249	3		301	217	307	2						
CONSOL PREC NO 530	0	840		282	267	290	1		269	207	362	2						
CONSOL PREC NO 531	0	755		223	293	236	3		234	227	292	2						
CONSOL PREC NO 532	0	472		155	163	153	1		144	134	191	3						
CONSOL PREC NO 533	0	611		205	213	190	3		206	168	231	6						
CONSOL PREC NO 538	0	505		193	163	149	0		169	153	182	1						
CONSOL PREC NO 549	0	573		182	201	189	1		191	159	222	1						
CONSOL PREC NO 550	0	1013		324	343	345	1		360	251	398	4						
CONSOL PREC NO 551	0	731		244	254	231	2		270	180	278	3						
CONSOL PREC NO 552	0	792		248	278	263	3		257	206	329	0						

Exhibit A-7 of 12
 Reso. No. 02-3257

Statement of Vote - Clackamas County General Election - Nov. 5, 2002
 ** Metro Council President - Council Dist. 2 **

Page Number 6.041.001

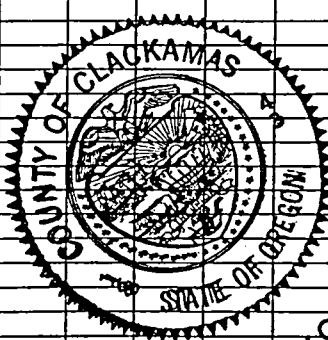
	REG- ISTERED VOTERS	TURN- OUT	DAVID COUNCIL PRESIDENT	KATE COUNCIL PRESIDENT	BLANKS	OVER- VOTES	BRIAN COUNCIL DIST. 2	BILL COUNCIL DIST. 2	BLANKS	OVER- VOTES
CONSOL PREC NO 553	0	271	81	110	79	1	95	81	94	1
CONSOL PREC NO 555	0	1096	357	366	371	2	370	267	457	2
CONSOL PREC NO 560	0	778	175	200	162	2	164	161	212	2
CONSOL PREC NO 561	0	159	23	35	29	0	20	26	40	1
CONSOL PREC NO 562	0	663	0	1	0	0	1	0	0	0
CONSOL PREC NO 563	0	1030	170	268	197	3	226	172	239	1
CONSOL PREC NO 565	0	773	3	4	1	0	0	2	6	0
CONSOL PREC NO 568	0	439	47	53	44	2	53	41	51	1
CONSOL PREC NO 587	0	607	6	12	11	0	14	6	9	0
**** TOTALS ****	0	100429	32773	31521	30495	359	25381	22763	28805	292

METRO COUNCIL, PRESIDENT

MISCELLANEOUS WRITE-INS 9

METRO COUNCIL, ZONE 2

MISCELLANEOUS WRITE-INS 7



CERTIFIED COPY OF THE ORIGINAL
 ARDIS STEVENSON, COUNTY CLERK
 BY: *[Signature]* 11-22-02

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 5, 2002****
METRO COUNCIL PRESIDENT

Page Number	REGISTE RED VOTERS	TURN OUT	TURN OUT PER CENT AGE	DAVID BRAD DON COUN CIL PRE SIDENT	KATE SCHIE LE COUN CIL PRE SIDENT
96.071.001					
302 KINNAMAN	2021	1249	61.8%	359	407
303 WITCH HAZEL	357	272	76.1%	26	44
304 BUTTERNUT	2552	1621	63.5%	496	540
306 TANASBOURNE	537	353	65.7%	116	101
307 WILLOW CREEK	1634	1081	66.1%	354	360
309 HANTHORNE FARMS	1626	989	60.8%	311	313
310 DILLEY	1297	912	70.3%	0	0
312 HAGG LAKE	741	519	70.0%	5	13
313 HILLSBORO-UNINCORP	373	271	72.6%	80	79
314 GLENCOE	736	514	69.8%	1	2
318 WINTER BRIDGE	2205	1525	69.1%	424	567
319 OJATAMA STREET	797	478	59.9%	158	160
320 HAZELDALE	1738	1117	64.2%	324	385
322 JACKTOWN	223	159	71.3%	13	17
323 INDIAN HILLS	3256	1956	60.0%	518	709
325 HILLSBORO-ISLANDS	3	3	100.0%	0	3
327 BROWN MIDDLE SCHOOL	2606	1709	65.5%	529	593
328 FARMINGTON VIEW	1323	900	68.0%	3	9
329 CENTURY SCHOOL	2876	1783	61.9%	518	650
331 PORTLAND /BARNES	3	2	66.6%	2	0
332 ORENCO STATION	2031	1443	71.0%	505	452
333 JOHN OLSEN	2636	1291	48.9%	367	416
335 JACKSON SCHOOL	3236	2310	71.3%	646	687
336 FAIR GROUNDS	2372	1547	65.2%	502	517
337 WALNUT ST	3268	2020	61.8%	620	727
338 CORNELIUS	3353	1892	56.4%	480	681
339 FOREST GROVE-EAST	4042	2494	61.7%	813	859
340 FOREST GROVE-WEST	4012	2778	69.2%	867	929
341 CORNELIUS-SCHEFFLIN	310	224	72.2%	15	23
342 DAVID HILL RD	214	163	76.1%	35	32
343 MOOBERRY	3461	2278	65.8%	724	728
344 HILLSBORO CENTRAL	2939	1825	62.0%	602	564
345 W/HILLSBORO-UNINCORP	122	73	59.8%	9	6
346 CORNELIUS/TUAL RIVER	244	179	73.3%	34	45
347 FG/TUALATIN RIVER	36	27	75.0%	0	0
348 LAKE OSWEGO	116	76	65.5%	22	19
349 DIVISION STREET	2054	1220	59.3%	406	433
350 FIR GROVE	3768	2586	68.6%	949	770
351 ALOHA PARK	1931	1102	57.0%	357	370
352 BEAVERTON-CENTER	591	287	48.5%	92	89
353 WALKER ROAD-SOUTH	1468	990	67.4%	392	288
354 CHEHALEM SCHOOL	3301	2349	71.1%	814	739
355 MEADOW PARK	2922	1952	66.8%	693	641
356 ALOHA-WEST	1501	945	62.9%	272	343
357 HERITAGE PARK	1521	964	63.3%	316	321
358 SEMINOLE ESTATES	940	628	66.8%	200	219
359 WATERHOUSE	3742	2419	64.6%	804	761
360 PHEASANT LANE	1888	1191	63.0%	358	421
361 MILLIKAN	780	412	52.8%	130	126
362 CEDAR HILLS	3346	2423	72.4%	1009	694
363 BARNES RD	3025	2066	68.2%	757	637
364 MCDANIEL RD	3167	2379	75.1%	890	648
365 LEAHY RD	2846	2251	79.0%	923	596
366 WEST TUALATIN VIEW	1445	925	64.0%	384	254
367 THOMPSON RD	2047	1521	74.3%	564	458
368 SOMERSET	3064	2116	69.1%	716	643
369 COLUMBIA AVE	1673	1208	72.2%	436	350
370 ROCK CREEK	1891	1399	73.9%	459	464
371 OAK HILLS	1943	1450	74.6%	599	388
372 RIDGWOOD SCHOOL	1600	1262	78.8%	536	310

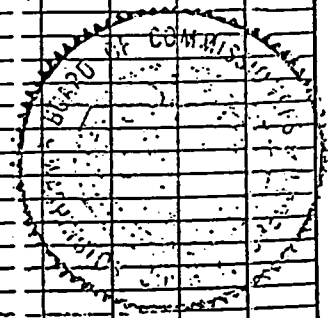


Exhibit A-9 of 12
Reso. No. 02-3257

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 5, 2002****
 METRO COUNCIL PRESIDENT

Page Number 98.071.001

	REGISTERED VOYERS	T U R N O U T	T U R N O U T P E R C E N T A G E	D A V I D B R A G D O N P R E S I D E N T	K A T E S C H I E L E P R E S I D E N T
436 TUALATIN CITY	812	627	77.2%	211	210
437 HAZELBROOK	74	61	82.4%	27	12
438 SE COUNTY	543	381	70.1%	110	118
439 PCC	238	168	70.5%	2	2
440 HILLSBORO-SOUTH	0	0	0.0%	0	0
441 PORTLAND CITY	63	39	61.9%	20	8
442 KEMMER RD	537	357	66.4%	117	112
443 JENKINS/BASELINE	113	62	54.8%	18	20
444 SPRINGVILLE	1739	1164	66.9%	380	386
445 SCHOLLS HTS N	378	237	62.6%	81	68
446 LOHARD	1037	684	65.9%	261	203
447 HWY 217 EAST	230	153	66.5%	58	38
448 CEDAR HILLS	320	131	40.9%	41	42
449 CANYON/217	22	14	63.6%	6	3
450 WALKER RD	60	46	76.6%	11	17
451 GRABHORN	471	285	60.5%	108	79
452 JOHNSON\185TH	2303	1310	56.8%	365	450
453 BASELINE/185TH	37	12	32.4%	5	4
454 BULL MT SPLIT	2	0	0.0%	0	0
**** T O T A L S ****	217573	147229	67.6%	47955	44230

WASHINGTON COUNTY, OREGON

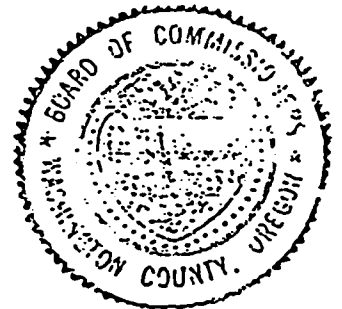
Write-In Tally – General Election, November 5, 2002

CITY OFFICES (continued) AND METRO

NAME OF OFFICE	NAME OF CANDIDATE	TALLY
CITY OF SHERWOOD – MAYOR	MISCELLANEOUS	30
CITY OF SHERWOOD CITY COUNCIL	MISCELLANEOUS	1
CITY OF TIGARD – MAYOR	MISCELLANEOUS	16
CITY OF TIGARD CITY COUNCIL	MISCELLANEOUS	2
CITY OF TUALATIN – MAYOR	MISCELLANEOUS	18
CITY OF TUALATIN COUNCIL POS. #3	MISCELLANEOUS	6

METRO COUNCIL PRESIDENT

14 MISCELLANEOUS VOTES

Exhibit A-12 of 12
Reso. No. 02-3257

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

TO: Metro Council
Peggy Coats

FROM: Scott Moss 

DATE: November 27, 2002

SUBJECT: 10-Day Letter to Release Solicitation Documents Calling for Organic Waste Development Grant Applications

Action Requested: Authorize the Executive Officer to issue solicitation documents requesting grant proposals/applications for the Organics Waste Development Grants.

Background Information: In order to help reach the region's organic waste recovery goal, Metro and the City of Portland have jointly created a grant program to assist with the development of sufficient organic waste processing capacity to serve the region. Metro has \$700,000 in grants and loans dedicated to organic waste processing system development and the City of Portland has committed \$300,000 to this effort. Grant applicants will be required to match grant funds dollar for dollar to ensure a serious commitment to developing the necessary permanent organic waste management system elements. The REM Department will be proposing to the Council that Metro Central Transfer Station accept source-separated loads of organic materials from haulers for reload to an approved processing facility. In addition, the City of Portland has the authority to require that commercial haulers operating within the city urban services boundary collect source-separated organic wastes and deliver it to facilities that meet certain requirements.

Recommendation: This grant is on the contracts list with the SI Council Designation. Metro code requires a resolution for SI contracts, but the department expresses a desire to determine if this proposal can be approved via a 10-day letter. In accordance with Metro Code section 2.04.026(b), grant funds are not determined to have significant impact on Metro. Proposed grants resulting from this program will be brought before Council by the REM Department for approval prior to award. We are recommending that these documents be released.

Please advise if further Council action is recommended.

Please do not hesitate to contact Terry Petersen or me if you have any questions.

cc. Terry Petersen

DRAFT

Fiscal Year 2002-03 ORGANIC WASTE PROCESSING CAPACITY DEVELOPMENT GRANT PROGRAM

November 5, 2002

Overview:

The Metro region has established the goal of recovering at least 90,000 tons per year of organic materials (e.g., all types of food waste including vegetative waste and post-consumer meats, seafood and dairy and non-recyclable or food-soiled paper) from the waste stream by 2005. Currently, the region disposes of over 233,000 tons of food waste and soiled non-recyclable paper annually. It is estimated that approximately 60% of this waste is from the commercial sector and 40% from residences.

The Metro region comprises 3 counties and 24 cities with a combined population of 1.5 million people. The City of Portland, the largest city within the region, has a population of roughly 500,000. Within the City of Portland urban services boundary, commercial waste is collected by 65 independent hauling companies that are licensed to provide this service. The City does not set collection rates in the commercial sector, nor does it set service territories. The City does have the authority to require that these haulers collect organic wastes and that the waste be taken to only those facilities that meet certain requirements. State Law and City ordinance specifically prohibit the disposal of materials source separated for recycling. Since 1996, the City has required that commercial businesses recycle. The City currently enforces and monitors the recycling ordinance and has the authority to add organics to the materials required for recycling; it plans to implement this requirement in mid 2003.

Other local governments within the region franchise the collection of commercial solid waste and recycling and set rates for services. None of these jurisdictions requires businesses to recycle. Instead, businesses are provided the opportunity to recycle and to choose whether or not to participate. Collection rates set by these cities and counties include the costs of recycling services. It is expected that if Metro offers a rate for source-separated organic waste at its transfer stations, local governments will work with their franchised haulers to set a rate for this service.

Metro owns and contracts for the operation of two transfer stations. These transfer stations handle roughly 60% of the putrescible solid waste generated and disposed in the region. Ninety percent of the solid waste generated overall in the region and destined for disposal is sent to the Columbia Ridge Landfill in Arlington, Oregon. Metro sets the rates for the delivery of materials to its two transfer stations. In January of 2001, Metro passed an ordinance amending its solid waste code (Chapter 5.02) to create a charge at its transfer stations for the receipt, handling transfer and processing of compostable organic wastes. Once a suitable processor for the materials is established, Metro is prepared to post a rate and begin accepting compostable organic wastes from the region's solid waste haulers.

Purpose of the Grant Program:

In order to reach the region's recovery goal, Metro and the City of Portland have jointly developed this grant program to assist with the development of sufficient organic waste processing capacity to serve the region.

Eligibility, Criteria and Deadline:

Businesses, governments and not-for-profit entities are eligible for funds from this grant program.

Metro will entertain funding requests starting at \$50,000, with a maximum request limited to \$500,000. Examples of requests may include, but are not limited to:

- Funds to purchase organic waste management handling systems or equipment.
- Funds to assist with facility upgrades or improvements to accommodate the handling, reload or processing of organic wastes.

Applicants interested in this program must complete and submit the enclosed application form with all required attachments no later than 4:00 p.m. _____, 2003. Completed applications must be delivered to:

Metro, REM Department
600 NE Grand Avenue
Portland, OR 97232
Attention: Jennifer Erickson.

Applications will be evaluated and scored based on answers supplied on the application form in light of the following criteria:

- Clear and complete summary of the overall project describing specifically how the grant funds will be used including a clear goal statement, justification of need and clear benefit to the region;
- Dollar amount requested is reasonable for the proposed project;
- Time frame for the use of the grant is reasonable;
- Estimate of the amount of organic materials to be managed, diverted and processed annually (if applicable);
- Clear and complete budget forms (included with this application); and
- End-products and markets established for end-products (if applicable).

Please note: Grant funds may only be utilized to support handling, management and/or processing of organic wastes collected, from within the Metro region. If a processor also utilizes wastes from sources outside the region, Metro reserves the right to reduce grant funding awards proportionately. Applicants must fully comply with any and all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner.

Required Match:

Applicants are required to provide a 100% match (dollar for dollar) to funds requested to demonstrate a serious commitment to the recovery of organic wastes. Metro reserves the right to determine the suitability and value of proposed matches and to request an additional or revised match that, in Metro's sole discretion, equals 100% of the grant funds requested.

Evaluation and Award:

Applications will be reviewed and evaluated by an evaluation team using the criteria listed above and the scoring system noted below. There is no minimum or maximum number of grants to be awarded. This is a competitive process, therefore the likelihood of award is based on the number and quality of applications received and the dollar amounts requested. Metro reserves the right to deny any and all requests or to provide partial funding. If a particular question on the application form does not pertain

to you, please mark it "not applicable" and provide one sentence explaining why the question does not apply. *Incomplete applications will not be considered.*

Scoring:

- Proven experience in handling, processing or otherwise managing wastes -- 30 points
- References from communities and regulators demonstrating the facility (if currently operating) is meeting expected standards and regulations, or if planned, whether the facility is welcomed in its host community and appropriately sited and permissible -- 20 points
- Facility handling or processing tonnage capacity (actual or planned) meets a significant percentage of the region's needs -- 20 points
- Ability to begin accepting organic wastes in calendar year 2003 -- 20 points

Reporting:

A successful grant recipient will be required to submit four reports over the course of one year: three short quarterly progress reports as well as a final report due 30 days after completion of the project. Reports must demonstrate how the project has met the stated criteria and documents the impacts the project has had on recovery of organic waste in the region. Reporting forms detailing requirements will be supplied by Metro to the successful applicant(s).

Funds Available:

A total of \$_____ is available for these grants.

Information Release and Confidentiality:

All applicants are hereby advised that Metro may solicit and secure background information based on the information, including references and regulatory history, provided in response to this grant offering. By submitting a request for funding, all applicants agree to such activity and release Metro from all claims arising from such activity.

This paragraph shall apply to information that the applicant is submitting to Metro which the applicant considers to be confidential and proprietary and which the applicant does not want Metro to disclose to third parties. Such confidential information shall be separately contained in a sealed envelope, clearly and prominently marked "confidential information" and bearing the title and date of this grant program application, and the sealed envelope shall be attached to the rest of the application materials. To the extent permitted by law, Metro will not disclose such properly identified confidential information to any person outside Metro and the eight-member Organics Team. However, applicants should be aware that Oregon Law (ORS Chapter 192) requires public disclosure of most records deemed to be "public records." Metro cannot, therefore, guarantee to protect the confidentiality of any records submitted to Metro, even if the applicant believes them to be exempt from disclosure.

Questions?

Inquiries about this program may be directed to:

Jennifer Erickson
Metro - REM Department
600 NE Grand Avenue
Portland, OR 97232

(503) 797-1647 phone
(503) 797-1795 fax
ericksonj@metro.dst.or.us

Application Form

Fiscal Year 2002-03

Organic Waste Processing Development Grant Program

A. Applicant Profile

Legal name of business, organization, or individual: _____

Mailing address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ Fax: () _____ E-Mail: _____

Federal Tax ID No.: _____

Name and title of project manager: _____

Mailing address (if different than above): _____

City: _____ State: _____ Zip: _____

Phone: () _____ Fax: () _____

Type of business organization (check one, if applicable):

- Corporation
- Limited Liability Corporation (LLC)
- Partnership
- Sole proprietorship
- S-Corporation
- 501(c3) Not-for-Profit
- Government/Public Agency
- Other _____

Please provide a copy of your company's business plan with this application.

Amount of grant funding requested: _____

Other Organizations/Companies involved in this project: _____

B. Project Information:

1. All applicants please answer the following:

- a) Describe the purpose of the project and the overall project you need these grant funds to support. Include all companies and organizations involved and their respective roles. Include a clear justification of need, the benefit to the region and how the grant funds will be used within the overall project. Be specific in all instances.
- b) What is the estimated time frame for the grant-funded portion of this project?
- c) From what specific source(s) will you receive food waste? What do you estimate the total amount (in tons per year) you will receive for the next five years? How are these materials currently being handled and what is their current disposition?
- d) Describe all feedstock materials and their relative proportions (including bulking agents or other process additives) that your company will accept and/or process.
- e) From what geographic area and from what types of waste generators will you source material? What percentage of your overall feedstock will be derived from inside the Metro region?
- f) What is your facility's current permit status (e.g., land use, DEQ composting permit, etc.). If you are not yet permitted to accept all food wastes, have you applied for permits and what is your estimated time frame for obtaining these permits?

2. For applicants requesting grants for food waste processing:

- a) What is your tip fee for each of the feedstocks you will accept? Will you pay for any of your feedstock? If so, which materials and how much will you pay?
- b) Describe the various end-products you will produce (and their ratios), and your intended markets for the end products. Have any of these markets been secured by binding agreements?

3. For applicants requesting grants for equipment:

- a) Describe the equipment you will purchase. Include a schematic drawing or specific product information with the name and address of the equipment manufacturer as an attachment to this application.
- b) Describe how this equipment will be used and how it fits in your overall process.
- c) If you are currently a compost operator or food waste processor, explain how the equipment will affect or alter your current system. Include information about your current operational capacity and how this equipment will affect capacity over the next three years.
- d) Who will operate and maintain the equipment? What is your contingency plan should you have an equipment failure?

4. For applicants requesting grants for facility upgrades and site improvements:

- a) Describe the upgrade or improvement and how it will fit with or change your facility's existing system and operations. Include specific information about the type and estimated cost of these upgrades as an attachment to this application.
- b) What is your estimated total operational capacity during your first, second and third year of accepting food wastes? (List as total for each year and break out each feedstock as a percentage of the total.) On what assumptions are these projections based?
- c) How will the upgrades you propose affect the amount of organics that are received and processed at your facility?

C. Financial Information:

- 1. What other sources of financing have you secured for this project? Please include contact information for other financial sponsors.
- 2. Describe in detail the match your or another organization associated with this project will provide to the funds supplied by this grant.

D. Applicant Disclosure Information:

- 1. List the names and addresses of all concerns that are parent companies, subsidiaries or affiliates of the company.

2. Year company was established _____

If a corporation, indicate state in which incorporated and year of incorporation.

3. Year present management assumed control of business _____

- 4. Are the company or its principals presently involved in any pending or threatened litigation which could have a material adverse effect on the company's and/or the principals' financial condition?

No _____ Yes _____ (if Yes, explain)

5. Has the company or its principals ever been involved in bankruptcy, creditor's rights, or receivership proceedings or sought protection from creditors?

No _____ Yes _____ (if Yes, explain)

6. Has management or any principal stockholder of the company been convicted of any felony?

No _____ Yes _____ (if Yes, explain)

7. Has the company or any principal been under indictment or investigation by a public agency for a violation of a state or federal statute?

No _____ Yes _____ (if Yes, explain)

8. Is the company currently in compliance with all applicable local, state and federal requirements (permit, zoning, OSHA, etc.)?

Yes _____ No _____ (if No, explain)

9. Are there currently any unpaid liens or judgments filed against the company or its principals?

No _____ Yes _____ (if Yes, explain)

E. Project Budget:

All applicants are required to complete the project portion of this application. Any areas which do not pertain to applicant's project may be marked "N/A". Areas where grant funding will not be supplied are marked "N/A".

1. Personnel Services: list principal project personnel by name directly on this form.

Project Personnel	Hourly Rate	Est. Hours to be Spent on Project	Grant Funds Requested	Matching Resources	Total Costs
1.			N/A		
2.			N/A		
3.			N/A		
4.			N/A		
5.			N/A		
6.			N/A		
SUBTOTAL					

2. Professional Services: (consultants, contractors, etc.).

Consultant or Contractor	Hourly Rate	Est. Hours to be Spent on Project	Grant Funds Requested	Matching Resources	Total Costs
1.			N/A		
2.			N/A		
3.			N/A		
4.			N/A		
5.			N/A		
6.			N/A		
SUBTOTAL					

3. Capital Outlay: List all items of equipment, land and structures and items pertaining to them, to be purchased as part of this project.

List Capital Outlay Items	Grant Funds Requested	Matching Resources	Total Costs
1.			
2.			
3.			
4.			
5.			
6.			
SUBTOTAL			

4. **Services and Supplies** - Include items not itemized in the other categories of "Personnel", "Professional Services", and "Capital Outlay", such as: permit fees, computer services, duplicating, materials/supplies, postage, publication charges, telephone, fuel, automobile mileage, travel, etc.
Note: grant funds will not be provided for telephone, fuel, mileage or travel. Applicant must provide resources to cover these expenses. These resources will be considered part of your match.

List Services and Supplies	Grant Funds Requested	Matching Resources	Total Costs
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
SUBTOTAL			

5. **Project Budget Summary** - Fill in all applicable spaces, making sure to total grant funds, matching funds, and total project cost.

Project Budget and Summary	Grant Funds Requested	Matching Resources	Total Costs
A. Personnel Services			
B. Professional Services			
C. Capital Outlay			
D. Services and Supplies			
E. Total Grant Funds Requested			
F. Total Matching Resources Committed to the Project			
G. Total Project Cost			

Agenda Item Number 6.1

Minutes of December 10, 2002 Metro Council Regular Meeting.

**Metro Council Meeting
Thursday, December 12, 2002
Metro Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 5, 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 2:12 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. TRI-COUNTY LEVEL POPULATION FORECAST

Mr. Tom Potiowsky, State of Oregon, State Economist, explained that they were there to present the forecast that they provide at the state and county level.

Presiding Officer Hosticka clarified that information presented today was updated since 1997. Mr. Potiowsky agreed.

Dr. Kanhaiya L. Vaidya, Ph. D., Oregon State, Senior Demographer, Office of Economic Analysis, Department of Administrative Services, 155 Cottage St. NE, Salem, Oregon, 97310 said that the long term county forecast was not yet complete. The draft long-term forecast goes to 2040 in a five-year cycle for the counties. He said that they look at the forecast from a demographic point of view and from an economic point of view, and then they compare the numbers. They use code (age) and component (migration, births, and deaths) models. They do separate forecasts for each cycle and then come up with the total forecast. Their current model for net-migration is based on net-migration rate for the last 20 years in 5-year cycles. In the last 2 decades they have seen highs and lows in Oregon. Based on the past 20 years of history, they take the average growth. In the last 2 years, migration growth was much lower than expected. For the Tri-County areas population growth figures he had were based on history and the recent past, from 2000 – 2020 was 1.28%, and 2000 – 2025 was 1.27%. These numbers were based on net-migration of 41,000 for 2000 – 2005, going up to 64,500 between 2015 and 2020. The net-migration rate for the Tri-County area went down from 8.2% between 1990 and 1995, to 5.5% between 1995 – 2000. He said it was a declining trend, and he said it would stabilize at about 3.6% by 2020. That would not mean that the net-migration as an absolute number would go down, only the rate would go down. The absolute number for 1995 – 2000 was 76,000, and based on recent history, it will go down. It would go down to 41,000 and by 2020 it would go up to 64,500. By 2040 it should stabilize around 75,000 – 78,000 net migration. The death rate forecast was based on the forecast of life expectancy in Oregon. He said the life expectancy for males would increase from 75.7 years in 2000 to 77.7 years in 2020. For females it would go from 80.3 years to 81.7 years. Based on these numbers they predict that the number of deaths in the Tri-County area would go up from 53,700 between 1995 – 2000 to 64,700 between 2015 – 2020. The last component of the code-component model was births. This number was based on the fertility rate; the total fertility rate will remain about 2 children per woman. He said that Multnomah County had less than 2 per

woman fertility rate, Clackamas and Washington Counties had slightly higher. The number of births would go up from 100,000 between 1995 – 2000, to 117,000 between 2015 – 2020. Based on these figures the Tri-County population would go up from 1, 452,000 for 2000 to 1,874,000 in 2020. Population growth rate for 2000 – 2005 would be 1.24% and growth rate for 2015 – 2020 would be 1.29%.

Presiding Officer Hosticka referred the council members to the documents pertaining to Dr. Vaidya's information. Dr. Vaidya explained that one side had the numbers he read to them and that the other side encompassed 5 counties. He said that the 5 counties page did not include Columbia County, but that the method of calculation was the same and that the figures were not that different anyway.

Councilor Atherton said that it was very usual information. He wanted to clarify that they were using a standard demographic technique; real world information.

Dr. Vaidya said that the numbers he presented were based on the demographic method. He said that they use other methods to check and cross verify the numbers. He explained that each person who calculated those numbers could come up with different numbers.

Presiding Officer Hosticka said if you had a hundred forecasters you would get a range of numbers, but they should cluster someplace, and then there would be uncertainty around the average. Dr. Vaidya said they don't give the range, they come up with one number to work with.

Councilor Atherton said he had an Appendix C from a memo from Mike Burton. He wondered how different the forecast on Appendix C, which showed a chart from the state office of Economic Analysis, County Population forecast, January 1997, would be from that forecast, because using more recent information than what he had, both numbers came up rather similar. He said that would indicate the validity of the state's forecast.

Dr. Vaidya said that the national growth rate would be a lot lower for the United States as a whole. He said that a few things have changed since the 1997 forecast, and the method of calculation was changed. He said the 2000 Census also changed the forecast. The base went up, but the rate went down in the last two years.

Councilor Bragdon said that he appreciated that 100 forecasters would come up with 100 different numbers, as they had had 3 forecasters come up with 3 different numbers; one by Metro, one by the port (for cargo flows), and one by the state (the one presented at the meeting). He said that he was concerned about checking those numbers, and he wanted to know if they had used other expert opinions to cross check. He said that Metro had had a peer review of the forecast that was done expressly for Metro for the 20-year period. He said that as Mr. Potiowsky was on that panel, would he address his involvement in that, explain the different approaches in terms of the peer review experience. He asked if Mr. Potiowsky had seen flaws in that process, or conditions that changed that would help reconcile the different forecasts.

Tom Potiowsky explained the process that was followed. He said that there were a number of people involved in the review process, and what they looked for was if anything jumped out at them that they would want to question. There wasn't really a red flag. The types of method used were methods used to do this type of forecast. He said as Dr. Vaidya had said, they check their own numbers.

Councilor Bragdon wondered if a peer review represented an endorsement of a particular product, or if it was a cursory look. But the peer review results differed from those presented by Dr. Vaidya and he was looking for an independent verification of either number.

Mr. Potiowsky said that he saw his role on the review committee as trying to see if something doesn't make logical sense. In terms of the population forecast and looking to see what was coming out of his office, he would not say that any one particular number was right.

Dr. Vaidya said that the population forecast included Clark County, which they he hadn't included. He said that Clark County had grown very rapidly, which would pull up the number if included.

Councilor Burkholder said his question was about the impact of Clark County, and that it had been answered. He said that inclusion of Clark County would greatly affect the area.

Presiding Officer Hosticka asked if they had any information on what the numbers would be if they had included Clark County. Dr. Vaidya said they did not include Clark County in the forecast. He advised Presiding Officer Hosticka to check the forecasting division of Washington State for those figures. Presiding Officer Hosticka asked if he had ever done that. Dr. Vaidya said he had not.

Councilor Park wanted to know if they thought that the type of forecast that Dr. Vaidya did for the state was sufficient in terms of the type of forecast that Metro was required to do for the urban growth boundary expansion. He wanted to know if the two methodologies were similar.

Dr. Vaidya said that his economic method was slightly different from Dennis Yee's economic model. He said that for his calculations he had to take into account the state total, meaning all the counties figured on their own would, together, have to come back to the state total. Metro does not have to factor that into their calculations.

Mr. Potiowsky added that the demographic type modeling lends itself better to providing the type of detailed information that they need and use for their forecasting, whereas the economic or econometric model would look more closely at overall population trends. He said that they have a check and balance approach that they use in their office.

Councilor Park said in terms of addressing the needs of state versus looking at what Metro needs, it sounded as if the methodology was different based on their different requirements. He said it appeared that they were not worried about people within the state migrating from county to county because they ended up with a statewide number, whereas Metro had to worry about that because they were dealing with a smaller section of the state. He asked if that was a fair statement, rural versus urban. Dr. Vaidya agreed.

Councilor Atherton said he was looking at employment forecasts for the Portland/Vancouver area (he said it was included in the report to the council) where it showed the history of employment growth from 1970 to 2002. The first forecast was .8% per annum for 1970 through the 1980s. In the decade of the 1990s it was 1.2%, then it projects a 2% growth from 2000 - 2005. He asked if the projection of 2% employment growth from 2000 - 2005 was realistic. He wanted to know if that number jumped out at Mr. Potiowsky as a flag.

Mr. Potiowsky said he didn't think so. They were looking at 1.3% growth for 2003 at the state level, 2% in 2004, and 2.1% in 2005. He clarified that those were state numbers though. Even though they were starting off with some job losses in 2001 and 2002, he didn't feel that would be necessarily too high. State average would be a bit lower for that period. He said that he felt that the Tri-County area was still the growth area for the state.

Councilor Atherton said in the decade of the 90s was a period of decadence and in-migration. He asked if Mr. Potiowsky thought the next 10 years would bring the same kind of economic conditions. Mr. Potiowsky responded that forecast said it would not be. He said the state, for some years in the 90s, was

as high as 4%, but they were looking more at 2 – 2.1% for the current decade. Councilor Atherton asked if that was employment growth. Mr. Potiowsky said that was employment growth.

Presiding Officer Hosticka asked if a 100 economists would provide a 100 different numbers, what are they supposed to do. He asked if their number of 1.28%, or the 1.5%, or even the 1.6%, was a reasonable number for the Council to pick, or if one number was better than another.

Mr. Potiowsky said that the number that offers the greatest confidence would be the one based on the most recent years. Presiding Officer Hosticka said that that was where the greatest discrepancy was – in the near term number.

Mr. Potiowsky said that as Dr. Vaidya had mentioned, they do not include Clark County in their number, which explains some of the differences in the numbers. He said that their particular method of calculation might have a factor in the differences as well. He said that as far as he could tell, there was nothing to indicate that Metro's forecast was wrong.

Presiding Officer Hosticka thanked them for coming, and said they would just have to make a choice. Councilor Park suggested that if they were interested in helping Metro out in the future on additional peer reviews, he would welcome that. Mr. Potiowsky said they would be happy to be involved.

Councilor Atherton said that last August Mr. Potiowsky had made a presentation to American Public Works Association in concert with the Columbia Corridor Association, and Patty McCoy had taken notes. He said that she had reported to him that Mr. Potiowsky had said that the Columbia Corridor sub-region would be hurt the most, cut more deeply, and last the longest in the current recession. He wanted to know how important those factors were to the economy of the region.

Mr. Potiowsky said for that region, with the downturn in high tech, and with consideration to the high level of manufacturing in the region, it would hit them across the board. Therefore, the region has felt the recession more than maybe other areas in the nation that do not have such a high concentration of high tech and manufacturing. He said that the unemployment rates regionally were historically high relative to other regions of the state. He said that it was also the area of strength; manufacturing based industry tends to run in cycles.

Councilor Atherton said there was also some discussion at that meeting about a blue ribbon committee to look at future high tech industry that could provide a boost, such as biotech. He wanted to know if that was a risky proposition?

Mr. Potiowsky said that the biotech area was a debatable type area. He said that there had been a huge investment made over time into biotech to attract those firms. They had also made a high investment into those areas for higher education systems. The employment gains on the surface don't appear to be very large with biotech, although they are probably very high paying wages. He said he thought it was still a gamble, and an unknown risk factor.

Presiding Officer Hosticka thanked Mr. Potiowsky and Dr. Vaidya for bringing the Council their information.

4. EXECUTIVE OFFICER COMMUNICATION

Mike Burton, Executive Officer, thanked the council for their fortitude in going through this process. He said he knew that the decision before them was not easy to make. He said in 1997 when he brought his recommendation to the council, his concern had been that they end up, in the final analysis, dealing with

numbers. He said that numbers were important, but they should also make their decisions with a 20-year horizon in mind. He said that the goal was to take a serious look at community building. He mentioned that they were all subject to state law, and he admitted that he was critical of the state process. He expressed his disappointment that they could not do more community building and planning in the way that they were approaching the issue. He said that making the decision about the Urban Growth Boundary (UGB) was, ultimately, just changing a line on a map. Building a community required the kind of process that was used in developing the Pleasant Valley area. That process included discussions on infrastructure, the green spaces, buffer zones, including a good communication and transportation system in and out of that area, and including a good balance of jobs and housing. He said that he had received hundreds of letters about the UGB process and about the potential for the land out there. He said that many concerns people expressed about bringing more land in when congestion and bad transportation situations existed would have been prevented if those areas had been planned properly. He said he thought that Metro's role was to make sure that planning for the long term took place. The other big portion of what they needed to do was maintain the resources and special aspects of the region that were currently within the UGB. The long-term issue would be to balance and protect both of those economies. He wished them well in the debate, he hoped they would be able to accomplish more aspirational planning for the future, and he congratulated them on the work they had done.

Councilor McLain thanked Mr. Burton for his efforts. She appreciated the bus tours, which allowed them to look at the Study Areas. She said it was a good example of his leadership. She said that going out and looking at the sites had more meaning than just hearing about them or simply view them on a map.

Councilor Bragdon acknowledged his appreciation of Mr. Burton for his management of staff, and for his open and engaged style. He also noted that while Mr. Burton ran a process according to the rules, he never hesitated to point out the limitations of that process. He said he felt that those two qualities in one person was tremendous, a good example of leadership.

5. CONSENT AGENDA

This item was moved for consideration to the end of the agenda.

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.

Presiding Officer Hosticka assigned Ordinance No. 02-990 to Council.

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.

Motion	Councilor Park moved to adopt Ordinance No. 02-969A.
Seconded:	Councilor McLain seconded the motion

Presiding Officer Hosticka explained the procedure.

Councilor Park asked Mr. Richard Benner to go over the ordinance.

Richard Benner, Legal Counsel, reviewed the ordinance and the changes to the "A" version, which included the emergency clause removal. He noted the exhibits, most of which would make changes to the Regional Framework Plan, the Metro Code and the principle documents such as the Urban Growth Report. The ordinance would also bring areas into the boundary. The findings explained why each area was being brought in. He said most of the ordinance was unchanged. He noted Code provisions, which had been in response to requests from the Council or MTAC.

Presiding Officer Hosticka said if there were material changes these should be pointed out. Mr. Benner said most of the adjustments were minor.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-969A and any ordinances that involved amendments to the UGB. He said that under the state land use system that if anyone had not testified up to this point and did not testify today, then they would not have standing in further action on a decision.

Eugene Grant, Mayor of Happy Valley, 11311 SE Charview Ct., Happy Valley, OR 97236, asked for an amendment in the conditions for the Damascus area, condition #4 on exhibit M. He asked for study areas 14, 17, and 19 to be deleted from that condition. He submitted his request in writing (a copy of which is found in the meeting record).

Councilor Burkholder asked him to repeat his amendment.

Mayor Grant directed Councilor Burkholder to look at exhibit M of the ordinance, page 2, and paragraph 4. He said the request was to delete study areas 14, 17, and 19.

Presiding Officer Hosticka explained the intent of the conditions, which was to provide three things. The first was that the people of Damascus area were to plan their area. Second was that growth would proceed from a node or center and go outwards. The third thing was to try to maintain separation. He asked if the mayor's suggestion addressed those issues.

Mayor Grant said that for Damascus to plan, a decision about what was part of Damascus and what was part of Happy Valley had to be made. He said that they felt that study areas 14, 17, and 19 were part of Happy Valley. He said that for the second item on growth outward, they were concerned that it was impractical since the infrastructure would come from the Highway 212 area. He said that the ridgeline would be the separation line.

Councilor Atherton asked if that included area 19, Carver. Mayor Grant said that did not include Carver. There was a portion of area 19 that was in Happy Valley area.

Charles Becker, Mayor of Gresham, 1333 NW Eastman Pkwy, Gresham, OR 97030, said the council had received testimony from Richard Ross on November 27th. He said Gresham supported the Springwater area. It was essential to the well being in the community, due to a shortage of jobs. He said that they could provide infrastructure to that area in a timely manner. They were capable of taking a lead role in developing the concept plan for Springwater.

Councilor Atherton asked about the separation of Gresham and a new community of Damascus. He asked if Mayor Becker had any recommendations on how that might be addressed.

Mayor Becker said he felt these could be planned for and addressed with cooperation from partners and with their neighboring communities. He said that maintaining identity between communities was essential. He mentioned that they had agreements and were willing to live with those agreements. He said

that they supported maintaining that separation between cities. He talked about having a green gateway to Gresham. He said that with this development they did not foresee adverse effects to Hwy. 26.

Councilor Atherton said Mayor Grant had recommended a ridgeline as a natural boundary. He asked Mayor Becker if he felt there were any definitions between Gresham and a new Damascus community. Mayor Becker said he felt there were topographical areas for maintaining that separation.

Mayor Vera Katz, City of Portland, 1221 SW 4th Ave Suite 340, Portland OR 97204, summarized her testimony (a copy of which is found in the record). She also noted a letter from the city commissioners. She said that she didn't want to see the vision of 2040 lost. She said that the last minute addition of area 94 was not acceptable.

Councilor Atherton asked about the issue of the vacancy factor and housing targets. He said that if there was a vacancy factor of about 3% they could achieve everything she had just recommended.

Mayor Katz responded that in considering Damascus as an area for inclusion, there would be roughly 28,000 housing units, but if they take the new demographic information, then they would not have to do anything. She said that she did not understand the vacancy rates. There had been a recommendation to eliminate those.

Councilor Bragdon said he would be the first to say never ask the city to divert resources from town centers to develop on the fringe of Forest Park. He said that what he thought was the troubling part was that area 94 was within the city limits. He said that to him that was a signal to property interests in that area that they are to be treated as similarly situated areas. He said that the council wanted to protect the park. He questioned the tool used to obtain that protection. He said he felt that the UGB was not the appropriate tool.

Gil Kelly, Planning Director, City of Portland, 1221 SW 4th Ave Suite 340, Portland OR 97204, talked about study area 94. He said that area 94 had been annexed by election of voters in 1962 into the city. He referred to it as an historical accident. He said he thought they should treat it as an historical artifact. He said that he understood that the city council in the past in Portland had on two occasions considered whether or not to recommend that it be brought into the UGB, and on both occasions had said no. He said that they did not have a way to affordably extend urban services to that area. He said that area 94 was more country than urban and it did not meet the test for being included in the UGB.

Mayor Katz said the process was the issue she wanted to address. Area 94 came in very late. She had not had the opportunity to read the history on the site. She said that she understood that there had been a long history with the planning commission and the city council. She said, however, that their city council was totally unaware of it, and she asked the council to remove it.

Mr. Kelly noted an ordinance before the council, which was supposed to include exhibit M, but for which they could not find exhibit M. Councilor Park explained that it was in the packet, folded deep inside.

Presiding Officer Hosticka said that the concern of whether area 94 was in or out of the boundary was directed at preserving the natural character of the area. He said he thought the question was could those same actions of protection be achieved through the city if it were in the urban growth boundary, and would the city be intending to do that.

Mr. Kelly said they had not studied it closely and that the reason to bring it in under the UGB would be to meet the housing need projection number, which would mean that it was contrary to that stated purpose.

Councilor Park said he was still concerned about this issue. He referred to other areas that were inside the city, but outside the UGB. He said that he knew Councilor McLain was working very hard on a similar issue in Forest Grove. He said that in this particular case the area was already within the jurisdictional boundary, it was already within the City of Portland, and therefore he did not understand how the environmental protections would change by bringing it inside the UGB, since it already was within an urban service area.

Mr. Kelly responded that there could be that there was no difference, but that it was not currently in their Goal 5 program. He said Portland's concern was that it was being brought in with the goal of urbanization. He said they would not have a problem studying it over the next few years with consideration of bringing it in during the next round.

Mayor Katz said that if the goal was increased density and add housing units, she would rather put their limited funds to main streets and town centers. She said that density ought to increase in those areas and not in the fringes. She said that she felt very strongly that they needed to maintain the vision of Senate Bill 100, which was to protect forestland and farmland, and to build the character of the region within the centers. She asked the council for more time to deal with area 94. She said that if they force her to deal with area 94, they would only have a short period of time, and she would have to set everything else aside.

Councilor Monroe said that the council was not forcing her do anything. He asked if she was prepared to de-annex area 94.

Mayor Katz said she was not prepared to deal with that particular area right now, nor was anybody at the Metro Policy Advisory Committee (MPAC) or the Metro Technical Advisory Committee (MTAC) prepared. She said that it had come in at the last minute. She said that as a member of MPAC, who spent many hours every month, she resented that. She said other areas of the region were thoroughly discussed by members of MPAC and MTAC.

Councilor Monroe said that the Executive Officer had recommended that they include a portion of area 94. He said that the council had looked at it, and they felt that it was the only piece of land in the state that was within a city's boundary and not within their UGB. He said that it seemed very illogical, and if the City of Portland's council didn't believe that it ought to be in the UGB then they should de-annex it.

Mayor Katz said that if Metro had given them an opportunity to study it, they would have come back with an answer.

Councilor Monroe said that they had had over thirty years.

Mr. Kelly made three additional points (a copy of his comments are included in the meeting record). He mentioned that they were interested in looking at the Housing Population Projection Number generated by the state. He felt that discussion of industrial land and residential land should be separated. He asked them to re-examine the residential need projections.

Councilor McLain thanked them for coming. She said that the Council had a high standard for centers. Regarding study area 94, it was part of the study this time around, and it was part of the study done in 1997. It was true that Mr. Burton did not put the whole area in his first recommendation. She said that what was in front of them had been studied by the staff or by the executive officer over that last two years.

Councilor Atherton said in letter they had submitted, they referred to the 20-year land supply law and the forecast rate. He asked that if the council adopted a 1.3% rate, would that provide the period of time to resolve the issues mentioned.

Mayor Katz said she agreed with Councilor Atherton. She said that after Senate Bill 100 was passed it was "highjacked" by special interests that added the need for a 20-year supply. She said that she thought the 20-year supply forced everyone to deal with numbers rather than exploring how to build communities. She said that the need for industrial land today was evident. She said they ought to repeal the 20-year law.

Presiding Officer Hosticka said the 20-year land supply forced them to talk about numbers, and not people. He said that was what the public hearing was for, so that people can talk about their communities and land.

Dave Wechner, Planning Director, City of Sherwood, spoke for Mayor Cottle and the Sherwood City Council, OR 97140, and provided a letter from Ross Schultz, City Manager, and summarized it (a copy which is included in the record). They supported study areas 93A and 59, but were opposed study area 55. It was not only its inclusion but its location was the problem and explained why.

Councilor Monroe asked if areas 54 and 55 would be developed in the next 20 years? Mr. Wechner said it would be very expensive to do so. His concern was if they were trying to get more housing units into the Metro urban area that was a high cost place to do it.

Councilor Monroe said it was exception land and there was not much exception land in Washington County. Mr. Wechner said that was true but it would be very expensive to develop.

Councilor Monroe asked if there was anything in the action of bringing it into the UGB that would force Mr. Wechner to make those infrastructure expenditures in the near future. Mr. Wechner said they were concerned because it put their eggs in a basket where they didn't want them. There were other areas that should be studied or if this area was brought in, that it is developed with an LID or cautionary measures.

Councilor Monroe asked if that was not up to the City of Sherwood. Mr. Wechner said they could do that but at a high cost.

Councilor Monroe said he had walked that land, it was flat, he wasn't sure why they felt it would be expensive to develop. Mr. Wechner talked about its location and where the trunk lines go through as well as the timing issue.

Councilor Monroe reminded him that they had 20 years.

Presiding Officer Hosticka asked; as far as Ordinance No. 02-986A, if it now incorporated the areas that they were interested in. Mr. Wechner said it did and made some suggestions about the slope.

Dan Drentlaw, 320 Warner-Milne Road, Oregon City, OR 97045, spoke on behalf of John Williams, Mayor of Oregon City, regarding study areas 24, 25 and 26 in Oregon City. Approximately 79 acres were removed from consideration because they were designated resource land, he said. The city of Oregon City requested that they be brought back in to the UGB because the area is completely surrounded by the city on two sides and will be completely surrounded by UGB. A copy of this request was included as a part of the last public hearing meeting record.

Janet Stedman, 16999 Siler Ridge, Beaverton, OR 97007, spoke about Cooper Mountain and her opposition to the inclusion of study area 65 in the UGB. She noted that recently a neighbor had clear-cut

his timber, providing an example of what urbanization would bring to Cooper Mountain. Her concern is that if the area is urbanized, clear-cutting is inevitable and would result in the loss of the area's wildlife.

Presiding Officer Hosticka pointed out that the Council had not voted to bring area 65 into the UGB. Ms. Stedman said that she had heard that its inclusion was still a possibility.

Councilor Bragdon clarified that the land that was clear-cut was outside the UGB.

Mary Dorman, Planning Consultant, 6131 NE Alameda, Portland, OR 97213, read her testimony into the record (a copy of which is included in the meeting record). She also submitted a large map and other exhibits for the record. She said the area met all of the state criteria for urbanization and should be brought into the UGB.

Scott Rosenlund, Forest Park Neighborhood Association, 5900 NW Cornell, Portland OR 97210, spoke in opposition to the inclusion of area 94 in the UGB because of his concerns for the wildlife in the area. He said the remaining wildlife needed connectivity and that urban development would destroy the ecosystem and make Forest Park merely a tree farm.

Steven Edeman, P.O. Box 91519, Portland, OR 97291, supported inclusion of the western part of area 93 in the UGB. Copies of his testimony and map are included in the meeting record.

Bruce Vincent, 825 NE 20th, Suite 300, Portland OR 97232, said he represented landowners in areas 77 and 82, and spoke in favor of both areas being included in the UGB. He noted that Metro had already received his written testimony, which he summarized for the Council. He said both areas contained exception land and would add employment acres.

Keith Fishback, 11375 NW Roy Road, Banks, OR 97106, testified in favor of inclusion of areas 84 through 87. A copy of his testimony is included in the record. He said that these areas provided a buffer zone between urban land and agricultural land. He added that the area was no longer suitable for commercial agriculture because of conflicts resulting from urbanization. He also spoke in favor of including areas 93 and 94 in the UGB and against the inclusion of the Shute Road property.

Debbie Endicott, 4707 SE Mitchell, Portland OR 97206, said she owned three acres in study area 92 and supported inclusion of this area in the UGB. She said that there were ten property owners in this area and all ten wanted to be included.

