

 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, April 21, 2011
Time: 2 p.m.
Place: Metro Council Chambers

CALL TO ORDER AND ROLL CALL

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS**
3. **CONSIDERATION OF THE COUNCIL MINUTES FOR APRIL 14, 2011**
4. **RESOLUTIONS**
 - 4.1 **Resolution No. 11-4235**, For the Purpose of Amending the Fiscal Year 2010-11 Unified Planning Work Program. **Roberts**
 - 4.2 **Resolution No. 11-4236**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements and Adopting the Fiscal Year 2011-12 Unified Planning Work Program. **Roberts**
 - 4.3 **Resolution No. 11-4251**, For the Purpose of Amending the FY 2010-11 Through FY 2014-15 Capital Improvement Plan by Adding or Adjusting Four Capital Improvement Plan Projects. **Harrington**
5. **ORDINANCES - FIRST READING**
 - 5.1 **Ordinance No. 11-1253**, For the Purpose of Adopting the Annual Budget for Fiscal Year FY 2011-12, Making Appropriations, Levying Ad Valorem Taxes and Declaring an Emergency.

Public Hearing
6. **ORDINANCES - SECOND READING**
 - 6.1 **Ordinance No. 11-1255**, For the Purpose of Revising the "Urban Growth Boundary and Urban and Rural Reserves Map" in Title 14 (Urban Growth Boundary) of the Urban Growth Management Functional Plan. **Hughes**

Public Hearing
 - 6.2 **Ordinance No. 11-1256**, For the Purpose of Amending Metro Code Chapter 2.04 in Order to Strengthen Metro's Contract Policies. **Craddick**

Public Hearing
7. **CHIEF OPERATING OFFICER COMMUNICATION**
8. **COUNCILOR COMMUNICATION**

ADJOURN

Television schedule for April 21, 2011 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 11 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 2 p.m. Thursday, April 21(Live)</p>	<p>Portland Channel 11 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> 8:30 p.m. Sunday, April 24 <i>Date:</i> 2 p.m. Monday, April 25</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> 2 p.m. Monday, April 25</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 11 p.m. Saturday, April 23 <i>Date:</i> 11 p.m. Sunday, April 24 <i>Date:</i> 6 a.m. Tuesday, April 26 <i>Date:</i> 4 p.m. Wednesday, April 27</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item Number 3.0

Consideration of the Council Minutes for April 14, 2011

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

Agenda Item Number 4.1

Resolution No. 11-4235, For the Purpose of Amending the
Fiscal Year 2010-11 Unified Planning Work Program.

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY) RESOLUTION NO. 11-4235
2010-11 UNIFIED PLANNING WORK)
PROGRAM TO ADD THE COUNCIL CREEK) Introduced by Councilor Barbara Roberts
TRAIL, MULTIMODAL ARTERIAL)
PERFORMANCE MANAGEMENT REGIONAL)
CONCEPT OF TRANSPORTATION)
OPERATIONS, AND THE ALOHA-REEDVILLE)
STUDY AND LIVABILITY COMMUNITY PLAN)
PROJECTS AND MODIFY PROJECT)
DEVELOPMENT LANGUAGE FOR THE)
METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM)

WHEREAS, the Unified Planning Work Program (UPWP) describes all Federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2010-11; and

WHEREAS, the FY 2010-11 UPWP indicates Federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Tualatin Hills Parks & Recreation, the cities of Damascus, Hillsboro, Milwaukie, Portland and Wilsonville, Clackamas County, Multnomah County, Washington County, TriMet, and Oregon Department of Transportation; and

WHEREAS, approval of the budget elements of the FY 2010-11 UPWP is required to receive federal transportation planning funds; and

WHEREAS, regional flexible transportation funds (Congestion Mitigation and Air Quality Improvement funds) were awarded by the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council to developing the Council Creek Trail and will be added as shown in Exhibit A; and

WHEREAS, the work to develop a multimodal arterial performance management regional concept of transportation operations is described in the Methodology, Schedule and Products Expected sections of the Transportation System Management and Operations: Mobility Program work element of the FY 2010-11 UPWP and the Regional Transportation Systems Management and Operations Action Plan was adopted as part of the 2035 RTP and will be added as shown in Exhibit B; and

WHEREAS, those funds were adopted by JPACT and the Metro Council as a part of the 2010-13 Metropolitan Transportation Improvement Program (MTIP) to be available to Metro in fiscal year 2010-11; and

WHEREAS, the Federal Highway Administration (FHWA) and the Department of Housing and Urban Development (HUD.) awarded a Community Challenge/TIGER II grant to Washington County (OR) in October, 2010 for the Aloha-Reedville Study and Livability Plan project as shown in Exhibit C; and

WHEREAS, these projects were not incorporated into the adopted FY 2010-11 UPWP; and

WHEREAS, the work described in the Methodology, Schedule and Products Expected sections of the MTIP work element of the FY 2010-11 UPWP need to be modified as shown in Exhibit D; now therefore

BE IT RESOLVED that the Metro Council hereby amends the FY 2010-11 UPWP to add the Council Creek Trail, Multimodal Arterial Performance Regional Concept of Transportation Operations, and Aloha-Reedville Study and Livability Plan projects to the 2010-11 UPWP and modify the MTIP work element as shown in the attached Exhibits A, B, C and D.

ADOPTED by the Metro Council this _____ day of April, 2011

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

CITY OF FOREST GROVE
COUNCIL CREEK REGIONAL TRAIL COMMITTEE**COUNCIL CREEK REGIONAL TRAIL****Description:**

This project would entail the production of a report with preliminary design costs estimates for a multi purpose (bike, walking, and potentially equestrian sections) trail extension of approximately 15 Miles. The corridor is located at the western edge of the Portland/Metro region. It extends from the City of Hillsboro (existing HCT (“Max”) system), through Washington County, the City of Cornelius, City of Forest Grove, to City of Banks, connecting to existing Banks/Vernonia State Trail and Stub Stuart State Park, a distance of approximately 15 Miles.

Objectives:

The purpose of the Council Creek Regional Trail study is to plan the trail to serve as a primary alternative transportation and recreational conduit for bicycle, pedestrian, and potentially equestrian. The study will explore route alternatives, address preliminary design criteria, and identify a preferred alignment. Basic scope elements of the project include: field surveys of the corridor, collecting traffic info, funding/cost estimates, property mapping/ROW report, identify existing publicly owned ROW in study area, identify potential alternative transportation users, surveying preliminary ROW and easement requirements, and environmental review.

Previous Work:

The Council Creek Trail was nominated a regional trail in the fall of 2001 and adopted/approved by Metro in the spring of 2002. Since early December 2007, this type of regional trail project has been receiving increased attention. Metro, the regional planning agency, developed a Committee to help set priorities and strategies for trails throughout the metropolitan region. The priorities culminated from a series of workshops and meetings between City’s, County’s, interest groups, and the Metro Trails Committee. During this time an ad hoc Council Creek Regional Trails committee was formed and able to include the Council Creek Regional Trail as a priority in the region. Numerous letters of support have been collected including Washington County, Metro, City of Hillsboro, City of Cornelius, City of Forest Grove, City of Banks and Northwest Area Commission on Transportation (NWACT). Furthermore, local funding has already been pledged to initiate this project.

Methodology:

A consultant with experience in trail, land use, environmental, and traffic planning, design, and engineering will be hired to perform the study.

Tangible Products Expected in FY 2010-11:

- Consultant selection and scope development. (FIRST QUARTER)
- Public involvement and input. (ONGOING)
- Feasibility study of route alternatives. (SECOND/THIRD QUARTERS)
- Preliminary Design Concept (THIRD QUARTER)
- Cost estimate. (SECOND/THIRD QUARTERS)
- Completed Report (FOURTH QUARTER)

Entity/ies Responsible for Activity:

City of Forest Grove – Lead Agency

Council Creek Regional Trail Committee (Washington County, City of Hillsboro, City of Cornelius, City of Forest Grove and City of Banks) –Cooperative/Collaborate

Metro – Cooperate/Collaborate

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

CITY OF FOREST GROVE
 COUNCIL CREEK REGIONAL TRAIL COMMITTEE

- City of Beaverton – Cooperate/Collaborate
- Washington County – Cooperate/Collaborate
- Oregon Department of Transportation – Cooperate/Collaborate
- Oregon Parks and Recreation Department - Cooperate/Collaborate

Schedule for Completing Activities:

Please refer to schedule information provided in the *Objectives* and *Tangible Products* sections of this planning activity description.

FY 2010-11 Costs and Funding Sources:

2010-11	Requirements:			Resources:		
	Personal Services	\$		STP	\$	218,444
	Interfund Transfers	\$		Local Match	\$	25,002
	Materials & Services	\$	243,446			
	Consultant		243,446			
	TOTAL	\$	243,446	TOTAL	\$	243,446
	Full-Time Equivalent Staffing					
	Regular Full-Time FTE					
TOTAL						

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

METRO

MULTIMODAL ARTERIAL PERFORMANCE MANAGEMENT REGIONAL CONCEPT OF TRANSPORTATION OPERATIONS**MULTIMODAL ARTERIAL PERFORMANCE MANAGEMENT REGIONAL CONCEPT OF TRANSPORTATION OPERATIONS****Description:**

The Multimodal Arterial Performance Management Regional Concept of Operations (RCTO) is one of the first steps in realizing the 10-year strategic vision laid out in the Regional TSMO plan. The RCTO will guide the region on deployment of solutions that will result in improved multimodal arterial performance measurement that can be used to:

- Facilitate the transportation choices of travelers;
- Improve operations of the system by transportation managers (especially for considering the multimodal environment);
- Enhance emergency response by public safety officials;
- Inform transportation modeling tools; and
- Support investment decisions.

While the Regional TSMO Plan provides general guidance on the location and types of ITS investments, it lacks detail regarding how to implement multimodal arterial performance measurement on a regional scale. The intent of the RCTO is to provide the “how-to” guide for implementation of a regional arterial performance management system. The RCTO is a critical precursor to continued investment in the ability to measure performance and learn from implementation of other applications like transit or freight priority, adaptive or responsive control, and other signal timing changes. The RCTO is intended to gain regional agreement on operational objectives, physical improvements, procedures, and resource arrangements. Examples of questions that need answers include:

- What are the agreed upon outcomes and performance measures?
- What are the best technologies to collect the information necessary?
- How do we leverage existing infrastructure and mainstream the collection of data?
- How do we fuse data from different sources (transit, freeway, other) into a complete picture for system management?
- What are the institutional agreements and resources necessary to implement and maintain an arterial performance management system?

There is a critical need for regionalism in the implementation of this RCTO. Partnership between the ODOT, Metro, Portland State University and the other TransPort agencies are critical to the success of this project. Ultimately, the success of this project will be determined by how effectively the concepts are integrated into typical practice and are used to further understand our transportation system.

Objectives

Transportation Operations Objectives

- Identify the equipment necessary to measure multimodal performance of street system (primarily focused on arterial street system).
- Provide a proof of concept that allows agencies to assess accuracy of traveler information.
- Using knowledge about existing communications infrastructure, describe investments necessary to facilitate transfer of data from the field to the ITS Network.
- Identification of costs associated with potential systems to assess applicability on a regional scale.
- Identify procedures and institutional arrangements to support development and operation of the system on a regional scale.

Planning Objectives

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

METRO

MULTIMODAL ARTERIAL PERFORMANCE MANAGEMENT REGIONAL CONCEPT OF TRANSPORTATION OPERATIONS

- Advance the state of practice by creating guidelines for application of a multimodal arterial performance management system.
- Create consensus on arterial performance measures.
- Form consensus on where/when/how arterial performance should be applied and integrated with existing infrastructure and/or future investments.
- Enhance region's capacity to consider multimodal system operations to focus investments towards the desired outcomes. This could also provide information that allows comparison of TSMO projects with conventional capital projects.
- Consider the use of a multimodal performance system as a precursor to measuring GHGs involved in transportation operations.

Previous Work:

The Regional Transportation System Management and Operations (TSMO) Plan, adopted in June 2010, provides the Portland metropolitan area with a 10-year strategic investment guide focused on the region's Intelligent Transportation System (ITS) and Transportation Demand Management (TDM) infrastructure and programs. The plan provided a list of improvements that will result in cost effective multimodal solutions to address congestion, safety and greenhouse gas emissions by optimizing ITS and TDM investments. The planning effort completed as a part of that project went beyond individual ITS treatments to create a *system* that is efficient, sustainable, and reflective of the unique vision and values of our community.

Methodology:

Metro will serve as project manager for this effort, with significant support from TransPort, the TSMO subcommittee to the Transportation Policy Alternatives Committee (TPAC). The City of Portland will provide staff and equipment as necessary for a demonstration project within its jurisdiction.

There is a critical need for this project as the region continues investment in TSMO strategies. Application of multimodal arterial performance measurement on corridors will be important to improving the prioritization of investments both for ITS specific projects and capital projects. The RCTO will provide a road map that all future projects within the region can build into their scopes, which will result in improved data that can be used for planning, operations, and maintenance purposes. It will also provide direct inputs that can be used to address environmental performance measures.

The development of the RCTO will be coordinated with other TSMO regional initiatives. This should include the current ongoing efforts associated with the ODOT Innovations Program, the Oregon Transportation Research & Education Consortium (OTREC) Data Fusion project, and the TriMet Automatic Vehicle Location (AVL) system upgrade. This RCTO will support the Regional TSMO Plan and should be used specifically to identify equipment and procedures necessary to implement projects that will be built as a part of this effort as well as upcoming capital projects that are in the Regional Transportation Plan (RTP).

The issue of performance measurement related to transportation operations has been gaining momentum on a national scale and there is already a significant body of work. The National Cooperative Highway Research Program (NCHRP) Project 3-79 is a significant source that can be used in this effort, but it stops short of addressing the multimodal aspects that will be vital to meeting the region's goals for this project. It is expected that the early tasks in this project will take advantage of rather than duplicate other efforts, but that significant effort will be needed to evaluate emerging techniques that can address the broad spectrum of issues that are important to this region.

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

METRO

MULTIMODAL ARTERIAL PERFORMANCE MANAGEMENT REGIONAL CONCEPT OF TRANSPORTATION OPERATIONS

Tangible Products Expected in FY 2010-11:

- Scope of work (THIRD QUARTER)
- Consultant selection process (FOURTH QUARTER)
- Stakeholder committee formation (FOURTH QUARTER)
- Stakeholder workshop to gain consensus on desired performance data (FOURTH QUARTER)
- Alternative proof of concept selection criteria (FOURTH QUARTER)
- Objectives and alternative selection criteria documentation (FOURTH QUARTER)

Entities Responsible for TSMO Activity:

Metro – Lead Agency
 City of Portland – Technical Lead
 ODOT – Contract Manager
 TransPort – Cooperate/Collaborate

Schedule for Completing Activities:

Please refer to schedule information provided in the *Objectives* and *Tangible Products* sections of this planning activity description.

FY 2010-11 Costs and Funding Sources:

2010-11	Requirements:				Resources:		
	Personal Services	\$			CMAQ	\$	150,000
	Interfund Transfers	\$					
	Materials & Services Consultant \$150,000	\$	150,000				
	TOTAL	\$	150,000		TOTAL	\$	150,000
	Full-Time Equivalent Staffing						
	Regular Full-Time FTE						
	TOTAL						

Aloha-Reedville Study and Livable Community Plan – TIGER II (FHWA) and Community Challenge (HUD) Grants**Description:**

The Aloha-Reedville Study and Livable Community Plan is a jointly funded study between the Federal Highway Administration (FHWA) and the Department of Housing and Urban Development (HUD.) The joint grant is the Community Challenge/TIGER II grant awarded to Washington County (OR) in October, 2010.

The Aloha-Reedville Study and Livability Plan project will examine how existing conditions, community aspirations and emerging urban service and planning opportunities provide prospects for fulfilling regional sustainability objectives, and develop strategies that address livability issues impacting the local community. The project will explore the area's potential to achieve its 2040 regional objectives and prosper through improved infrastructure, preservation and targeted investment in affordable housing, cohesive governance and private redevelopment investments.

This project will develop a local plan and strategies for housing, redevelopment, corridors and town centers, and transportation for the Aloha-Reedville area that promote livability and sustainability, with a focus on affordable housing and addressing inequities in access to local opportunities and resources.

The Aloha-Reedville area is located primarily in an unincorporated urban area of Washington County between Hillsboro and Beaverton, the fifth and sixth largest cities in Oregon State. The study area includes one 2040-designated town center, three light rail station areas, four designated corridors, and one regionally-significant employment center.

Despite strategic advantages, the Aloha-Reedville community is an area that has begun to show signs of physical and economic decline. In this area, a significant percentage of the population lives below the poverty level in rental housing and is on public assistance (2000 Census data), all of which are indicators of the need for investments that will improve the quality of life and economic vitality for Aloha-Reedville residents. Opportunity Maps created for the 2010-2015 Washington County Consolidated Plan indicate that the area suffers for low and/or inconsistent opportunity in several respects, including inconsistent sidewalk coverage and transit access, limited nutritious food sources, inadequate access to child care, high numbers of children receiving free or reduced lunch, and low math and reading test scores. The 2010 Census and survey research conducted as part of this project will provide specific baseline information regarding which areas should be targeted for redevelopment, including improvements in housing, service levels, and infrastructure.

At this time, although some physical and economic decline has begun to occur in the community, we don't know why existing plans for Aloha-Reedville have not realized the area's full potential in terms of commercial, office and residential development, or why redevelopment of existing, aging structures has not occurred. There is not adequate data to clearly identify inequities in access to housing, transit, services, and employment opportunities, or develop strategies to effectively fill gaps in housing, service, and employment needs and provide meaningful programs to assist low-income and special-needs residents in becoming self-sufficient and stable community members.

The proposed study will work with economic analysts and the community to better understand the issues, needs, opportunities and constraints, and will develop potential alternatives for addressing the problem(s). These efforts will develop strategies to target public and private investment in developments, programs, and services that residents want and need. These efforts will pave the way for development and redevelopment requests and building permits, and new businesses, employment opportunities, and

services. The targeted nature of the plans will provide effective results by identifying strategic opportunities that would leverage multiple objectives.

Objectives:

a. Provide More Transportation Choices

The project will identify and develop plans for streetscape improvements in the study area that will create opportunities safer and more enjoyable bike and pedestrian travel and improved access to existing transit routes. Data to support this outcome will include the number of bicycle, pedestrian, and transit access improvements identified during the planning process and included in the final strategies.

b. Promote equitable, affordable housing

The project will identify and collect baseline data on number affordable housing units, their physical condition, and their surroundings. The project will also develop strategies for preserving the existing supply of affordable housing, as well as strategies for increasing and improving affordable housing opportunities in the study area. Data to support this outcome will track the project's impact on affordability and accessibility, and will include number of affordable housing units and the percent of total housing units that are affordable in the study area.

c. Enhance Economic Competitiveness

The project will enhance economic competitiveness by developing an economic development strategy for corridors and town centers that identifies market opportunities, targets sites for development and/or redevelopment, and creates plans to increase nearby residential opportunities and improve local streetscape and infrastructure to provide greater customer base and improved access for both customers and employees. Data to support this outcome will include number of economic development strategies developed during the planning process and included in the final plan.

d. Support Existing Communities

The project will identify the needs of the estimated 50,000 area residents and create plans and strategies to meet those needs and fulfill community aspirations. Data to support his outcome will include the number of improvements identified during the planning process and included in final plans, as well as number of new and/or updated Urban Service Agreements for the plan area.

e. Coordinate Policies and Leverage Investment

The project will coordinate with several existing and emerging local and regional plans and help maximize the impact of those efforts. One focus of the Aloha-Reedville Study is identifying strategies that will help the area meet its 2040 goals. The project will also develop a Housing Equity and Opportunity strategy that is compatible with the regional strategy that will be developed under the Sustainable Communities Regional Planning Grant Program activities. The Aloha-Reedville Study will also coordinate with the City of Hillsboro's Refinement Plan for Tualatin Valley Highway (funded by a \$331,000 Transportation Growth Management grant) and respond to High Capacity Transit planning concepts developed regionally. Data to support this outcome will include number of reports and/or strategies developed that can be incorporated into other plans, and the number of inputs from other projects that are used in the Aloha-Reedville Study process.

f. Value Communities and Neighborhoods

The project will include intensive public outreach and involvement efforts to engage the local business community and area residents, with targeted outreach to low-income, immigrant, minority, and special-needs communities. This effort will insure that the feedback, suggestions, and strategies developed are an accurate reflection of the unique values and aspirations of the Aloha-Reedville community. Data to support this outcome will track the project's increased participation and decision-making by traditionally marginalized populations, and will include

increase in number of traditionally-underrepresented populations that participate in the planning process.

Previous Work:

Metro's 2040 Growth Concept (adopted 1995) was developed to guide long-range growth in the Portland Metro region, including Multnomah, Clackamas, and Washington Counties. Metro 2040 policies are designed to encourage safe and stable neighborhoods for families, compact development, a healthy economy, protection of farms, forests, rivers, streams and natural areas, a balanced transportation system, and housing for people of all incomes in every community. The Urban Growth Management plan (adopted 1996) established specific tools and requirements for local governments to help communities meet the goals set forth in the 2040 plan. The Regional Framework Plan (adopted 1997) brings all of Metro's regional planning policies and requirements.

A hierarchy of mixed-use, pedestrian friendly Central, Regional, Town, and Neighborhood centers that are connected by transit corridors are fundamental to the 2040 Growth Plan. Corridors and Station Area Communities are intended to be higher-density areas with quality pedestrian environments, good transit access, and a mix of jobs, housing, and other uses that serve the needs of local residents as well as those passing through. The 2040 Housing Choice fundamental includes goals to provide diverse housing options and affordable homes in every jurisdiction.

In 2008, Washington County and its constituent cities, special districts and Metro participated in an Urbanization Forum to discuss governance and growth management issues for existing and future unincorporated urban areas. The Urbanization Forum formed a Steering Committee and a working group and conducted a series of public meetings to formulate proposed policies pertaining to the quality and delivery of public services by service providers and governing institutions, and the quality of urban life and amenities of residents and communities within existing and future urban areas. As a direct result of these discussions, the Board of County Commissioners adopted Resolution No. 09-68 in 2009, which outlines consensus provisions for growth management and governance of existing and future urban areas.

Recognizing the county's limited resources for and long-standing policies regarding the provision of municipal level planning services, the Urbanization Forum Steering Committee provided the following recommendations related to planning in the county's urban unincorporated areas:

- Concentrate on areas of greatest need and opportunity
- Evaluate service needs and options
- Work with the broader public to explore alternatives
- Pursue grant monies to support a project for the Aloha-Reedville area

The Aloha-Reedville Study and Livable Community Plan will build upon the resolution of the Urbanization Forum and advance its "big picture" objectives. The proposed 3-year project will benefit county jurisdictions and the region by supporting and advancing the achievement of regional development goals and outcomes for centers and corridors, specifically those articulated in Metro's Great Communities concepts.

Methodology:

The Aloha-Reedville Study and Livability Plan will begin by conducting extensive existing conditions research and establish baseline metrics that will be used evaluate program outcomes. The first phase of the project will also include significant outreach to a representative group of service districts, residents, businesses and community organizations to evaluate service needs and options in the Aloha-Reedville community, and develop a strategy for providing intensive public participation in the

OTHER PROJECTS OF REGIONAL SIGNIFICANCE**WASHINGTON COUNTY
ALOHA-REEDVILLE STUDY AND LIVABLE COMMUNITY PLAN**

project as it moves forward. Targeted outreach efforts will be directed at low-income, minority, and special-needs populations. Project Advisory and Technical Advisory Committees will also be established.

As the project moves forward, project staff will work with the broader public to explore alternatives for strategic infrastructure investment and partnerships for revitalization. Special outreach efforts will continue to insure that underrepresented communities are able to participate meaningfully through workshops and other engagement activities.

Areas of particular focus will be the Aloha town center and the corridors of Baseline Road, Tualatin Valley Highway, 185th Avenue and Farmington Road. Tualatin Valley Highway is the route of TriMet's eighth most-ridden bus line (#57), and is identified as a "Next Phase Regional Priority Corridor" in Metro's Regional High Capacity Transit (HCT) System Plan. The Aloha-Reedville Study project will set the stage for regional HCT planning along Tualatin Valley Highway by assessing the area's land use and population capacity to support HCT and by integrating changes to housing and other land use patterns to make the corridor more HCT supportive. This project will be a collaborative planning effort between Washington County, the Housing Authority of Washington County, the Cities of Beaverton and Hillsboro and other affected agencies (e.g. ODOT and TriMet), with the county acting as lead administrator.

Tangible Products Expected in FY 2010-2011:

- Detailed Scope-of-Work indicating tasks, staff assignments, anticipated TIGER II funding and County in-kind match for the projects three phases
- Consultant Requests for Proposals for Phase 1 identified tasks
- Consultant Contracts for Phase 1 identified tasks
- Project advisory groups formation (internal review and decision-making groups, key stakeholder project advisory group, technical advisory group)
- Coordinate efforts with City of Hillsboro TGM Tualatin Valley Highway Corridor Refinement Planning efforts (INITIATE and ONGOING)
- Develop and launch Aloha-Reedville website (www.co.washington.or.us)

Entities Responsible for Activity:

Washington County Department of Land Use and Transportation – Grantee and Project Management

Washington County Department of Housing Services – (HUD Grantee)

Federal Highway Administration – Grantor/Reporting

Department of Housing Services and Urban Development – Co-Grantor/Reporting

Oregon Department of Transportation – Coordinate/Collaborate

TriMet – Cooperate/Collaborate

Metro – Cooperate/Collaborate

City of Beaverton – Collaborate

City of Hillsboro – Coordinate/Collaborate

Other stakeholders:

Committee for Citizen Involvement (CCI) – OSU Extension

Citizen Participation Organizations 6 & 7

Organizations providing social services, healthcare

Aloha – Reedville Business Association

Aloha – Reedville Interfaith organization

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

WASHINGTON COUNTY
ALOHA-REEDVILLE STUDY AND LIVABLE COMMUNITY PLAN

- City of Hillsboro Chamber of Commerce
- City of Hillsboro Hispanic Chamber of Commerce
- City of Beaverton Chamber of Commerce
- Beaverton School District
- Hillsboro School District
- Urban Roads Maintenance Advisory Committee (URMDAC) - Washington County
- Washington County Department of Health and Human Services
- Washington County Office of Community Development
- Washington County Cooperative Library Services
- Washington County Sheriffs Office
- Tualatin Valley Fire and Rescue
- Clean Water Services
- Tualatin Hills Parks and Recreation District
- Organizations serving minority, elderly, disabled, and non-English speaking residents needs
- Organizations and advisory committees serving regional bicycle, pedestrian, and transit needs

Schedule for Completing Activities:

Please refer to schedule information provided in the *Objectives* and *Tangible Products* sections of this planning activity description.

FY 2011 – 2013 Funding Sources

	Funding Source	
2010-13	<i>Washington County In-kind Match (personnel)</i>	\$801,907.00
	<i>Metro Construction Excise Tax Award, June 2010</i>	\$442,000.00
	<i>Federal Highway Administration TIGER II Grant</i>	\$1,500,000.00
	<i>Department of Housing and Urban Development Community Challenge Grant</i>	\$500,000.00
	TOTAL	\$3,243,907.00

I. TRANSPORTATION PLANNING**METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM****METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM****Description:**

The Metropolitan Transportation Improvement Program (MTIP) is a critical tool for implementing the Regional Transportation Plan (RTP) and 2040 Growth Concept. The MTIP is a multi-year program that allocates federal and state funds available for transportation system improvement purposes in the Metro region. Updated every two years, the MTIP allocates funds to specific projects, based upon technical and policy considerations that weigh the ability of individual projects to implement regional goals. The MTIP is also subject to federal and state air quality requirements, and a determination is made during each allocation to ensure that the updated MTIP conforms to air quality laws. These activities require special coordination with staff from Oregon Department of Transportation (ODOT), TriMet, South Metro Area Regional Transit (SMART), and other regional, county and city agencies, as well as significant public-involvement efforts, consistent with Metro's public involvement plan.

Objectives:

Work in a cooperative, continuous, and comprehensive process to prioritize projects from the RTP for funding. (ONGOING)

MTIP/STIP Update: Provide a transparent and technically rigorous process to prioritize projects and programs from the 2035 RTP to receive transportation funding to be programmed, pending air quality conformity, in the 2012-15 TIP. This includes regional flexible funds and funds administered by ODOT, TriMet and SMART. (Spring 2011)

Database Maintenance: Metro will track essential project programming, amendment, and obligation information as well as revenue information to better schedule project implementation activities and ensure a fiscally constrained MTIP is maintained. (ONGOING)

2010-13 MTIP: Effectively administer the existing MTIP, including:

- Programming transportation projects in the region consistent with Federal rules and regulations. (ONGOING)
- Ensure funding in the first two years of the MTIP is available or committed and that costs are programmed in year-of-expenditure dollars. (ONGOING)
- Continue to coordinate inter-agency consultation on air quality conformity. Conduct public outreach, reports, and public hearings required as part of the conformity process. (AMENDMENTS: ONGOING)
- Maintain a financial plan to balance project costs with expected revenues. (ONGOING)
- Continue improvements to the on-time and on-budget delivery of the local program of projects selected for funding through the Transportation Priorities process. (ONGOING)
- Continue the MTIP public awareness program to include updated printed materials, web resources and other material to increase understanding of the MTIP process. (ONGOING)

Previous Work:

With the update of the 2035 RTP, a second major update of MTIP policies and review criteria was completed for the 2010-13 MTIP. The MTIP policy update and process to prioritize projects from the RTP for funding within the 2010-13 MTIP directed a new outcomes-based evaluation process for the allocation of regional flexible funds focused on four objectives: regional mobility corridors, mixed-use area implementation, industrial and employment area implementation, and environmental mitigation.

The allocation of regional flexible funds also included further refinements to improve the on-time, on-budget delivery of local projects funded with urban Surface Transportation Program (STP) and Congestion Mitigation/Air Quality (CMAQ) funds, stemming from recommendations of a 2006 TPAC analysis. This includes improved outreach and communication with implementing agencies and ODOT

I. TRANSPORTATION PLANNING

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local program staff on project delivery expectations and improvements to applicant project cost estimating methods.

Metro staff led the project selection process and programming of transportation funds in the Metro region allocated through the American Recovery and Reinvestment Act (ARRA) in 2009-10. This included \$38 million distributed through the MPO, \$44 million of transit funding administered by TriMet and SMART and \$63 million of funding administered by ODOT for projects in the Metro area. This was a substantial increase in workload without any additional funding allocated to Metro for administration of these funds.

FY2009-10 is expected to achieve the adoption of the 2010-13 MTIP and federal approval of its air quality conformity findings. The 2010-13 MTIP includes programming of new projects funded with \$65 million in regional flexible transportation funds, ODOT Administered funds, and TriMet and SMART administered funds in the Metro area.

Improved CMAQ eligibility and annual reporting processes have been developed in cooperation with the ODOT environmental division and with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) staff. An improved project and financial plan database has been created and Metro staff has been loading historical and current data into the database. Metro staff has been working with partner agency staff to establish protocols for the exchange and management of data, as well as confirming existing data as it is loaded into the database.

MTIP staff also participated in the update to the RTP in 2008-10 in order to ensure strong linkages between the plan and programming of funds through the MTIP. Metro staff participated in the development of a detailed statewide template for an agreement between ODOT, MPO's and Public Transit Agencies for the development and maintenance of financial plans and obligation reports. This will serve as the basis for updating the existing Planning agreement between ODOT, Metro, TriMet and SMART with the more specific protocols from the statewide template in the coming year. Metro staff also participated in the review of the ODOT Local Government Section's relationship to MPO's in the state and the development of a potential MPO-ODOT LGS agreement for further improvement to project delivery of local federal-aid projects.

Metro also provides support to ODOT and local agencies on the planning phase of local project delivery to help prepare local projects for successful implementation during the preliminary engineering through construction phases. This support is in the form of review and recommendations for approval of scope, schedule and budget of agency and consultant work and review of invoices for reasonable progress. Metro and ODOT are updating the regional planning agreement to document this support role. Roles and responsibilities for administering these project development activities are summarized below in the "Entities Responsible for Activity" section. This language applies to all project development planning activities included in the "Other Projects of Regional Significance" in this UPWP unless superseded by an Intergovernmental Agreement that specifies different administrative responsibilities.

Methodology:

The MTIP is updated and maintained through extensive cooperation and collaboration with partner agencies, a rigorous public involvement process, and administrative procedures such as the maintenance of TransTracker, the new project and financial database.

Schedule for Completing Activities:

Please refer to schedule information provided in the *Objectives* and *Tangible Products* sections of this planning activity description.

Tangible Products Expected in FY 2010-11:

- Update 2012-15 MTIP Policy Report to reflect new financial strategies and policies from the 2035 Regional Transportation Plan.

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- Allocate regional flexible funds (Urban-STP and CMAQ funds) to local projects and programs with funding authority from FFY 2014 and 2015. (Spring 2011)
- Collaborate with ODOT, TriMet and SMART on the selection of projects and programs with funding authority from FFY 2014 and 2015. (Spring 2011)
- Establish eligibility of projects for CMAQ funds prior to programming in the MTIP. (Summer 2011)
- Publish an annual obligation report utilizing visualization techniques. (DECEMBER 2010)
- Report on CMAQ project progress and resultant emission reduction benefits. (DECEMBER 2010)
- Update the regional Planning agreement to include detailed protocols from the statewide financial plan and obligation report agreement template.
- Negotiate a new agreement with the ODOT Local Government Section office on roles, responsibilities and protocols for the improved delivery of federal local program projects.

Entity/ies Responsible for Activity:

Metro – Product Owner / Lead Agency
Oregon Department of Transportation – Cooperate / Collaborate
TriMet – Cooperate/Collaborate
South Metro Area Regional Transit – Cooperate / Collaborate

Other Stakeholders:

Local partner agencies and members of the public
Federal Highway Administration (FHWA)
Federal Transit Administration (FTA)
Metro Committee for Citizen Involvement (MCCI)
Joint Policy Advisory Committee on Transportation (JPACT)
Transportation Policy Alternatives Committee (TPAC)
Oregon Transportation Commission (OTC)
Oregon DEQ
US Environmental Protection Agency (EPA)
Organizations involved with minority and non-English speaking residents

For project development planning activities summarized in the "Corridor Plans and Projects of Regional Significance" section of the UPWP, the following administrative roles and responsibilities apply. Metro Planning & Development shall:

- Ensure project development planning activity is properly included in the UPWP
- Ensure the scope and budget addresses relevant contingencies of the project development award
- Assign a Project Manager to all project development plans
- Coordinate with ODOT project development manager on the programming of project development plan funding and assignment of work to ODOT project manager.

Metro Project Manager shall:

- Participate in meetings as necessary for development of plan scope, schedule and budget.
- Organize Metro staff participation in project development planning activities as defined in the scope and budget.
- Communicate to ODOT project manager:
 - Recommendation of approval of the Local Agency's scope, schedule, and budget
 - Recommendation of approval of the Consultant scope, schedule, and budget
 - Review of tasks/work invoiced for payment is consistent with scope, schedule and budget and provide recommendation of payment based on consistency

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- Approval of all amendments/change orders
- Approval of the Quarterly Reports as submitted by the local agency project manager

ODOT shall:

- Assign a Project Manager from Local Agency Liaison Section to be lead project manager on all project development plans
- Ensure all project development plans have a consistent administrative process at ODOT

ODOT Project Manager shall:

- Carry-out the project development plans in a process similar to that which already exists for capital projects, with the exception of the following:
 - Approve billing invoices upon Metro recommendation and review of eligibility and ODOT contract rules
 - Include Metro project manager on all project related correspondence and meetings
 - Ensure Metro project manager approves Local Agencies scope, schedule, and budget
 - Ensure Metro project manager verifies adequacy of implementing scope, schedule, and budget and recommends payment of billing invoices
 - Ensure Metro project manager approves all amendments/change orders
 - Ensure Metro project manager receives a copy of Quarterly Report

Lead Agency/Product Owner shall:

- Assign a Project Manager
- Enter into an intergovernmental agreement with ODOT for administration of the project

Lead Agency/Product Owner Project Manager shall:

- Propose a project scope, schedule and budget consistent with the original application for project funds
- If using consultant services, propose a project scope, schedule and budget for those services and comply with state and federal procurement rules
- Manage consultant services for completion of tasks within scope, schedule, budget and eligible expenses
- Submit invoices for payment (agency and consultant) to Metro and ODOT project managers
- Submit Quarterly reports on time to Metro and ODOT project managers
- Submit change orders to Metro and ODOT project managers
- Include Metro project manager on all project related correspondence and meeting announcements

Cost and Funding Sources:

Requirements:		Resources:	
Personal Services	\$ 525,690	PL	\$ 357,711
Interfund Transfers	\$ 142,835	STP	\$ 100,159
Materials & Services	\$ 34,535	Section 5303	\$ 82,076
Printing/Supplies \$20,000		ODOT Support	\$ 7,035
Ads & Legal Notices \$6,000		TriMet	\$ 90,478
Miscellaneous \$8,535		Metro	\$ 31,938
Computer	\$ 1,338	Other	\$ 35,000
TOTAL	\$ 704,397	TOTAL	\$ 704,397

Full-Time Equivalent Staffing:

Regular Full-Time FTE	5.07
TOTAL	5.07

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4235, FOR THE PURPOSE OF AMENDING THE FY 2010-11 UNIFIED PLANNING WORK PROGRAM TO ADD THE COUNCIL CREEK TRAIL, MULTIMODAL ARTERIAL PERFORMANCE MANAGEMENT REGIONAL CONCEPT OF TRANSPORTATION OPERATIONS, AND THE ALOHA-REEDVILLE STUDY AND LIVABILITY COMMUNITY PLAN PROJECTS AND MODIFY PROJECT DEVELOPMENT LANGUAGE FOR THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM

Date: April 7, 2011

Prepared by: Josh Naramore
(503) 797-1825

BACKGROUND

On April 15, 2010, the Metro Council adopted the FY 2010-11 Unified Planning Work Program (“UPWP”) via Resolution No. 10-4136 (“FOR THE PURPOSE OF CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS AND ADOPTING THE FY 2010-11 UNIFIED PLANNING WORK PROGRAM”).

This resolution is a package of amendments to the FY 2010-11 Unified Planning Work Program (UPWP). It adds the following three projects: Council Creek Trail, Multimodal Arterial Performance Regional Concept of Transportation Operations, and the Aloha-Reedville Study and Livability Community Plan. The resolution would also modify the project development language of the Metropolitan Transportation Improvement Program (MTIP) UPWP narrative.