Kathy Long Hollard, Clackamas County Economic Development Commission, 22 Yorick Street, Lake Oswego, OR 97035, spoke in support of the inclusion of employment sites identified by the Clackamas County Commission. A copy of her written testimony is included in the meeting record.

John Wyatt, Clackamas County Economic Development Commission, 16463 S. Ivel Road, Beavercreek, OR 97004, supported inclusion of more industrial and employment land in Clackamas County. He noted a letter submitted by the commission, which is included in the meeting record. He noted the following reasons for inclusion: 1) To allow the county to develop the proposed expansion areas in a holistic way; 2) to help address the jobs/housing imbalance; and 3) to address the lack of industrial and employment sites within the county.

Todd Chase, Clackamas County Economic Development Commission and OTAK Planning Manager, 17355 SW Boones Ferry Road, Lake Oswego, OR 97035, expressed his support for Ordinance 02-969A. A copy of his testimony is included in the meeting record. He recommended that additional strategic industrial and employment sites be added to the ordinance, as identified in the August 28, 2002, letter

from the Clackamas County Board of Commissioners. He said he believed that the current population employment forecasts were within the range of feasible long-range forecasts.

Councilor Bragdon asked Mr. Chase if he found the Metro staff study dealing with smaller 20-acre parcels to be accurate. Mr. Chase said the constraints of time and budget didn't allow them to get into the detail that Metro staff was able to go into, but they did flag the possibility of the need for 20 acres and larger.

Betty Atteberry, Westside Economic Alliance and Regional Economic Development Partners, 10200 SW Nimbus, Suite G3, Portland, OR 97223, summarized her written testimony (a copy which is included in the meeting record). She gave an overview of the Regional Partners, which is a group of professional economic development representatives from the public and private sectors, whose mission is to protect and enhance the Portland metropolitan region as a competitive place to do business. She said that having available industrial land was key to the region's competitiveness.

Max Talbot, City of Gresham, Regional Economic Development Partners, 1333 NW Eastman Parkway, Gresham, OR 97030, commented on the critical shortage of industrial land in the Portland metropolitan region. He urged Metro to recognize the need for more industrial land as well as the longer-term need for local jurisdictions to develop ready-to-go sites in future UGB expansion decisions. He said the recommendations for industrial land to include in the boundary, while a good starting point, were insufficient for immediate and long-term economic development needs. He added that a shortage of employment land would have a negative impact on attracting large-scale industrial development to the region.

Councilor Burkholder asked what Metro could do that would assist in making employment land available versus bringing in raw land that might or might not be available for many years because the infrastructure was not there. Mr. Talbot suggested identifying those areas that would be able to serve in the near term and providing assistance now for concept planning so that when the economy recovered, the land would be ready and already marketed to the type of businesses the community needed.

Gregory Jenks, Clackamas County Business and Economic Development Services and Regional Economic Development Partners, 9101 SE Sunnybrook Blvd., Portland, OR 97015, concluded the testimony on behalf of the Regional Partners. A copy of his testimony is included in the meeting record.

Jim Emerson, Forest Park Neighborhood Association, 13900 NW Old Germantown Road, Portland, OR 97231, summarized his written testimony. He opposed area 94 being included in the UGB because of issues relating to slope and drainage, and because of the effect on Forest Park. He also mentioned the uncertainty of population projections and the fact that the jobs/housing balance is changing with the economy. He asked for clarification of 11 parcels of land at the south end of area 94 that might not be inside the city boundary. Presiding Officer Hosticka asked Metro staff to check on that.

Gail Snyder, Friends of Forest Park, P.O. Box 2913, Portland, OR 97208, read her testimony into the record and included a map with her testimony. The Friends of Forest Park opposed inclusion of area 94.

Presiding Officer Hosticka posed the following question to Ms. Snyder: If the long term vision is to preserve the natural characteristics of area 94, is there a way to prevent the issue from coming up every five years and to protect the area over the long-term? Ms. Snyder replied that she would defer to people more informed than she was about land use regulations to answer that question. However, she said she and many others realized that they needed to be thinking beyond the outcome of the day's results.

Marcy Houle, Author of One City's Wilderness, 16600 NW Gillian, Portland, OR 97231, opposed including area 94 in the UGB. She read her testimony into the record, a copy of which is included in the meeting record

A citizen read the statement of Nancy Broshot, Assistant Professor of Biology, 2255 NW Northrup, Portland, OR 97210, which opposed inclusion of area 94 in the UGB. A copy of her testimony is included in the meeting record.

Jim Labbe, Audubon Society of Portland, 4805 N. Borthwick, Portland, OR 97212, read a letter into the record from Mike Houck, Director of the Audubon Society of Portland, which opposed inclusion of area 94.

Fred Bacher, 7547 NW Skyline Portland, OR 97217, spoke in opposition to including area 94 in the UGB. He said that in his meetings with Metro Councilors he learned that 517 acres at the top of Forest Park were being added to the UGB by this ordinance; that this was being done because one land owner in area 94 complained that the City of Portland would not let him build a house; that there are no state or Metro rules saying that Metro is to align the UGB with city boundaries and no findings that support including area 94 based on the 2040 Plan; and that Metro was worried about being sued by the land owner based on a potential future Oregon law. He said that Metro would surely be sued by adding area 94 to the UGB under these circumstances. A copy of his testimony is included in the record.

Rev. Frodo Okulam, Sisterspirit and Friends of Forest Park, 2804 NE 42nd, Portland, OR 97213, spoke in opposition to including area 94 in the UGB. She noted the problems with slope, old growth trees and streams, but focused on earth-based spirituality. She said that the area being discussed was the most remote section of the park and that it provided spirituality and culture for the citizens in the region. She said that if the area were narrowed, the impact would be widespread, and she encouraged councilors to be aware that this area was the "heart" of Portland.

Lynn Jennings, Friends of Forest Park, 3103 NW Wilson Street, Portland, OR 97210, opposed inclusion of area 94 in the UGB. A copy of her testimony is included in the record. She said that she was a retired Olympic middle-distance runner, and that during the course of a normal week, she ran 50-60 miles on Forest Park's trails and knows the area well. She said that area 94 was not suitable for efficient land use or diverse housing, and that its development would endanger natural resources.

Arnold Rochlin, P.O. Box 83645, Portland, OR 97283, read his testimony into the record regarding area 94 and gave a brief history on how the area was included within Portland city limits. He said that the area was annexed in order to help with the city's plan to develop and protect Forest Park and that the affected taxpayers should be thanked for carrying the burden for the whole region to maintain this magnificent resource.

Mary Scarlock Adamson, Pacific River Council, 10575 NW Skyline Blvd, Portland, OR 97231, opposed inclusion of area 94 in the UGB. A copy of her written testimony is included in the meeting record.

Jerry Grossnickle, Forest Park Neighborhood Association Board of Directors 13510 NW Old Germantown Road, Portland, OR 97231, submitted written testimony and summarized it for the Council (a copy of which is included in the meeting record). He spoke against inclusion of area 94 and gave the reasons why he opposed inclusion, which included wildlife habitat, steep slopes, and the effects of urbanization.

Scott Powell, 7617 NW Skyline Blvd, Portland, OR 97229, spoke about study areas 84 through 87 and area 94. A copy of his written testimony is included in the record.

Cheryl Neal, 12115 NW Skyline Blvd, Portland, OR 97231, opposed inclusion of areas 84 through 87 and area 94 in the UGB and talked about the presence of the Western Blue Bird, which has been designated as a sensitive species. A copy of her testimony had previously been submitted to the record.

A citizen read a letter from Palmer Byrkit, 10843 NW Laidlaw Road, Portland, OR 97229, supporting the proposal for area 93, a copy of which is included in the meeting record.

Corinne Bacher, 7547 NW Skyline Blvd., Portland, OR 97229, opposed the inclusion of study area 94 in the UGB and contrasted the economic gains to be made by inclusion versus the less tangible gains of a less developed area.

Tom Vanderzanden, 15903 NW Logie Trail, Hillsboro, OR 97124, added to his previous testimony about areas 84 and 86 in the Bethany area. He said he had been working with an engineering firm to plan for a possible exception-land-only urban community in the area and showed via maps what could be done. His conceptual plans are included in the meeting record.

Bruce Goldson, 6564 SE Lake Road, Milwaukie, OR 97222, did not testify.

James Kennedy, 17035 NW Brugger Road, Portland, OR 97229, supported the inclusion of area 84 into the UGB because he said the land would be needed in the near future for housing and jobs. He added that he is unable to make a living from his 10-acre farm, which has a natural boundary on one side formed by Rock Creek.

Mary Kyle McCurdy, 1000 Friends of Oregon, Portland OR, said that her written testimony (a copy of which is in the record) addressed a number of issues she said she wouldn't repeat, and talked about the industrial land need. While this discussion would continue in Task 3, she said she thought there were some faulty assumptions going into the decision and she listed five faulty assumptions. 1) There was an overstatement of the lack of large parcels. 2) The Executive Officer's report acknowledged that the project for parcel size need was based entirely on past patterns of firm sizes and lot sizes, which was both unrealistic, she said, and potentially dangerous in that we are not planning for the future industrial users that might actually come. 3) There's a lack of examining alternatives to the sprawling development pattern. 4) There's a myth about the loss employer, Applied Materials, as they had not yet, to 1000 Friends knowledge, built anything on the west coast. 5) The alleged uniqueness of the Shute Road site regarding specialized dual power and nitrogen gases – she said she thought Metro needed to tighten up that condition if it were going to meet a specific identified land need. In conclusion, Ms. McCurdy advocated that the Metro Council bring in the Boring area, including the Boring industrial site. As they'd heard in previous testimony, it was ready to be serviced today.

Councilor Atherton asked about LSI generating its own nitrogen gas in Gresham, on site. Ms. McCurdy said that was her understanding from the Gresham Planning Director. She said she thought the gas was piped to the Shute Road area, but said Metro Planning staff could provide a better answer to that. Councilor Atherton said he was having a difficult time getting a response to that question, and he knew how critical that gas was to industrial siting. Ms. McCurdy said the electrical power use alone was not unique, and providing gas through a pipe, if that's how it was brought in, might be unique, but other semiconductor manufacturers, as she understood it, provided it on-site through some capacity where they generated it themselves.

Thomas Lawhorn, 14605 NW Springville, OR 97229, did not testify.

Michael Kraemer, 12265 NW Lovejoy, Portland, OR 97229, spoke against the expansion of the UGB on the crest and slopes of the Tualatin Mountains and against the inclusion of 200 acres of industrial land on the corner of Shute and Evergreen in Hillsboro. Population increase had not been handled well on the west side, he said, but local governments have been good at developing land into one of three options: insular industrial complexes without out-of-state owners who little care for the community's well being beyond their self interest; dense, poorly designed housing developments; or California-style strip malls with super-sized parking lots. Regional government has not met the task of protecting green space and wetlands, creating an integrated and smooth functioning transportation grid, and shielding existing residents from developments associated with infrastructure improvement costs. With regard to expansion of the UGB on the north side of Skyline to the edge of Forest Park, he said he was taken aback. The Forest Heights and attendant development on the high elevations of the Tualatin Mountains are probably the most expensive developments with regards to use of public funds to install sewer, water, and in the future to resolve the traffic fiasco on Saltzman and other southern outlet roads leading away from Skyline. Public funds are paying for the widening of Cornell, he said, although the root cause of the problem was dense, new development on the north side of that arterial. The higher elevations on the Tualatin Mountains are a key component of the west side watershed, and he could not in good conscience support any inclusion of these lands within the UGB until wider buffers on streams, firmer watercourses and wetlands are enacted. Fifty-foot negotiable buffers around only permanent streams was simply too small and a travesty. With regards to 200 acres of industrial land for Hillsboro, both Hillsboro and Beaverton must both realize they are never going to annex themselves into prosperity or livability.

John Burnham, 14419 NW Springville Rd., Portland OR 97229, testified on study area 81. Mr. Burnham's family farm has been unprofitable 90% of the time as the land is of very poor quality. This is his third time testifying before the council. His property is not affected by the recent decision to bring in 730+ acres in the Bethany area north of Springville Road into the UGB. He said he and his family strongly support the view that areas 84, 85, 86 and 87 be kept together and brought into the UGB because of its poor agricultural viability. His property is buffered by the 100-wide BPA right-of-way (running north to south from Springville Rd. up the hill).

Kim Vandehey, 17202 SW Siler Ridge Lane, Aloha, OR 97007 provided his written testimony for record regarding study area 65. He said he worked in CPO in the late '70s and '80s and helped to pass SB 100. He said he should ask the council to add in only 100 acres of area 65; the wildlife corridor would be protected by Goal 3 and the Natural Marine Fisheries Wildlife Act. The area that was logged was not in that corridor, but one of the logged areas is the future owner's homesites. Those same neighbors didn't squawk when the land was being clear-cut for their homes. The areas south and west of the 100 acres he spoke of can't be easily served for sewer, which is why he asked that they be excluded, and he included the Meeks property. He said they were told five years ago that even though they scored high on the criteria, they were not brought into the UGB, and again they've been left out with a high score. He said he'd like to know why. Please don't ignore them again. He questioned why Forest Park, with a low residential yield, was brought in when his area could be used more efficiently. A goal of the Framework Plan was efficient use of land, and leaving them out was not efficient. Beaverton has said they would provide governance and would like this area brought in before areas 69 and 67, and very close to area 66. He said he didn't want to wait another five years to go through this again, and if they followed their own staff's and Executive Officer's recommendation, this would be included. Mr. Vandehey then asked to council to project their decisions out 100 years and think about what they would be then.

Shehla Dar Aziz, 10279 SW Egret, Beaverton OR 97007 did not testify.

Richard Coanlee, Attorney, Hungerford Law Firm, resident of 16509 SW Edenwild Lane, Oregon City OR 97045, said he opposed area 24's inclusion in the UGB. He did not think the Oregon City's Commission's request for inclusion of this area should be given any, or if any, minimal weight. He cited

examples of Sherwood and West Linn where this council overrode the jurisdictions' recommendation. There was no valid reason for inclusion of this area, he said. Oregon City's most recent Local Transportation Plan (2001) identified 14 needed connector projects, but does not mention once the need for a connector road between Holcomb Boulevard and Redland Road. Moreover, he said, the Oregon City School District submitted extensive comments vehemently opposing this road, based on safety reasons for two schools' elementary school children. The Oregon City Commission never consulted the school district on this issue, he said, and two of the three Oregon City Commissioners who made that recommendation have been removed from office. Based on a review of the record, his firm has revealed that this was based on the proposal or wish by one developer to construct that road in order to facilitate a combination shopping center/housing development in that region. In contract, he said he believed this council had heard at the public hearing at Clackamas County Community College (on October 22nd) that the Oregon City residents who actually live in that area were vehemently opposed to inclusion of that area, while at the same time acknowledging that there was little debate about inclusion of area 26. Regarding the growth projections, he thought if this body proceeded with the 1.6% growth factor, he had serious doubts whether that would be legally defensible given testimony give at this meeting. To proceed with the high figure was, he said, at a minimum, arbitrary and capricious.

Julie O'Dwyer, 20009 S. Forest Hill Dr., Oregon City OR 97045, spoke in opposition to inclusion of areas 24, 25, and 26. Ms. O'Dwyer submitted her written testimony (a copy is included the record). She said at all the city Planning Commission meeting she'd attended this fall, only the developer was in favor of this proposal and those who stood to receive monetary gain. School overcrowding, run-off on the property, and traffic were her main reasons for requesting these areas be removed from the proposal.

Dennis Burkhart, 14825 NW Ash, Portland OR 97231, commended the council for developing green space for the future. Mr. Burkhart said he opposed including areas 84-87 and area 94. Regarding area 94, Mr. Burkhart said he encouraged the council, in their planning for the future and for the decision today, that they give careful consideration of natural resource buffers (a copy of his testimony is included in the record, he sent his testimony prior to the hearing).

Carol Chesarek, 13300 NW Germantown Rd., Portland OR 97231, said she was opposed to inclusion into the UGB of area 94, and provided written testimony regarding her opposition of including 84 through 87. Ms. Chesarak summarized her letter for the record.

Claire Stock, Forest Park Neighborhood Assoc, 14025 NW Germantown Rd Portland OR 97231, did not testify.

Catherine Dalziel, 18747 NW Columbia, Portland, OR 97231, did not testify.

Joe Angel, 356 SW Kingston, Portland, OR 97205, on property located at 5100 NW Skyline, testified on study area 94 (and provided written testimony for the record by Robert Van Brocklin). He said he took a little bit of offense on how he'd been characterized today. Money was not his motivation, but fairness was. When the City of Portland annexed Forest Park 40 years ago, they approached the property owners and told them they would provide the water and urban services. For 40 years, these same owners have had the services and have paid city taxes. In the 1990s a new water tower was built and the city encouraged the development of Forest Park and the adjoining properties. Storm sewers have been there for years, schools have been there, sanitary sewers are on Skyline, and a new fire station was sited by the city just this year on Skyline. Mr. Angel said the city has the most extensive environmental policies of any city in this state, and bringing this property and all of Forest Park that's already in the city into the UGB would not degrade anything.

Sandra Diedrich, Board member, Northwest District Association, 117 NW Trinity Place, Portland, OR 97209, spoke to study area 94 and said the Board had examined the proposal to include area 94 into the UGB and, looking at Metro's own criteria, did not find that area 94 met that criteria. They further questioned whether that area met the urbanization goals in terms of the most cost efficient provision of public facilities, given that area's physical characteristics. Additional urbanization in that area would also have an adverse impact on Portland's crown jewel. In addition to representing the Northwest District Association, Ms. Diedrich spoke as a citizen who spent a lot of time in the park, and she urged removal of this area from consideration into UGB. She also thanked the committee for urging people to look beyond this series of deliberations to how those corridors, those boundaries and those buffers can be addressed in the future. She also thanked the council for the time and commitment they give to this process.

Councilor Bragdon asked Mr. Angel about paying urban service taxes, and Mr. Angel said a portion of his taxes were in forest deferral because it has over the years been run as a forest operation, but the other taxes that he pays are the same as anybody else. Councilor Bragdon clarified that Mr. Angel meant other similarly situation properties, and Councilor Park asked Mr. Angel if he meant timber deferral. Mr. Angel said he never cuts timber, but has managed it as a forest. That was the bind he was in, he said, because he'd never wanted to use his asset in that way. If he can't build home there, then the other alternative is to be outside the UGB where he can cut timber. Mr. Angel said he would prefer not to do that that he would prefer to be in the city as he has been for 40 years.

Ralph Henkhaus, 10511 NW Laidlaw Road, Portland, OR 97229, requested that his 17 acres on the east side of study area 93 be brought into the UGB. He said it looked like the west side would be brought in. Mr. Henkhaus has testified previously on this and had submitted written testimony, as well, which he resubmitted (and is made a part of this record). The property is adjacent to Forest Park and is ready for development, and he said services were not an issue. He also said if area 93 were not brought into the UGB that would be okay with him. If it were brought in, however, his was the property that would get all the traffic on Laidlaw Road, and there is already enough traffic there now.

David Miller, 16415 NW Bruegger Road, Portland, OR 97229, testified on Ordinance No. 02-987A, specifically study area 85. He said he supported this coming into the UGB and had explained in an earlier letter he wrote to the Council and earlier testimony. Mr. Miller said he'd heard that the northerly portion of area 85 would be reduced by deleting the area north of Bruegger Road, and that he was opposed to that. Mr. Miller asked the Councilors to please review his written testimony on this.

Councilor Monroe said the proposal that was discussed was Abbey Creek and the riparian zone leading into Abbey Creek from either side as the northern boundary and the appropriate buffer between urbanization and rural and agricultural activities, which would leave your land well within the area to be in the area. Mr. Miller agreed that that was an appropriate buffer.

Councilor Hosticka said this would not be over until the council votes on it, and even then it goes to the Land Conservation and Development Commission (LCDC) in Salem, and may start up a little again after that.

Jin Park, 13555 NW Laidlaw Road, Portland, OR 97229, first spoke to study areas 84 and 85, and said the reason 85 is going to be included is because of 84. The truth, he said, is only 30% of 84 will be serviced by 85. Mr. Park also spoke about improvement and transportation concerns with areas 85 and 83, and the difference between the two. Lastly, Mr. Park spoke to the school site, and said he was more than willing to exchange the acreage within 85 or the same acreage within 83.

Bob Zahler, 13937 NW Springville Road, Portland, OR 97229, said he lived just at the eastern edge of area 87. He said he supported bringing into the UGB areas 83, 84, 85 and 87, saying he really believed

additions to 84 through 87 would provide a firmer, well established development plan, which right now the area does not have. Another thing Mr. Zahler said was that most of the property there was once considered as farms, but are now mostly hobby farms and the ability to actually farm is almost impossible.

Jerome Parson, 23000 NW Gillihan Road, Portland, OR 97231, commented on study area 92. He's owned his 3-acre parcel for 44 years, has paid taxes on it, and has tried to build on it since he purchased it, but has never received approval. Essentially, Mr. Parson said, the county, Metro, and LCDC have passed dozens of regulations creating more barriers to making his property useless. It is less than 300 feet in Washington County where the current zone is 6 houses per acre and about ½ mile from the existing Multnomah County UGB. The small parcel of land is approximately 2,500 feet wide separating the Portland UGB and the Washington County UGB and makes no sense to have substantial different rules in this no man's land. He respectfully requested including study area 92 in the proposed expansion of the UGB so that he can build on his property.

Emma Steen 2304 SW 64th Avenue, Portland, OR 97221, spoke to Ordinance No. 02-983B, Evergreen and Shute Road. Ms. Steen said she had educated on the crisis that has been happening on the farmland throughout the United States and that she is a member of a food sustainability and environmental program of the American Dietetic Association. American farmland is disappearing at the rate of 2 acres every minute, 120 acres every hour, 3,000 acre per day, and we must recognize that 200 acres doesn't sound like much but it is opening the door to change that is going to impact future generations tremendously. Oregon has some of the richest farmland in the world and to convert this to industrial use is a gross injustice, she said. There is other land available for industrial use, and she asked that farmland be protected and that they not open the door to let any of it go to other uses.

Kent Seida, 17501 SE Forest Hill Drive, Clackamas, OR 97015, testified on study area 37 and that he thought there has been poor planning by the opposition. Mr. Seida said he plea was that the Council go ahead and bring in 37 this time. Councilor Atherton said that Mr. Seida's story is a very interesting one and he was glad that Councilor Park mentioned the property was outside the urban growth boundary, was condemned, and brought in for a school. Councilor Park said the school was not even allowed there; it was annexed into the city.

Herb Koss, 1098 Rosemount Road, West Linn, OR 97068, said he was a landowner in study area 37, and he thanked the Council for their continued support of this area. He said he has testified three or four times and would not reiterate that testimony, but said he really appreciated the fact the council was going to give us the opportunity to complete our town center concept up at Rosemount Road next to the 800 screaming kids. Mr. Koss quoted an article from *The Oregonian*. He said he would like the Council to consider the inclusion of areas 38 to 42, at least as an urban reserve.

Mike Stewart 20577 SW Johnson Road, West Linn, OR 97068, said he was a little alarmed that people were saying they were blindsided by Executive Officer Burton's inclusion of the Stafford Triangle on his recommendation the 5th. In Clackamas County's newsletter that was out in May of this year, it states that the date that the Economic Development Commission first recommended the Stafford area come in to the urban growth boundary. That was in the year 2000. And then again in February of this year, that was reiterated. So for the people that were blindsided, they were not paying attention to what was released by the county. Mr. Stewart told the councilors their task is to plan for the future. He said Clackamas County was working on catching up regarding jobs versus housing, and placing the Stafford Triangle in the UGB as employment land now would encourage new business and provide land for existing business to stay and grow. That would decrease the outflow of traffic from Clackamas County, which is a major concern, and it will increase the tax revenue. With the information presented to you in the Phase III Regional

Industrial Land Study, Mr. Steward said, you have the dated support to correct the decision and that decision is to bring the Stafford Triangle in the UGB as employment land today.

Constance Ewing, 227 Fourth Street, Lake Oswego, OR 97034, talked a little about infill development, saying Metro's definition mentions only vacant land, but a more general definition says of "unused or vacant land and under-utilized land." One definition would be infill development keeps resources where people are already live allows rebuilding to occur, and infill development is the key to accommodating growth and redesigning our cities to be environmentally and socially sustainable. Ms. Ewing quoted from a document from Smart Communities Network, sponsored by the U.S. Department of Energy that addressed sprawl and infill, and spoke more on that. She concluded that, as the document of photographs she provided showed, vacant land is available and there are many, many properties that are under-utilized.

Councilor Burkholder said that the one thing the Council really cares about is how do we infill. In our next year, we have quite a few programs that we are working on in terms of how do we encourage more development in areas. We do look at areas that are under-utilized, too, in our vacant land inventory or under-utilized land development. He said a lot of us would like to see more of that and we are putting more money in resources into that in the future as well.

Dorothy Cofield, 4248 Gailwood, Lake Oswego, OR 97035, said she represented Bill Vandermolen, who in study area 31, which was not proposed to be included in the UGB. She said she had submitted written testimony on November 1st, November 21st, and December 4th and has testified. She quickly reviewed the facts of this case, the Vandermolen property, and asked that the Council include inside the UGB that part of area 31.

Rob DeGraff, Portland Business Alliance, 221 NW 2nd, #300, Portland, OR 97209, reiterated his support for the Regional partners and their approach in the industrial lands need that the Council is addressing in this expansion of the UGB. He said MPAC and MTAC had done a pretty good job in terms of addressing the immediate need. There are still greater needs for industrial land and that will have the opportunity to address those in Task 3. He thanked the Council for their efforts on this issue and said he looked forward to working with them in the future.

Councilor Park said he just wanted to make sure for the record that the regionally significant industrial lands overlay was something the Portland Business Alliance does support in terms of protecting that industrial base. Mr. DeGraff responded yes.

Phillip Lapp, 17400 SW Brookman Road, Sherwood, OR 97140, submitted his written testimony on study area 55, and reviewed it for the Council. The City of Sherwood and the county said they were in no position or unwilling to serve that area. Both NW Natural and Metro say they don't know about a NW Natural proposed 24-inch gas line going down Brookman Road. Mr. Lapp said he thought the two agencies needed to talk to each other. He said if we are talking about bringing that land in so that we can plan for it than he was in favor of that so that we don't have to build a road and dig it up the next day to put in a gas line and vice versa. That property would significantly increase the traffic on to 99W or into Sherwood and they are not in the position to upgrade that. He said he had also heard from a lot of agriculture people who are saying that when you have urbanization next to agriculture land they can no longer can farm, and as he owned 57 acres there, that was his position. He actively farmed, or was trying to. That property acts as a buffer between the high-density Sherwood area and his agriculture operation. If urbanization moves over to Brookman Road he will be forced to, not by his own choosing, but because of neighborhoods, abandon farming. And he said he doesn't know what Metro wants to do. He said he thinks that if we want to look at in a large case, the present border provides a soft boundary to the growth. If we bring it up to Brookman Road, it becomes a hard boundary. And you have a half street, because half of it is in and the other half is out, which is a poor utilization of land. If we are going to do anything,

Mr. Lapp said let's move it clear up to the bottom of Ladd Hill and look at that whole area then. But he concluded by saying he recommended not including area 55 and especially that area that is impacted by his agricultural operation.

Doug Rux, Community Development Director, City of Tualatin, 18880 SW Martinazzi Avenue, Tualatin, OR 97062, spoke to study area 47 and area 49 partial, specifically to Exhibit M, Section 2, Specific Conditions, Subsections E2 & E3. Subsections E2 and E3, he said, deal with 50-acre parcel size and E3 deals with no commercial uses. He said he thought there was a need to provide some clarifications on this particular area. First of all, the area is 62 acres gross which includes railroad right-of-away, public rights-of-away, wetlands, and the BPA power line. The individual properties (there are 7 individual properties under 6 ownerships) total 49.9 acres. When the wetlands (approximately 3 acres) were taken out, it's down to about 46 acres. There is no physical way, unless you vacate rights-of-way or somehow get BPA to relinquish their ownership of their power line, that you are going to get to a 50-acre minimum in that particular area. He directed the Council to Exhibit F, which is the regionally significant industrial land, Section 3.07.420, Subsection F, which already puts restrictions on limitations on minimum parcel sizes. He said Tualatin believes it should follow within that category. Finally, on that particular topic, is the one about no commercial uses. Again, he referred to Exhibit F, Section 3.07.420, Subsection C, which already has limitations on commercial uses within regionally significant industrial land areas. The belief is that both of these conditions are onerous and really don't work for this small limited area.

Councilor Hosticka asked Mr. Rux if he was recommending taking out that whole Subsection E.

Mr. Rux said they could eliminate Subsection 2 and Subsection 3, but that he would caution against doing that. He said he was just clarifying that Exhibit F applies to regionally significant areas that have been designated on a map to be adopted by December 2003. Whereas, the conditions that are specific to 47 and 49, he believed, would go into effect with the adoption of the ordinance.

Councilor Hosticka and Mr. Rux discussed Exhibit F and what it meant. Mr. Rux's second point of this testimony was concerning the regionally economic development partners and he spoke on their behalf concerning comments that were submitted into the record this evening from 1000 of Oregon concerning the issue of how the methodology was calculated in the industrial land need. He said he supported the Regional Industrial Land Study and how that was used by Metro in the Urban Growth Report. Of the material that was submitted, some of the items have not reviewed by any professionals in economic development or land use planning and the variables, and he recommended the Council use caution in looking in that information.

Bob Thomas, 2563 Pinnacle Drive, West Linn, OR 97068, said he had earlier submitted documents by fax today and was told by the Council office that they were all distributed to the Councilors. The main point of my submittal was to show through valid numbers that there is no need to expand the UGB anywhere at this time for housing residential use. Mr. Thomas then spoke to his written testimony, asking that Metro leave his City of West Linn alone because they don't need any more housing, they have enough room for 8,000 more regardless of what developers say and he emphasized that in the whole metropolitan region no land for housing is needed outside the UGB. He also encouraged them to read his testimony regarding jobs and commercial.

Cindy Strid, 9323 NW Old Skyline, Portland, OR 97231, asked to share her feelings and ideas on behalf of the population that has no voice concerning the proposed expansion of the UGB to include study area 94. The population she spoke of was the deer, the bobcat, the coyote, the raccoon, frogs and the birds. As stewards and elders of our lands as she perceived the Council to be, she urged on behalf of future generations to vote no in allowing this part of urban growth boundary proposal to be developed.

Presiding Officer Hosticka closed the public hearing and closed the record, except for Ordinance No. 02-990, which would be heard next week. He thanked everyone for their patience and then explained the procedure for consideration of the ordinance. He said the ordinance was a framework that referred to a series of exhibits, starting with Exhibit A and ending with Exhibit P. He suggested working through it exhibit by exhibit to have the opportunity to discuss each one and consider any proposed changes, then when they were finished, to look at the whole ordinance.

Councilor Atherton asked when the Urban Growth Report (UGR) would be considered. Mr. Benner replied that Section 14 of the Ordinance made reference to Appendix A, which contained the UGR, but it was not an exhibit, it was an appendix to the exhibit. He said the council could take it up at any time, but it made sense to take it up after the exhibits amending the code or the regional framework plan. Presiding Officer Hosticka clarified that they would go through the exhibits dealing with policy, then the UGR, and then the maps.

Councilor Park thanked the public for being involved and for working on the urban form. He thanked the local partners and Metro staff, and Mr. Burton. He said this process was unique to Oregon. He recapped the current recommendations, prior to amendments and gave an overview of the massive public outreach efforts that had been made. He noted that not all of the amendments were addressed in Ordinance No. 02-969. He some would be addressed later in separate ordinances. He reviewed the criteria and the pieces they were considering. He said they had been studying approximately 80,000 acres in 94 study sites, and that recognized that the laws and the goals were often competing. He said they were trying to achieve the best balance for the state and the region and had painstakingly followed the state law and goals (see a copy of his remarks included with the permanent record of this meeting). Presiding Officer Hosticka directed that they would go through the exhibits dealing with policy issues, then look at the Urban Growth Report, and then specific sites and conditions. Mr. Benner reviewed Exhibit A and some recommended minor changes. Councilor McLain asked about different reporting standards from different jurisdictions. Mr. Benner said the reporting requirements in the ordinance were general. She noted the Council expected there would be standardization of the definitions used by the jurisdictions for easier comparison for the 2003 work. Councilor Monroe asked if any of the changes would require the ordinance to be held over. Mr. Benner said no. Councilor Park noted that the capacity numbers and that this was no longer a target, and would be what was actually zoned.

Mr. Benner said there were no proposed changes to Exhibit B. He gave an overview of the Exhibit.

Mr. Benner said Exhibit C was a new title in the Metro Code Urban Growth Management Functional Plan, which implements the policy in the Code. He explained the changes, which included MTAC recommendations and included in the draft the council was looking at.

Motion to Amend: Councilor Burkholder moved to amend Ordinance No. 02-969A to change the word "consider" in Exhibit C, Section d, to "prioritize".

Seconded: Councilor Bragdon seconded the amendment.

Presiding Officer Hosticka asked if this represents a material revision. Mr. Cooper said no.

Vote to Amend: The vote was 7 aye/ 0 nay/ abstain. The motion passed.

Mr. Benner said Exhibit D had two new policies having to do with industrial land. In combination, they established a new design type for the 2040 Growth Concept called Regionally Significant Industrial Areas and described those areas as especially suitable for industrial development. It also says Metro will work

with local governments to protect them from incompatible uses. Councilor McLain clarified that there was a year for them to take the concept map of what that would account to and have an opportunity to work with jurisdictions on what would be significant industrial land. She reminded the council that they had made a commitment to get the agricultural community to the table in 2003. Mr. Cooper said Exhibit D was the policy in the Framework Plan and the detail Councilor McLain was speaking of related to how Exhibit E, the map, related to the text of the Functional Plan provisions, Exhibit F, which would be discussed next.

Mr. Benner said Exhibit F was revisions to Title 4, which went with the new policies, 1.4.1 and 1.4.2, and the map. He said Title 4 was already in the Code and the revision was the addition of the section on regionally significant industrial area and a few revisions to the provisions already in Title 4. He said with respect to the regionally significant industrial areas already inside the boundary, there were not precise boundaries of those areas shown, rather Title 4 talked about a process that would begin after this ordinance was adopted and wind up by the end of 2003.

Motion to Amend: Councilor Bragdon moved to amend Exhibit F (a copy of which is included in the record).

Seconded: Councilor Monroe seconded the amendment.

Presiding Officer Hosticka asked if this represents a material revision. Mr. Cooper said no.

Councilor Bragdon said these amendments reflected some of the comments that Beverly Bookin and others had spoken to in their testimony. The change was designed to prevent office encroachment into industrial areas. He said an exception was made under "e" for corporate headquarters. He said violating the industrial sanctuaries with office use would be a very rare occurrence, as for a large employer for a headquarters. He said F.1 related to sites and parcels. He said approximately half of the acreage need was in the 20 acre or less range and they needed to provide some flexibility to be adaptable to market conditions. The amendment provides that flexibility on the lower end of the scale, still confined to industrial uses. Councilor McLain clarified that they were talking about lots less than 50 acres so the Shute and Evergreen corner would not apply. Councilor Bragdon said that was correct. Mr. Cooper further explained the conditions that applied to land being brought into the UGB were cumulative for regionally significant industrial areas. He said there was a condition yet to be discussed that said if land is brought into the UGB as a regionally significant industrial area, when the comprehensive planning is done it must meet this section of the code, plus any additional conditions. He noted Shute and Evergreen had an even stronger condition. Councilor Bragdon reviewed some final housekeeping changes. He urged approval of the amendments to Exhibit F. He said they should consider this as the first step of going forward on Task 3 if this amendment passed.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Mr. Benner explained Exhibit G, which had no proposed changes. Councilor McLain thought Exhibit G showed Metro's definite support of centers. Councilor Bragdon added that if they were successful at this, there would be fewer UGB decisions in the future.

Mr. Benner explained Exhibit H and MTAC's recommended changes, which were included in the document in front of the Council. Councilor Burkholder asked why the deadline for community centers was set for five years. Andy Cotugno, Planning Director, said MPAC had recommended five years, and MTAC had recommended coordinating that centers planning activity with the periodic review that each local government would be going through. He said they were concerned that this was an aggressive plan as not all centers were created equal. Councilor Park asked why they had left off neighborhood centers.

Mr. Cotugno said they didn't have any identified neighborhood centers at this time. Councilor Park asked, if they knew such things existed, and they knew they were trying to create them, why would they not want to include them at this time. Mr. Benner responded that it was an unknown burden for local governments. He said they might want to change it over time as neighborhood centers were known.

Mr. Benner explained that Exhibit J was a new policy to the Regional Framework Plan, 1.9, that would implement the centers policy that says when you amend the UGB, you should strive to ensure that the amendment enhanced and aided a center. He said there no additional changes proposed since it came out of the Community Planning committee.

Motion to Amend: Councilor Burkholder moved to amend Exhibit J to replace the word "consider" with "determine" in the phrase, "when Metro expands the boundary it shall ~~consider~~ determine whether expansion will enhance the roles of regional town centers. (see Burkholder #2 amendment.)

Seconded: Councilor Bragdon seconded the amendment.

Presiding Officer Hosticka asked if this represents a material revision. Mr. Cooper said no.

Councilor McLain asked legal staff for clarification on the responsibilities that would go along with the word "determine". Mr. Cooper replied that it would not be much different and would not be a material revision of the ordinance. Mr. Benner pointed out that this amendment would change the policy, and for it to be effective, you would also have to change the following Exhibit where it was put into code language. Councilor Atherton asked if there were other sections that incorporated Urban Growth Boundary principles. Mr. Benner said there were other sections of the Regional Framework Plan, i.e., the policy on urban form. There is direction from the Council on the UGB in several existing policies, but this would be a new policy. He said the objectives were in the RFP itself. Councilor Park wondered if they were leaving the central city out by enhancing the goals of town centers and regional centers. He suggested leaving changing the wording to say simply "centers" rather than regional or town centers. Mr. Benner responded that central city was not included in the policy because it was not bordered by the UGB and, generally speaking, the UGB was quite distant from the central city. Councilor Park asked if this wording would allow them to not consider the central city if they chose not to. Councilor McLain said there had been considerable discussion about why central city was not included. She said a future amendment could work, but she thought they needed to test this out as it was new.

Presiding Officer Hosticka said they had seen plenty of evidence that their actions to change the UGB could have an impact on the city center, so while this was prospective language, he agreed for the purposes of discussion that they probably should talk about centers in general at some time. Councilor Park agreed.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Mr. Benner explained Exhibit K. He said it was an amendment to existing codes on UGB expansion to implement the policy just approved, so to be consistent with current policy, the language would be changed to say the council "shall determine" whether...

Motion to Amend: Councilor Burkholder moved to amend Exhibit K to include "determine" instead of "consider", per Burkholder Amendment #2.

Seconded: Councilor Atherton seconded the amendment.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Mr. Benner explained that the language in Exhibit K would authorize the council to place conditions on the expansion of an UGB. He said Section 0.4.0 authorized them to place certain kinds of conditions, but this was a more general authorization to ensure that the addition of land would comply with state planning laws in the RFP.

Mr. Benner explained Exhibit L amends Title 11 which plays a large role in conditions and making sure that areas newly coming into the UGB got well planned. He said the changes update and modernize Title 11.

Presiding Officer Hosticka asked for discussion of Appendix A, the Urban Growth Report.

Motion to Amend: Councilor Atherton moved to amend the Urban Growth Report to reflect a growth rate between the current time to the year 2022 of 1.3%.

Seconded: Councilor Hosticka passed the gavel to Deputy Presiding Officer McLain and seconded the amendment.

Councilor Atherton said this was not an issue of which forecaster to believe. He said the validity of the forecast was not the issue. He said they were called upon to exercise their judgment, and given the evidence in the record, a lower growth rate was prudent. He explained in detail from reports in the record why the Metro forecast was inaccurate. He felt strongly that the lower rate should be used and urged adoption of a smaller, 1.3% growth rate.

Councilor Atherton demonstrated an example of the relationship between plumbing and public policy using physical props. He said if the plumbing doesn't fit right, the pipes wouldn't hold water, and neither would policy arguments. He said the repairs for either could be extremely costly.

Vote to Amend: The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Park, Monroe, Burkholder, McLain and Bragdon voting no.

Presiding Officer Hosticka called for discussion of Exhibit N.

Motion to Amend: Councilor McLain moved to amend Ordinance No. 02-969A by removing sites 75 and 76, at the request of the City of Cornelius, and adding Site 77 (exception land).

Seconded: Councilor Bragdon seconded the amendment.

Presiding Officer Hosticka asked if this represents a material revision. Mr. Cooper said no.

Councilor McLain pointed out that she was not asking for a separate ordinance. She explained the amendment. Councilor Burkholder commented that Sites 75 and 76 were intended as industrial and had no dwelling units capacity. He asked about the dwelling unit capacity in Site 77. Councilor McLain said it was non-residential and none of the requests had noted a need for residential. Councilor Park asked if it was inside the city limits. Mr. O'Brien said yes.

Councilor Burkholder commented that the City of Cornelius was interested in more industrial land but because of the EFU land they were asking to bring in, the council did not feel they could support it. He said they would be considering industrial needs in the next year and had told Cornelius that would be a more appropriate time to talk about specific that might include EFU land. Mr. Cooper said there would need to be additional conditions and findings amended in the future, and he would point them out. Mr. Benner recommended repealing the conditions that would have applied to areas 75 and 76 and in its place have a new condition that would apply to partial area 77. It would read, "Washington County or upon annexation of the area to the City of Cornelius, the City shall complete Title 11 planning for the included portion of study area 77 shown in Exhibit N." He said the general conditions in Exhibit N would also apply to this area. Presiding Officer clarified that the words Mr. Benner just read would be a substitute for M where they would substitute 77 partial and put in the words that Mr. Benner just read. Mr. Benner said that was correct.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Motion to Amend: Councilor Hosticka moved to amend Ordinance No. 02-969A by deleting area 94.

Seconded: Councilor Atherton seconded the amendment.

Councilor Hosticka said that they had heard testimony from the City of Portland and citizens. From a residential capacity point of view that the additional or deletion of area 94 would make very little difference to the amount of residential capacity that we would be adding to the Urban Growth Boundary. There was also a legitimate question whether the addition or deletion of area 94 would effect the natural resource and habitat qualities of that area and the protections that would be afforded to those areas. He was persuaded, by both the testimony of Mayor and a number of the citizens, that leaving it out of the UGB at this point in time provided a greater opportunity for a variety of methods to be used to continue protection of that area and that bringing it in might preclude some of those protections. There was not a lot of substantive difference on either side to bring it in but their options would be enhanced by leaving it out he was moving to take it out.

Councilor Monroe said the issue was an issue of fairness. Fairness was very important. The City convinced property owners 40 years ago to be annexed. This property had been within the City of Portland for 40 years. The city had been collecting taxes and the property owners had been paying taxes for the past 40 years. Yet they property owners' hands have been tied in terms of being able to do anything productive with their land. There were portions of this land where productive activity could take place. There were other portions with steep slopes or that were riparian that must be protected. He felt the City of Portland's regulations were the strictest in the State and would protect natural habitat. If the City of Portland wanted this land to be left outside of urbanization, then they should have de-annexed. The city had 30 years in which they had collected taxes from these property owners. It made sense to increase the regulation of this area by bringing it into the UGB allowing the City of Portland at its discretion to appropriately plan for what needed to be protected and what kind of regulations needed to enforced and what kind of minimal development may be appropriate in certain portions of it. He opposed the motion.

Councilor Bragdon said this was a difficult decision. The appeal had been made to save Forest Park through a UGB action. That was the troubling part for him. Legally, as well as, morally that was a flawed rationale for making an Urban Growth Boundary decision. Forest Park itself was within the Urban Growth Boundary, it was not a matter of being in or out of the UGB that saved Forest Park, it was a matter of if being purchased by the public sector and the buffers around it being appropriate regulated and zoned by the jurisdictions. When you come to area 94, the proposal was not to build houses in Forest

Park. Everything that was said about area 94 was correct. There were two other things that were true that this decision hinges on. One, this was privately owned property, this property was similarly situated to others who had had their property treated differently because of the UGB. The second distinguishing factor was that it was within the city limits. It seemed to him that annexation implied with it an intention to urbanize. That was when this bell was rung. That gave the property owners certain expectations that related to the fairness of it. They pay taxes to be in the City of Portland and they pay taxes for a level of urban services. To use a regional tool such as an Urban Growth Boundary which was designed under state law to separate cities from county to separate one part of a city from another and treat like situated property owners differently, was a misapplication of the UGB. It was privilege to live near Forest Park. He didn't think that the UGB should be use to extend that privilege to some residents of a city and deny it to other similarly situated residents of the same city. It was a misuse of the tool. The proper tool to protect Forest Park was primarily in the hand of the City of Portland and explained further those tools. The final piece was hearing the testimony that was because it was treated outside the UGB under the Forest Practices Act of Oregon could actually eligible for clear cutting if it was not in the UGB. That was a matter of fairness as well. He was going to oppose this amendment.

Councilor Burkholder said he would be supporting this amendment. He didn't think this was about Forest Park or wildlife habitat. It was about what were they doing here today and whether area 94 met the goals that they had. In 1.9, one of the goals was to enhance the roles of the regional town centers and to ensure that it did. They had done an analysis of how well each piece met the 2040 fundamentals in terms of how can we achieve our 2040 Growth Concept. This property ranked at the very bottom. It also ranked at the bottom in terms of its value for urbanization and ease of urbanization. Standing by itself it was not meeting the goals that Metro had set when they were looking at land to bring into the UGB. We try to resist trying to use our UGB decision making to solve all of the problems out there that had been created over the last 100 years through varies types of zoning practices. He tried to look at each area and asked if it met out 2040 fundamentals. Is it the best choice for urbanization? Does it provide housing capacity, which was the purpose for expanding the UGB at this time? In all of those cases this property failed regardless of its value as habitat or proximity to Forest Park. He supported the motion to withdraw it.

Councilor Park said he agreed of much of what Councilor Bragdon said. It was an inappropriate tool for the use in this particular case. He found it interesting in terms of consistency that they had other areas that were currently outside of Metro jurisdictional boundary that they were having to enter into intergovernmental agreements on regulation of those particular areas pursuant to our Title 11 policies because they were outside of our jurisdictional boundary. He didn't think we should use this tool for environmental protection or that it would be supported by LCDC. He would be opposing the motion for consistency sake.

Councilor Atherton asked Mr. Benner if there were other cities in the State of Oregon who had annexed territories beyond their UGB?

Mr. Benner responded that he was aware of circumstances of about half a dozen to a dozen where there were currently city limits outside of UGBs. It had not been the situation that Councilor Atherton described. It had been where the UGB was drawn after the territory was annexed. The area was drawn based on Goal 14 and left land that was in the city limits outside of the UGB, Dundee was an example.

Councilor Atherton asked about the Forest Practices Act and the requirement for replanting regardless of whether it is inside or outside a UGB.

Mr. Benner said that was correct. The Forest Practices Act still regulates Forest Practices whether land was inside or outside of the UGB. The difference was that once forestland was within the UGB, a city or

county could chose to regulate the practices. If they do not exercise that option, then, forestland could be harvested inside a boundary.

Councilor Atherton said in this particular case, the land was inside a city boundary so they could have jurisdiction over the forest practices.

Mr. Benner said the City could prohibit forest practices on land inside its city limits if it was outside the boundary. If it comes into the UGB, the city could prohibit logging.

Councilor Atherton asked if the property owners in area 94 paid regular property taxes? If they had farm/forest deferral lands then they get lower tax only on that parcel.

Mr. Benner said if they chose they could enroll their land in any of the special assessment programs for forestlands.

Councilor Bragdon appreciated Mr. Benner's clarification on State Forest Practices Act. It sounded like area 94 would be governed by that and the forest could potentially be cut. The moral question was, was it proper for the government to say to a property owner, no we will not let you be part of a city but on the other hand no we won't let you use it as the resource land. He felt this was troubling irony and the other irony was that other people were being allowed to enjoy this privilege in terms of living close to the buffer and trying to prevent other similarly situated people from having that privilege.

Councilor McLain said they had spent many hours on this issue. First, there was a balance where there were property owners who had been treated as city dwellers because they had been paying taxes. That was half of the balancing act. We have people who have had to pay for services that had been provided in certain areas but they had been treated as if they belonged to the City of Portland and that they have citizenship to that city. We also have a situation where we have a city park, Forest Park was an urban park. It was inside the UGB. The other balancing act was figuring out how much we can buy, how much we can be regulated by the City of Portland and how much we can do with other tools. We know that when we include that acreage that they were going for a high density of housing in this area. We know we weren't going for building houses in the park, it was a public owned park. She would be voting against this motion. She would be bringing forward an amendment that may take care of all of these concerns.

Presiding Officer Hosticka closed by saying he appreciated the discussion they had. The discussion kept the faith. From his perspective these concerns were not persuasive. Annexation proceeded the creation of the UGB so this was a similar situation to other places and that the annexation wasn't following the UGB. Regardless of when it happened, times change. One of the founding principles of our democracy was that the sins of the parents wouldn't be visited on the children. If a decision was made previously that they don't like today, they shouldn't have to stick with that decision or we have to pay the prices of that decision rather we should say what can we do to make things right from here. On the fairness issue, they had heard testimony from more of the property owners in that area that they would rather be outside the UGB than said they wanted to be in. The main reason for making this motion was to talk about how this area and natural habitat values of this area could be protected. He said Councilor Monroe had suggested one option, which was to be annexed. If it comes into the UGB, he thought they were foreclosing on that possibility. Regardless of what is done tonight there was not likely to be a lot of change in that area or in the urban form. If we bring it into the boundary, we have limited our options for future considerations.

Vote to Amend:

The vote was 3 aye/ 4 nay/ 0 abstain. The motion failed with Councilors Monroe, Bragdon, McLain and Park voting no.

Motion to Amend: Councilor Atherton moved to amend Ordinance No. 02-969A to delete areas 24, 25 and 26P.

Seconded: Councilor Hosticka seconded the amendment.

Councilor Atherton said this was a semi-rural area, which had significant impact on Newell and Abernathy Creeks in Oregon City. They had extensive testimony from the people who live there that they do not want to be incorporated into the UGB. They also had testimony while in Oregon City that there had not been any significant public process for review of this within their community. There was also a surplus of 660 dwelling units. If you were to take these sites out, that would bring it into almost perfect alignment with the need.

Vote to Amend: The vote was 1 aye/ 5 nay/ 1 abstain. The motion failed with Councilor Atherton voting aye and Councilor Hosticka abstaining from the vote.

Mr. Benner spoke to changes in conditions in Exhibit M. There was a new general condition, G. It applied to all areas.

Presiding Officer Hosticka asked if they had adopted an inventory. Mr. Cooper said, yes, Council had already adopted an inventory and forwarded to an ESEE analysis stage. Presiding Officer Hosticka said that the maps that were adopted last summer would be applicable under this condition? Mr. Cooper responded yes.

Councilor Atherton said they had earlier conditions that were directed toward trying to allow a new community of Damascus to create a greenbelt community concept. Did this allow for that type of development? Mr. Cooper said the wording of this condition was verbatim removed from the Damascus only conditions and would now apply everywhere through all of the UGB additions. The exact words were still applicable to Damascus that had that intent to allow that.

Presiding Officer Hosticka said, on the Bethany area, were these similar conditions or were these blanket conditions? Mr. Cooper said when they got to Bethany they will explain how those conditions would be piggy backed on to these. In general yes, they intended to make sure that the applicable general conditions would also apply in Bethany.

Mr. Benner noted that A-2 was now a general condition. It would apply to all areas. He said another change that they had prepared was on page 3, which required the protection of the rights-of-way for the Sunrise.

Councilor Bragdon asked about number 5, in terms of the transportation facilities, Sunrise Corridor was talked about without a lot of discussion about the design. Did the use of the highway preclude boulevard in the appropriate urban portions? Did the word highway imply a certain design that the community may not end up wanting? Mr. Benner said he didn't think it was binding in any way on the nature of the facility. The term came from the 2000 Regional Transportation Plan. Councilor Bragdon asked, if the community should determine that they want portions of it to be in a boulevard type treatment was the precluded by the current wording? Mr. Benner said he did not believe so.

Andy Cotugno, Planning Director, said Councilor Bragdon made a good point. Since the concept planning hadn't been done, and a final decision on whether it was a highway or some other form of roadway out there hadn't been decided yet, he suggested using the word Sunrise Corridor. Once the

concept planning had established what it is, then, they preservation of right-of-way would need to be kicked in.

Motion to Amend: Councilor Bragdon moved to amend Ordinance No. 02-969A to read in subsection 5, page 3 if prior to the completion by Clackamas County by Title 11 planning, the County and Metro determine through amendment to the 2000 Regional Transportation Plan to build a proposed Sunrise Corridor. The County shall provide the preservation of proposed rights-of-way as part of the conceptual transportation plan..

Seconded: Councilor Monroe seconded the amendment.

Presiding Officer Hosticka called for objection. There was none, the motion passed unanimously.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Motion to Amend: Councilor Burkholder moved to amend Ordinance No. 02-969A to insert a sentence after the sting of study areas 19, which said appropriate portions of other study areas shall be considered those intended for governance by a new city of Damascus. (it was the part associated with Damascus rather than Happy Valley).

Seconded: Councilor Bragdon seconded the amendment.

Councilor Park said he thought number 4 covered Councilor Burkholder's concern.

Mr. Benner said it didn't hurt to cover it twice.

Presiding Officer Hosticka asked about number 1. He thought it only directed them to look at existing official governmental bodies. Was there anyway they could incorporate non-governmental bodies like the CPO in that area into this language?

Mr. Benner said he didn't think there was anything that would prevent that. He explained what Title 11 said, it spoke to local government that have land use planning authority and that was cities and counties. There was a sentence in the section that said the counties and they were the ones that had the authority today because it was within their jurisdictions. It said, the counties should invite the participation of the cities of Gresham and Happy Valley. You could also require that they invite the participation of other special districts.

Presiding Officer Hosticka's said his concern was that we were saying that this had to be done in four years. His intention in asking for these kind of conditions was that some how the residents of the area itself are participants. It may be unlikely that a portion of the area would incorporate within those four years. So, he didn't see what mechanism you have written in here for the residents of the area to be participants. He thought there should be some designation that would be group representing the citizens and the CPO seemed to be the official one he was aware of.

Councilor Park said the question was an excellent one. He understood their plans were to seek incorporation in the Fall 2003, which would be within the time period. He wasn't sure how we would

designate an entity that doesn't exist today. They would have to invite citizen participation in that particular area as part of their Goal 1 responsibilities. He thought they were being too prescriptive.

Mr. Benner said anyone could participate in that because it will have to be an open process. What Councilor Hosticka was talking about was a more formal type of participation. He didn't know how you would make reference to an organization that doesn't yet exist.

Presiding Officer Hosticka asked if citizen-planning organizations exist in Clackamas County?

Mr. Cooper said to the extent that you were referring to Goal 1, Clackamas County would be required to have the CPO involved in this. The CPO will have to have a formal role in process.

Presiding Officer Hosticka said he wanted this on the record.

Councilor Atherton said area 19 had to be deleted per Mayor Grant's testimony. Councilor Park said that area referred to the Carver area and Mr. Grant said that was below Hwy 212 and Happy Valley was not interested in that particular area. It would be more appropriate for the Damascus area.

Presiding Officer Hosticka asked if this would materially change this ordinance? Mr. Cooper said no. Presiding Officer Hosticka called for objection to the motion. There was no objection to the motion, the motion passed.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Mr. Benner said there was testimony from the City of Gresham that it wanted to make sure that it was involved in the planning. He noted A-1 on page 2, "the counties shall invite the participation of Gresham and Happy Valley". They will be involved in the planning.

Presiding Officer Hosticka asked about other issues on conditions.

Mr. Benner said on page 4 of Exhibit M dealing with studies areas 47 and 49. He noted the testimony of Mr. Rux of the City of Tualatin who urged them to delete E-2 and E-3. Study areas 47 and 49 were added to the UGB to provide for industrial land.

According to Exhibit N, the map, portions of both of those study areas were designated a regionally significant industrial area. This was the reason the staff recommended the two conditions E-2 and E-3. In the testimony tonight they heard that there was no possibility of getting an aggregated parcel there as large as 50 acres because the total area did not add up to 50 acres and it had a wetland on it. He recommended taking out #2 which required the consolidation. The second was to change #2 about the reconfiguration plan, which would read "develop a lot parcel reconfiguration plan for the areas that results in the largest practicable parcel." The purpose for keeping it was that they had designated regionally significant, you were responding to evidence in the record that there was a shortage of large parcels and this parcel can't get to 50 acres but it could larger than the constituent parcels that make it up. They didn't recommend a change to point 3.

Motion to Amend: Councilor Monroe moved to amend Ordinance No. 02-969A Exhibit M Condition E-2 on Study Areas 47 and 49, the condition would be changed to "develop a lot parcel reconfiguration plan for the areas that results in the largest practicable parcel."

Seconded: Councilor Atherton seconded the amendment.

Councilor Burkholder reminded the Council that they shouldn't look at this in isolation. There was another ordinance, which may or may not pass to add land to the north of these parcels in area 48 for industrial purposes.

Presiding Officer Hosticka asked Mr. Benner if they can't reconfigure the plan because the landowners don't agree, what happens to this condition?

Mr. Benner said the term practicable means it was not enough for the landowners just to disagree. He was not sure how it worked out if they have no landowners interested in putting it together. He presumed what would happen then was the city or the county which was doing the Title 11 planning would come back to Council and tell them what the situation was and say we just can't do it and the condition needed to be changed.

Presiding Officer Hosticka said it said, in conjunction with property owners. Did that mean that any unit of government could compel property owners to reconfigure their lots?

Mr. Benner said yes, they could do that.

Councilor McLain said, she felt strongly that the industrial land that had been recognized by the regional partners and had discussed with the Council related to this area even though it may be something that Metro looked at or added to that area to get the industrial land numbers up in areas that the Council thought were appropriate. She thought the new language that Mr. Benner had suggested give them the goal of trying to put together the largest practicable parcel. If the can't do that they could come back to Council. They had looked at conditions from other jurisdictions and have modified when they couldn't make the condition work. The Council gave them the goal of trying to do it. Because they were between 1800 and 2000 acres low on industrial land and they had been told there was a variety of needs out there, that they needed to let the condition work.

Presiding Officer Hosticka said he would be voting against this motion because it was based on false premises. The premise seemed to be that somebody had asked them to bring this in for certain purposes. As he understood the history of these particular parcels, they had been brought in on motion of individual councilors. They were not part of someone else's master plan. There are other areas which Council was considering in another ordinance next week which were part of that bigger plan which dealt with resource areas which were the areas that they were primarily concerned about in terms of regionally significant industrial lands. These lands were exception areas and should be treated as any other industrial lands. They had just made a motion to let any parcel less than 50 acres be subdivided down to as small as practicable. He didn't think that we should be adding extra conditions on these particular pieces of land because he didn't think they fit the definition that they were using for regionally significant industrial land.

Councilor Atherton said wasn't the special condition here the existence of a power line and easement property? Presiding Officer Hosticka said this was exception land entirely.

Vote to Amend: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Hosticka and Atherton voting no.

Motion to Amend: Councilor Burkholder moved to amend B of Exhibit M to include study areas 24, 25, and 26 under the second condition.

Seconded: Councilor Monroe seconded the amendment.

Councilor Burkholder said area 24 included the new road and he wanted to ensure that was include as well and then any other road improvements that happen in that area that lead up to the school since the school district raised that issue very specifically as their major concern was traffic without having sidewalks and bike lanes coming to their school.

Councilor Park suggested a friendly amendment, to take B-2 out of the specific conditions for the specific areas to be brought in and put it under general conditions to be applicable to all land added to the UGB. Then it would apply to any school site and the transportation plan referring to that school sites. The maker of the motion and seconder of the motion accepted the friendly amendment. Presiding Officer Hosticka reiterated the motion. Mr. Benner suggested in the same motion dropping D-3, which had that condition on area 45 because that area had a school site in it. Presiding Officer Hosticka said the motion included where ever reference to transportation plans for school areas appears in the conditions that they be taken out of the specific conditions and put into general conditions.

Councilor Monroe said this was good public policy to advocate for sidewalks and bike lanes to and from schools. This was also a cost saving measure and explained that this would have the effect of reducing bussing costs to local school districts.

Presiding Officer Hosticka asked if this materially effected the ordinance? Mr. Cooper said no. Presiding Officer called for objection to the motion. There was no objection to the motion, the motion passed.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Mr. Benner spoke to additional recommended amendments. Page 5, Item K, Study Areas 67 and 69. Mr. Bergsma pointed out that a portion of area 69 which would come in, it was likely that Hillsboro should be responsible for the Title 11 planning and would ultimately annex it. He suggested that they add, after the City of Beaverton, or the City of Hillsboro.

Motion to Amend: Councilor McLain moved to amend Ordinance No. 02-969A under condition K in the first sentence, after the words Beaverton, we add or the City of Hillsboro.

Seconded: Councilor Burkholder seconded the amendment.

Presiding Officer Hosticka called for objection to the motion. There was not objection, the motion passed.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Mr. Benner said based on the previous action, M would be changed and there would be two changes to study areas 93, 89 and 94. There was language on area 93 that said complete the Title 11 planning within six years after the effective date of this ordinance. This was added after testimony from the City of Portland about it being a while before they could get to the planning. They erroneously attached it to area 93 but should be attached to area 94. The Council would need to decide if they wanted it to be six years. The change would be to take the clause and put it down under area 94. Councilor McLain had spoken earlier about a condition that would speak to the density, the number of dwelling units, that would come out.

Motion to Amend: Councilor McLain moved to amend Ordinance No. 02-969A under N to delete the words "within six years after the effective date of the ordinance" and under O was to insert those words at the end of the first sentence and then add a second sentence

which said "the expected number of dwelling units determined in Title 11 planning process shall reflect the City of Portland's residential farm forest zone including environmental overlay zones".

Seconded: Councilor Park seconded the amendment.

Councilor Park asked if including environmental overlay zone trumped our Goal 5 inventory? Councilor McLain said her understanding was that this dealt with Title 3. They had Goal 5 language in general conditions and there were interim conditions listed as well. Mr. Cooper added that the Goal 5 program was explicit that what ever you do was not a limit on what local jurisdictions can do. They can go beyond Metro's Goal 5. If they have more stringent environmental protections that Metro requires in Goal 5 they were free to adopt them.

Presiding Officer Hosticka called for objection to the motion. There was no objection. The motion passed.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Councilor McLain asked about Exhibit M where they would be inserting area 77 partial, it would read that it would be covered by general conditions?

Mr. Benner said yes. Councilor McLain said she didn't see Bethany. Mr. Cooper responded that Bethany was in a separate ordinance. What Councilor McLain had done on her amendment in Cornelius on area 77 partial was on the map it would show as an employment area not as a residential area.

Councilor Atherton asked about Exhibit N on the map, he wanted to ask about a change in the description for West Linn study area 37 where it calls for enhancement of the near by civic center. He noted testimony from the Mayor of West Linn and members of their council that this was not designated their civic center, it was a neighborhood center. They had expressed the interest in developing a community and civic center down by the river. Councilor Park asked for clarification on the findings. Were they supposed to be changing the findings? Mr. Cooper suggested that Mr. Benner explain what the findings were and what they intend to do and how they tie together with the rest of the ordinance. To some extent word smithing the findings was a meaningless exercise as well as not changing the law.

Mr. Benner divided the findings, Exhibit P, into two general sections. Section one was general findings and section two was specific findings. In the general findings was where they say what the regional need was. It didn't make sense to talk about need in the context of individual areas. Also there were some general findings about coordination with local government, citizen involvement and the need for land. There was then a discussion on page 2 about the process Council followed in examining alternatives. The first alternative they considered was increasing the capacity of the existing UGB. There was discussion about what the Council did to increase the capacity for housing and for employment. On page 3, the section talked about expanding the UGB. Having taken the efficiency measures, there was still a need for dwelling units and employment land. E talked, in a general way, about how Council decided which areas to take into the boundary. Then, page 4 through the end of the general findings, Council discussed how they considered water quality, natural hazards and economic development. All of these were things they considered when they decided which areas to take in. On page 5, there were specific findings for particular areas. There was discussion of the locational factors of Goal 14 which Council weighed when they decided to take parcel A and not parcel B. These were Metro's Regional Framework Plan policies, the Metro Code provisions and other relevant criteria. There was a lengthy discussion starting on page 5 to 11, which was a description of all of the factors and how they were applied to the Damascus-Gresham areas. Then following that, there was discussion of specific study areas concerning the alternatives

analysis, and particular materials that were submitted into the record during consideration of the areas. Further, since Council had deleted areas 75 and 76, it would be appropriate to delete the findings for those two areas, and include the findings for area 77 partial.

Motion to Amend: Councilor McLain moved to remove the findings for Areas 75 and 76 and add findings for partial area 77.

Seconded: Councilor Atherton seconded the amendment.

Presiding Officer Hosticka asked if this made a material difference to the Ordinance. Mr. Cooper said no. Presiding Officer Hosticka called for objection to the motion. There was none. The motion passed.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, the motion passed.

Motion to Amend: Councilor Atherton moved to change the reference to civic center in area 37 be changed to neighborhood center.

Mr. Cooper explained why the term, civic center, was used. Civic center was not a term that was defined in the Functional Plan, town center was. They reflected the testimony from the City of West Linn that this area there was not a town center so the use of the term civic center was their descriptor to label that area. Neighborhood center was a term inserted into the Code for the first time under the Functional Plan as something that went into an inner neighborhood. This may or may not have been designated by the City of West Linn as a neighborhood. He didn't think the difference between the two terms made a lot of difference. The purpose of the finding was to explain to the commission why it was we were doing what we were doing. Either term would be equally effective.

Councilor Atherton said it was his opinion that neighborhood center more accurately reflected what it was and what the citizens expect it to be.

Presiding Officer Hosticka asked legal counsel what the significance was if they say that the reason why we included this area was to enhance something that doesn't exist.

Mr. Cooper said there was evidence in the record that there was something there. The question was what do you call it. There was also more than 20,000 square feet of retail there, which was bigger than the definition of a neighborhood center that Council had adopted. It was not designated on the 2040 Growth Concept Map as a town center. It was a commercial area. The point was that the Council was explaining to the Commission that there was some commercial, city hall, school area there which was the reason why the Council had decided the leave this area inside the areas to be added to the UGB. The facts were there, the question was what was the label for the facts.

Councilor McLain said the difference between a civic center and a neighborhood center was great because of the definition they had just added on neighborhood center. That was a problem for her. She was not willing to put in the words 'neighborhood center' when she knew that she had been there and it did not reflect what they said the definition of a neighborhood center was. They also had not mapped neighborhood centers. It was not a town center because it was not mapped and not that type of area.

Councilor Monroe said he taught civics for many years and civic center was the most appropriate terms because it was the center that surrounded city hall.

Councilor Park suggested leaving it as it is.

Councilor Bragdon said they were using a colloquial term instead of a proper noun, wouldn't that get the point across?

Presiding Officer Hosticka suggested leaving it as vague as possible and explained why. It seemed that there was no formal designation for what the area was.

Councilor Atherton said he was trying to reflect the wishes and sentiments of the citizens of West Linn and their city council. He knew that they were very serious about trying to create a civic center by the river where the library and police station was. The discussion was on the record.

Presiding Officer Hosticka asked if there was anything further discussion on the findings?

Mr. Cooper said the ordinance referred to appendices that were prepared in the original ordinances, which were ones submitted by the Executive Officer. What was currently in the ordinance was all of the revisions that Council had adopted and updated. They were using the Urban Growth Report that the Council had produced as a result of all of their deliberations.

Councilor Atherton noted emails he had received and the economic information on the forecast that he wished to have in the record.

Councilor McLain said she thought the work that had been done by the Community Planning Department, the legal staff, Councilor Park and the rest of the council followed the state regulations and laws that guide these types of decisions. Secondly, they understood that the need assessment, which they had used for this ordinance was guiding the amount of land that they say they need for residential and industrial need. They had heard a lot of important testimony and a lot of participation by the community. They had tried to be respectful and listen and then sort out all of the different statements. They were trying to demonstrate that this was not about amendments to the Urban Growth Boundary but about complete and full communities. This was about trying to use center strategies to try and find other tools in the tool box to utilize land inside of the UGB appropriately and to try and make sure that we have density only in places where density was appropriate particularly in the centers, main streets and in the corridors along the transit lines.

Councilor Bragdon said the process was not perfect. The size of this was daunting. The amount of acreage was staggering to him. He sometimes wondered why do all of that when you step outside of the building and see under utilized vacant lots across the street and knowing that a more wise resourceful society would be more careful about using that in the future. There was a lot of geographic imbalance in this, market pressures on one side of the region but much of the expansion was on the other side of the region. There were huge challenges of infrastructure. If they take this action tonight it didn't change a thing on the ground unless those areas could be served. The fiscal challenges were enormous. On the other hand, there was a lot of good that had come out of this year. He appreciated having these debates but they had always been very policy oriented and that had been part of the value. He felt the process had been very open and very fair. It has been as faithful to state law as they possibly can be. That was to everyone credit here. It has only begun to raise some of the conceptual issues that they will have to deal next year and into the future.

Councilor Atherton said he had been the representative of the district where most of the growth was being placed. The people there had expressed very clearly that the vast majority didn't want this kind of change. This was not just numbers. We were dealing with people's lives. He had tried to carry that message. He spoke of his experience as a boy and how it effected his decisions today. He reminded everyone, you had one chance to do it right, do it clean and not miss. Your arguments need to hold water. He thought we had missed an opportunity in this forecast. There were defining moments.

Councilor Burkholder said was the question was, was he satisfied with this decision, yes and no and explained why. He felt we could do better but we are doing better than many parts of the United States.

Presiding Officer Hosticka said that he had read in the newspaper that some people felt that this was a very messy process, and his belief was that it was inherently a messy process, because it was a democratic and open process. At times the Council had appeared to be divided on some major issues, but he said he felt that reflected real divisions in the population. The genius of the process, and of Metro, was that democratically elected people had conducted it out in the open, whereas in other Metropolitan areas the process takes place behind closed doors, and by people who were very indirectly accountable to the people. While it hadn't always appeared as smooth as some would like, he said he felt that the basis on which the whole effort had been done, namely the population forecast, was not what he would think was going to happen. However, as they had heard from Mr. Potiowsky, reasonable people can make different judgments about these things, and the majority of the council had made the judgment that the number produced by Metro staff was the one to use to make decisions. He said he thought that it might be a wrong judgment, and if it were then they would have to be vigilant over the next five years and into the future. He said he wanted to make sure that the problems that may be encountered by being over-optimistic in the forecast wouldn't overwhelm the other things that Metro was trying to do in the region. He said that he intended to be at Metro and to be vigilant. He said that in the spirit of democracy, he would support the resolution, and urged the other members to do the same.

Councilor Park said that he felt that the decision proved the 20-80 rule in which you get 80% done with 20% of the effort, and then the last 20% of work takes 80% effort. He said that they needed to start working on the 80% that was currently inside the boundary. He said understood Presiding Officer Hosticka's concern about the potential of having too much land within the boundary. He said he had faith in our strong regional growth policies to prevent sprawl. He said that the UGB in the past had only contained sprawl, and that it really hadn't been adjusted. He said he thought the key issues were the strong regional policies, especially towards centers, figure out how to recycle our land supply. We need to look beyond what was done today and beyond the Metro boundaries, we need to look out to the 7-county level as Mr. Burton said, and look at planning a broader area if we really want to make a difference. He said he had a concern that satellite cities were being created, due to the lower rate of houses to jobs, and the impact that would have on the rural community. He said that he appreciated that the Presiding Officer would support the Ordinance. He said it was an open and tiring process, but that he thought that the decision would be the best that Metro had produced so far. He said that he hoped that the two attorneys at the meeting would bring back very little for them to look at once the commission had reviewed the process.

Presiding Officer Hosticka called for the vote.

Vote:	Councilors Bragdon, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 6 aye/ 1 nay/ 0 abstain, the motion passed Councilor Atherton voting no.
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Presiding Officer Hosticka said that there were a number of other Ordinances and Resolutions on the agenda and he said he felt that it would be useful to go through Ordinance No. 02-983, 02-984, and 02-987.

Councilor Park said that he thought Ordinance No. 02-983B was the only other one in condition to be considered.

Mr. Cooper explained that they did not have the findings written on all the other ones. Their effort had been put into getting the big one completed. He said that it was appropriate that Presiding Officer Hosticka could go through the other ones and takes a tentative vote, and then direct that they be carried forward for final adoption for the findings.

Presiding Officer Hosticka said he was concerned that if they were held over until the next meeting, then there were substantive amendments that materially change those ordinances, they would have to hold them over for yet another week. He said that his hope would be to come to final decisions on all of them so that they wouldn't have to get into a position of holding them over.

Councilor McLain asked if they had a basic discussion a few of them, could they bring the findings to the Council on December 10th or 12th. She wanted to know if they could be voted on by the December 12th meeting.

Mr. Cooper said yes and added that if they disposed of anything now that might look like a material amendment, they would avoid what she was worried about.

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.

Motion	Councilor Bragdon moved to adopt Ordinance No. 02-983B.
Seconded:	Councilor McLain seconded the motion.

Councilor Bragdon said this ordinance addressed a need that had been identified in the regional industrial land survey for a very specified type of land-use relative to the high tech cluster on the westside. It had a very specific need, and it was very specific site. It had been adopted at the committee level and he urged affirmation of the ordinance.

Councilor McLain said that the letter the City of Hillsboro sent on December 2nd 2002, and the letter before that which indicated their support of the conditions that Metro had put on the item that it would be for regionally significant industrial land, gave her confidence that the 200 acres would be used specifically for that type of activity. She asked the legal staff to respond to Mary Kyle McCurdy's testimony earlier, regarding the type of electricity and gas.

Presiding Officer Hosticka said that he thought the request had been to change wording from "or" to "and."

Councilor McLain asked the legal staff to speak to that.

Mr. Cooper said that the implications to "or/and" narrowed even further the type of industry that would be qualified to be sited on the property. He said that from what he understood from the testimony by 1000 Friends, changing the "or" to an "and" would not necessarily mean they would withdraw their opposition to the site. He said that he and Mr. Benner felt that the "or" was sufficient.

Councilor McLain wanted to know if the lawyers had looked at the site to determine if there were alternative uses for the land.

Mr. Cooper said that the key difference between 1000 Friends' view and his findings was site assemblage versus existing parcels in one common ownership. He said that it was a judgment call.

Councilor McLain asked if Metro was required to walk the map and demonstrate that there was no other place for that designated land need, anywhere in the region.

Mr. Cooper said that the findings prepared, and the conditions, and the evidence pointed to this site. He said that Boring was not a relevant choice vis-à-vis this specific identified land need.

Councilor Park said that of all the ordinances before them, he would like to vote no on this one more than anything else. He said that enough of a case had been made to bring it in, with the 9 conditions. He said they should trust Hillsboro as a city to not squander the site.

Presiding Officer Hosticka invited Mayor Hughes to speak on the record.

Mayor Hughes said he had two issues he wanted to speak to. Regarding adding the "and" instead of the "or," he was concerned about future technology being prohibited by conditions in the ordinance. He said that they were committed to not squandering the land. He said that the idea that the government using eminent domain power could assemble parcels was not correct. He said they would have to demonstrate a public use, or elimination of blight. He said that he did not think that was a realistic tool that could be used to assemble sites.

Presiding Officer Hosticka asked if blight used here was a term of urban planning and not an agricultural term.

Councilor Atherton said that Clackamas County got away with creating a tax increment district on a blighted cow pasture.

Mayor Hughes said that they had recently had experience in eminent domain that would indicate that treading softer would be a more practical legal procedure.

Councilor Atherton asked if there were any other places in Hillsboro where they had dual feed power.

Mayor Hughes said that was the only substation that provided dual feed power in the Northwest. He said it was actually triple feed, and therefore very unique. He said there were a number of other plants in that area making use of that substation. He thanked the councilors, and said that he was appreciative of the final product.

Vote:	Councilors Bragdon, Atherton, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 6 aye/ 1 nay/ 0 abstain, the motion passed Councilor Monroe voting no.
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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.

Motion	Councilor McLain moved to adopt Ordinance No. 02-984A.
Seconded:	Councilor Park seconded the motion

Presiding Officer Hosticka asked the staff what the condition of the ordinance was regarding final adoption.

Mr. Cooper said that the findings for this ordinance had not yet been formally prepared. He said that there were conditions that came out of the ordinance. He said that he did not foresee a material amendment being attached to it.

Presiding Officer Hosticka asked if they adopted the procedure Mr. Cooper had suggested for this and other ordinances, would they have to have a public hearing on December 12, 2002.

Mr. Cooper said no.

Presiding Officer Hosticka verified that the record was closed. Mr. Cooper agreed.

Councilor McLain said that the school district in Beaverton and the Assistant Superintendent, Joe Fisher, indicated their desire to have the school site go forward in a separate ordinance. She referred to earlier discussion and testimony of the ordinance.

Mr. Cooper said that Mr. Benner pointed out to him that he spoke in error. He said that the ordinance was actually ready for final adoption.

Councilor Burkholder said that he felt it was not appropriate to have a school that was not in the neighborhood that it served. He felt that the other ordinance pertaining to the Bethany area would bring the school into the area. He objected to this ordinance as a stand-alone ordinance, and said he would vote against it.

Councilor Park said he understood the argument by Councilor Burkholder, but state law does allow for it, so he would vote in favor. He said that he felt assured by Mr. Fisher's testimony that the school district would not be seeking other EFU lands for schools at this particular time.

Councilor Bragdon said he felt it was bad planning practice to be making the decision about a school site in isolation from the community that it should serve. A school should be the centerpiece of a community, rather than isolated on the edge. He said that he did, however, understand the path that got them there. He said he would support it.

Councilor McLain said that the council, executive officer, and the participating legislature had basically made a commitment to try to make it possible that schools do their job. She felt that the ordinance would help them along that path.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, and McLain voted aye. The vote was 4 aye/ 3 nay/ 0 abstain, the motion passed with Councilor Burkholder, Monroe and Presiding Officer Hosticka voting no.
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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.

Motion	Councilor McLain moved to adopt Ordinance No. 02-985A and direct staff to write findings and conditions.
Seconded:	Councilor Park seconded the motion.

Councilor McLain said that there were letters already in the record from the City of Forest Grove. Some of the reasoning for the swap was that it would allow for necessary transportation connection and help maintain the land for a supply of jobs in Forest Grove. She said they were swapping out land for 62.1 acres for 59.9 acres. She listed all the benefits derived from making the land swap. She pointed out that this was very different from the other ordinances, but that state law allows swaps.

Councilor Bragdon said it was a novel ordinance. He said he wanted to read the findings before making a final decision.

Councilor McLain said it was not the final decision; it was contingent on findings and conditions. She said they would take the final vote on December 12, 2002.

Councilor Bragdon said he would support it with the understanding that he had to see the findings and conditions before the final vote.

Presiding Officer Hosticka said that they were looking for any material amendments before moving forward to the straight up or down vote next week.

Councilor McLain asked them to vote forward for findings and conditions to be completed.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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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.

Motion	Councilor Hosticka moved to adopt Ordinance No. 02-986A and direct staff to write findings and conditions.
Seconded:	Councilor Bragdon seconded the motion

Presiding Officer Hosticka said that the ordinance would add two pieces of resource land in the Sherwood area. The purpose of adding these lands would be to improve the traffic circulation around that area and to increase the efficiency of services within the UGB. It also makes a more logical boundary.

Councilor Park said he would vote in favor of it, but he said he had a problem with the power station that should not have been sited on EFU land and it was one of 37 allowed uses.

Presiding Officer Hosticka said that 37 uses meant there was no such thing as exclusive farm use land.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.6 Ordinance No. 02-987A, For the Purpose of Amending the Metro Urban Growth Boundary to add land in the Bethany area.

Motion	Councilor McLain moved to adopt Ordinance No. 02-987A and direct staff to write findings and conditions.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain said that the goal was to try to produce communities that were complete. She said that they were making the findings and conditions that they believe the most efficient service provision would happen with inclusion of this resource land to aid the exception land of this particular site.

Mr. Cooper said that the conditions were included and that it was the findings that were missing.

Presiding Officer Hosticka clarified that the conditions they had talked about were regarding Goal 5 protections they adopted to be added into this ordinance.

Mr. Cooper said that was correct, and they would have to revisit the general conditions to make sure that they were included.

Councilor McLain asked if the general conditions applied to both the school connections and bike paths, as well as the Goal 5 elements.

Mr. Cooper said yes.

Councilor McLain said that in the general conditions it said that the city or county with the land use planning responsibilities for the site should apply the 2040 Growth Concept design types. She said they were trying to make sure they had a large enough area.

Councilor Burkholder said that some of the issues raised by the property were complicated and he was concerned that they did not meet the state land-use laws. He said that he would vote against it. He said that he felt area 65 should be first on the list. He said he was worried that they would not meet the housing capacity requirements with this ordinance.

Councilor Monroe said that they were doing it the way that it was supposed to be done by finding a natural buffer between agricultural activity and urbanization; that natural buffer being Abby Creek. He said that they could add all of the area below Abby Creek, if they wanted to.

Councilor Park said that he still stood by what he had said about this site earlier. If it was 84, 85, and 86 he could support it.

Presiding Officer Hosticka said he was supporting this for idea of complete communities and the natural buffers that Councilor Monroe had mentioned. He pointed out an error on Councilor Monroe's part.

Councilor Monroe agreed that he had meant that the slopes become part of the buffer and not the creeks.

Councilor Atherton asked if they could split a parcel along a landform like they had done in Tualatin and Sherwood, for this property.

Presiding Officer Hosticka said that to the best of his knowledge the lines on the map most closely approximate the natural features.

Councilor McLain agreed. She said that they were trying to make sure that the lines drawn would make agricultural and urban areas compatible, which is done by creating the buffer area.

Vote:	Councilors Bragdon, Atherton, Monroe, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye/ 2 nay/ 0 abstain, the motion passed with Councilor Park and Burkholder voting no.
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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.

Motion	Councilor Bragdon moved to adopt Resolution No. 02-3254B.
Seconded:	Councilor Park seconded the motion.

Councilor Bragdon said that this resolution would establish a centers team to talk about and study the reinvigation of existing centers. He urged support of this effort.

Councilor Park said that this was where the rubber meets the road.

Councilor McLain said that this was 50% of what they were sending to the state. With the centers work would try to do a good job of utilizing the land inside of the UGB. Also, they want to help local jurisdictions to meet the 2040 vision.

Presiding Officer Hosticka said that he would support this resolution because it was important to do centers planning and to show substantial progress in that area. He said it was also important to finish the work on the Fish and Wildlife Protection Program. He urged them to be sure those two efforts were complimentary.

Councilor Bragdon said that if you liked what was happening in Orenco Station, Fairview Village, downtown Gresham, or downtown Lake Oswego then vote yes and we would get more of it.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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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.

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3255A.
Seconded:	Councilor Bragdon seconded the motion.

Councilor Burkholder said that along with centers team implementation this was a final piece that ties all their work together. He said that they see a huge disparity of capacity between communities. This resolution would help balance growth in the region through tax base sharing. He said that they wanted research done on this and to see some options. They also want to work with the state legislature and local partners on this. The second thing that the resolution would do was related to finding a way to bring some of the wealth generated by bringing land into the UGB back into the regional community, specifically to deal with costs of growth and to provide for other public purposes. He urged support of this resolution.

Presiding Officer Hosticka said that he was excited and interested in this resolution. He felt it would give important weight to land-use decisions.

Councilor Park said he was supportive of this also. He said that due to the current taxing system on property taxes there has been a distortion of the land use system. We put massive amounts of money into the transportation system and then individual jurisdictions fighting against what was put in, because of what it would bring. He hoped this resolution would address that by leveraging the public dollar in a way that made sense and was fair.

Councilor Atherton said he supported the basic direction but that it was missing a component. He said that people usually want to know who will pay for growth and how it will affect existing residents. He said he would want clarification of the nature and extent of public subsidies to growth, and who would be bearing the burden of costs.

Councilor Burkholder suggested that the resolution be passed and then have another meeting to discuss what Councilor Atherton was suggesting next week. He said that with 26-29 they were moving in that direction also.

Councilor McLain said that this resolution was a step in trying to figure out how to deal with these funding and financial issues. Sometimes a good idea like this has to percolate. She said that she saw this as a positive start to this discussion and that she would be voting yes.

Presiding Officer Hosticka said that he would support this but that he did not see it as a final action.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed with possible reconsideration.
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5. CONSENT AGENDA

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

Motion	Councilor Bragdon moved to adopt the meeting minutes of the November 14 and 21, 2002, Regular Council meeting
Seconded:	Councilor Burkholder seconded the motion.

Presiding Officer Hosticka asked for corrections or objections to the consent agenda.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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9. COUNCILOR COMMUNICATION

Councilor McLain said that she had attended the Regional Water Consortium where they talked about moving forward with the Regional Water Supply Plan and update. She said she had copies in her office and was happy to share with anyone who wanted to see it.

Presiding Officer Hosticka thanked the staff and the cable company for their endurance of the length of the meeting.

Metro Council Meeting

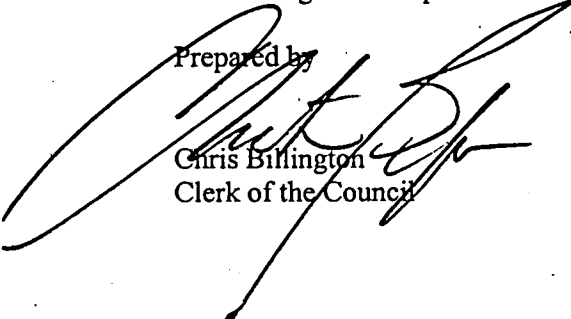
12/05/02

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10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 11:30 p.m.

Prepared by


Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 5, 2002

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
7.5	FAX ON ORD NO 02-986A	12/5/02	LETTER TO: METRO COUNCIL FROM: PHILIP LAPP RE: OPPOSING 208 ACRE PARCEL IN SHERWOOD	120502C-01
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO: METRO COUNCIL FROM: DAVID DODDS, MAYOR OF WEST LINN RE: OPPOSING AREA 37	120502C-02
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO: MICHAEL MORRISSEY FROM: RICHARD MEYER, COMMUNITY DEVELOPMENT DIRECTOR, CITY OF CORNELIUS RE: 15.86 ACRE ADJUSTMENT	120502C-03
7.1	LETTER ON ORD NO. 02- 969A	12/5/02	LETTER TO: METRO COUNCIL FROM: DAN ANDERSON RE: AREA 83	120502C-04
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM: KEN BARTUS WICCO CHAIR RE: INDUSTRIAL/EMPLOYMENT LANDS	120502C-05
7.1	ORD NO 02- 969A	12/4/02	LETTER TO: METRO COUNCIL FROM: JERRY SMITH CHAIRPERSON FOR EDC RE: INCLUSION OF THE SITES	120502C-06
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO: MAYOR KATZ PORTLAND CITY COUNCIL AND METRO BOARD MEMBERS FROM AARON ERNST RE: AREAS 84-87 AND 94	120502C-07
7.1	FAX ON ORD NO 02-969A	12/4/02	LETTER TO DISTRICT COUNCILORS FROM ANITA WITT LICENSED CLINICAL SOCIAL WORKER RE: OPPOSING AREA 94	120502C-08
7.1	FAX ON ORD NO 02-969A	12/4/02	LETTER TO METRO COUNCIL FROM TOM & CHERYL SKORIC RE: OPPOSING BETHANY AREA	120502C-09
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM EARL, LORIS AND KENNETH ITEL RE: OPPOSING AREA 48-PARTIAL	120502C-10
7.1	FAX ON ORD NO 02-969A	12/4/02	LETTER TO METRO COUNCIL FROM JIM & CHERYL COON RE: OPPOSING AREA 94	120502C-11
7.1	EXHIBIT P ON ORD NO 02-969A	12/5/02	EXHIBIT P TO ORD NO 02-969A FINDINGS OF FACTS, CONCLUSIONS OF LAW	120502C-12
7.1	BURKHOLDER AMENDMENT	12/5/02	BURHOLDER AMENDMENT #1 ORD NO	120502C-13

	#1 ON ORD NO 02-969A		02-969A IN EXHIBIT C LETTER D	
7.1	ATHERTON AMENDMENT ON ORD NO 02-969A	12/5/02	ATHERTON AMENDMENT TO EXHIBIT A ON 02-969A	120502C-14
7.1	HOSTICKA TALKING POINTS ON ORD NO 02- 969A	12/5/02	HOSTICKA TALKING POINTS ON ORD NO 02-969A	120502C-15
7.1	PARK TALKING POINTS ON ORD NO 02- 969A	12/5/02	PARK TALKING POINT ON ORD NO 02- 969A	120502C-16
7.1	DRAFT MAP EXHIBIT E ON ORD NO 02- 969A	12/5/02	POTENTIAL REGIONALLY SIGNIFICANT INDUSTRIAL AREAS EXHIBIT E ON ORD NO 02-969A	120502C-17
7.1	MAP EXHIBIT E ON ORD NO 02-969A	12/5/02	POTENTIAL REGIONALLY SIGNIFICANT INDUSTRIAL AREA EXHIBIT E ON ORD NO 02-969A	120502C-18
7.1	MEMO ON ORD NO 02-969A	12/5/02	TO CARL HOSTICKA FROM TIM O'BRIEN REVISED CONDITION FOR STUDY AREAS 89 AND 94	120502C-19
7.1	MAP ON ORD NO 02-969A	12/5/02	TO METRO COUNCIL FROM CITY OF OREGON CITY PROPOSED UGB EXPANSION WATER DISTRIBUTION SYSTEM	120502C-20
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM ROSS SCHULTZ CITY MANAGER CITY OF SHERWOOD RE: OPPOSING AREA 54 AND 55	120502C-21
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM MARY DORMAN AICP RE: INCLUSION IN BEAVERCREEK ROAD AREA	120502C-22
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM REGIONAL PARTNERS RE: INCLUSION OF INDUSTRIAL LAND	120502C-23
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM GAIL SNYDER FRIENDS OF FOREST PARK RE: AREA 94	120502C-24
7.1	LETTER ON	12/5/02	LETTER TO METRO COUNCIL FROM	120502C-25

	ORD NO 02-969A		DAVID MILLER ESQ.RE: INCLUSION AREA 84, 85 AND 86	
7.1	LETTER ON ORD NO 02-969A	11/29/02	LETTER TO METRO COUNCIL FROM MIKE HOUCK AUDUBON SOCIETY OF PORTLAND READ BY JIM LALIBE RE: OPPOSES AREA 94	120502C-26
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM MARY SCURLOCK ADAMSON RE: OPPOSES AREA 94	120502C-27
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO CARL HOSTICKA FROM VERA KATZ MAYOR CITY OF PORTLAND RE: OPPOSING AREA 94	120502C-28
7.1	CHART ON ORD NO 02-969A	12/5/02	TO METRO COUNCIL FROM DENNIS YEE ANNUAL GROWTH RATE CHART CLACKAMAS, MULTNOMAH, WASHINGTON	120502C-29
7.1	SUMMARY OF TESTIMONY ON ORD NO 02-969A	12/5/02	TO METRO COUNCIL FROM SCOTT POWELL RE: OPPOSES AREA 84-87, AND 94	120502C-30
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO CARL HOSTICKA FROM ROGER METCALF VICE PRESIDENT TIGARD SAND & GRAVEL CO., INC. RE: INCLUSION OF AREA 48	120502C-31
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM JUDIE HAMMERSTAD MAYOR CITY OF LAKE OSWEGO RE: OPPOSING AREAS 38 THROUGH 42	120502C-32
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM JERRY GROSSNICKLE RE: OPPOSES AREAS 94, 84-87	120502C-33
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO SUSAN MCLAIN FROM BRUCE D GOLDSON PE COMPASS ENGINEERING RE: INCLUSION OF AREAS 84-87	120502C-34
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM WEST UNION ACRES RESIDENTS AND PROPERTY OWNERS RE: OPPOSES AREA 82	120502C-35
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM CYNDI STRID RE: OPPOSES AREA 94, AND 84-87	120502C-36
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM STEVEN EDELMAN RE: INCLUSION OF AREA 93	120502C-37

7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO CARL HOSTICKA FROM VERA KATZ MAYOR CITY OF PORTLAND RE: 2040 GROWTH CONCEPT	120502C-38
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO CARL HOSTICKA FROM ROBERT VAN BROCKLIN STOEL RIVES ON BEHALF OF JOE ANGEL RE: INCLUSION OF AREA 94	120502C-39
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	TO METRO COUNCIL FROM TODD CHASE GAVE TESTIMONY ON BEHALF OF CLACKAMAS COUNTY ECONOMIC DEVELOPMENT RE: INCLUSION OF 02-969 AND EMPLOYMENT/INDUSTRIAL LAND BE ADDED	120502C-40
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM MARCY HOULE RE: OPPOSES AREA 94	120502C-41
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM NANCY BROSHOT PH.D ASSISTANT PROFESSOR OF BIOLOGY SCIENCE DEPARTMENT LINFIELD COLLEGE RE: OPPOSES AREA 94	120502C-42
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM BETTY ATTEBERRY REGIONAL PARTNERS RE: INCLUSION OF INDUSTRIAL LAND	120502C-43
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM LYNN JENNINGS RE: OPPOSES AREA 94	120502C-44
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM ROBERT THOMAS RE: OPPOSES EXPANDING UGB ANYWHERE IN THE TRI-COUNTY AREAS	120502C-45
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM ARNOLD ROCHLIN VICE PRESIDENT FOREST PARK NEIGHBORHOOD ASSOCIATION RE: AREA 93 AND OTHER AREAS	120502C-46
7.1	LETTER ON ORD NO 02-969A	12/4/02	LETTER TO METRO COUNCIL FROM JAN & DENNIS BURKHARD RE: OPPOSES 84-87 AND 94	120502C-47
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM CORINNE BACHER RE: OPPOSES EXPANDING UGB AT THIS TIME	120502C-48
7.1	LETTER ON ORD NO 02-	12/5/02	LETTER TO METRO COUNCIL FROM FRED BACHER RE: OPPOSES AREA 94	120502C-49

	969A			
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM ROBBIN STEWART RE: STAFFORD TRIANGLE	120502C-50
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM LISE STORC AND ANDREW COMEAU RE: OPPOSES AREAS 84-87 AND 94	120502C-51
7.1	LETTER ON ORD NO 02- 96A	12/2/02	LETTER TO METRO COUNCIL FROM TERRY PETERS PRESIDENT WASHINGTON COUNTY FARM BUREAU RE: OPPOSES BETHANY AREA	120502C-52
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM JIM EMERSON RE: OPPOSES AREA 94	120502C-53
7.1	LETTER ON ORD NO 02- 969A	8/20/02	LETTER TO METRO COUNCIL FROM JEROME PARSON RE: INCLUSION OF AREA 92	120502C-54
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM RALPH AND KAREN HENKHAUS RE: INCLUSION OF AREA 93	120502C-55
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM SANDRA DIEDRICH CHAIR NWDA PARKS AND RECREATION COMMITTEE RE: OPPOSES AREA 94	120502C-56
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM CAROL CHESAREK RE: OPPOSES AREA 94 AND 84-87	120502C-57
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM MARY KYLE MCCURDY STAFF ATTORNEY 1000 FRIENDS OF OREGON RE: OPPOSES BETHANY AREA	120502C-58
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM TOM VANDERZANDEN RE: BETHANY AREA	120502C-59
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM DIRK KNUDSON RE: AREAS 83-87	120502C-60
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER AND EXHIBITS TO METRO COUNCIL FROM JEFF BACHRACH RAMIS CREW CORRIGAN & BACHRACH, LLP RE: BETHANY AREA	120502C-61
7.1	LETTER ON ORD NO 02- 969A	12/5/02	LETTER TO METRO COUNCIL FROM KIM VANDEHEY RE: INCLUSION OF AREA 65	120502C-62

7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM KIM VANDEHEY RE: 65, 71, 83, AND 87	120502C-63
7.1	MEMO ON ORD NO 02-969A	12/5/02	MEMO TO METRO COUNCIL FROM DON HANSON RE: AREA 94/SKYLINE	120502C-64
7.1	EXHIBIT F ON ORD NO 02-969A	12/5/02	EXHIBIT F TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS	120502C-65
7.1	WORKSHEET ON ORD NO 02-969A	12/5/02	COMMUNITY PLANNING COMMITTEE ACTION WORKSHEET FOR UGB EXPANSION	120502C-66
7.1	LETTER ON ORD NO 02-969A	6/28/02	TO METRO COUNCIL FROM BARBARA SACK CITY PLANNER CITY OF PORTLAND RE: CITY OF PORTLAND'S LAND USE REVIEW	120502C-67
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM KEITH FISHBACK RE: INCLUSION OF 84-87	120502C-68
7.1	REVISED AGENDA ON ORD NO 02-969A	12/5/02	REVISED AGENDA 12/5/02 TO METRO COUNCIL	120502C-69
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM DIRK KNUDSON RE: OPPOSES BEAVERTON SCHOOL SITE 10 ACRES	120502C-70
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM ARMIN BESTEL RE: INCLUSION OF AREAS 84-87	120502C-71
7.1	LETTER ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM SALLY MCLANTY RE: OPPOSES STAFFORD TRIANGLE	120502C-72
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM FRED BACHER RE: OPPOSES AREA 94	120502C-73
7.1	TESTIMONY ON ORD NO 02-969A	12/5/02	PHONE MESSAGE TO METRO COUNCIL FROM JEFF CHAMPION RE: OPPOSES ANY EXPANSION OF UGB	120502C-74
7.1	MEMO ON ORD NO 02-969A	12/5/02	MEMORANDUM OF UNDERSTANDING TO METRO COUNCIL FROM DAN COOPER METRO GENERAL COUNSEL	120502C-75
7.1	EMAIL ON ORD NO 02-969A	10/25/02	TO MICHAEL MORRISSEY FROM DENNIS YEE RE: REGIONAL FORECAST	120502C-76
7.1	EMAIL ON ORD	11/27/02	TO SUSAN MCLAIN FROM SCOTT &	120502C-77

	NO 02-969A		HILARY RE: OPPOSES AREA 94/SKYLINE	
7.1	EMAIL ON ORD NO 02-969A	12/4/02	LETTER TO METRO COUNCIL FROM DEREK MOELLER RE: INCLUSION OF SEWELL ROAD IN HILLSBORO AREA	120502C-78
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM PAULA REA WILSON MD RE: OPPOSES STAFFORD TRIANGLE	120502C-79
7.1	FAX ON ORD NO 02-969A	12/5/02	LETTER TO METRO COUNCIL FROM MAYA TRYSIL THISTLEDOWN FARM RE: OPPOSES STAFFORD TRIANGLE	120502C-80
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MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 10, 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 2:12 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. MCCI RETREAT RECOMMENDATIONS

Dennis Ganoe, MCCI Chair, updated the Council on the MCCI Retreat Recommendations (a copy of which is found in the meeting record).