The Council Creek Trail was awarded regional funds as part of the 2012-13 regional flexible funds allocation process. As part of Resolution 10-4150A adopting the 2010-13 MTIP, the Council Creek Trail funds were programmed for fiscal year 2010-11 that runs from October 1, 2010 – September 30, 2011. The FY 2010-11 UPWP had already been adopted and does not include Council Creek Trail project. This project is included as part of the draft FY 2011-12. The proposed UPWP narrative for the Council Creek Trail is included in Exhibit A.

A natural expansion of the region’s performance measurement capabilities, beyond PORTAL and other freeway-based facilities, is to the major arterials across the region. Arterial performance measurement in the form of travel times, travel speed, and potentially origin-destination data will support engineering, and planning decision-makers, enabling more efficient investment of limited funds. The 2035 Regional Transportation Plan (“RTP”), adopted on June 10, 2010 by Metro Council Ordinance No. 10-1241B includes the Regional Transportation Systems Management and Operations (TSMO) Action Plan. One of the high priority actions in the plan is to begin work on developing a regional concept of transportation operations (RCTO) for multimodal arterial performance. Funds allocated as part of the regional TSMO programs share of the regional flexible funds have been prioritized to fund the beginning of this work. The proposed UPWP narrative for the multimodal arterial performance RCTO are included in Exhibit B.

In October 2010, Washington County was awarded a Community Challenge/TIGER II grant from the Federal Highway Administration and the Department of Housing and Urban Development for the Aloha-Reedville Study and Livability Community Plan. This project will examine how existing conditions, community aspirations and emerging urban service and planning opportunities provide prospects for fulfilling regional sustainability objectives, and develop strategies that address livability issues impacting the local community. The project will explore the area’s potential to achieve its 2040 regional objectives

and prosper through improved infrastructure, preservation and targeted investment in affordable housing, cohesive governance and private redevelopment investments. This project will develop a local plan and strategies for housing, redevelopment, corridors and town centers, and transportation for the Aloha-Reedville area that promote livability and sustainability, with a focus on affordable housing and addressing inequities in access to local opportunities and resources. The proposed UPWP narrative for the Aloha-Reedville Study and Livability Community Plan are included in Exhibit C.

Additionally, Metro staff has prepared clarifying language intended to simplify Metro's administration of the project development process. The proposed new language is underlined in Exhibit D.

ANALYSIS/INFORMATION

1. **Known Opposition** – No known opposition

2. **Legal Antecedents**

Metro Council Resolution No. 10-4136: FOR THE PURPOSE OF CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS AND ADOPTING THE FY 2010-11 UNIFIED PLANNING WORK PROGRAM, adopted by the Metro Council on April 15, 2010.

Metro Council Resolution No. 10-4150A: FOR THE PURPOSE OF ADOPTING THE CONFORMITY DETERMINATION FOR THE 2035 REGIONAL TRANSPORTATION PLAN AND THE 2010-13 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM, adopted by the Metro Council June 10, 2010.

Metro Council Ordinance No. 10-1241B: FOR THE PURPOSE OF AMENDING THE 2035 REGIONAL TRANSPORTATION PLAN (FEDERAL COMPONENT) AND THE 2004 REGIONAL TRANSPORTATION PLAN TO COMPLY WITH FEDERAL AND STATE LAW; TO ADD THE REGIONAL TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS ACTION PLAN, THE REGIONAL FREIGHT PLAN, AND THE HIGH CAPACITY TRANSIT PLAN; TO AMEND THE REGIONAL TRANSPORTATION FUNCTIONAL PLAN AND ADD IT TO THE METRO CODE; TO AMEND THE REGIONAL FRAMEWORK PLAN; AND TO AMEND THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN, adopted by the Metro Council June 10, 2010.

3. **Anticipated Effects** – Approval will mean that grants can be submitted and contracts executed so work can commence work on these projects between now and June 30, 2011, in accordance with established Metro priorities.

4. **Budget Impacts** – None anticipated.

RECOMMENDED ACTION

Approve Resolution No. 11-4235 and amend the FY 2010-11 UPWP.

Agenda Item Number 4.2

Resolution No. 11-4236, For the Purpose of Certifying that the
Portland Metropolitan Area is in Compliance with Federal
Transportation Planning Requirements and Adopting
the Fiscal Year 2011-12 Unified Planning
Work Program.

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CERTIFYING THAT)
THE PORTLAND METROPOLITAN AREA IS IN)
COMPLIANCE WITH THE FEDERAL)
TRANSPORTATION PLANNING)
REQUIREMENTS AND ADOPTING THE FY
2011-12 UNIFIED PLANNING WORK
PROGRAM

RESOLUTION NO. 11-4236

Introduced by Councilor Barbara Roberts

WHEREAS, the Unified Planning Work Program (UPWP) as shown in Exhibit A attached hereto, describes all Federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2011-12; and

WHEREAS, the FY 2011-12 UPWP indicates Federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Tualatin Hills Parks & Recreation, the cities of Damascus, Hillsboro, Milwaukie, Portland, and Wilsonville, Clackamas County, Multnomah County, Washington County, TriMet, and Oregon Department of Transportation; and

WHEREAS, approval of the FY 2011-12 UPWP is required to receive Federal transportation planning funds; and

WHEREAS, the federal self-certification findings in Exhibit B demonstrate Metro's compliance with Federal planning regulations as required to receive Federal transportation planning funds; and

WHEREAS, the FY 2011-12 UPWP is consistent with the proposed Metro Budget submitted to the Metro Council; now therefore

BE IT RESOLVED by the Metro Council:

1. That the FY 2011-12 UPWP attached hereto as Exhibit A is hereby adopted.
2. That the FY 2011-12 UPWP is consistent with the continuing, cooperative, and comprehensive planning process and is given positive Intergovernmental Project Review action.
3. That Metro's Chief Operating Officer is authorized to apply for, accept, and execute grants and agreements specified in the UPWP.
4. That staff shall update the UPWP budget figures, as necessary, to reflect the final Metro budget.
5. That staff shall submit the final UPWP and self-certification findings to the Federal Highway Administration and Federal Transit Administration.

ADOPTED by the Metro Council this _____ day of April 2011.

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

Metro Self-Certification

1. Metropolitan Planning Organization Designation

Metro is the Metropolitan Planning Organization (MPO) designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties, and operates in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303.

Metro is a regional government with six directly elected district councilors and a regionally elected Council President. Local elected officials of general purpose governments are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT). JPACT provides the “forum for cooperative decision-making by principal elected officials of general purpose governments” as required by USDOT and takes action on the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP) and the Unified Planning Work Program (UPWP). The Metro Policy Advisory Committee (MPAC) deals with non-transportation-related matters and with the adoption and amendment to the Regional Transportation Plan (RTP). Specific roles and responsibilities of the committees are described on page 2.

2. Geographic Scope

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban Boundary (FAUB). Metro updated the FAUB and Federal functional classification in January 2005 as recommended in Metro’s 2004 Federal Review. Additionally, as part of the 2035 RTP adopted in June 2010, the Metropolitan planning area boundaries were expanded to reflect the urbanized area defined by the 2000 Census to address a corrective action from the 2008 federal certification review.

3. Agreements

- a. A Memorandum of Agreement between Metro and the Southwest Washington Regional Transportation Council (RTC) delineates areas of responsibility and coordination. Executed in April 2009, the Agreement will not need to be updated until April 2012.
- b. In accordance with 23 CFR 450.314, an intergovernmental agreement (IGA) between TriMet, Oregon Department of Transportation (ODOT), and Metro was executed in July 2008, to be updated in June 2018.
- c. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds.
- d. Bi-State Coordination Committee Charter – Metro and eleven state and local agencies adopted resolutions approving a Bi-State Coordination Committee Charter in 2004. Some were adopted in late 2003 and the balance in 2004, which triggered the transition from the Bi-State Transportation Committee to the Bi-State Coordination Committee.
- e. A Memorandum of Understanding between Metro and the Department of Environmental Quality (DEQ) describing each agency’s responsibilities and roles for air quality planning. Executed in August 2010, it will not need to be updated until August 2013.
- f. A Memorandum of Understanding between Metro and South Metro Area Regional Transit (SMART) outlining roles and responsibilities for implementing the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was effective July 1, 2008, and will be updated in June 2011.

4. Responsibilities, Cooperation and Coordination

Metro uses a decision-making structure that provides state, regional, and local governments the opportunity to participate in the transportation and land use decisions of the organization. The two key committees are JPACT and MPAC. These committees receive recommendations from the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC).

JPACT

This committee is comprised of three Metro Councilors; seven locally elected officials representing cities and counties, and appointed officials from ODOT, TriMet, the Port of Portland, and DEQ. The State of Washington is also represented with three seats that are traditionally filled by two locally elected officials and an appointed official from the Washington Department of Transportation (WSDOT). All transportation-related actions (including Federal MPO actions) are recommended by JPACT to the Metro Council. The Metro Council can approve the recommendations or refer them back to JPACT with a specific concern for reconsideration. Final approval of each item, therefore, requires the concurrence of both bodies. As recommended by Metro's 2004 Federal Review, JPACT has designated a Finance Subcommittee to explore transportation funding and finance issues in detail, and make recommendations to the full committee.

In FY 2007-08, JPACT completed the bylaw review recommended in Metro's 2004 Federal Review and clarified representation of South Metro Area Regional Transit representation on the committee.

Bi-State Coordination Committee

Based on a recommendation from the I-5 Transportation & Trade Partnership Strategic Plan, the Bi-State Transportation Committee became the Bi-State Coordination Committee in early 2004. The Bi-State Coordination Committee was chartered through resolutions approved by Metro, Multnomah County, the cities of Portland and Gresham, TriMet, ODOT, the Port of Portland, RTC, Clark County, C-Tran, WSDOT and the Port of Vancouver. The Committee is charged with reviewing all issues of bi-state significance for transportation and land use. A 2003 Memorandum of Understanding (MOU) states that JPACT and the RTC Board "shall take no action on an issue of bi-state significance without first referring the issue to the Bi-State Coordination Committee for their consideration and recommendation."

MPAC

This committee was established by the Metro Charter to provide a vehicle for local government involvement in Metro's planning activities. It includes eleven local elected officials, three appointed officials representing special districts, TriMet, a representative of school districts, three citizens, two non-voting Metro Councilors, two Clark County, Washington representatives and a non-voting appointed official from the State of Oregon. Under the Metro Charter, this committee has responsibility for recommending to the Metro Council adoption of or amendment to any element of the Charter-required RTP.

The Regional Framework Plan was adopted on December 11, 1997 and updated December 2005 and most recently in December 2010 and addresses the following topics:

- Transportation
- Land use (including the Metro Urban Growth Boundary (UGB))
- Nature in Neighborhoods
- Water supply and watershed management
- Natural hazards
- Coordination with Clark County, Washington
- Management and implementation

As part of the 2035 RTP adoptions there were specific changes made to the Regional Transportation Functional Plan. In accordance with this requirement, the transportation component of the Regional Framework Plan developed to meet Federal transportation planning regulations, the Oregon Transportation Planning Rule and Metro Charter requirements that require a recommendation from both MPAC and JPACT. This ensures integration of transportation with land use and environmental concerns.

5. Metropolitan Transportation Planning Products

a. Unified Planning Work Program

JPACT, the Metro Council, and the Southwest Washington RTC adopt the UPWP annually. It fully describes work projects planned for the Transportation Department during the fiscal year and is the basis for grant and funding applications. The UPWP also includes federally funded major projects being planned by member jurisdictions. These projects will be administered by Metro through intergovernmental agreements with ODOT and the sponsoring jurisdiction. As required by Metro's 2004 Federal Review, Congestion Management Process (CMP) and RTP update tasks were expanded in the UPWP narratives. Also, Metro identified environmental justice tasks in the UPWP in the Environmental Justice and Title VI narrative and individual program narratives; elderly and disabled planning tasks have been identified in the Regional Transportation Plan program narrative.

b. Regional Transportation Plan

JPACT and the Metro Council approved the 2035 RTP in June 2010. The 2035 RTP includes a new policy for the purpose of transportation planning and project funding to address SAFETEA-LU provisions and key issues facing the region. The 2035 RTP establishes a new outcomes-based framework and new policies and tools to guide future planning and investment decisions. The plan includes a broad set of ambitious performance targets that are tied to the outcomes that the RTP is trying achieve. The targets and other performance measures included in the plan continue the region's shift away from reliance upon level-of-service as the primary measure for determining transportation needs and success of the plan's strategies. To successfully implement this new approach and make progress toward the six desired outcomes identified through the *Making the Greatest Place* effort, new actions, tools and collaboration are needed.

Finally, the 2035 RTP has three new system component plans: a Regional Transportation System Management and Operations Plan, a Regional Freight Plan and a Regional High Capacity Transit System Plan. These plans more fully articulate the integrated multi-modal regional transportation system and prioritize investments to improve the operations and efficiency of the existing transportation, improve freight reliability and strategically expand the HCT system to support 2040 Growth Concept implementation and meet other goals of the RTP. In addition, the Regional Transportation Functional Plan (RTFP) component of the RTP directs how local governments will implement the RTP.

As required by Metro's 2008 Federal Review, the 2035 update included documentation of the process for both full and administrative RTP amendments. A Regional Safety Workgroup was also formed in October 2009 to better address safety as part of Metro's planning process. Currently, the Safety Workgroup is working on a safety plan that is expected to be completed by December 2011. The safety work is included in the Transportation System Management and Operations (TSMO): Regional Mobility Narrative.

Additionally, a new map was added to Chapter 1 of the RTP that identifies the MPO Planning Boundary and the Air Quality Maintenance Area Boundary. This boundary defines the area that the RTP applies to for Federal planning purposes. The boundary includes the area inside Metro's jurisdictional boundary, the 2008 UGB and the 2000 census defined urbanized area boundary for the Portland metropolitan region. FHWA and FTA approved the 2035 RTP and the associated air quality conformity determination on February 29, 2008 and again in September 2010.

Documentation of compliance with specific Federal planning requirements is summarized in subsequent sections of this document.

c. Metropolitan Transportation Improvement Program

The MTIP was updated in the Fall 2010 and incorporated into the 2010-13 State Transportation Improvement Program (STIP). The 2010 update included the allocation of \$63 million of Surface Transportation Program (STP) and Congestion Mitigation/Air Quality Program (CMAQ) funding,

programming of projects for the ODOT Modernization, Bridge, Safety, Preservation, Operations, OTIA III, Enhancements, and Immediate Opportunity Fund projects and programming of transit funding. The first year of programming is considered the priority project funding for the region. Should any of these projects be delayed, projects of equivalent dollar value may be advanced from the second, third or fourth years of the program without processing formal Transportation Improvement Program (TIP) amendments. As recommended in Metro's 2004 Federal Review, the MTIP webpage was linked to ODOT's STIP page.

Metro is in the process of updating the 2012-15 MTIP in the current fiscal year, with adoption of an updated program scheduled for FY 2011-12.

6. Planning Factors

Currently, Metro's planning process addresses the SAFETEA-LU planning factors in all projects and policies. Table 1 below describes the relationship of the planning factors to Metro's activities and Table 2 outlines Metro's response to how the factors have been incorporated into the planning process. The SAFETEA-LU planning factors are:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility options available to people and for freight;
5. Protect and enhance the environment, promote energy conservation and improve quality of life;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient management and operations; and
8. Emphasize the preservation of the existing transportation system.

As noted in Tables 1 and 2, Metro has reviewed and updated both the RTP and MTIP, and revised both documents to be compliant with SAFETEA-LU planning requirements.

Table 1: SAFETEA-LU Planning Factors

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
1. Support Economic Vitality	<ul style="list-style-type: none"> • RTP policies linked to land use strategies that promote economic development. • Industrial areas and intermodal facilities identified in policies as "primary" areas of focus for planned improvements. • Comprehensive, multimodal freight improvements that link intermodal facilities to industry are detailed for the plan period. • Highway Level of Service (LOS) policy tailored to protect key freight corridors. • RTP recognizes need for freight linkages to destinations beyond the 	<ul style="list-style-type: none"> • All projects subject to consistency with RTP policies on economic development and promotion of "primary" land use element of 2040 development such as centers, industrial areas and intermodal facilities. • Special category for freight improvements calls out the unique importance for these projects. • All freight projects subject to funding criteria that promote industrial jobs and businesses in the "traded sector." 	<ul style="list-style-type: none"> • HCT plans designed to support continued development of regional centers and central city by increasing transit accessibility to these locations. • HCT improvements in major commute corridors lessen need for major capacity improvements in these locations, allowing for freight improvements in other corridors.

Table 1: SAFETEA-LU Planning Factors

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
	region by all modes.		

Table 1: SAFETEA-LU Planning Factors

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
2. Increase Safety	<ul style="list-style-type: none"> • The RTP policies call out safety as a primary focus for improvements to the system. • Safety is identified as one of three implementation priorities for all modal systems (along with preservation of the system and implementation of the region's 2040-growth management strategy). • Work is currently underway by the Regional Safety Workgroup to develop a safety plan for the Portland Metropolitan region. The work is expected to be completed by December 2011. • The RTP includes a number of investments and actions aimed at further improving safety in the region, including: <ul style="list-style-type: none"> ◦ Investments targeted to address known safety deficiencies and high-crash locations. ◦ Completing gaps in regional bicycle and pedestrian systems. ◦ Retrofits of existing streets in downtowns and along main streets to include on-street parking, street trees marked street crossings and other designs to slow traffic speeds to follow posted speed limits. ◦ Intersection changes and ITS strategies, including signal timing and real-time traveler information on road conditions and hazards. ◦ Expanding safety education, awareness and multi-modal data collection efforts at all levels of government. ◦ Expand safety data collection efforts and create a better system for centralized crash data for all modes of travel. 	<ul style="list-style-type: none"> • All projects ranked according to specific safety criteria. • Road modernization and reconstruction projects are scored according to relative accident incidence. • All projects must be consistent with regional street design guidelines that provide safe designs for all modes of travel. 	<ul style="list-style-type: none"> • Station area planning for proposed HCT improvements is primarily driven by pedestrian access and safety considerations.

Table 1: SAFETEA-LU Planning Factors

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
<p>3. Increase Security</p>	<ul style="list-style-type: none"> • System security was incorporated into the 2035 RTP. • Security and emergency management activities are summarized in Section 1.6 of the 2035 RTP (Pages 1-38 – 1-40). • Policy framework in Section 2.3 of the 2035 RTP includes, “Goal 5: Enhance Safety and Security,” and specific security objectives and potential actions to increase security of the transportation system for all users. • Includes investments that increase system monitoring for operations, management and security of the regional mobility corridor system. • Actions direct Metro to work with local, state and regional agencies to identify critical infrastructure in the region, assess security vulnerabilities and develop coordinated emergency response and evacuation plans. • Actions direct transportation providers to monitor the regional transportation and minimize security risks at airports, transit facilities, marine terminals and other critical infrastructure. 	<ul style="list-style-type: none"> • Transportation security will be factored into the next MTIP update, following completion of the new RTP. 	<ul style="list-style-type: none"> • System security has been a routine element of the HCT program, and does not represent a substantial change to current practice.

Table 1: SAFETEA-LU Planning Factors

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
4. Increase Accessibility	<ul style="list-style-type: none"> • The RTP policies are organized on the principle of providing accessibility to centers and employment areas with a balanced, multi-modal transportation system. • The policies also identify the need for freight mobility in key freight corridors and to provide freight access to industrial areas and intermodal facilities. • The plan emphasizes accessibility and reliability of the system, particularly for commuting and freight, and includes a new, more customized approach to managing and evaluating performance of mobility corridors. This new approach builds on using new, cost-effective technologies to improve safety, optimize the existing system, and ensure freight transporters and commuters have a broad range of travel options in each corridor. 	<ul style="list-style-type: none"> • Measurable increases in accessibility to priority land use elements of the 2040-growth concept is a criterion for all projects. • The MTIP program places a heavy emphasis on non-auto modes in an effort to improve multi-modal accessibility in the region. 	<ul style="list-style-type: none"> • The planned HCT improvements in the region will provide increased accessibility to the most congested corridors and centers. • Planned HCT improvements provide mobility options to persons traditionally underserved by the transportation system.

Table 1: SAFETEA-LU Planning Factors (continued)

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
<p>5. Protect Environment and Quality of Life</p>	<ul style="list-style-type: none"> • The RTP is constructed as a transportation strategy for implementing the region’s 2040-growth concept. The growth concept is a long-term vision for retaining the region’s livability through managed growth. • The RTP system has been "sized" to minimize the impact on the built and natural environment. • The region has developed an environmental street design guidebook to facilitate environmentally sound transportation improvements in sensitive areas, and to coordinate transportation project development with regional strategies to protect endangered species. • The RTP conforms to the Clean Air Act. • Many new transit, bicycle, pedestrian and Transportation Demand Management (TDM) projects have been added to the plan to provide a more balanced multi-modal system that maintains livability. • RTP transit, bicycle, pedestrian and TDM projects will complement the compact urban form envisioned in the 2040 growth concept by promoting an energy-efficient transportation system. • Metro coordinates its system level planning with resource agencies to identify and resolve key issues. • The region’s parking policies (Title 2 of the Urban Growth Management Functional Plan) are also designed to encourage the use of alternative modes, and reduce reliance on the automobile, thus promoting energy conservation and reducing air quality impacts. 	<ul style="list-style-type: none"> • The MTIP conforms to the Clean Air Act and continues to comply with the air quality maintenance plan in accordance with sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7605 (c) and (d)) and 40 CFR part 93. • The MTIP focuses on allocating funds for clean air (CMAQ), livability (Transportation Enhancement) and multi- and alternative modes (STIP). • Bridge projects in lieu of culverts have been funded through the MTIP to enhance endangered salmon and steelhead passage. • "Green Street" demonstration projects funded to employ new practices for mitigating the effects of storm water runoff. 	<ul style="list-style-type: none"> • Light rail improvements provide emission-free transportation alternatives to the automobile in some of the region’s most congested corridors and centers. • HCT transportation alternatives enhance quality of life for residents by providing an alternative to auto travel in congested corridors and centers.

Table 1: SAFETEA-LU Planning Factors (continued)

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
6. System Integration/Connectivity	<ul style="list-style-type: none"> • The RTP includes a functional classification system for all modes that establishes an integrated modal hierarchy. • The RTP policies and Functional Plan* include a street design element that integrates transportation modes in relation to land use for regional facilities. • The RTP policies and Functional Plan include connectivity provisions that will increase local and major street connectivity. • The RTP freight policies and projects address the intermodal connectivity needs at major freight terminals in the region. • The intermodal management system identifies key intermodal links in the region. 	<ul style="list-style-type: none"> • Projects funded through the MTIP must be consistent with regional street design guidelines. • Freight improvements are evaluated according to potential conflicts with other modes. 	<ul style="list-style-type: none"> • Planned HCT improvements are closely integrated with other modes, including pedestrian and bicycle access plans for station areas and park-and-ride and passenger drop-off facilities at major stations.
7. Efficient Management & Operations	<ul style="list-style-type: none"> • The policy component of the 2035 RTP includes specific provisions for efficient system management and operation (2035 RTP Goal 4), with an emphasis on TSM, ATMS and the use of non-auto modal targets (Table 2.5) to optimize the existing and planned transportation system. • The 2035 RTP included adoption of the Regional Transportation System Management and Operations (TSMO) Plan. The TSMO Plan includes project and corridor prioritization. • Proposed RTP projects include many system management improvements along regional corridors. • The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system. However, more work is needed to gain public acceptance of this tool. 	<ul style="list-style-type: none"> • Projects are scored according to relative cost effectiveness (measured as a factor of total project cost compared to measurable project benefits). • TDM projects are solicited in a special category to promote improvements or programs that reduce single occupancy vehicle (SOV) pressure on congested corridors. • TSM/ITS projects are funded through the MTIP. 	<ul style="list-style-type: none"> • Proposed HCT improvements include redesigned feeder bus systems that take advantage of new HCT capacity and reduce the number of redundant transit lines.

* *Functional Plan = Urban Growth Management Functional Plan, an adopted regulation that requires local governments in Metro's jurisdiction to complete certain planning tasks.*

7. **Public Involvement**

Metro maintains a proactive public involvement process that provides complete information, timely public notice, and full public access to key decisions. Metro supports early and continuing involvement of the public in developing its policies, plans and programs. Public Involvement Plans are designed to both support the technical scope and objectives of Metro studies and programs while simultaneously providing for innovative, effective and inclusive opportunities for engagement. Every effort is made to employ broad and diverse methods, tools and activities to reach potentially impacted communities and other neighborhoods and to encourage the participation of low-income and minority citizens and organizations.

All Metro UPWP studies and projects that have a public involvement component require a Public Involvement Plan (PIP) that meets or exceeds adopted public involvement procedures. Metro consults with the Metro Committee for Citizen Involvement (MCCI) in the development of individual PIPs. Included in individualized PIPs are strategies and methods to best involve a diverse citizenry. Some of these may include special public opinion survey mechanisms, translation of materials for non-English speaking members of the community, citizen working committees or advisory committee structures, special task forces, web instruments and a broad array of public information materials. Hearings, workshops, open houses, charrettes and other activities are also held as needed.

The work program and PIP for the 2035 RTP update was developed with input from Metro's Advisory Committees, including Metro's Committee for Citizen Involvement. The 2035 RTP update included workshops, informal and formal input opportunities as well as a 30-day+ comment period for the community, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested persons. Public involvement opportunities and key decision points were published in the *Oregonian* and other community newspapers, posted on Metro's web site, e-mailed via the Planning Department E-News to more than 4,500 individuals, and advertised through Metro's transportation hotline. All plan documents were simultaneously published (and regularly updated) on the Metro web site, including draft plan amendments, the update schedule, other explanatory materials and summaries of public comments received. Appendix 4.3 of the 2035 RTP describes the public engagement process in more detail.

The MTIP relies on early program kick-off notification, inviting input on the development of criteria, project solicitation, project ranking and the recommended program. Workshops, informal and formal opportunities for input as well as a 30-day+ comment period are repetitive aspects of the MTIP process. By assessing census information, block analysis is conducted on areas surrounding each project being considered for funding to ensure that environmental justice principles are met and to identify where additional outreach might be beneficial.

TPAC includes six citizen positions that are geographically and interest area diverse and filled through an open, advertised application and interview process. TPAC makes recommendations to JPACT and the Metro Council. Metro Council adopted Metro's Transportation Public Involvement Policy on June 10, 2004 by Resolution Number 04-3450.

Title VI – In April 2007, Metro completed and submitted its Title VI Plan to the FTA. This plan is now being implemented through updates to Metro's RTP and MTIP, and through corridor planning activities in the region.

Environmental Justice – The intent of environmental justice (EJ) practices is to ensure the needs of minority and disadvantaged populations are considered and the relative benefits/impacts of individual projects on local communities are thoroughly assessed and vetted. Metro continues to expand and explore environmental justice efforts that provide early access to and consideration of planning and project development activities. Metro's EJ program is organized to communicate and seek input on project proposals and to carry those efforts into the analysis, community review and decision-making processes. In addition, Metro established an agency diversity action team. The team is responsible for identifying opportunities to collaboratively develop and implement sustainable diversity initiatives across and throughout the agency. Metro's diversity efforts are most evident in three areas: Contracts and Purchasing, Community Outreach, and Recruitment and Retention.

8. Disadvantaged Business Enterprise

A revised Disadvantaged Business Enterprise (DBE) program was adopted by the Metro Council in June 1997 (Ordinance No. 97-692A).

Metro's DBE program was reviewed and submitted to FTA in August 1999. Metro currently piggybacks on ODOT's DBE program.

9. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) Joint Complementary Paratransit Plan was adopted by the TriMet Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. The plan was phased in over five years and TriMet has been in compliance since January 1997. Metro approved the 1997 plan as in conformance with the RTP. FTA audited and approved the plan in summer 1999.

10. Affirmative Action

In accordance with 49 U.S.C. 5331, 42 U.S.C. 6101, Section 324 of title 23 U.S.C. and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27, Metro states as its policy a commitment to provide equal employment opportunities without regard to race, color, religion, national origin, sex, age, disability, sexual orientation, or marital or familial status, except where a bona fide occupational qualification exists. Compliance with this policy is administered by Metro's Human Resources Department.

11. Construction Contracts

Provisions of 23 CFR part 230 do not apply to Metro as Metro does not administer Federal and Federal-aid highway construction contracts.

12. Lobbying

Annually Metro certifies compliance with 49 CFR 20 through the FTA TEAM system.

Table 2: Metro’s Response to SAFTEEA-LU Provisions

SAFTETEA-LU Provision for all MPOs	Metro Response
<p><i>Consult/Coordinate with planning officials responsible for planned growth, economic development, environmental protection, airport operations, and freight movement.</i></p>	<p>Metro’s transportation planning and land-use planning functions are within the same department and coordinate internally.</p> <ul style="list-style-type: none"> • Metro facilitates this consultation, coordination and decision-making through four advisory committee bodies –the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC). Metro consults MPAC on land-use activities. • Metro is a member of Regional Partners for Economic Development and endorsed the Consolidated Economic Development Strategy (CEDS). • Metro has implemented a fish and wildlife habit protection program through regulations, property acquisition, education and incentives. • Metro has a standing committee to coordinate with public agencies with environmental protection responsibility. • The Port of Portland manages the airport and is represented on both TPAC and JPACT. • Metro also coordinates with freight, rail, airport operations and business interests through the Regional Freight and Goods Movement Task Force and Regional Freight and Goods Movement Technical Advisory Committee.
<p><i>Promote consistency between transportation improvements and State and local planned growth and economic development.</i></p>	<p>Metro transportation and land-use planning is subject to approval by the Oregon Department of Land Conservation and Development.</p>
<p><i>Give safety and security due emphasis as separate planning factors.</i></p>	<p>Metro addressed security and safety as individual factors in the update to the RTP in 2010.</p> <ul style="list-style-type: none"> • Separate background research papers were developed during Phase 2 of the update to document current safety issues and planning efforts, and current security planning efforts in the region. This research is included Appendix 7.0 was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 2 and investment priorities in Chapter 3 of the 2035 RTP. <p>Additionally, Metro staffs the Regional Emergency Management Group (REMG), which has expanded its scope to include anti-terrorism preparedness, TriMet’s responsibility for transit security plans, ODOT’s responsibility for coordination of state security plans, Port of Portland’s responsibility for air, marine and other Port facilities security plans and implementation of system management strategies to improve security of the transportation system (e.g., security cameras on MAX and at transit stations). The group brings together local emergency managers to plan responses to security concerns and natural hazards.</p>

Table 2: Metro’s Response to SAFETEA-LU Provisions (continued)

SAFETEA-LU Provision for all MPOs	Metro Response
<p><i>Discuss in the transportation plan potential environmental mitigation activities to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.</i></p>	<p>SAFETEA-LU provisions for additional consultation with state and Federal resource agencies, and tribal groups that were not already part of Metro’s existing committee structure were met through a consultation meeting held on October 16, 2007 with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and Federal transportation, natural resource, cultural resource and land-use planning agencies. A background research paper was also developed during Phase 2 of the update to document current environmental trends, issues and current mitigation strategies in the region. This research was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 2 and investment priorities in Chapter 3 of the 2035 RTP. In addition, staff conducted an analysis of the potential environmental effects of transportation investments. The background research report and environmental considerations analysis is included in Appendix 7.0.</p>
<p><i>Consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation in development of the transportation plan.</i></p>	<p>SAFETEA-LU provisions for additional consultation with state and Federal resource agencies, and tribal groups that were not already part of Metro’s existing committee structure were met through a consultation meeting held on October 16, 2007 with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and Federal transportation, natural resource, historic, cultural resource and land-use planning agencies.</p> <p>A background research paper was also developed during Phase 2 of the update to document current environmental trends, issues and mitigation strategies in the region. This research was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 2 and investment priorities in Chapter 3 of the 2035 RTP. In addition, staff conducted an analysis of the potential environmental effects of transportation investments – this analysis included a comparison of the RTP investments with available State Conservation maps and inventories of historic resources. The background research report and environmental considerations analysis is included in Appendix 7.0.</p>

Table 2: Metro’s Response to SAFTEEA-LU Provisions (continued)

SAFTETEA-LU Provision for all MPOs	Metro Response
<p><i>Include operation and management strategies to address congestion, safety, and mobility in the transportation plan.</i></p>	<ul style="list-style-type: none"> • System management policies in the RTP (2035 RTP Section 3.4.4) and resulting projects and programs are intended to maximize the use of existing facilities to address congestion, safety and mobility. • The Transportation System Management and Operations (TSMO) Plan was adopted as part of the 2035 RTP in June 2010. The TSMO Plan guides the region’s continued investment in operation, management and data collection to invest efficiently in transportation. • The regional CMP also requires local jurisdictions to explore system management solutions before adding roadway capacity to the regional system. The key framework for the CMP was the Mobility Corridors identified as part of the 2035 RTP development. Chapter 4 of the 2035 RTP lays out specific strategies for each mobility corridor for addressing the goals and policies of the RTP. The CMP can be found in Appendix 4.4 of the 2035 RTP. • The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system. • RTP projects in Chapter 3 include many system management improvements along regional mobility corridors and the supporting arterial system. • Metro has established a Regional Transportation Options Committee as a subcommittee of TPAC to address demand management. The TransPort Committee is a subcommittee of TPAC to address ITS and operations. • Metro has convened a Regional Safety Workgroup to better address safety in the MPO planning process. The Safety Workgroup will be added as a TPAC subcommittee during 2011. Additionally, the Safety Workgroup is developing a safety plan for the Portland Metropolitan region that is expected to be completed by December 2011.

Table 2: Metro’s Response to SAFETEA-LU Provisions (continued)

SAFETEA-LU Provision for all MPOs	Metro Response
<p><i>Develop a participation plan in consultation with interested parties that provides reasonable opportunities for all parties to comment on transportation plan.</i></p>	<p>Metro has public involvement policy for regional transportation planning and funding activities to support and encourage board-based public participation in development and review of Metro’s transportation plans. The Transportation Planning Public Involvement Policy was last updated in June 2009.</p> <p>The work program and public participation plan (PPP) for the 2035 RTP update was developed with input from Metro’s Advisory Committees, including Metro’s Committee for Citizen Involvement.</p> <p>Approval of the 2035 RTP, Ordinance No. 10-1241B, followed JPACT and Metro Council consideration of approximately 300 comments received during the public comment period. The comments were summarized into a comment log and Public Comment Summary Report. Refinements were recommended to respond to the comments received. The comment period for the Air Quality Conformity Determination provided an opportunity for public review and comment on the air quality conformity methodology and results.</p> <p><i>Appendix 4.3 in the 2035 RTP describes the public process in more detail.</i></p>
<p><i>Employ visualization techniques to describe plan and make information available (including transportation plans) to the public in electronically accessible format such as on the Web.</i></p>	<p>On a regular basis, Metro employs visualization techniques. Examples include:</p> <ul style="list-style-type: none"> • RTP document is available on Metro’s website • RTP newsletters and maps • MTIP document is available on Metro’s website • GIS maps to illustrate planning activities • Participation in FHWA GIS Web Training <p>Video simulation of light rail on the Portland Mall and I-205 Corridor.</p>
<p><i>Update the plan at least every 4 years in non-attainment and maintenance areas, 5 years in attainment areas.</i></p>	<p>2035 RTP update was completed on June 10, 2010.</p>
<p><i>Update the TIP at least every 4 years, include 4 years of projects and strategies in the TIP.</i></p>	<p>Initiated MTIP and STIP update for spring 2012.</p>
<p><i>SAFETEA-LU includes a new requirement for a “locally developed, coordinated public transit/human services transportation plan” to be eligible for formula funding under three FTA grant programs (5310,5316,5317) It is not clear yet who will be responsible for these plans.</i></p>	<p>Metro participates on the Special Transportation Fund Advisory Committee and Regional Transportation Coordinating Council of the Elderly and Disabled Transportation Plan. A coordinated human services and public transportation plan is under development by those committees and has been integrated into the 2010 RTP update.</p>

CLICK HERE FOR REPORT

FY 2011-12

Unified Planning Work Program

Transportation Planning in the
Portland/Vancouver Metropolitan Area

April 7, 2011

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4236, FOR THE PURPOSE OF CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS AND ADOPTING THE FISCAL YEAR 2011-12 UNIFIED PLANNING WORK PROGRAM

Date: April 7, 2011

Prepared by: Josh Naramore
(503) 797-1825

BACKGROUND

Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require a self-certification that Metro's planning process is in compliance with certain Federal requirements as a prerequisite to receiving Federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of Unified Planning Work Program (UPWP) approval. Required self-certification areas include:

- Metropolitan Planning Organization (MPO) designation
- Geographic scope
- Agreements
- Responsibilities, cooperation and coordination
- Metropolitan Transportation Planning products
- Planning factors
- Public Involvement
- Title VI
- Environmental Justice
- Disadvantaged Business Enterprise (DBE)
- Americans with Disabilities Act (ADA)
- Affirmative Action
- Construction Contracts
- Lobbying

Each of these areas is discussed in Exhibit A to Resolution No. 11-4236.

ANALYSIS/INFORMATION

1. **Known Opposition** – No known opposition
2. **Legal Antecedents** – this resolution certifies that the Portland metropolitan area is in compliance with Federal transportation planning requirements as defined in Title 23 of the Code of Federal Regulations, Parts 450 and 500, and title 49, of the Code of Federal Regulations, Part 613.
3. **Anticipated Effects** – Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 2011, in accordance with established Metro priorities.
4. **Budget Impacts** – Approval of this resolution is a companion to the UPWP. It is a prerequisite to receipt of Federal planning funds and is, therefore, critical to the Metro budget. The UPWP matches projects and studies reflected in the proposed Metro budget submitted by the Metro Chief Operating Officer to the Metro Council. The UPWP is subject to revision in the final adopted Metro budget.

RECOMMENDED ACTION

Approve Resolution No. 11-4236 certifying that the Portland metropolitan area is in compliance with Federal transportation planning requirements.

Agenda Item Number 4.3

Resolution No. 11-4251, For the Purpose of Amending the FY
2010-11 Through FY 2014-15 Capital Improvement Plan by
Adding or Adjusting Four Capital Improvement Plan Projects.

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY	)	RESOLUTION NO. 11-4251
2010-11 THROUGH FY 2014-15 CAPITAL)	
IMPROVEMENT PLAN BY ADDING OR	)	Introduced by the Chief Operating Officer
ADJUSTING FOUR CAPITAL IMPROVEMENT	)	Daniel B. Cooper with the concurrence of
PLAN PROJECTS.	)	Council President Tom Hughes
)	

WHEREAS, the Metro Council had, after conducting a required public hearing, authorized the FY 2010-11 through FY 2014-15 Capital Improvement Plan.

WHEREAS, Metro’s adopted financial policies require any project exceeding \$100,000 receive Council approval; and

WHEREAS, three new Capital Improvement Projects totaling \$578,280 have been identified as necessary;

WHEREAS, a \$91,726 increase to an existing Capital Improvement Project has been identified as necessary;

WHEREAS, adequate appropriation exists for these projects;

now therefore

BE IT RESOLVED that the Metro Council approve the addition/adjustment of the Replace MRC Variable Air Volume Controllars, Coffee Retail Store Renovations (OCC), PCPA Keller Auditorium Boiler Replacement and Natural Areas Information System projects to the FY 2010-11 through 2014-15 Capital Improvement Plan.

ADOPTED by the Metro Council this 21st day of April 2011.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Acting Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4251, FOR THE PURPOSE OF AMENDING THE FY 2010-11 THROUGH FY 2014-15 CAPITAL IMPROVEMENT PLAN BY ADDING OR ADJUSTING FOUR CAPITAL IMPROVEMENT PLAN PROJECTS.

Date: 4/21/2011

Prepared by: Richard Thompson x1815
Cynthia Hill 731-7820
Brian Kennedy x1908
Karen Feher x1868

BACKGROUND

Capital projects greater than \$100,000 must receive Council approval and be included in the agency's Capital Improvement Plan. In recent months, several projects over \$100,000 not included in the original FY 2010-11 through FY 2014-15 have emerged. In addition, the cost of one project included in the original CIP has increased.

Replace Metro Regional Center Variable Air Volume Controllers

This project will replace eighty-four variable air volume controllers, of ninety units at the Metro Regional Center. Four currently are not functional; six have been repaired recently. These units have passed their useful life, and new parts are no longer available. Some used parts are available but have a significantly reduced useful life; not enough used parts exist to repair all eighty-four units. At this time we have available funding from three sources: \$25,000 from Metro Sustainability Grants, \$15,000 from the Property Services operating budget and \$38,334 in Energy Trust Grants, as these units will conserve 154,000 kilowatt hours of energy per year, resulting in significant savings to Metro. Remaining funding, \$50,000 over two fiscal years, will be from the Renewal and Replacement Fund. After funding from the grants, the payback on this project will be about seven years based on a useful life of 15 years. The total projected two-year cost for this project is \$128,280 (based on an estimate provided by the MRC's current HVAC contractor; the actual vendor will be selected by a formal bid or special procurement process). The project will be in the Renewal and Replacement Fund; the other funding sources will be transferred into that fund. Adequate appropriation exists in the Renewal and Replacement Fund.

Coffee Retail Store Renovations (Oregon Convention Center)

Oregon Convention Center's two retail coffee outlets are currently franchised with Starbucks. In an effort to reduce operating costs, ARAMARK and OCC are negotiating with a different company to franchise the coffee outlets to replace Starbucks. As part of this new operation, both retail stores will need to be renovated so as to follow the de-commissioning requirement of the Starbucks contract as well as new design requirements for the new operation. It is anticipated that notices to terminate the Starbucks agreement will go out in April 2011, with construction to start on Coffee Retail Store #1 in May or June, and store #2 to follow upon completion and opening of the first (estimated at September 2011). Renovation for each is projected to be \$75,000, for a total project cost of \$150,000. Funding will be provided from the existing ARAMARK 5 percent reserve capital account. Adequate appropriation exists in the MERC Operating Fund.

Keller Auditorium Boiler Replacement

During a recent inspection of the existing boiler at the Keller Auditorium, installed in 1985, it was determined that the boiler system has come to the end of its useful life. Proper preventative maintenance of this system kept it running 6 years longer than expected. After the new boiler project was budgeted, the

Keller Auditorium underwent a thorough energy audit. One result of that audit recommended replacing the existing flexible gas tube boiler system with a new high efficiency condensing boiler system. While this high efficiency system is more expensive initially, the calculated payback is 11.8 years, not including an available incentive rebate of \$32,500 from the Energy Trust of Oregon, guaranteed upon completion of this project. It was determined to be in the facility's best interest to proceed with replacing the boiler system with the recommended high efficiency model. The system also supports Metro and MERC's sustainability efforts.

This project is included in the FY 2010–11 adopted budget at a cost of \$100,000; the expected total cost is now \$191,726. This total includes a contract award of \$179,980; \$7,746 for design, engineering and asbestos abatement; and \$4,000 for permits and contingency. The additional \$91,726 in appropriation needed will be available via capital projects that were cancelled during the year and those that came in under budget.

Both venue projects were approved by the MERC Commission at its April 6th meeting and are recommended to the Council.

Natural Areas Information System

As part of the January 2010 Natural Areas Audit Follow-up, the Metro Auditor noted the use of multiple data systems and duplicative data entry in the Natural Areas program. In the first half of FY 2010-11, staff from the Sustainability Center conducted a strategic planning process to determine the best method for tracking information on land acquisition and management for property acquired via the 1995 and 2006 bond measures. That process determined that the current reporting system was inadequate and recommended development of a new information system. Working with a consultant, staff developed the requirements and initial scope of work for the new information system. In February 2011 a Request for Proposals was issued to select a vendor to develop the first phase of the information system. In anticipation of vendor selection, the CIP needs to be updated to reflect this project. It was not added to the CIP in last year's budget process because the outcome of the strategic planning process was not complete. It is projected that the first phase of the project will cost approximately \$300,000; adequate appropriation exists in the Natural Areas Bond Fund for this project.

The Natural Areas Oversight Committee reviewed the project prior to the release of the RFP and supports improvements to the data system.

ANALYSIS/INFORMATION

1. **Known Opposition:** none.
2. **Legal Antecedents:** Metro Financial Policies, specifically the Capital Asset Management policies.
3. **Anticipated Effects**

Completion of capital and renewal and replacement projects, as detailed in the background section above.

4. **Budget Impacts**

MRC Variable Air Volume Controllers: Will require about \$50,000 (\$25,000 in each of FY 2010-11 and FY 2011-12) from the Renewal and Replacement Fund and \$15,000 from the General Fund. The project has a seven year payback and will generate about \$10,500 per year cost savings to Metro's General Fund.

Coffee Retail Store Renovations (Oregon Convention Center): Total project cost is \$150,000; \$75,000

in FY 2010-11 and \$75,000 in FY 2011-12.

PCPA Boiler Replacement: Additional project cost is \$91,726.

Natural Areas Information System: Project cost is estimated at \$300,000.

RECOMMENDED ACTION

Staff recommends approval of this action.

Agenda Item Number 5.1

Ordinance No. 11-1253, For the Purpose of Adopting the
Annual Budget for Fiscal Year FY 2011-12, Making
Appropriations, Levying Ad Valorem Taxes and Declaring an
Emergency.

Ordinances – First Reading

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

ADOPTING THE ANNUAL BUDGET FOR	)	ORDINANCE NO. 11-1253
FISCAL YEAR FY 2011-12, MAKING)	
APPROPRIATIONS, LEVYING AD VALOREM	)	Introduced by Dan Cooper, Acting Chief
TAXES, AUTHORIZING AN INTERFUND LOAN	)	Operating Officer, with the concurrence of
AND DECLARING AN EMERGENCY	)	Council President Tom Hughes

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2011-12 Metro Budget," in the total amount of THREE HUNDRED EIGHTY NINE MILLION THREE HUNDRED SIXTY THOUSAND SEVEN HUNDRED TWO DOLLARS (\$389,360,702), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of **\$0.0966** per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operations and in the amount of TWENTY EIGHT MILLION ONE HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED THIRTY FOUR DOLLARS (\$28,161,534) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2011-12. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Operating Tax Rate Levy	\$0.0966/\$1,000	
General Obligation Bond Levy		\$28,161,534

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2011, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

4. An interfund loan from the Solid Waste Revenue Fund to the MERC Fund in an amount not to exceed \$2.5 million is hereby authorized. The loan will be made to provide short-term financing of the Eastside Streetcar Local Improvement District assessment on the Oregon Convention Center. The loan, including interest at a rate equal to the average yield on Metro's pooled investments, will be repaid from Oregon Convention Center revenues and/or reserves.

5. The Chief Operating Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

6. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2011, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this ___th day of June 2011.

Tom Hughes, Council President

ATTEST:

Approved as to Form:

Anthony Andersen, Recording Secretary

Alison Kean Campbell, Acting Metro Attorney

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 11-1253 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2011-12, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: April 7, 2011

Presented by: Dan Cooper
Acting Chief Operating Officer

BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2011-12.

Metro Council action, through Ordinance No. 11-1253 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2011.

Once the budget plan for fiscal year 2011-12 is approved by the Metro Council on May 5, 2011 the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval in early May 2011 and adoption in June 2011.

Exhibit A to this Ordinance will be available subsequent to the Tax Supervising and Conservation Commission hearing June 9, 2011. Exhibits B and C of the Ordinance will be available at the public hearing on April 7, 2011.

ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget through May 5, 2011. Opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2011. The Commission will conduct a hearing on June 9, 2011 for the purpose of receiving information from the public regarding the Metro Council's approved budget. Following the hearing, the Commission will certify the budget to the Metro Council for adoption and may provide recommendations to the Metro Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2011-12 budget, effective July 1, 2011.
4. **Budget Impacts** – The total amount of the proposed FY 2011-12 annual budget is \$389,360,702 and 749.56 FTE.

RECOMMENDED ACTION

The Acting Chief Operating Officer recommends adoption of Ordinance No. 11-1253.

M:\Asd\Finance\Confidential\BUDGET\FY11-12\Budord\Ordinance 11-1253 Adopting Ordinance\Staff Report For Adoption Ord 11-1253.Doc

Agenda Item Number 6.1

Ordinance No. 11-1255, For the Purpose of Revising the
"Urban Growth Boundary and Urban and Rural Reserves Map"
in Title 14 (Urban Growth Boundary) of the Urban Growth
Management Functional Plan.

Ordinances – Second Reading

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING THE “URBAN GROWTH BOUNDARY AND URBAN AND RURAL RESERVES MAP” IN TITLE 14 (URBAN GROWTH BOUNDARY) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

ORDINANCE NO. 11-1255

Introduced by Council President Tom Hughes

WHEREAS, Washington County and Metro entered into an Intergovernmental Agreement, executed by the parties on February 23, and March 2, 2010, respectively, with an amendment executed May 25 and June 10, 2010, respectively, that set forth tasks and a process for designating urban and rural reserves in the county pursuant to ORS 195.137 to 195.145 and Oregon Administrative Rules Division 660-027; and

WHEREAS, Washington County and Metro, together with Clackamas and Multnomah Counties, adopted ordinances designating rural and urban reserves in May, 2010, and June, 2010, respectively; and

WHEREAS, the Land Conservation and Development Commission, on October 29, 2010, orally remanded Urban Reserves 7B (north of Forest Grove) and 7I (north of Cornelius) in Washington County and, at the request of the county and Metro, all Washington County rural reserves to allow flexibility in re-designation of urban reserves in response to the remand; and

WHEREAS, Washington County and Metro entered into a new Intergovernmental Agreement (IGA), executed by the parties on March 15, 2011, that proposed revisions to urban and rural reserves in Washington County to respond to the October 29, 2010, oral remand; and

WHEREAS, Metro held a public hearing on the draft IGA on March 15, 2011, and a second public hearing on this ordinance on April 21, 2011; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The “Urban Growth Boundary and Urban and Rural Reserves Map” in Title 14 (Urban Growth Boundary) of the Urban Growth Management Functional Plan is hereby revised as shown on Exhibit A, attached and incorporated into this ordinance.
2. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the revisions to the “Urban Growth Boundary and Urban and Rural Reserves Map” made by this ordinance comply with the Regional Framework Plan and state law.

ADOPTED by the Metro Council this 21st day of April, 2011.

Tom Hughes, Council President

Attest: _____
Kelsey Newell, Recording Secretary

Approved as to form:

Alison Kean Campbell, Acting Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 11-1255, FOR THE PURPOSE OF REVISING THE "URBAN GROWTH BOUNDARY AND URBAN RESERVES MAP" IN TITLE 14 (URBAN GROWTH BOUNDARY) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Date: April 5, 2011

Prepared by: Tim O'Brien, x1840
John Williams, x1635

BACKGROUND

At the request of a consortium of leaders in the region who wanted to change how this region makes growth management decisions, the Oregon Legislature in 2007 authorized Metro and Clackamas, Multnomah and Washington counties to designate urban and rural reserves. After a two and half year process that included an extensive outreach effort that brought together numerous citizens, stakeholders, and local governments and agencies, three Intergovernmental Agreements (IGA) among the four partners, one each between Metro and each county, were signed in February 2010.

The three counties developed comprehensive plan amendments and held hearings to adopt ordinances to implement the agreements in the IGAs as described below:

- On May 27, 2010, Clackamas County adopted ZDO-233, which designates 68,680 acres of rural reserves.
- On May 13, 2010, Multnomah County adopted Ordinance No. 2010-1161, which designates 46,706 acres of rural reserves.
- Washington County took action to Engross Ordinance No. 733 on May 25, 2010, and took final action on the amendment on June 15, 2010. It includes 151,526 acres of rural reserves.
- On June 10, 2010 Metro adopted Ordinance No. 10-1238A to adopt 28,615 acres of urban reserves and conforming amendments to the Regional Framework Plan and the Urban Growth Management Functional Plan.

The total amount of rural reserve land was 266,912 acres, and the total amount of urban reserve land was 28,615 acres. The breakdown of urban reserve acreage by county is as follows: Clackamas County – 13,874 acres, Multnomah County – 857 acres, and Washington County – 13,884 acres.

The Land Conservation and Development Commission (LCDC) held a public hearing on October 19-22, 2010, and on October 29, 2010 gave its oral approval to the reserves in Clackamas and Multnomah Counties and to the rural reserves and most of the urban reserves in Washington County. LCDC, however, rejected the designation of Urban Reserve 7I north of Cornelius and directed reconsideration of Urban Reserve 7B north of Forest Grove. At the request of Washington County and Metro, all Washington County Rural Reserves were remanded as well to allow flexibility in re-designation of Urban Reserves in response to the remand.

In response to LCDC's oral decision, the Washington County Board of Commissioners and the Metro Council held a joint public hearing on March 15, 2011 on a new proposed IGA that would implement a proposal announced on February 22, 2011 by Metro Council President Tom Hughes and Washington County Chair Andy Duyck. The proposal featured the following changes from the 2010 Washington County Urban and Rural Reserves map as seen in Attachment 1:

- A. Twenty-eight acres of proposed urban reserve 7B (between Highway 47 and Council Creek) located north of Forest Grove would be converted to undesignated land (land that is neither urban reserve nor rural reserve).
- B. The prior urban reserve 7I north of Cornelius (623 acres) is removed. The area west of NW Susbauer Road (426 acres) is now proposed to be rural reserve.
- C. The 197 acres east of NW Susbauer Road in the vicinity of NW Hobbs Road is undesignated land.
- D. A new urban reserve of 585 acres added on formerly undesignated land adjacent to existing urban reserve 8B north of Highway 26 and south of NW West Union Road.
- E. A new undesignated area of 383 acres from former rural reserve land, south of SW Rosedale Road and west of SW Farmington Road.

After listening to public testimony and discussing refinements to the proposed February 22nd IGA, the two governing bodies agreed upon a revised IGA proposal that reduces the amount of proposed urban reserve land north of Highway 26 and reconfigures the split between rural and undesignated land north of Cornelius in the remanded 7I Urban Reserve area. The revised IGA features the following changes from the 2010 Washington County Urban and Rural Reserves map as can be seen in Attachment 2:

- A. Twenty-eight acres of proposed urban reserve 7B (between Highway 47 and Council Creek) located north of Forest Grove are converted to undesignated land.
- B. The prior urban reserve 7I north of Cornelius (623 acres) is removed. The area north of undesignated Area C noted below, south of NW Long Road, extending from NW Cornelius-Schefflin Road to just east of NW Susbauer Road (263 acres) now proposed to be rural reserve.
- C. The 360 acres located north of the City of Cornelius and south of the general location of NW Hobbs Road, between NW Cornelius-Schefflin Road and the floodplain of Dairy Creek is undesignated land.
- D. A new urban reserve of 352 acres added on formerly undesignated land adjacent to existing urban reserve 8B north of Highway 26, south of NW West Union Road and east of NW Groveland Road.
- E. A new undesignated area of 383 acres from former rural reserve land, south of SW Rosedale Road and west of SW Farmington Road.

In total, these changes would remove 120 acres of rural reserve and would remove 299 acres of urban reserve land in Washington County from the proposal submitted to LCDC in June 2010.

As directed by Oregon Administrative Rule 660 Division 27 the four local governments must adopt identical overall findings for urban and rural reserves in the region. Therefore, even though LCDC did not remand any of the urban or rural reserves in Clackamas and Multnomah counties, the two counties still need to adopt new overall findings related to the changes that occurred in Washington County. The status of the three counties' ordinances adopting the new findings is as follows:

- On April XX, 2011, Clackamas County will take final action on ZDO-XXX, which designates 68,713 acres of rural reserves.
- On April 28, 2011, Multnomah County will take final action on Ordinance No. YYY, which designates 46,706 acres of rural reserves.
- Washington County took action to engross Ordinance No. 740 on March 29, 2011, and will take final action on the ordinance on April 26, 2011. It includes 151,209 acres of rural reserves.

The total amount of rural reserve land in the region is 266,628 acres, and the total amount of urban reserve land in the region is 28,256 acres (see Exhibit A to Ordinance No. 11-1255). The breakdown of urban reserve acreage by county is as follows: Clackamas County – 13,874 acres, Multnomah County – 857 acres, and Washington County – 13,525 acres. Please note the final acreages for both urban and rural reserve designations in Washington County and rural reserves in Clackamas County reflect refinements

that Metro and the counties completed regarding the boundaries of the reserve designations as they relate to street right-of-way, floodplain and improved tax lot alignment.

FINDINGS

The findings of fact and conclusions of law (Findings) for the designation of urban and rural reserves is a joint document among the four partner jurisdictions. Each jurisdiction adopted the overall Findings for the decision (Exhibit B, Sections I – V) and each county developed, and Metro adopted, the Findings for the individual urban reserve and rural reserve areas in its county (Exhibit B Sections VI – VIII). The overall Findings address the regional balance that was struck by the partner governments in designating a sufficient amount of urban reserves to accommodate the estimated urban population and employment growth in the Metro area for 30 years beyond the 20-year period from 2010-2030, or until 2060.

Amount of Urban Reserve Acreage

There is no significant change in the amount of urban reserves. For a discussion on the amount of urban reserve acreage, please see the staff report for Ordinance No. 10-1244B.

Protection of Foundation and Important Agriculture Land

Based on the Oregon Department of Agriculture (ODA) map, Foundation and Important Agricultural Land comprises approximately 13,624 acres, or 48%, of the 28,256 acres of proposed urban reserves. This represents only 5% of all such agricultural land studied within the three-county area. This percentage is even lower if the actual land zoned as Exclusive Farm Use is measured against the proposed urban reserve land (Attachment 3). In addition, almost all of the urban reserve land is bordered either by the existing UGB or rural reserve designated land, thus creating a 50-year ‘hard’ edge between future urbanizable land and Foundation and Important Agricultural Land. Of the 266,628 acres of proposed rural reserves, 248,796 acres are mapped as Foundation or Important Agricultural land.

Much of the Foundation Agricultural land located adjacent to the UGB is generally flat whereas some but not all of the Important and Conflicted Agricultural Lands within the reserves study area exhibit steeper slopes than the Foundation Land close to the UGB (Attachment 4). The non-Foundation Lands also exhibit rural residential development patterns (‘exception lands’) on smaller parcels (Attachment 5). Simply based on land suitability for urban uses and functions, such as creating walkable, mixed use neighborhoods, providing services in an efficient and cost-effective manner, developing a well-connected transportation system and realizing densities to support transit, the best geography is relatively flat, undeveloped and unencumbered land. Given the topographic nature, its location adjacent to the UGB, and the absence of rural residences, it is not surprising that some of the Foundation and Important Agricultural land is proposed for future urban use.

The Tualatin Valley Irrigation District (TVID) is the only irrigation district within the reserves study area and provides 16,000 acre-feet of water to approximately 82,000 acres of western Washington County, almost entirely on Foundation Agricultural Land. The vast majority of the irrigation district is designated as a rural reserve. Four urban reserves located on Foundation Agricultural land are completely within TVID and an additional three urban reserves on Foundation Agricultural Land are partially within the TVID (Attachment 6). As the TVID basically surrounds Cornelius and Forest Grove, it is unavoidable for any urban reserve adjacent to these two cities to not be within the irrigation district. A significant portion of Urban Reserve 6A that is within the TVID is comprised of the Reserves Vineyard & Golf Course. Approximately 2 ½ times more acreage of urban reserves occur on Foundation land that is not within an irrigation district compared with the urban reserve Foundation Land acreage within the TVID.

There are four Oregon Water Resources Department designated Critical or Limited Groundwater Areas that include both Foundation Agricultural Land and urban reserves (Attachment 7). Critical groundwater areas are locations where the pumping of groundwater exceeds the long-term natural replenishment of the

underground water reservoir and water use is restricted. Limited groundwater areas are locations where the groundwater has declined to the point where new water rights are restricted to a few designated uses. The Cooper Mountain Bull Mountain Critical Area includes Urban Reserves 6B, 6C & 6D. The Chehalem Mountain Limited Area includes a portion of Urban Reserves 5A & 5B. The Sherwood-Wilsonville Limited Area includes the remaining portion of 5A and the Sandy-Boring Limited Area includes Urban Reserve 1F. The Foundation Agricultural Lands in these designated areas would have less access to water compared with other Foundation Lands.

Between 1969 and 1997, Washington County acres in farms dropped from 182,055 to 130,887, a loss of 51,000 acres in 28 years (Attachment 8 - "The Changing Nature of Washington County Agriculture", Stanley D. Miles, Agricultural Economist Emeritus, OSU, July 2003). By contrast, if all Exclusive Farm Use (EFU) zoned land designated urban reserve in Washington County is urbanized; the county will have lost 6,991 acres in 50 years. In the past 30 years, Clackamas County's farmland base declined by 100,000 acres (Attachment 9 - Clackamas County Comprehensive Plan, Chapter 3, Natural Resources and Energy, III-3). By contrast, if all the EFU zoned land designated urban reserve in Clackamas County is urbanized; the county will have lost 3,318 acres in 50 years. The reserves program adopted by the four partner governments will significantly stem the loss of farmland and protect the viability of agriculture in the region. Finally, there is an approximately 9,000 foot separation between the urban reserves and Sandy's urban reserves and a 2,000 foot separation between the urban reserves and the UGB of North Plains, all of which is Foundation Farm Land.

The four partner governments had a difficult decision to make to adequately meet both of these important functions. The reserves record and subsequent recommendation reflect this dilemma and the partners think a good balance has been struck that preserves the vast majority of farmland while accommodating the future projected population and employment growth for the next 50 years. Striking this balance translates to accommodating a 74% increase of population on an 11% increase of land, if all the urban reserves are used within the 50-year time frame and the region receives the projected growth.

Protection of Natural Landscape Features

The state rule factors reflect the importance of protecting these features, which were initially identified in an inventory completed for Metro that was intended to complement the Great Communities Report and the ODA Agricultural Assessment.¹ However, due to how the rule addressed the protection of natural landscape features, a discussion emerged regarding whether it was better to protect some of the natural landscape features by including them in rural reserves or in urban reserves and applying pro-active protection measures once the land is added to the UGB. Under the factors for designation of urban reserves, two subsections address natural systems and natural features in a way that can be interpreted to endorse including them in urban reserves and using design, avoidance and mitigation for protection. The factors for designation of rural reserves can be interpreted to consider using rural reserves to protect the natural landscape features.

Through the reserves process, the initial natural landscape features inventory that was developed in 2007 was revised and additional natural resource layers were included in the mapping, such as stream buffers and the Willamette Synthesis Data (The Nature Conservancy). This resulted in a revised map with a natural landscape features overlay that extended over more of the reserve study areas than the original data set. Most of the larger and more prominent natural landscape features provide edges or boundaries for urban reserves (Attachment 10). For instance, a significant portion of Metro's Cooper Mountain Nature Park lies within Urban Reserve 6B, thereby providing protection for some headwater streams and the mixed forested and open southern-facing slope of the mountain. In part due to the additional mapped components of the revised map and the discussion of how best to protect certain natural areas, portions of natural landscape features were included within the boundaries of the urban reserves

¹ "Natural Landscape Features Inventory", February 2007

Of the 26 identified natural landscape features from the 2007 inventory, six are outside the original reserves study area and, therefore, weren't affected by the designation of specific urban and rural reserves. Of the 20 remaining features: 14 are entirely or almost completely within rural reserves with the rest of land left undesignated; four areas are mostly rural reserve with a small amount (three of them less than 20%) in urban reserves; and one is designated as urban reserve. Thus, the four partner governments believe a balance was struck that protects the natural landscape features of the region.

ANALYSIS/INFORMATION

- 1. Known Opposition:** There is approximately 294,800 acres proposed for designation as either urban or rural reserves in the region that are designed to stand for the next 50 years. A number of parties and organizations have voiced objections to various elements of the reserves designations including individual landowners, the Washington County Farm Bureau, 1000 Friends of Oregon, and the City of Cornelius.
- 2. Legal Antecedents:** Oregon Revised Statute (ORS) 195.137 to 195.145 and 197.651 (from SB 1011) and Oregon Administrative Rule (ORA) 660 Division 27 Urban and Rural Reserves in the Portland Metropolitan Area authorize the designation of urban and rural reserves by Metro and a county through an intergovernmental agreement.
- 3. Anticipated Effects:** The adoption of Ordinance No. 11-1255 will create a 50-year reserve of potential urban land, providing more certainty for land owners, local governments, service providers and residents affected by UGB additions. The legislation would also create a 50-year reserve of rural land, protecting vital farmland, forest land and significant natural landscape features. Metro's current work program anticipates the adoption of urban and rural reserves prior to an urban growth boundary/growth management decision before the end of 2011.
- 4. Budget Impacts:** We expect the reserves to simplify growth management decisions, facilitating more efficient decision-making. If reserves are not adopted, any future urban growth boundary expansion decision would need to be based on the "old rules" based on soil hierarchy, which would have a significant impact on the cost and timeline of the process.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 11-1255.

List of Attachments

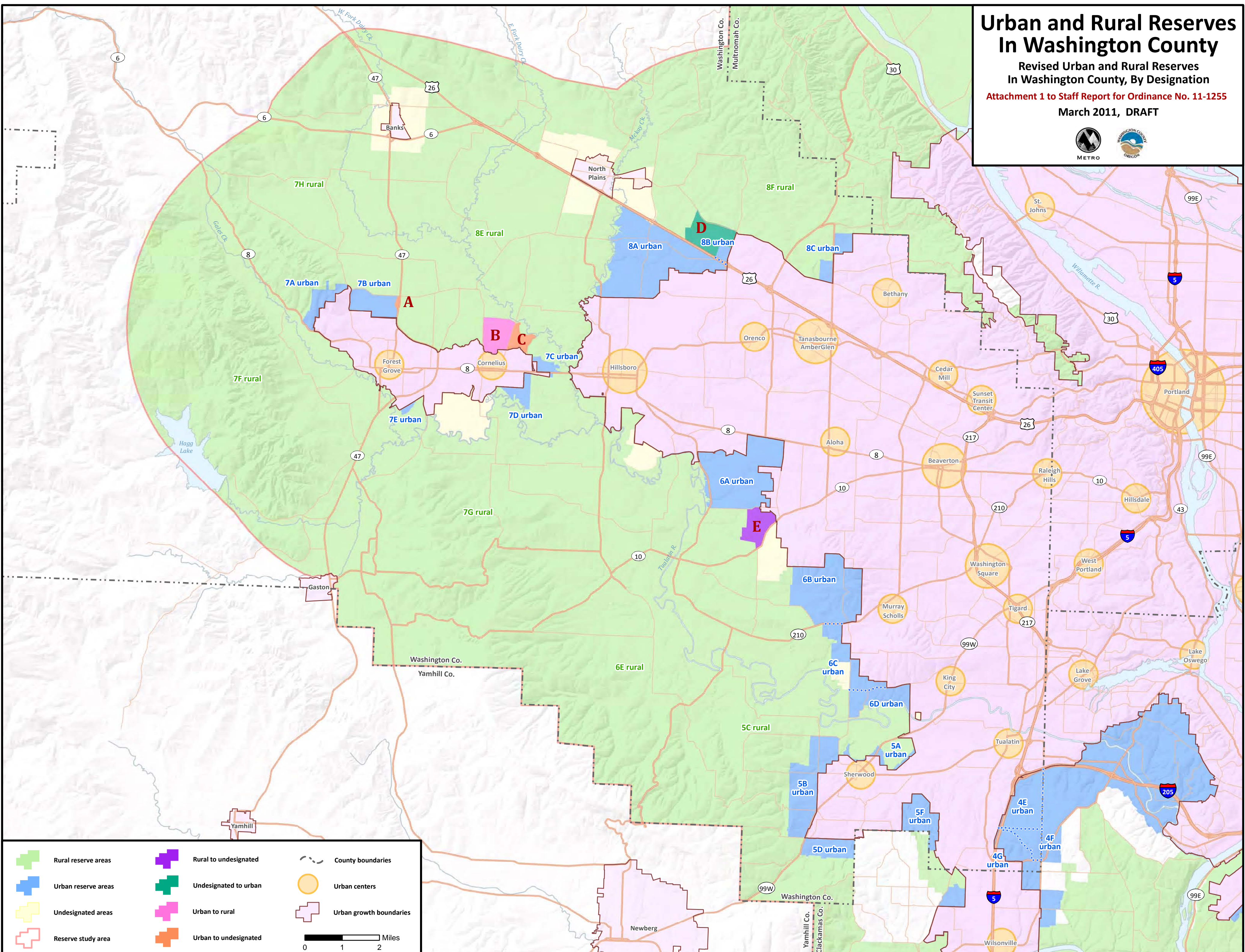
- Attachment 1 – February 22, 2011 Proposed IGA Map
- Attachment 2 – March 15, 2011 Proposed IGA Map
- Attachment 3 – Reserve Acreage Breakdown
- Attachment 4 – Topography and Agricultural Lands Map
- Attachment 5 – Exception and Agricultural Lands Map
- Attachment 6 – Foundation Agricultural Land and Irrigation Districts Map
- Attachment 7 – Foundation Agricultural Land and Ground Water Restricted Areas Map
- Attachment 8 – The Changing Nature of Washington County Agriculture Report
- Attachment 9 – Clackamas County Comprehensive Plan, Chapter 3 Natural Resources and Energy
- Attachment 10 – Reserves and Natural Landscape Features Map

Urban and Rural Reserves In Washington County

Revised Urban and Rural Reserves
In Washington County, By Designation

Attachment 1 to Staff Report for Ordinance No. 11-1255

March 2011, DRAFT



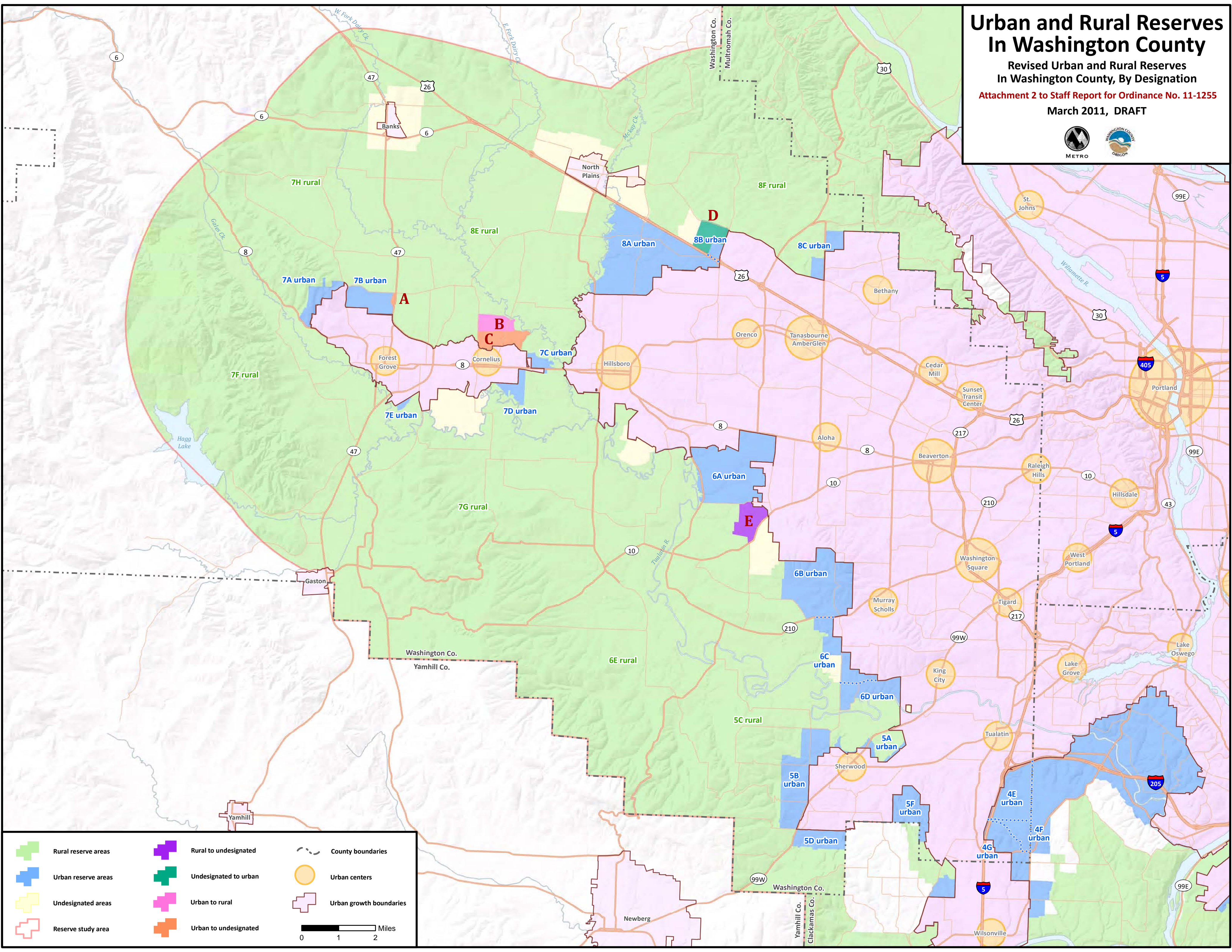
	Rural reserve areas		Rural to undesignated		County boundaries
	Urban reserve areas		Undesignated to urban		Urban centers
	Undesignated areas		Urban to rural		Urban growth boundaries
	Reserve study area		Urban to undesignated		0 1 2 Miles

Urban and Rural Reserves In Washington County

Revised Urban and Rural Reserves
In Washington County, By Designation

Attachment 2 to Staff Report for Ordinance No. 11-1255

March 2011, DRAFT



	Rural reserve areas		Rural to undesignated		County boundaries
	Urban reserve areas		Undesignated to urban		Urban centers
	Undesignated areas		Urban to rural		Urban growth boundaries
	Reserve study area		Urban to undesignated		0 1 2 Miles

Reserve Acreage Breakdown

Attachment 3 to Staff Report for Ordinance No. 11-1255

Total Reserve Acreage

	Rural	Urban	Total
Clackamas	68,713	13,874	82,587
Multnomah	46,706	857	47,563
Washington	151,209	13,525	164,734
Total	266,628	28,256	294,884

Total Reserve Acreage by ODA Designation

	Conflicted	Foundation	Important	No Ag Status	Total
Clackamas	21,757	26,213	34,422	194	82,587
Multnomah	1,833	37,193	7,727	809	47,563
Washington	7,829	130,268	26,597	40	164,734
Total	31,419	193,674	68,747	1,043	294,884

Rural Reserves and Urban Reserves by ODA Designation

	Conflicted		Foundation		Important		No Ag Status		Total
	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	
Clackamas	10,156	11,602	24,889	1,323	33,588	835	80	114	82,587
Multnomah	1,833		36,336	857	7,727		809	0	47,563
Washington	4,942	2,887	120,897	9,371	25,359	1,238	11	29	164,734
Total	16,931	14,489	182,122	11,551	66,674	2,073	900	143	294,884

Total Reserves by EFU Zoning

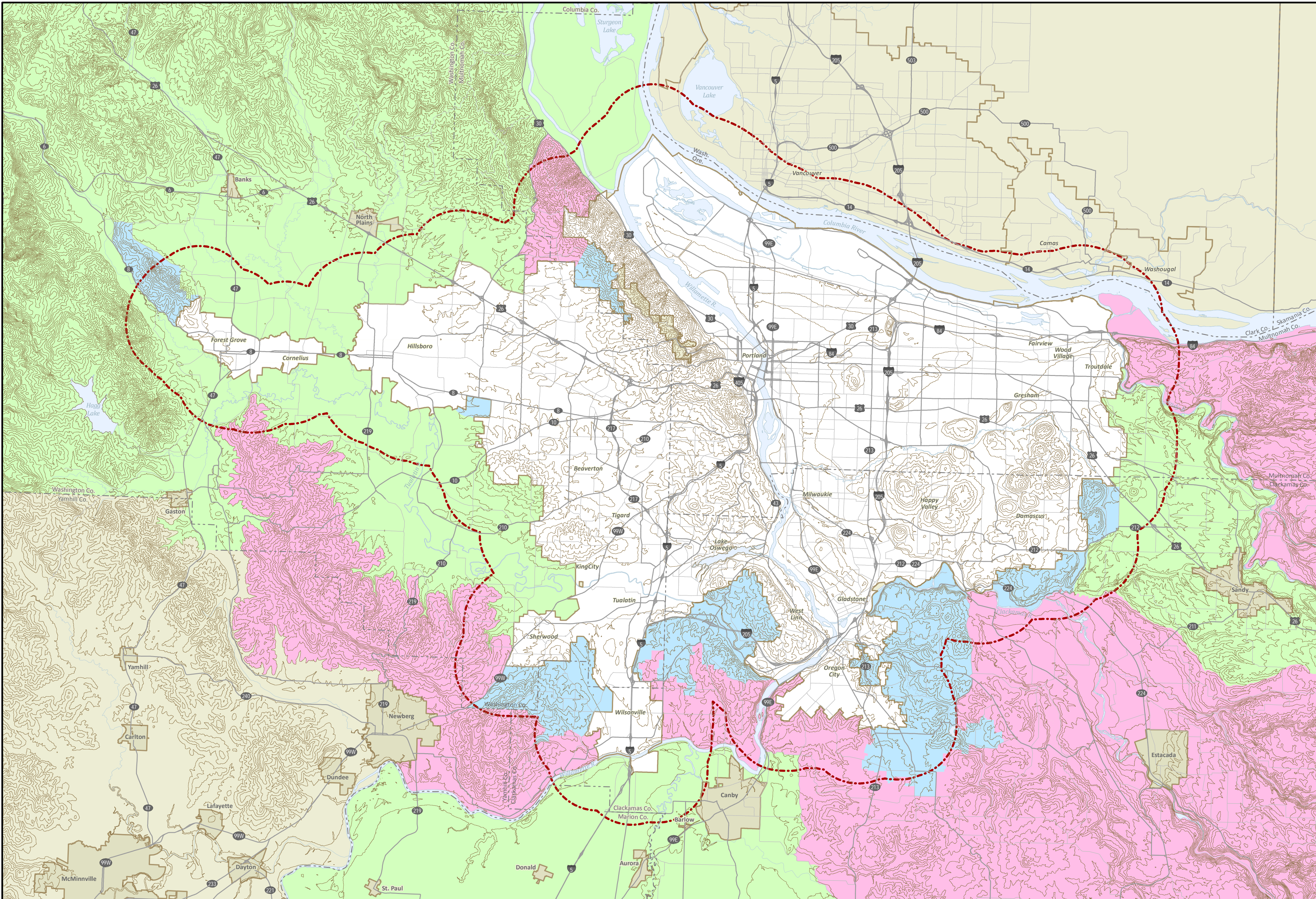
	EFU	Other Zoning	Total
Clackamas	40,813	41,774	82,587
Multnomah	16,785	30,778	47,563
Washington	86,492	78,242	164,734
Total	144,090	150,794	294,884