Councilor Atherton asked if there was discussion at MCCI on Metro elections? Mr. Ganoe said there was a discussion at the last steering committee. They had established an ad-hoc committee to review this issue. Councilor Burkholder thanked MCCI members for their hard work. He noted the Public Involvement Planning Guide revision on today's agenda. Councilor McLain thanked Kay Durtschi and Aleta Woodruff for their involvement. She also thanked the chair for his efforts.

4. 2002 URBAN GROWTH FUNCTIONAL PLAN COMPLIANCE REPORT

Brenda Bernards and Gerry Uba, Planning Department, gave an overview of the 2002 Urban Growth Functional Plan Compliance report (a copy of which is found in the meeting packet). The end of the year report was required by Metro Code. She noted that the Council would need to set a public hearing date for review of compliance. Ms. Bernards said Title 1 and 6 would be quite different this time. She then spoke to the next steps. Presiding Officer Hosticka asked when they had to have the public hearing. Ms. Bernards said it could be held at the beginning of next year. Mr. Uba said Title 7, Affordable Housing, was also very different and this was the first time for jurisdictions to report on this Title. He asked Council guidance on this title and suggested former HTAC members might be able to suggest some resolve to particular affordable housing issues. Councilor McLain said they had made suggestions at the Community Planning Committee. The report was going out to the local jurisdictions right after it was presented to Council. Councilor Burkholder said they needed to look at how we improve our practices. He expressed concerned about the number of jurisdictions who had not replied. He asked if Mr. Uba had ideas on why the jurisdictions had not responded to Title 7. Mr. Uba said they had no idea. Councilor Burkholder said the Council and the region had agreed that these requirements were a priority. He recommended that the Council put some resources into the budget to get answers to some of these questions.

Councilor Park explained the mechanism concerning the Affordable Housing agreement. Dan Cooper, General Counsel, said in 1997 the Council included language, which stated that it would include affordable housing language. Metro participated in mediation on this issue. The result was that the Council would set up a process. The process included the appointment of a regional Affordable Housing Task Force. The council then adopted the task force recommendations. The local jurisdictions were told they would need to consider affordable housing and report back to the Council. Council was in mid-stream on this issue. Councilor Park said this pointed out that there was an agreement between Metro and local jurisdictions concerning reporting on affordable housing. The Council had set a very modest goal. Councilor McLain said they had all agreed that there was still conversation to have on affordable housing. There were a variety of things that jurisdictions could do. It was important to remember that they did more non-regulations. She felt that these reports were extremely important. She suggested Metro give assistance to the jurisdictions to get beyond the goal and structure setting. Councilor Bragdon said the voluntary approach to reporting on affordable housing needed to occur. He then talked about the centers strategy and reporting needs. Ms. Bernards said the zone capacities included the work they did in their centers.

Kay Durtschi, MCCI member, asked under Title 8 did they want to use the word relay or should it be rely? She suggested changing the typo and making the word rely instead of relay. She suggested adding citizen involvement to Title 8.

Al Burns, City of Portland Bureau of Planning, 1900 SW 4th Ave Suite 4100, Portland OR 97201 thanked the Council for this process as the City of Portland benefited most from the process. They would finally have certainty. He asked about Title 11 compliance. Presiding Officer Hosticka suggested he put his questions in writing.

Mr. Uba suggested some things that Metro could do to help jurisdictions with compliance reporting on affordable housing.

5. CONSENT AGENDA

5.1 No minutes were available for consideration at this meeting.

6. ORDINANCES – SECOND READING

6.1 **Ordinance No. 02-965A**, 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.

Motion	Councilor Monroe moved to adopt Ordinance No. 02-965A.
Seconded:	Councilor Bragdon seconded the motion

Councilor Monroe said this was the last of a series of ordinances designed to adjust Metro's Code to comply with Metro Charter amendments. He explained the changes to the Code. He urged support. Councilor Bragdon was also supportive of this ordinance.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-965A. No one came forward. Presiding Officer Hosticka closed the public hearing.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and
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	Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7. RESOLUTIONS

7.1 Resolution No. 02-3247, For the Purpose of Allowing a one-time exemption to the Personnel Rules limiting Retroactivity on Merit Pay increases to one year.

Motion	Councilor Monroe moved to adopt Resolution No. 02-3247.
Seconded:	Councilor Bragdon seconded the motion

Councilor Monroe said, in an agency-wide audit it was found that performance evaluations had not been completed on eight employees. This resolution allowed for retroactive merit to these employees and it was less than \$25,000. He urged support. Councilor Bragdon said he was supportive of the resolution. It was very important to give Metro employees their evaluations in a timely manner. Councilor McLain asked if there were managers that did not do performance evaluations? Councilor Monroe said the Human Resources Department had completed an audit and determined that these evaluations had been missed. He urged adoption of the resolution.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.2 Resolution No. 02-3248, For the Purpose of Approving the Revised Public Involvement Planning Guide on Behalf of the Metro Committee on Citizen Involvement (MCCI).

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3248.
Seconded:	Councilor McLain seconded the motion

Councilor Burkholder said this was a regularly scheduled update of the MCCI Public Involvement Planning Guide. He explained the reason for the Guide and what had changed since the first document had been adopted. He urged adoption of the update.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.3 Resolution No. 02-3249, For the Purpose of Authorizing the Executive Officer to Issue a Renewed Metro Solid Waste Facility License For Yard Debris Composting to Grimm's Fuel Company.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3249.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said this was a renewal for five years of a yard debris company. They had been a good operator. This had not been heard at Committee but it was non-controversial. Councilor Burkholder asked why a renewal action came to the Council? Paul Garrahan, Legal Counsel, said all licenses needed to be approved by the Council. Dan Cooper, General Counsel,

said that was because the Council chose to do it that way. Councilor McLain explained further why Council review was necessary. Councilor Bragdon agreed with Council McLain about the necessity to preserve Council's rights to review these licenses. He suggested the consent agenda as a way to expedite non-controversial licenses. Councilor Monroe said approving the Solid Waste facilities was one of Metro's main charges. Councilor Burkholder said his question was how we streamline these licenses, which were non-controversial. Councilor McLain said what may seem controversial to one councilor may not be to another. Councilor Atherton said this was similar to a performance review. He spoke to one particular issue that had occurred this year. He urged adoption.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.4 Resolution No 02-3253, For the Purpose of Adopting an Updated Regional Greenspaces System Concept Map.

Motion	Councilor McLain moved to adopt Resolution No. 02-3253.
Seconded:	Councilor Bragdon seconded the motion

Councilor McLain said this was fine work by Parks staff. It updated the Greenspaces System Concept Map. She gave a history of the map, which was first passed in 1982. This was the first update to the map. She explained what the map did. The document forwards the vision. There were 29 out of 30 jurisdictions, which had sent back letters of support. This was a concept not a regulatory document. She urged adoption of the map. Councilor Park said he received an email from the Department of Agriculture. Was the agriculture community included in the discussions? Councilor McLain acknowledged Councilor Park's concern. They needed to include this community in these conversations. However, it was not an acquisition program. They would like to see if there were appropriate places on advisory committees where they could include an agriculture representative. Councilor Park said he would be supporting this resolution but they needed to seek the agricultural input. Councilor Burkholder said he had not seen the map. He was provided with a copy. He then asked if MPAC had approved this map. Councilor McLain said this was a Metro's map not a local jurisdictions map. Presiding Officer Hosticka recognized Councilor McLain's contribution to this update.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, McLain and Presiding Officer Hosticka voted aye. The vote was 6 aye/0 nay/1 abstain, the motion passed with Councilor Burkholder abstaining from the vote.
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7.5 Resolution No. 02-3256, For the Purpose of Authorizing the Issuance of a Request for Proposals for Personal Services for the Highway 217 Corridor Study.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3256.
Seconded:	Councilor Monroe seconded the motion

Councilor Atherton reviewed the resolution and the funding sources for the study. Councilor Monroe added, that as part of the Regional Transportation Plan, they were required to study areas of the region. JPACT decided that Hwy 217 should be studied first. Councilor Bragdon asked how long respondents were given to respond. Bridget Wieghart, Planning Department, said they

would be given three to four weeks once the RFP was released. Presiding Officer Hosticka said this was an important study because our transportation linked directly with our centers.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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8. CONTRACT REVIEW BOARD

8.1 Resolution No. 02-3246, For the Purpose of Authorizing the Executive Officer to Execute Change Order No. 4 to the Contract for Operation of the Metro South and Metro Central Transfer Stations.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3246.
Seconded:	Councilor Monroe seconded the motion

Councilor Atherton said this was a compromise, which they hoped would resolve a dispute. He gave an overview of the history of the change order. Chuck Geyer, Regional Environmental Management Department, gave an overview of the history of the compactors and spoke to the total cost for repairing the compactors. They weren't sure if the problems with the compactors were design or contractor problems. They had resolved the dispute with SSI and BFI and further explained the agreements. The net loss to Metro was \$36,000. This was an acceptable deal to Metro and he explained why. They had avoided litigation with two different contractors and spoke to added benefits. He noted that they had recently purchased two new compactors, which were made by another manufacturer. Councilor Burkholder said there were direct costs to Metro. Did we lose anything because we couldn't compact loads? Mr. Geyer said they were able to compact all of the loads. We did not incur any indirect costs. Councilor Bragdon asked about the specifics of each company's responsibilities. He was concerned that Metro was paying a disproportionate amount for this problem. Mr. Geyer responded that BFI had some responsibility concerning operation. They believed at this point that the primary concern was with the design not the operation. He reminded Council that this was a compromise.

Councilor Park asked if any adjustments had been made in terms of the operation of the compactor. He asked about BFI's responsibility in operating the equipment. Mr. Geyer said they had considerable conversations with both parties. The problems were a function of new cylinders. He spoke to safeguards they had implemented so they wouldn't experience similar problems in the future. Councilor Park suggested in the future they review procedures. Mr. Geyer said if a compactor fails it was due to wear. BFI was on the hook for the first \$20,000. Councilor Bragdon said the sales contract with the vendor says the warrantee was only good if it was operated correctly. Mr. Geyer said that was correct. Easton Cross, representing BFI, said BFI was making sure the compactors were operating correctly. There was a big incentive to keep the compactors working correctly. Councilor Park asked if BFI could have charged us overtime. Mr. Geyer explained what would be charged to BFI and what Metro would be responsible for.

Councilor Atherton closed by saying the purchase of compactors was Metro's decision. He urged an aye vote.

Vote:	Councilors Atherton, Monroe, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 5 aye/1 nay/0 abstain, the motion passed with Councilor Bragdon voting no and Councilor McLain absent
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	from the vote.
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8.2 **Resolution No. 02-3251**, For the Purpose of Approving an Exclusive Personal Services Agreement with the Buel Group to Serve as the Sole Agent of Metro to Develop Hospitality and Other Compatible Facilities at Glendoveer Golf Course.

Motion	Councilor Hosticka moved to adopt Resolution No. 02-3246.
Seconded:	Councilor Atherton seconded the motion

Councilor Hosticka said this resolution authorized a personal services agreement with the Buel Group. He said the resolution came to Council without recommendation from the Natural Resources Committee. It allowed for the Buel Group to be the sole agent to develop hospitality and other compatible facilities at the golf course. He spoke to the details of the agreement. The major question was the exclusive representation issue. Councilor Burkholder said he felt the first three whereas in the resolution were questions for the Council to answer. Did they want to seek any change? He had concerns that questions had not been answered. Councilor Park said he would not be able to support the resolution and explained why.

Motion to Postpone: Councilor Monroe moved to postpone this resolution until the January 23, 2003 or January 30, 2003 Council meeting.

Seconded: Councilor Park seconded the motion.

Councilor Monroe explained the necessity to postpone. He felt Councilor McLain was needed to be here to consider this resolution. Mr. Ron Buel said he would prefer consideration today but if Councilor McLain needed to be here to discuss the resolution, he would recommend postponement. Councilor Hosticka explained the attributes on this proposal. Councilor Monroe said the purpose of his postponement was not to postpone the inevitable but to give time for consideration of this resolution. Councilor Hosticka asked if this motion succeeded would resolution be on either the agenda for the January 23rd or 30th time certain? He asked if it needed to be redrafted? Council President Elect Bragdon responded that it would be considered at one of those two meetings.

Vote to postpone:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed with Councilor McLain absent from the vote.
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Ron Buel said he would talk with councilors individually. He spoke to the context of his proposal. He said he could deliver a source of revenue to Metro and would enhance Metro's public asset. He explained further how he would enhance the property. He noted that he did not make anything on this proposal unless Council supported it. He spoke to the stakeholders who would also have to approve the proposal.

9. COUNCILOR COMMUNICATION

Councilor Atherton thanked Mr. Buel for his comments. He trusted Mr. Buel's proposal and felt it was a creative vision.

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Councilor Park said the findings for the upcoming UGB ordinances would be forthcoming.

Presiding Officer Hosticka reminded Council that the last meeting of the year for MPAC would be tomorrow.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 4:11 p.m.

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER
 10, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
3.0	MCCI RETREAT RECOMMEND ATIONS	12/1/02	TO: METRO COUNCIL FROM: DENNIS GANOE, MCCI CHAIR RE: MCCI RETREAT RECOMMENDATIONS	121002C-02
7.4	FAX	12/10/02	TO: KEN HELM AND DAN COOPER FROM: WENDIE KELLINGTON RE: RESOLUTION NO. 02-3253	121002C-02
7.4	LETTER AND ATTACHED DOCUMENTS	12/10/02	TO: METRO COUNCIL FROM: WENDIE KELLINGTON RE: RESOLUTION NO. 02- 3253	121002C-03
7.4	COMMITTEE REPORT	12/9/02	TO: METRO COUNCIL FROM: MICHAEL MORRISSEY, COUNCIL ANALYST RE: COMMITTEE REPORT ON RESOLUTION NO. 02-3253	121002C-04
8.2	COMMITTEE REPORT	12/6/02	TO: METRO COUNCIL FROM: MICHAEL MORRISSEY, COUNCIL ANALYST RE: COMMITTEE REPORT ON RESOLUTION No. 02-3251	121002C-04
7.4	LETTER		TO: METRO COUNCIL FROM: MULTNOMAH COUNTY RE: RESOLUTION NO. 02-3253	121002C-05

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)
)

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.

4. In the event of an appeal of either amendment (the expansion or the withdrawal) that results in a reversal or remand of the other amendment, the Metro Council finds that the separate legal descriptions in Exhibits A and B and the independent findings for each amendment provided in Exhibit D are severable. Remand or reversal of either amendment will not undermine the validity of the other.
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 includes a 20-year supply of buildable land for housing upon the completion of its analysis of the capacity of the boundary.

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

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

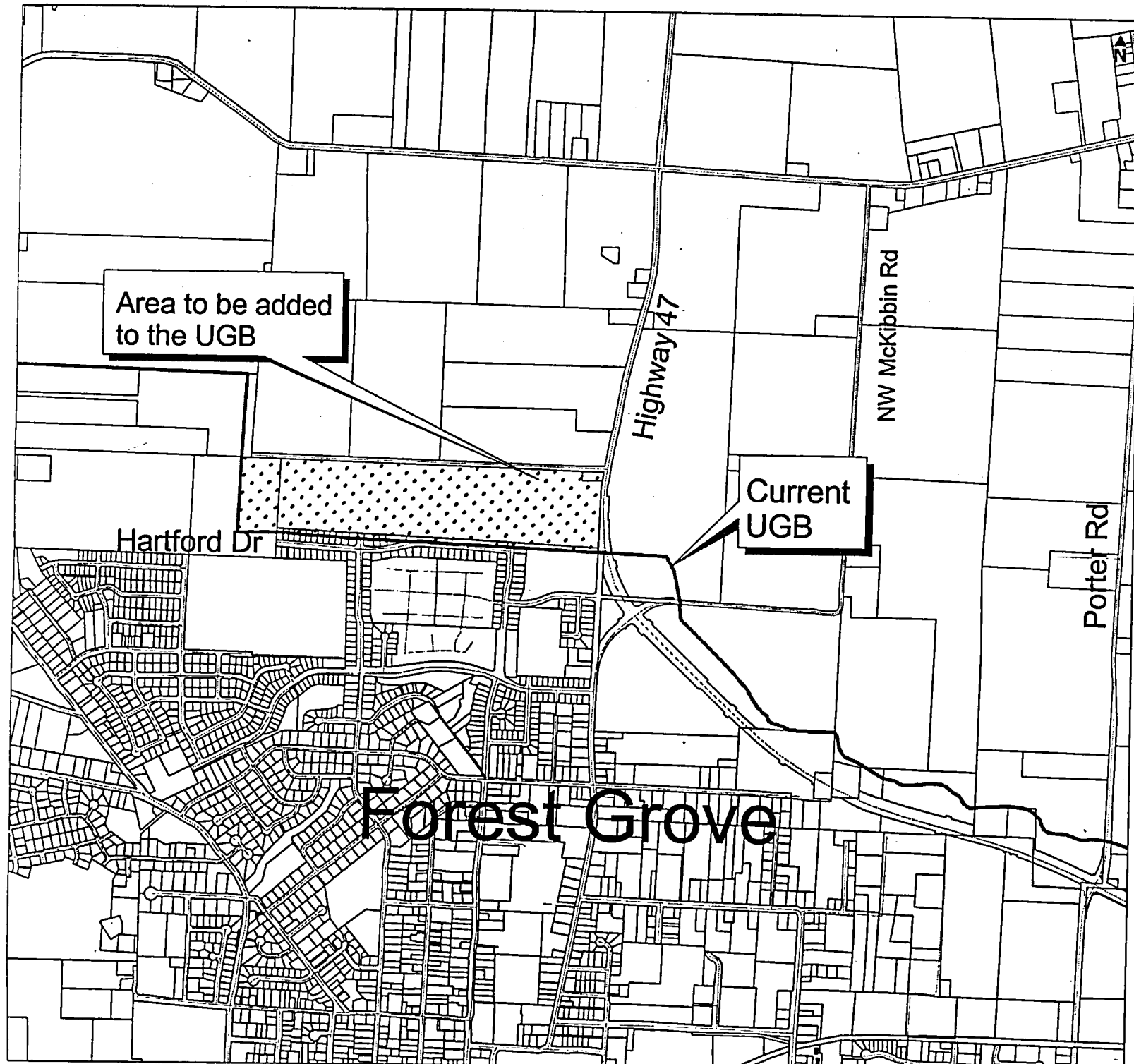
Recording Secretary

Daniel B. Cooper, General Counsel

Exhibit A Ord. No. 02-985 A

City of forest Grove

 Urban Growth Boundary



Area to be added to the UGB

Current UGB

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 nomenclature or brand for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



1" = 1384 feet



METRO

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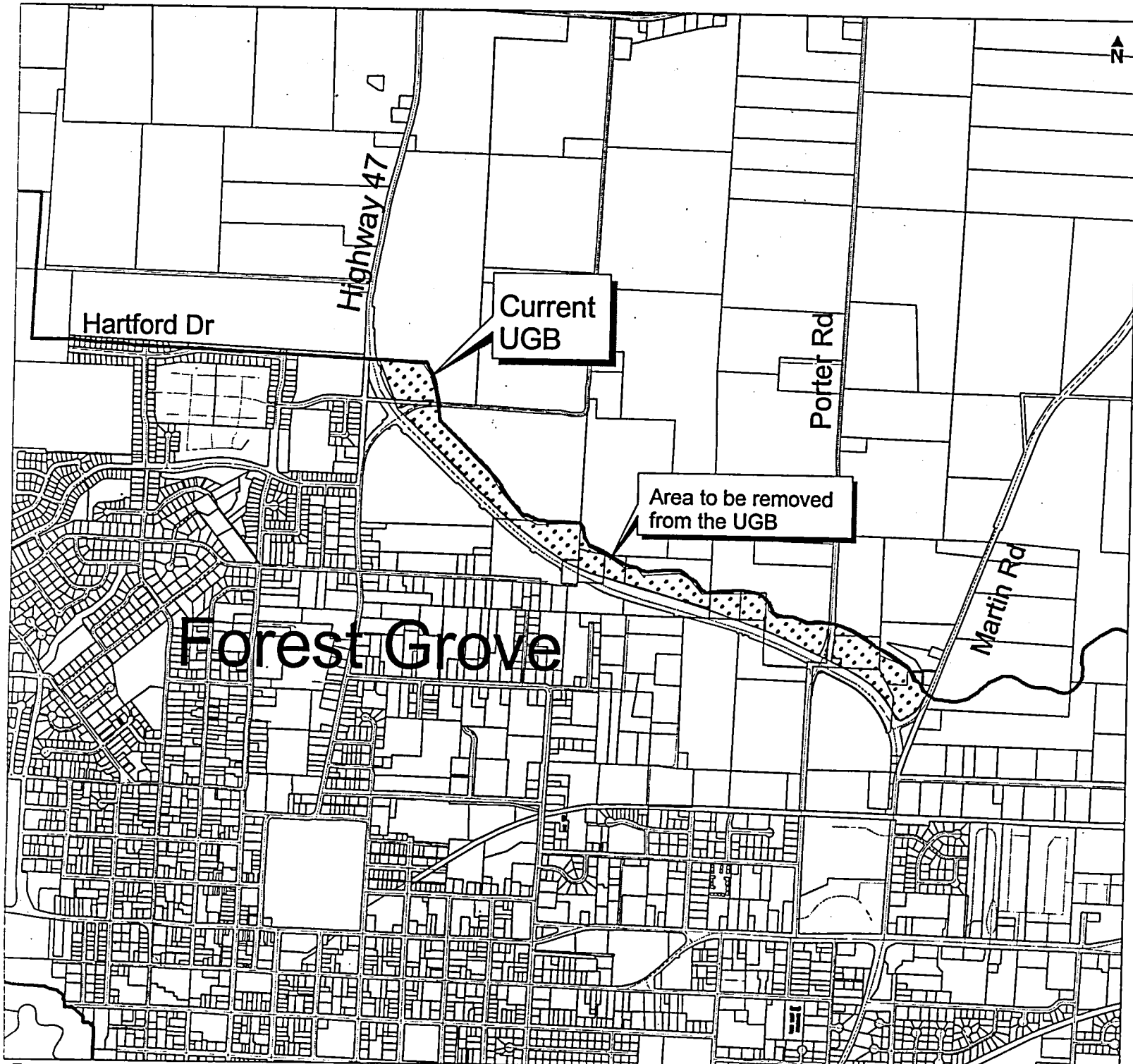
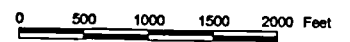


Exhibit B
Ord. No. 02-985 A

City of Forest Grove



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1" = 1500 feet



METRO

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UGB LAND SWAP PROPOSAL

City of Forest Grove
June 24, 2002

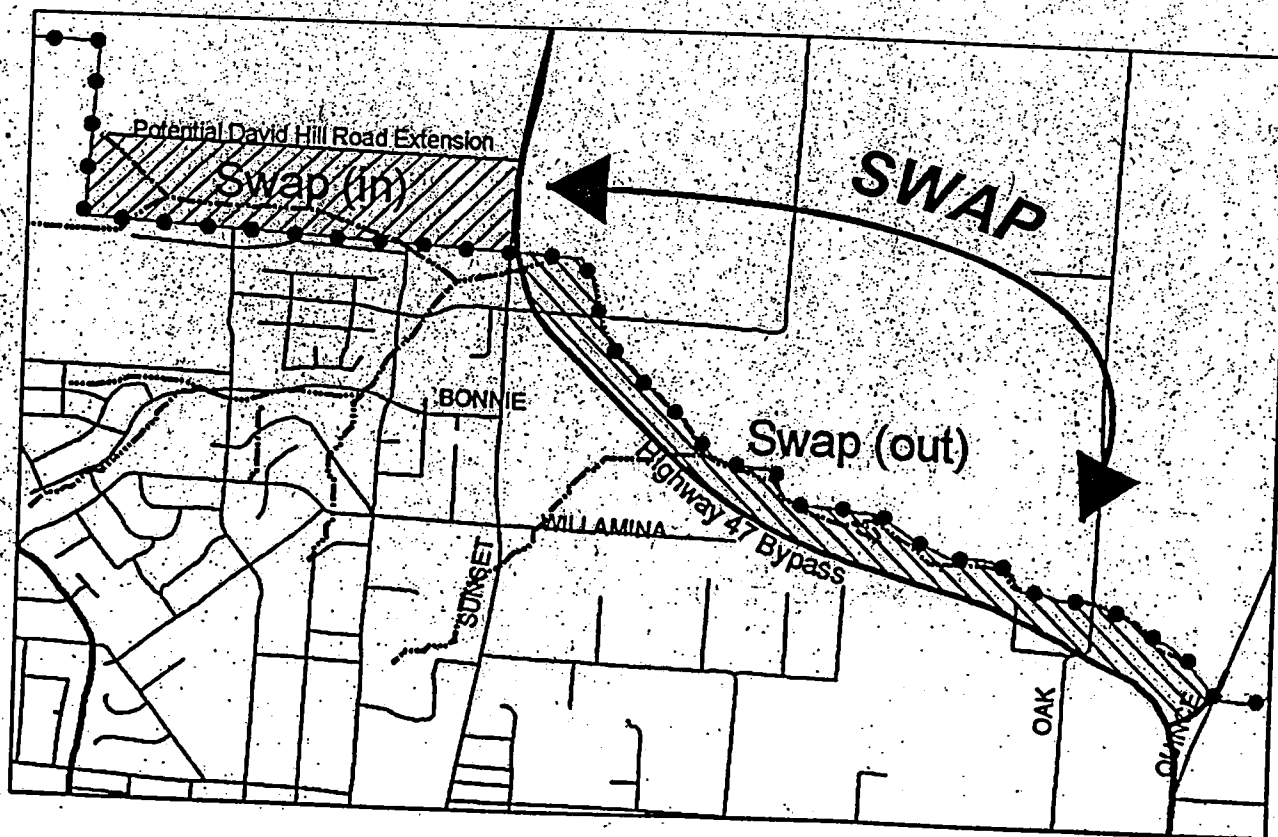


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EXECUTIVE SUMMARY

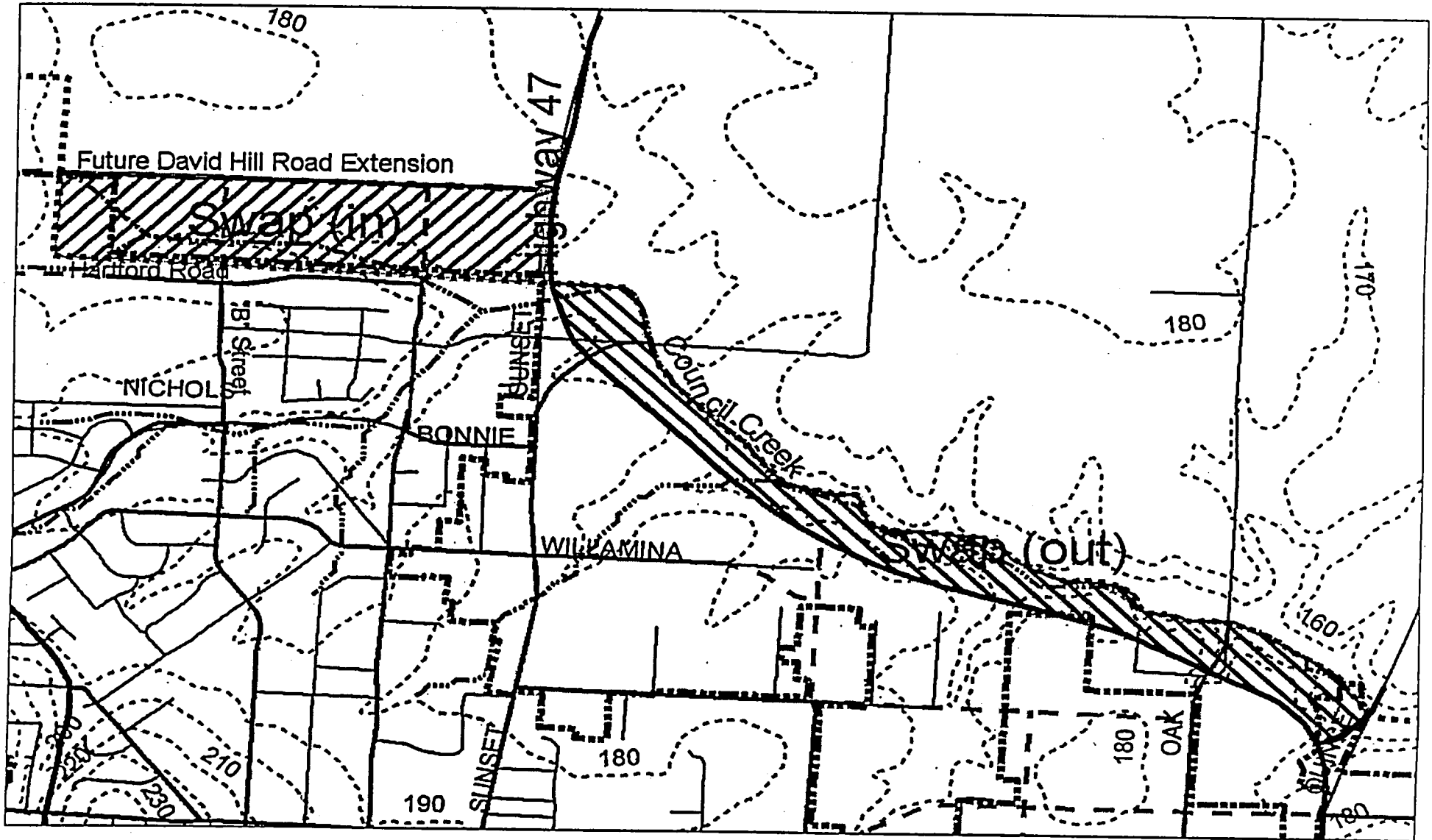
The City of Forest Grove has identified two areas of equal size north of Forest Grove for inclusion in a UGB land swap (Figure 1). The northern expansion of the City is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from 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

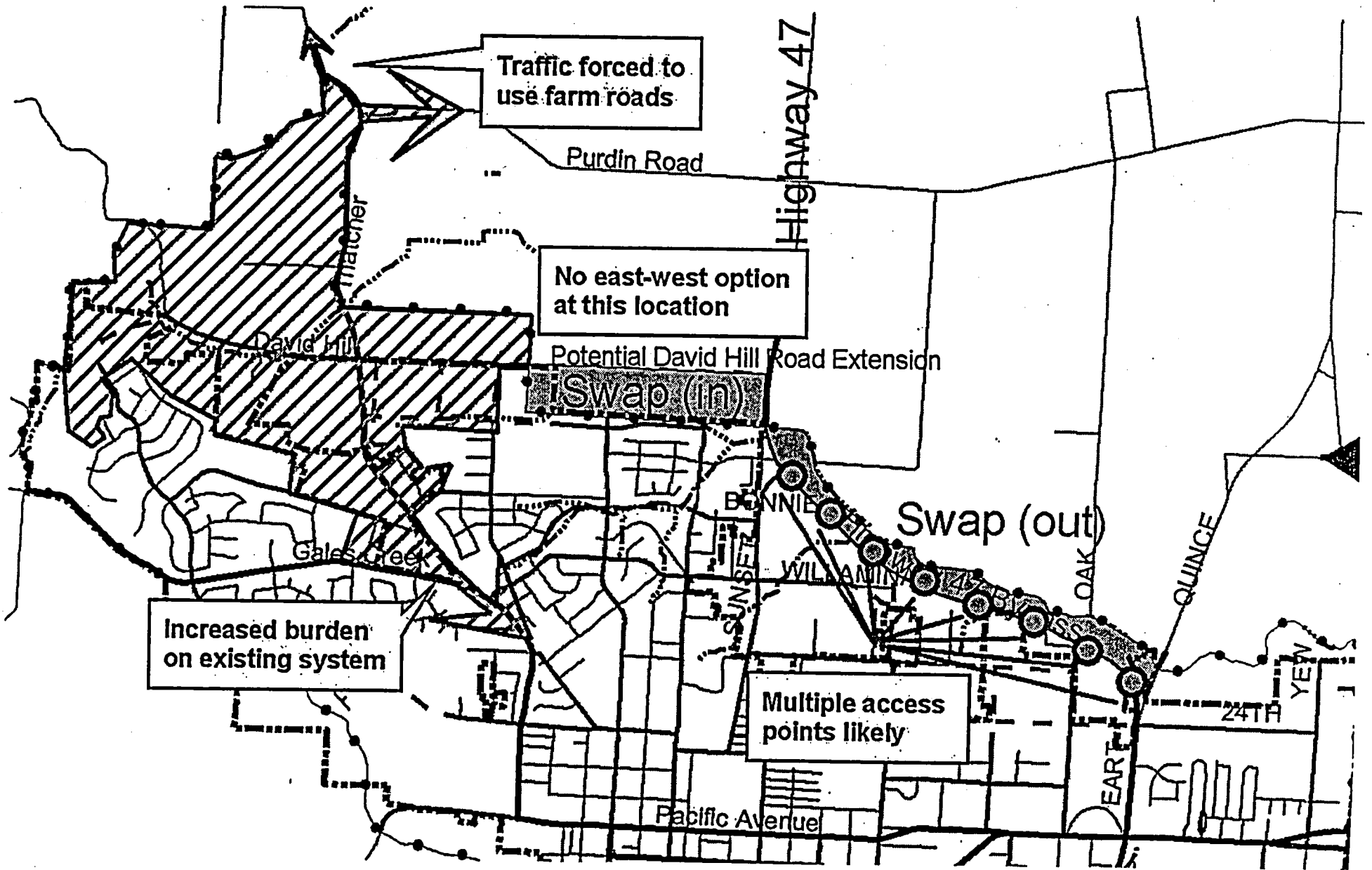
Transportation issues faced by the community without the David Hill Road extension include:

- **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.

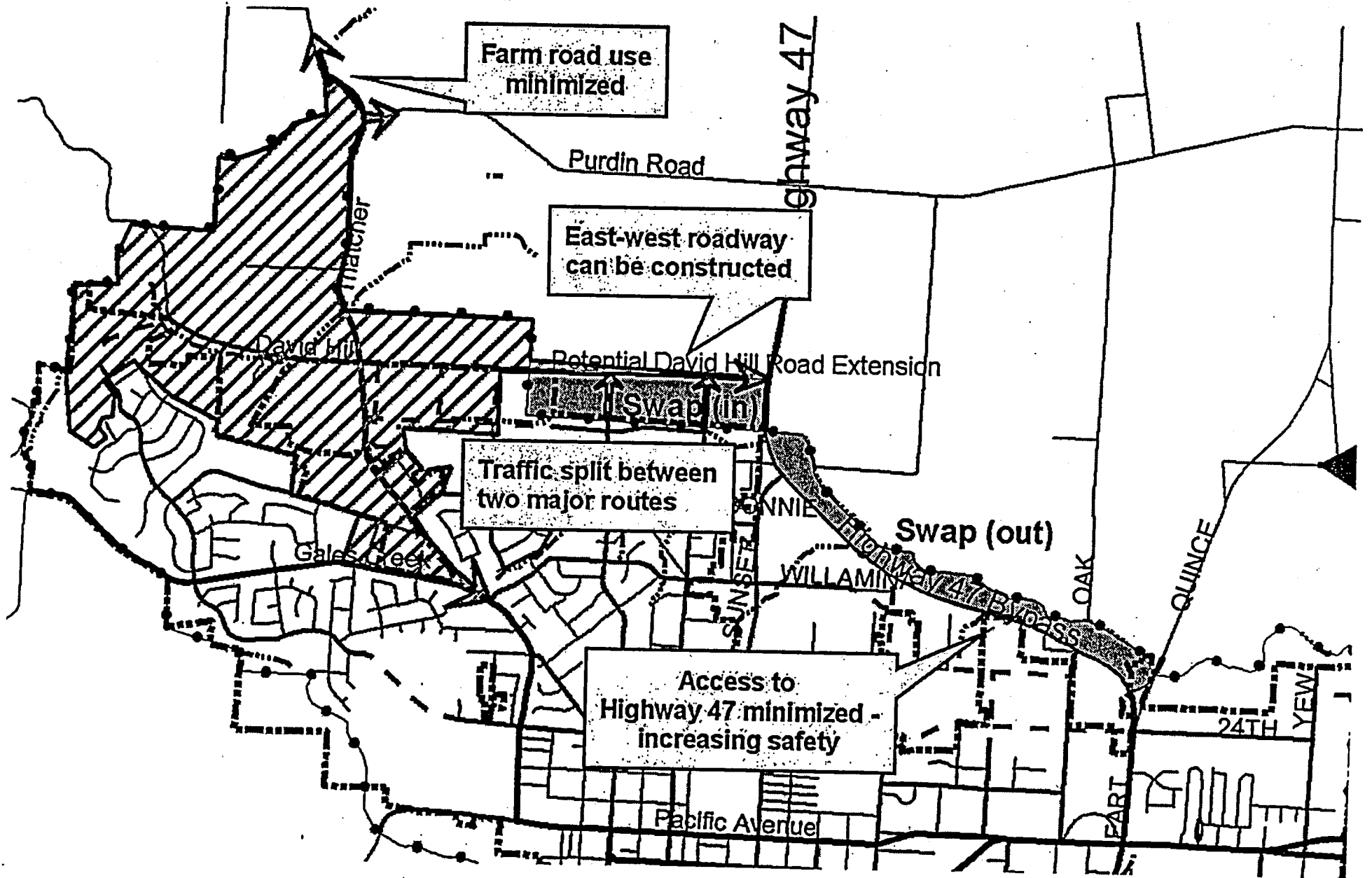
Benefits of Adding Land Between Thatcher and Highway 47

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 a 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.

**Exhibit D to Ordinance No. 02-985A
Findings of Facts, Conclusions of Law**

I. General Findings for Task 2 Decision

The Metro Council made findings of facts and conclusions of law in Ordinance No. 02-969 related to (A) coordination with local governments, (B) Citizen Involvement, (C) Need For Land, (D) Alternatives: Increase the Capacity of the UGB, (E) Alternatives: Expand the UGB, (F) Water Quality, (H) Areas Subject to Natural Disasters and Hazards, and (J) Economic Development. Those findings establish the need to accommodate approximately 37,400 dwelling units for housing in the Metro region and are incorporated here by this reference. The Council finds that its action withdrawing identified lands in Forest Grove and expanding by about the same acreage in a different location (hereinafter referred to as "the swap") will result in a minor net gain in housing capacity and, therefore, contributes to satisfying the regional need for housing.

II. Specific Findings Supporting the Swap

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

As part of the regional effort to determine the location of a functional Urban Growth Boundary, the City of Forest Grove identified an approximately 60 acre area north of Forest Grove for expansion and a complementary area for withdrawal of approximately equal size immediately east of Highway 47. These areas are described as follows.

A. Expansion Area

The expansion area is located north of the existing City limits between Thatcher Road and Highway 47. The northern boundary of the expansion area meets with existing County right-of-way that is the planned location for the David Hill Road Extension. The shape of the expansion area is generally a compact, rectangular area with distinct edges that are bounded by right-of-way.

The expansion area is immediately adjacent to an existing residential area where full urban services with capacity are available. The area is also in close proximity (less than one mile) to Forest Grove's Town Center with existing City streets providing a direct connection between the two areas.

The expansion area is zoned as Exclusive Farm Use in Washington County. The City of Forest Grove is almost completely surrounded by land in EFU classification. There are a limited number of parcels that are zoned Agriculture and Forest, 20 Acres (AF 20) in addition to the predominantly agricultural areas.

Ownership in the expansion area consists mostly of a single lot that is approximately forty-nine (49) acres in size. In addition the Forest Grove School District owns a tax lot in the area that is approximately twenty (19.95) acres in size that is currently split by the existing Boundary (6.9 acres of the parcel is outside the UGB).

Approximately sixty-one percent (61.8%) of the expansion area consists of Class II soils with the remainder as Class III soils. Ninety-four percent (94%) of the lands within the City limits are composed of a similar soil type.

Natural resources in the expansion area are limited. A stream and riparian area comprises thirteen percent (13%) of the total land mass.

B. Withdrawal Area

The area to be withdrawn is of approximately equal size, sixty-two (62) acres, to the expansion area. This area is physically separated from the rest of the community by Highway 47. In contrast to the expansion area, the withdrawal area is a relatively narrow, elongated area in multiple tax lots that is not conducive to development of complete, well-connected livable neighborhoods.

Lands within the withdrawal area are currently planned for industrial and residential use. However the presence of significant natural resources identified in the Goal 5 resource inventory prevent reasonable development of this area for that purpose. Seventy-seven (77%) of the withdrawal area was identified as a significant natural resource including a one and half (1.5) mile stretch of Council Creek and adjacent riparian areas meandering along the eastern boundary of Highway 47.

As with the expansion area, soil types in the proposed withdrawal area are primarily Class II and III soils, forty-five percent (45.2%) and fifty four percent (54.8%) respectively.

The city proposes that the expansion area be used to provide a road and to accommodate housing. Providing one is consistent with the region wide need identified in Section I of these findings. In addition to satisfying regional housing needs, the Council finds that a separate livability need exists that can only be satisfied by executing the swap authorized in Ordinance No. 02-985A.

C. Livability Need

Section 3.02.020(2)(B) sets forth four criteria that must be addressed to assert a need for a UGB amendment based on livability. Goal 14, Factor 2, and consequently Section 3.02.020(2)(B), may serve as an independent basis for need (separate and apart from the quantitative population analysis in Factor 1) in deciding whether to amend the UGB. While Factor 1 cannot be ignored, Factor 2 can be given greater weight. The four criteria addressing livability are addressed below.

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

Expansion.

The factual basis for the proposed expansion implements local, regional and state policy in the following manner: (1) assuring specific improvements identified in the City of Forest Grove Transportation System Plan to support growth, (2) providing for an orderly transition from rural to urban uses consistent with the Washington County Transportation Plan, (3) eliminating obstacles to developing and creating an opportunity for livable, connected urban development consistent with the Regional Framework Plan, (4) encouraging a balanced transportation and land use plan that implements the policies of the Metro Regional Transportation Plan as well as the 2040 Growth Concept and (4) including, where practicable, urban transportation improvements within the Boundary consistent with the Statewide Planning Goals.

1. Factual Basis

The development of approximately 590 acres of existing vacant land in the northwest quadrant of the City of Forest Grove's UGB depends on providing adequate transportation facilities over the 20 year planning horizon. This area is located west of Thatcher Road and north of Gales Creek Road. Without the extension of David Hill Road outside of the existing Boundary, the City will be unable to assure adequate transportation facilities to serve development and meet the jobs/housing balance identified by Metro. David Hill Road provides necessary east-west connectivity within the community that will prevent the failure of existing transportation facilities as development occurs.

East-west circulation in Forest Grove is currently served primarily by Pacific and 19th Avenue. These two arterials create a one-way couplet that serve the City's downtown area providing a link to major commercial, residential, and institutional areas. This facility is unlikely to serve local trips generated from development of the vacant land in the northern portion of the City. The TSP evaluated the capacity of this facility (referred to by ODOT as Highway 8) and its intersection with Sunset Drive (Highway 47). The TSP concluded that without mitigation measures this facility will fail within the 20 year planning horizon. Willamina Avenue also provides supplementary capacity for east-west circulation. This facility is an existing collector which connects Gales Creek Road to Sunset Drive through an existing residential area. The intersections along this collector are currently at capacity.

The function of Highway 8 and Willamina Avenue will suffer unless additional capacity is provided. After evaluating improvement options within and outside the UGB the TSP identifies David Hill Road as a necessary improvement to address this circulation problem.

2. Basis in Local Policy

Based on the limitations of these existing facilities, the Transportation System Plan ("TSP") specifically identifies the David Hill Road Extension from Thatcher Road to Sunset Drive (Highway 47) as a needed arterial to serve urban development. Forest Grove TSP, Planned Improvements, p.3-36. The TSP states that "[t]he planned growth in the northwest sector of the city will require a high quality collector or arterial facility between these two facilities." Forest Grove TSP, Road Improvements, p.8-23. This improvement is consistent with the policy set out in the TSP which encourages the City to "[p]lan, design and construct transportation facilities in a manner which enhances the livability of Forest Grove." Forest Grove TSP, Goal 1-Livability, p.2-1.

Washington County in turn provides a coordinated Transportation Plan that is intended to accommodate future development for land uses identified in the County's Comprehensive Plan (excluding urban uses). Washington County Transportation Plan, Policy 6.1. The County's policy is to work with cities to transfer roads that are intended to serve urban needs to the City. Washington County Transportation Plan, Policy 11.2. The expansion area supports this coordinated transition between urban and rural uses, which will not occur without the change.

3. Basis in Regional Policy

The Regional Framework Plan provides a vision for planning in the Metro area through the use of goals and objectives including the 2040 Growth Concept. There are a number of specific regional policies that support the proposed Boundary change. In particular, Policy 1.6 encourages "an efficient urban growth form" that provides a "clear distinction between urban and rural lands." Policy 1.7 states:

“There should be a clear transition between urban and rural land that makes best use of natural and built landscape features and that recognizes the likely long-term prospects for regional urban growth.”

Regional policy on urban design further supports the swap by encouraging pedestrian- and transit-supportive building patterns that minimize the need for auto trips and create a development pattern conducive to face-to-face community interaction. Regional Framework Plan, Policy 1.10.

This emphasis on creating a livable community is carried through and implemented by the Regional Transportation Plan (“RTP”). Assuring “economic health and livability” is a specific objective of the “RTP.” RTP, Regional Transportation Policies, Policy 1.3, p.17. The RTP encourages transportation improvements that will support a balance of jobs and housing while limiting the impact of urban travel on rural land. Policy 4.0 of the RTP further encourages transportation facilities that are consistent with adjacent land use patterns and will support a land use plan that implements the 2040 Growth Concept. RTP, p.1-13. To achieve these objectives, the David Hill Extension is incorporated into the RTP (Project Number 3153). The 2040 Growth Concept in turn requires balancing transportation and land use plans to protect livability. The Nature of 2040: The region’s 50 year planning for managing growth, p.12.

The proposed expansion is consistent with and implements these regional policies.

4. Basis in State Policy

The primary purpose of Goal 14 is to encourage this orderly transition. Under Goals 3, 4, 11 and 14, urban services are generally located within the Boundary to serve urban needs and to avoid impacts on farm and forest land. Although Goal 12 does not expressly prohibit the extension of a transportation facility outside of the Boundary, the Guidelines specifically provide that “no major transportation facility should be planned or developed outside urban boundaries.” Goal 12, Guideline A(3). The implementing rules under Chapter 660, Division 12 further allow transportation improvements on rural lands only under limited circumstances. Under OAR 660-012-0065(2) transportation improvements are permitted to serve those uses that are already permitted by statute or rule for farm or forest lands or other improvements as are needed to support rural land uses. There are no specific provisions within the Statewide Planning Goals and their implementing rules that expressly permit the City to improve the David Hill Road Extension to serve urban needs outside of the Boundary.

Whether a particular use located outside of the Boundary to serve urban needs is decided by the Land Use Board of Appeals on a case-by-case basis to determine compliance with Goal 14. *Washington Co. Farm Bureau v. Washington Co.*, 17 Or LUBA 861, 875 (1989) [Transportation Plan adopted by Washington County considering alternative access routes to connect Forest Grove and Cornelius to Sunset Highway challenged under Goal 14].

Withdrawal.

While the expansion stands on its own, the withdrawal of the Boundary compliments the inclusion of this area in a manner that is consistent with the Metro Code.

1. Factual Basis

As stated, the withdrawal area is physically separated from the rest of the community by Highway 47. As a result Highway 47 prevents development of complete neighborhoods that allow for a walkable, connected, compact urban form. In addition to the physical separation, the existing Boundary jeopardizes

the protection of significant Goal 5 resources including the riparian area along Council Creek. Although the area is designated for industrial and residential purposes, the environmental constraints and physical separation preclude development of this area to serve the City's needs.

This livability problem can be addressed by accommodating the industrial and residential lands in the proposed expansion area and redesignating other lands in the UGB to provide a logical growth pattern for nonresidential lands. In *1000 Friends of Oregon v. Metro*, 18 Or LUBA 311(1989) ("*1000 Friends*") the Land Use Board of Appeals prohibited an expansion in the Forest Grove area based on the generalized need to increase the tax base. The Board went on to say:

"[A] correct application of the livability criterion requires, in addition to identification of a significant livability problem, an evaluation of probable positive and negative livability impacts that may occur if the UGB is amended to solve the identified livability problem." [emphasis supplied]

Metro's Code is modeled after this specific guidance provided by LUBA. In contrast to the prior expansion in *1000 Friends*, the City of Forest Grove in this case identified a specific livability problem associated with the existing transportation facilities. A general need for an increased tax basis is not the primary need for the proposed land use swap, as in *1000 Friends*.

In addition to addressing LUBA's concerns in *1000 Friends*, the proposed withdrawal of the Boundary implements specific local, regional and state policy.

2. Basis in Local, Regional and State Policy

The City's own Comprehensive Plan requires land to "be made available within the urban growth boundary to meet all urban land use needs." Forest Grove Comprehensive Plan, Local Goals, p.X-2. Policy 1.8 of the Regional Framework Plan specifically directs Metro to identify and actively address "opportunities for and obstacles to the continued development and redevelopment of existing urban land." The proposed expansion land use swap falls squarely within the scope of this regional policy by recognizing and addressing a specific obstacle to development.

The Regional Transportation Plan further encourages an efficient cost-effective system that maintains the capacity and function of existing roadways. Policy 3.0(d) supports mixed use development to reduce travel demand and encourages the location of housing and jobs "within walking distance of each other whenever possible." RTP, p.1-13. The 2040 Growth Concept expressly states "[b]y providing land for urban uses within the boundary, rural lands can be protected from unwanted sprawl." Withdrawing this area will avoid unwanted sprawl along Highway 47 in existing areas that are predominantly owned by the County and used for rural purposes.