Rural Reserves and Urban Reserves by EFU Zoning

	EFU		Other Zoning		Total
	Rural	Urban	Rural	Urban	
Clackamas	37,495	3,318	31,218	10,556	82,587
Multnomah	16,372	413	30,334	444	47,563
Washington	79,501	6,991	71,708	6,534	164,734
Total	133,368	10,722	133,260	17,534	294,884

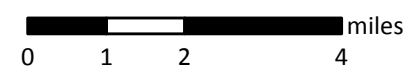
Total Reserves by ODA Designation and EFU Zoning

	EFU				Other Zoning				Total
	Conflicted	Foundation	Important	No Ag Status	Conflicted	Foundation	Important	No Ag Status	
Clackamas	3,452	17,869	19,397	94	18,305	8,344	15,025	101	82,587
Rural	1,329	17,314	18,795	56	8,826	7,576	14,792	24	68,713
Urban	2,123	555	602	38	9,479	768	233	77	13,874
Multnomah	520	14,826	1,435	4	1,314	22,367	6,292	805	47,563
Rural	520	14,413	1,435	4	1,314	21,923	6,292	805	46,706
Urban	0	413	0	0	0	444	0	0	857
Washington	651	83,678	2,157	6	7,178	46,590	24,440	34	164,734
Rural	0	78,051	1,449	1	4,942	42,846	23,910	10	151,209
Urban	651	5,627	708	5	2,236	3,744	530	24	13,525
Total	4,623	116,373	22,989	104	26,797	77,301	45,757	940	294,884



Topography and Agricultural Lands

Attachment 4 to Staff Report for Ordinance No. 11-1255, March, 2011



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 warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

Agricultural status as defined by Oregon Department of Agriculture

- Conflicted
- Important
- Foundation

--- County boundaries

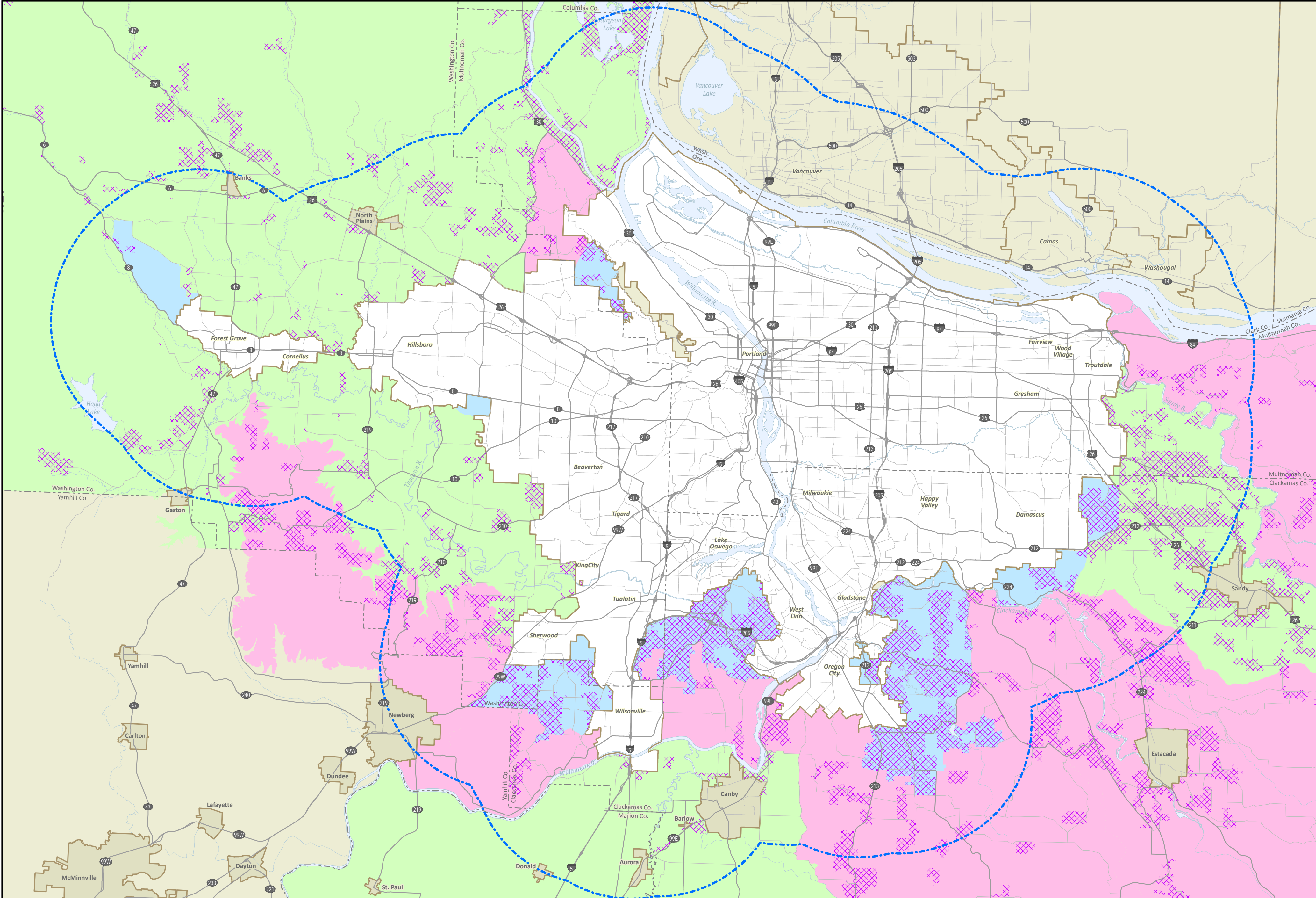
 Portland metropolitan UGB

 Neighboring cities' UGBs

— 100 ft. elevation contours

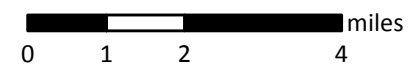
- - - Areas within 2 miles of the UGB





Exception and Agricultural Lands

Attachment 5 to Staff Report for Ordinance No. 11-1255, March, 2011



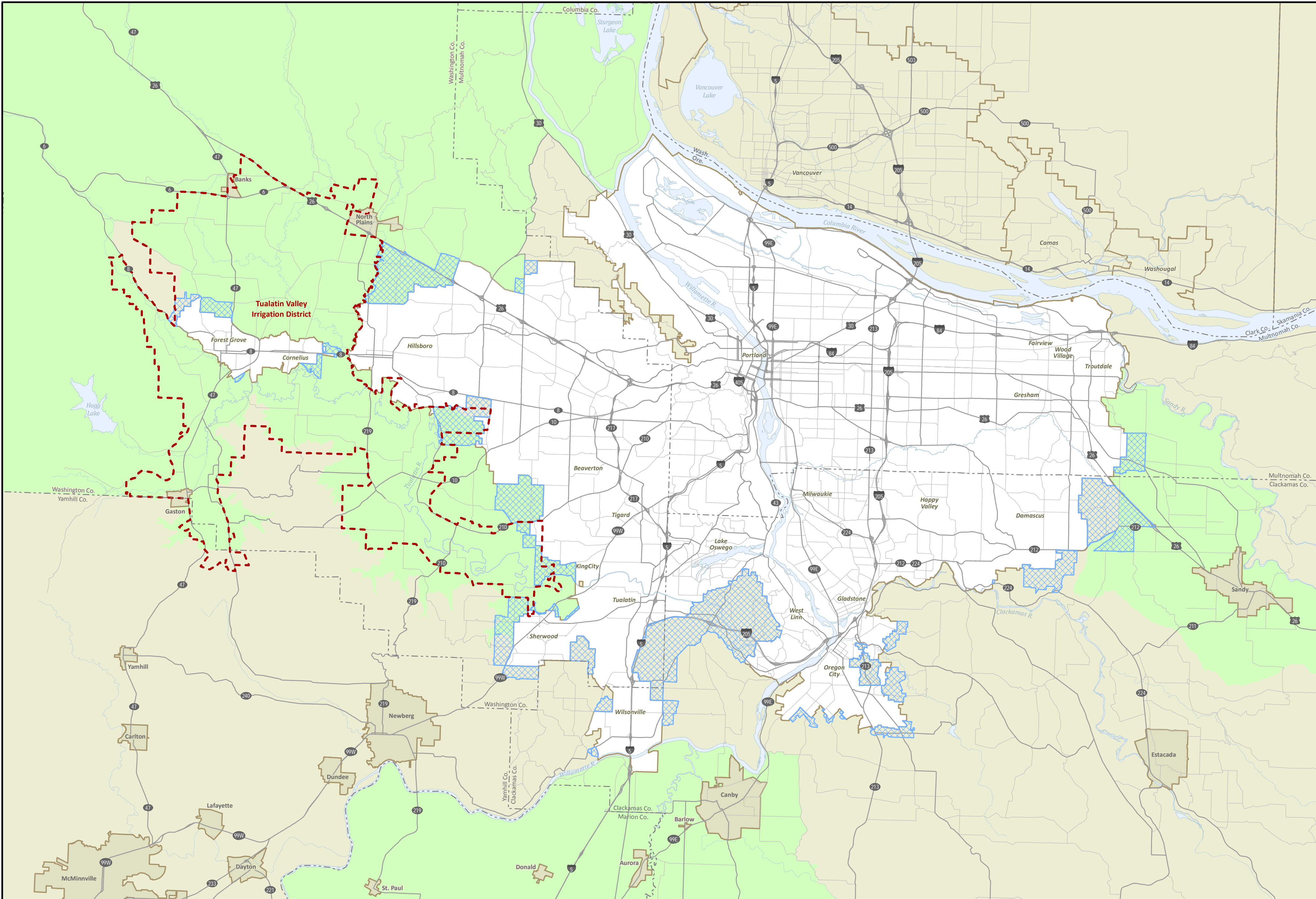
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Agricultural status as defined by Oregon Department of Agriculture

- Conflicted
- Important
- Foundation

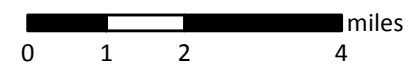
- County boundaries
- Portland metropolitan UGB
- Neighboring cities' UGBs
- Areas within 5 miles of the UGB
- ✖ Exception land





Foundation Agricultural Land and Irrigation Districts

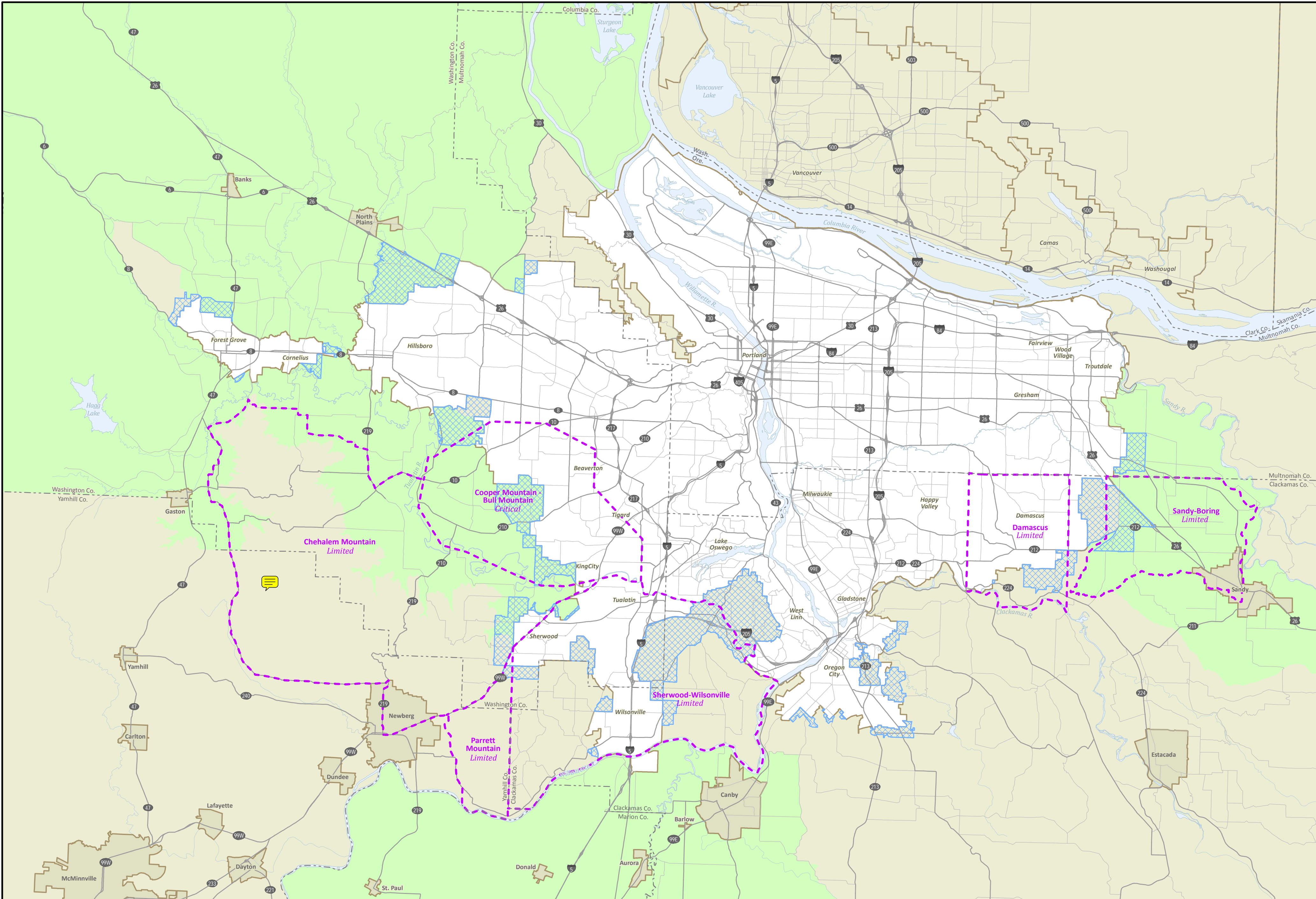
Attachment 6 to Staff Report for Ordinance No. 11-1255, March, 2011, DRAFT



- Tualatin Valley Irrigation District
- Proposed urban reserves
- Agricultural status as defined by Oregon Department of Agriculture
- County boundaries
- Portland metropolitan UGB
- Neighboring cities' UGBs
- Foundation

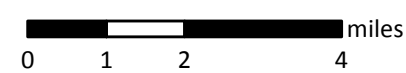


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Foundation Agricultural Land and Ground Water Restricted Areas

Attachment 7 to Staff Report for Ordinance No. 11-1255, March, 2011, DRAFT



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-  Proposed urban reserves
-  Agricultural status as defined by Oregon Department of Agriculture
-  Foundation
-  County boundaries
-  Portland metropolitan UGB
-  Neighboring cities' UGBs
-  Ground water restricted areas with status as defined by Oregon Water Resources Department



**The Changing Nature of
Washington County Agriculture**

**STANLEY D. MILES
AGRICULTURAL ECONOMIST EMERITUS
OREGON STATE UNIVERSITY**

**MILES & ASSOCIATES
CONSULTANTS IN AGRICULTURAL ECONOMICS**

**Report Developed for
the Hillsboro Chamber of Commerce**

July 2003

The Development of Washington County Agriculture

The county's agriculture has a long and interesting history of development. There have been (and still are) resourceful leaders who have played significant roles in shaping the agricultural production we see today. There have also been significant outside forces that have pushed and pulled agriculture in different directions. Most significant among these would be land use demands, environmental regulations and concerns, changing markets and the persistent increase in the costs of production.

The earliest settlers moved into the Washington County area in

still researching

The county remains one of the most significant in the production of agricultural crops in the state. The OSU Agricultural Statistics program shows Washington County with \$214 million in farm gate sales in 2002. This is the third ranked county in agricultural sales in the state behind Marion and Clackamas. Total sales in 2002 for Oregon reached almost 3.3 billion dollars. Oregon continues to have a very diverse agriculture in terms of the variety of crops grown in producing areas around the state with different environments.

Trends in Farm land Acreages

This part of the report draws on data from Census of Agriculture reports now published by the U.S. Department of Agriculture.

Table I

Year	Land Areas In Washington County*					
	Acres In County	Acres In Farms	Acres Per Farm	% Land In Farms	Acres In Cropland	Acres In Woodland
1969	458,368	182,055	87	37.5	123,648	32,291
1974	458,368	161,050	98	35.1	117,682	25,475
1978	458,240	152,442	93	33.3	113,684	21,729
1982	464,192	151,188	79	32.6	107,126	24,960
1987	464,192	150,103	87	32.3	112,126	20,621
1992	463,231	139,820	86	30.2	104,793	17,790
1997	463,231	130,887	78	28.3	99,793	15,837

*Data from Census of Agriculture reports, currently done by the U. S. Department of Agriculture (USDA).

2002 data currently being collected and tabulated - available in 2004.

The above table shows some of the changes in Washington County's agriculture lands. Land or acres in farms is a primary statistic developed by the census surveys. Over the 28 years shown, land in farms has dropped from 182,055 to 130,887 acres. This is a 28% reduction (coincidentally 1% per year). Farm land is definitely going into other uses in Washington County.

Similarly the percentage of the county's land in farms has dropped from 37.5% to 28.3%. Acres of cropland, of course, follows the same pattern as it is the primary use of acres in farms.

Acres of woodland owned by farmers has taken a more dramatic drop. In 1997 the acres are less than half that was tabulated in 1969. There are no numbers showing the changing uses for this land, but it can be reasoned that some has gone into rural residential and some to other agriculture uses such as wine grapes, filberts, pasture and other crops.

The trends in the loss of farm land in Washington County are disturbing to those with close ties to the land and agricultural production and to those who do business with farmers.

The Value of Crop and Livestock Sales - the last 30 years

The data for this section of the report comes from the Oregon State University Agricultural Statistics program. This program develops county and state agricultural data each year and has done this for many years.

Table II

Farm Value of Agricultural Products Sold*
Washington County, 1972 to 2002

Commodity	Year			
	1972	1982	1992	2002
	-----\$000\$-----			
Grains	3,274	9,202	11,027	8,113
Hay & Forage	443	2,678	2,756	4,551
Grass & Legume Seeds	785	5,278	8,174	16,626
Tree Fruits & Nuts	1,875	6,239	7,061	8,521
Small Fruits & Berries	4,396	10,627	14,436	12,616
Vegetable & Truck Crops	2,526	4,974	8,989	6,386
Nursery & Greenhouse	5,749	20,120	73,000	125,000
Other Crops	434	6,169	22,835	18,002
Total Crop Sales	19,482	65,287	148,278	199,815
Cattle	1,971	3,687	3,414	2,690
Dairy	5,131	13,100	13,247	8,550
Other Livestock	423	2,762	3,511	3,215
All Livestock Sales	7,525	19,549	20,172	14,455
Total Farm Gate Sales	27,007	84,836	168,450	214,270

*Summary data gathered from Oregon State University Extension Service County Statistics Program Records.

As can be seen from the above table, there have been shifts and dramatic changes in sales by farmers over this thirty-year period.

Total sales by farmers went from \$27 million to \$214 million. Agricultural sales in 2002 were 8 times what they were in 1972. This is not quite a fair comparison as there has been considerable inflation over this 30-year period. When deflating the numbers using the index of prices received by farmers the change is 2.8 times. (The index shows prices received to be 2.82 times higher in 2002 than they were in 1972.)

Sales that are 2.8 times (in real terms) what they were 30 years ago tells a very positive story about the county's agriculture. These increases in sales have happened while there has been a shrinkage in the land base for agricultural production. This has happened primarily because of changing cropping patterns to more intensive enterprises.

Some of the commodities listed in the table show reduced sales and some are just maintaining their positions (after inflation of prices). These commodities are grains, tree fruits and nuts, small fruits and berries, vegetable and truck crops, cattle and calf sales and the dairy industry.

The other commodity groups have shown increases and in some cases, dramatic growth. The most significant in terms of sales and percentage change has been the nursery and greenhouse industry. Sales went from about \$6 million to \$125 million. In constant dollar terms, sales are almost 7½ times greater in 2002 than in 1972. Nursery and greenhouse sales now amount to about 60% of the county's agricultural sales.

Oregon is now one of the leading states in nursery production and Washington is one of Oregon's top counties. Pressures to change have pushed agricultural producers into these more intensive products. This geographic area is ideally suited for the production of a lot of the different nursery items, for which there has been an expanding market. The opportunities in nursery and greenhouse have been instrumental in maintaining a viable agriculture in Washington County.

Sales of livestock and livestock products continue to shrink in relative importance both in the state and in the county. Cattle numbers and sales have been declining in the county for many years. This is caused by the pressures for the uses of land and producers looking for more profitable enterprises. Many of the cattle now are produced by hobby farms and/or are used to graze small pastures.

The dairy industry is effected by economics of size. Small dairies are a thing of the past. While production per cow has nearly doubled over the last 30 years, cow numbers have steadily decreased. There are only a few relatively large dairies left in the county. While odor from dairies can be unpopular in populated areas, the primary reason for declines are production costs and markets.

Other livestock and livestock products are not very economically significant in the county. Much like cattle, sheep and hog numbers and sales continue to decline. The poultry industry has gone to large enterprises and the county has very few of these. People love their horses, llamas and exotics; but these are more hobby types with little economic activity.

Other commodity groupings will be dealt with in the following section where we discuss acreage trends.

Changing Acreages

Table III

Commodity	Acreages of Crops*			
	Washington County, 1972 to 2002			
	Year			
	1972	1982	1992	2002
	acres			
Grains	38,750	33,300	36,100	23,050
Hay & Forage	22,100	24,100	24,600	20,050
Grass & Legume Seeds	11,630	20,910	22,160	31,820
Tree Fruits & Nuts**	9,800	9,520	7,834	7,635
Small Fruits & Berries	4,010	3,270	3,655	3,010
Vegetable & Truck Crops	3,800	4,250	6,770	4,660
Nursery & Greenhouse***	na	na	3,806	7,538
Other Crops	na	na	na	na

*Summary data gathered from Oregon State University Extension Service County Statistics Program Records.

**Number for the 1972 column is from the 1974 Census of Ag., report. (Acres are not available from OSU Ag. Statistics Program.)

***OSU Ag. Statistics Program does not have estimates for N/G acres. Numbers for 1992 & 1997 are from Census of Agriculture reports.

Grains, primarily wheat, have been important commodities in Oregon and the Willamette Valley. Grains, however, are not very intensive crops and only produce \$250 to \$500 per acre per year. The county still has 20,000 to 30,000 acres of grain crop production. Maintaining viable production probably depends on wheat and barley prices being high enough to encourage production. Grains are also used in rotation with other crops.

Hay and forage crops, much like grains are not high value crops grossing \$500 to \$600 per year. Equipment costs and other production costs are high and profit margins are thin. Marketing can be a problem with local livestock numbers decreasing. The county has a significant acreage at over 20,000 acres which is also used in rotation with other crops.

The climate is usually ideal for the production of grass and legume seeds in the Willamette Valley. The acreage of these crops seems to be currently holding at a little over 30,000 acres in Washington County. The county has long been a producer of crimson and red clover seeds and also significant acreages of tall fescue and perennial rye grasses. Again, these crops do not generate high sales per acre and continued production will depend on prices that provide a margin of profitability.

Tree fruits and nuts provide an interesting variety of products in the county. While acreage of some of these are decreasing, others are showing strength. The old stand-bys of apples, cherries, peaches, pears, plums and walnuts are losing acreage while hazelnuts and wine grapes are increasing in acreage or holding their own. Local markets help sustain some production of our tree fruits, but large orchard operations in other fruit producing areas have competitive advantages and keep prices relatively low.

Hazelnuts have a significant acreage of about 5,000 acres and have been doing fairly well. The last few years the eastern filbert blight has hit the area and is causing great concern. With proper management and pruning of the trees, this disease can be held in check in some cases; but in other cases, the trees are so devastated that production drops to the point of requiring the orchard to be taken out. The future here depends on new disease resistant varieties with good yields and a price that provides a profit margin.

Wine grapes have been an exciting crop that has been increasing in acreage in the area. In 2002 there were 1,055 acres harvested generating \$3,000 to \$4,000 per acre of raw product grapes for the wine industry. While not a large enterprise, there is a lot of value added in processing and marketing and brings in tourists to sample the wines.

Small fruits and berries have also been adding character to Washington County for many years. These are fairly high intensity crops with significant labor inputs. In the early 70's, the county had about 3,000 acres of strawberries and now there are under 1,000

acres. The same types of trends are happening with the other berries. While the county's berries are of very high quality, our farmers cannot compete with low labor cost areas, such as, Mexico and Chile.

There are some exceptions, such as, blueberries and Marion blackberries which are showing strength. Producers will maintain strong local markets and a market for high quality specialty items.

Vegetable and truck crops were showing strength in the county; but in recent years, acreages have been dropping. Of the 4,660 acres from the above table for 2002, 2,800 is for processed sweet corn which is maintaining a presence.

Most of the local processors are no longer in business. These were older smaller plants that could not compete with processors in other parts of the country. Many of the processed vegetable simply cannot compete with other parts of the country as there are opportunities here to grow more profitable crops.

There still is and will remain a local market for fresh vegetables and other truck crops. There is a significant market with the metro area population for fresh vegetables and specialty items. These products are sold directly to grocery stores, restaurants and farmers' markets.

As mentioned earlier, nursery and greenhouse is the category that has sparked much of the growth in county agriculture sales. The nursery industry has been coming on strong. Acreages going into nursery are growing. Production and values per acre for nursery are not really comparable with acreage values for other crops. Value per acre in nursery can vary dramatically with the particular item produced and amounts to several thousand dollars per acre.

The other crops section is a collection of miscellaneous crops that do not fit with other groupings. The two main items are Christmas tree sales and timber cut on farmers' wood lots. The Christmas tree business has been good in the Willamette Valley, but the acreage in Washington County is slowly getting replaced by other crops (or houses). Farm forestry sales are likewise decreasing with the reduced acreages.

Economic Impact and Value Added

Value added and multiplier effects are important in getting a more complete picture of the importance of agriculture. The dollar values that have been reported on so far in this report are farm gate sales or receipts producers get for selling the raw products from the farm. This is certainly not the end of economic activity with respect to agriculture.

Some commodities require much more processing and handling than others. Nursery items, which lead county agriculture sales, in most cases are pretty much ready for the final consumer. Since most nursery products are wholesale and shipped out of state, there is not a high percentage value added. For nursery products sold through local retail outlets, there will be more economic activity.

Other items, such as, wine grapes or processed vegetables require much more processing and handling and will generate a high percentage of value added. With processed vegetables there will be 2½ to 3 times the farm value added by the processing activities. For example, \$100 worth of sweet corn at the farm requires \$250 to \$300 worth of processing. These added together will give a wholesale value of processed sweet corn at the processor. There will be additional economic activity in shipping and marketing through retail grocery stores.

Value added by wineries is over three times the value of the grapes as they come out of the vineyard. Many other commodities, such as, cattle, hay, grain and grass seed have relatively low value added relationships because of the nature of the product.

Oregon State University Extension Service has done surveys over the years to develop data on processed values compared with farm gate values. These surveys show, given the mix of commodities in Oregon, there is on average about a 50% increase in farm values by processing and handling.

Another economic indicator is the income multiplier. These models calculate economic activity throughout the economy, beyond processors and first handlers. This would include shipping by the trucking industry, exporting (Port of Portland, etc.), retail grocers, etc., including labor costs throughout the marketing system.

While this paper concentrates on acreages and farm gate values, it is important to note agriculture generates other activity throughout the economy. For example, the trucking company hauling nursery stock to an eastern state, employment for people working at the Port of Portland, retail grocers selling frozen corn and beans to customers, restaurants serving dinner to customers and the list goes on. Agriculture is essential to our livelihood. There is a little more to it than thinking hamburger comes from Safeway.

Summary

Washington County has a history of producing a variety of agricultural products. In 2002 the counties producers had sales of over \$214 million. There are other economic impacts in the county beyond the farm gate. There are businesses that supply inputs to farmers. Others provide a variety of services to the agricultural sector. The economic impact of agricultural production is felt throughout the county and region.

While agricultural sales have been increasing, the land base has been shrinking. Land in farms has gone down 28% in the years from 1969 to 1997, thus the percentage of the county's land in agriculture has been going down. This reduction comes primarily from the demands for land by expanding residential and business development and highway construction in this metropolitan area. The pressures for non agricultural uses of the land will continue in the foreseeable future.

Given all the changes and demands on the land base, the county still has a viable agriculture. Some agriculture products are fading in importance yet others, such as, the nursery and greenhouse business, are growing in dollar sales and relative importance.

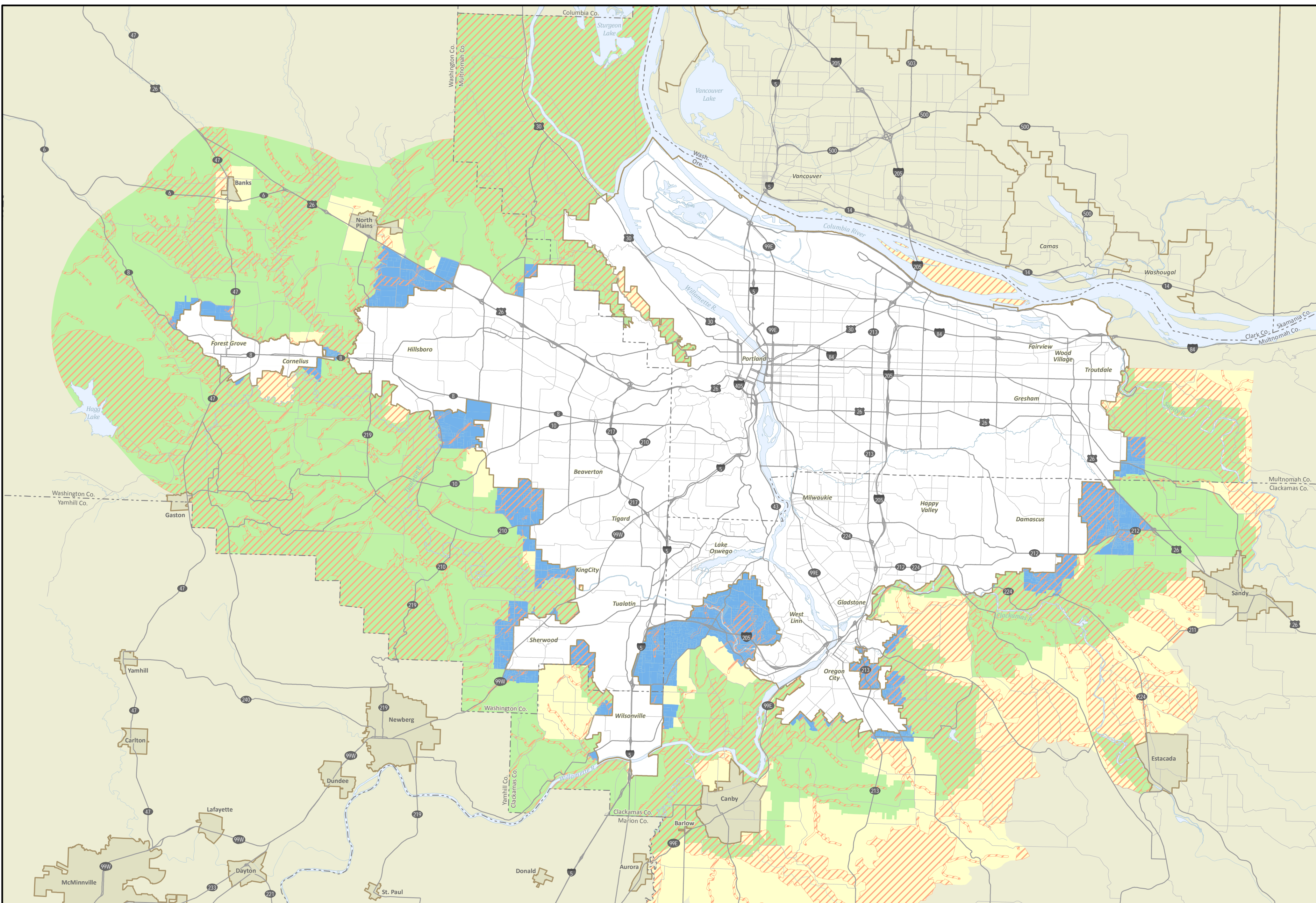
Agriculture needs some protection from all the outside forces. Once farm land goes into development and other uses, it is very unlikely it will ever be farmed again.

3. Existing land uses within each river corridor area are:

Land Use as Percentage of Total

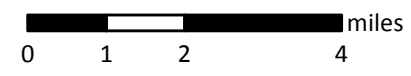
<u>River</u>	<u>Residential</u>	<u>Commerical</u>	<u>Industrial</u>	<u>Ag/Forest/OS</u>
Clackamas	6.5	0.1	3.2	90.2
Sandy	4.7	0.4	0.0	94.9
Molalla	2.0	0.0	1.0	97.0
Tualatin	13.9	0.2	0.0	85.9
Willamette	11.3	0.4	3.6	84.7

4. Quality of groundwater in Clackamas County is generally good, although some dissolved iron is found in well supplies. Groundwater monitoring activities show a gradual yearly decline in the water table; however, according to the Oregon Water Resources Department, there is no indication of a critical groundwater situation.
5. The County's agricultural production in 1987 had an estimated value of over \$150 million. This contributed a total of approximately \$500 million to the state's economy. The County's agricultural land base has decreased over 100,000 acres in the last 30 years. The potential for agricultural production is further reduced by rural parcelization patterns and inactive farm land owners.
6. Techniques for maintaining the County's agricultural base are (1) regulating land uses to insure that in prime agricultural lands, economic farm units are preserved; and (2) utilizing and expanding existing resources that provide tax relief, educational programs, technical assistance, cooperatives, etc., to encourage the economic viability of the County's farms.
7. Federal timber revenues to the County treasury averaged over \$9 million per year from 1984 to 1988. The forest industry is one of the largest industries in the state.
8. During the late 1980s (from 1984 to 1988) federal lands supplied 70 to 75 percent of Clackamas County's timber harvest volume, and the forest industry supplied about 15 to 20 percent. Small woodlot owners control approximately 20 percent of the Countywide commercial forest land, and supply 5 to 10 percent of the timber harvest.
9. Inside the Portland Metropolitan Urban Growth Boundary, street trees are required in certain areas and encouraged elsewhere (9/28/10)



Reserves and Natural Landscape Features

Attachment 10 to Staff Report for Ordinance No. 11-1255, March, 2011, DRAFT



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- Proposed rural reserve
- Proposed urban reserve
- Undesignated reserve land
- County boundaries
- Portland metropolitan UGB
- Neighboring cities' UGBs
- Subset of the natural landscape features inventory



Agenda Item Number 6.2

Ordinance No. 11-1256, For the Purpose of Amending Metro
Code Chapter 2.04 in Order to Strengthen Metro's Contract
Policies.

Ordinances – Second Reading

Metro Council Meeting
Thursday, April 21, 2011
Metro Council Chamber

5. This Ordinance being necessary for the health, safety, and welfare of the Metro area, an emergency is declared to exist and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this _____ day of April, 2011.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recorder

Alison Kean Campbell, Acting Metro Attorney

Exhibit A

2.04.052 Public Contracts -- Public Improvement Contracts

(a) Procedural Requirements.

- (1) The procedures for sealed competitive bidding, sealed competitive proposals, and all other methods of procurement of public contracts used by Metro shall comply with all requirements that are generally applicable to local governments as set forth in ORS Chapters 279A and 279B.
- (2) The procedures for competitive bidding of all Metro public improvement contracts shall comply with all requirements that are generally applicable to local governments as set forth in ORS Chapter 279C.
- (3) Notwithstanding the provisions of subsections (a) (1) and (a) (2), and pursuant to ORS 279A.065(5), the model rules adopted by the Oregon Attorney General shall not apply to Metro.
- (4) The Chief Operating Officer may establish by executive order detailed procedural requirements consistent with this chapter and state law. In so doing, the Chief Operating Officer may adopt in whole or in part the model rules of procedure established by the Oregon Attorney General pursuant to ORS 279A.065.

(b) Substantive Requirements.

- (1) All Metro public contracts shall contain all provisions required of local contracting agencies by ORS Chapters 279A and 279B and shall be construed to be consistent with all provisions of ORS Chapters 279A and 279B.
- (2) All Metro public improvement contracts shall contain all provisions required of local contracting agencies by ORS Chapter 279C and

shall be construed to be consistent with all provisions of ORS Chapter 279C.

(c) Rejection of Bids and Proposals. The Chief Operating Officer may reject any bid, proposal or response not in compliance with all prescribed procedures and requirements and may, for good cause, reject any or all bids, proposals or procurement responses for personal service contracts and public contracts in accordance with the provisions of ORS 279B.100 and may reject all bids or proposals for public improvement contracts in accordance with the provisions of ORS 279C.395.

(d) Bonds. Unless the Board shall otherwise provide, bonds and bid security requirements are as follows:

- (1) Bid security not exceeding 10 percent of the amount bid for the contract is required unless the contract is for ~~\$50,000.00~~ \$100,000.00 or less.
- (2) For public improvements, a labor and materials bond and a performance bond, both in an amount equal to 100 percent of the contract price are required for contracts over ~~\$50,000.00.~~ \$100,000.00.
- (3) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the Chief Operating Officer determines it is in the public interest.

(e) Disadvantaged Business Program. All public contracts are subject to the Metro Disadvantaged Business Enterprise Program for Federally-Funded Contracts, Metro Women Business Enterprise Program, and the Metro Minority Business Enterprise Program provisions of this chapter.

Exhibit B

2.04.053 Special Procurements

(a) Pursuant to ORS 279B.085, the following public contracts are approved as classes of special procurements based on the legislative finding by the Metro Contract Review Board that the use of a special procurement will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts and will result in substantial cost savings to Metro or the public or will otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the requirements that are applicable under ORS 279B.055, ORS 279B.060, ORS 279B.065, ORS 279B.070:

- (1) All contracts estimated to be not more than \$100,000.00 provided that the procedures required by Metro Code Section 2.04.056 are followed.
- (2) Food for zoo animals, the Purchase purchase and sale of zoo animals, feed for zoo animals, and the purchase of zoo gift shop retail inventory and resale items.
- (3) Contracts for management and operation of food, parking or similar concession services at Metro facilities provided that procedures substantially similar to the procedures required for sealed competitive Request for Proposals used by Metro for personal services contracts are followed.
- (4) Emergency contracts provided that the provisions of ORS 279B.080 are followed. An emergency contract must be awarded within 60 days of the declaration of the emergency unless the Board grants an extension.
- (5) Purchase of food items for resale at facilities owned or operated by Metro.
- (6) Contracts for warranties, including but not limited to computer software warranties, in which the supplier of the goods or services covered by the warranty has designated an authorized provider for the warranty service.

- (7) Contracts for computer hardware, or computer software.
- (8) Contracts under which Metro is to receive revenue by providing a service.
- (9) Contracts for the lease or use of the convention, trade, and spectator buildings and facilities operated by the Metro Exposition-Recreation Commission.
- (10) Public contracts by the Metro Exposition-Recreation Commission in an amount less than \$100,000.00, which amount shall be adjusted each year to reflect any changes in the Portland SMSA CPI, provided that any rules adopted by the commission which provide for substitute selection procedures are followed.
- (11) Contracts for equipment repair or overhaul, but only when the service and/or parts required are unknown before the work begins and the cost cannot be determined without extensive preliminary dismantling or testing.
- (12) Contracts in the nature of grants to further a Metro purpose provided a competitive Request for Proposal process is followed.
- (13) The procurement of utilities or any other services whose price is regulated by any governmental body, including but not limited to telephone service, electric, natural gas, and sanitary services, provided that if competition is available, a Request for Proposal process is followed.
- (14) Contracts for goods or services when the provider of the procured goods or services is required by the federal government or by the state of Oregon.
- (15) Contracts for co-operative procurements permitted under ORS 279A.220 to 279A.225.

- (16) The procurement of art and art related production and fabrication provided that a Request for Proposal process is followed.
- (17) Sponsorships which are identified and approved in the proposed budget and are not designated by Council as having a significant impact as outlined in Section 2.04.026 need not follow a competitive bidding or proposal process. In order to be eligible for this exemption the sponsorship shall provide Metro with event advertising and/or media releases.
- (18) Sponsorship contracts, provided that quotes are obtained from at least three potential sponsors or that good faith efforts to obtain such quotes are documented. A sponsorship contract is any contract under which the sponsor's name or logo is used in connection with a facility's goods, buildings, parts of buildings, services, systems, or functions in exchange for the sponsor's agreement to pay consideration, including money, goods, services, labor, credits, property or other consideration.
- (19) Contracts for projects that are not public improvements as defined in Metro Code Section 2.04.010(n) in which a contractor provides a material and substantial portion of the funding for such project.
- (20) Contracts with any media outlet for the purchase of classified advertising, display advertising or the placement of public notices to publicize legal notices of public meetings and procurements.

(21) Any contract exempt from competitive bidding under any statute of the state of Oregon.

(b) Description of procurement procedures for class special procurements: Procurements for each of the class special procurements described in subsection (a) shall be performed by means of procedures chosen by the Chief Operating Officer as an appropriate method tailored to and in light of the demands, circumstances and market realities associated with obtaining each of the enumerated goods and services. Such

procurement procedures may include but shall not limited to direct negotiations with individual or multiple vendors or suppliers; negotiations with ranked proposers; competitive negotiations; or multiple tiered competitions.

(c) Specific contracts not within the classes described in subsection (a) may be procured by special procurements subject to the requirements of ORS 279B.085.

Exhibit C

2.04.058 Public Contract Amendments

(a) The Chief Operating Officer may execute amendments to public contracts, provided that any one of the following conditions are met:

- (1) The original contract was let by a formal competitive procurement process, the amendment is for the purpose of authorizing additional work for which unit prices or alternates were provided that established the cost for the additional work and the original contract governs the terms and conditions of the additional work; or
- (2) The amendment is a change order that resolves a bona fide dispute with the contractor regarding the terms and conditions of a public contract or public improvement contract ~~for a public improvement~~ and the amendment does not materially add to or delete from the original scope of work included in the original contract; or
- (3) The amendment is for a public improvement contract and increases the total obligation of the contract by no more than 20 percent. ~~contract amendment to a contract for a public improvement does not increase the contract amount more than \$25,000 if the amount of the aggregate cost resulting from all amendments authorized pursuant to this subsection does not exceed five percent of the initial contract.~~ In computing the dollar amount of any amendment for the purpose of this subsection, the amount of original contract obligation shall be used. In addition, only the amount of additional work or extra cost shall be considered and such work or cost may not be offset by the amount of any deletions; amendments made under subsection (1) or (2) are not included in computing the aggregate amount under this subsection; or

(4) The amount of the aggregate cost increase resulting from all amendments to a public contract other than a public improvement contract does not exceed 20 percent of the initial contract if the face amount is less than or equal to \$1,000,000.00 or 10 percent if the face amount is greater than \$1,000,000.00; amendments made under subsection (1) or (2) are not included in computing the aggregate amount under this subsection; or

~~(5) The amendment is for a change order for additional work if the original contract was let by a formal competitive procurement, the amendment is for the purpose of authorizing additional work for which unit prices or bid alternates were provided that established the cost for the additional work and the original contract governs the terms and conditions of the additional work; or~~

~~(6)5~~ The amendment is for a change order to a public improvement contract in order to meet an emergency; or

~~(7)6~~ The Metro Contract Review Board has authorized the extension of the contract amendment.

(b) No public contract may be amended to include additional work or improvements that are not directly related to the scope of work that was described in the competitive process utilized to award the contract.

Exhibit D

2.04.070 Notice of Award and Appeals

(a) At least seven (7) days prior to the execution of any public contract over ~~\$50,000.00~~ \$100,000.00 for which a competitive bid or proposal process is required, Metro shall provide a notice of award to the contractor selected and to all contractors who submitted unsuccessful bids or proposals.

(b) Bid/Request for Proposals Appeal Procedures. The following procedure applies to aggrieved bidders and proposers who wish to appeal an award of a public contract or a personal services contract above ~~\$150,000.00.~~ \$100,000.00. The appeal process for bids is the same as for a Request for Proposals. In the case of a Request for Proposal(s), disagreement with the judgment exercised in scoring by evaluators is not a basis for appeal.

- (1) All appeals shall be made in writing and shall be delivered to the Procurement Officer at Metro's main office within seven (7) working days of the postmarked date on the notice of award. The written appeal must describe the specific citation of law, rule, regulation, or procedure upon which the appeal is based.
- (2) The Procurement Officer shall forthwith notify the appropriate Department Director and the Chief Operating Officer of the appeal. In the case of an appeal of an award by a Commission or the Metro Auditor, the appeal shall be forwarded to the Commission or Metro Auditor. Within 10 working days of the receipt of the notice of appeal, the Chief Operating Officer, Commission or Metro Auditor shall send a notice of rejection of the appeal or a notice of acceptance of the appeal, as applicable, to the appellant. The appellant may appeal the Chief Operating Officer's, Commission's, or Metro Auditor's decision to reject the appeal in writing to the Board within five (5) working days from the postmarked date on the notice of rejection.

- (3) The Board will review the grounds for appeal, all pertinent information, and the Chief Operating Officer's, Commission's or Metro Auditor's recommendation, and make a decision. The decision of the Board is final.
- (4) No contract, which is the subject of a pending appeal, may be executed unless the Board shall have given its approval. The Chief Operating Officer, Commission or Metro Auditor may request the Board to determine a matter without waiting for the expiration of the time periods provided for herein.
- (5) In the event Council authorization of execution of the contract is required under Section 2.04.026 of this Code, the appeal shall be heard before the Council considers authorization of the contract.

(c) Appeals from Debarment or Denial of Prequalification

- (1) The Board shall hear all appeals from any person who is disqualified by Metro as a bidder. The basis for the appeal shall be limited to the following grounds:
 - (A) Debarment of bidders and proposers pursuant to ORS 279B.130.
 - (B) Denial of prequalification to bid pursuant to ORS 279B.120 and 279B.125.
- (2) Any person who wishes to appeal debarment or denial of prequalification as a bidder shall, within three (3) business days after receipt of notice of disqualification, notify in writing the Metro Attorney that the person appeals the disqualification. The Metro Attorney shall promptly notify the Board of the appeal by providing notice to the Council President.
- (3) Promptly upon receipt of notice of appeal, the Council President shall notify the appellant and the Metro Attorney of the time and place of the appeal proceeding.

- (4) The Board shall conduct the appeal proceeding in accordance with the provisions of ORS 279B.425 and decide the appeal within 30 days after receiving notification of the appeal from the Metro Attorney. The Board shall set forth in writing the reasons for the decision.
- (5) Appeal Proceeding.
 - (A) The Council President shall preside over the appeal proceeding. The general order shall be as follows:
 - (i) Presentation by Metro of documentation and testimony supporting the disqualification.
 - (ii) Presentation by the appellant of documentation and testimony opposing the disqualification.
 - (B) Members of the Board shall have the right to ask both Metro and the appellant questions and to review documentation referred to and presented by the parties.
 - (C) Formal court rules of evidence shall not apply.
 - (D) The Board shall consider de novo the notice of debarment or denial of prequalification, and record of investigation made by Metro and any evidence provided by Metro and the appellant prior to or at the appeal proceeding. There shall be no continuance or reopening of the appeal proceeding to offer additional evidence unless the appellant can demonstrate to the Council President that the additional evidence was not known to the appellant at the time of the proceeding or that with reasonable diligence the appellant would not have discovered the evidence prior to the appeal proceeding.
 - (E) A tape recording will be made of the appeal proceeding which shall be made available to

the appellant upon payment of costs to Metro of making the tape.

(F) The Board shall render a decision which shall be reviewed only upon petition in the Circuit Court of Multnomah County. The petition must be filed within 15 days after the date of the decision in accordance with the provisions of ORS 279B.425.

(6) Metro may reconsider its determination with regard to the debarment or denial of prequalification at any time prior to the appeal proceeding.

(d) Appeals of contract awards and decisions of the Auditor shall be made directly to the Contract Review Board.

STAFF REPORT

FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04.052 THROUGH 2.04.070 IN ORDER TO STRENGTHEN METRO'S CONTRACT POLICIES

Date: March 15, 2011

Prepared by:

Darin Matthews
Procurement Officer
797-1626

BACKGROUND

Metro Code 2.04.052 through 2.04.070 sets forth the agency's policies on the procurement of goods and services for the agency. These policies are in accordance with the Oregon Public Contracting Code (ORS 279A, B and C) and are consistent with public agency practices on competitive bidding.

The Metro Council, acting as the local contract review board, in accordance with ORS 279A.060, has elected to establish its own rules with regard to public contracting. While the Oregon Attorney General's Model Public Contract Rules serve as a resource for Metro, the AG's rules are not applicable to the agency.

Recent Code Changes

During 2010, the Metro Council approved certain revisions to the Metro contract policies. These changes strengthened the Code with regard to sustainable procurement (2.04.500) as well as the use of minority, women and emerging small businesses (2.04.100). Metro Contracting Code in these areas now represents current and leading practices for public agencies.

The latest proposed changes are intended to improve the Metro Contracting Code with regard to contract amendments and special procurements, as well as to align certain thresholds for bonds and appeals with the established threshold for formal procurements.

Bonds

Currently Metro Code requires bid security for contracts of \$50,000 or more. Bid security is normally in the amount of five percent (5%) of the bid amount and is provided by the bidder in the form of a bond or cashier's check. This assures that the bidder, if selected, will honor their offer to Metro.

Since the established threshold for formal procurement at Metro is \$100,000, it is reasonable that the bid security requirement be consistent with this amount. Contracts under this amount are referred to as intermediate procurements and can be handled informally by email or facsimile. Not requiring bid security in these instances would help speed up the procurement process.

Additionally, this would make it easier for MWESB contractors to submit bids to Metro on intermediate procurements. The cost of bid bonds can be a challenge for small businesses and has been identified as a barrier for MWESB's in the public contracting process.

Special Procurements

Currently Metro exempts certain types of purchases from traditional competitive bidding. In accordance with the Oregon Contracting Code, Metro has identified several categories of special procurements that include emergency contracts, repair contracts, sponsorships, and art work that are deemed impractical for competitive bidding.

Certain purchases for the Oregon Zoo are currently exempted from competitive bidding. These include the purchase of zoo animals, retail inventory for the Zoo gift shop, and items for resale.

The Metro Procurement Officer is proposing that animal food for the Oregon Zoo be added to the list of special procurements. Due to the specialized nature of this food and the unique dietary requirements of the animals, it is often impractical to purchase these items through a competitive low-bid process. Recent experiences have confirmed that it would be in the best interest of the agency to exempt animal food. Best value would be obtained by leveraging existing contracts, considering product quality and past performance, and negotiating directly with proven suppliers.

Additionally, all contracts that are already exempted by the Oregon Contracting Code should also be exempted by Metro and treated as a special procurement.

Contract Amendments

The Metro Code currently limits contract amendments and change orders for its contracts. A summary of these limits are as follows:

- Personal services contracts can be increased up to 100 percent of their original value.
- Public contracts for goods and services can be increased up to 20 percent of their original value.
- Public improvement contracts can be increased up to 5 percent of their original value.

The Metro Procurement Officer believes that the current limit for public improvement contracts is impractical and much lower than industry standards. Public improvement contracts are for construction, reconstruction or major renovation. The current threshold of 5 percent requires many change orders that are routine and justifiable to be approved by the Metro Council. Therefore, it is suggested that the Council consider raising this threshold to 20 percent.

In determining the proposed limitation of contract amendments, Metro reviewed other area agencies that procure public improvement contracts. The following represents a summary of their respective rules:

<u>Agency</u>	<u>Public Improvement Amendment Threshold</u>
City of Portland	25%
Multnomah County	20%
Washington County	20%
State of Oregon	20%

It is believed that a threshold that is consistent with other area agencies would be in the best interest of Metro. This would put the agency in line with other similar organizations and would increase efficiency in the contracting process.

Contract Appeals

The Metro Contract Code currently allows bidders and proposers the opportunity to challenge the agency's contracting decisions through an appeal process. Within seven (7) days of Metro's notice of intent to award a contract, aggrieved bidders can submit a written appeal to the Procurement Officer, who then works with the Chief Operating Officer, Metro Attorney and Department Director in responding to

the appellant. If the matter cannot be resolved, then the bidder can appeal to the Metro Council acting as the contract review board.

The thresholds in the current Code are \$50,000 for the notice of award and \$150,000 for the appeal process. It is believed that aligning these amounts with Metro's formal procurement threshold of \$100,000 would establish consistency and clarity in the appeal process.

Summary

The Metro Procurement Officer has reviewed best contracting practices of other area public agencies and consulted with the Office of Metro Attorney. It is believed that the proposed changes in this legislation will increase efficiency in the contracting and procurement process and are in the best interest of Metro.

The proposed revisions to this section of the Metro Code are attached to the ordinance as Exhibits A, B, C and D.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.052 through 2.04.070, ORS 279A, B, and C.
3. **Anticipated Effects** Metro Contract Code will be strengthened in the areas of bonds, special procurements, contract amendments and contract appeals.
4. **Budget Impacts** Minimal impact to budget as changes to policies and forms would be accomplished through current staff resources.

RECOMMENDED ACTION

Metro Council approves the proposed revisions to Metro Code 2.04 in order to strengthen the agency's Contract Program.

Materials following this page were distributed at the meeting.



REVISED, 4/20/11

Meeting: Metro Council
Date: Thursday, April 21, 2011
Time: 2 p.m.
Place: Metro Council Chambers

CALL TO ORDER AND ROLL CALL

- 1. INTRODUCTIONS**
- 2. CITIZEN COMMUNICATIONS**
- 3. CONSIDERATION OF THE COUNCIL MINUTES FOR APRIL 14, 2011**
- 4. RESOLUTIONS**
 - 4.1 **Resolution No. 11-4235**, For the Purpose of Amending the Fiscal Year 2010-11 Unified Planning Work Program. **Roberts**
 - 4.2 **Resolution No. 11-4236**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements and Adopting the Fiscal Year 2011-12 Unified Planning Work Program. **Roberts**
 - 4.3 **Resolution No. 11-4251**, For the Purpose of Amending the FY 2010-11 Through FY 2014-15 Capital Improvement Plan by Adding or Adjusting Four Capital Improvement Plan Projects. **Harrington**
- 5. ORDINANCES - SECOND READING**
 - 5.1 **Ordinance No. 11-1253**, For the Purpose of Adopting the Annual Budget for Fiscal Year FY 2011-12, Making Appropriations, Levying Ad Valorem Taxes and Declaring an Emergency. **Hughes**

Public Hearing
 - 5.2 **Ordinance No. 11-1257**, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Solid Waste Disposal Charges and System Fees for FY2011-12, and to Establish the Effective Date for the FY 2011-12 Solid Waste Excise Tax Rate. **Harrington**

Public Hearing
 - 5.3 **Ordinance No. 11-1256**, For the Purpose of Amending Metro Code Chapter 2.04 in Order to Strengthen Metro's Contract Policies. **Craddick**

Public Hearing
 - 5.4 **Ordinance No. 11-1255**, For the Purpose of Revising the "Urban Growth Boundary and Urban and Rural Reserves Map" in Title 14 (Urban Growth Boundary) of the Urban Growth Management Functional Plan. **Hughes**

Public Hearing

Continued on back

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for April 21, 2011 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 11 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 2 p.m. Thursday, April 21(Live)	Portland Channel 11 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> 8:30 p.m. Sunday, April 24 <i>Date:</i> 2 p.m. Monday, April 25
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> 2 p.m. Monday, April 25	Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 11 p.m. Saturday, April 23 <i>Date:</i> 11 p.m. Sunday, April 24 <i>Date:</i> 6 a.m. Tuesday, April 26 <i>Date:</i> 4 p.m. Wednesday, April 27
Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).



METRO COUNCIL MEETING

Meeting Summary

April 14, 2011

Metro Council Chambers

Councilors Present: Council President Tom Hughes and Councilors Barbara Roberts, Rex Burkholder, Carlotta Collette, Shirley Craddick and Kathryn Harrington

Councilors Excused: Councilor Carl Hosticka

Council President Tom Hughes convened the regular Council meeting at 2:05 p.m.

1. INTRODUCTIONS

There were none.

Council President Hughes announced that Metro received the Government Finance Officers Association's certificate of achievement for excellence in financial reporting. He recognized and congratulated Financial and Regulatory Services (FRS) staff for their work.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

Motion:	Councilor Shirley Craddick moved to adopt the consent agenda: <ul style="list-style-type: none">• Consideration of the Minutes for April 7, 2011• Resolution No. 11-4248, For the Purpose of Adopting the Hearings Officer's Proposed Order Regarding Metro's Notice of Violation Nov-257C11 Issued to Greenway Recycling, LCC. And Authoring the Chief Operating Officer to Issue a Final Order.• Resolution No. 11-4249, For the Purpose of Adopting the Hearings Officer's Proposed Order Regarding Metro's Notice of Violation Nov-280-11 Issued to K.B. Recycling, Inc. and Authoring the Chief Operating Officer to Issue a Final Order.• Resolution No. 11-4252, For the Purpose of Approving a Contract Amendment for the Water Main Building Project at the Oregon Zoo.• Resolution No. 11-4253, For the Purpose of Approving a Contract Amendment for the Veterinary Medical Center Project at the Oregon Zoo.
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Vote:	Council President Hughes and Councilors Roberts, Harrington, Craddick, Collette and Burkholder voted in support of the motion. The vote was 6 aye, the motion <u>passed</u> .
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4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 11-1255**, For the Purpose of Revising the “Urban Growth Boundary and Urban and Rural Reserves Map” in Title 14 (Urban Growth Boundary) of the Urban Growth Management Functional Plan.

Second read, public hearing, Council consideration and vote for Ordinance No. 11-1255 are scheduled for Thursday, April 21, 2011.

4.2 **Ordinance No. 11-1256** For the Purpose of Amending Metro Code Chapter 2.04 in Order to Strengthen Metro's Contract Policies.

Second read, public hearing, Council consideration and vote for Ordinance No. 11-1256 are scheduled for Thursday, April 21, 2011.

5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 11-1258**, For the Purpose of Establishing Criteria for Metro Council District Reapportionment and Declaring an Emergency.

Motion:	Councilor Barbara Roberts moved to adopt Ordinance No. 11-1258.
Second:	Councilor Kathryn Harrington seconded the motion.

Councilor Roberts introduced Ordinance No. 11-1258, which if approved would set the criteria for reapportionment process; this is the first step in the redistricting process. Highlighted changes to the communities of interest criteria included the removal of the watershed boundaries and the addition of school district boundaries.

Council President Hughes opened a public hearing on Ordinance No. 11-1258:

- Ray Phelps, Wilsonville Chamber of Commerce: Mr. Phelps expressed concern with an element of the redistricting criteria – specifically the language referring to communities of interest with populations less than 15,000 people. He encouraged Council keep the City in one council district. (Written testimony included as part of the meeting record.)

Seeing no further public comment, the public hearing was closed.

Council discussion included communities of interest, inconsistencies between existing boundaries (i.e. legislative boundaries, school districts, and the Urban Growth Boundary), and Metro Charter requirements.

Vote:	Council President Hughes and Councilors Roberts, Harrington, Craddick, Collette and Burkholder voted in support of the motion. The vote was 6 aye, the motion <u>passed</u> .
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6. CHIEF OPERATING OFFICER COMMUNICATION

There was none.

7. **COUNCILOR COMMUNICATION**

Council discussion included an update on the recent April MPAC and JPACT meetings, and the City of Portland's request to join the City and participate in a Brookings Institute study to develop metro level export data.

Council approved Council President Hughes and Councilors Harrington, Craddick, and Burkholder to attend the Travel Portland Customer Activities Board activities as official Metro business.

6. **ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 2:43 p.m. The Council reconvened in a work session in the Council Annex.

The Metro Council will reconvene the next regular council meeting on Thursday, April 21 at 2 p.m. in the Metro Council Chambers.

Prepared by,



Kelsey Newell
Regional Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 14, 2011

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	4/7/11	Council Minutes for April 7, 2011	41411c-01
4.1	Exhibit	N/A	Draft Ordinance No. 11-1255 Exhibit B	41411c-02
5.1	Letter	4/8/11	Written testimony submitted by Ray Phelps	41411c-03
5.1	Brochure	N/A	Wilsonville Chamber of Commerce	41411c-04
7.	Map	4/2011	Metropolitan Portland: 5, 15, 20 Mile Radiuses from Portland City Center	41411c-05
	Card	N/A	Staff contact information for budget materials	41411c-06
	Factsheet	N/A	FY 2011-12 Proposed Budget	41411c-07
	Schedule	3/25/11	FY 2011-12 Council Budget Review	41411c-08
	Report	N/A	FY 2011-12 Proposed Budget Summary	41411c-09
	PowerPoint	4/7/11	FY 2011-12 Proposed Budget	41411c-10

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 11-1257
CODE CHAPTER 5.02 TO ESTABLISH SOLID)	
WASTE DISPOSAL CHARGES AND SYSTEM	)	Introduced by Acting Chief Operating Officer
FEEES FOR FY 2011-12, AND TO ESTABLISH	)	Daniel B. Cooper with the concurrence of
THE EFFECTIVE DATE FOR THE FY 2011-12	)	Council President Tom Hughes
SOLID WASTE EXCISE TAX RATE.)	

WHEREAS, Metro Code Chapter 5.02 establishes charges for disposal of solid waste at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes fees assessed on solid waste generated within the District or delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, Metro’s costs for solid waste services and programs have changed; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- Section 1. Metro Code Amendment. Metro Code section 5.02.025 is amended in the form attached hereto as Exhibit “A.”
- Section 2. Metro Code Amendment. Metro Code section 5.02.045 is amended in the form attached hereto as Exhibit “B.”
- Section 3. Metro Code Amendment. Metro Code section 5.02.047 is amended in the form attached hereto as Exhibit “C.”
- Section 4. Effective Date for Solid Waste Fees. Section 1, Section 2, and Section 3 of this ordinance shall become effective on August 1, 2011, or 90 days after adoption by Metro Council, whichever is later.
- Section 5. Effective Date for Excise Tax. Pursuant to Metro Code section 7.01.020(e)(1), the solid waste excise tax rate authorized by Metro Code section 7.01.020(c) shall become effective on August 1, 2011, or 90 days after adoption of this ordinance by Metro Council, whichever is later.

ADOPTED by the Metro Council this 28th day of April, 2011.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Acting Metro Attorney

Exhibit "A" to Ordinance No. 11-1257

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
 - (A) A tonnage charge of ~~\$56.45~~58.35 per ton,
 - (B) The Regional System Fee as provided in Section 5.02.045,
 - (C) An enhancement fee of \$.50 per ton, and
 - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) The following Transaction Charge for each Solid Waste Disposal Transaction:
 - (A) For each Solid Waste Disposal Transaction completed at staffed scales, the Transaction Charge shall be ~~\$11.00~~12.00.
 - (B) For each Solid Waste Disposal Transaction that is completed at the automated scales, the Transaction Charge shall be \$3.00.
 - (C) Notwithstanding the provisions of subsection (A), the Solid Waste Disposal Transaction Charge shall be \$3.00 in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system for the automated scales, or due to a malfunction of the automated scales.

(b) Notwithstanding subsection (a) of this section,

- (1) There shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing ~~400~~360 pounds or less of \$28, which shall consist of a minimum Tonnage Charge of ~~\$17.00~~16.00 plus a Transaction Charge of ~~\$11.00~~12.00 per Transaction.
- (2) The Chief Operating Officer may waive collection of the Regional System Fee on solid waste that is generated outside the District, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of Parks and Environmental Services may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

Exhibit "B" to Ordinance No. 11-1257

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.045 Regional System Fees

(a) The Regional System Fee shall be \$~~16.72~~17.64 per ton of solid waste, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

(c) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(d) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

(e) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

Exhibit "C" to Ordinance No. 11-1257

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.047 Regional System Fee Credits

Any person delivering Cleanup Material Contaminated by Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$~~14.22~~15.14 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 11-1257 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO ESTABLISH SOLID WASTE DISPOSAL CHARGES AND SYSTEM FEES FOR FISCAL YEAR 2011-12, AND TO ESTABLISH THE EFFECTIVE DATE FOR THE FISCAL YEAR 2011-12 SOLID WASTE EXCISE TAX RATE.

Date: April 7, 2011

Prepared by: Douglas Anderson

Each year as part of the agency budget activity, the Metro Council considers changes to solid waste rates to keep them current with costs and tonnage. The specific rates under consideration are the Transaction Fee, Tonnage Charge, and Minimum Load Charge at Metro transfer stations; and the Regional System Fee, which is collected at all privately-owned landfills as well as at Metro's transfer stations. Changes require an ordinance of the council. This report provides an overview of this year's rate ordinance, No. 11-1257.

BACKGROUND

Process. Under Metro code, the Chief Operating Officer must transmit his proposed rates to the council at the same time that he transmits his proposed budget. Subsequently, public hearings and council deliberations on the budget and the rates proceed on the same schedule. The council usually adopts the rates at the same time that it approves the budget for transmittal to the Tax Supervising and Conservation Commission. This allows time for the mandatory 90 day referral period between the adoption of an ordinance and the date it becomes effective. Administratively it is best – for both Metro and its stakeholders – to implement rates on the first day of the month. Because of calendar changes this year, the council would need to take action on the rate ordinance by April 28, one week before it is scheduled to approve the budget, if the rates are to take effect on this year's target date of August 1.

In 2009 the council split Metro's annual rate cycle into two phases: a policy phase and a technical phase. *This ordinance reflects the technical phase.* The policy phase is to provide an open look at the policy drivers for the rates, and includes extensive stakeholder input. This allows for efficient execution of the technical phase in which the implications of policies, costs and tonnage are converted into rates. The technical work is reviewed by an independent rate expert whose written report is transmitted directly to the council. Normally the policy review would be held in the Fall, but the council's schedule precluded this effort last year. Therefore, the proposed FY 2011-12 rates are based on standing policies. After the budget has been approved this Spring, staff will return to council with options for a policy review later in 2011.

Results. Adoption of this ordinance would implement the following disposal charges at Metro transfer stations.

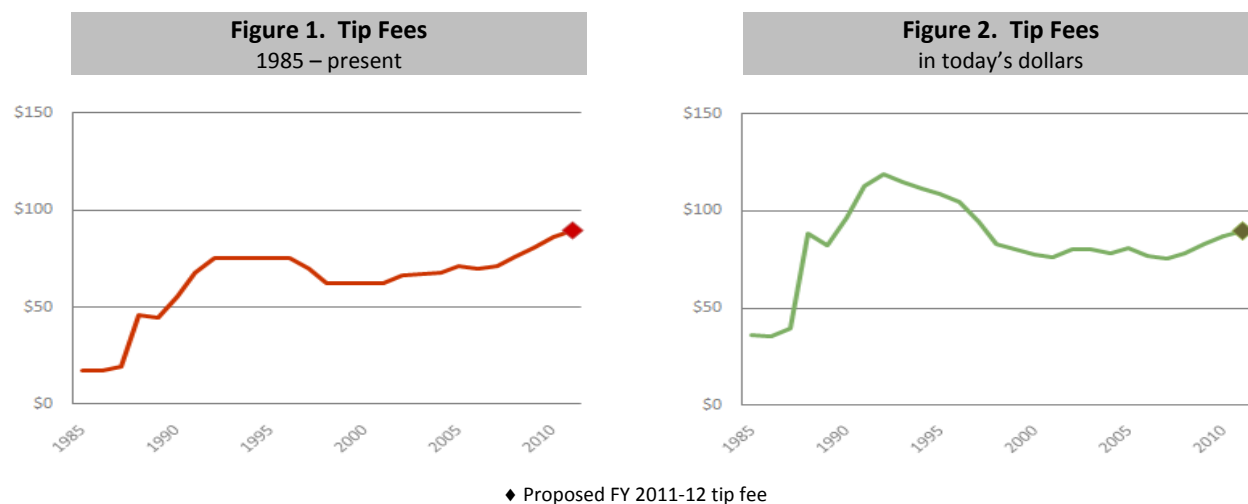
Table 1. Proposed Solid Waste Disposal Charges at Metro Transfer Stations

Rates Effective August 1, 2011

Rates	Current	Proposed	Change
Fees per transaction			
Users of staffed scales	\$11.00	\$12.00	\$1.00
Users of automated scales	3.00	3.00	- 0 -
Fee per ton (Tip Fee)	\$85.85	\$89.53	\$3.68
Minimum Load Charge	\$28	\$28	- 0 -
<i>Minimum pounds per load</i>	400	360	<i>(40)</i>

The increases reflect expected tonnage and changes in costs between this year and FY 2011-12.

By way of comparison, the proposed changes are less than the roughly \$5 increase approved in each of the last three years. Although the FY 2011-12 tip fee would be historically the highest in money terms (Figure 1), the \$75 rates of the early 1990s were even higher when denominated in today's dollars (Figure 2).



In addition to the transfer station rates shown in Table 1, the rate ordinance also amends the Regional System Fee – a surcharge on disposal that Metro levies at all privately owned landfills in addition to the Metro transfer stations. The system fee is proposed to rise from \$16.72 per ton to \$17.64, an increase of 92 cents. Because the system fee is included in the tip fee, this increase is part of the \$3.68 total change shown in Table 1. Further explanation is provided in the following section of the staff report.

EXPLAINING THE RATES

Metro Tip Fee. The tip fee at Metro transfer stations is in fact a composite of several fees and taxes. The basic fee is the Tonnage Charge, which is the amount needed to recover the costs of Metro's disposal operations – transfer station management and operations, transport, and disposal. Four separate pass-through charges are added to this base: (1) Metro's Regional System Fee, (2) the Metro excise tax, (3) a number of disposal fees that Metro collects and remits to DEQ, and (4) a host fee that is used for rehabilitation and enhancement projects by the host community. The sum of these charges is the "tip fee." Table 2 provides detail.

Table 2. Breakdown of the Tip Fee at Metro Transfer Stations

Rates Effective August 1, 2011

Component	Current	Proposed	Change
Tonnage Charge	\$56.45	\$58.35	\$1.90
<i>Recovers the costs of Metro's disposal operations.</i>			
Pass-Throughs			
<i>Government fees and taxes levied at all disposal sites.</i>			
Regional System Fee	\$16.72	\$17.64	\$0.92
Excise tax	10.94	11.80	0.86
DEQ fees	1.24	1.24	- 0 -
Host fee	0.50	0.50	- 0 -
Metro Tip Fee	\$85.85	\$89.53	\$3.68

This ordinance would amend the tonnage charge and the system fee in Table 2, by the indicated amounts. The other pass-throughs are set (or limited) by the state or in Metro code, and the tip fee is simply the sum of all the charges.

All disposal sites that serve the Metro region, public and private¹, have price structures similar to the one shown in Table 2. Each disposal site will have a tonnage charge that is specific to its own operation. The same system fee, excise tax and DEQ rates are levied at all sites. The host fee is a local option, but other local fees and taxes may also apply. The “tip fee” at any given site is the sum of these charges.

Effects on Ratepayers

The average effect of these increases on the residential customer’s curbside collection bill would be less than a penny per day (about 25 cents per month), all else equal. The average effect on a mid-sized office with a good source-separation program would be about \$1.30 per month – or roughly a 1.1% increase in total collection service cost. For food-heavy businesses such as sit-down restaurants and hotels the cost increase would be \$15 to \$18 per month, an increase of about 2.4% in total collection service cost.

Owners of private solid waste facilities will pay an additional \$1.78 per ton on waste delivered to landfills. The increase is comprised of \$0.92 on the Regional System Fee and, unrelated to this ordinance, an additional \$0.86 in Metro excise tax. This increase to the cost of disposal may provide an incentive to boost recovery efforts at privately-owned in-region facilities to avoid the higher cost of disposal.

FY 2011-12 Calculations

The derivation of the rates is described briefly in this section. Readers seeking more detail are referred to the Rate Report issued under separate cover (and available on Metro’s web site after April 7). The discussion is separated into two subsections below – one for the universal rate (Regional System Fee) that is charged on all disposal, and another for the rates that are charged only at Metro’s transfer stations.

The dollar amount to be raised by each rate is called the “revenue requirement.” This is the sum of expected FY 2011-12 expenditures based on the budget, minus any program revenue that serves to offset costs.² From Tables 3 and 4 below, the total FY 2011-12 revenue requirement is \$49.6 million. Each rate is simply the revenue requirement divided by the appropriate units (tons or transactions).

Regional System Fee. The costs of regional solid waste programs and services are recovered from the Regional System Fee – a surcharge that Metro levies on all waste that is generated inside the district and ultimately disposed, regardless of the location of the disposal site. The revenue requirement for the Regional System Fee is based on the net cost of regional programs: hazardous waste collection, waste reduction, latex paint recovery, illegal dumpsite cleanup, landfill closure and monitoring, and private facility regulation. None of the direct costs of operating the transfer stations are paid from Regional System Fee revenue. The specific detail for the FY 2011-12 Regional System Fee is shown in Table 3.

**Table 3. Detail on the Regional System Fee
Collected at All Public and Private Disposal Sites¹**

	Revenue Requirements		August 2011 – June 2012		
	FY 11/12 Total	July 2011*	Requirement	<i>divided by: Tons</i>	<i>equals: Rate</i>
Regional System Fee	\$19,135,860	\$1,586,586	\$17,548,705	994,885	\$17.64/ton

* One month of revenue at the current rate, based on the August 1 implementation date for the new rate.

¹ These are the eight landfills that serve the Metro area; but also (for legacy reasons) Forest Grove Transfer Station.

² For this reason revenue requirements are sometimes termed “net costs.”

Transfer Station Charges. Metro’s own customers face a two-part charge at the transfer stations: a flat fee per transaction, which covers the fixed costs of the scalehouses and a portion of station management, and a variable charge – the tip fee – based on the number of tons in the transaction. As shown in Table 2, the tonnage charge is the component of the tip fee that recovers the cost of station operations, transport, and disposal. The revenue requirements for each of these rates are based strictly on the net cost of providing the service. The detail for the FY 2011-12 transfer station rates is shown in Table 4.

Table 4. Detail on Disposal Charges at Metro Transfer Stations

	Revenue Requirements		August 2011 – June 2012		
	FY 11/12 Total	July 2011*	Requirements	divided by: Units	equals: Rate
Transaction fee					
Staffed scales	\$2,695,861	\$239,845	\$2,456,016	201,315 trans.	\$12/tran.
Automated	276,364	22,520	253,844	77,659 trans.	\$3/tran.
Tonnage charge	27,478,344	2,330,519	25,147,826	430,957 tons	\$58.35/ton
Total, Disposal Ops.	\$30,450,569	\$2,592,884	\$27,857,686	---	---

* One month of revenue at current rates, based on the August 1 implementation date for the new rates.

Drivers of the FY 2011-12 Changes

Tonnage. Tonnage is not a major driver of solid waste fees in this cycle. The reason resides in the math set forth in the previous section: each fee is **net cost divided by tonnage** (or transactions). So, for example, the math dictates that fees would not change if tonnage and costs both increase by the same percentage. The same math dictates that fees rise when tonnage drops, even when costs remain the same.

Metro’s econometric models of waste generation point to a mild increase in tonnage next year, reflecting a slow recovery from the recession. However, after adjusting for upcoming new diversion, the budget assumption on tonnage is down slightly from FY 2010-11. This means that rates must rise to compensate. However, the decline is small enough that the tonnage effect is relatively minor.