Policy 1B of the Land Use and Transportation Section of the State Highway Plan further supports "expansion of intensive urban development guided away from state highways rather than along state highways." The Guidelines for Goal 12 are even more specific in encouraging major transportation facilities that avoid dividing urban social units unless no feasible alternative exists. Withdrawing this area will solve the current problem of a division created by Highway 47.

The specific identified livability need (problem) created by Highway 47 can be resolved by withdrawing this area and allowing for development of industrial and residential uses within the proposed expansion area. This overall swap will better implement the local, regional and state policies discussed herein.

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

The only feasible solution to resolve the identified need and to allow development of a compact urban neighborhood is to include lands necessary to allow for an extension of David Hill Road to Highway 47.

The City evaluated alternative options within the existing City limits to avoid expansion. Existing wetlands and developed residential neighborhoods prevent an extension of David Hill Road within the existing Boundary.

The proposed David Hill Road Extension takes advantage of existing right-of-way designated for County roads that connects through to Highway 47. It is unlikely ODOT will approve an additional access point given the proximity of the Highway 47 and Sunset Drive Intersection. The City's own TSP specifically identifies both the transportation problem and the best solution.

Based on these facts, not only is the extension of David Hill Road the “best” option for resolving the livability need (need to resolve the transportation problem) it is the only solution.

The proposed boundary withdrawal also specifically addresses the identified livability need. Highway 47 and the environmental constraints prohibit efficient development of this area for residential and industrial needs. Excluding this area preserves the function of Highway 47 and creates an opportunity to develop a complete urban neighborhood.

As with David Hill Road, exclusion of the property bifurcated by Highway 47 is both the best and the only solution for the identified livability need. The expansion compliments this swap by including an area that can offset the loss of industrial and residential use within proximity of the withdrawal to maintain an even jobs/housing balance within the region as a whole and more specifically within the City of Forest Grove.

Excluding the area removed from the City by Highway 47 is the approach best suited to meet the livability need. As such the Metro Council finds the proposed withdrawal is consistent with this criterion.

“(iii) identify both positive and negative aspects of the proposed UGB amendment on both the livability need and on other aspects of livability;”

The positive aspects of the proposed expansion include the following:

- provides a critical transportation facility specifically identified as an improvement in the City's TSP as necessary to provide adequate east-west circulation as vacant lands in the northern portion of the City develop;
- preserves the existing east-west transportation facilities in the City and the County. The existing facilities are inadequate to accommodate long-term traffic impacts and will fail unless David Hill Road is improved;
- facilitates the development of existing vacant lands within the existing Boundary;
- creates an efficient hard boundary providing a buffer with adjacent rural uses;
- allows for the development of complete neighborhoods within the existing Boundary;
- includes a portion of a tax lot owned by the Forest Grove School District that is bifurcated by the existing Boundary. This expansion qualifies as a technical amendment to the Boundary consistent with the recommendations of the Executive Director, Mike Burton;

- includes land that will offset the loss of industrial and residential lands bifurcated by Highway 47 in a manner that will maintain the jobs/housing balance within both the region and the community of Forest Grove;
- provides an opportunity to develop a complete neighborhood that will compliment existing development within the existing City limits;
- permits development of a transportation system that will reduce vehicle trips and consequently increase air quality as well as increase pedestrian access; and
- will preserve the integrity of the City's Town Center consistent with Metro's 2040 Growth Concept.
- the costs for extending urban services are the lowest in the expansion area. These services, including sewer and water are available in the property immediately to the south and can be easily provided to accommodate future development.

The negative aspects of the proposed expansion include:

- potential loss of Class II and III soils from existing agricultural production, however, this impact will be offset by withdrawing existing Class II and III soils from the existing Boundary.

No other negative aspects have been identified or raised in the process of evaluating the expansion area.

The positive aspects of the proposed withdrawal include:

- eliminate industrial and residential lands that are physically separated from the community by Highway 47;
- eliminate the negative impacts of development on the function of Highway 47 including the potential for multiple access points and strip development;
- preserve significant natural resources identified on the Metro Goal 5 resource maps;
- preserve existing Class II and III soils for potential agricultural uses; and
- eliminate lands within the existing Boundary that can not developed in a manner that will maintain the long-term jobs/housing balance within the region.
- the cost of extending urban services are particularly high in the withdrawal area. Currently, other than an existing two (2) inch water line, there are no urban services available. Future development will depend on extending services, possibly through boring, underneath the existing Highway.

The negative aspects of the proposed withdrawal include:

- potential loss of industrial and residential lands within the existing Boundary, however this loss is offset indirectly or directly by the expansion area.

No other negative aspects were raised or identified during the process of evaluating a solution to the City's livability need.

“(iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.”

The benefits of expanding to include David Hill Road far outweigh the negative aspects as discussed above. On balance, the Metro Council finds that the analysis of the positive and negative aspects of the expansion, that the proposed expansion will result in a net gain both to the City of Forest Grove and to the region.

As with the proposed expansion, the withdrawal area is consistent with the principles of good planning and specifically addresses identified transportation problems within the community. As with David Hill Road the hard boundary created by Highway 47 will provide a buffer between urban and rural uses and provides an opportunity to protect significant natural resources from further development. The Metro Council finds that on balance the positive benefits far outweigh the negative aspects of the proposed withdrawal.

Alternatives

Metro completed a region wide alternative sites analysis which is discussed and appended to Ordinance No. 02-969 as Appendix A. That discussion is incorporated here by this reference.

Notwithstanding the region wide alternatives analysis, the Council finds that the swap is necessary to provide maximum efficiency of land uses within the UGB because an extension of David Hill Road to Highway 47 is needed to provide adequate transportation connections through the city consistent with ORS 197.298(3)(c).

ORS 197.298(3)(c) allows local governments to add land to the UGB without regard to the priorities in ORS 197.298(1) when the land is necessary to maximize the efficiency of higher priority lands. The Metro Council reads this statute to primarily promote efficient urban land use. Allowing lower priority lands to also urbanize at the same time as higher priority lands is the mechanism that supports that policy. The Council concludes that providing services to existing urban land already inside a UGB is entirely consistent with the purpose of the statute. Therefore, the Council also concludes that interpreting the term "higher priority lands" in ORS 197.298(3)(c) to include existing urban lands is consistent with the statute.

The Council finds that in the case of the City of Forest Grove, any UGB expansion is likely to be on high quality farmland because that is the type of land that surrounds the city. No urban reserves or exception lands exist to fulfill the identified livability need. Allowing the swap will maximize the efficiency of land uses within the UGB in at least two ways. First, the extension of David Hill Road will open about 590 acres of vacant land in the UGB up to efficient use by improvement of the local transportation system. Second, the city has agreed, and the Council has conditioned this ordinance to require a rezoning of residential land inside the UGB to industrial use to maintain the industrial land base for jobs. The expansion area will eventually be zoned for housing consistent with its 2040 Growth Concept design type classification. Therefore, in the absence of other "higher priority lands" outside the existing UGB, the Council concludes that the proposed swap will maximize the efficiency of land uses in the UGB consistent with ORS 197.298(3)(c).

The City of Forest Grove evaluated transportation facilities in the area within the existing Boundary and outside of the Boundary that may reasonably accommodate the identified east-west circulation problem. Because of the specific locational characteristics of the City's transportation need, consideration of other transportation facilities in the region as a whole would not reasonably accommodate the City's need. The alternative transportation facilities considered include east-west arterials and collectors considered and evaluated in the City's Transportation System Plan to accommodate east-west circulation as well as any County roads within the vicinity of the vacant lands that are reasonably likely to accommodate the City's need. The latter category is for these purposes limited to Purdin Road.

The Transportation System Plan concludes neither Highway 8 nor Willamina Avenue are adequate to accommodate the impacts from development in the northern portion of the City. The level of service for these existing facilities will be unacceptable in the long-term without improving the system.

In addition to the existing facilities, the TSP further considered the location of an independent connection for David Hill Road within the City limits. The TSP concludes that this option is not feasible due to the existence of sensitive wetlands and the development of areas immediately within the UGB for residential purposes.

After evaluating lands within the UGB, the City then conducted an alternatives analysis of options that may reasonably accommodate the City's needs on lands outside of the UGB. Because of the specific locational factors associated with the City's transportation needs, the Metro Council finds that the only feasible option is the proposed expansion and withdrawal.

Orderly Services

- *Sewer, water, stormwater*

Two alternative transportation options were evaluated outside of the existing Boundary to reasonably accommodate the identified transportation problem. These options are discussed in the city's "UGB Land Swap Proposal, June 24, 2002":

1. David Hill Road Extension. The preferred alternative which utilizes existing County right-of-way for the connection of David Hill Road; and
2. Purdin Road. Purdin Road is an existing County road within reasonable distance of the vacant lands in the northern portion of Forest Grove that may reasonably serve as an alternative route.

After evaluating Purdin Road, the TSP concludes that inadequate capacity is available to accommodate the impacts from development inside the City. As a result, the improvement of the David Hill Road Extension is the most cost-effective option.

The proposed expansion area is immediately adjacent to an existing neighborhood where sewer, water and other utilities are available with capacity. The expansion area is a continuation of relatively flat land from the existing urban area with a gentle slope to the southeast. Thus, extension of gravity feed sewer and storm sewer as well as other services can be extended to serve the expansion area with relative (when compared to the Withdrawal area) little cost. The proposed expansion area includes urban facilities inside the Boundary and minimizes the impacts on adjacent rural uses.

By contrast, only a 2 inch water line immediately serves the Withdrawal Area. To obtain adequate sewer and water services for urban development in the withdrawal area would require crossing (either by boring or some other method) Highway 47. There are no other alternatives that will address the specific development problems associated with the existing area separated by Highway 47. Metro Council finds the withdrawal is the most efficient, cost-effective option that will avoid conflicts with adjacent farmland activities.

- *Transportation*

As discussed above, alternative transit routes were considered to resolve the east-west circulation problem in Forest Grove. The David Hill Road Extension will improve an existing County right-of-way and provide for the most cost-effective transportation service within the Boundary. Further, as discussed above, the proposed expansion area is immediately adjacent to existing urban services.

Withdrawal of this area will avoid the cost of providing additional transportation and utility service to this area. There are no alternative options to the withdrawal.

Efficiency

The expansion area is a rectangular shaped area with distinct edges marked by existing and proposed road improvements and offers the best opportunity for a compact urban form. The size and location offer the opportunity to develop a complete neighborhood that will compliment existing residential development in the area. It will also be directly connected with the Town Center area through the extension of Main and "B" Streets. David Hill Road will serve as a buffer to adjacent farmland activities.

This area will better support the jobs/housing balance by offsetting the inadequacy of existing lands separated by Highway 47. By eliminating Highway 47 as a physical barrier, residents will be afforded a greater opportunity to travel within and among the existing neighborhoods including the Town Center identified on the 2040 Growth Concept map.

The withdrawal compliments the compact urban form and connectivity offered in the expansion area. By excluding this area the function and capacity of Highway 47 is maintained while providing a distinct boundary with rural uses. Excluding this area avoids sprawling urban development along Highway 47 consistent with the purpose of assuring an efficient urban form. There is no alternative in the area that can resolve the specific locational problems associated with the withdrawal area.

Consequences

As with Factor 4 above, the ESEE analysis is provided in the discussion of livability above and is incorporated herein by reference. There are no alternative areas that can address the City's specific transportation problems associated with the expansion and withdrawal. The Natural & Cultural Resources discussion below is incorporated here by this reference.

Compatibility

Agricultural uses occur in the vicinity of the expansion area. The lands immediately north of the expansion area are EFU lands that are generally in row crop production. Similar agricultural activities are occurring on farmland adjacent to the withdrawal area. Like other UGB expansion areas that the Council has considered, there may be traffic impacts that affect farming operations as a result of the expansion. However, the Council finds that the swap has two advantages over the existing configuration of the UGB. First, while the withdrawal area currently contains a creek that acts as a buffer between farmland and EFU lands, urbanization of the land between Highway 47 and the creek is likely to degrade both the riparian area and its buffering effect to the farmland. Creating a hard urban edge with Highway 47 as the boundary will enhance the ability of the creek and riparian area to flourish and better protect the farmland to the north. Second, the current UGB adjacent to the expansion area places at least one block of homes directly on the edge of adjacent farmland. The extension of David Hill Road will eliminate this conflict by creating another hard edge, the road itself, between future residential uses and EFU lands to the north. The Council finds this configuration superior to the existing boundary and concludes that the buffering effect of the David Hill Road extension and Highway 47 will render urban uses compatible with existing farm uses.

Natural and Cultural Resources

The city will be responsible for protecting inventoried Goal 5 resources in the area when they amends their comprehensive plans and zoning ordinances to implement expansion of the UGB. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires

the city to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of planning for the area. Under Metro's Title 11, current land use regulations will remain in place until the city adopts new plan provisions and land use regulations to allow urbanization of the Bethany area, at which time the responsible local government will apply Goal 5 to these resources.

The Council also finds that the swap offers advantages for protecting fish and wildlife habitat areas that are superior to the existing UGB configuration. The city's evidence show that the creek north and east of the withdrawal area and its associated riparian area has a fairly intact tree canopy which is generally an indication of riparian health. Urban development in the withdrawal area is very likely to degrade existing riparian condition. The Council concludes that withdrawing this area from the UGB will better preserve the area for fish and wildlife habitat than allowing it to develop into urban uses..

Transportation

Metro has responsibility to ensure that its Task 2 decision for the Forest Grove area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until it revises its comprehensive plans and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area.

The Council also finds that the proposed land swap is necessary to provide adequate transportation facilities to support the development of vacant land within the City of Forest Grove. The expansion and withdrawal assure a compact urban form within the existing Boundary and allow for the development of complete, livable neighborhoods in the City of Forest Grove.

More particularly, the expansion provides essential east-west circulation by including the improvement of an urban transportation facility, David Hill Road, within the existing Boundary. This improvement is identified as a necessary facility in the Forest Grove Transportation System Plan to provide capacity for the vacant land in the northern portion of the City.

In addition to the expansion, the Metro Council further finds that excluding land from the existing Boundary that is physically separated from the City by Highway 47 will preserve and maintain the capacity of Highway 47 over the 20 year planning horizon. This amendment also facilitates a distinct transition between urban and rural uses and assures a long-term balance between jobs and housing by eliminating areas that will not reasonably accommodate residential and industrial development.

Regional Framework Plan

The Council has determined that approving the swap in Forest Grove allows for compact development in an area that can assist in satisfying the regional need for housing. Taking this land into the UGB allows Metro to concentrate development potential and realize efficiencies that are promoted by the RFP. Specifically, the swap promotes an efficient urban form by concentrating housing in the expansion area closer to existing utility facilities and urban services. The expansion will provide a superior transportation facility than exists currently by making a connection to other urban lands to the north of the city.

The Council has applied conditions in Exhibit B to this ordinance to ensure that RFP policies can be met as urbanization occurs. The conditions reference Title 11 of the Urban Growth Management Functional Plan which requires the city to plan for concentration of housing that will support and efficient arrangement of public facilities and services, including transportation.

**Exhibit E to Ordinance No. 02-985A
Conditions**

1. 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.
2. 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.
3. 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 3.07.110, to the study area.
4. No urbanization may occur in this area until the alignment of the David Hill Road connection with Highway 47 bypass is determined and adopted as part of the city's TSP.
5. In the application of statewide planning Goal 5, to Title 11 planning, the city shall comply with those provisions of Title 3 of the Urban Growth Management Functional Plan acknowledged by the Land Conservation and Development Commission 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, the city shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.
6. The city shall not allow new commercial retail uses in the expansion area.
7. The city shall amend the transportation component of its comprehensive plan and any other applicable plans to require completion the David Hill Road extension prior to permitting residential development in the expansion area.
8. At the time the city undertakes Title 11 planning for the expansion area, it shall plan for rezoning of lands inside the UGB from residential to industrial use to compensate for industrial land that will be lost in the withdrawl area.

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

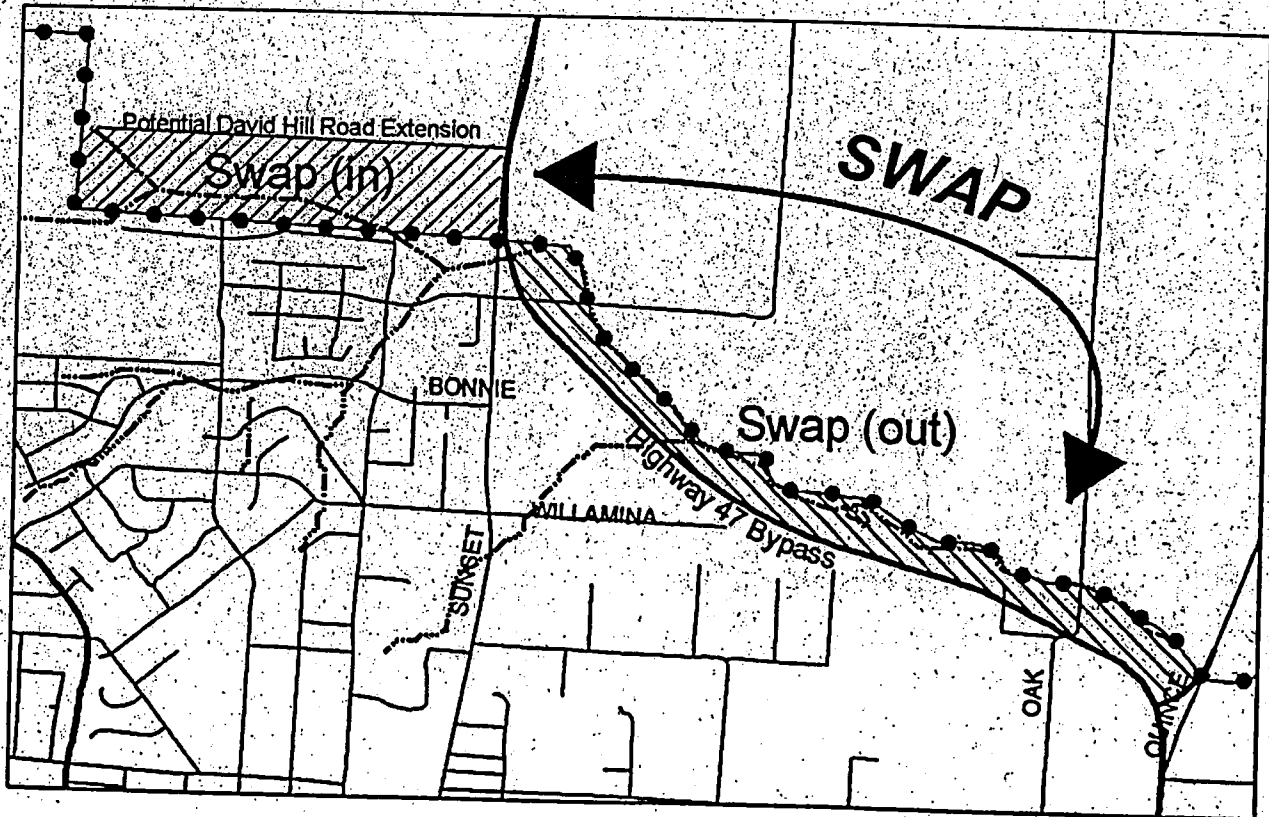


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EXECUTIVE SUMMARY

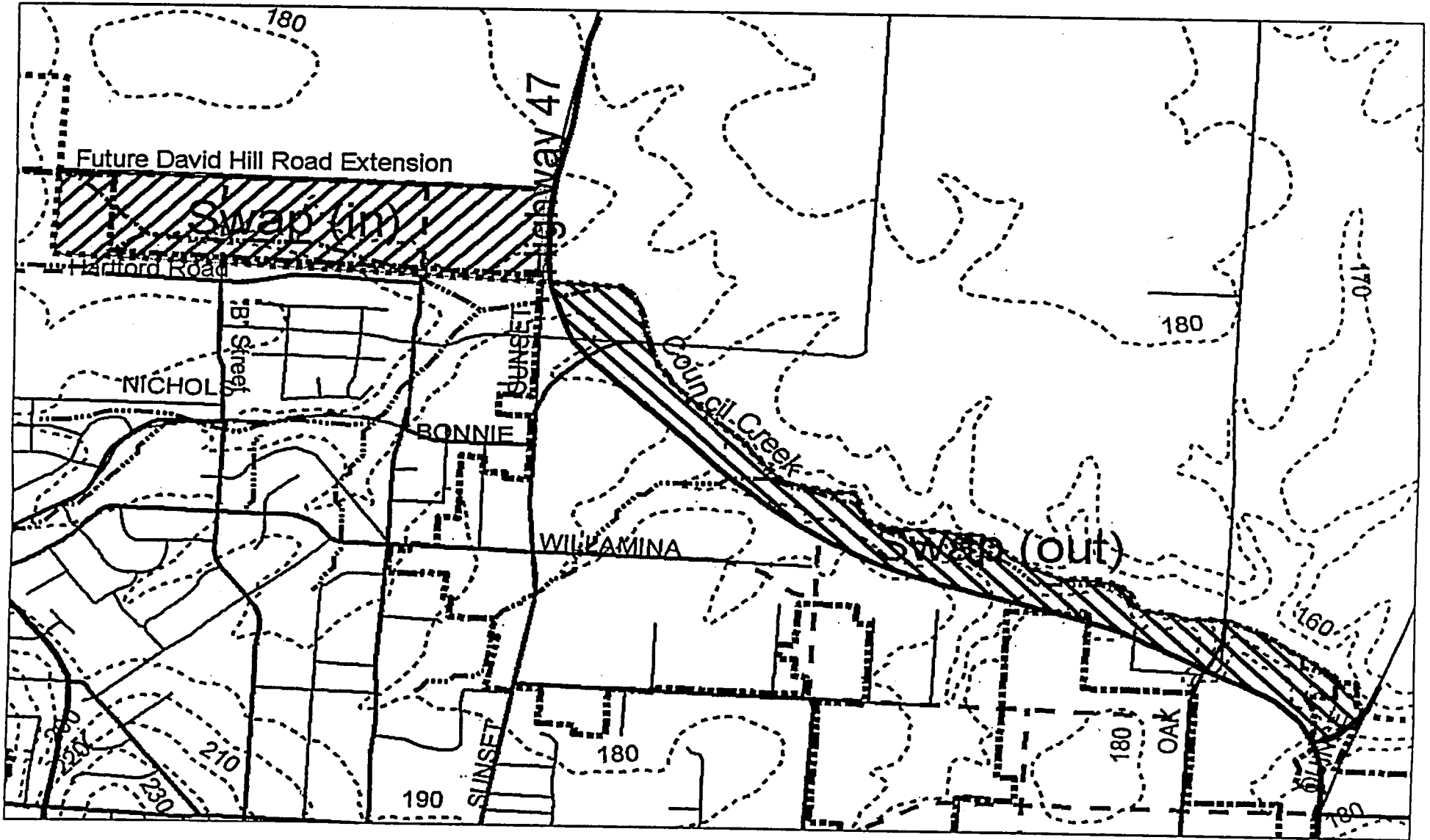
The City of Forest Grove has identified two areas of equal size north of Forest Grove for inclusion in a UGB land swap (Figure 1). The northern expansion of the City is bounded by the Metro Urban Growth Boundary (UGB). This UGB separates land available for the future urban expansion of the City from 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

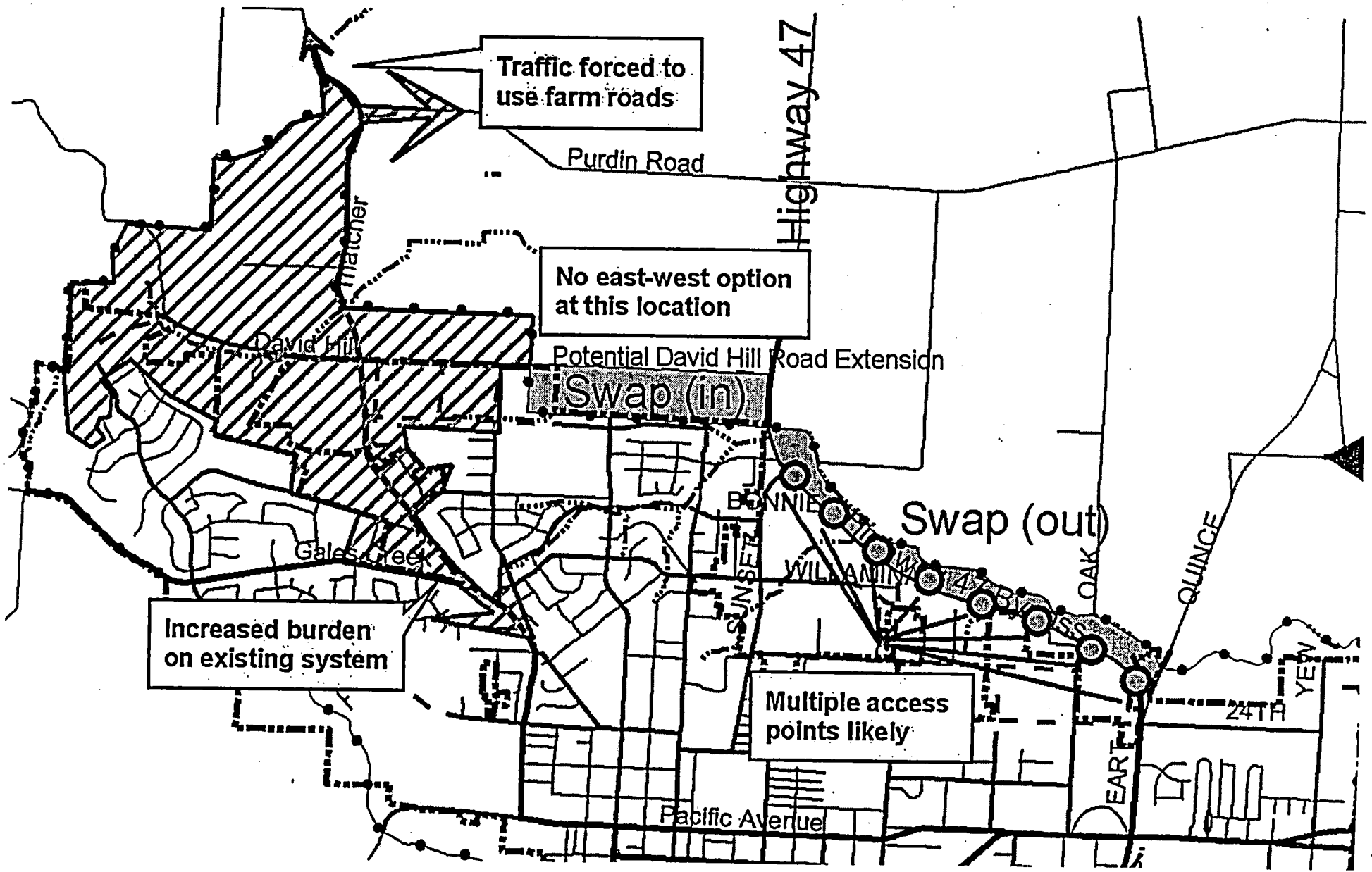
Transportation issues faced by the community without the David Hill Road extension include:

- **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.

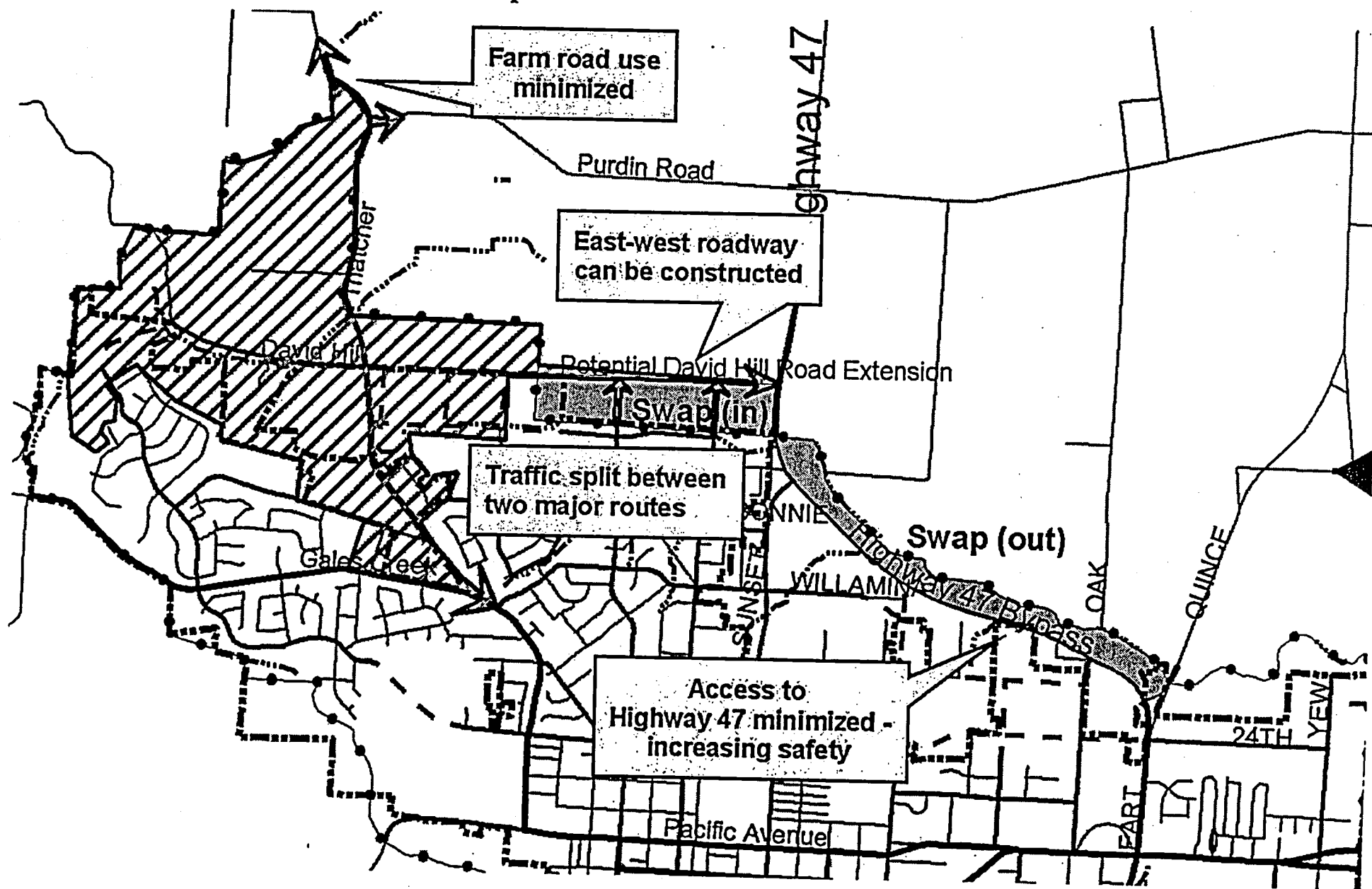
Benefits of Adding Land Between Thatcher and Highway 47

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.

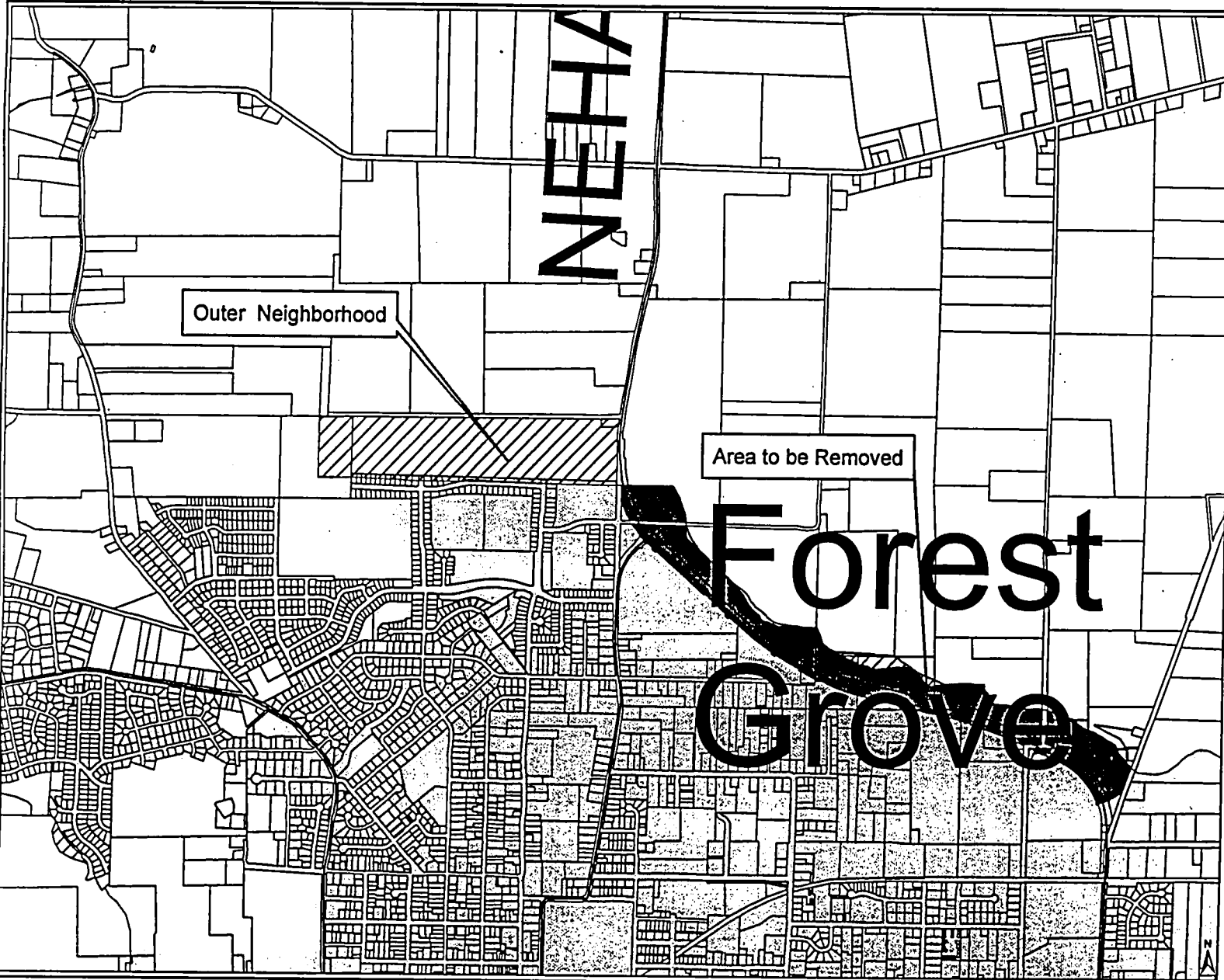
Table 5 – Goal 5 Resource Areas
 (% of total land area in Swap areas based on criteria score)

<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 a 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

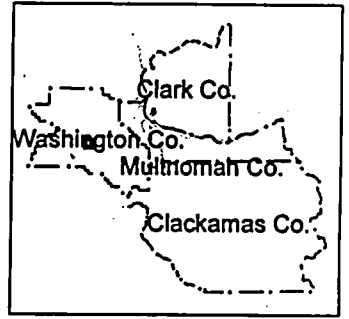
2040 Growth Concept Map

Proposed Designations
Ordinance 02-985 A

Design Types

-  Industrial
-  Regionally Significant
-  Industrial 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 accuracy. There are no warranties, expressed or implied, including the warranty 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
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-3736
TEL (503) 797-1742 | FAX (503) 797-1938
dm@metro.or.us | www.metro-region.org

Printed Date: Jul 31, 2002 Plot Date: Mar 26, 2002 J:\MapInfo\GIS\Projects\2040\2040_growth\2040_growth.mxd

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)	
)	

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.

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 B to Ordinance No. 02-986A
Conditions

1. 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.
2. 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.
3. 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 3.07.110, to the study area.
4. No urbanization shall occur in this area until the actual alignment of the Adams Road Extension has been determined and adopted in the City of Sherwood TSP.
5. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, the city shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within four years following the effective date of this ordinance the city shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.

**Exhibit C to Ordinance No. 02-986A
Findings of Facts, Conclusions of Law**

I. General Findings for Task 2 Decision

The Metro Council made findings of facts and conclusions of law in Ordinance No. 02-969B related to (A) coordination with local governments, (B) Citizen Involvement, (C) Need For Land, (D) Alternatives: Increase the Capacity of the UGB, (E) Alternatives: Expand the UGB, (F) Water Quality, (G) Areas Subject to Natural Disasters and Hazards, and (H) Economic Development. Those findings establish the need to accommodate approximately 43,400 dwelling units for housing in the Metro region and are incorporated here by this reference. The Council finds that the shortfall in housing units also indicates a need for adequate transportation facilities inside the Urban Growth Boundary (“UGB”) to serve not only residents that will occupy expansion areas, but also residents inside the existing UGB.

II. Specific Findings

These findings address ORS 197.298:Goal 5; Goal 11; Goal 12; Goal 14, Factors 3 through 7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d); Metro RFP Policies and Regional Transportation Plan Policies 2.0, 3.0, 4.0 and 14.0.

Livability Need

Goal 14, Factor 2, and Metro Code 3.02.020(2)(B), may serve as an independent basis for need (separate and apart from the quantitative population analysis in Factor 1) in deciding whether to amend the UGB. The four criteria addressing livability are addressed below.

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

The city has identified a specific livability need related to transportation. The problem that needs resolution is excessive traffic congestion at the intersection of Tualatin-Sherwood Road and Highway 99W. Currently, city residents have limited options for accessing and using the town center area in Sherwood. Most local trips must use Highway 99W to access services in the center. As discussed below, the section of state highway in question is operating below its mobility standard. This occurs, in part, because there are limited opportunities to access center services on roads other than Highway 99W. The city, and Metro Council, consider this condition to be adversely affecting the livability of the City of Sherwood and the 2040 Growth Concept designated town center.

The identified need corresponds to several regional policies set forth in the Regional Framework Plan (“RFP”). Chapter 2 Transportation, policy 2.2 requires Metro to “ensure the identified function, capacity and level of service of transportation facilities are consistent with applicable regional land use and transportation policies as well as adjacent land use patterns.” The City of Sherwood contains a designated town center that is intended to provide convenient services to residents of the area, and enable the city to concentrate housing, commercial and retail development in one area that promotes a compact urban form. The current configuration of roads near the town center is not achieving this policy.

RFP policies related to section 2.4 System Objectives state that, “Specific needs, associated with ensuring access to jobs, housing, cultural and recreational opportunities and shopping within and among those centers, should be assessed and met through a combination of intensifying land uses and increasing

transportation system capacity so as to mitigate negative impacts on environmental quality and where and how people live, work and play.” The Council finds that the information provided by the city, and the Oregon Department of Transportation discussed below demonstrates that this policy is not being realized under the city’s current transportation facility configuration.

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

The current UGB creates a near island of non-urban land near the town in an area where intensive urban uses are occurring. The Home Depot retail store is located to the north, consistent with local and regional policies, draws customers from Sherwood and nearby cities. Highway 99W itself is a major state facility that provides the most direct route for travelers moving between the Portland metropolitan region and coastal cities to the south. The highway is also a major freight corridor. Most of the development in and near the town center is occurring on the eastside of Highway 99W and a significant proportion of trips originate from locations east on Tualatin-Sherwood Road. These factors show that both the livability problem and its solution are located near the intersection of Tualatin-Sherwood Road and Highway 99W.

The expansion area is owned by Portland General Electric in two tax lots. The route of the Adams Avenue extension would not disrupt PGE’s use of its properties which contain utility facilities. Potential routes that would connect further to the north would effect more tax lots and, therefore would be more costly to undertake. More importantly, connections between Tualatin-Sherwood Road and Highway 99W located further to the north would be unlikely encourage drivers to use it instead the existing intersection. The expansion approved in this ordinance will serve both the Home Depot customers and provide a convenient alternative to the Tualatin-Sherwood Road, Highway 99W intersection. For these reasons, the Council finds that the livability needs can best be remedied by the expansion approved in Ordinance No. 02-986.

- (iii) identify both positive and negative aspects of the proposed UGB amendment on both the livability need and on other aspects of livability;”

The positive aspects of the transportation system improvements are identified above. The negative aspects of the UGB amendment include: loss of some EFU zoned land, potentially a slight impact on farm operations east of the expansion area, some intrusion of urban impacts on PGE’s utility facility.

- (iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.”

Like many other cities on the west side of the region, Sherwood is surrounded mostly by farmland. Urban expansion into these areas always brings some level of negative impact to farming. However, the Council finds that this expansion is likely to decrease overall impacts on farming as compared to the current UGB because it will eliminate the near island of resource land adjacent to the city. The new UGB provides a clearer demarcation between urban and rural uses. In addition, the expansion area and associated transportation improvements will not force a change in the use of PGE’s land which is anticipated to remain in its current use after the Adams Avenue extension is completed, Therefore, on balance, the Council finds that the UGB amendment will be positive.

Alternatives

Metro completed a region wide alternative sites analysis which is discussed and appended to Ordinance No. 02-969B as Appendix A. That discussion is incorporated here by this reference.

Notwithstanding the region wide alternatives analysis, the Council finds that there is a specific identified land need for urban land to provide a transportation route and related facilities in a more efficient manner through the City of Sherwood consistent with ORS 197.298(3)(a). In addition, the Council finds that providing the needed transportation facility will maximize efficient use of land within the existing UGB by providing services (transportation) to those lands consistent with ORS 197.298(3)(c).

Specific Identified Land Need

The "Livability" need discussion above is incorporated here by this reference. The Council finds that there is a need for a collector arterial between Sherwood/Tualatin Road and Highway 99W to relieve traffic congestion at the main intersection of Sherwood/Tualatin Road slightly to the west. Information provided by the city in a September 12, 2002 letter from Planning Director Dave Wechner, shows that area added to the UGB is the most feasible location for a road to relieve traffic congestion at the main intersection. The Oregon Department of Transportation supports this finding in an October 15, 2002 letter from Planning Manager, Leo Huff. He states:

"As a statewide highway, OR 99W provides important inter-urban and inter-regional mobility. The intersection of Tualatin -Sherwood Rd. and OR 99W is currently operating beyond the mobility standard. As development continues to occur, there is increasing pressure on the operation of the intersection.

* * *

The proposed alignment for the Adams Avenue extension requires an adjustment to the urban growth boundary. The land is needed for a collector arterial connecting the major roadways of OR 99W and Tualatin-Sherwood Road. No other property could be used for this purpose."

The Council finds that this evidence demonstrates that specific land is needed in a specific location in the City of Sherwood to fulfill the identified specific land need.

Maximum Efficiency of Land Uses

ORS 197.298(3)(c) allows local governments to add land to the UGB without regard to the priorities in ORS 197.298(1) when the land is necessary to maximize the efficiency of higher priority lands. The Metro Council reads this statute to primarily promote efficient urban land use. Allowing lower priority lands to also urbanize at the same time as higher priority lands is the mechanism that supports that policy. The Council concludes that providing services to existing urban land already inside a UGB is entirely consistent with the purpose of the statute. Therefore, the Council also concludes that interpreting the term "higher priority lands" in ORS 197.298(3)(c) to include existing urban lands is consistent with the statute.

The area between Tualatin-Sherwood Road and Highway 99W is surrounded on three sides by the existing UGB. The edges of the UGB are fairly close together as is shown on the map attached to the September 12, 2002 letter from Planning Director Dave Wechner. A Home Depot retail store has been approved for the area immediately north of the expansion area. That development is conditioned to provide signalized access to Highway 99W via a driveway that will connect to the Adams Avenue

extension. The expansion area connects two parts of the UGB in Sherwood that are functionally disconnected from a transportation perspective except for the already overburdened intersection of Tualatin-Sherwood Road and Highway 99W. The Council concludes that connecting those portions of the UGB and providing land for the Adams Avenue Extension maximizes land uses inside the UGB consistent with ORS 197.298(3)(c).

Orderly Services

The Metro Council considered the provision of services for the land need identified in Sherwood. The UGB amendment in this area requires no water, sewer, or stormwater facilities. Once built the road will be self sufficient. Since PGE intends to continue its present use as a utility facility, services that would typically be needed for housing or commercial development are not required.

Efficiency

The Council considered whether the UGB expansion in Sherwood would maximize the efficiency of the UGB in that area. The Council finds that efficiency of the urban area in Sherwood and the town center will be enhanced with the Adams Avenue extension. The Council's findings on "livability" need above and "specific identified land need" below are incorporated here by this reference.

Consequences

The environmental, energy, social and economic consequences of expanding the UGB in Sherwood were considered. No adverse environmental impacts were identified. Environmental benefits include protection of a creek and riparian area on the west side of Highway 99W as the boundary line was adjusted to conform to the route of the creek. The economic and social benefits are positive as the Council concluded above in identifying a livability need for the UGB amendment. Energy consequences are generally positive based reducing congestion at the intersection of Tualatin-Sherwood Road and Highway 99W.

Compatibility

Agricultural uses occur in the vicinity of the expansion area. The lands immediately north and east of the expansion area are EFU lands that are generally in row crop production. Like other UGB expansion areas that the Council has considered, there may be traffic impacts that affect farming operations as a result of the expansion. However, the Council finds that the amended UGB in Sherwood is likely to better protect farmland to the north and east from future urban development by limiting that farmland's exposure to urban uses. The amendment functions to square off a corner of the UGB that currently creates close to an island of resource land in the urban area. In addition, by conforming the boundary line to the route of the creek to the west of Highway 99W the Council finds that farmland will be better protected. The future road extension of Teal Road will create a hard edge that protects the creek and farmland, and due to the topography of that area, which slopes away from the creek to the west, impacts from urban uses are unlikely to affect farming operations. For these reasons, the Council finds that the UGB amendment will be compatible with nearby agricultural uses and activities.

Transportation

Metro has responsibility to ensure that its Task 2 decision for the City of Sherwood 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 and the city from

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

The Council also finds that this action necessary to provide adequate transportation facilities to support the areas within the City of Sherwood. The expansion assures a compact urban form within the existing Boundary and will reduce traffic impacts related to Highway 99W.

Regional Framework Plan

The Council has applied conditions in Exhibit B to this ordinance to ensure that RFP policies can be met as urbanization occurs. The conditions reference Title 11 of the Urban Growth Management Functional Plan which requires the city to plan for concentration of housing that will support and efficient arrangement of public facilities and services, including transportation. The Council's findings showing a livability need for the extension of Adams Avenue identify additional RFP policies that are related to this expansion. Those findings are incorporated here by this reference.

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.