Costs. There are no structural changes such as major new contracts affecting next year’s rates as has been the case for the last three years. Accordingly, the proposed changes are driven almost entirely by costs:

- **Fuel.** Under Metro’s waste transport arrangements, every 25 cent per gallon increase in the price of fuel bumps the tip fee by 47 cents per ton. The FY 2011-12 fuel price assumption is \$3.25 per gallon, up 75 cents from FY 2010-11³, so fuel accounts for \$1.42 of the increase in the tip fee. The \$3.25 figure is based on the assumption that fuel prices will spike in the spring and summer of 2011, but settle back at the higher \$3.25 plateau during FY 2011-12. If fuel prices turn out higher than the budget assumption, the solid waste operating contingency is positioned to cover fuel prices as high as \$5.50 per gallon.
- **Regional System Fee.** The proposed budgets for regional solid waste programs paid by the Regional System Fee are up 2.3 percent in aggregate from FY 2010-11. Because projected regional tonnage is down, the Regional System Fee must rise \$0.92 to compensate if the revenue requirement is to be met.
- **Metro excise tax.** The excise tax component of the tip fee will rise from \$10.94 per ton to \$11.80, accounting for \$0.86 of the increase in the tip fee. The excise tax rate is established automatically through a mechanism set forth in Metro code chapter 7.01 unrelated to solid waste costs or this ordinance.

³ The budget assumption was \$2.50 per gallon. The year-to-date average is \$2.569, although the cost in February 2011 was \$2.97. Metro pays wholesale prices for diesel fuel, and is exempt from paying the Federal excise tax.

There are offsetting factors that dampen the rate of increase:

- **Low inflation.** With over half (\$28 million) of the solid waste operating budget controlled by four major operating contracts and their inflation clauses, even relatively modest inflation will have important effects on the budget and rates.⁴ The index underlying the FY 2011-12 contract prices is up only 1.1 percent, translating into a \$0.51 increase in the tonnage charge. In a more normal inflationary environment of 3 to 4 percent, the impact would be about \$1.50.
- **The COO's cost reduction initiatives.** The COO's proposed budget reflects reductions and efficiencies in general and administrative ("G&A") costs. Overhead costs to the solid waste fund are down about \$242,600 from last year. Because G&A costs are allocated, these reductions affect all rate components. The net effect is 22 cents of relief on the tip fee compared with flat G&A costs.

A variety of other, smaller changes combine to round out the net increase to the tip fee. These factors are summarized in Table 5.

Factor	Effect
Fuel price (transport to the landfill)	\$1.42
Regional System Fee (program costs)	0.92
Metro excise tax	0.86
Inflation in the major contracts*	0.51
Miscellaneous	0.19
General & administrative costs	(0.22)
Net increase	\$3.68

* For transfer station operation, transport and disposal.

INFORMATION/ANALYSIS

1. **Known Opposition.** There is no known opposition.
2. **Legal Antecedents.** Metro's solid waste rates are set forth in Metro Code Chapter 5.02. Any change in these rates requires an ordinance amending Chapter 5.02. Metro reviews solid waste rates annually, and has amended Chapter 5.02 when changes are warranted. The proposed FY 2011-12 rates comply with the restriction set forth in Chapter III, Section 15 of the Metro Charter limiting user charges to the amount needed to recover the costs of providing goods and services.

The excise tax rate is established automatically by a passive mechanism set forth in Metro Code sections 7.01.020 and 7.01.022 and does not require annual council action.

3. **Anticipated Effects:** If adopted, this ordinance would raise the tip fee and the staffed transaction fee, and reduce the size of load subject to the minimum charge at Metro transfer stations. The ordinance would also raise the Regional System Fee, which is levied on all disposal including waste delivered to Metro transfer stations, mass burners and privately-owned landfills, regardless of where these disposal sites are located. Ratepayer effects were addressed in a previous section of this report.
4. **Budget Impacts.** The rates established by this ordinance are designed to raise \$49.6 million in enterprise revenue from mixed waste as appropriated in the proposed FY 2011-12 budget.

RECOMMENDATION

The Acting Chief Operating Officer recommends adoption of Ordinance No. 11-1257.

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⁴ Under current contracts, every 1-point increase in the inflation rate affects the tip fee by 46 to 47 cents per ton.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 11-1257A
CODE CHAPTER 5.02 TO ESTABLISH SOLID)
WASTE DISPOSAL CHARGES AND SYSTEM) Introduced by Acting Chief
FEES FOR FY 2011-12, TO MODIFY) Operating Officer Daniel B. Cooper
HAZARDOUS WASTE CHARGES, AND TO) with the concurrence of Council
ESTABLISH THE EFFECTIVE DATE FOR THE FY) President Tom Hughes
2011-12 SOLID WASTE EXCISE TAX RATE.)

WHEREAS, Metro Code Chapter 5.02 establishes charges for disposal of solid and hazardous waste at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes fees assessed on solid waste generated within the District or delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, Metro's costs for solid waste services and programs have changed; and,

WHEREAS, Most residential customers using Metro's hazardous waste services pay no direct fees for this service; and

WHEREAS, A modest charge to residential customers will signal that the hazardous waste service is not without cost and will not significantly impact usage of Metro's program by residential customers; and,

WHEREAS, A user charge will help defray Metro's costs for operating the hazardous waste program; and

WHEREAS, Oregon HB 3037 prohibits charging fees at the point of collection for sites collecting post-consumer architectural paint under the statewide paint stewardship system; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Amendment. Metro Code section 5.02.025 is amended in the form attached hereto as Exhibit "A."

Section 2. Metro Code Amendment. Metro Code section 5.02.045 is amended in the form attached hereto as Exhibit "B."

Section 3. Metro Code Amendment. Metro Code section 5.02.047 is amended in the form attached hereto as Exhibit "C."

Section 4. Metro Code Amendment. Metro Code section 5.02.027 is amended in the form attached hereto as Exhibit "D."

Section 5. Metro Code Amendment. Metro Code section 5.02.028 is amended in the form attached hereto as Exhibit "E."

Section 46. Effective Date for Solid and Hazardous Waste Fees. Sections 1 through 35, inclusive, of this ordinance shall become effective on August 1, 2011, or 90 days after adoption by Metro Council, whichever is later.

Section 7. Effective Date for Excise Tax. Pursuant to Metro Code section 7.01.020(e)(1), the solid waste excise tax rate authorized by Metro Code section 7.01.020(c) shall become effective on August 1, 2011, or 90 days after adoption of this ordinance by Metro Council, whichever is later.

ADOPTED by the Metro Council this 28th day of April, 2011.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Acting Metro Attorney

Exhibit "A" to Ordinance No. 11-1257A

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
 - (A) A tonnage charge of ~~\$56.45~~58.35 per ton,
 - (B) The Regional System Fee as provided in Section 5.02.045,
 - (C) An enhancement fee of \$.50 per ton, and
 - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) The following Transaction Charge for each Solid Waste Disposal Transaction:
 - (A) For each Solid Waste Disposal Transaction completed at staffed scales, the Transaction Charge shall be ~~\$11.00~~12.00.
 - (B) For each Solid Waste Disposal Transaction that is completed at the automated scales, the Transaction Charge shall be \$3.00.
 - (C) Notwithstanding the provisions of subsection (A), the Solid Waste Disposal Transaction Charge shall be \$3.00 in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system for the automated scales, or due to a malfunction of the automated scales.

(b) Notwithstanding subsection (a) of this section,

- (1) There shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing ~~400~~360 pounds or less of \$28, which shall consist of a minimum Tonnage Charge of ~~\$17.00~~16.00 plus a Transaction Charge of ~~\$11.00~~12.00 per Transaction.
- (2) The Chief Operating Officer may waive collection of the Regional System Fee on solid waste that is generated outside the District, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of Parks and Environmental Services may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

Exhibit "B" to Ordinance No. 11-1257A

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.045 Regional System Fees

(a) The Regional System Fee shall be \$~~16.72~~17.64 per ton of solid waste, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

(c) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(d) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

(e) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

Exhibit “C” to Ordinance No. 11-1257A

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.047 Regional System Fee Credits

Any person delivering Cleanup Material Contaminated by Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$~~14.22~~15.14 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

Exhibit "D" to Ordinance No. 11-1257A

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.027 Charges for Management of Household Hazardous Wastes

(a) There is hereby established a Household Hazardous Waste Management Charge that shall be collected on household hazardous waste accepted at Metro Hazardous Waste Facilities ~~and at household hazardous waste collection events~~. Such Household Hazardous Waste Management Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter; and excise taxes required by Chapter 7.01.

~~(b) There shall be no Household Hazardous Waste Management Charge for household hazardous waste that is accepted in containers of 10 gallons capacity or less.~~ The Household Hazardous Waste Management Charge shall be \$5.00 for the first 35 gallons of household hazardous waste that is accepted in a single transaction in containers of 10 gallons capacity or less, and \$5.00 for each additional 35 gallons (or portion thereof) of household hazardous waste that is delivered in the same transaction in containers of 10 gallons capacity or less. These fees shall not be charged for acceptance of post-consumer architectural paint under the Oregon paint stewardship system established by Oregon HB3037.

(c) The Household Hazardous Waste Management Charge for household hazardous waste that is accepted in a container of greater than 10 gallons capacity shall be as follows:

- (1) \$5.00 for each empty container only;
- (2) \$10.00 for each container that contains up to 25 gallons of household hazardous waste;
- (3) \$15.00 for each container that contains more than 25 gallons of household hazardous waste.

(d) Each of the above charges may be waived by the Director of Parks and Environmental Services ~~the Solid Waste & Recycling Department~~.

Exhibit "E" to Ordinance No. 11-1257A

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.028 Charges for Conditionally Exempt Generator Waste

(a) The amount charged for acceptance of Conditionally Exempt Generator ("CEG") waste from non-household sources shall be the actual disposal costs of such waste calculated from the current Metro contractor price schedules, Metro and/or contractor labor costs, all applicable excise taxes, and the cost of material utilized for managing the waste.

(b) Notwithstanding section (a), there shall be no charge for acceptance of:

(i) Post-consumer architectural paint under the Oregon paint stewardship system established by Oregon HB3037.

(ii) Hazardous waste generated at any facility operated by Metro.

(c) The Director of Parks and Environmental Services may waive charges established in this section in specific instances upon a finding that a waiver of such charges is in the public interest.



Metro | Memo

Date: Thursday, April 21, 2011

To: Metro Council President Tom Hughes
Metro Councilors

From: Tim O'Brien, ^{BB}Principal Regional Planner

Re: Additional information for the record for Ordinance No. 11-1255

After finalizing the staff report for Ordinance No. 11-1255, staff identified two additional pieces of information that need to be included in the record.

1. Attached Metro memorandum from Lydia Neill, Principal Regional Planner to David Bragdon, President of the Metro Council, dated November 25, 2003. This memo provides technical information on siting industrial development on land with slopes ranging from 3 to 10%, examining additional costs and corresponding decreases in site efficiency as the slope of the site increases.
2. Many of the findings supporting the designation of urban and rural reserves are related to the amount of Exclusive Farm Use (EFU) zoned land included in both designations. As a point of reference, based on Metro's Geographic Information Systems (GIS) data, the total amount of EFU zoned land in Clackamas, Multnomah, and Washington counties is 266,372 acres.

M E M O R A N D U M

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METRO

Date: November 25, 2003
TO: David Bragdon, President of the Metro Council
FROM: Lydia Neill, Principal Regional Planner
RE: Slopes Constraints on Industrial Development

Purpose

Provide a technical information on siting industrial development on land with slopes ranging from 3% to 10%. This analysis provides information on possible limitations on building sizes, earth removal and its associated costs as well as overall cost per square foot increases.

Background

Metro has used location and site characteristics to define which potential lands being considered for urban growth boundary (UGB) expansion are suitable for industrial development. A slope factor of less than 10% has been used as a cut-off for identifying which lands would be viable for industrial development.

This analysis was produced from a series of discussions with a National Association of Industrial and Office Properties (NAIOP) industrial real estate brokers and an engineering firm that specializes in industrial construction. Five sketches were produced both in plan and in section format to illustrate the sites constraints associated with developing industrial buildings with various slope conditions. The purpose of this analysis is not to demonstrate that sites cannot be developed on steeper sloped sites but to examine the additional costs and the corresponding decreases in site efficiencies. Industrial users have clearstory requirements, clear span needs and site circulation needs that dictate building sizes, shape of sites and construction types. These same inefficiencies are often not associated with commercial development because these structures have more flexible building types that can be stepped into slopes and less of a need for large turning radiuses for truck movement, outdoor storage or the movement of raw materials and products.

Methodology

The effects of developing a sloped site were examined by considering:

- Percent of slope: 3-10%
- Maximum building size that could be constructed on the site
- Land to building ratio
- Cubic yards of earth moved to create a flat site
- Construction cost impacts and overall per square foot building costs

The following chart that contains information on the relationship between slope, earth moved and costs is based on several assumption that include: 1) land costs for a 10 acre parcel of \$5.00/square foot and 2) hard construction costs of \$22.00/square foot. The hard construction costs do not include interior tenant improvements.

The chart below illustrates the relative cost impact of developing a single industrial building on a site of increased topographical slopes.

10- Acre Industrial Case Studies- slopes ranging from 3-10%

	Slope	Max. Building Size- sq.ft.	Land to Building ratio	Cubic yards of earth moved ¹	Construction dollar costs ²	Build Cost/ sq. ft.
Sketch 1	3%	180,000	41%	60,000	\$105,000	\$49.38
Sketch 2	6%	171,000	39%	160,000	\$520,000	\$53.11
Sketch 3	8%	148,400	34%	220,000	\$720,000	\$58.80
Sketch 4 (includes/retaining walls)	10%	148,400	34%	250,000	\$1,310,000	\$62.78
Sketch 5	10%	122,200	28%	300,000	\$975,000	\$68.23

Other Factors Relating to Site Work

Any site that had more than 130,000 cubic yards of material that needed to be moved would require at least two months of additional construction time that would be factored into the overall construction costs. In addition to the extra construction time, there is a limited window of time when these quantities of earth can be moved due to wet weather constraints. Economically, earth can only be moved during the summer and fall months under most soil conditions. Rock outcroppings that are located below grade and cause actual variations in topography can add significantly to the costs of site preparation. Market factors determine whether the increased site costs can be absorbed in the overall square foot costs of a project and ultimately determine whether a project will be developed.

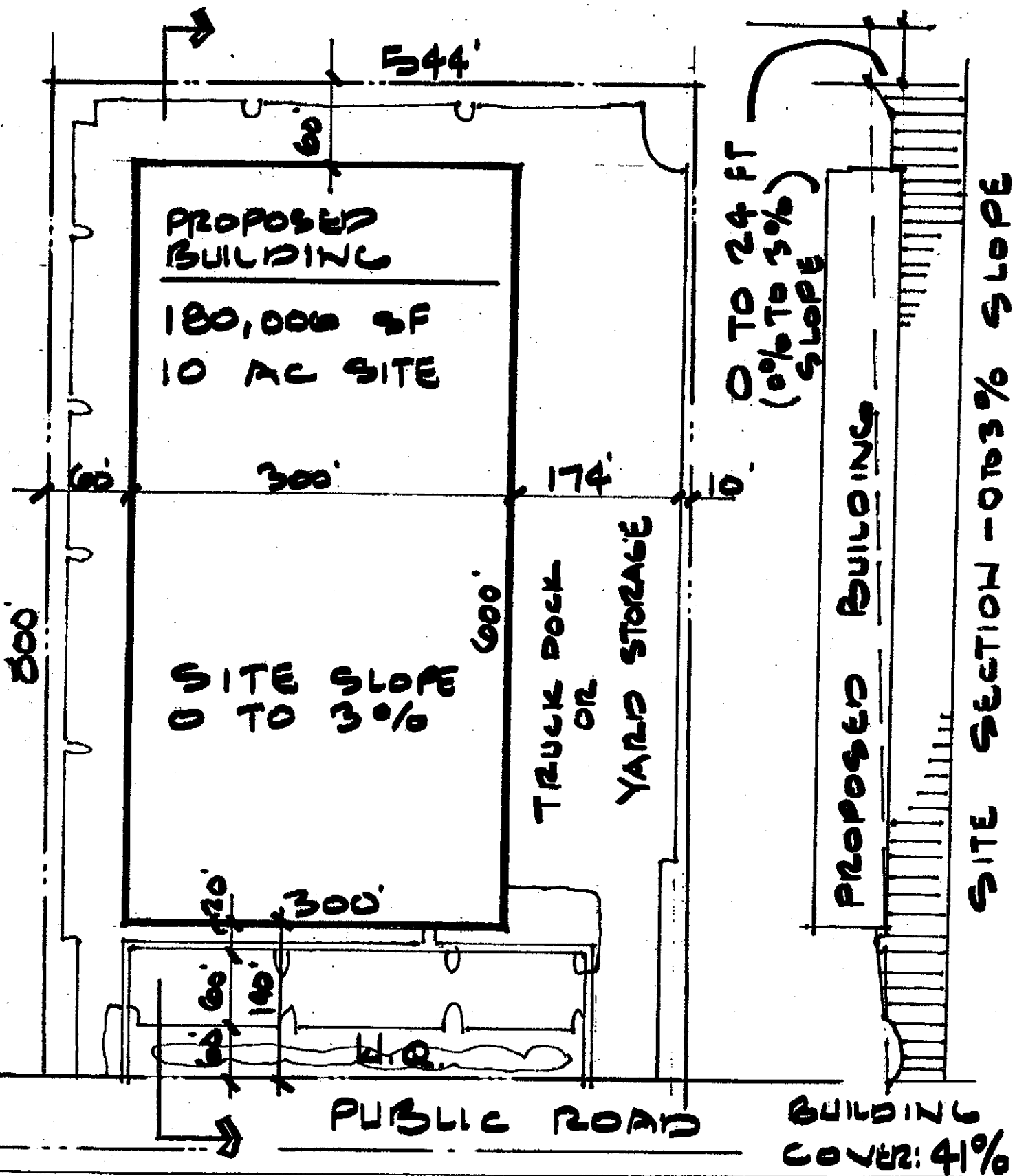
Attachments:

Five Sketches of Site Studies of Slope Conditions

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¹ Earth moved beyond that required for construction on a flat site.

² Includes the additional cost of construction due to schedule extension that is required due to the extra site work.

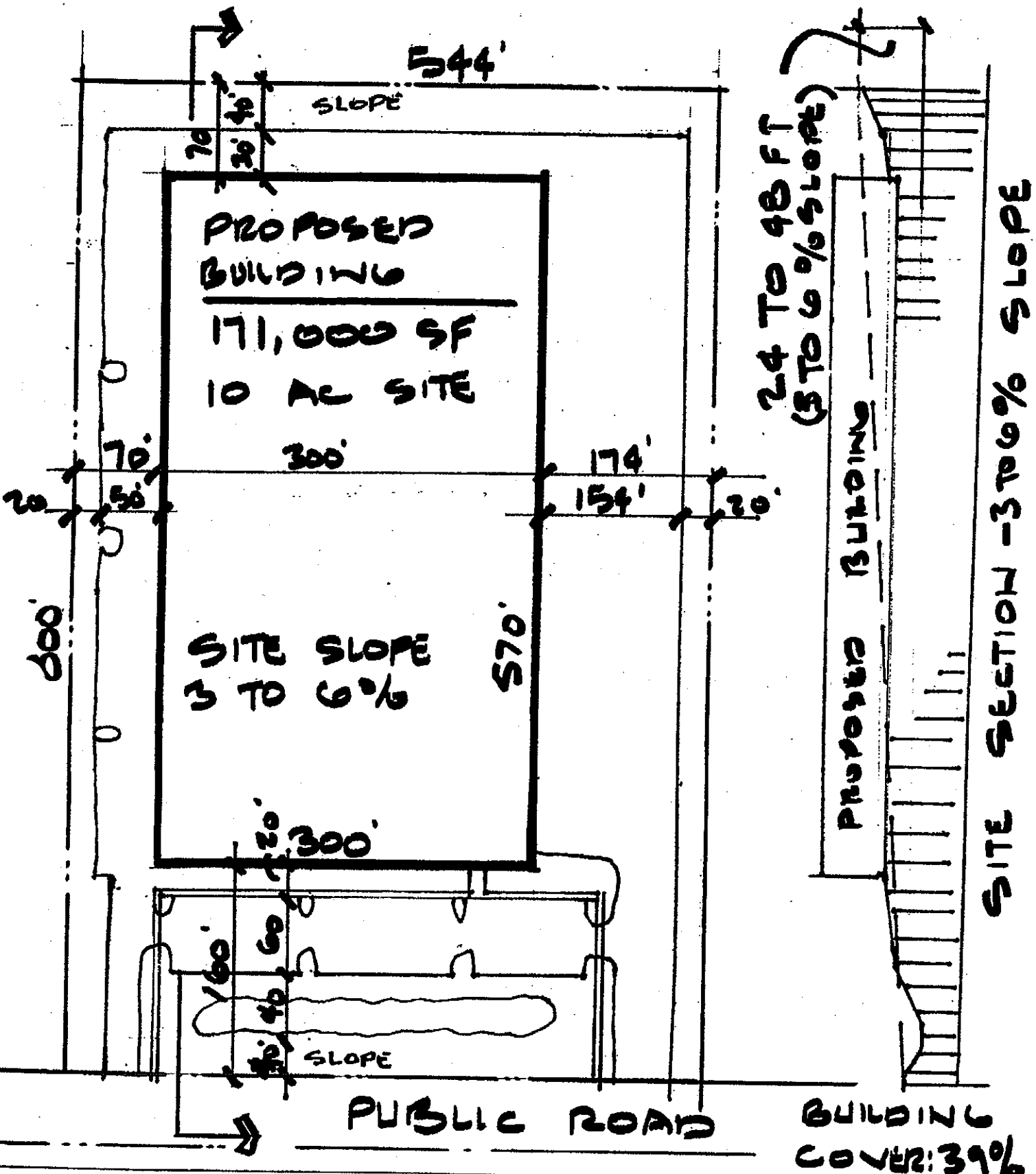


10 ACRE SITE STUDY

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MACKENZIE

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 Tel: 503.224.9560 / 360.695.7879 Fax: 503.228.1285
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By Bob T.
 Date 10.8.03
 Job # 203002
 Sht. 1 of 5

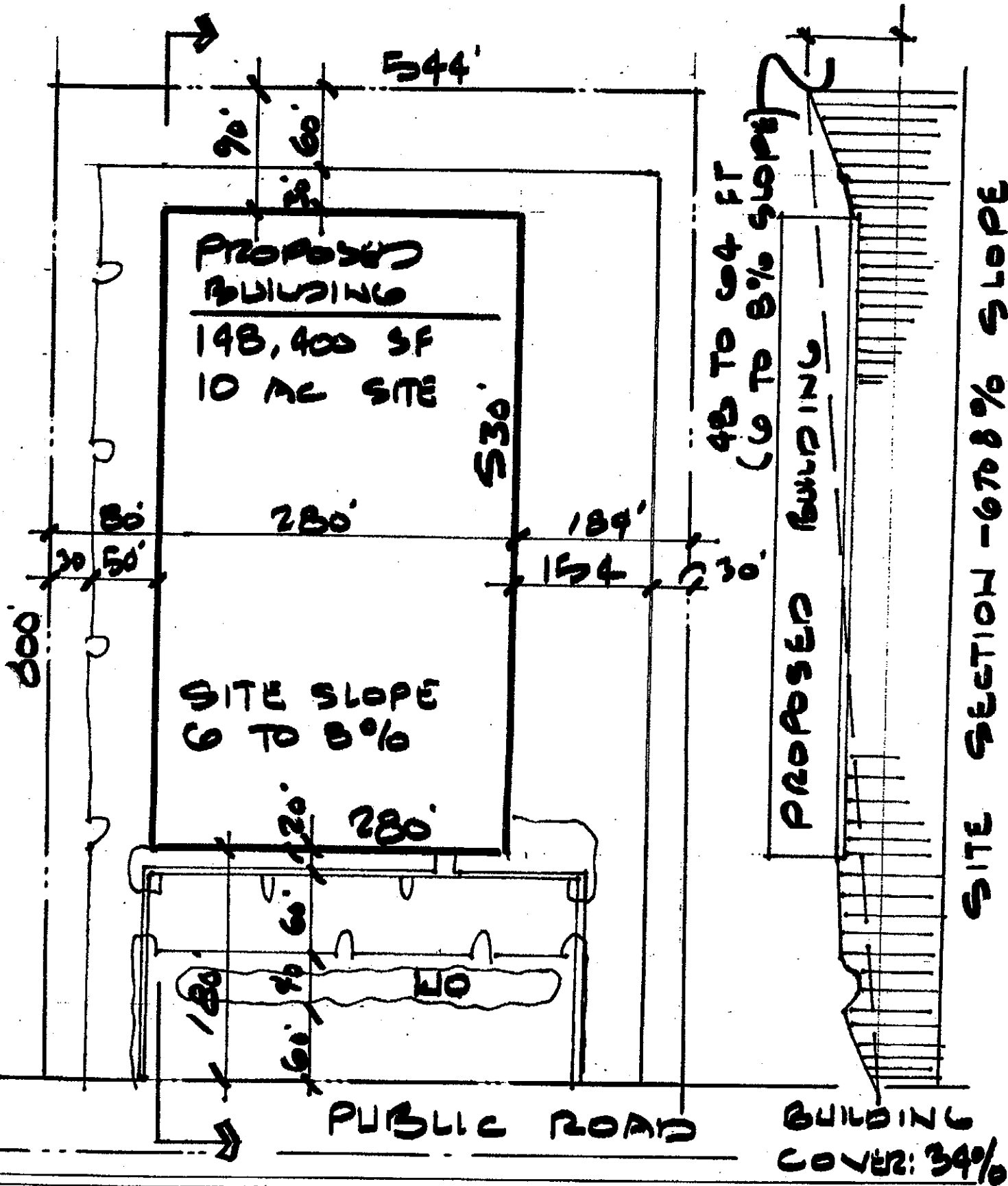


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 Sht. 2 of 5



10 ACRE SITE STUDY

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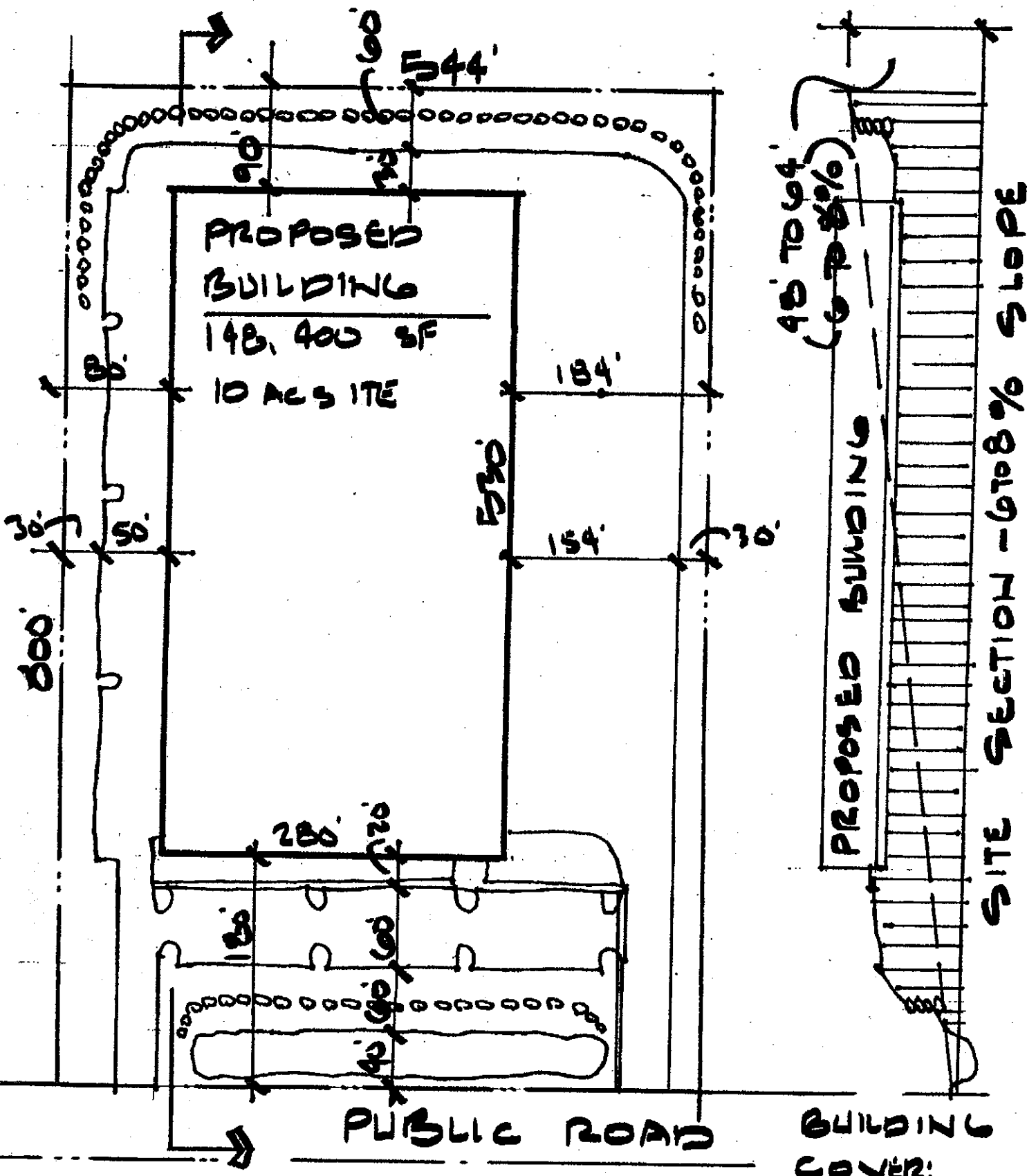
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Date 10.8.03

Job # 203002

Sht. 3 of 5

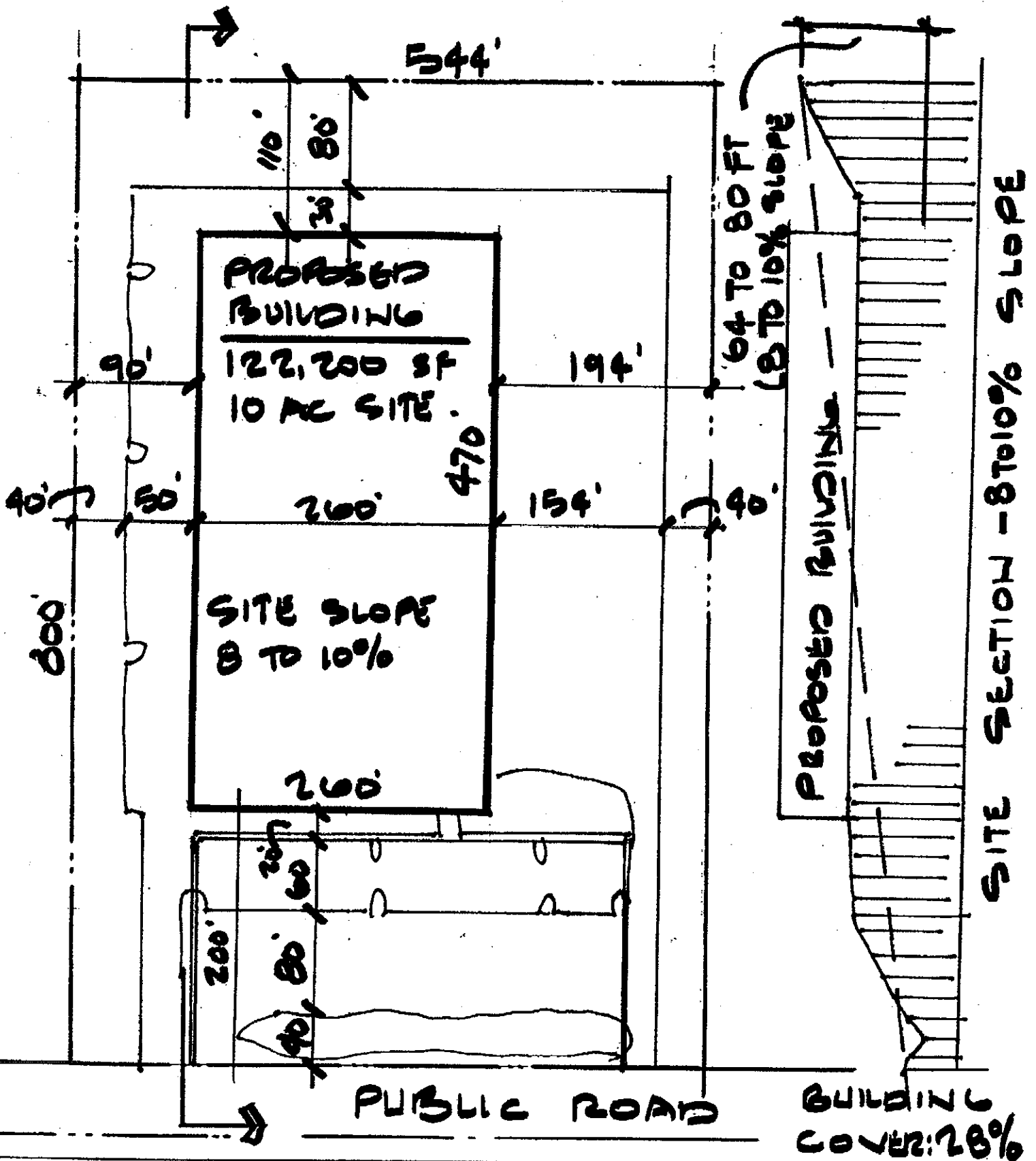


10 ACRE SITE STUDY

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10 ACRE SITE STUDY

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Date 10.8.03

Job # 203002

Sht. 5 of 5

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Exhibit B to Ordinance No. 11-1255

REASONS FOR DESIGNATION OF URBAN AND RURAL RESERVES

I. BACKGROUND

The 2007 Oregon Legislature authorized Metro and Clackamas, Multnomah and Washington Counties (~~partner governments~~) to designate urban reserves and rural reserves following the process set forth in ORS 195.137 – 195.145 (Senate Bill 1011) and implementing rules adopted by the Land Conservation and Development Commission (LCDC) (OAR 660 Division 27). The Legislature enacted the new authority in response to a call by local governments in the region to improve the methods available to them for managing growth. After the experience of adding over 20,000 acres to the regional urban growth boundary (UGB) following the soil-capability-based priority of lands in ORS 197.298, cities and the partner governments wanted to place more emphasis on the suitability of lands for sustainable urban development, longer-term security for agriculture and forestry outside the UGB, and respect for the natural landscape features that define the region.

The new statute and rules make agreements among the partner governments a prerequisite for designation of urban and rural reserves. The remarkable cooperation among the local governments of the region that led to passage of Senate Bill 1011 and adoption of LCDC rules continued through the process of designation of urban reserves by Metro and rural reserves by Clackamas, Multnomah and Washington Counties. The partners' four ordinances are based upon the separate, formal intergovernmental agreements between Metro and each county that are part of our record, developed simultaneously following long study of potential reserves and thorough involvement by the public.

The four governments submitted their ordinances with designated reserves to LCDC in periodic review on June 23, 2010. On October 29, 2010, the Commission gave its oral approval to the reserves designated in Clackamas and Multnomah Counties and to the rural reserves and most of the urban reserves in Washington County. The Commission, however, rejected the designation of Urban Reserve 7I, north of Cornelius, and directed reconsideration of Urban Reserve 7B, north of Forest Grove. The Commission authorized Metro and Washington County to consider designating as urban reserve, or leaving undesignated, land the County had previously designated rural reserve or left undesignated. In order to provide flexibility, the Commission also returned the rural reserves in Washington County for further consideration.

Washington County and Metro responded to LCDC's oral decision by revising the intergovernmental agreement between them and adopting ordinances amending their respective comprehensive plan and regional framework plan maps (Washington County Ordinance No. 740; Metro Ordinance No. 11-1255). The ordinances made the following changes:

- The designation of Area 7I as urban reserve (623 acres) was removed
- 263 acres of Area 7I were designated rural reserves
- 360 acres of Area 7I were left undesignated

- The urban reserve designation of the 28-acre portion of Area 7B that lies east and north of Council Creek was removed; the portion was left undesignated
- 352 acres of undesignated land north of Highway 26, south of West Union Road, east of Groveland Road and west of Helvetia Road were designated urban reserve
- The rural reserve designation of 383 acres of Rural Reserve 6E south of Rosedale Road, west of 209th Avenue and north of Farmington Road was removed; the portion was left undesignated.

Metro Supp Rec. __ (SR 2).

These revisions reduced the acres of urban reserves in Washington County by 299 acres, reduced the acres of rural reserves by 120 acres and increased the acres adjacent to the UGB left undesignated by 391 acres, all compared with the reserves submitted to LCDC in June, 2010. Overall, there are 13,525 acres of urban reserves and 151,209 acres of rural reserves in Washington County, in part reflecting refinements of boundaries as they relate to street rights-of-way, floodplains and improved tax lot alignments. Metro Supp Rec. __ (SR 3).

II. OVERALL CONCLUSIONS

With adoption of Metro Ordinance No. 11-1255, Metro has designated 28,256 gross acres as urban reserves, including urban reserves in each county. Metro Supp Rec. __ (SR 3). These lands are now first priority for addition to the region's UGB when the region needs housing or employment capacity. As indicated in new policy in Metro's Regional Framework Plan in Exhibit A to Ordinance No. 10-1238A, the urban reserves are intended to accommodate population and employment growth for 50 years, to year 2060.

Clackamas County Ordinance No. ZDO-233 designates 68,713 acres as rural reserves in Clackamas County. Multnomah County Ordinance No. 2010-1161 designates 46,706 acres as rural reserves in Multnomah County. Washington County Ordinance No. 740, which revised the county's designation of rural reserves following LCDC's remand of urban and rural reserves in the county, designates 151,209 acres of rural reserves. Metro Supp Rec. __ (SR 2). As indicated in new policies in the Regional Framework Plan and the counties' Comprehensive Plans, these rural reserves – 266,628 acres in total - are now protected from urbanization for 50 years. Metro Supp. Rec. __ (SR 2). The governments of the region have struggled with the urban-farm/forest interface, always searching for a "hard edge" to give farmers and foresters some certainty to encourage investment in their businesses. No road, stream or floodplain under the old way of expanding the UGB offers the long-term certainty of the edge of a rural reserve with at least a 50-year lifespan. This certainty is among the reasons the four governments chose the longer, 50-year, reserves period.

The region's governments have also debated how best to protect important natural landscape features at the edges of the urban area. The partners' agreements and these ordinances now identify the features that will define the extent of outward urban expansion.

The region's urban and rural reserves are fully integrated into Metro's Regional Framework Plan and the Comprehensive Plans of Clackamas, Multnomah and Washington counties. Metro's plan includes a map that shows urban and rural reserves in all three counties. Each of the county plans includes a map that shows urban and rural reserves in the county. The reserves shown on each county map are identical to the reserves shown in that county on the Metro map. Each of the four plans contains new policies that ensure accomplishment of the goals for the reserves set by the four local governments and by state law. These new policies are consistent with, and carry out, the intergovernmental agreements between Metro and the three counties signed in February, 2010, and the supplemental agreement between Metro and Washington County signed on March 15, 2011. Metro Supp. Rec.____.

Together, these reserves signal the region's long-term limits of urbanization, its commitment to stewardship of farmland and forests, and its respect for the natural landscape features that give the people of the region their sense of place. Urban reserves, if and when added to the UGB, will take some land from the farm and forest land base. But the partners understood from the beginning that some of the very same characteristics that make an area suitable for agriculture also make it suitable for industrial uses and compact, mixed-use, pedestrian and transit-supportive urban development. The most difficult decisions made by the four governments involved Foundation Agricultural Land¹ near the existing UGB and the circumstances in which this land should be designated as urban reserve to accommodate growth in a compact form and provide opportunities for industrial development, difficult or impossible on steep slopes. Metro designated 15 areas composed predominantly of Foundation Land as urban reserve, totaling 11,551 acres.²

Some important numbers help explain why the partners came to agree that the adopted system, in its entirety, best achieves this balance. Of the total 28,256 acres designated urban reserves, approximately 13,624 acres are Foundation (11,551 acres) or Important (2,073 acres) Agricultural Land. This represents only four percent of the Foundation and Important Agricultural Land studied for possible urban or rural reserve designation. If all of this land is added to the UGB over the next 50 years, the region will have lost four percent of the farmland base in the three-county area. Metro Supp.Rec.__(SR 3; Att. 3).

There is a second vantage point from which to assess the significance for agriculture of the designation of urban reserves in the three-county region: the percentage of land zoned for exclusive farm use in the three counties that is designated urban reserve. Land zoned EFU³ has

¹ Those lands mapped as Foundation Agricultural Land in the January, 2007, Oregon Department of Agriculture report to Metro entitled "Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.

² 1C (East of Gresham, portion); 1F (Boring); 5A (Sherwood North); 5B (Sherwood West); 6A (Hillsboro South, portion); 6B (Cooper Mt. Southwest); 6C (Roy Rogers West); 6D (Beef Bend South); 7B (Forest Grove North); 7C (Cornelius East); 7D (Cornelius South); 7E (Forest Grove South); 8A (Hillsboro North); 8B (Shute Road Interchange and new Area D); 8C (Bethany West)

³ Includes all farm zones acknowledged to comply with statewide planning Goal 3, including Washington County's AF-20 zone.

emerged over 35 years of statewide planning as the principal land base for agriculture in the counties, and is protected for that purpose by county zoning. The inventory of Foundation and Important Agricultural Lands includes land that is “exception land”, no longer protected for agriculture for farming. Of the 28,256 acres designated urban reserves, some 13,746 acres are zoned EFU. Even including the 3,532 acres of these EFU lands that are classified by ODA as “conflicted”, these 13,746 acres represent slightly more than five percent of all land zoned EFU (266,372 acres) in the three counties. If the “conflicted” acres are removed from consideration, the percentage drops to less than four percent. Metro Supp.Rec.__(SR 3; Att 3).

A third vantage point adds perspective. During an approximately 30-year period leading to establishment of the statewide planning program and continuing through the acknowledgement and early implementation of county comprehensive plans, the three counties lost more than 150,000 acres of farmland. Metro Supp. Rec. _(SR 3; Att 3). By contrast, if all the zoned farmland that is designated urban reserve is ultimately urbanized, the regional will have lost only 13,746 acres over 50 years.

If the region’s effort to contain urban development within the existing UGB and these urban reserves for the next 50 years is successful, the UGB will have accommodated an estimated 74 percent increase in population on an 11-percent increase in the area within the UGB. No other region in the nation can demonstrate this growth management success. Most of the borders of urban reserves are defined by a 50-year “hard edge” of 266,628 acres designated rural reserves, nearly all of which lies within five miles of the existing UGB. Of these rural reserves, approximately 248,796 acres are Foundation or Important Agricultural Land. Metro Supp. Rec.__(SR 3; Att 3). .

Why did the region designate *any* Foundation Agricultural Land as urban reserve? The explanation lies in the geography and topography of the region, the growing cost of urban services and the declining sources of revenues to pay for them, and the fundamental relationships among geography and topography and the cost of services. The region aspires to build “great communities.” Great communities are those that offer residents a range of housing types and transportation modes from which to choose. Experience shows that compact, mixed-use communities with fully integrated street, pedestrian, bicycle and transit systems offer the best range of housing and transportation choices. *State of the Centers: Investing in Our Communities*, January, 2009. Metro Rec.181-288. The urban reserves factors in the reserves rules derive from work done by the region to identify the characteristics of great communities. Urban reserve factors (1), (3), (4),and (6)⁴ especially aim at lands that can be developed in a compact, mixed-use, walkable and transit-supportive pattern, supported by efficient and cost-effective services. Cost of services studies tell us that the best landscape, both natural and

⁴ (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

(3) Can be efficiently and cost-effectively service with public schools and other urban-level public facilities and services by appropriate and financially capable providers;

(4) Can be designed to be walkable and service with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate services providers;

(6) Includes sufficient land suitable for a range of needed housing types.

political, for compact, mixed-use communities is relatively flat, undeveloped land. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481.

The region also aspires to provide family-wage jobs to its residents. Urban reserve factor (2) directs attention to capacity for a healthy economy.⁵ Certain industries the region wants to attract prefer large parcels of flat land. Staff Report, June 9, 2010, Metro Rec. 172-178. Water, sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Converting existing low-density rural residential development into compact, mixed-use communities through infill and re-development is not only very expensive, it is politically difficult. Metro Rec. 289-300.

Mapping of slopes, parcel sizes, and Foundation Agricultural Land revealed that most flat land in large parcels without a rural settlement pattern at the perimeter of the UGB lies in Washington County, immediately adjacent to Hillsboro, Cornelius, Forest Grove, Beaverton, and Sherwood. These same lands provide the most readily available supply of large lots for industrial development. *Business Coalition Constrained Land for Development and Employment Map*, Metro Rec. 301; 1105-1110. Almost all of it is Foundation Agricultural Land. Metro Supp. Rec. (SR 3). Had the region been looking only for the best land to build great communities, nearly all the urban reserves would have been around these cities. It is no coincidence that these cities told the reserves partners that they want significant urban reserves available to them, while most other cities told the partners they want little or no urban reserves. *Washington County Cities' Pre-Qualified Concept Plans*, WashCo Rec. 3036-3578. These facts help explain why there is more Foundation Agricultural Land designated urban reserve in Washington County than in Clackamas or Multnomah counties. Had Metro not designated some Foundation Land as urban reserve in Washington County, it would not have been possible for the region to achieve the "livable communities" purpose of reserves in LCDC rules [OAR 660-027-0005(2)].

Several urban reserves factors focus on the efficient, cost-effective installation, operation and maintenance of public services to urban reserves once they are included within the UGB.⁶ Urban reserve factor (6) calls for land suitable for needed housing types. The partners began the analysis by examining lands within five miles of the UGB. Most of these lands initially studied are beyond the affordable reach of urban services. As noted above, water, sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Not only does most of the Important Agricultural Land and the Conflicted Agricultural Land within five miles of the UGB exhibit steeper slopes than the Foundation Land close to the UGB; these non-Foundation Lands also exhibit rural residential development patterns on smaller parcels ("exception lands"). Metro Supp. Rec. (SR 3; Att 5); WashCo Rec. 1891-1894; 2905. With one exception (small portion of Urban Reserve 1F), designated urban reserves lie within two miles of the UGB. Metro Supp. Rec. (SR, Att 4).

⁵ (2) Includes sufficient development capacity to support a healthy economy.

⁶ Urban Reserve factors (1) (efficient use of public infrastructure); (3) (efficient and cost-effective public services); (4) (walkable, bikable and transit-supportive).

Despite these geopolitical and cost-of-services realities, the reserves partners designated extensive urban reserves that are *not* Foundation Agricultural Lands in order to meet the farm and forest land objectives of reserves, knowing these lands will be more difficult and expensive to urbanize. The following urban reserves are principally Conflicted and Important Agricultural Land:

- Urban Reserve 1D east of Damascus and south of Gresham (2,716 acres), ClackCo Rec. 1723;
- Urban Reserve 2A south of Damascus (1,239 acres), ClackCo Rec. 1722;
- Urban Reserves 3B, C, D, F and G around Oregon City (2,232 acres), ClackCo Rec. 1718-1720;
- Urban reserves 4A, B and C in the Stafford area (4,699 acres), ClackCo Rec. 1716;
- Urban reserves 4D, E, F, G and H southeast of Tualatin and east of Wilsonville (3,589 acres), ClackCo Rec. __;
- Urban Reserve 5F between Tualatin and Sherwood (572 acres); WashCo Rec. 3517; 2998;
- Urban Reserve 5G west of Wilsonville (203 acres) ClackCo Rec. 711-712; and
- Urban Reserve 5D south of Sherwood (447 acres), WashCo Rec. 3481; 2998.

These non-Foundation Lands designated urban reserve, which total approximately 15,700 acres, (55 percent of all lands designated urban reserve), are the most serviceable among the non-Foundation Lands within the initial study area. Metro Supp Rec. __ (SR, Att 3); WashCo Re. 3006-3010; 3015.

Many areas of Important and Conflicted Agricultural Lands were not designated urban reserve in part because the presence of steep slopes, bluffs, floodplains, streams and habitat, limiting their suitability or appropriateness for urbanization:

- Rural Reserve 1B (West of Sandy River): the Sandy River Canyon and the county's scenic river overlay zone. MultCo Rec. 2961-2965; 2973-2985;
- Rural Reserve 2B (East Clackamas County): steep bluffs above the Clackamas River. ClackCo Rec. 560-563; 568-571;
- Rural Reserve 3E (East of Oregon City): steep slopes along Abernethy, Clear and Newell Creeks. ClackCo Rec. 748-755;
- Rural Reserve 3H (South of Oregon City): steep slopes drop to Beaver and Parrot Creeks. ClackCo. Rec. 557; 1718;
- Rural Reserve 4I (Pete's Mtn.): steep slopes. ClackCo Rec. 741-743;
- Rural Reserve 5C (East Chehalem Mtns): steep slopes and floodplain of Tualatin River; WashCo Rec. 2998-3027;
- Rural Reserve 5I (Ladd Hill): steep slopes and creek traverses. ClackCo. Rec. 592-595;
- Rural Reserve 6E (Central Chehalem Mtns.): steep slopes and floodplain of Tualatin River. WashCo Rec. 2998-3027;
- Rural Reserve 7G (West Chehalem Mtns.): steep slopes and floodplain of Tualatin River. WashCo Rec. 2997; 3006-3010; 3027;

- Rural Reserve 7H (West Fork of Dairy Creek); steep slopes on David Hill. WashCo. Rec. 3013; 3029; 3107;
- Rural Reserves 9A-9C (Powerlines/Germantown Road-South): steep slopes, many stream headwaters and courses. MultCo. Rec. 11; 329-330; 3004-3015;
- Rural Reserve 9D (West Hills South): steep slopes, many stream headwaters and courses. MultCo Rec. 2993-3033.

Metro Supp Rec. __ (SR,Att 4).

Urban reserve factors (5), (7) and (8)⁷ seek to direct urban development away from important natural landscape features and other natural resources. Much of the Important and some Conflicted Agricultural Lands are separated from the UGB by, or include, important natural landscape features or rural reserves on Foundation or Important Agricultural Land:

- Rural Reserve 1B (West of Sandy River): the Sandy River Canyon (Wild and Scenic River). MultCo Rec. 2961-2965; 2973-2985;
- Rural Reserve 2B (East Clackamas County): Clackamas River and canyons of Deep, Clear and Newell Creeks. ClackCo. Rec. 1722;
- Rural Reserve 3E (East of Oregon City): Willamette River and canyons of Abernethy, Clear and Newell Creeks. ClackCo Rec. 560-563;
- Rural Reserve 3H (South of Oregon City): Willamette Narrows, Canemah Bluffs and canyons of Beaver and Parrot Creeks. ClackCo. Rec. 553-554;
- Rural Reserve 4I (Pete’s Mtn.): Willamette Narrows on eastern edge. ClackCo. Rec. 596;
- Rural Reserve 5C (East Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River and Tualatin River National Wildlife Refuge. WashCo Rec. 2988-3027; 9677-9679;
- Rural Reserve 5I (Ladd Hill): Parrett Mtn., Willamette River, Tonquin Geological Area. ClackCo. Rec. 592-595;
- Rural Reserve 6E (Central Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River. WashCo Rec. 2998-3027;
- Rural Reserve 7G (West Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River. WashCo Rec. 3029; 3095; 3103;
- Rural Reserves 9A-9C (Powerlines/Germantown Road-South): steep slopes (Tualatin Mountains), stream headwaters (Abbey Creek and Rock Creek) and courses. MultCo. Rec. 11; 329-330; 3004-3015; 3224-3225; 3250-3253; 9322-9323;
- Rural Reserve 9D (West Hills South): steep slopes, many stream headwaters (Abbey Creek and Rock Creek) and courses. MultCo Rec. 2993-3033.

Metro Supp. Rec. _(SR 4-5; Att 10).

⁷ (5) Can be designed to preserve and enhance natural ecological systems;

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves;

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Third, much of the Important and Conflicted Agricultural Lands rates lower against the urban reserves factors in comparison to areas designated urban reserve, or remain undesignated for possible designation as urban reserve if the region's population forecast proves too low:⁸

- Clackamas Heights, ClackCo Rec. 1721;
- East Wilsonville, ClackCo Rec. 1715;
- West Wilsonville, ClackCo Rec. 1713;
- Southeast of Oregon City, ClackCo Rec. 1719;
- Southwest of Borland Road, ClackCo Rec. ___;
- Between Wilsonville and Sherwood, ClackCo Rec. ___;
- Powerline/Germantown Road-South, MultCo Rec. 2909-2910.

Lastly, some of the Important and Conflicted Agricultural Lands lie adjacent to cities in the region that have their own UGBs and want their own opportunities to expand over time:

- Estacada
- Sandy

The partners also considered the rural reserve factors when considering whether to designate Foundation Agricultural Land as urban reserve. The first set of rural reserve factors focuses on the suitability and capability of land for agriculture and forestry. The factors in this set that address agricultural suitability and capability derive from the January, 2007, Oregon Department of Agriculture report to Metro entitled “Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.” All of the Foundation Lands designated urban reserve are potentially subject to urbanization [rural factor (2)(a)] due to their proximity to the UGB and suitability for urbanization, as described above. See, e.g., WashCo Rec. 2984-2985; 2971-2972; 3013-3014. All of the Foundation Lands designated urban reserve are also capable of sustaining long-term agricultural or forest operations [factor (2)(b)]. WashCo rec. 2972-2973; 2985; 3015. Similarly, all of the Foundation Lands designated urban reserve have soils and access to water that render them suitable [factor (2)(c)] to sustain agriculture. See, e.g., WashCo Rec. 2972-2975; 2985; 2998; 3016-3018. These lands also lie in large blocks of agricultural land and have parcelization, tenure and ownership patterns and agricultural infrastructure that make them suitable for agriculture. WashCo Rec. 2975; 2985; 3019-3024; 3027. The identification of these lands as Foundation Agricultural Land by the Oregon Department of Agriculture is a reliable general source of information to support these findings. See also WashCo Rec. 2976-2983; 3019-3025.

Notwithstanding these traits that make these lands suitable for agriculture and forestry, some of the urban reserves on Foundation Land rate lower on the rural reserve factors than Foundation Land *not* designated urban reserve. WashCo Rec. 2978; 3025. Urban Reserves 6A (portion),

⁸ “Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next 40 years, or (conversely) that are not subject to a threat of urbanization.” Letter from nine state agencies to the Metro Regional Reserves Steering Committee, October 14, 2009, page 15.

6B, 6C,6D, 5A, 5B and 1F lie within Oregon Water Resources Department-designated Critical or Limited Groundwater Areas and have less ready access to water [factor (2)(c)]. WashCo Rec. 2294-2302; 2340; 2978-2979; 3019-3023; 3025; 3058-3061; 3288; 3489-3490. Metro Supp. Rec. (SR 3-4; Att7). Urban Reserves 8A, 8B (with new Area D, 6A (portion), 6B, 6D (portion), 5A, 5B, 1C and 1D are not within or served by an irrigation district. Metro Supp. Rec. (SR 3; Att 6). WashCo Rec. 2340; 3019-3023; 3025 Urban Reserve 6A contains the Reserves Vineyards Golf Course. Metro Supp. Rec. (SR 3).

The second set of rural reserve factors focuses on natural landscape features. All of the Foundation Lands designated urban reserve are potentially subject to urbanization [factor (3)(a)] due to their proximity to the UGB and their suitability for urbanization, as described above. The identification of these lands as Foundation Agricultural Land by the Oregon Department of Agriculture is a reliable general source of information to support this finding. Because urban reserves are intended for long-term urbanization, the partners were careful to exclude from urban reserves large tracts of land constrained by natural disasters or hazards incompatible with urban development. Metro Rec. 301; 1105-1110; WashCo Rec. 2986. Small portions of these urban reserves are vulnerable to hazards, but city land use regulations will limit urban development on steep slopes, in floodplains and areas of landslides once the lands are added to the UGB. Metro Supp. Rec. (SR, Att 10); WashCo Rec. 2986.

Little of these Foundation Lands are mapped as significant fish, plant or wildlife habitat [factor (3)(c)], the mapping of which is largely subsumed on the landscape features map. For the same reasons, little of these lands are riparian areas or wetlands. As with all lands, these lands are important for protection of water quality. But the lands are subject to local, regional, state and federal water quality regulations. See, e.g., WashCo Rec.2986-2987.

There are several inventoried natural landscape features [factor (3)(e)] within the Foundation Lands designated urban reserve. Rock Creek flows through a portion of Urban Reserve 8C (Bethany West). The IGA between Washington County and Metro included a provision to limit development on approximately 115 acres of constrained land within the portion of the watershed in 8C, through application of the county's Rural/Natural Resources Plan Policy 29 and Clean Water Services programs developed to comply with Title 13 (Nature in Neighborhoods) of Metro's Urban Growth Management Functional Plan. Metro Rec. (SR, Att 10). Urban Reserve 6B includes portions of the slopes of Cooper Mountain. Metro's Cooper Mountain Nature Park lies within this area and protects much of the mountain's slopes. Metro Supp. Rec. (SR, Att 10). Urban Reserve 6D includes a segment of Tualatin River floodplain. King City will apply its floodplains ordinance to limit development there. WashCo. Rec. 3462-3463; Metro Supp. Rec. (SR, Att 10). There are such inventoried natural landscape features at the edges of Urban Reserves 6A (South Hillsboro, Tualatin River), 6C (Roy Rogers West, Tualatin River), 6D (Beef Bend, Tualatin River), 7C (Cornelius East, Dairy Creek), 7D (Cornelius South, Tualatin River), 7E (Forest Grove South, Tualatin River and Lower Gales Creek) and 8A (Hillsboro North, McKay Creek); Metro Supp. Rec. (SR, Att 10). These features serve as edges to limit the long-term extent of urbanization and reduce conflicts with rural uses [factor (3)(f)] .

Urban Reserves 1F, 8A and 8B (new Area D) lessen the separation [factor (3)(g)] between the Metro urban area and the cities of Sandy and North Plains, respectively. But significant

separation remains (Sandy: approximately 9,000 feet; North Plains: approximately 2,000 feet). Metro Supp. Rec. (SR, Att 2); WashCo Rec. 2987. Finally, because private farms and woodlots comprise most of these Foundation Lands, they do not provide easy access to recreational opportunities as compared to Important and Conflicted Lands.

As indicated above and in county findings in sections VI through VIII, these 15 urban reserves on Foundation Agricultural Land rate highly for urban reserves and rural reserves. In order to achieve a balance among the objectives of reserves, Metro chose these lands as urban reserves rather than rural reserves. The characteristics described above make them the best lands for industrial use and for compact, mixed-use, pedestrian-friendly and transit-supportive communities. Designation of these areas as urban reserve will have little adverse impact on inventoried natural landscape features. Notwithstanding the loss of these lands over time, urbanization of these lands will leave the agricultural and forest industries vital and viable in the region.

The record of this two and one-half-year effort shows that not every partner agreed with all urban reserves in each county. But each partner agrees that this adopted system of urban and rural reserves, in its entirety, achieves the region's long-range goals and a balance among the objectives of reserves: to accommodate growth in population and employment in sustainable and prosperous communities and neighborhoods, to preserve the vitality of the farms and forests of the region, and to protect defining natural landscape features. The partners are confident that this system of reserves will allow the continuation of vibrant and mutually-reinforcing farm, forest and urban economies for the next 50 years. And the partners agree this system is the best system the region could reach by mutual agreement.

III. OVERALL PROCESS OF ANALYSIS AND PUBLIC INVOLVEMENT

A. Analysis and Decision-Making

The three counties and Metro began reserves work as soon as LCDC adopted the new rules on reserves (OAR Division 27). The four governments formed committees and began public involvement to raise awareness about reserves and help people learn how to engage in the process. Each of the four governments selected one of its elected officials to serve on the "Core 4", established to guide the designation process and formulate recommendations to the county boards and the Metro Council. The four governments also established a "Reserves Steering Committee" (RSC) to advise the Core 4 on reserves designation. The RSC represented interests across the region - from business, agriculture, social conservation advocacy, cities, service districts and state agencies (52 members and alternates).

The four governments established an overall Project Management Team (PMT) composed of planners and other professions from their planning departments. Each county established an advisory committee to provide guidance and advice to its county board, staffed by the county's planning department.

As part of technical analysis, staff gathered providers of water, sewer, transportation, education and other urban services to consider viability of future service provision to lands within the study area. The parks and open space staff at Metro provided guidance on how best to consider natural features using data that had been deeply researched, broadly vetted and tested for social and political acceptance among Willamette Valley stakeholders (Oregon Wildlife Conservation

Strategy, Pacific Northwest Research Consortium, Willamette Valley Futures, The Nature Conservancy's Ecoregional Assessment). Business leaders, farm bureaus and other representative groups were consulted on an ongoing basis.

The first major task of the Core 4 was to recommend a reserves study area to the county boards and the Metro Council. With advice from the RSC, the county advisory committees and public comment gathered open houses across the region, the Core 4 recommended for further analysis some 400,000 acres around the existing urban area, extending generally five miles from the UGB. The four governments endorsed the study area in the fall of 2008. Then the task of applying the urban and rural reserve factors to specific areas began in earnest.

The county advisory committees reviewed information presented by the staff and advised the staff and county boards on how each "candidate area" rated under each reserves factor. The county staffs brought this work to the RSC for discussion. After a year's worth of work at regular meetings, the RSC made its recommendations to the Core 4 in October, 2009.

Later in the fall, each elected body held hearings to hear directly from their constituents on proposed urban and rural reserves. Public involvement included six open houses, three Metro Council hearings around the region and a virtual open house on the Metro web site, all providing the same maps, materials and survey questions.

Following this public involvement, the Core 4 submitted its final recommendations to the four governments on February 8, 2010. The recommendation included a map of proposed urban and rural reserves, showing reserves upon which there was full agreement (the large majority of proposed reserves) and reserves upon which disagreements were not resolved. The Core 4 proposed that these differences be settled in bilateral discussions between each county and Metro, the parties to the intergovernmental agreements (IGAs) required by ORS 195.141. Over the next two weeks, the Metro Council reached agreement on reserves with each county. By February 25, 2010, Metro had signed an IGA with Clackamas, Multnomah and Washington counties. Metro Rec.302; 312; 404.

The IGAs required each government to amend its plan to designate urban (Metro) or rural (counties) reserves and protect them for their intended purposes with plan policies. The IGAs also set times for final public hearings on the IGA recommendations and adoption of ordinances with these plan policies in May and June. The four governments understood that the IGAs and map of urban and rural reserves were not final decisions and, therefore, provided for final adjustments to the map to respond to public comment at the hearings. By June 15, 2010, the four governments had adopted their reserves ordinances, including minor revisions to the reserves map.

B. Public Involvement

From its inception, the reserves designation process was designed to provide stakeholders and the public with a variety of ways to help shape the process and the final outcome. Most significantly, the decision process required 22 elected officials representing two levels of government and 400,000 acres of territory to craft maps and agreements that a majority of them could support. These commissioners and councilors represent constituents who hold a broad range of philosophical perspectives and physical ties to the land. Thus, the structure of the

reserves decision process provided motivation for officials to seek a final compromise that met a wide array of public interests.

In the last phase of the reserve process – adoption of ordinances that designate urban and rural reserves - each government followed its established procedure for adoption of ordinances: notice to citizens; public hearings before its planning commission (in Metro’s case, recommendations from the Metro Planning Advisory Committee) and public hearings before its governing body. But in the more-than-two years leading to this final phase, there were additional advisory bodies established.

The RSC began its work in early 2008. RSC members were expected to represent social and economic interests to the committee and officials and to serve as conduits of communication back to their respective communities. In addition, RSC meetings were open to the public and provided an additional avenue for citizens to voice their concerns—either by asking that a steering committee member represent their concern to the committee or by making use of the public testimony period at the beginning of each meeting.

Once the three county advisory committees got underway, they, like the RSC, invited citizens were to bring concerns to committee members or make statements at the beginning of each meeting.

Fulfilling the requirements of DLCD’s administrative rules on reserves and the reserves work program, the three counties and Metro developed a Coordinated Public Involvement Plan in early 2008 that provided guidance on the types of public involvement activities, messages and communications methods that would be used for each phase of the reserves program. The plan incorporated the requirements of Oregon law and administrative rules governing citizen involvement and reflects comments and feedback received from the Metro Council, Core 4 members, each jurisdiction’s citizen involvement committee, other county-level advisory committees and the RSC. The Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Commission (LCDC) reviewed and endorsed the Public Involvement Plan.

The four governments formed a public involvement team, composed of public involvement staff from each county and Metro, to implement the Public Involvement Plan. The team cooperated in all regional efforts: 20 open houses, two “virtual open houses” on the Metro web site, additional online surveys, presentations, printed materials and analysis and summaries of comments. The team members also undertook separate county and Metro-specific public engagement activities and shared methodologies, materials and results.

Elected officials made presentations to community planning organizations, hamlets, villages, city councils, advocacy organizations, civic groups, chambers of commerce, conferences, watershed councils, public affairs forums, art and architecture forums, and many other venues. Staff and elected officials appeared on television, on radio news broadcasts and talk shows, cable video broadcasts and was covered in countless news articles in metro outlets, gaining publicity that encouraged public engagement. Booths at farmers’ markets and other public events, counter displays at retail outlets in rural areas, library displays and articles in organization newsletters

further publicized the opportunities for comment. Materials were translated into Spanish and distributed throughout all three counties. Advocacy organizations rallied supporters to engage in letter email campaigns and to attend public meetings. Throughout the reserves planning process the web sites of each county and Metro provided information and avenues for feedback. While there have been formal public comment periods at key points in the decision process, the reserves project team invited the public to provide comment freely throughout the process. In all, the four governments made extraordinary efforts to engage citizens of the region in the process of designating urban and rural reserves. The public involvement plan provided the public with more than 180 discrete opportunities to inform decision makers of their views urban and rural reserves. A fuller account of the public involvement process the activities associated with each stage may be found at Staff Report, June 9, 2010, Metro Rec.123-155; Metro Supp. Rec. __ (Ray memo, 3/14).

Following remand of Urban Reserves 7B and 7I in Washington County by LCDC on October 29, 2010, Metro and Washington County signed a supplemental IGA to re-designate urban and rural reserves in the county. Metro Supp. Rec. __. Each local government held public hearings prior to adoption of the supplemental IGA and prior to adoption of their respective ordinances amending their maps of urban and rural reserves. Metro Supp. Rec. __.

IV. AMOUNT OF URBAN RESERVES

A. Forecast

Metro developed a 50-year ~~range~~ forecast for population and employment that was coordinated with the 20-year forecast done for Metro's UGB capacity analysis, completed in December, 2009. The forecast is based on national economic and demographic information and is adjusted to account for regional growth factors. The partner governments used the upper and lower ends of the 50-year range forecast as one parameter for the amount of land needed to accommodate households and employment. Instead of aiming to accommodate a particular number of households or jobs within that range, the partners selected urban reserves from approximately 400,000 acres studied that best achieve the purposes established by the Land Conservation and Development Commission [set forth in OAR 660-027-0005(2)] and the objectives of the partner governments.

B. Demand and Capacity

Estimating land demand over the next 50 years is difficult as a practical matter and involves much uncertainty. The Land Conservation and Development Commission (LCDC) recognizes the challenge of estimating long-term need even for the 20-year UGB planning period. In the section of OAR Division 24 (Urban Growth Boundaries) on ~~Land Need~~, the Commission says:

~~The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision."~~

OAR 660-024-0040(1). The uncertainties loom much larger for a 40 to 50-year estimate. Nonetheless, Metro's estimate of need for a supply of urban reserves sufficient to accommodate housing and employment to the year 2060 is soundly based in fact, experience and reasonable assumptions about long-range trends.

The urban reserves estimate begins with Metro's UGB estimate of need for the next 20 years in its *Urban Growth Report 2009-2030*, January, 2010 (adopted December 17, 2009). Metro Rec. 646-648; 715. Metro relied upon the assumptions and trends underlying the 20-year estimate and modified them where appropriate for the longer-term reserves estimate, and reached the determinations described below.

The 50-year forecast makes the same assumption on the number of households and jobs needed to accommodate the population and employment coming to the UGB from the seven-county metropolitan statistical area (MSA) as in the *Urban Growth Report*: approximately 62 percent of the MSA residential growth and 70 percent of the MSA employment growth will come to the metro area UGB. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 599; Appendix 3E-D, Metro Rec. 606-607.

Metro estimates the demand for new dwelling units within the UGB over the next 50 years to be between 485,000 and 532,000 units. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 599. Metro estimates between 624,300 and 834,100 jobs will locate within the UGB by 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Table D-3*, Metro Rec. 607. Staff Report, June 9, 2010, Metro Rec. 121-122.

The region will focus its public investments over the next 50 years in communities inside the existing UGB and, as a result, land within the UGB would develop close to the maximum levels allowed by existing local comprehensive plan and zone designations. This investment strategy is expected to accommodate 70 to 85 percent of growth forecasted over that period. No increase in zoned capacity within the UGB was assumed because, at the time of adoption of reserves ordinances by the four governments, the Metro Council will not have completed its decision-making about actions to increase the capacity of the existing UGB as part of Metro's 2009 capacity analysis. For those areas added to the UGB between 2002 and 2005 for which comprehensive planning and zoning is not yet complete, Metro assumed the areas would accommodate all the housing and employment anticipated in the ordinances that added the areas to the UGB over the reserves planning period. Fifty years of enhanced and focused investment to accommodate growth will influence the market to use zoned capacity more fully.

Consistent with residential capacity analysis in the *Urban Growth Report*, vacant land in the existing UGB can accommodate 166,600 dwelling units under current zoning over the next 50 years. Infill and re-development over this period, with enhanced levels of investment, will accommodate another 212,600 units. This would leave approximately 152,400 dwelling units to be accommodated on urban reserves through 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 5-6*, Metro Rec. 602-603.

Based upon the employment capacity analysis in the *Urban Growth Report*, the existing UGB has sufficient capacity – on vacant land and through re-development over the 50-year reserves period - for overall employment growth in the reserves period. However, this supply of land does not account for the preference of some industrial employers for larger parcels. To accommodate this preference, the analysis of the supply of larger parcels was extrapolated from the *Urban Growth Report*. This leads to the conclusion that urban reserves should include approximately 3,000 acres of net buildable land that is suitable for larger-parcel industrial users.

COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Metro Rec. 609-610; Staff Report, June 9, 2010, Metro Rec.122.

Metro assumed residential development in urban reserves, when they are added to the UGB over time, would develop at higher densities than has been the experience in the past, for several reasons. First, the region is committed to ensuring new development at the edges of the region contributes to the emergence of “great communities”, either new communities or as additions to existing communities inside the UGB. Second, because many urban reserves are “greenfields”, they can be developed more efficiently than re-developing areas already inside the UGB. Third, demographic trends, noted in the *Urban Growth Report* that is the starting point for Metro’s 2010 capacity analysis, indicate increasing demand for smaller housing units. This reasoning leads to the assumption that residential development will occur in reserves, when added to the UGB, at 15 units per net buildable acre overall, recognizing that some areas (centers, for example) would settle at densities higher than 15 units/acre and others (with steep slopes, for example) would settle at densities lower than 15 units/acre. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 6-7*; Staff Report, June 9, 2010, Metro Rec.121-122.

Metro also assumed greater efficiencies in use of employment lands over the next 50 years. The emerging shift of industrial activity from production to research and development will continue, meaning more industrial jobs will be accommodated in high- floor-to-area-ratio (FAR) offices rather than low-FAR general industrial space. This will reduce the need for general industrial and warehouse building types by 10 percent, and increase the need for office space. Office space, however, will be used more efficiently between 2030 and 2060, reducing that need by five percent. Finally, the analysis assumes a 20-percent increase in FARs for new development in centers and corridors, but no such increase in FARs in industrial areas. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 603-604; Staff Report, June 9, 2010, Metro Rec.121-122.

These assumptions lead to the conclusion that 28,256 acres of urban reserves are needed to accommodate 371,860 people and employment land targets over the 50-year reserves planning period to 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 601-603; *Appendix 3E-D*, Metro Rec.607-610; Staff Report, June 9, 2010, Metro Rec.121-122. The nine state agencies that served on the Reserves Steering Committee said the following about the amount of urban land the region will need over the long-term:

“The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.” *Letter to Metro Regional Steering Committee, October 14, 2009*, Metro Rec. 1373.

Based upon the assumptions described above about efficient use of land, the four governments believe the region can accommodate 50 years’ worth of growth, not just 40 years’ of growth.

V. IMPLEMENTING URBAN RESERVES

To ensure that urban reserves ultimately urbanize in a manner consistent with the Regional Framework Plan, Ordinance No. 10-1238A amended Title 11 (Planning for New Urban Areas) (Exhibit D) of Metro's Urban Growth Management Functional Plan to require planning of areas of urban reserve prior to inclusion into the UGB. Title 11 now requires a "concept plan" for an urban reserve area prior to UGB expansion. A concept plan must show how development would achieve specified outcomes. The outcomes derive from the urban reserve factors in OAR 660-027-0050, themselves based in part on the characteristics of "great communities" identified by local governments of the region as part of Metro's "Making the Greatest Place" initiative. Title 11 sets forth the elements of a concept plan, including:

- the general locations of types of uses
- the general locations of the urban services (including transportation systems) needed to support the uses
- estimates of the cost of the services to determine the feasibility of urbanization and to allow comparisons of urban reserves
- the locations of natural resources that will be subject to Title 3 and 13 of the UGMFP
- agreement among local governments and other service providers on provision of services to the area
- agreement among the local governments on annexation of the area to a city or cities and responsibility for planning and zoning.

Title 11 continues to limit development in areas added to the UGB to protect the opportunity for efficient urbanization during the time needed to adopt new local government plan provisions and land use regulations. Title 11, together with the comprehensive plans of the receiving local governments and Metro's Regional Framework Plan (including the 2035 Regional Transportation Plan), will ensure land use and transportation policies and designations will allow mixed-use and pedestrian, bicycle and transit-supportive development once urban reserve areas are added to the UGB. Staff Report, June 9, 2010, Metro Rec.8-13.

VI. REASONS FOR URBAN AND RURAL RESERVES IN CLACKAMAS COUNTY

A. Introduction

Brief Outline of Clackamas County Process.

Working in conjunction with Metro Staff, and staff from the other two Metro counties, Clackamas County staff initially identified a study area large enough to provide choices for urban reserves, along with areas threatened by urbanization for consideration as rural reserves. (ClackCo Rec. 26) The initial study area was over 400,000 acres. (ClackCo Rec. 251-256.)

The county then convened a Policy Advisory Committee (PAC) made up of 21 members representing cities, citizen organizations and other stakeholders. Clackamas County Record 18-20. The PAC met 22 times over a year and a half before forwarding its recommendations to the

Board of County Commissioners. The record of materials before the PAC included close to a thousand pages of information addressing each of the reserves factors. (ClackCo Rec. 1 to 995). At its second meeting, the PAC was informed that the standards in OAR Division 27 were to be applied as factors, rather than as individual criteria. (ClackCo Rec. 27.)

The PAC adopted an initial screen of rural reserve areas in January, 2009.(ClackCo Rec. 354 to 356.) In May and June of 2009, the PAC and staff further evaluated the rural reserve candidate areas and forwarded a more detailed recommendation to the BCC. (ClackCo Rec. 529-676).

The PAC began its more detailed evaluation of Urban Reserves through the summer of 2009, specifically evaluating each urban reserve candidate area considering each of the urban reserve factors. (ClackCo Rec. 677 to 851).

In the summer of 2009, the Clackamas County Planning Commission held three meetings to discuss and make recommendations on both Urban and Rural Reserves. (ClackCo Rec. 1835 to 1960).

The PAC and Planning Commission recommendations were forwarded to the Board of County Commissioners in September, 2009. The board evaluated all of the potential reserves areas, and forwarded its own recommendation to Metro's Reserves Steering Committee (RSC). (ClackCo Rec. 1589-1729).

Between September 2009 and February, 2010, the recommendations were refined and discussed both regionally and within the county. (ClackCo Rec.1729 -1807). See timeline of ~~–~~“milestones” at Clackamas County Record 1807. On February 25, the county authorized its chair to sign an Intergovernmental Agreement with Metro agreeing to specific reserves designations in Clackamas County. (ClackCo Rec. 1817-1833.) (~~–~~“Reserves IGA”)

After the Reserves IGA was signed, the county and Metro further refined the reserves map, ultimately adopting the reserves designations that were submitted to DLCD in June.

A. Clackamas County: Urban Reserves

B. Urban Reserves Factors

The factors for designation of urban reserves are set forth at OAR 660-027-0050:

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

(2) Includes sufficient development capacity to support a healthy economy;

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

(5) Can be designed to preserve and enhance natural ecological systems;

(6) Includes sufficient land suitable for a range of needed housing types;

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

It is important to note that the reserves factors are not criteria to be met individually. Rather, the factors are considerations to be weighed and balanced in light of the overall purpose of the reserves decision, and the regional context. There are a number of areas which might be designated as either urban reserve or rural reserves, and the designations are interdependent, in the sense that land designated as a rural reserve is no longer among the options available for rural reserves.