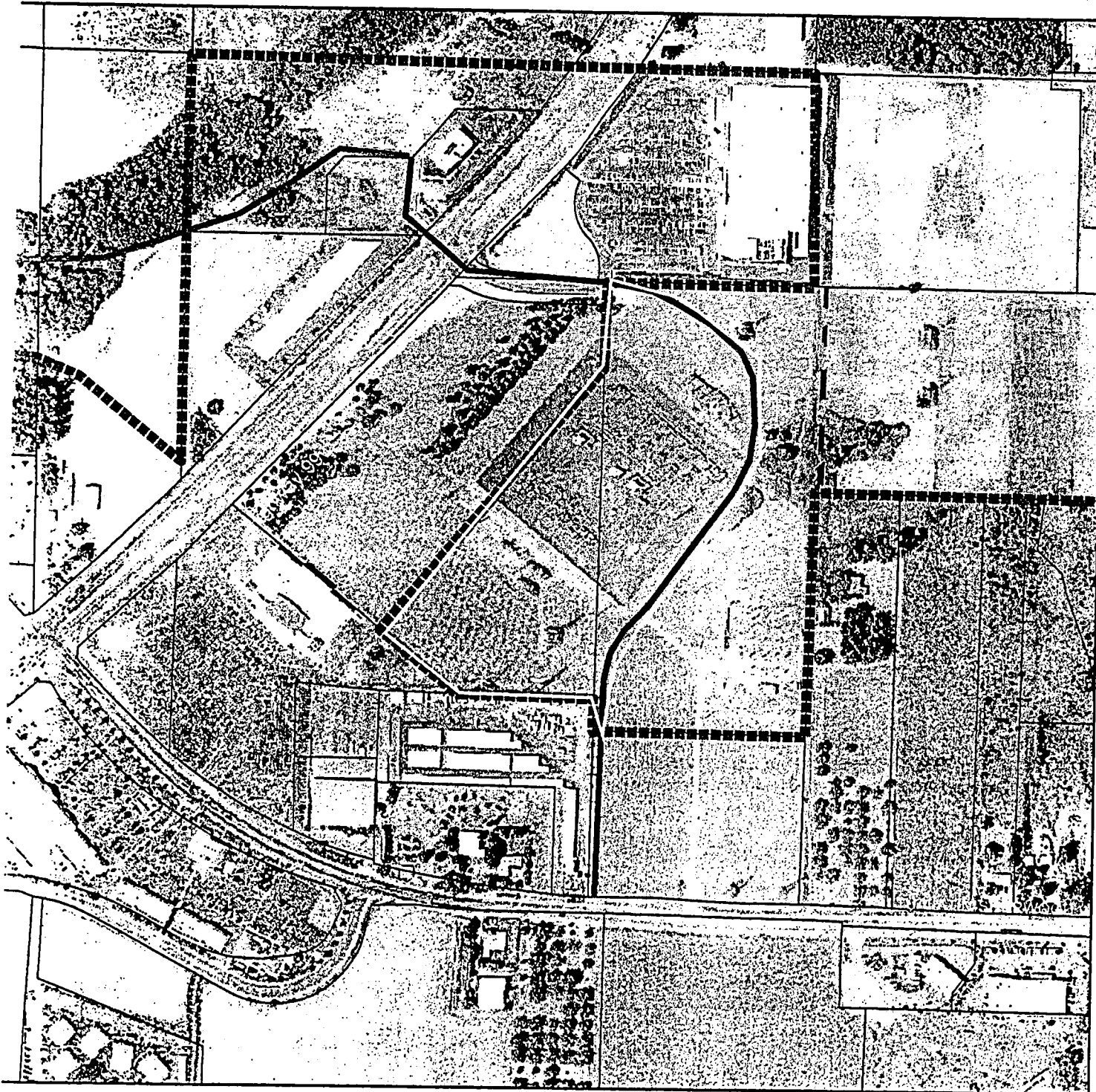
BUDGET IMPACT

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

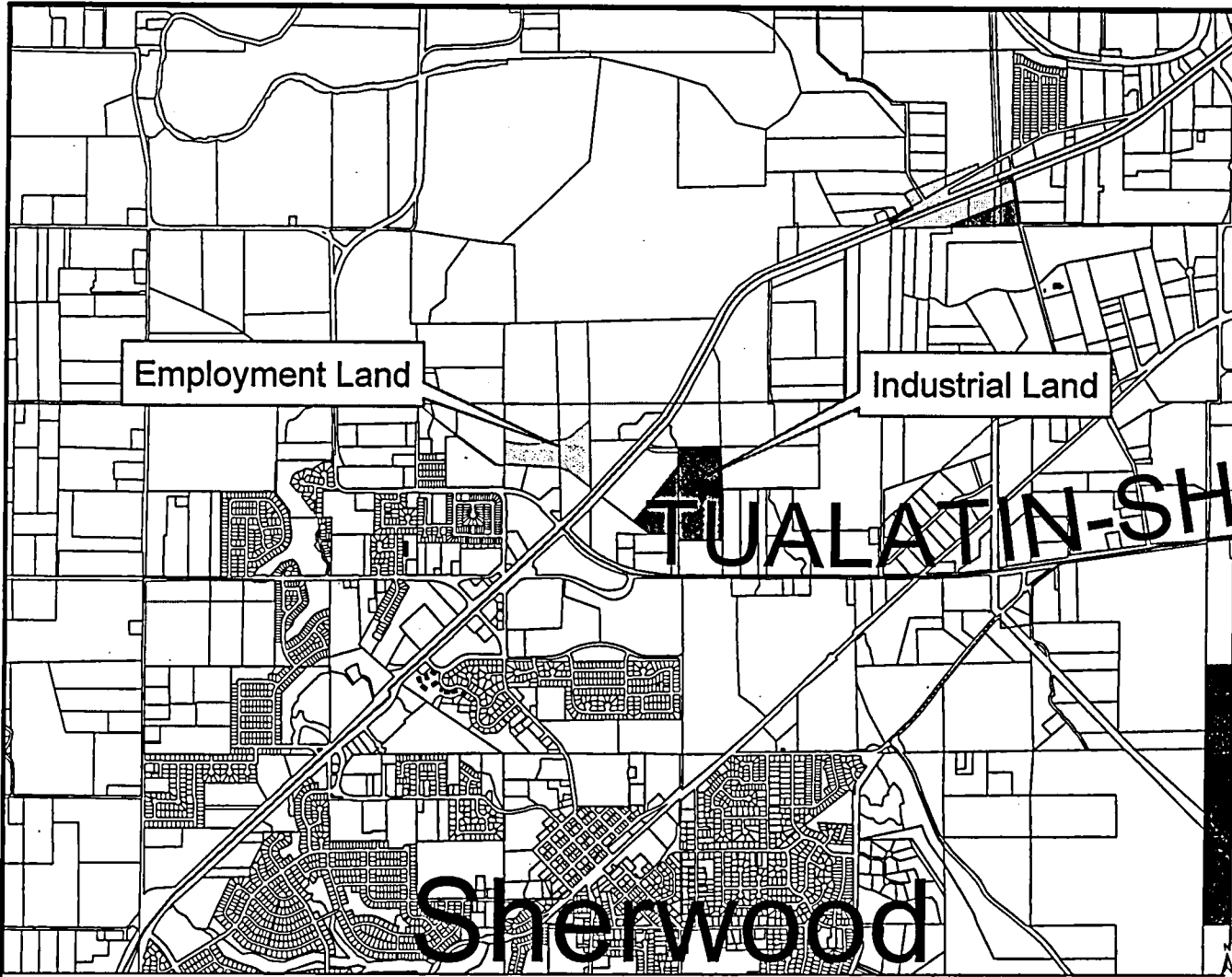
Portion that is used
as substation 8.10 Acres



Photo Taken
July 2001

Map Created September 2002

200
 Feet



R L I S
REGIONAL LAND INFORMATION SYSTEM

2040 Growth Concept Map

ORDINANCE 02-986A 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 compiled from digital land use and zoning maps of Clark County. Clark County is responsible for the accuracy of the data. Metro is not responsible for the accuracy of the data. There is no warranty, express or implied, for the use of this information for purposes not intended by the original provider. Please refer to the original data for more information.

1 inch equals 0.5 miles
 Miles
 0 0.050 0.1 0.2

Location Map

METRO

METRO DATA RESOURCE CENTER
 833 NORTHEAST GRAND AVENUE, PORTLAND, OREGON 97232-2738
 TEL: (503) 797-1742 FAX: (503) 797-1608
 dr@mro.or.gov www.metro-region.org

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)	ORDINANCE NO. 02-987A
URBAN GROWTH BOUNDARY TO ADD LAND)	
IN THE BETHANY AREA	)	Introduced by Councilor McLain

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

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

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

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

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

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

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The areas in Exhibit A, attached and incorporated into this ordinance, are necessary to amend into the urban growth boundary to meet the identified regional need for housing. These areas are furthermore determined to support the Bethany Town Center as well as the Beaverton and Hillsboro Regional Centers.
2. Lands in exhibit A identified as exclusive farm or forest use are necessary to provide services to adjacent exception lands in Exhibit A.
3. Conditions set forth in Exhibit B, attached and incorporated into this ordinance, must be met by the responsible jurisdictions prior to urbanization.
4. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that this action complies with state planning laws, the Regional Framework Plan and the Metro Code.
5. This ordinance is necessary for the immediate preservation of public health, safety and welfare because state law requires Metro to ensure that the region's UGB has an immediate need for this action.

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

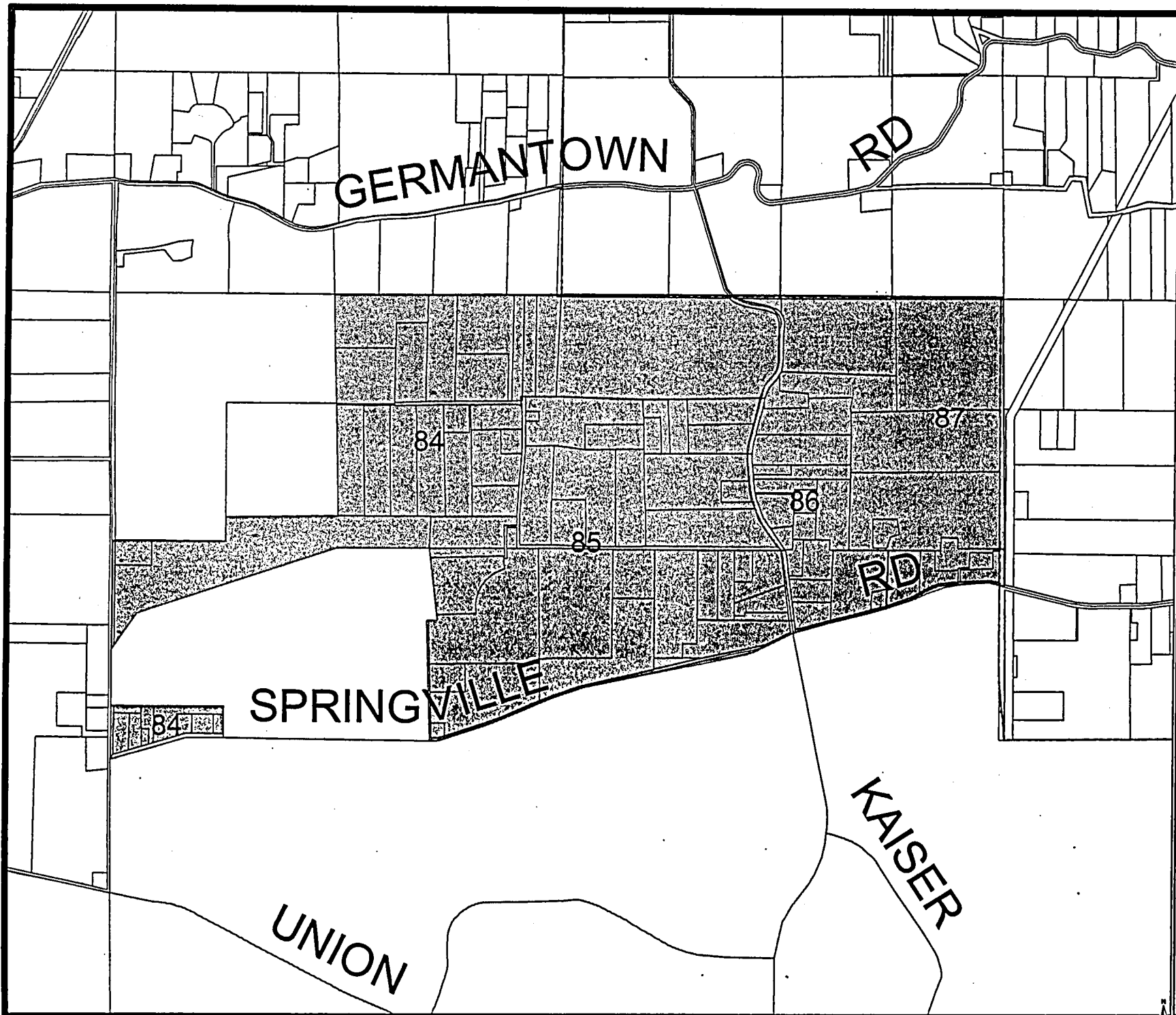
Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel



UGB Expansion Areas

Ordinance 02-987A

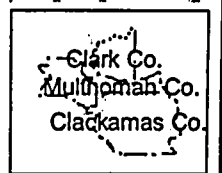
December 5, 2002

Exhibit A

Areas 84-87

 UGB Expansion Areas

NOTES:
 1. This map is a computer-generated map based on the information provided in the Ordinance.
 2. The Ordinance is the authoritative source of information.
 3. The Ordinance is subject to change without notice.
 4. The Ordinance is subject to the provisions of the Clark County Growth Management Act.
 5. The Ordinance is subject to the provisions of the Multnomah County Growth Management Act.
 6. The Ordinance is subject to the provisions of the Clackamas County Growth Management Act.
 7. The Ordinance is subject to the provisions of the Washington County Growth Management Act.
 8. The Ordinance is subject to the provisions of the Wheeler County Growth Management Act.
 9. The Ordinance is subject to the provisions of the Yamhill County Growth Management Act.
 10. The Ordinance is subject to the provisions of the Clatsop County Growth Management Act.
 11. The Ordinance is subject to the provisions of the Tillamook County Growth Management Act.
 12. The Ordinance is subject to the provisions of the Lincoln County Growth Management Act.
 13. The Ordinance is subject to the provisions of the Wasco County Growth Management Act.
 14. The Ordinance is subject to the provisions of the Deschutes County Growth Management Act.
 15. The Ordinance is subject to the provisions of the Crook County Growth Management Act.
 16. The Ordinance is subject to the provisions of the Josephine County Growth Management Act.
 17. The Ordinance is subject to the provisions of the Lane County Growth Management Act.
 18. The Ordinance is subject to the provisions of the Marion County Growth Management Act.
 19. The Ordinance is subject to the provisions of the Polk County Growth Management Act.
 20. The Ordinance is subject to the provisions of the Clatsop County Growth Management Act.
 21. The Ordinance is subject to the provisions of the Clackamas County Growth Management Act.
 22. The Ordinance is subject to the provisions of the Multnomah County Growth Management Act.
 23. The Ordinance is subject to the provisions of the Clark County Growth Management Act.
 24. The Ordinance is subject to the provisions of the Washington County Growth Management Act.
 25. The Ordinance is subject to the provisions of the Wheeler County Growth Management Act.
 26. The Ordinance is subject to the provisions of the Yamhill County Growth Management Act.
 27. The Ordinance is subject to the provisions of the Clatsop County Growth Management Act.
 28. The Ordinance is subject to the provisions of the Clackamas County Growth Management Act.
 29. The Ordinance is subject to the provisions of the Multnomah County Growth Management Act.
 30. The Ordinance is subject to the provisions of the Clark County Growth Management Act.



Location Map



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

1. Washington County or, upon annexation of the area to the City of Beaverton, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan, section 3.07.1120 ("Title 11 planning") for Study Areas 84, 85, 86 and 87 (partial) within two years following the effective date of this ordinance.
2. The city or county with land use planning responsibility for the site shall apply the 2040 Growth Concept design types shown on Attachment 1 to this ordinance to the planning required by Title 11.
3. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07110, to the study area.
4. The city or county with land use planning responsibility for the Beaverton School District elementary school site shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the school site to public school facilities and other development necessary and accessory to the public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.11201.
5. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.
6. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) shall adopt provisions in its comprehensive plan and zoning regulations - such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
7. The conceptual transportation plan required by Title 11, subsection 3.07.1120F for the area shall provide for bicycle and pedestrian access to and within the school site from the surrounding area designated for residential use.
8. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Washington County or the City of Beaverton shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within four years following the effective date of this ordinance Washington County or the City of Beaverton shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.

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

I. General Findings for Task 2 Decision

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

II. Specific Findings for the Bethany Areas

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

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

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

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

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

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

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

Alternatives

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

Orderly Services

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

- Sewer, Water and Stormwater

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

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

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

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

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

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

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

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

- Transportation

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

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

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

Efficiency

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

Consequences

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

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

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

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

Compatibility

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

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

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

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

School Site

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

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

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

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

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

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

Natural and Cultural Resources (Goal 5)

Metro's alternatives analysis addresses the Goal 5 resources protected in the Bethany area by Washington County in its acknowledged comprehensive plan. The county will be responsible for protecting inventoried Goal 5 resources in the area when they amends their comprehensive plans and zoning ordinances to implement expansion of the UGB. Exhibit B, Condition 6 of Ordinance No. 02-987 requires the county or the City of Beaverton, if the city annexes the area, to consider Metro's inventory of Goal 5 resources in their application of Goal 5. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county to protect fish and wildlife habitat

and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county planning for the area. Under Metro's Title 11, current county land use regulations will remain in place until the county or City of Beaverton adopts new plan provisions and land use regulations to allow urbanization of the Bethany area, at which time the responsible local government will apply Goal 5 to these resources. Moreover, as noted above, Washington County's Clean Water Services has approved the mitigation and enhancement plan submitted in conjunction with the approved master plan for area 85W and found it to comply with the applicable Goal 5 regulations.

Regional Transportation Plan

Metro has responsibility to ensure that its Task 2 decision for the Bethany area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until it revises its comprehensive plans and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area.

Regional Framework Plan

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

Goal 2 Coordination

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

ORS 197.298

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

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

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

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

STAFF REPORT

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

Date: November 25, 2002

Prepared by: Lydia Neill, Principal Regional Planner

PROPOSED ACTION

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

BACKGROUND AND ANALYSIS

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

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

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

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

APPLICABLE REVIEW CRITERIA

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

BUDGET IMPACT

There is no budget impact from adopting this ordinance.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF URGING)	
AMENDMENT OF ORS 223.297, ET SEQ.)	RESOLUTION NO. 02-3260
RELATING TO IMPACT FEES AND)	
SYSTEM DEVELOPMENT CHARGES TO	)	Introduced by Councilor
INCLUDE FACILITIES FOR POLICE, FIRE,	)	Bill Atherton
LIBRARIES AND SCHOOLS)	

WHEREAS, Growth can create significant fiscal impacts on the citizens and governments of the communities in the region; and

WHEREAS, ORS 223.297 to ORS 223.314, the system development charges statutes, serve to provide a uniform framework for establishing SDC's by local governments; and

WHEREAS, ORS 223.299(1)a currently excludes facilities for police, fire, libraries, and schools from the list of urban capital improvements for which local jurisdictions may collect impact fees or system development charges; and

WHEREAS, Prohibiting communities from being able to collect the full capital costs of providing for police, fire, library and school facilities is a substantial tax burden on existing residents; and

WHEREAS, Subsidy of new development can distort the balance of supply and demand and cause overproduction or overbuilding; and

WHEREAS, Allowing communities to reduce or eliminate taxpayer subsidies that mask the true costs of population growth can help communities better evaluate development decisions and better plan their communities; now, therefore,

BE IT RESOLVED

1. That ORS 223.299(1) be amended to add police, fire, library and school facilities to the list of capital improvements for which local jurisdictions may collect impact fees and system development charges.

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. 02-3260, FOR THE PURPOSE OF URGING AMENDMENT OF ORS 223.297, ET. SEQ. RELATING TO IMPACT FEES AND SYSTEM DEVELOPMENT CHARGES TO INCLUDE FACILITIES FOR POLICE, FIRE LIBRARIES AND SCHOOLS

Date: December 11, 2002

Prepared by: Michael Morrissey

Proposed Action: Resolution 02-3260 requests state legislative action to revise state law, with regard to expanding the definition of facilities on which system development charges may be imposed by governmental units. The purpose is to allow local communities to have the ability to allocate the costs of growth to new users of facilities, rather than averaging the costs among existing users, i.e. taxing existing residents to subsidize new growth..

Factual Background and Analysis: State law, with regard to the imposition of system development charges by governmental units, is encoded in ORS 223.297 through 223.314, SYSTEM DEVELOPMENT CHARGES. The policy section 223.297 establishes that system development charges may only be used for capital improvements. Later sections explicitly exclude the use of systems development charges for operations and maintenance.

Resolution 02-3260 seeks to alter section 223.299 "Definitions" to add police, fire, libraries and schools to the list of allowable capital expenditures eligible for system development charges: water supply, treatment and distribution; waste water collection transmission treatment and disposal; drainage and flood control; transportation; parks and recreation.

Information published by the Homebuilders of Metropolitan Portland in April of 1998 shows system development charges for 18 of the 24 cities in Metro's jurisdiction. Charges for a 3 bedroom 2 bath home ranged from \$1,325 in Gladstone to \$9,063 in West Linn for 1997.

With regard to schools, for example, not currently eligible for system development charges, Appendix E to "Growth and its Impacts on Oregon—A report from Governor Kitzhaber's Task Force on Growth in Oregon" (1999) states, "There is plenty of evidence that the capital costs for schools (K-12) is on the order of \$10,000 to \$20,000 per pupil." Later the statement goes on to say that "Sooner or later incremental growth will use

excess capacity for other services as well: eventually it will contribute to the need for a new police or fire station, library, park... as well as other general government plant and equipment.”

Existing Law: ORS 223.297 through 223.314

Budget Impact: None for Metro’s budget relative to this resolution. Should the legislature add items eligible for system development fees as recommended in this resolution, the budget impact for local governments could significantly improve their ability to pay the capital costs of new growth..

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF URGING	)	RESOLUTION NO. 02-3261
REPEAL OF ORS 197.296 AND)	
1997 OREGON LAWS CH. 763	)	Introduced by Councilor Atherton

WHEREAS, the 1995 Legislative Assembly enacted HB 2709, containing a provision eventually codified as ORS 197.296; and

WHEREAS, the 1997 Oregon Legislature enacted 1997 Oregon Laws Ch. 763, which requires a review of actual construction every five years and mandates adjustments to the Urban Growth Boundary (UGB) and/or implementation legislation to increase urban density; and

WHEREAS, ORS 197.296 requiring cities, counties and metropolitan service districts to maintain a supply of buildable lands to accommodate estimated housing needs for 20 years is a local issue and not a matter of state concern; and

WHEREAS, the state requirement to maintain a twenty year supply of buildable land based upon a five year analysis does not reflect current trends in using land efficiently and can result in a greater than needed expansion when this five year snapshot is taken in a booming housing market; and

WHEREAS, Forcing a community to move their Urban Growth Boundary can create unwanted and burdensome increases in taxes or utility fees for existing residents to pay for infrastructure costs of expansion of the UGB; and

WHEREAS, these statutes can result in an oversupply of land within the UGB, can allow inefficient use of lands inside the boundary and impede the redevelopment of underutilized or substandards development within the UGB; and

WHEREAS forced expansion of the UGB often frustrates the ability of local governments to plan for complete communities with balanced lands for jobs and housing; now, therefore,

BE IT RESOLVED

1. That ORS 197.296 and 1997 Oregon Laws Chapter 763 should be amended to allow, rather than require moving an Urban Growth Boundary to maintain a 20-year land supply.

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

Carl Hosticka, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 02-3261, FOR THE PURPOSE OF URGING REPEAL OF ORS 197.296 AND 1997 OREGON LAWS CHAPTER 763.

DATE: December 11, 2002

Presented by: Michael Morrissey

INTENT AND RATIONALE

Resolution No. 02-3261 requests the abolition of certain state statutory requirements (resulting from HB 2709 and HB 2493) related to Metro's management of the Urban Growth Boundary. Specifically targeted are the requirements to maintain a 20-year supply of buildable land for housing and employment needs, and to review actual construction within the UGB. There is concern that the 20-year requirement can result in greater UGB capacity than needed, the subsequent inflated need for infrastructure, and the resulting inefficient use of land already within the existing UGB. The accuracy of 20-year projections is questioned, as well as activities based on those projections.

Resolution 02-3261 is based on the assumption that the above requirements are an impediment to the ability of communities to create their own local environment. In addition, the concept of "carrying capacity" of the land, or region, cited in state-wide land use planning goals as well as Metro policies, has been largely ignored, and is overshadowed by the requirement for a 20 year buildable land supply.

FACTUAL BASIS AND ANALYSIS

By state statute, Metro is the manager of the Portland regional urban growth boundary, which is a long-term planning tool created by state land use legislation. Among its purposes is the separation of urbanizable from rural land, and its management must be consistent with state-wide planning goals such as Goal 10—Housing, and Goal 14—Urbanization. In addition, Metro's use of the UGB in conjunction with managing long-term growth, creating a satisfactory compact form and urban design, and balancing specified needs for housing, employment, livability and open space are embedded in Metro Code, RUGGO and the Regional Framework Plan.

Goal 14's purpose is "to provide for an orderly and efficient transition from rural to urban land use" and includes seven factors which must be considered in the establishment and change of urban growth boundaries including:

- 1) demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals; and
- 2) need for housing, employment opportunities and livability.

Metro is currently concluding task 2 of its Periodic Review. A great deal of attention was focused on the state required 20-year population forecast, and its implication for housing need. The discussion also focused on the accuracy and utility of any 20-year forecast.

EXISTING LAW

The 1995 and 1997 legislatures adopted legislation (HB 2709) which requires cities, counties and metropolitan service districts to take certain actions in order to maintain a supply of buildable land inside an urban growth boundary necessary to accommodate estimated housing needs for 20 years. Prior to HB 2709, by practice, "long-range" was understood to be approximately a 20-year time period, which local comprehensive plans were required to address, or justify why a different time period was used. In fact Metro used that time period for its own planning processes.

CONCLUSION

State statute and laws cited in Resolution 02-3261 are felt to be overly directive with regard to local ability to manage the urban growth boundary. Local and regional government would have more flexibility to operate within the requirements of Goal 14 if those requirements were repealed.

Additional statutes may need to be reviewed, based on the intent of Resolution 02-3261, e.g. ORS 197.299. Should the identified state statutes be repealed, further Council discussion could be needed as to how Metro would view UGB management with regard to remaining state policy, i.e. Goal 14. The Council would likely also want to review related Metro growth management policy documents as well.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING	)	RESOLUTION NO. 02-3258
GRATITUDE FOR THE SERVICE OF MIKE)	
BURTON TO THE METRO REGION	)	Introduced by the Metro Council

WHEREAS, Mike Burton was the first Presiding Officer of the Metro Council and the last Metro Executive Officer, and

WHEREAS, Mike Burton successfully designed and won public support for the implementation of the 2040 Growth Concept for Portland region and successfully applied its principles in the expansion of the region’s Urban Growth Boundary, and

WHEREAS, Mike Burton acquired 7,763 acres of regional open spaces since 1995 – 30% more acreage than promised voters in the bond measure election, and

WHEREAS, Mike Burton successfully planned and helped secure funds for two new light rail lines – Airport MAX and Interstate MAX, and

WHEREAS, Mike Burton successfully passed Oregon Zoo bond measure, increased zoo attendance to all-time highs, opened new permanent exhibits including the Amazon Flooded Forest, Stellar Cove, Cascade Crest and Lorikeet Landing and helped the zoo become a national leader in the preservation of endangered species, and

WHEREAS, Mike Burton negotiated partnerships with local governments and the hotel and rental car industries to expand the Oregon Convention Center without a property tax increase, and

WHEREAS, Mike Burton successfully closed the St. John’s landfill in an environmentally sensitive manner and recaptured methane gas for energy generation, and

WHEREAS, Mike Burton lowered solid waste fees significantly while increasing recycling and other public services, and

WHEREAS, Mike Burton led the effort to clean up 9,492 illegal dump sites in the region over the last eight years, and

WHEREAS, Mike Burton led the effort for Construction of Exhibit Hall D at the Expo Center, and

WHEREAS, Mike Burton diligently pursued the acquisition of 22 miles of regional trails; now therefore

BE IT RESOLVED that the Metro Council

1. Expresses thanks to Mike Burton for his dedicated service to the Metro region.
2. Expresses best wishes to Mike Burton over the coming years.

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

Carl Hosticka, Presiding Officer, District 3

Rod Park, Councilor, District 1

Bill Atherton, Councilor, District 2

Susan McLain, Deputy Presiding Officer,
Councilor, District 4

Rex Burkholder, Councilor, District 5

Rod Monroe, Councilor, District 6

David Bragdon, Councilor, District 7

Alexis Dow, Metro Auditor

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING	)	RESOLUTION NO. 02-3259
GRATITUDE FOR THE SERVICE OF BILL)	
ATHERTON TO THE METRO REGION	)	Introduced by the Metro Council

WHEREAS, Bill Atherton served the Metro region as the Councilor from District 2 from 1998 to 2002, and

WHEREAS, Bill Atherton led the update of the Solid Waste Regional System fees to reflect the true costs of the system, and

WHEREAS, Bill Atherton was a strong advocate for separation of communities and community identity as a criteria for Urban Growth Boundary management, and

WHEREAS, Bill Atherton advocated and the Council supported allowing full range of System Development Charges as one of our state legislative priorities, and

WHEREAS, Bill Atherton chaired and passed recommendations regarding the Agency's Capital Asset Management Policy, and

WHEREAS, Bill Atherton advocated the repeal of the 20-year land supply law, and

WHEREAS, Bill Atherton advocated for a carrying capacity and finding limits to growth by enforcing environmental laws, making growth pay its own way, and local control over local planning decisions, and

WHEREAS, Bill Atherton supported strict reporting and disclosure standards and campaign finance reform at Metro, and

WHEREAS, Bill Atherton worked hard for key linkages in our regional parkway trail system, now therefore

BE IT RESOLVED that the Metro Council

1. Expresses thanks to Bill Atherton for his dedicated service to the Metro region.
2. Expresses best wishes to Bill Atherton over the coming years.

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

Carl Hosticka, Presiding Officer, District 3

Rod Park, Councilor, District 1

Susan McLain, Deputy Presiding Officer,
Councilor, District 4

Rex Burkholder, Councilor, District 5

Rod Monroe, Councilor, District 6

David Bragdon, Councilor, District 7

Mike Burton, Executive Officer

Alexis Dow, Metro Auditor



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

121202e-10

December 12, 2002

Councilor Carl Hosticka
Metro, Presiding Officer
600 NE Grand Avenue
Portland, OR 97232

RE: Ordinance. No. 02-990A

Honorable Councilor Hosticka:

Please enter this letter and attached material into the record concerning ORD. No. 02-990A.

The material provides clarification on testimony submitted by 1000 Friends of Oregon on December 5, 2002, to the Metro Council concerning the adequacy of undeveloped large lots (50+ and 100+ acres) within the existing Urban Growth Boundary (UGB). At the December 5, 2002, public hearing the Regional Economic Development Partners testified, asking for caution in reviewing the material submitted by 1000 Friends due to the lack of review by professional planners or economic development practitioners within the region.

The attached analysis by Norris Beggs & Simpson provides information on the lack of undeveloped large lots within the existing UGB.

Thank you for the opportunity to submit this information

Cordially,

A handwritten signature in blue ink, appearing to read "Douglas R. Rux".

Douglas R. Rux, AICP
Community Development Director

Attachment

cc: Jack McConnell, Norris Beggs & Simpson
Regional Economic Development Partners



121 SW MORRISON STREET, SUITE 200 • PORTLAND, OREGON 97204
PHONE: (503)223-7181 • FAX: (503)273-0256

**NORRIS
BEGGS &
SIMPSON**
REALTORS

New America International

December 6, 2002

CITY OF TUALATIN
RECEIVED

DEC 09 2002

ECONOMIC DEVELOPMENT

Mr. Robert E. Stacey
Executive Director
1000 Friends of Oregon
534 SW Third Avenue, Suite 300
Portland, OR 97204

Re: Metro Map Intended to Identify Large Undeveloped Industrial Land Sites

Dear Bob:

After Mike and I talked with you via telephone this week, we stopped by your office and reviewed your map intended to identify large (50+ and 100+ acres) undeveloped industrial land sites in the Portland area. We then met with Mr. Dennis Yee at Metro to review his interpretation of the map. Dennis said he created the map per your request.

Attached are the results of our analysis of the map and the identified land sites. It shows clearly and irrefutably that only one industrial land site of 100+ acres (and very few over 50 acres) exist in the Portland area that are both physically suitable for industrial development and are available for purchase/lease and development. The one area with an industrial parcel of 100+ acres is in Rivergate. But ... even here, uses are restricted to firms utilizing the marine services of the Port of Portland.

Many of the sites depicted on this map have serious and irreparable physical constraints. Many are not even for sale ... and therefore cannot be considered available to the market, any more than your house or favorite suit is. And finally, a few sites are only available via a ground lease (not for sale), in a marketplace where leasing industrial land is, per common practice, not an acceptable form of occupancy and using the property.

Bob, given the fact that you referenced this map in a public forum on November 20, 2002, and Mary Kyle McCurdy, on behalf of the 1000 Friends of Oregon, did the same December 5 in comments to the Metro Council, we feel it is fair to share this letter and findings with both Metro and other agencies concerned with accuracy in identification of available and usable industrial land in the Portland area.

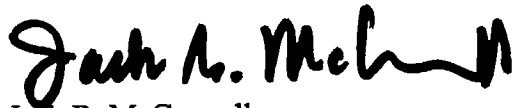


Mr. Robert E. Stacey
December 6, 2002
Page 2

We are available to discuss with you both our analysis process and the results thereof. Please let me know how we can help further. Thank you, Bob.

Best regards,

NORRIS, BEGGS & SIMPSON

A handwritten signature in black ink that reads "Jack R. McConnell". The signature is written in a cursive style with a large, stylized "M" at the end.

Jack R. McConnell
Senior Vice President

JRM/kgw
stacey.doc
Enclosures

cc: David Bragdon
✓ Doug Rux
Clayton Hering
Roger Qualman
Michael Tharp



CITY OF TUALATIN
RECEIVED

DEC 09 2002

ECONOMIC DEVELOPMENT

**ANALYSIS OF METRO MAP PREPARED FOR
1000 FRIENDS OF OREGON
INTENDED TO IDENTIFY LARGE
(100+ ACRE) CONTIGUOUS
OWNERSHIPS OF UNDEVELOPED
INDUSTRIAL LAND SITES IN
PORTLAND, OREGON**

Prepared By:

Jack McConnell
Senior Vice President

Michael J. Tharp
Associate Vice President

NORRIS, BEGGS & SIMPSON

121 SW MORRISON STREET, SUITE 200
PORTLAND, OR 97204
(503) 223-7181

December 6, 2002



**ANALYSIS OF METRO MAP PREPARED FOR
1000 FRIENDS OF OREGON
INTENDED TO IDENTIFY LARGE (100+ ACRE) UNDEVELOPED INDUSTRIAL LAND SITES
IN PORTLAND, OREGON**

Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
1	Area north of Hwy. 26 between Cornelius Pass Road and Shute/Helvetia Roads, south of West Union Road. In Hillsboro.	158+/- total acres. 92 undeveloped acres owned by Intel. 30 undeveloped acres owned by Food Services of America (FSA).	Largest consolidation of contiguous undeveloped land is 46 acres. Public streets, utility easements, topography, wetlands, and storm drainage restrict consolidation of a larger parcel.	46 contiguous acres north of Jacobson Road. 30 acres owned by FSA and 16 acres owned by Joe Weston. 19 contiguous acres south of Jacobson Road. Land owned by Intel is not for sale.
CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.				



Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
2	Area south of Hwy. 26, mostly south of Evergreen Parkway, between Cornelius Pass Road and Shute Road. In Hillsboro.	219+/- total acres. 125 undeveloped acres owned by Intel. 74 undeveloped acres owned by Nike.	Largest consolidation of ownerships of undeveloped land is 125 acres. Utility easements, topography, wetlands and storm drainage restrict consolidation of a larger parcel.	12 contiguous acres north of Evergreen Parkway. Zero contiguous acres south of Evergreen Parkway. Land owned by Nike is not for sale. Land owned by Intel is not for sale.

CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.

3	Area northeast side of Hillsboro Airport, south of Evergreen Parkway, on both sides of 264th Avenue. In Hillsboro.	205+/- total acres. 50+ undeveloped acres owned by Komatsu. 42+ acres and 70 acres owned by Port of Portland.	Largest consolidation of contiguous undeveloped land is 70+/- acres. Public streets, Hillsboro Airport, utility easements, and storm drainage restrict consolidation of a larger parcel.	25 contiguous acres south of Evergreen Parkway on east side of 264th. 42 contiguous acres and 70 contiguous acres owned by the Port are not for lease or sale. Part of Hillsboro Airport. 50+ undeveloped acres owned by Komatsu are not for sale.
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CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.



Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
4	Area north of SW Herman Road, south of Evergreen Parkway, West of SW 108 th Avenue and east of SW 124 th . In Tualatin.	92+/- total acres. 38 undeveloped acres owned by Fujimi. 20 acres owned by Japan Aviation Electronics. 9 acres owned by CALMAX. 25 acres (in wetlands) owned by City of Tualatin.	Largest consolidation of contiguous undeveloped land is 38 gross acres. Public streets, topography, wetlands, utility easements and storm drainage restrict consolidation of a larger parcel.	38 contiguous acres south of Leveton Drive are not for sale. There is no land of any size in this area for sale.

CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.

5	Area west of SW 124 th Avenue and south of Hwy. 99W, west of Site #4 above. In Tualatin.	82+/- total acres. 40 acres are owned by Lynn Henricksen. Balance of land is owned by several others.	Largest consolidation of contiguous undeveloped land is 40+/- acres. Topography, public streets, utility easements, land configuration, wetlands and storm drainage restrict consolidation of a larger parcel.	40 contiguous acres west of SW 124 th Avenue are not for sale by owner. Owner plans to develop property into business park.
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CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.



**NORRIS
BEGGS &
SIMPSON**
REALTORS

Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
6	Area south of Tualatin-Sherwood Road, north of Oregon Street, on east side of SPRR. In Sherwood.	72+/- total acres, including two ownerships of 51 and 12 undeveloped acres. Balance of land is in small irregular and sloping parcels, with wetlands.	Largest consolidation of contiguous undeveloped land is 52 acres. Storm drainage, wetlands, environmental contamination, topography and utility easements restrict consolidation of a larger parcel.	52-acre parcel is available only on a ground lease basis. It is not for sale. The largest land area for sale here is 12 irregular/sloping acres along Oregon Street ... and they are sloping and in an inefficient configuration.

CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.

7	Area west side of I-205, north of Oatfield Road and west of Webster Road. In Gladstone.	74+/- total acres here are owned by the Seventh Day Adventist Church.	Largest consolidation of contiguous undeveloped land is 72 acres. Topography, nearness to residential, requisite utilities, restrict use of this property. Also, property is not zoned for industrial uses.	72-acre parcel is not actively for sale by owner. Plans are to retain property for church uses.
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CONCLUSION: This property cannot be reasonably included in any land inventory of any size.



Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
8	Area on west side of Hwy. 26, south side of Palmquist Road; east side of Hogan Road. In Gresham.	87 +/- total acres. 28 acres owned by Columbia Brick Works. 18 acres owned by Steller Development Corporation. Balance of land in small irregular ownerships.	Largest consolidation of contiguous undeveloped land is 46 acres. Negative issues affect these 46 acres, including topography, utility easements, wetlands and storm drainage.	46 acres here are currently on the market. The balance of this property in this area is not on the market.

CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.

9	Area south of NE Glisan, east of NE 223rd, west of NE 242nd. In Gresham.	256 +/- total acres. All owned by LSI Logic.	Largest consolidation of contiguous parcels is 175 +/- acres	None of the land here is for sale. Owner has no plans to sell.
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CONCLUSION: This property cannot be reasonably included in any industrial land inventory of any size.



Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
10	Area south of NE Glisan and east of NE 223 rd Avenue. In Gresham.	125+/- total acres. Owned by Microchip (ex-Fujitsu Microelectronics).	Largest consolidation is 75+/- acres south of NE Glisan. Sloping topography, two ponds, and utility easements restrict consolidation of a larger site.	None of this land is for sale. Owner has no plans to sell.

CONCLUSION: This property cannot be reasonably included in any industrial land inventory of any size.

11	Area north and east of Troutdale Airport, north of Marine Drive and I-84. In Troutdale.	Alcoa owns over 600 acres here, with 242+/- total acres undeveloped. 18+/- acres owned by Rogers Construction. 216 acres owned by Alcoa. Includes developed and undeveloped land.	Largest consolidation of parcels is 155+/- acres (Tax Lot 300). Land is impacted for development per contamination and Super Fund designation, high water table, utility easements and storm drainage.	None of the Alcoa land is for sale. All of the land is part of a Super Fund site. Extensive aluminum smelters will require demolition. Significant costs/time are required before entry into market.
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CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.



NORRIS
BEGGS &
SIMPSON
REALTORS

Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
12	Area north of I-84, south of Marine Drive, west of Troutdale Airport and Sundial Road. In Gresham.	62+/- total acres.	Largest consolidation of parcels is 41+/- acres. Land is impacted by wetlands, topography, utility easements, rail line and storm drainage.	Largest parcel for sale is 41 acres, but encumbered by extensive wetlands.

CONCLUSION: This property cannot be reasonably included in any industrial land inventory of any size.

13	Area north of NE Sandy Blvd., south of Marine Drive, on both sides of NE 185 th Avenue. East part in Gresham; west part in Portland.	182+/- total acres. 40+ acres owned by Catellus in Southshore. 60 acres owned by Portland Development Commission. 51 acres owned by Michael Cereghino. 17 acres owned by Spada family.	Largest consolidation of parcels here, for industrial uses, is 91+/- acres. 40 is owned by Catellus; 51 by Cereghino. Public streets, topography, high water table, irregular configuration of site, and utility easements restrict consolidation of a larger parcel.	40+/- contiguous acres within Southshore Corporate Park are for sale. 60 acres owned by PDC are for sale. 51 acres owned by Cereghino are not for sale.
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CONCLUSION: This property cannot be reasonably included in any land inventory of 100+ acre sites. Even the 50+ acre site designation is restricted here (but limited to only manufacturing/high labor jobs).



Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
14	Area on south side of Sandy Blvd., north of I-84, west of NE 181 st , known as Columbia Gorge Corporate Center. In Gresham.	86+/- total acres. All owned by New Beginning Christian Center under Joint Venture development agreement with OPUS.	Largest consolidation of contiguous land remaining here is 20 acres.	20 contiguous acres are on the market for sale or build-to-suit by OPUS. All other land here is being retained by owner or has been developed.

CONCLUSION: This property cannot be reasonably included in an industrial land inventory of both 50 and 100+ acre sites.

15	Area east of Portland International Airport, south of Airport Way, west of I-205. Known as Portland International Center. In Portland.	450+/- total acres. Only 64.2 acres designated for flex and light industrial uses.	Largest consolidation of parcels here, for industrial uses, is 36.1 acres along future Alderwood Drive. Balance of Port's land here is designated for range of office, hotel, and aviation uses.	36.1 contiguous acres south of Airport Way and north of new Alderwood Drive are on the market. Land is available for lease only; not for sale.
----	--	--	--	--

CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.



Site #	Map Site Identification	Approximate Size	Review of Undeveloped Site's Usefulness	Availability of Market
16	Area west of Portland International Airport, near NE 33 rd Avenue, south of NE Marine Blvd. In Portland.		<p>The Metro map we reviewed shows three larger undeveloped and non-contiguous parcels in this area, west of PDX. We are unable to identify these sites and are not aware of any large and available industrial-zoned land parcels in this area. The land east of NE 33rd Avenue is owned by the Port of Portland ... is in the fly-ways of PDX's two east/west runways ... and is not available for lease or sale.</p> <p>Other land in this area includes three golf courses (Columbia Edgewater, Riverside and Broadmoor) ... none for sale and none zoned for industrial uses.</p>	

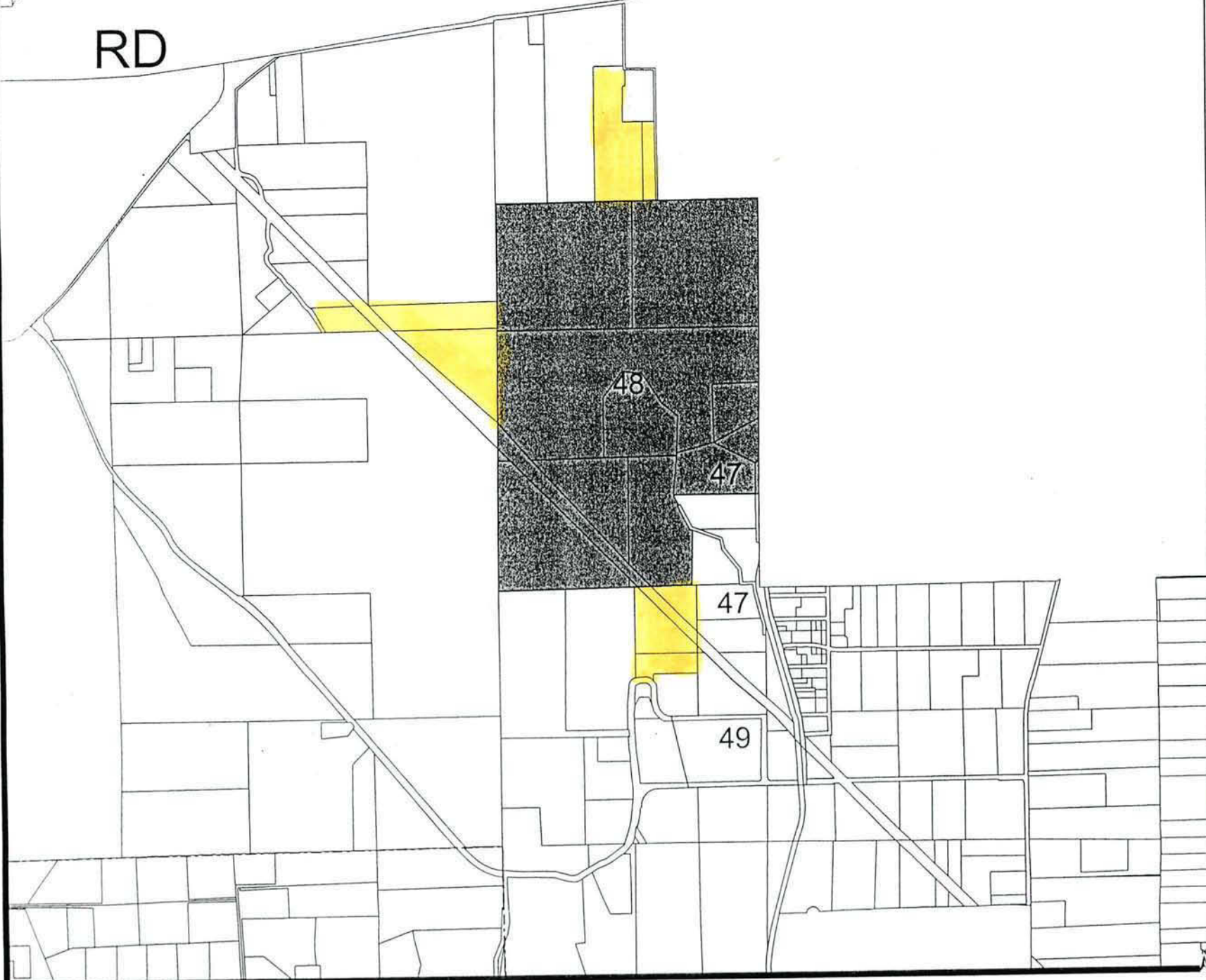
CONCLUSION: This property cannot be reasonably included in any land inventory of both 50 and 100+ acre sites.

17	Area west of I-5, south of N. Marine Drive, north of Columbia Blvd., on both sides of N. Lombard. Area known as Rivergate. In Portland.	269+/- total acres. All owned by Port of Portland. 113 acres on east side of Lombard in South Rivergate. 90 acres south of Marine Drive in North Rivergate.	Largest consolidation of contiguous undeveloped land in South Rivergate is 113 acres. All other land here is constrained for assemblage and development due to public streets, utility easements and wetlands.	113 contiguous acres on east side of North Lombard in South Rivergate. 45 contiguous acres on south side of North Marine Drive in North Rivergate. Most of this land is restricted for marine use only.
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CONCLUSION: This property can be reasonably included in an industrial land inventory of 100+ acre sites ... but it must be recognized the Port is restricting this land primarily for marine-related uses only.

TUALATI

RD



UGB Expansion Areas

Ordinance 02-990

December 5, 2002

Exhibit A

Areas 47,48

UGB Expansion Areas

DATE: 12/04/02
 BY: J. Hall
 TITLE: UGB Expansion Areas
 PROJECT: UGB Expansion Areas
 SHEET: 1 OF 1
 SCALE: AS SHOWN
 DRAWN BY: J. Hall
 CHECKED BY: J. Hall
 APPROVED BY: J. Hall
 DATE: 12/04/02

Clark Co.
 Multnomah Co.
 Clackamas Co.

Location Map

Tom Roger Metcalf
 12/20/02-11



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

12/20/02-12

DEC 11 2002

December 11, 2002

Presiding Officer Carl Hosticka
Metro
600 NE Grand Avenue
Portland, Oregon 97232

RE: Tigard Sand & Gravel - Study Area 48 (Partial)

Dear Presiding Officer Hosticka:

Thank you for the opportunity to provide additional information on the Rogers Construction (Tigard Sand & Gravel) site, also known as Study Area 48 (Partial). Please enter this letter and all attachments into the Metro Council record.

The attachments provide additional information on gravel extraction and removal of topsoil on the Rogers Construction (Tigard Sand & Gravel) site that will be useful to Metro in its UGB decision-making process. First, the most recent staff report from Washington County examining Tigard Sand & Gravel is included. It lists various conditions of approval, findings and a partial history of the site for the past 37 years on the gravel extraction operation since it was originally approved. Second, a map clarifying the County zoning of the Rogers Construction (Tigard Sand & Gravel) site is enclosed. Though 87 percent of the land is resource land, some is exception land. The land that is resource land, however, no longer has high value soils. Last, a series of aerial photographs are enclosed. These demonstrate the historic landscape prior to the conditional use approval for Rogers Construction (Tigard Sand & Gravel), the inception of Tigard Sand & Gravel, the evolution of the site and the major topsoil displacement.

Please contact me at (503) 691-3018 or Associate Planner Stacy Hopkins at (503) 691-3028 if we may be of further assistance.

Cordially,

Douglas R. Rux, AICP
Community Development Director

Attachments:

1. Notice of Decision, Tigard Sand & Gravel, Five-Year Review of Conditions
2. Study Area 48 (Partial) zoning
3. Aerial photographic chronology of Tigard Sand & Gravel

CC: Dick Benner
Steve Wheeler
Brenda Braden
Jim Jacks
Stacy Hopkins



Washington County
Department of Land Use and
Transportation
Land Development Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

NOTICE OF DECISION & STAFF REPORT

PROCEDURE TYPE II

CPO: 10

RURAL/NATURAL RESOURCE PLAN

LAND USE DISTRICT:

EFU (Exclusive Farm Use); EFC (Exclusive Forest Conservation); MAE (Land Extensive Industrial); AF-5 (Agriculture & Forestry); AF-20 (Agriculture & Forestry); Dist A (quarry) Dist B (Mineral/Aggregate Overlay); FD-10 (Future Development 10 Acres).

PROPERTY DESCRIPTION:

ASSESSOR MAP & LOT#: 2S1 27C 300, 400, 800, 900; 2S1 27D 300; 2S1 28D 900; 2S1 33 101; 2S1 34A 2001; 2S1 34B 100, 200, 300, 400, 700, 800; 2S1 34C 500

SITE SIZE: 304.61 acres

ADDRESS: 21455 SW 120th Ave; 21940 SW Dahlke Ln; & 22280 SW McCammant Rd.

PROPOSED DEVELOPMENT ACTION Five-Year Review of Conditions for the Mineral & Aggregate Operation Approved via Casefile 92-715-RC/Q, and Modification of Condition D. of that Casefile to Extend Mineral & Aggregate Extraction on Tax Lot 2S1 27D 300.

October 5, 1998

DECISION:

Approval _____ Approval with Conditions _____ Denial _____

Signature _____ Date _____

Kathy Lehtola, Assistant Director

Attachments

- A. -- Vicinity Map
- B. -- **CONDITIONS OF APPROVAL**
- C. -- Staff Report
- D. -- Copy of Agreement Dated June 22, 1998, between Tigard Sand and Gravel and City of Tualatin
- E. -- Appeal Information

CASEFILE: 98-216-RC/Q/MOD

APPLICANT:

Tigard Sand & Gravel
Roger Metcalf/Anthony Urbanek
2770 NW Rogers Circle
Troutdale OR 97060

CITY OF TUALATIN
RECEIVED

SEP - 4 2002

ECONOMIC DEVELOPMENT

APPLICANT'S REPRESENTATIVE:

Michael J. Lilly, Esq.
1SW Columbia, Suite 1850
Portland OR 97258

OWNER:

Oregon Asphaltic Paving
(Same address as applicant)

LOCATION: On the west side of SW 120th Ave approx 650 ft south of its intersection with SW Tualatin-Sherwood Rd; on the east side of SW Dahlke Ln approx 2500 ft south of its intersection with SW Tualatin-Sherwood Rd; and on both sides of SW McCammant Rd approx 1300 ft north of its intersection with SW Tonquin Loop Rd.



Washington County
 Department of Land Use and
 Transportation
 Land Development Services
 155 N First Ave, Suite 350
 Hillsboro, OR 97124

CASEFILE: 98-216-RC/Q/MOD

NOTICE OF DECISION

PROCEDURE TYPE II

CPO: 10

RURAL/NATURAL RESOURCE PLAN

LAND USE DISTRICT:

EFU (Exclusive Farm Use); EFC (Exclusive Forest Conservation); MAE (Land Extensive Industrial); AF-5 (Agriculture & Forestry); AF-20 (Agriculture & Forestry); Dist A (quarry) Dist B (Mineral/Aggregate Overlay); FD-10 (Future Development 10 Acres); City of Tualatin.

PROPERTY DESCRIPTION:

ASSESSOR MAP & LOT#: 2S1 27C 300, 400, 800, 900; 2S1 27D 300; 2S1 28D 900; 2S1 33 101; 2S1 34A 2001; 2S1 34B 100, 200, 300, 400, 700, 800; 2S1 34C 500

SITE SIZE: 304.61 acres

ADDRESS: 21455 SW 120th Ave; 21940 SW Dahlke Ln; & 22280 SW McCammant Rd.

APPLICANT:

Tigard Sand & Gravel
Roger Metcalf/Anthony Urbanek
2770 NW Rogers Circle
Troutdale OR 97060

APPLICANT'S REPRESENTATIVE:

Michael J. Lilly, Esq.
1SW Columbia, Suite 1850
Portland OR 97258

OWNER:

Oregon Asphaltic Paving
(Same address as applicant)

LOCATION: On the west side of SW 120th Ave approx 650 ft south of its intersection with SW Tualatin-Sherwood Rd; on the east side of SW Dahlke Ln approx 2500 ft south of its intersection with SW Tualatin-Sherwood Rd; and on both sides of SW McCammant Rd approx 1300 ft north of its intersection with SW Tonquin Loop Rd.

PROPOSED DEVELOPMENT ACTION Five-Year Review of Conditions for the Mineral & Aggregate Operation Approved via Casefile 92-715-RC/Q, and Modification of Condition D. of that Casefile to Extend Mineral & Aggregate Extraction on Tax Lot 2S1 27D 300.

October 5, 1998

DECISION:

Approval _____ Approval with Conditions _____ Denial _____

Signature _____ Date _____

Kathy Lehtola, Assistant Director

- Attachments A. -- Vicinity Map
 B. -- **CONDITIONS OF APPROVAL**
 C. -- Appeal Information

Attachment B
**CONDITIONS
OF APPROVAL**

I. All conditions of approval of Casefiles 85-197-Q and 92-715-RC/Q continue to apply.

II. Condition D. of Casefile 92-715-RC/Q is amended as follows:

D. Obtain approval for Termination of the Mineral and Aggregate Overlay District Designation for tax lot 300 (2S1 27D) via a Type IV Procedure (Section 379-16). This request shall be submitted to the Washington County Planning Division, accompanied by the appropriate fees and application materials. This request shall be submitted no later than May 26, 2003, the date specified as the termination date for quarry activities on tax lot 300 (2S1 27D) in the agreement with the City of Tualatin dated June 22, 1998. If a subsequent agreement is formed with the City of Tualatin, the request shall be submitted no later than the date specified in the subsequent agreement as the termination date for quarry activities on that parcel.

III. Within Fifteen (15) Years of the Date of Approval of Casefile 85-197-Q (by 7/10/00), the Applicant Shall:

Submit a Type II application request for Review of Conditions of Casefiles 85-197-Q, 92-715-RC/Q, and 98-216-RC/Q.

Attachment C STAFF REPORT

I. APPLICABLE STANDARDS:

- A. Washington County Comprehensive Framework Plan
(Rural/Natural Resource Plan Element)
- B. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-2 (Type II, Procedure)
 - Section 207-5 (Conditions of Approval)
 - 2. Article III, Land Use Districts:
 - Section 309 (FD-10 District Standards)
 - Section 340 (EFU District Standards)
 - Section 342 (EFC District Standards)
 - Section 344 (AF-20 District Standards)
 - Section 348 (AF-5 District Standards)
 - Section 354 (R-IND District Standards)
 - Section 356 (MAE District Standards)
 - Section 379 (Mineral And Aggregate Overlay District)
 - 3. Article IV, Development Standards:
 - Section 403 (Applicability)
 - Section 423 (Environmental Performance Standards)
 - 4. Article V, Public Facilities and Services:
 - Section 501-9 (Limited application of the Public Facilities and Services Standards Outside the UGB)
- C. 1988 Washington County Transportation Plan

II. AFFECTED JURISDICTIONS

State of Oregon, Department of Geology & Mineral Industries (DOGAMI)
City of Tualatin
The Metropolitan Services District (Metro)

III. FINDINGS

A. Background

- 1. On April 15, 1998, the applicant submitted a request for the Five-Year Review of Conditions for Casefile 92-715-RC/Q for Quarry Operation. In addition, on July 13, 1998, the applicant added a request to modify Condition D. of the 1992 casefile to extend the length of time the applicant may continue mineral and aggregate extraction on tax lot 2S1 27D 300.

Operations on tax lot 2S1 27D 300 were originally addressed in the 1992 casefile, when it was determined the quarry operation had already been expanded onto that parcel without benefit of land use approval. Tax lot 300 was at that time within the Tualatin city limits; quarry activities were (and still are) not permitted within the city limits. Conditions of approval of Casefile 92-715-RC/Q required the applicant to work with Metro, the

County, and the City of Tualatin to resolve the issue. Since 1992, tax lot 300 has been de-annexed from the City and an agreement signed between the applicant and the City to allow mineral and aggregate extraction on the parcel until May of 1998. The applicant wishes to continue operations on that parcel and has extended the agreement with the City. Casefile 92-715-RC/Q was the first land use review for use of tax lot 300 in the quarry operation; the current casefile is the first review of conditions for operations on that parcel.

2. Quarry activities on the site were first approved in October of 1965 (CU-26-65). Casefile CU-16-67 added additional tax lots for mining and crushing. Casefile 70-338-C was a renewal of the rock crushing operation on tax lot 100 (2S1 34B) and 900 (2S1 27C). Casefile 72-206-C was a renewal of CU-16-67. Casefile 76-39-C was a renewal of Casefile 70-338-C and approved the addition of a batch plant and deletion of a portion of tax lot 100 (2S1 34B). Casefile 81-113-C was a review of Conditions of 76-39-C and 72-206-C. Casefile 85-197-Q was approved on 7/10/85 and consolidated all the conditional use permits on the site under one permit incorporating the conditions of approval of Casefiles 76-39-C and 72-206-C. Casefile 88-75-M was the initial (late) six month review of the Conditions of Approval for Casefile 85-197-Q. Casefile 92-715-RC/Q was approved on 6/9/94; this was the five-year review of conditions for Casefile 85-197-Q and the first land use review for quarry operations on tax lot 300 (2S1 27D). The current application is the third review of conditions for the majority of the quarry operation and the second first review of conditions for tax lot 300 (2S1 27D).

The current casefile is a five-year review of conditions for Casefile 92-715-RC/Q; since this is a review of the entire quarry operation it is also by extension a review of conditions of Casefile 85-197-Q. Staff notes the ten-year review for Casefile 85-197-Q should have occurred in 1995.

3. By expanding onto tax lot 300 (2S1 27D) the applicant had created the following violations:
 - The 20 sideyard requirements for tax lot 900 (2S1 27C).
 - City of Tualatin land use regulations for tax lot 300 (2S1 27D) which did not permit mineral extraction.
 - The conditions of their DOGAMI Operating Permit.
4. Between October, 1992, and April, 1993, the applicant met with representatives of the County and the City to develop an agreement to correct the violation regarding use of tax lot 300 (Attachment D). The agreement was signed in May of 1993. The agreement required the applicant to obtain approval for de-annexation of the parcel from the City

through Metro; obtain a plan amendment to designate the parcel as Industrial and District A in the County; obtain approval for a reclamation plan from DOGAMI; and then obtain a quarry operation permit from the County. The agreement also placed stringent limitations for the quarry operation on the parcel and on the reclamation plan. Essentially, the agreement allowed the applicant do some limited mineral extraction from the parcel in order to implement the reclamation plan. The activity was limited to a five-year timeframe starting May 7, 1993. The agreement also set specific requirements for the reclamation plan. The applicant and the City have since revised the agreement to allow mineral extraction for another five years (to May 2003). Staff notes a condition of approval of this application specifies the applicant shall initiate proceedings for removal of the mineral and aggregate overlay from tax lot 300 (2S1 27D), no later than May, 2003, or as specified in subsequent agreements with the City.

5. On July 1, 1993, the Metro Boundary Commission approved a request to de-annex the portion of tax lot 300 (2S1 27D) west of the Oregon Electric Railroad right-of-way from the City of Tualatin.
6. On October 26, 1993, the Washington County Board of Commissioners adopted Legislative Plan Amendment Ordinance 440, which designated the portion of tax lot 300 (2S1 27D) west of the Oregon Electric Railroad right-of-way as IND and established Mineral and Aggregate Overlay District A on the site.
7. On May 10, 1994, DOGAMI approved an operating permit for the entire site which included tax lot 300 (2S1 27D). Approval of an operating permit by DOGAMI includes approval of a reclamation plan for all subject parcels.
8. The quarry site, with the exception of tax lot 300 (2S1 27D), is within adopted Urban Reserve Area 44. Per the June 22, 1998, agreement with the City of Tualatin, Tigard Sand and Gravel will pay for and prepare a master plan for the area within the Urban Reserve.

Staff notes tax lot 300 (2S1 27D) is not within an Urban Reserve Area; during previous land use reviews it was part of an Urban Reserve Study Area, but was not within one of the areas adopted in February 1997. This parcel will be re-annexed back into the city at termination of quarry activities on the site.

B. Previous Conditions of Approval:

The following are the Conditions of Approval from Casefile 92-715-RC/Q. Staff notes Condition E. of Casefile 92-751-RC/Q erroneously requires a review of conditions five years from the date of approval of Casefile 85-

197-Q (by 7/10/95), when the specified date would actually have been ten years from the date of review. The current application was submitted on 4/15/98 and was not submitted within the specified time frame; however, approval of this application brings the applicant into compliance with this condition. A condition of approval of this application requires a subsequent review of conditions application be submitted by 15 years from the date of approval of the 1985 casefile (by July 10, 2000). The conditions of approval for the 1992 casefile are as follows:

Casefile 92-715-RC/Q:

“Since this request contains two basic components and it is possible for one to be approved without the other, Staff’s recommendations are in two parts depending on which components are approved.

Approval of this request is subject to the following Code Regulations and Departmental Conditions:

A. WITHIN 60 DAYS OF APPROVAL:

With the request for final approval, the applicant shall submit the following to the Land Development Division:

1. Submit a site plan for tax lot 300 (2S1 27D), prepared and stamped by a registered professional surveyor, showing the following items (Section 379):
 - a. The north, east, and south property lines;
 - b. The District A boundary on the site; and
 - c. The existing mineral and aggregate extraction area with a minimum setback of 100' from the District A boundary on the site;
2. Submit a fencing plan for the north property line which meets the requirements of Section 379-13.2.

STAFF:

The applicant has submitted a site plan for the entire quarry site, including tax lot 300 (2S1 27D), and stamped by an engineer. The site plan shows all property lines, the District A boundary, and the mineral and aggregate extraction area.

A fencing plan was also required. In casefile 92-715-RC/Q, staff made findings that fencing along the northern property line of the quarry operation would need to be repaired or new fencing installed consistent with Section 379-13.2 (cyclone fencing). The applicant explains that a

barbed wire fence was in place in 1992 but was in need of repair. The applicant states the barbed wire fence has been repaired and requests that no additional fencing be required since trespassing has not been a problem. Staff concurs that repair of the barbed wire fence satisfies the intent and purpose of Condition A.2. of the 1992 casefile.

B. Within 90 days of this Approval, Construct the Fence approved in Condition A.2.

STAFF: See the discussion under A., above.

C. Comply with the requirements of the agreement (Attachment D) between the City of Tualatin and the Applicant.

STAFF: As stated previously, the applicant has entered into an agreement with the City of Tualatin to extend quarry operations on tax lot 300 (2S1 27D) to the year 2003. Staff concurs the applicant is in compliance with the requirements in the agreement.

D. Obtain approval for Termination of the Mineral and Aggregate Overlay District Designation for tax lot 300 (2S1 27D) via a Type IV Procedure (Section 379-16). This request shall be submitted to the Washington County Planning Division, accompanied by the appropriate fees and application materials, no later than May 7, 1998.

STAFF: The applicant requests modification of this condition. This condition required termination of the District A overlay on tax lot 300 (2S1 27D) by the date specified in the original agreement with the City of Tualatin. The applicant and the City have since entered into a revised agreement which allows quarry operations on the subject parcel until 2003. Accordingly, staff concurs the condition should be modified to require termination of the District A overlay by the date specified in the applicant's agreement with the City (see also Section 207-5.7 of this staff report). The applicant is therefore in compliance with the modified condition.

E. Within Five (5) Years of the Date of Approval of Casefile 85-197-Q (by 7/10/95), the Applicant Shall:

Request a Periodic Review of the mineral and aggregate operation for the entire operation (Type II procedure).

STAFF: The current application satisfies this requirement for a five-year review of conditions. Staff notes the above condition was apparently in error, as the specified date would have been ten years from the date of approval of the 1985 casefile. Staff has added a condition to the current approval to

require a review of conditions application be submitted by 15 years from the date of approval of the 1985 casefile (by 7/10/00) (see Attachment B).

F. Miscellaneous Conditions:

1. The quarry is subject to development standards listed in Section 379-13 (including setbacks for extraction area and processing area).
2. The applicant must comply with all applicable Oregon Department of Environmental Quality and Department of Geology and Mineral Industries standards.
3. The hours of operation for the quarry operation (including hauling of rock) shall be limited to (unless exception is granted through Section 379):

6 a.m. to 8 p.m., Monday through Saturday

No operation Sunday or Holidays specified in Section 379-13.4.

4. Blasting shall be restricted to the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays or the following holidays:
 - a. January 1
 - b. Memorial Day
 - c. July 4
 - d. Labor Day
 - e. Thanksgiving Day
 - f. December 25
5. Access for loaded trucks is limited to SW 120th Avenue.
6. All storage of explosives shall conform to the Oregon Safety Code for Places of Employment, CH 13 (Handling and Use of Explosives and Blasting Agents).
7. Prior to mining the new areas, the applicant shall submit a reclamation plan approved by the State.

STAFF:

The applicant states no changes in the quarry operation have occurred since the 1992 approval. Hours and days of operation are unchanged. Access continues to be taken from SW 120th Avenue.

The applicant has filed a Reclamation Plan for tax lot 300 (2S1 27D) to DOGAMI (Department of Geology and Mineral Industries), on May 10, 1994.

Based on the above analysis, Staff finds the quarry operation is being operated within the requirements of the conditions of approval of Casefile 92-715-RC/Q, with the exception of Condition D; approval of the applicant's request for modification of Condition D will bring the operation into compliance with all conditions of approval of Casefile 92-715-RC/Q. This request will satisfy these conditions.

C. Letters of Comment:

1. Two letters of comment were received during the public notice period for this project. One letter is from the City of Tualatin, stating the City does not oppose the extension of time for quarry activities on tax lot 300 (2S1 27D). In the letter the City also recommends continuation of the conditions of approval and continued reviews to address any future negative effects which may arise.

The second letter is from the two owners of two neighboring parcels. In the letter the property owners state the quarry operation should be removed from the area because of the danger the blasting poses to surrounding residents, and because of the impacts current residents are experiencing such as noise, dust, and traffic.

Staff responds to the second letter by noting the quarry operation is on a site designated as a Mineral and Aggregate Overlay District A and a Goal 5 resource pursuant to the Oregon Statewide Planning Goals. Ordinance 440 established the Mineral and Aggregate Overlay District A on tax lot 300 (2S1 27D). The findings for Ordinance 440 addressed the goals and found the proposal to be in compliance with those goals. Since tax lot 300 (2S1 27D) was found to be in compliance with the Statewide Planning Goals with the adoption of Ordinance 440, approval of this request is also in compliance with those goals.

In the letter the commentors state "the constant noise impairs our ability to use our property." The commentors also state the property cannot be used for housing due to noise, and cannot be used for any type of manufacturing because of vibration caused by the quarry operation. Excessive truck traffic on SW 120 Street is also noted.

APPLICANT'S RESPONSE: First, we would like to make it clear that the horizontal boundaries of the excavation near the [commentors's] property are not going to change as a result of this 5 year review. The company's agreement with the City of Tualatin continues to prohibit mining further east into the tree line. The company will continues [sic] to honor that

agreement. This agreement was a compromise reached with the City, and the one in which the company gave up the possibility of mining a very substantial amount of rock in order to avoid or reduce impacts on uses to the east. That compromise has had beneficial side effects for the [commentors's] property to the north since it limits Tigard Sand and Gravel's horizontal expansion in the northeast corner of the property. The company is continuing to observe the setbacks required by both the City and County and is not seeking to change those requirements.

The [commentors's] property is zoned by the City of Tualatin for general manufacturing (MG). This is the City's most intensive industrial manufacturing zone, and it allows uses which are compatible with the quarrying operation. The [Tualatin Development Code] does not allow residential dwellings except as conditional uses for such things as a caretaker residence (see 61.040 and 60.040). Consequently compatibility with residential uses on the [commentors's] property should not be an issue.

Tigard Sand and Gravel strongly disagrees with the contention that there is a safety issue related to their blasting. The company has an excellent safety record and manages its blasting so that it will not create "fly rock". Flying rocks are avoided by setting the charges deep in the rock, and as a result, the risk of flying rock is completely eliminated. The company's blasting activities are licensed and regulated.

The company carefully complies with all state noise regulations, and in any event the primary uses of the [commentors's] property will not be noise sensitive.

With regard to the company's truck traffic, Tigard Sand and Gravel has a good safety record and is doing all that it can to minimize its impact in this respect. The County's current conditional use permit requires the company to use only the northern access to the property. This in turn requires all of the truck traffic to be routed to Tualatin-Sherwood Road. The company would be willing to divert some of that traffic to the south if a southerly access can be worked out, and if the County would permit the use of a southern access.

The suggestion that the company operation should be "removed to a rural area" is simply unrealistic. The company's operations have to occur where high quality rock is available. The supply of high quality rock in the region is extremely limited and the availability of alternate sites is virtually non-existent. In fairness it must also be recognized that the quarry was and still is in a rural area, and is still surrounded by vacant land, farm land, industrial uses, a gun club, and other quarries.

STAFF RESPONSE: Staff responds to the issues raised in the comment letter by stating no documented complaints are found in the County records regarding noise, vibration, blasting, or traffic associated with the quarry operation. The applicants have provided information indicating the quarry is operated within the standards set forth in the Code, and those set forth by DEQ regarding noise and vibration. If noise, vibration, or blasting are creating problems to adjacent residences, specific instances need to be documented or some evidence provided to demonstrate the current situation is not satisfactory and needs to be improved. Staff also notes the DEQ standards are not enforced by the County but by the DEQ. The County does have the ability to establish certain conditions of approval intended to better insulate the quarry operation. Should evidence be submitted to demonstrate previously established conditions of approval have not been sufficient, staff could potentially require further screening, buffering, etc.. Since no specific problem or evidence has been submitted, staff believes insufficient information has been provided to demonstrate a problem exists or that additional conditions of approval need to be established for continued operation of the quarry.

B. Comprehensive Framework Plan (Rural/Natural Resource Plan Element):

STAFF: The goals and policies which relate to the development of land are implemented by the Code. The applicant is not required to address, consider or implement any goal, policy or strategy of the Plan except where required by the Code.

The Rural/Natural Resource Plan does not identify any Significant Natural Resources on this site.

C. Washington County Community Development Code:

1. Article II, Procedure:

Section 202-2 Type II

202-2.1 Type II land use actions are presumed to be appropriate in the District. Type II uses generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

STAFF: This application is being processed through the Type II procedure of the Community Development Code. A public notice was sent to surrounding property owners within 1000 feet of the quarry site. A public notice sign was posted on the site in conjunction with this notice. Two comment

letters were submitted in response to the public notice. Where appropriate, additional conditions of approval will be imposed to ensure compliance with the standards of the Code and other County regulations, and to minimize identified impacts upon surrounding properties.

Section 207-5 Conditions of Approval:

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this code.

STAFF: The applicant shall comply with all of the applicable Code regulations and Departmental conditions.

207-5.7 Modification or Removal of Conditions

Modification or removal of conditions of approval may be sought on appeal or as a new development action. A new development action shall be processed through the same procedure as was used to impose the conditions. Modification or removal of conditions of approval shall only be granted if the Review Authority determines that:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions to correct the mistake; or
- B. The condition(s) could not be implemented for reasons beyond reasonable control of the permit holder and the modification will not require a significant modification of the original decision; or
- C. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- D. The different condition(s) would better accomplish the purpose of the original condition.

STAFF: The applicant requests modification of Condition D. of Casefile 92-715-RC/Q, pursuant to C., above. Condition D. currently reads as follows:

- D. **Obtain approval for Termination of the Mineral and Aggregate Overlay District Designation for tax lot 300 (2S1 27D) via a Type IV Procedure (Section 379-16). This request shall be submitted to the Washington County Planning Division, accompanied by the appropriate fees and application materials, no later than May 7, 1998.**

Through a review of the staff report, findings, and comment letters for Casefile 92-715-RC/Q, staff has determined the intent of the condition was to allow quarry operations on tax lot 300 (2S1 27D) only with the approval of the City of Tualatin and for only as long as the City finds acceptable.

Staff notes the applicant had an agreement with the City, which stipulated that quarry activities could occur only until May 7, 1998. On June 22, 1998, the City and the applicant formed a new agreement allowing quarry activities until May of 2003. Staff believes the revised agreement and the revised condition still meet the intent and purpose of the original condition, in allowing use of tax lot 300 by Tigard Sand and Gravel for as long as there is concurrence with the City of Tualatin. Staff recommends the condition be modified as follows:

- D. **Obtain approval for Termination of the Mineral and Aggregate Overlay District Designation for tax lot 300 (2S1 27D) via a Type IV Procedure (Section 379-16). This request shall be submitted to the Washington County Planning Division, accompanied by the appropriate fees and application materials. This request shall be submitted no later than May 26, 2003, the date specified as the termination date for quarry activities on tax lot 300 (2S1 27D) in the agreement with the City of Tualatin dated June 22, 1998. If a subsequent agreement is formed with the City of Tualatin, the request shall be submitted no later than the date specified in the subsequent agreement as the termination date for quarry activities on that parcel.**

2. Article III, Land Use District:

Section 309, FD-10 District Standards

STAFF:

Tax lot 300 (2S1 27D), which was de-annexed from the City of Tualatin, now has a land use designation of FD-10. All of tax lot 100 (2S1 34A) and tax lot 300 (2S1 27D) have a land use designation of FD-10. Tax lot 100 (2S1 34A) is designated as Mineral and Aggregate Overlay District A. The tax lot 301 (2S1 27D) is designated as Mineral and Aggregate Overlay District B. This application includes only that portion of the subject parcels which is designated District A. All Code requirements

relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 340, EFU District Standards

STAFF: Tax lots 300, 400, 800, and 900 (2S1 27C) have been designated as Mineral and Aggregate Overlay District A. All Code requirements relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 342, EFC District Standards

STAFF: Tax lot 900 (2S1 28D) have been designated as Mineral and Aggregate Overlay District A. All Code requirements relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 344, AF-20 District Standards

STAFF: Tax lot 101 (2S1 33); tax lots 100, 200, and 700 (2S1 34B); and tax lot 500 (2S1 34C) have been designated as Mineral and Aggregate Overlay District A. All Code requirements relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 348, AF-5 District Standards

STAFF: Tax lot 800 (2S1 34B) has been designated as Mineral and Aggregate Overlay District A. All Code requirements relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 354, R-IND Rural Industrial District Standards

STAFF: Tax lots 300 and 400 (2S1 21C) have been designated as Mineral and Aggregate Overlay District A. All Code requirements relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 356, MAE District Standards

STAFF: Tax lots 300, 400, and 2001 (2S1 34B) have been designated as Mineral and Aggregate Overlay District A. All Code requirements relating to the operation of a quarry are outlined in Section 379 which is discussed later in this report.

Section 379, Mineral and Aggregate Overlay District

379-1 Intent and Purpose

379-1.1 The purpose of the Mineral and Aggregate Overlay District is to protect mineral and aggregate resources for future use, to provide for the development and utilization of resources currently needed for economic development consistent with the requirements of LCDC statewide Goal 5 and to regulate resource extraction and processing activities to balance their impact on existing adjacent land uses.

379-1.2 The intent of the Mineral and Aggregate Overlay District is to:

- A. Provide for public awareness of existing and potential mineral and aggregate resource extraction and processing activities;
- B. Establish clear and objective operational standards for the extraction and processing of mineral and aggregate resources;
- C. Simplify the review and permit processes for mineral and aggregate resource extraction and processing activities;
- D. Ensure the reclamation of lands after mineral and aggregate resources extraction activities are completed;
- E. Balance significant Goal 5 resources when evaluating and designating new mineral and aggregate sites; and
- F. Protect significant aggregate resources from new conflicting uses.

STAFF:

This district has been acknowledged by LCDC as being in compliance with LCDC Goals and State laws. It is intended to protect mining operations and allow these resources to be developed and utilized for economic development consistent with LCDC Goal 5. It also regulates the activities to minimize their impact on adjacent land uses.

379-2 Application of the Mineral and Aggregate Overlay District

379-2.1 The Mineral and Aggregate Overlay District shall consist of two distinct elements, District A and District B.

379-2.2 "District A" may be applied only in the FD-10, EFU, EFC, AF-20, AF-10, AF-5, RR-5, MAE, R-IND and IND Districts.

379-2.3 "District B" may be applied to any Land Use District.

STAFF: This site is in the FD-10, EFU, EFC, AF-20, AF-5, MAE, and R-IND Districts with a District A Mineral and Aggregate overlay.

379-7 Uses Permitted Through a Type II Procedure in District A

The following uses are permitted subject to the applicable standards as set forth in Article IV and Sections 379-13 and 379-14.

379-7.1 Mining or quarrying operations for the extraction of rock, clay, soil, sand, gravel or other minerals

379-7.2 The following uses when in conjunction with a mineral and aggregate extraction operation:

- A. Crushing, washing and screening of mineral and aggregate materials;**
- B. Stockpiling of mineral and aggregate materials and earth products;**
- C. An office, shop or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment;**
- D. Sale of products produced from a mineral and aggregate extraction and processing operation;**
- E. One detached dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman;**
- F. Asphalt batch plant, except in the EFU and AF-20 Districts;**
- G. Concrete batch plant;**
- H. Asphalt batch plant in the EFU or AF-20 Districts, except when located within two (2) miles of a planted vineyard. Batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and**
- I. Storage of equipment or machinery necessary for mineral and aggregate extraction or processing.**

STAFF: The applicant has requested a quarry operating permit for the extraction of rock on tax lot 300 (2S1 27D). This use is permitted as a Type II use. The agreement between the applicant and the City of Tualatin (Attachment D), limits the activities on this parcel to items A. and B. The applicant has not requested any other use of this parcel at this time.

All of the above uses are permitted within the boundaries of the existing quarry operation which includes tax lot 300 (2S1 27D). All of these uses must continue to comply with Section 379-13 and Section 379-14. In Casefile 85-197-Q the existing batch plants were considered a nonconforming use because they were permitted on the site before July, 1982. In July, 1982, State Law changed to prohibit batch plants in the EFU and AF-20 Districts (CDC 379-7.2 F.). In 1989, State law was changed again to permit batch plants in the EFU and AF-20 Districts if they were not located within two miles of an existing vineyard (ORS 215.298, CDC 379-7.2 H.) or were existing before October 3, 1989. Since the existing batch plants were permitted on the site before October 3, 1989, the applicant could choose to remove the nonconforming status. This would require an impact analysis review of the batch plant locations through a Type II procedure (ORS 215:296). This request is not part of this review, therefore the batch plants are still considered nonconforming and subject to the standards of Sections 379-17 or 440 (Nonconforming Uses).

379-13 Development Standards - District A

An applicant shall submit a plan for a mineral and aggregate resource extraction site, prepared by a certified geologist, mining engineer, engineering testing firm or other qualified personnel, which demonstrates compliance with the following standards:

379-13.1 Dimensional Requirements

A. Lot Area:

The minimum area shall be that necessary to meet setback requirements in Section 379-13.1(B).

STAFF: It will be demonstrated under Section 379-13.1B that the site has sufficient area to operate within the setback requirements.

B. Setbacks:

(1) Mineral and aggregate extraction

- (a) One-hundred (100) feet from any District A boundary.
- (b) Five-hundred (500) feet from a noise sensitive use existing at the time this District was applied.
- (c) When a District A boundary abuts another District A boundary or a designated mineral or aggregate resource in an adjacent county, no setback for mineral and aggregate extraction is required along the common boundary line.

STAFF:

A majority of the existing quarry site was approved prior to the above requirements and is therefore not subject to these requirements. The pre-1985 quarry site is subject to Section 379-17 and Section 440. Tax lots 800 (2S1 27C), 900 (2S1 28D), 101 (2S1 33), 300 (2S1 34A), and 2001 (2S1 34A) were added to the quarry site as a part of Casefile 85-197-Q and are therefore subject to the above requirements. Tax lot 300 (2S1 27D) was added to the quarry site following Casefile 92-715-RC/Q and is subject to the above requirements.

In one of letter of comment received regarding this application the commentors expressed concern over the location of a quarry within 280 feet of their dwelling. A dwelling is considered a noise sensitive use. A review of the applicant's aerial photo, however, indicates that there are no noise sensitive uses within 500 feet of the parcel's north property line. The dwelling indicated by the commentors lies to the north of tax lot 900 (2S1 27D) and to the northwest of tax lot 300 (2S1 27D), and is more than 500 feet from the nearest portion of the quarry property.

This Code section requires a minimum setback from the District A boundary of 100 feet.

In the 1992 casefile the applicant's site plan did not address the 100 foot setback requirement to the south of the tax lot 300 (2S1 27D). The geologic evaluation (prepared by Jerry Lewis & Associates, located in Casefile 92-715-RC/Q) stated that no setback was required because the parcels are part of an active quarry site. Tax lot 100 (2S1 34B) is part of the active quarry site and designated as District A. However, tax lot 2000 (2S1 34A), which is owned by the applicant, is not designated as District A, has not been approved by the County for mineral extraction, and is not included in the reclamation plan on file with DOGAMI. Therefore, as a condition of approval of Casefile 92-715-RC/Q, the applicant has provided a survey (prepared and stamped by a registered professional surveyor) of the parcel (2S1 27D 300) which shows the property lines and the boundaries of the existing quarry activities. The site plan verifies quarry

activities are at least 100 feet from the northern, southern, and eastern property lines and meet the 100 foot setback requirements.

Staff finds that the existing quarry uses which were approved in Casefiles 85-197-Q and 92-715-RC/Q, comply with the requirements of that approval or will with satisfaction of conditions.

(2) Processing of mineral and aggregate materials

- (a) Five-hundred (500) feet from any District A boundary.
- (b) Seven-hundred and fifty (750) feet from a noise sensitive use existing at the time this District is applied.

(3) Office, shop or other accessory structure

- (a) Fifty (50) feet from an exterior property line.
- (b) One-hundred (100) feet from a noise sensitive use existing at the time this District is applied.

(4) Detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman.

- (a) Fifty (50) feet from the front property line.
- (b) Ten (10) feet from a side or rear property line.

(5) Storage of operational or nonoperating equipment for the production and/or processing of mineral and aggregate materials.

- (a) Fifty (50) feet from any District A boundary.
- (b) One-hundred (100) feet from a noise sensitive use existing at the time this District is applied.

(6) Storage of overburden to be saved for reclamation uses may be allowed within setbacks subject to conformance with the reclamation plan.

C. Height:

The maximum height of any structure, except mineral and aggregate processing equipment, shall be thirty-five (35) feet.

D. Signs:

Maximum sign area shall not exceed thirty-five (35) square feet per entrance.

STAFF:

A majority of the existing quarry site was approved prior to the above requirements. The existing operation is not required to comply with the setback requirements of the District to the extent that such imposition would interfere with the existing use on the site (Section 379-17.2).

Tax lots 800 (2S1 27C), 900 (2S1 28D), 101 (2S1 33), 300 (2S1 34A), and 2001 (2S1 34A) were added to the quarry site as a part of Casefile 85-197-Q and are subject to the above requirements. Tax lot 300 (2S1 27D) was added as part of Casefile 92-715-RC/Q and is also subject to the above. The applicant has submitted a plan for the resource extraction which demonstrates compliance with the above standards. The plan was prepared by a registered professional engineer who specializes in geotechnical engineering. The applicant has met the standards contained in the above Sections for the existing quarry site.

379-13.2 Screening and Fencing

- A. Adequate screening with indigenous plantings shall be preserved or established, wherever possible, to screen the view of the site and all related equipment from any public road, urban land use district and any existing noise sensitive use located within one thousand (1000) feet of the site. The appropriate type of screening and buffering in Section 411 shall be determined by the Review Authority. For the purpose of determining the appropriate screening and buffering type, mineral and aggregate extraction shall be considered an industrial use.
- B. Fencing shall be required to eliminate any safety hazards that use of site may create for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the Review Authority.

STAFF:

A majority of the existing quarry site was approved prior to the above requirements. The existing operation is not required to comply with the screening and fencing requirements of the District to the extent that such

imposition would interfere with the existing use on the site (Section 379-17.2).

Tax lots 800 (2S1 27C), 900 (2S1 28D), 101 (2S1 33), 300 (2S1 34A), and 2001 (2S1 34A) were added to the quarry site as a part of Casefile 85-197-Q and are therefore subject to the above requirements. Tax lot 300 (2S1 27D) was added as part of Casefile 92-715-RC/Q and is also subject to the above. The screening and fencing were discussed as a part of the review and approval of Casefile 92-715-RC/Q and continue to be adequate at this time.

The property to the north of tax lot 300 (2S1 27D) is designated as Industrial on the City's Comprehensive Plan and the land to the east and the south is FD-10 on the County's Community Plan. At the time of the 1992 review, there was a fence along the north property line which was in need of some repair. The existing elevation of the quarry activities on the site is below that of the neighboring parcel. Since this could be a potential safety problem the applicant was required via conditions of approval of the 1992 casefile to either repair or install a fence along the north property line which meets the requirements of Section 379-13.2B. prior to commencing quarry operations on the site. There are no noise sensitive uses within 1000 feet to the north of tax lot 300 (2S1 27D).

The applicant states the barbed wire fence along the north property line has been repaired, and requests that no additional fencing be required as trespassing has not been observed to be a problem on this site.

Staff concurs the repair of the existing fence consistent with the condition set forth in the 1992 casefile, and staff believes is sufficient to protect the site from trespass and to deter potential trespassers from entering the site and possibly being injured.

The issue was discussed at length in the staff report for Casefile 92-715-RC/Q:

"As a part of the agreement with the City, the applicant has been required to maintain the existing vegetation and the mature stand of trees on the east portion of the tax lot 300 (2S1 27D) and all of tax lot 301 (2S1 27D). In addition to the vegetation, the Oregon Electric Rail line runs through the site and separates the two parcels. The property to the south of tax lot 300 (2S1 27D) is either part of the existing quarry site [tax lot 100 (2S1 34B)] or is owned by the property owner of tax lot 2000 (2S1 34A). Tax lot 2000 (2S1 34A) is currently vacant and covered with vegetation. All quarry activities on the site occur below the elevation of adjacent parcels to the east and south. The vegetation and elevation differences described above provide a significant buffer

between the quarry activities on tax lot 300 (2S1 27D) and noise sensitive uses to the east and south.

"While the quarry activities on the site may pose a potential safety hazard, Staff believes that they are not significant enough to require additional fencing to the east and south. Staff's reasoning for this conclusion is that one would have to trespass over a minimum of 700 feet of private property to reach the mining area.

"Based on the above analysis, Staff believes that with the addition of the fencing to the north, the applicant's proposal meets the requirements of this Section."

Staff concurs with the above analysis. Staff notes one letter of comment received regarding this application expressed frustration with the amount of noise and vibration experienced by properties to the north within the city limits. However, no specific problems were identified to establish when the noise or vibration occurs or where they emanate from. Staff also notes no formal complaints have been received by the County regarding any aspect of the quarry operation. Staff does not believe it is appropriate to require additional screening or buffering to attempt to protect the adjacent properties because the condition could not be tied to a specific problem to be addressed. Accordingly, no additional screening or buffering is required through this application.

379-13.3 Access

- A. All private access roads from mineral and aggregate sites to public highways, roads or streets shall be paved or graveled. If graveled, the access road shall be graded and oiled as needed during the period from June to September to minimize dust.
- B. If access from a mineral and aggregate site uses graveled public highways, roads or streets, the Review Authority shall require the mineral and aggregate site operator to grade and oil these roadways regularly to the extent needed to minimize impacts on adjacent land uses.
- C. An effective vehicular barrier or gate shall be required at all access points to the site.

STAFF:

The entire site's access is via SW 120 Avenue. This road is paved and the access point is gated. Therefore, this request meets the access requirements of Section 379-13.3.

379-13.4 Hours of Operations

A. Blasting shall be restricted to the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays or the following holidays:

(1) January 1

(2) Memorial Day

(3) July 4

(4) Labor Day

(5) Thanksgiving Day

(6) December 25

STAFF:

The operation must observe the requirements of this Section. An exception may be granted through Section 379-13.4B. and no exception has been requested at this time.

Staff notes the 1992 casefile included a condition that hours of operation for the quarry operation (including hauling of rock) shall be limited to 6 a.m. to 8 p.m. Monday through Saturday, and with no operation on Sundays or holidays. The applicant states the quarry operation still maintains these hours.

379-13.5 Environmental Standards

Mineral and aggregate resource extraction, processing and stockpiling shall conform to the applicable standards as set forth in Section 423, Environmental Performance Standards. The applicable noise and emission standards on the effective date of this Ordinance shall be those adopted by the Oregon Department of Environmental Quality as set forth in Oregon Administrative Rules, Chapter 340, dated June 1983. The Board may consider future revisions to these standards. Said revisions may be adopted by the Board by Resolution and Order after a Type III hearing with a generalized notice to all owners of record within two-hundred and fifty (250) feet of District "B" boundary.

STAFF:

See Section 423 of this report.

379-13.6 Safety Standards

- A. All buildings, structures, and equipment used for the production or processing of mineral and aggregate materials shall be maintained in such a manner to assure that such buildings, structures and equipment will not become hazardous.
- B. Access to all mineral and aggregate sites shall be gated and locked when not in operation.

STAFF: The applicant must comply with this section.

379-13.7 Site Reclamation

A site reclamation plan (prepared in conjunction with a State of Oregon surface mining operating permit) which demonstrates that the mineral and aggregate extraction site will be reclaimed for the land uses specified in the Primary District shall be submitted. The reclamation plan shall be prepared by the applicant or the applicant's agent and approved by the State of Oregon Department of Geology and Mineral Industries pursuant to ORS Chapter 517, and the standards and procedures contained in OAR Chapter 632, Division 30 or Division 35, whichever is applicable.

STAFF: The applicant has a valid site reclamation plan approved and issued by the State (DOGAMI). A copy of the current operating permit is in the Casefile. In addition, the applicant's agreement with the City (Attachment D) contains specific timeframes and requirements for the reclamation of tax lot 300 (2S1 27D). Prior to any quarrying activity in new areas, the applicant must submit an approved reclamation plan.

379-13.8 Performance Agreement

- A. The operator of a mineral and aggregate site shall provide the County sufficient evidence on an annual basis that the operator has in full force and effect the bond or security deposit required by ORS 517.810 to assure conformance with the State-required reclamation plan. Failure of the applicant to maintain the required bond or security deposit shall constitute a violation of Section 379.
- B. Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition and such insurance shall be kept in full force and

effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The policy shall be renewed annually with proof of renewal deposited with the County annually. Failure to deposit such policy or to maintain continual insurance coverage shall constitute a violation of Section 379.

STAFF: The applicant is required to comply with this Section.

379-15 Review and Enforcement

379-15.1 Initial Review:

- A. Initial Review of a mineral and aggregate resource operation shall be processed as a Type II action.
- B. Within six (6) months of commencing a mineral and aggregate resource extraction and processing operation, the operator shall submit appropriate evidence, prepared by qualified personnel, documenting that the operation conforms to the standards contained in Section 379-13 and other applicable standards imposed by the Review Authority.
- C. Should the documentation required by Section 379-15.1(B) indicate that the operation does not conform to the applicable standards, the operator shall be given sixty (60) days in which to make necessary modifications. Should the operator fail to make the necessary modifications within the allotted sixty (60) day period, the Planning Director shall begin revocation proceedings as outlined in Section 201-7.

STAFF: The Mineral and Aggregate Overlay District provides a process to review compliance with conditions of approval. That process is termed Initial Review. After the County grants approval to operate a quarry, the operator is required to submit an application for Initial Review documenting compliance with all conditions of approval. The Initial Review application must be submitted within six months of commencing operation of the quarry and also requires a notice to surrounding properties.

If the operation is not in conformance with the conditions of approval, the operator is given 60 days to correct the deficiencies. Failure to comply after the 60 days will result in the Director beginning revocation proceedings to revoke the operating permit.

The County relies on surrounding property owners to notify the County of noncompliance with the conditions. This input can be through two different processes, one being through the 14 day comment period in conjunction with the Initial Review. In order for the County to document problems, it is essential that public comments be received during Initial Review.

The second process is available at any time through Section 215. Section 215 is the enforcement section of the Code. When a written complaint is received, the Code Enforcement officer investigates the alleged violation. If a violation is found to occur, the owner/operator can be cited into District Court.

The initial review for the original quarry was performed under Casefile 88-75-M. For tax lot 300 (2S1 27D) the initial review was included in the review of conditions for Casefile 92-715-RC/Q.

Since the 1992 review, no documented complaints have been received by the County regarding any portion of the quarry operation.

379-15.2 Periodic Review:

- A. Following the initial review of operations required in Section 379-15.1(B), any permit issued to operate a mineral and aggregate operation pursuant to Section 379 shall be reviewed every five (5) years from the date of the initial review to determine whether additional conditions are necessary to bring the operation into compliance with the applicable land use regulations. Notwithstanding this periodic review, the permit may be reviewed by the Director at any time deemed necessary to update the conditions due to amendments to the requirements of this District or primary land use district at the time of the original approval, or if evidence exists that the operation is not in compliance with the conditions of approval. Should it be determined that an operation is not in compliance with the conditions of approval, the Director shall begin revocation proceedings as outlined in Section 201-7.
- B. The Planning Director shall send a notice by first class mail to the operator no less than sixty (60) days prior to the date of the scheduled periodic review.
- C. Periodic review of a mineral and aggregate resource operation shall be processed as a Type II action.

STAFF:

This operation will be reviewed periodically, as required by this Section.

379-15.3 Enforcement:

The Planning Director or his/her authorized designee, or a duly authorized peace officer, may issue a Uniform Citation for violation of Section 379, as provided for in Section 215, Enforcement.

STAFF: The County can assure compliance with the requirements of this permit as provided by Section 215 Enforcement.

Staff finds that the applicable Code requirements have been met for renewal of the Operating Permit for a Quarry. In permitting this quarry there is a reliance on compliance with DEQ standards for noise and air contaminants. There also is reliance on DOGAMI to regulate the quarry operation and reclamation of the site. The County utilizes the five year Periodic Review to determine compliance with DEQ and DOGAMI requirements as well as County conditions of approval. Noncompliance can result in revocation of the permit. At any time, alleged violations of conditions can be investigated through Section 215, Enforcement.

All of the approval standards outlined in this report appear to have been satisfied.

3. Article IV, Development Standards:

Section 403 Applicability

403-2 Master Plan - Minimum Requirements for all Development

STAFF: A master plan meeting the requirements of this section was submitted; a copy is in the Casefile.

Section 423 Environmental Performance Standards

STAFF: This Section requires the quarry operation to comply with State and Federal standards for air quality, odor, noise, storage of hazardous materials, drainage and waste water, radioactive materials, and toxic or noxious matter. This Section also outlines specific standards for vibration, heat and glare, storage, and water. The applicant demonstrated compliance with these standards as a part of the land use approval (Casefile 85-197-Q) and the subsequent reviews (Casefiles 88-75-M, 92-715-RC/Q). The applicant is required to maintain compliance throughout the life of the quarry operations on the site and the reclamation of the site pursuant to the approved reclamation plan.

4. Article V, Public Facilities and Services:

Section 501 Public Facility and Service Requirements

501-9 Limited Application of the Public Facilities and Service Standards Outside the UGB.

501-9.1 For the purpose of determining the impact and adequacy of public facilities and service outside the UGB, only this Section of Article V applies.

501-9.2 For all Type II and Type III applications, impact on the following public facilities, including adequacy of school, fire, and police protection and public roads shall be considered.

501-9.3 For the purpose of determining impact and adequacy of public roads, Section 501-5.3.D (Sight Distance), 501-5.3.E (Road Standards), and 502-14 (Dedication of Right-of-way) of this article shall apply. However, in all instances, traffic safety issues shall be addressed by the County.

Applications for Type II lot line adjustments, nonbuildable parcels, temporary housing permits, and Type II and Type III applications for one dwelling on an existing vacant parcel, are not subject to the requirements of Section 502-14.

501-9.4 Where partitions create less than four (4) parcels or there is a request for a Special Use for a dwelling, the applicant shall not be required to obtain service letters.

501-9.5 For those local and minor collector roads which are not improved in accordance with Washington County's Uniform Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve and maintain these roads to County standards. Applications for Type II lot line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.

STAFF: Outside the UGB, the County applies the Public Facilities Standards in a limited way. Since this is a review of conditions for an existing use, the applicant is not required to address these standards unless a public facility issue has been identified. In this case, no public facilities issues have been identified, with the exception of limiting access to the site to SW 120th Avenue. Casefile 85-197-Q required the applicant to limit access to the site to SW 120th Avenue. The applicant has indicated that all access is limited to SW 120th Avenue and the County has no complaints disputing this issue. In addition, the applicant points out that with the improvements to SW Tualatin-Sherwood Road, access to the site via SW 120th Avenue has been significantly improved.

E. Washington County Transportation Plan:

STAFF: With regard to this request, the policies of the Washington County Transportation Plan are limited to the classification of SW 120th Avenue as a County public local street.

IV. SUMMARY

Staff finds that the applicable Code requirements have been met for renewal of the Operating Permit for a Quarry. In permitting this quarry there is a reliance on compliance with DEQ standards for noise and air contaminants. There also is reliance on DOGAMI to regulate the quarry operation and reclamation of the site. The County utilizes the five year Periodic Review to determine compliance with DEQ and DOGAMI requirements as well as County conditions of approval. Noncompliance can result in revocation of the permit. At any time, alleged violations of conditions can be investigated through Section 215, Enforcement.

All of the approval standards outlined in Section III. of this report have been satisfied.

TUALATIN

Geographic Information System

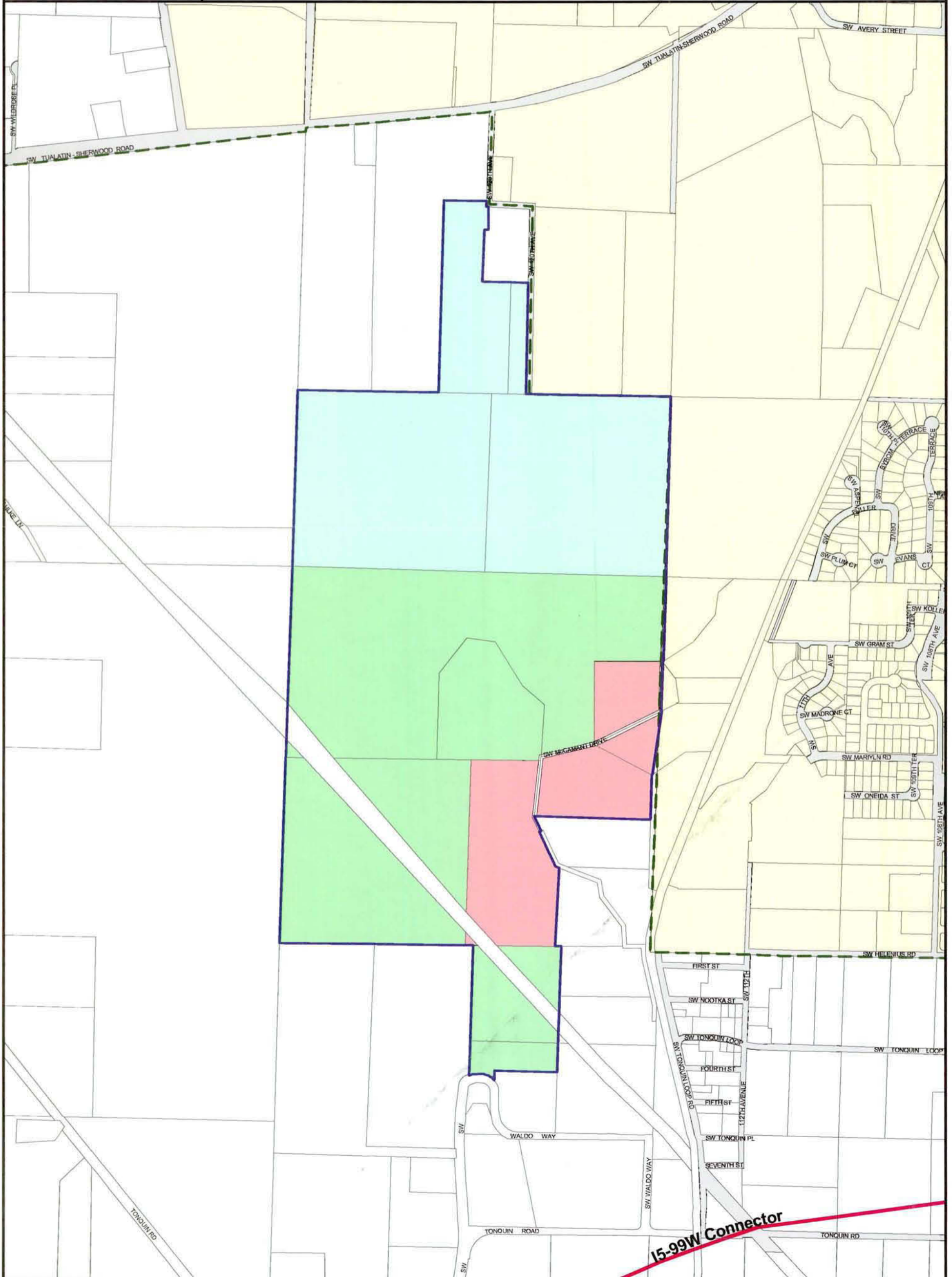
Study Area 48-Partial
(Tualatin-Sherwood Triangle)
with County Zoning

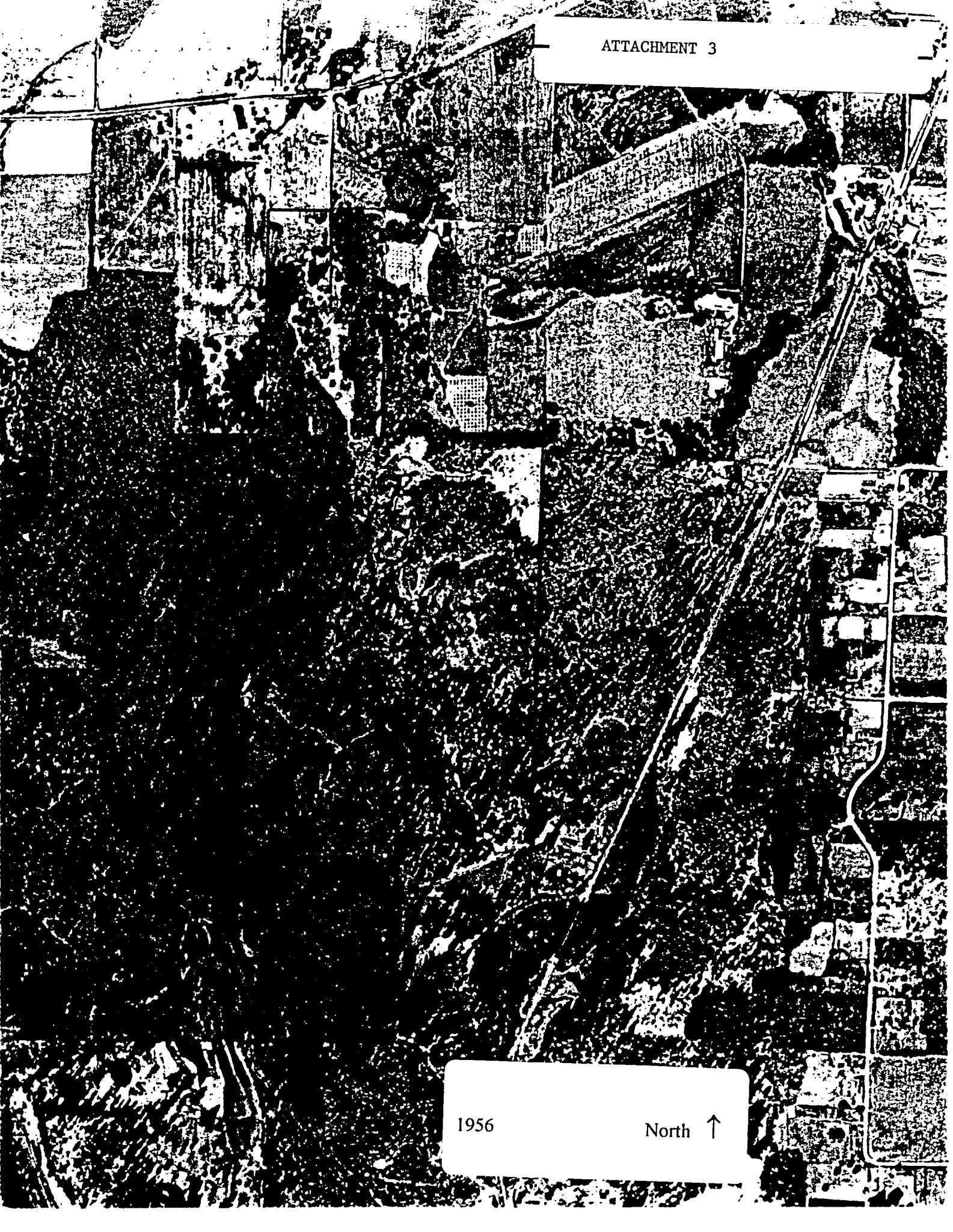
- AF20
- EFU
- Exception Land
- Tualatin's Planning Area

- Metro UGB
- I5-99W Connector
- Study Area 48-Partial

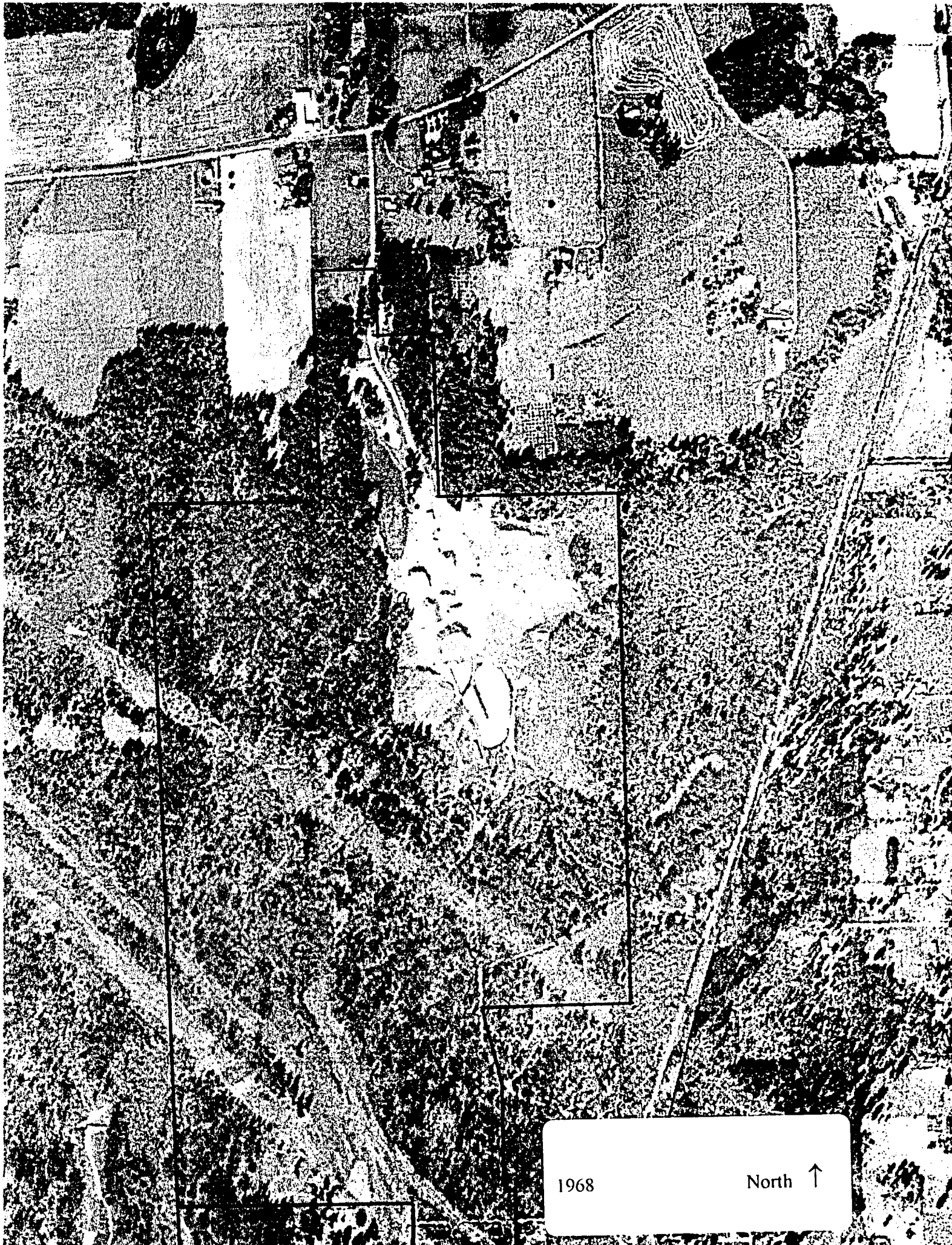
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This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Department Plotted December 2002.





1956 North ↑



1968

North ↑

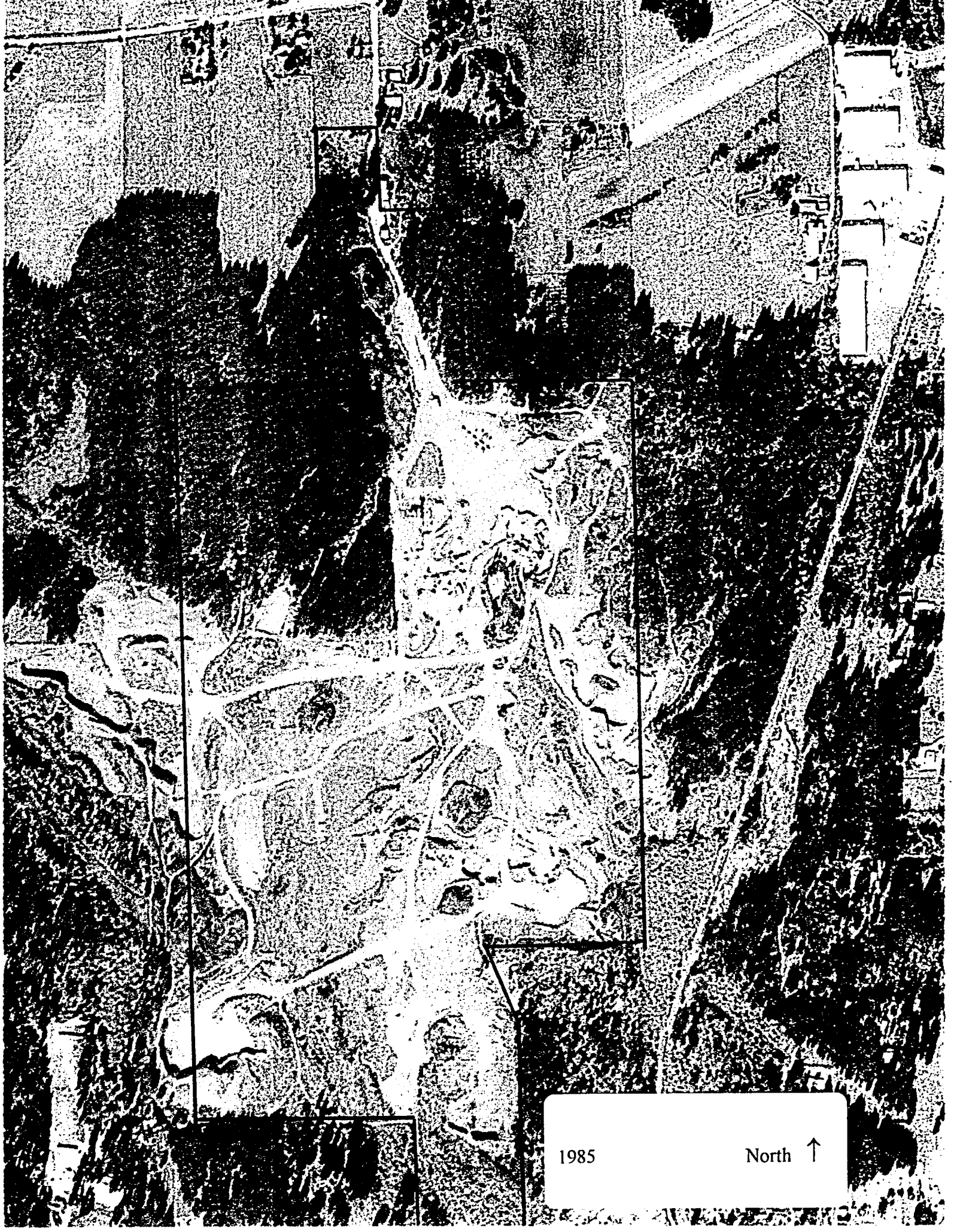


1976 North ↑



1979

North ↑



1985

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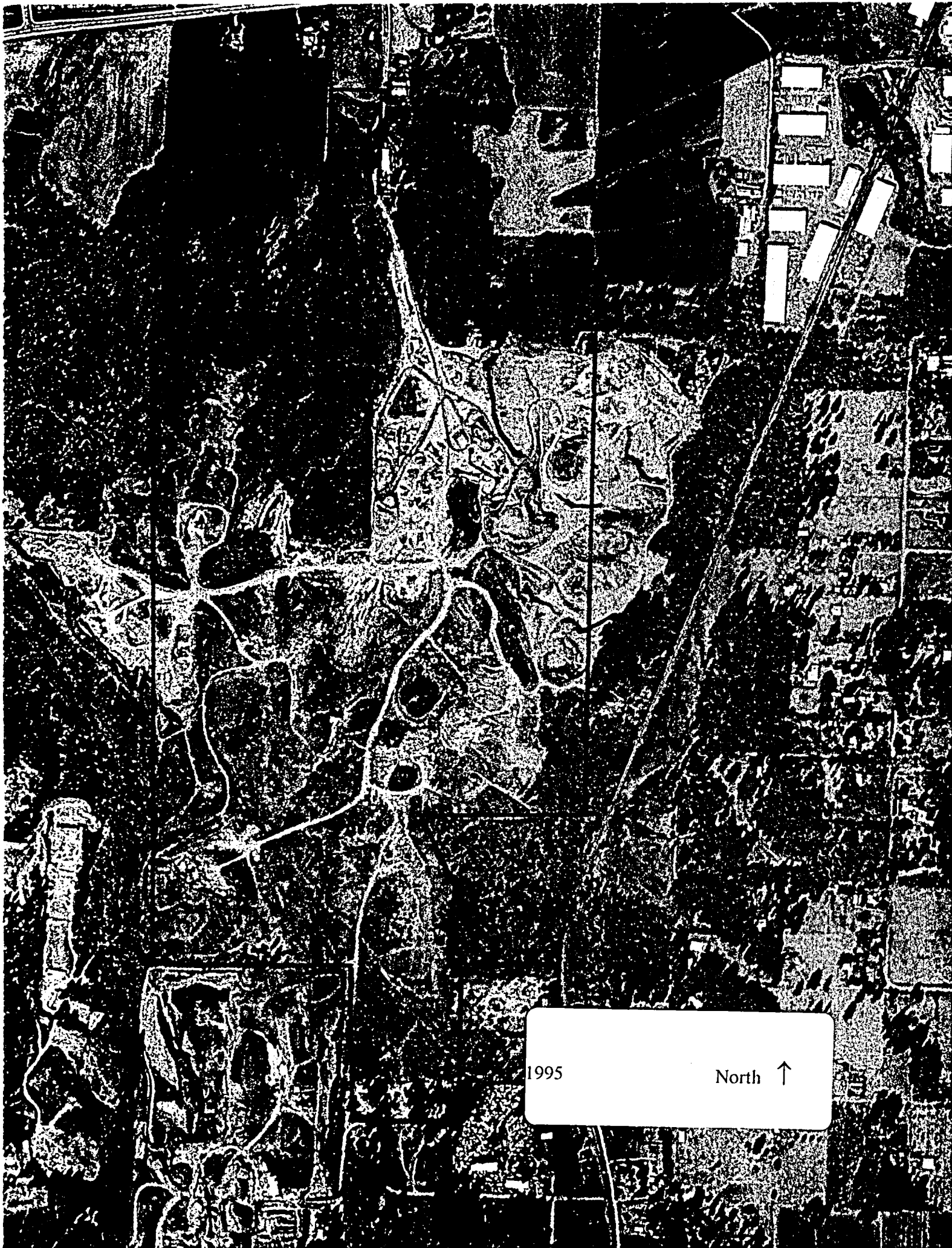
1990

North ↑



1991

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1995

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1997

North ↑


TUALATIN

Geographic Information System

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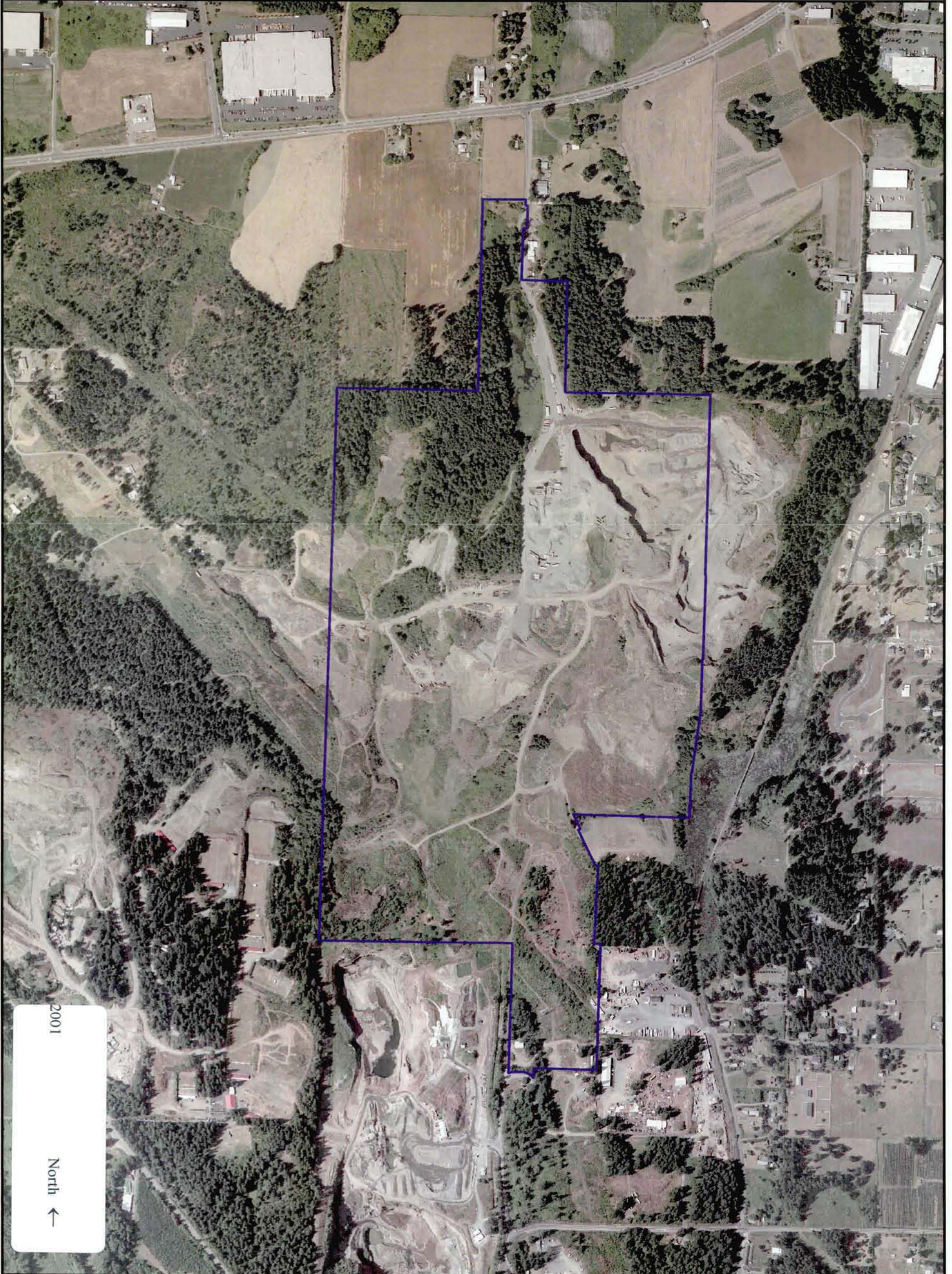
Study Area 48-Partial (Tualatin-Sherwood Triangle) with Air Photo

Photo July 2001

 Study Area 48-Partial



RF 1:8,000



2001

North



Earl J. and Loris D. Itel
Kenneth E. Itel
12155 SW Tualatin-Sherwood Rd.
Tualatin, OR 97062
(503) 692-3066

December 10, 2002

Mr. Carl Hosticka
Metro Councilor
600 NE Grand Ave.
Portland, OR 97232-2736

Dear Mr. Hosticka:

We urge the Metro Council to reconsider its exclusion of the Itel property from Ordinance 02-990, which added the Tigard Sand and Gravel properties in Study Area 48-partial to the UGB. The aforementioned properties were part of a proposal by the Regional Economic Development Partners, and were nearly unanimously recommended for inclusion by both MTAC and MPAC. The Itel properties are located on the border of the UGB, south of Tualatin-Sherwood Road and north of Tigard Sand and Gravel, between 120th Avenue and the future extension of 124th Avenue. The tax lots are 2S127C000500 (26.97 acres), and 2S127C000701 (18.39 acres).

As a representative from Washington County you are most familiar with the lack of expansion ground in Washington County, especially for employment purposes. We would hope you would vigorously support Washington County expansion land designated for employment uses. We realize the issue of including farm and/or EFU land is a difficult subject from both legal and political standpoints. However, given the state of the economy and the lack of expansion space for employment uses, we implore you to support this particular expansion proposal, including the Itel property, even though it involves a limited amount of farm land. The few parcels being farmed in this area are already isolated from other agricultural areas, and there is no possibility of establishing a large network of active farm ground due to current development, high price of adjacent property, and poor soils. In fact, less than 20 acres of the 400+ acre Study Area 48-partial is being farmed or ever will be farmed. See the attached soil maps for reference.

A strong case can be made that including the Itel property meets the legal and policy exceptions for a targeted expansion purpose. A letter submitted September 12th by Doug Rux of the City of Tualatin analyzes the legal and policy issues.

Some additional points need to be made about the Itel property:

- ❖ By leaving out the Itel property you are creating a virtual island, surrounded on three sides by present or future industrial development, and on the fourth side by largely unproductive land and a future 5-lane road.
- ❖ Leaving out the Itel property exacerbates conditions that already are contrary to Goal 3.
 - The lot sizes being farmed are not large enough to maintain existing agricultural practices within the area.

- Indeed, existing or future surrounding uses will render any expansion of agricultural uses impossible.
- Due to the expansion of surrounding uses we will likely discontinue farming in the near future.
- Including Tigard Sand and Gravel but not the Itel property will remove any remaining buffer between urban growth and agricultural land. (Surrounding UGB uses already create the situation, this simply reinforces the trend.)
- ❖ Perhaps most importantly, the Itel property is necessary for efficient provision of services to any UGB land further south.
- ❖ The Itel property borders Tualatin-Sherwood Road— all water, sewer, storm, electrical, and natural gas lines are likely to have to cross our property from Tualatin-Sherwood Road, to serve expansion land to the south.
- ❖ 124th Avenue, a 5-lane collector, will have to be extended across the western edge of the Itel property to access Tigard Sand and Gravel property.
- ❖ 120th Avenue, bordering an eastern portion of the Itel property will also have to be expanded to serve areas to the south.
- ❖ An east-west connector between 120th and 124th will also need to be built across the southern boundary of the Itel property in order to serve development to the south.
 - These streets are all listed in the City of Tualatin's transportation system plan.
- ❖ In addition, according to the RTP, Tualatin-Sherwood Road is expected to be expanded to 5 lanes from Teton Ave. to Hwy. 99W.
- ❖ According to ORS 215.283, these street and utility extensions, which are necessary for development, may not be legal as long as the Itel property remains outside the UGB and zoned EFU.
- ❖ Although the Itel property is zoned EFU, almost 70% of the soil is non-prime.
- ❖ Only 13.9 of the farmed acres are Class II soils. In fact, over 20 of the acres are Class IV or Class VII.
- ❖ The Class II soils are located closest to Tualatin-Sherwood Road. Future road expansions will further decrease the limited amount of high-value soils. Up to 2.5 acres will be dedicated to street expansions. Another 1.5-2 acres is already developed.
- ❖ Any type of development, even if it is just street or utility extensions to serve UGB land to the south, will likely result in a dedication of up to 4 acres for a conservation easement. Very little of the high-value soil will remain after infrastructure improvements.
- ❖ Of further note is that up to 5 acres of the high-value soil is so designated only because of agricultural drainage tiles that could legally be removed. Essentially, only about 5 acres of the 45+ acre Itel parcel is high-value soil in its natural state.

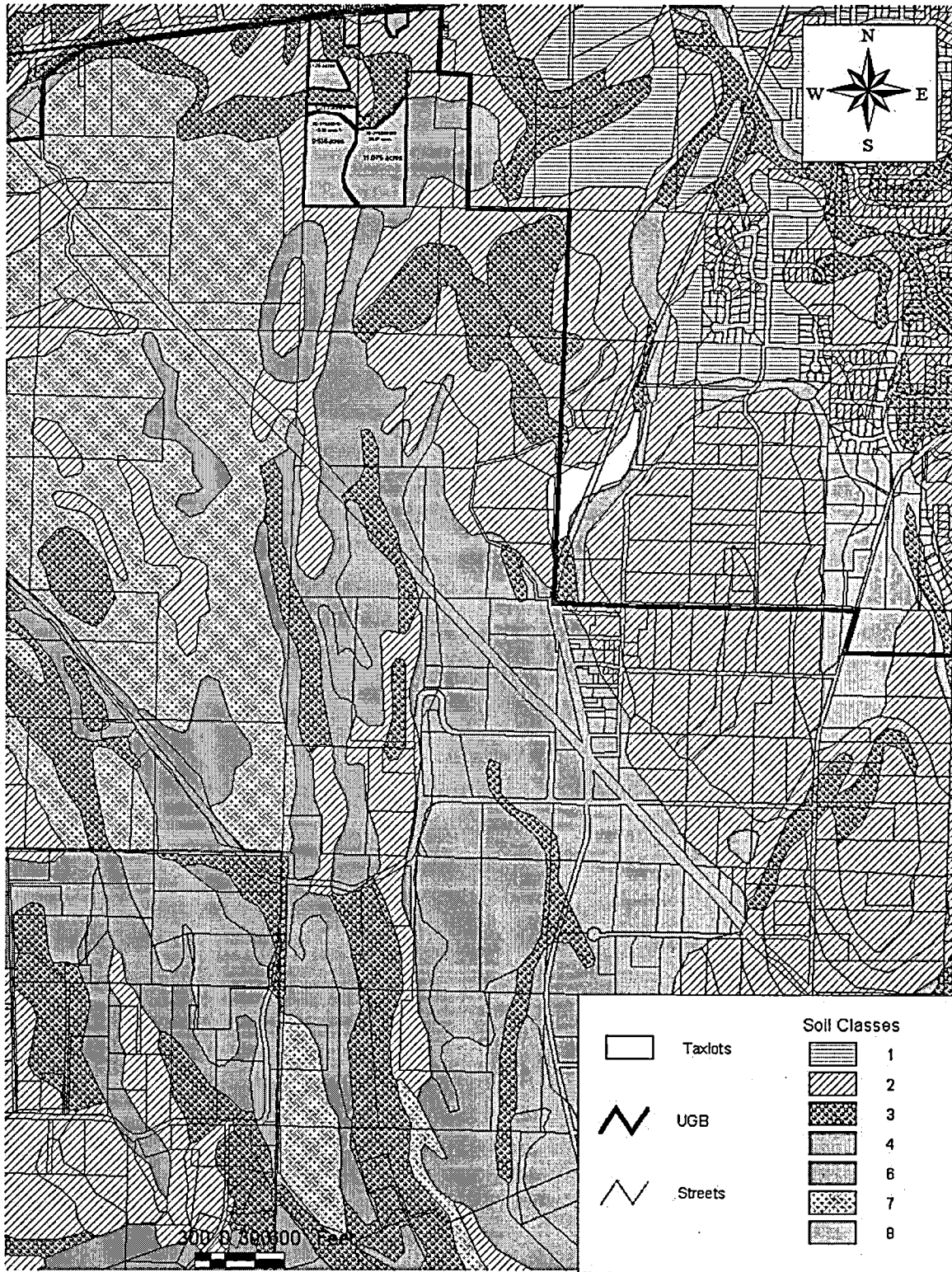
- ❖ An additional note of no particular legal or policy value: Since the UGB was originally established it has split our family's original homestead in half. The placement of the boundary in this particular location was not the result of any serious analysis. Mr. Itel's parents were asked if they wanted their entire farm included in the UGB or if the line should just follow the road. Not seeing any particular advantage to being inside the boundary they declined the opportunity to be included.

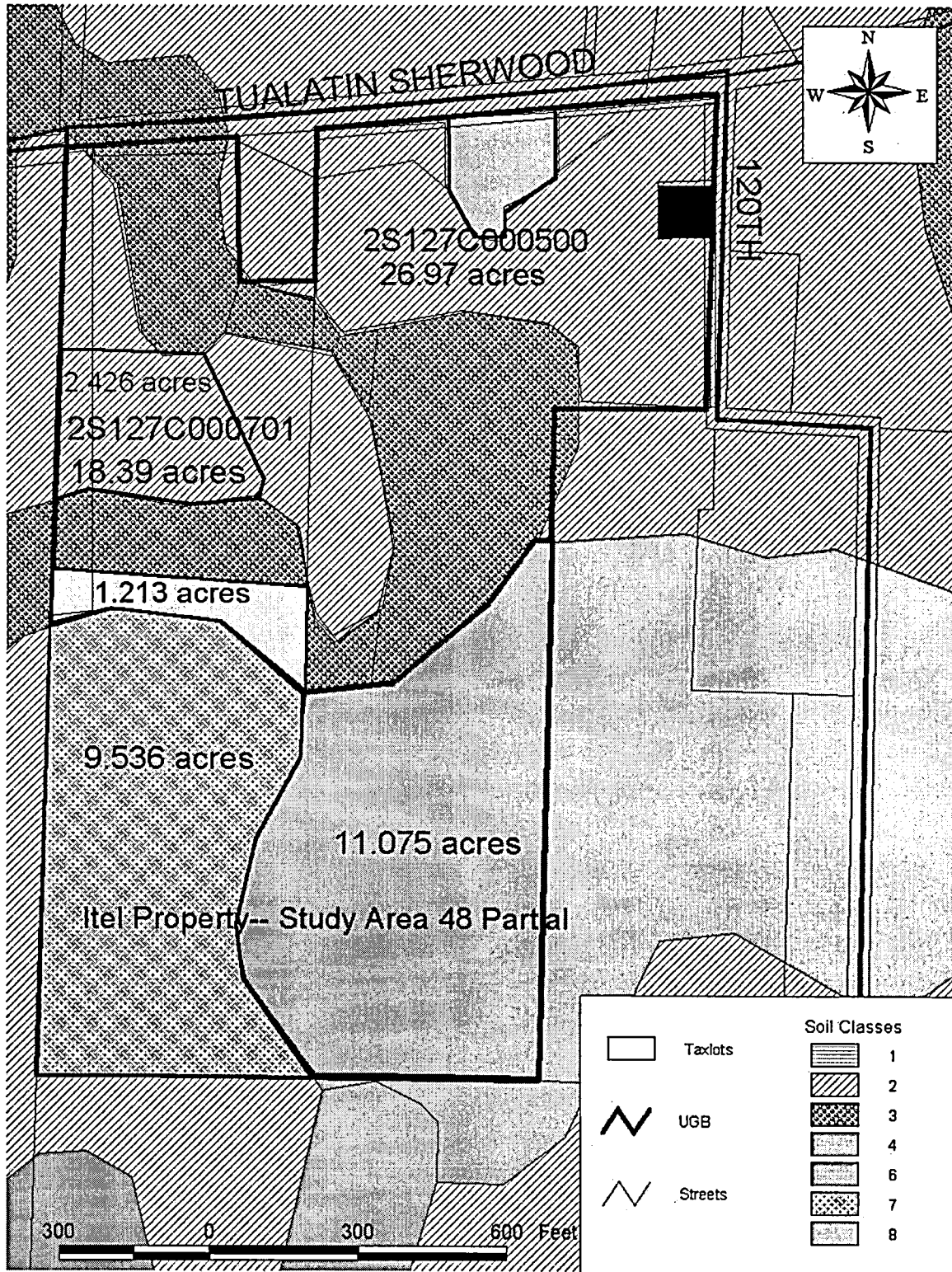
We strongly support Metro including these properties within the urban growth boundary during the next phase of expansion. We hope that the legal and policy analysis supporting inclusion of the Itel property is enough to offset a rather informal decision in the past.

We urge your thoughtful re-consideration of this matter. Please feel free to contact us if you require additional information, or if we can contribute to the process in any way. We would recommend a visit to this area by the Metro Council if it has not done so already, in order to fully appreciate the circumstances involved. Thank you for any assistance you can provide.

Sincerely,

Earl J. Itel
Loris D. Itel
Kenneth E. Itel





121202c-14

TO: Metro Council

12-12-02

FROM: Robert J. Thomas 2563 Pimlico Drive West Linn, OR 97068 phone: 657-7492

SUBJECT: Under Public Comments --- A follow up on the subject of expansion of the UGB, with additional "numbers analysis" to further show that the expansion approved by the Metro Council on a vote of 5 to 2 is (as I testified both orally and in writing during the hearings on 11-21-02 and 12-5-02) not necessary nor justified.

In this additional analysis, I've been focusing primarily on the table for "Dwelling Unit Capacity Estimate & Need" of page 3 of the 2002 Urban Growth Report and on the tabular Exhibits 2, 3 and 4 on page 4 of the September revised version of the "Economic Report to the Metro Council" by Metro's Chief Economist, Dennis Yee.

The above Exhibit 2 includes Yee's population forecasts for the 4-county region (Multnomah, Clackamas, Washington and Clark counties) from 2000 through 2030. For those numbers, the average annual growth rate from 2000 through 2020 is 1.59%. The average annual growth rates during each successive 5-year interval from 2000 through 2030 (as calculated from his numbers shown in his Exhibit 2), is 1.8%, 1.76%, 1.39%, 1.43%, 1.487% and 1.31%. These growth forecasts are of course very much open to question.

The next exhibit, Exhibit 3, is labeled "Metro UGB Forecast Table". Presumably the total population figures in Exhibit 3 at the end of each 5-year interval are supposed to be those forecasted to be within a UGB. However the first population figure for year 2000 of 1,305,574 is the same figure as shown for that year in the tabulation under the graph on page 11 in the Metro Regional Data Book, and designated as "Inside Metro", which is presumably within Metro's jurisdictional boundary, not within its UGB. In contrast, it shows a figure of 1,281,470 within its UGB for the year 2000. Yee's response to me when I asked why 1,281,470 was not used instead of 1,305,574, is that Metro has more dependable data for "Inside Metro", so that's why he is using that. And he says what is important is the degree of change, not the absolute numbers. However, I believe he should develop dependable data for what is inside Metro's UGB, not what is within Metro's jurisdictional boundary. After all, it's what is within the UGB and what degree, if any, it needs to be expanded to provide a 20 year land supply for housing is what has been the subject of public hearings and hopefully the Metro Council's concern and consideration.

Returning to Exhibit 3, its footnote 2 assumes a 68% capture rate, presumably to end up within the Metro UGB, of the 4-county growth (equal to the difference between figures shown in Exhibit 2 at the beginning and end of each 5-year period) to successively arrive at the population figures shown in Exhibit 3 at the end of each 5-year period. Those figures shown in Exhibit 3 for each successive 5-year interval from 2000 through 2030 are 1,305,574; 1,419,000; 1,540,000; 1,643,800; 1,758,500; 1,886,300 and 2,006,900. The average annual percentage growth rate within each of those successive 5-year periods are the following: 1.68, 1.65, 1.31, 1.36, 1.41 and 1.25. Why they bob around like that also raises questions.

In Exhibit 3, using the average annual percentage growth rate that applies between 2000 and 2005 and between 2020 and 2025, interpolation results in a population figure for 2002 of 1,349,810 and 1,808,439 for 2022. Consequently, the average annual percentage growth rate between 2002 and 2022 is 1.47%. If one instead uses year 2022.5 as the end point, that growth rate becomes 1.49% corresponding to a 2022.5 population of 1,821,144. In either case, the growth rate over this 20 or 20.5 year time frame is considerably less than the average annual

percentage rate of 1.6% over the 20 year period that Yee alludes to in his third bullet point on page 2 of the Executive Summary of the 2000 -2030 Regional Forecast. within the September 2002 revised version of his "Economic Report to the Metro Council".

In regard to the table headed "**Dwelling Unit Capacity Estimate & Need**" on page 3 of the Urban Growth Report, Yee told me that Line No. 4 should read "**Dwelling Unit Demand in the Metro UGB**", not "**Household Demand in the Metro UGB**". There is no explanation anywhere in any Metro document that I've seen that shows how the 4-county **population** forecast of 744,200 in that table translates into 312,100 **households**. That remains a mystery. However, the quotient of those two numbers is close to **2.38**, presumably giving 2.38 capita per household. Presumably the 212,200 figure for households in Line 2 is arrived at by taking 68% of 312,100 households (212,228) and rounding it to **212,200 households to be captured** within the Metro UGB between July 2000 and December 2022 (the equivalent of about 505,000 people at an average of about 2.38 capita per household).

In the second paragraph on page 9 of the Urban Growth Report, Yee says that the number cited there of 525,000 more residents being expected to arrive in the Metro UGB over the next 20 years is incorrect, and should instead read 505,000 to correspond with another 212,000 households at an average of 2.38 capita per household. In this regard, in my written testimony on 12-5-02, I cited this paragraph and divided the 220,700 DU number given there into 525,000 to get a figure of 2.38 capita per DU. But I understand now, after talking with Yee, that although it also gives 2.38, it was coincidental because he says the 525,000 is an erroneous number, and additionally when taking a vacancy factor into account, it does not make sense to distribute the population increase over the total dwelling units, because part of them are considered vacant at any one time.

Returning to the table on page 3 of the Urban Growth Report, in regard to an assumed vacancy rate, 4% of the 212,200 household figure (8,488) is rounded off to give the 8,500 in Line 3 to cater for a **4% vacancy rate**. That 8,500 figure is added to the demand figure for 212,200 **households**, giving a total of 220,700, which, apparently due to the vacancy factor, suddenly has a transformation performed upon it in one easy lesson to end up as a demand in **Dwelling Units (DU)**. Apparently, due to a contention that there is a need to have a certain amount of DU vacant at any one time, one can't allocate any people to such vacant DU. Therefore, presumably, the population in any population count or forecast is considered to occupy all DU that exist except for the vacant stock of DU. That vacant stock of course occupies part of the land needed for housing and requires more land than if the vacancy rate were zero. Settling upon a particular vacancy rate is of course a matter of debate, with differences of opinion on the matter.

The above table goes through an inventory of vacant lands within the present UGB to arrive at an Adjusted Dwelling Unit Capacity of 183,300 DU within the present UGB. That should hopefully be a good number determined from a careful physical survey within the present UGB. Since the upper part of that table presumably establishes a demand for 220,700 DU and only 183,300 DU can be accommodated within the present UGB, the conclusion from his table is that additional lands must be added by enlarging the UGB to accommodate the remainder of 37,400 DU.

However, that conclusion can be readily challenged as standing upon "mushy" assumptions, namely because it stands upon (1) the so-called 4-county (Clackamas, Multnomah and Washington counties in Oregon **plus Clark County** in Washington) population forecast from July 2000 through December 2022, and upon (2) a so-called **capture rate of 68%** of that 4-

county forecast supposedly ending up within a Metro UGB (in this case assumed to have to be expanded from its present size to fully accommodate that "captured" amount).

The nitty gritty of this growth question should have been approached much more directly by having measured growth only within the present UGB (that covers only parts of Clackamas, Multnomah and Washington counties and none of Clark County in Washington State) over at least the last 15 years and made, at least 15 years ago, a projection of future growth within the UGB, and checked on that at least every five years with measurements to see how close or how far off the projection was, and if need be adjusted it each time it was checked with actual measurements in order to develop a reasonably sound and supportable growth projection model or chart for future growth within a Metro UGB. And even then, it has to be recognized that most of this past growth has been greatly subsidized by tax and rate payers. A model should also be developed based on greatly reducing the huge subsidies for growth.

Metro has instead looked at subsidized population and subsidized job growth over a much bigger region than what has been circumscribed by its UGB or even by its area of jurisdiction. Taking into account that much bigger region is alone a most incongruous and nonsensical thing to do. It includes Clark County in Washington State, which is under the laws and policies of an entirely different regional and state government than here in Oregon, and which has grown at even a considerably higher rate and amount than the Oregon county that has experienced the most subsidized growth, namely our Washington County. To top things off, this greatly enlarged study area is combined with these **highly questionable "capture rates" of 68% of its population growth and 75% of its job growth** to end up within Metro's UGB. These "capture rates" qualify as a being highly eligible as "fudge factors" to be applied to that whole enlarged region in order to come up with population, household, DU and job growth projections over the next 20 years within our UGB. **It's a study in obfuscation and confusion. For the sake of soundness and responsibility it should be abandoned.** It's much too open to being flexibly pushed around to politically serve special growth interests and future residents attracted here by subsidized growth. This whole process, as it now stands, is certainly not fashioned or limited to be first and foremost focused upon serving the overall best interests of the general public presently residing within the Portland metro region. It's a prescription for continued and much further unavoidable degradation of the region's livability, its environment and resources, and its affordability through the encouragement, attraction and escalation of more subsidized growth in jobs and population coming here from out of state.

But let's look at what the population and household capture rate must be reduced to in order for the DU capacity available within the present UGB to be occupied by people (not including the 4% vacant DU component) can accommodate the growth between 2002.5 and 2022.5. That DU capacity would be 96% of the total adjusted DU capacity within the present UGB of 183,300. That 96% is **175,968 DU**. If one reduces the capture rate from 68% to 60%, the growth over that 20 year period in population to be accommodated within the present UGB is **406,097**. If one multiplies the 175,968 DU by **2.38**, it gives a population capacity within the present UGB of **418,804**, which is more than ample to cover the growth within the present UGB of 406,097 over the above 20 year period (2002.5 through 2022.5) when using a 60% capture rate. Correspondingly the average annual percentage growth rate over that 20 year period is **1.32%**.

In Yee's Exhibit 2, he has a column for "Total Household" forecast to match each population forecast for the 4-county region. Dividing the household figure into the corresponding population figure, going from 2000 through 2030 in 5-year intervals, gives the following numbers for capita per household, namely 2.569, 2.575, 2.563, 2.542, 2.530, 2.520 and 2.521. The average of

4

those numbers is 2.546. Applying that average to 175,968 DU gives a population capacity within the present UGB of 448,015. If one uses even the lowest figure of 2.521, it gives a population capacity within the present UGB of 443,615. Yee says I have to use 2.38 capita per household, but I don't see why when his numbers in his Exhibit 2 result in capita per household that are all higher than 2.5, as listed above.

Using even his lowest figure there of 2.521 allows the capture rate to be at least 64.5% (up from the 60% when using a capita per household of only 2.38). For a capture rate of 64.5%, the population growth within the present UGB over the above 20 years (2002.5 through 2022.5) is 436,478, which is more than covered by the population capacity within the present UGB of 443,015, calculated by using a 64.5% capture rate and a capita per household of 2.521. Correspondingly the average annual percentage growth rate over that 20 year period is 1.40%.

So the bottom line is that when using a 60% capture rate and a capita per DU of 2.38, the growth over the above 20 years (from 2002.5 through 2022.5) can readily be accommodated within the present UGB capacity of 175,968 DU capacity for occupancy by people.

The other bottom line is that when using a 64.5% capture rate and a capita per DU of at least 2.521, the growth over the above 20 years can readily be accommodated with the present UGB capacity of 175,968 DU capacity for occupancy by people.

Furthermore these calculations were done using the population forecasts for the 4-county region shown in Yee's Exhibit 2. Those forecasts are certainly open to question as being too high. Also his use of a capture rate of 68% is certainly not based on clear demonstrable support. Their reduction would allow capture rates correspondingly higher than 64.5%, and still accommodate the 20 year growth within the present UGB.

But the most important criticism of this whole 4-county growth business and capture rates of that to end up in our UGB is a totally flawed and inapplicable approach, for the reasons described above. Oregon state's projection of growth (from its Office of Economic Analysis) in the directly relevant tri-counties of Clackamas, Multnomah and Washington counties is the kernel of what should be looked at, and not include Clark County, when projecting growth and what can be accommodated within the present UGB. I understand the state is projecting not more than a 3% growth rate. On that basis and from my presentation in this submittal, I contend there is no need to expand the UGB at this time for housing. I would like the a member of the Council who voted to expand the UGB, to make a motion to accept an average percentage growth rate of 1.3%, and from that revisit the question of whether there is a need to expand the UGB at time. I contend there is no such need.

Robert J. Thomas

BEFORE THE METRO COUNCIL

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

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

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

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

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

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

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

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

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

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

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

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

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

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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

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

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

I. Need for Land

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

Need for Industrial Land

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

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

II. Alternative Sites

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

Within the UGB

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

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

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

On Higher Priority Land Outside the UGB

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

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

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

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

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

Orderly and Economic Services

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

Maximum Efficiency of Land Uses Requires Inclusion of this Site

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

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

Consequences

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

Retention

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

Compatibility

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

Water Quality and Natural Resources

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

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

Areas Subject to Natural Disasters and Hazards

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

Economy of the Region

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

Public Utilities and Services

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

Transportation

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

Regional Framework Plan

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

Citizen Involvement

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

Coordination with Local Governments

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

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

STAFF REPORT

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

Date: December 5, 2002

Prepared by: Michael Morrissey

PROPOSED ACTION

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

BACKGROUND

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

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

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

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

Suggested Conditions

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

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

APPLICABLE REVIEW CRITERIA

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

BUDGET IMPACT

There is no budget impact from adopting this ordinance.

October 2, 2002

Jim Lichatowich
P.O. Box 439
Columbia City, OR 97018

Dear Jim:

On behalf of Metro and our Salmon Festival partners (Oregon Trout, Mt. Hood National Forest, Portland Water Bureau), I'm pleased to write that you have been selected to be the recipient of the 2002 River Stewardship Award. Since 1990, the award has been given to an individual or group that demonstrates an exemplary commitment to the conservation and restoration of Oregon's rivers and streams and the fish that depend on these freshwater habitats.

You have demonstrated your commitment to native salmon through your work as a professional fish biologist over the years and your ability to communicate to the general public the critical importance of protecting native salmon populations and their habitat. Your book, *Salmon without Rivers* generated a broader understanding of the current debate in the recovery and restoration of salmon in the Pacific Northwest.

I understand you will not be able to attend the Salmon Festival, but Joe Whitworth and Jim Myron of Oregon Trout will receive the award on your behalf. I would like to make arrangements after your return to formally present this award at a future Metro Council meeting. Again, congratulations and I look forward to meeting you soon.

Sincerely,

Charles Ciecko, Director
Metro Regional Parks and Greenspaces

Cc: Joe Whitworth, Oregon Trout

River Stewardship Award Recipients

1990 Dr. Arch Diack
1991 Doug Cramer
1992 Jim Myron
1993 Ted Strong
1994 Governor Barbara Roberts
1995 Tom and Audrey Simmons
1996 Errol Claire
1997 Governor John Kitzhaber
1998 Phil Wallin
1999 Bill Bakke
2000 Bill Bradbury
2001 Jack and Jan McGowan
2002 Jim Lichatowich

Biographical Sketch of Jim Lichatowich (Sept. 2002)

Jim Lichatowich, has worked on Pacific salmon issues as a researcher, manager, and scientific advisor for more than 30 years. He specializes in evaluation of the ecology and status of salmon and steelhead populations and the development of restoration plans. Jim was formerly the Chief of Fisheries Research and Assistant Chief of Fisheries for the State of Oregon. He served ten years on the Independent Scientific Advisory Board for the Columbia River Salmon Restoration Program, a panel of senior research scientists representing a broad range of disciplines. He served four years on Oregon's independent science team for the Oregon Plan.

Jim has worked with groups such as the Oregon Business Council, Native Fish Society, The North Umpqua Foundation, EcoTrust, The Wilderness Society, Pacific Rivers Council, Trout Unlimited, Oregon Trout and several Indian Tribes.

He is the author of the award-winning book, *Salmon without Rivers: A History of the Pacific Salmon Crisis*.