Urban Reserves 1D and 1F: Boring

General Description: This Urban Reserve comprises approximately 4,200 acres, bordered by the cities of Gresham on the north and Damascus on the west. The eastern-most boundary of this Urban Reserve is located approximately two miles from the City of Sandy's Urban Reserve. The community of Boring, which is identified as a Rural Community in the County Comprehensive Plan, is located in the southern part of this area, and its boundary is the southern edge of this Urban Reserve. Highway 26 forms the northern boundary of this Urban Reserve.

Development in this area is focused in the community of Boring, which has several commercial and employment uses and a small residential community. There is also an area of non-conforming commercial uses located at the eastern edge of this Urban Reserve, along the north side of St. Hwy. 212. Rural residential homesites mixed with smaller farms characterize the area west of 282nd Avenue. The area east of 282nd Ave., north of Boring, has several larger, flat parcels that are being farmed.

There are two significant buttes located in the northwest part of this Urban Reserve. These buttes have been identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". These buttes are wooded. Existing rural homesites are scattered on the slopes. There is minimal development potential on these buttes.

The area west of SE 282nd Ave., outside Boring, is identified as Conflicted Agricultural Land. The area east of SE 282nd Ave, (Area 1F) is identified as Foundation Agricultural Land. This is the only Foundation Agricultural Land in Clackamas County included in an Urban Reserve.

Conclusions and Analysis: Designation of the Boring Area as an Urban Reserve is consistent with OAR 660-027. The Boring Urban Reserve provides one of Clackamas County's few identified employment land opportunities. The larger, flat parcels in Area 1F are suitable as employment land. This area is served by St. Hwy. 26 and St. Hwy 212, transportation facilities that have been identified by ODOT as having additional capacity. Development of this area for employment uses also would be a logical complement to the Springwater employment area in Gresham.

Portions of this Urban Reserve also satisfy some of the factors for designation as a Rural Reserve. Area 1F is comprised of Foundation Agricultural Land. Two buttes located in the northwest corner of this Urban Reserve are included in Metro's February 2007 "Natural Landscape Features Inventory". The City of Sandy has requested a Rural Reserve designation for Area 1F, to maintain separation between the Portland Metro Urban Growth Boundary and the City's urban area.

On balance, designation as an Urban Reserve is the appropriate choice. As explained below, designation as an Urban Reserve meets the factors for designation provided in OAR 660-027-0050. Area 1F is the only Urban Reserve in Clackamas County containing Foundation Agricultural Land. While this area does contain commercial farms, it also is impacted by a group of non-conforming commercial uses located near the intersection of the two state highways. The area west of SE 282nd is identified as Conflicted Agricultural Land. The two state highways and the rural community of Boring provide logical boundaries for this area.

The Boring Urban Reserve and the Urban Reserve that includes the Borland Area (Area 4C) are the only areas containing a significant amount of larger, flatter parcels suitable for employment uses. The Principles for concept planning recognize the need to provide jobs in this part of the region, and also recognize that the Boring Urban Reserve is identified principally to meet this need. There are no other areas with land of similar character in the eastern part of the region. Designation of Areas 1D and 1F as an Urban Reserve is necessary to provide the opportunity for development of employment capacity in this part of the region. These facts justify including this small area of Foundation Farmland in the Urban Reserve, in accord with OAR 660-027-0040(11).

The two buttes have little or no potential for development. While they could be designated as a Rural Reserve, such a designation would leave a small Rural Reserve located between the existing Urban Growth Boundary and the remainder of the Boring Urban Reserve. The buttes can be protected by the city which will govern this area when it is added to the Urban Growth Boundary. The Principles also recognize the need to account for these important natural landscape features during development of concept plans for this area.

The City of Sandy has objected to the designation of Area 1F as an Urban Reserve. ClackCo Rec.3286-3288. The City points to a 1998 Intergovernmental Agreement among Metro, Sandy,

Clackamas County and, the Oregon Department of Transportation.⁹ Among other things this IGA states a purpose to ~~designate~~ areas of rural land to separate and buffer Metro's Urban Growth Boundary and Urban Reserve areas from the City's Urban Growth Boundary and Urban Reserve areas. The IGA also recognizes the desire to protect a view corridor along Hwy 26. The parties are negotiating an update to this agreement.

The Principles require concept planning for the Boring Urban Reserve to ~~recognize~~ the need to provide and protect a view corridor considering, among other things, landscaping, signage and building orientation....” The 2 miles between the Boring Urban Reserve and the City of Sandy's Urban Reserve area is being designated as a Rural Reserve, assuring separation of these two urban areas.

Designation of the Boring Urban Reserve is consistent with the factors for designation provided in OAR 660-027-0050.

- 1) The Boring Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. Metro's Urban Study Area Analysis (Map A) demonstrates the relatively large amount of land suitable for development in this urban Reserve, particularly in Area 1F and the eastern half of Area 1D. The existing community of Boring also provides a focal point for commercial and residential development in this Urban Reserve. The buttes in the northwestern corner of this area, adjacent to Damascus and Gresham, have very little potential for additional urban-level development, but most of the rest of this Urban Reserve, comprised of larger lots with moderate or flat terrain, can be developed at urban densities.
- 2) The Boring Urban Reserve includes sufficient development capacity to support a healthy economy. This is one of the few areas in Clackamas County, adjacent to the Urban Growth Boundary, with access to a state highway, and possessing larger parcels and flat terrain conducive to development of employment uses. The area also is proximate to the Springwater employment area in Gresham. The existing community of Boring provides the opportunity for redevelopment providing the commercial uses supportive of a complete community.
- 3) The Boring Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. While substantial investment will be necessary to provide facilities, compared to other areas in the region, the Boring Urban Reserve Area has a high or medium suitability rating (see Sewer Serviceability Ratings Map and Water Serviceability Map). ODOT has indicated that this area is ~~moderately~~ “moderately suitable” for urbanization, which is one of the higher ratings received in the region. While the buttes and steeper terrain on the west will be difficult to develop with a road network, the rest of the Urban Reserve is relatively flat and unencumbered.
- 4) Most of the Boring Urban Reserve can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by

⁹ The agreement was never signed by the Oregon Department of Transportation.

appropriate service providers. The buttes and associated steep slopes would be difficult to develop. The rest of the Urban Reserve has few limitations to development of multi-modal, urban neighborhoods.

- 5) The Boring Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. The buttes and associated steep terrain are the most significant features in this Urban Reserve. Parcelization and existing development, in addition to the physical characteristics of these areas make development potential extremely limited. The Principles note the need to recognize these important natural landscape features when a concept plans are developed.
- 6) The Boring Urban Reserve includes sufficient land suitable to provide for a range of housing types. This Urban Reserve has more land suitable for development than other Urban Reserves in Clackamas County. There is an existing community that will provide a focal point for the eventual urbanization of the Boring Urban Reserve.
- 7) Concept planning for the Boring Urban Reserve can be designed to avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The area along the western half of this Urban Reserve is identified as Conflicted Agricultural Land and is adjacent to the cities of Gresham and Damascus. The northern boundary is clearly delineated by Hwy 26. Most of the southern boundary is formed by the existing developed community of Boring. Hwy 212 provides a clear demarcation from the rest of the area south of this Urban Reserve. The size of this area also will allow planning to design the urban form to minimize effects on the agricultural areas to the north and east.

Urban Reserve 2A: Damascus South

General Description: The Damascus South Urban Reserve is approximately 1,240 acres. This Urban Reserve is adjacent to the southern boundary of the City of Damascus. Approximately 500 acres is located within the City of Damascus, although outside the Urban Growth Boundary. The southern and western boundaries of the Urban Reserve are clearly demarked by the steep terrain characterizing the Clackamas Bluffs, which are identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". The eastern boundary of the Urban Reserve is established by the Deep Creek Canyon, which also is identified as an important natural landscape feature.

This urban reserve is comprised of moderately rolling terrain, with a mix of farms and scattered rural residential uses on smaller parcels. There are several larger ownerships located east of SE 282nd Avenue. The entire area is identified as Conflicted Agricultural Land.

Analysis and Conclusions: Designation of the Damascus South Urban Reserve area is a logical extension of the City of Damascus, providing additional opportunity for housing and employment uses. Portions of this area are already located in the City of Damascus. Additional areas were identified as important developable urban land in the Damascus Concept Plan. The

boundaries of the Damascus South Urban Reserve are formed by important natural landscape features.

This area was considered for designation as a Rural Reserve, but does not satisfy the factors stated in OAR 660-027-0060. The entire area is designated as Conflicted Agricultural Land. Some of the land is located within the City of Damascus. The southern boundary of the Urban Reserve is established to exclude the Clackamas Bluffs, which are identified in Metro's February 2007 ~~Natural Landscape Features Inventory~~". The eastern boundary excludes the Noyer and Deep Creek canyons, which also were included in this inventory.

As explained in the following paragraphs, designation as an Urban Reserve is consistent with the factors for designation set forth in OAR 660-027-0050.

OAR 660-027-0050

- 1) The Damascus South Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. A large part of this area already is located within the City of Damascus. Parts of the Urban Reserve were planned for urban development in the Damascus Concept Plan. While there are several older subdivisions scattered throughout the area that may be difficult to redevelop, most of this area is comprised of larger parcels suitable for development at urban densities, with mixed use and employment uses. The terrain for most of the area is gently rolling, and there are no floodplains, steep slopes, or landslide topography that would limit development potential.
- 2) There is sufficient development capacity to assist in supporting a healthy economy. The eastern part of this area, in particular, is characterized by larger parcels, with few development limitations, that are suitable for development of employment uses.
- 3) The Damascus South Urban Reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers. There have been no comments from local school districts indicating any specific concerns regarding provision of schools to this area, although funding for schools is an issue throughout the region. Technical assessments rate this area as having ~~high~~ suitability" for the provision of sewer. Addition of the eastern part of this Urban Reserve will facilitate the provision of sewer to the existing urban area within the City of Damascus. ClackCo Rec. 795- 796. This area is rated as having ~~high and medium~~ suitability" for the provision of water. The ability to provide transportation facilities is rated as ~~medium~~" for this area, which has few physical limitations. ClackCo Rec. 797-798.
- 4) The Damascus South Urban Reserve can be developed with a walkable, connected system of streets, bikeways, recreation trails and public transit, provided by appropriate service providers. As previously explained, the physical characteristics of this area will be able to support urban densities and intensities necessary to create a multi-modal transportation system. Previous planning efforts, including the Damascus Concept Plan, demonstrate this potential.

- 5) Development of the Damascus South Urban Reserve can preserve and enhance natural ecological systems. The boundaries of this Urban Reserve avoid the steeper terrain of the Clackamas Bluffs and the Deep Creek Canyon. The area is large enough to provide the opportunity for flexibility in the regulatory measures that create the balance between protection of important natural systems and development.
- 6) The Damascus South Urban Reserve includes sufficient land suitable for a range of needed housing types. As previously explained, there are few physical impediments to development in this Urban Reserve. This area also is adjacent to the developing urban area of Damascus, which also will be providing housing for this area.
- 7) There are no important natural landscape features identified Metro's 2007 "Natural Landscape Features Inventory" located in the Damascus south Urban Reserve. The boundaries of this Urban Reserve are designed to exclude such features from the Urban Reserve.
- 8) Development of this Urban Reserve can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves. This area is identified as Conflicted Agricultural Land, primarily because it is physically isolated from other nearby agricultural land. The Deep Creek and Noyer Creek canyons provide a physical boundary from nearby agricultural areas to the east. Similarly, these areas, and the Clackamas Bluffs, are not identified as areas where significant forest operations are occurring.

Urban Reserves 3B, 3C, 3D, 3F and 3G: Holcomb, Holly Lane, Maple Lane, Henrici, Beaver Creek Bluffs in Oregon City Area.

General Description: These five areas comprise approximately 2150 acres, located adjacent to the City of Oregon City. The Holcomb area is approximately 380 acres, along SE Holcomb Rd., adjacent to Oregon City on the east. Terrain is varied, with several flat parcels that could be developed in conjunction with the Park Place area, which was recently included in the Urban Growth Boundary. This area is developed with rural residences. The area is comprised of Conflicted Agricultural Land.

The Holly Lane area is approximately 700 acres, and includes the flatter parcels along SE Holly Lane, Hwy. 213, and the steep canyon bordering Newell Creek, which is identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". There are landslide areas identified along the Newell Creek canyon (see Metro Urban and Rural Reserve Study Areas Landslide Hazard Map). Development in this area is sparse, except for rural residences developed along SE Holly Lane. This area is identified as Conflicted Agricultural Land.

The Maple Lane area is approximately 480 acres, located east of Oregon City. Terrain is characterized as gently rolling, with a few larger flat parcels located adjacent to Oregon City.

The area is developed with rural residences, with a few small farms. The area is identified as Conflicted Agricultural Land.

The Henrici area is approximately 360 acres, located along both sides of Henrici Road., immediately south of Oregon City. Terrain for this area is moderate, and most of the area is developed with residences on smaller rural lots. There are a few larger parcels suitable for redevelopment. This area contains Conflicted Agricultural Land.

The 220 acre Beaver Creek Bluffs area is comprised of three separate benches located immediately adjacent to the City of Oregon City. The boundaries of this area generally are designed to include only tax lots on the plateau that drops down to Beaver Creek. Development in this area consists of rural residences and small farms. The area is identified as Important Agricultural Land.

Conclusions and Analysis: Designation of the Oregon City Urban Reserves is consistent with OAR 660-027. These five smaller areas have been identified in coordination with the City of Oregon City, and are designed to complete or augment urban development in the City. The areas designated take advantage of existing services inside the Urban Growth Boundary. In most cases, the boundaries of the reserves are formed by steep slopes (Henrici Road being the exception). While terrain poses some limitations on development, each area has sufficient developable land to make service delivery feasible.

None of the identified areas meet the factors of OAR 660-027-0060, for designation as Rural Reserves. With the exception of the Beaver Creek Bluffs, the Oregon City Urban reserve is Conflicted Farmland. The Beaver Creek Bluffs area, which is identified as having Important Agricultural Land, includes only those tax lots with land located on the plateau above the flatter area south of Oregon City. The important natural landscape features in the area (Newell Creek, Abernethy Creek and Beaver Creek) generally are excluded from the Urban Reserve.

The most significant issue for debate is whether or not to include the Newell Creek Canyon in the Urban Reserve. There is little or no development potential in this area, because of steep terrain and landslide hazard. The Principles recognize that concept planning for this area will have to recognize the environmental and topographic constraints posed by the Newell Creek Canyon. It also makes governance more sensible, allowing the City of Oregon City to regulate this area, instead of leaving an island subject to County authority.

Designation of the Oregon City Reserves is consistent with OAR 660-027-0050.

- 1) The Oregon City Urban Reserves can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. All of the Urban Reserve area is adjacent to the City of Oregon City. Oregon City has indicated both a willingness and capability to provide service to these areas. Each area is appropriate to complement or complete neighborhoods planned or existing within Oregon City. In the case of the Holly Lane area, much of the Urban Reserve has little potential for development. The area along SE Holly Lane, however, does have flatter topography where urban development can occur, and Holly Lane has been identified by the City as an important transportation facility.

- 2) The Oregon City Urban Reserves, when considered in conjunction with the existing urban area, includes sufficient development capacity to support a healthy economy. The Henrici area has some potential for additional employment uses. The remaining areas are smaller additions to the existing urban form of the City of Oregon City and will complete existing neighborhoods.
- 3) The Oregon City Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. This Urban Reserve Area is considered to have a “high” suitability rating for sewer and water facilities. Oregon City has indicated an ability to provide these services, and the areas have been designed to include the most-easily served land that generally is an extension of existing development with the Urban Growth Boundary. Transportation is more difficult, as there is no additional capacity on I-205, and improvements would be costly. As previously noted, this is the case for most of the region. While topography may present some difficulty for developing a complete transportation network, this Urban Reserve area has been designed to take advantage of existing transportation facilities within Oregon City.
- 4) Most of the Oregon City Urban Reserve can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and transit. In most cases, development of this area will be an extension of urban development within the existing neighborhoods of Oregon City, which will allow completion of the described urban form. Newell Creek Canyon will remain largely undeveloped, so such facilities will not need to be provided in this area.
- 5) The Oregon City Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. Abernethy Creek and Beaver Creek and the steep slopes around these two creeks have been excluded from designation as an Urban Reserve. As previously explained, the Newell Creek Canyon has been included in the Urban Reserve. The Principles will assure that concept planning accounts for this important natural landscape feature, the area is recognized as having very limited development potential, and Oregon City is the logical governing authority to provide protective regulations.
- 6) Designation of these five areas as an Urban Reserve will assist Oregon City in providing a range of housing types. In most cases, development of this Urban Reserve will add additional housing.
- 7) Concept planning for the Oregon City Urban Reserve can be designed to avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The Beaver Creek Bluffs area is separated from the farmland to the south by a steep hillside sloping down to Beaver Creek. The other areas are adjacent to Conflicted Agricultural land. There are scattered small woodlots to the east, identified as “mixed Agricultural/Forest Land” on ODF’s Forestland Development Zone Map, but these are generally separated by distance and topography from the Holly Lane, Maple Lane, and Holcomb areas. Important landscape features and natural areas in

the vicinity generally form boundaries for the Urban Reserves. Concept planning can assure that development within the Urban Growth Boundary protects these features.

Urban Reserves 4A, 4B and 4C: Stafford, Rosemont and Borland

General Description: These three areas comprise approximately 4,700 acres. Area 4A (Stafford) is located north of the Tualatin River, south of Lake Oswego, and west of West Linn. Area 4B (Rosemont) is a 162 acre area located adjacent to West Linn's recently urbanized Tanner Basin neighborhood. Area 4C (Borland) is located south of the Tualatin River, on both sides of I-205. Area 4C is adjacent to the cities of Tualatin and Lake Oswego on the west and West Linn on the east. As a whole, this area is bounded by existing cities and urban development on three sides. The southern boundary generally is framed by the steeper terrain of Pete's Mountain. East of Stafford Road, the adjacent area is not designated as either an Urban or Rural Reserve. West of Stafford Road, the adjacent area is designated as an Urban Reserve (Area 4D, Norwood).

Much of this area is developed with rural residences on large parcels. The Borland area also includes several churches and schools. The terrain of this area is varied. Most of area 4B is gently rolling, while the rest of the area east of Wilson Creek has steeper terrain. The area south of Lake Oswego, along Stafford Rd and Johnson Rd., generally has more moderate slopes. The Borland area, south of the Tualatin River, also is characterized by moderate slopes.

Wilson Creek and the Tualatin River are important natural landscape features located in this area. These two features and their associated riparian areas and floodplains are included in Metro's February 2007 "Natural Landscape Features Inventory".

This entire area is identified as Conflicted Agricultural Land, even though approximately 1100 acres near Rosemont Road are zoned Exclusive Farm Use. Commercial agricultural activity in this area is limited and mixed; wineries, hay production, horse raising and boarding, and nurseries are among the farm uses found in the Stafford, Rosemont and Borland areas. The Oregon Department of Forestry Development Zone Map does not identify any Mixed Forest/Agriculture or Wildland Forest located with this Urban Reserve.

Conclusions and Analysis: After weighing the factors, we find that the designation of these three areas as an Urban Reserve is consistent with OAR 660-027-0050. The specific factors for designation stated in OAR 660-027-0050 are addressed in following parts of this analysis.

No area in Clackamas County engendered as much public comment and diversity of opinion as this Urban Reserve. The Stafford and Rosemont areas were of particular concern to property owners, neighborhood groups, cities and the Stafford Hamlet citizens group. Interested parties provided arguments for designation of some or all of the area north of the Tualatin River as either an Urban or Rural Reserve, or requested that this area remain undesignated. The cities of West Linn, Tualatin and Lake Oswego consistently expressed opposition to designation of any of this area as an Urban Reserve. This Urban Reserve does have several limitations on development, including areas with steep slopes and floodplains.

After weighing the factors, designation as an Urban Reserve is the most appropriate decision. In evaluating this area, it is important to keep in mind the context and purpose of the urban and

rural reserves designations. Because urban reserves are intended to provide a land supply over a 50-year time horizon, it is important to evaluate areas based on their physical characteristics rather than the current desires of various jurisdictions. It is also important to evaluate areas in light of the overall regional context. Designation of this 4,700 acre area as an Urban Reserve avoids designation of other areas containing Foundation or Important Agricultural Land. It would be difficult to justify urban reserve designations on additional Foundation Agricultural Land in the region, if this area, which is comprised entirely of Conflicted Agricultural Land, were not designated as an Urban Reserve (see OAR 660-027-0040(11)).

In fact, the three counties have applied the rural reserve factors and designated significant portions of the three-county area as rural reserve. Those areas do not provide viable alternatives to Stafford.

While acknowledging that there are impediments to development in this area, much of the area also is suitable for urban-level development. There have been development concepts presented for various parts of this area. ClackCo Rec. 3312. An early study of this area assessed its potential for development of a “great community” and specifically pointed to the Borland area as an area suitable for a major center. ClackCo Rec. 371. Buildable land maps for this area provided by Metro also demonstrate the suitability for urban development of parts of this Urban Reserve See, “Metro Urban Study Area Analysis, Map C”. The County was provided with proposed development plans for portions of the Stafford area. For example, most of the property owners in the Borland have committed their property to development as a “town center community.” ClackCoRec. 3357-3361. Another property owner completed an “Urban Feasibility Study” showing the urban development potential of his 55-acre property. ClackCo Rec. 3123-3148. Those plans provide examples of the ability to create urban-level development in the Stafford areas.

An important component of the decision to designate this area as an Urban Reserve are the “Principles for Concept Planning of Urban Reserves”, which are part of the Intergovernmental Agreement between Clackamas County and Metro that has been executed in satisfaction of OAR 660-027-0020 and 0030. Among other things, these “Principles” require participation of the three cities and citizen involvement entities—such as the Stafford Hamlet—in development of concept plans for this Urban Reserve. The Principles also require the concept plans to provide for governance of any area added to the Urban Growth Boundary to be provided by a city. The Principles recognize the need for concept plans to account for the environmental, topographic and habitat areas located within this Urban Reserve.

Designation of this area as a Rural Reserve has been advocated by interested parties, including the City of West Linn. Application of the factors for designation (OAR 660-027-0060) leads to a conclusion that this area should not be designated as a Rural Reserve. The entire area is comprised of Conflicted Agricultural Land, and is not suitable to sustain long-term agricultural and forestry operations, given land use patterns, the lack of agricultural infrastructure and the adjacent land use pattern. OAR 660-027-0060(b)-(d).

There are important natural landscape features in this area (Tualatin River and Wilson Creek). Protection of these areas is a significant issue, but can be accomplished by application of regulatory programs of the cities that will govern when areas are added to the Urban Growth Boundary, as contemplated by OAR 660-027-0050(7). The Principles specifically require

recognition of the development limitations imposed by these natural features, in the required development of concept plans.

Designation of the Stafford, Rosemont and Borland areas as an Urban Reserve is based upon application of the factors stated in OAR 660-027-0050.

- 1) This Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments in conjunction with land inside the urban growth boundary. Physically, this area is similar to the cities of West Linn and Lake Oswego, which are developing at urban densities. The area abuts existing urban development on much of the perimeter, facilitating logical extensions of that development. We recognize that the development potential of portions of this Urban Reserve is constrained by steep slopes and by the Tualatin River and Wilson Creek riparian areas. However, there are sufficient developable areas to create an urban community. The Borland Area has been identified as a suitable site for more intense urban development, including a town center. The Rosemont Area complements existing development in the Tanner Basin neighborhood in the City of West Linn. The Stafford Area has sufficient capacity to develop housing and other uses supportive of the more intense development in the Borland Area. As previously noted, potential development concepts have been submitted demonstrating the potential to develop this area at urban densities sufficient to make efficient use of infrastructure investments.
- 2) This 4700-acre Urban Reserve contains sufficient development capacity to support a healthy economy. The Borland Area has been identified as being suitable for a mixed-use, employment center. ClackCo Rec. 371. There are a number of larger parcels in the area which may have potential for mixed use development. While densities would not be uniform across the landscape of this 4700 acre area, together, Stafford and Borland provide the opportunity to create a mix of uses, housing types and densities where the natural features play a role as amenities.

Testimony submitted by the cities of Tualatin and West Linn (“Cities”) asserts that the level of parcelization, combined with existing natural features, means that the area lacks the capacity to support a healthy economy, a compact and well-integrated urban form or a mix of needed housing types.

However, much of the area consists of large parcels. For example, the *West Linn Candidate Rural Reserve Map* shows that, of a 2980-acre “focus area,” 1870 acres are in parcels larger than five acres, and 1210 acres in parcels larger than 10 acres. The map is indexed at Metro Rec. 2284 and was submitted by the Cities of Tualatin and West Linn with their objections. With the potential for centers, neighborhoods and clusters of higher densities, for example in the Borland area, we find the area does have sufficient land and sufficient numbers of larger parcels to provide a variety of housing types and a healthy economy.

Cities also argue that the amount of natural features render the area insufficient to provide for a variety of housing types. Cities contend that the amount of steep slopes and stream

buffers renders much of the area unbuildable. We find that cities overstate the amount of constrained land in the area, and the effect those constraints have on housing capacity. For example, cities' analysis applies a uniform 200-foot buffer to all streams. Actual buffers vary by stream type. See Metro Code § 3.07.360. Similarly, cities assert that the slopes in the area mean that the area lacks capacity. Slopes are not *per se* unbuildable, as demonstrated by the existing development in West Linn, Lake Oswego, Portland's West Hills and other similar areas. Moreover, only 13% of the "focus area" consists of slopes of over 25%, and these often overlap with stream corridors. *Stafford Area Natural Features Map*, indexed at Metro Record 2284, and submitted by the Cities of Tualatin and West Linn with their objection.

- 3) This Urban Reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers over a 50-year horizon. As with all of the region's urban reserves, additional infrastructure will need to be developed in order to provide for urbanization. It is clear that development of new public infrastructure to accommodate 50 years of growth will not be "cheap" anywhere. Relative to other areas under consideration for designation, however, this Urban Reserve area is suitable. Technical assessments rated this area as highly suitable for sewer and water. ClackCo Rec. 795-796; Metro Rec. 1163, 1168-1180. The July 8, 2009, technical memo prepared by Clackamas County also demonstrates the suitability of this area for various public facilities. ClackCo Rec. 704. This area can be served by the cities of Tualatin, West Linn and Lake Oswego. These cities have objected to designation of this area as an Urban Reserve, but have not stated that they object because they would not be able to be an urban service provider for some part of the area.

The cities of Tualatin and West Linn argue that the area should not be designated as an Urban Reserve, citing the cost of providing transportation infrastructure. It is true that transportation infrastructure will be the most significant challenge. This is the case for most of the region. ODOT noted that most area state highway transportation corridors have either low or medium potential to accommodate growth. (*Clackamas County Record* 800 – 801). An April 6, 2009 letter from six state agencies to the Metro Reserves Steering Committee notes that most transportation corridors have severe transportation issues. ClackCo Rec. 843. Moreover, we make this decision after consideration of regional consideration of relative transportation costs. See, *Regional Infrastructure Analysis 2008, Metro Record, starting on page 440; Memo and Maps regarding Preliminary Analysis of Providing Urban Level Transportation Service within Reserves Study Area, Metro Rec., starting on page 1181; ODOT Urban Reserve Study Area Analysis, Metro Rec., page 1262.*

This Urban Reserve has physical characteristics—steep terrain, the need to provide stream crossings—that will increase the relative cost of transportation infrastructure. I-205 and I-5 in this area will need substantial improvements with consequent "huge" costs. ClackCo Rec. 850. However, considering those costs, and in light of reserves designations elsewhere in the region, urban reserves designation of Stafford is still

appropriate. Most other comparable areas are either urban or rural reserves, and don't provide viable alternatives to Stafford.

Cities argue that the 2035 Regional Transportation Plan ("RTP") indicates that much of the transportation infrastructure in the area will be at Level of Service "F" by 2035, and that therefore the Stafford area cannot be served at all. The RTP is a prediction of and plan to address traffic flows for a 25-year period. Conversely, the Reserves Designations are intended to address a 50-year time frame, rather than a 25-year time frame. Metro Rec. 1918. The record reflects that the transportation system will necessarily change in 25 years. In that vein, the "Regional High Capacity Transit System" map identifies a new light rail line in the vicinity of I-205 as a "next phase" regional priority. See ClackCo Rec. 734; 822-833.

Similarly, Metro's panel of sewer experts rated the entire Stafford area as having a "high" suitability for sewer service. See, e.g., Metro Rec. 1174. We find this analysis more probative for comparisons across areas than the analysis submitted by cities. Moreover, since the analysis of urban reserves addresses a 50-year time frame, we do not find that the current desire of neighboring cities to serve the area influences the question whether the area can be served."

- 4) This Urban Reserve can be planned to be walkable, and served with a well-connected system of streets, bikeways, recreation trails and public transit, *particularly in conjunction with adjacent areas inside the urban growth boundary* as contemplated by the administrative rule. The Borland Area is suitable for intense, mixed-use development. Other areas suitable for development also can be developed as neighborhoods with the above-described infrastructure. The neighborhoods themselves can be walkable, connected to each other, and just as important, connected to existing development in the adjacent cities. Stafford abuts existing urban level development on three sides, much of it subdivisions. See *West Linn Candidate Rural Reserve Map*, indexed at Metro Record 2284, and submitted by the city with its objection. There are few areas in the region which have the potential to create the same level and type of connections to existing development. There is adequate land to create street, bicycle and pedestrian connections within and across the area with appropriate concept planning. In making this finding, we are aware of the natural features found within the area. However, those features do not create impassable barriers to connectivity.
- 5) This Urban Reserve can be planned to preserve and enhance natural ecological systems and preserve important natural landscape features. The significance of the Tualatin River and Wilson Creek systems has been recognized. The Principles specifically identify the need to plan for these features, and recognize that housing and employment capacity expectations will need to be reduced to protect important natural features. Urbanization will occur in a city, which is obligated by state and regional rules to protect upland habitat, floodplains, steep slopes and riparian areas, as contemplated by OAR 660-027-0050(7). However, we find that, even with those protections, there is sufficient development capacity in this 4700-acre area to warrant inclusion in the urban reserve.

- 6) This Urban Reserve in conjunction with the Urban Reserve to the south (Area 4D, Norwood), includes sufficient land to provide for a variety of housing types. In addition to the developable areas within the Stafford, Rosemont and Borland areas, this Urban Reserve is situated adjacent to three cities, and will augment the potential for housing in these existing cities.
- 7) This Urban Reserve can be developed in a way that avoids or minimizes adverse effects on farm and forest practices and adverse effects on important natural landscape features, on nearby land. Viewed in the regional context, this factor militates strongly in favor of the inclusion of Stafford as an Urban Reserve. This Urban Reserve is situated adjacent to three cities, and along I-205. It is identified as Conflicted Agricultural Land, and is adjacent on the south to another Urban Reserve and an undesignated area that is comprised of Conflicted Agricultural Land. The Stafford area is separated from areas of foundation and important farmland by significant distances, a freeway and other natural and man-made barriers. The eventual urbanization of Stafford will avoid the urbanization of much higher-value farmland elsewhere. Adverse impacts on the important natural landscape features within Stafford may be avoided or minimized through the application of the provisions of Metro Titles 3 and 13.

This separation from significant agricultural or forest areas minimizes any potential effect on farm or forest practices. The Urban Reserve also is separated from other important natural landscape features identified on Metro's February 2007 "Natural Landscape Features Inventory". The ability to plan for protection of the Tualatin River and Wilson Creek has been discussed.

Urban Reserves 5G, 5H, 4H and 4D: Grahams Ferry, SW Wilsonville, Advance and Norwood

General Description: This Urban Reserve is comprised of three smaller areas adjacent to the City of Wilsonville (Grahams Ferry, SW Wilsonville and Advance), and a larger area located along SW Stafford Rd., north of Wilsonville and southeast of Tualatin (Norwood Area). The Norwood area is adjacent to an Urban Reserve in Washington County (I-5 East Washington County, Areas 4E, 4F and 4G). Area 5G is approximately 120 acres, relatively flat, adjacent to services in Wilsonville, and defined by the Tonquin Geologic Feature, which forms a natural boundary for this area. It is identified as Conflicted Agricultural Land.

Area 5H is a small (63 acre) site that is adjacent to services provided by the City of Wilsonville. Corral Creek and its associated riparian area provide a natural boundary for this area. It is identified as Important Farmland. Area 4H comprises approximately 450 acres, and is located adjacent to the City of Wilsonville. This part of the Urban Reserve has moderate terrain, and a mix of larger parcels and rural residences. This area is identified as Important Agricultural Land.

Area 4D comprises approximately 2,600 acres, and is adjacent to a slightly smaller Urban Reserve in Washington County. This area is parcelized, generally developed with a mix of single family homes and smaller farms, and has moderately rolling terrain. All of this area is identified as Conflicted Agricultural Land.

Conclusions and Analysis: Designation of these four areas as Urban Reserve is consistent with OAR 660-027. The three smaller areas are adjacent to the City of Wilsonville, and have been identified by the City as appropriate areas for future urbanization. ClackCo Rec.1174. The boundaries of these three areas generally are formed by natural features. No Foundation Agricultural Land is included in any of the four areas. While Area 4D has limitations that reduce its development potential, inclusion as an Urban Reserve is appropriate to avoid adding land that is identified as Foundation Agricultural Land.

Area 5G does not satisfy the factors for designation as a Rural Reserve. The boundary of this area reflects the boundary of Tonquin Geologic Area, which is an important natural landscape feature identified as a Rural Reserve. Area 5H does meet the factors for designation as a Rural Reserve, but its proximity to existing services in Wilsonville and the natural boundary formed by Corral Creek, separating these 63 acres from the larger Rural Reserve to the west, support a choice to designate this area as an Urban Reserve.

Similarly, parts of Area 4H could meet the factors for designation as a Rural Reserve. Again, the area also is suitable for designation as an Urban Reserve, because of its proximity to Wilsonville, which has indicated this as an area appropriate for urbanization. The eastern limits of this area have been discussed in some detail, based on testimony received from property owners in the area. The northeastern boundary (the Anderson property) is based on a significant creek. South of Advance Rd., the decision is to leave four tax lots west of this creek undesignated (the Bruck property), as these lots comprise over 70 acres of land designated as Important Agricultural Land. The part of this Urban Reserve south of Advance Road contains smaller lots, generally developed with rural residences.

Area 4D does not meet the factors for designation as a Rural Reserve. The entire area is comprised of Conflicted Agricultural Land, and has no important natural landscape features identified in Metro's February 2007 "Natural Landscape Features Inventory."

This Urban Reserve does meet the factors for designation stated in OAR 660-027-0050.

- 1) The Wilsonville Urban Reserve (total of the Grahams Ferry, SW Wilsonville, Advance Rd. and Norwood Areas) can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. The three smaller areas adjacent to the City of Wilsonville all will take advantage of existing infrastructure. The City of Wilsonville has demonstrated an ability to provide necessary services and govern these three areas. The information provided by the City and Metro's Urban Study Area Analysis (Map C1) show that these three areas have physical characteristics that will support urban density. These three areas also will complement existing development in the City of Wilsonville.
- 2) The larger Norwood area, which has rolling terrain, and a mixture of smaller residential parcels and farms, will be more difficult to urbanize. This area is adjacent to Urban Reserves on the west, north and south. The Borland Road area, adjacent on the north is expected to develop as a center, with potential for employment and mixed-use development. The Norwood area can be urbanized to provide residential and other uses supportive of development in the Borland and I-5 East Washington County Urban Reserve areas.

- 3) The Wilsonville Urban Reserve contains land that generally will provide development capacity supportive of the cities of Wilsonville and Tualatin, and the Borland and I-5 East Washington County Urban Reserve areas. Viewed individually, these four areas do not have physical size and characteristics to provide employment land. As has been explained, and as supported by comments from the City of Wilsonville, development of these areas will complement the urban form of the City of Wilsonville, which historically has had sufficient land for employment. The 2004 decision added to the Urban Growth Boundary between the cities of Wilsonville and Tualatin, land which was contemplated to provide additional employment capacity. The Wilsonville Urban Reserve, and in particular the Norwood area, will provide land that can provide housing and other uses supportive of this employment area.
- 4) The Wilsonville Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. The comments from the City of Wilsonville and the Sewer Serviceability and Water Serviceability Maps demonstrate the high suitability of the three smaller areas adjacent to Wilsonville. The Norwood area (Area 4D) is rated as having medium suitability. Transportation facilities will be relatively easy to provide to the three areas adjacent to the City of Wilsonville. The steeper terrain and location of the Norwood area will make development of a network of streets more difficult, and ODOT has identified the I-5 and I-205 network as having little or no additional capacity, with improvement costs rated as “huge”. The decision to include this area as an Urban Reserve is based, like the Stafford area, on the need to avoid adding additional Foundation Agricultural Land. There are other areas in the region that would be less expensive to serve with public facilities, especially the necessary transportation facilities, but these areas are comprised of Foundation Agricultural Land.
- 5) The Wilsonville Urban Reserve areas can be planned to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit. As has been discussed, the three smaller areas adjacent to the City of Wilsonville can be developed to complete or complement existing and planned urban development in Wilsonville. The Norwood area will be somewhat more difficult to develop, but the terrain and parcelization are not so limiting that the desired urban form could not be achieved. Like Stafford, this part of the Wilsonville Urban Reserve will be more difficult to develop with the desired urban form, but is being added to avoid adding additional foundation Agricultural Land.
- 6) The Wilsonville Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. The boundaries of the areas comprising the Wilsonville Urban Reserve have been designed with these features providing the edges. The three areas adjacent to the City of Wilsonville will take advantage of existing plans for protection of natural ecological systems.
- 7) The Wilsonville Urban Reserve, in conjunction with land within adjacent cities, includes sufficient land suitable to provide for a range of housing types. The SW Wilsonville and

Advance Road areas are particularly suited to provide additional housing, as they are located adjacent to neighborhoods planned in Wilsonville. As has been previously discussed the Norwood area has physical limitations, but these should not restrict as substantially the potential for housing.

- 8) Concept planning for the Wilsonville Urban Reserve can avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The boundaries of this Urban Reserve have been designed to use natural features to provide separation from adjoining Rural Reserves that contain resource uses.

The Sherwood School District requested an Urban Reserve designation be applied to an area just south of the County line and the City of Sherwood. ClackCo Rec. 2504. Clackamas County and Metro agree to leave this area undesignated. This decision leaves the possibility for addition of this land to the Urban Growth boundary if the School District has a need for school property in the future and is able to demonstrate compliance with the standards for adjustments to the Urban Growth boundary.

C. Clackamas County: Rural Reserves

Rural Reserve 5I: Ladd Hill

General Description: This Rural Reserve Area is located west and south of Wilsonville, and adjacent to the French Prairie Rural Reserve (Area 4J). There is also a small part of this Rural Reserve located north of Wilsonville, extending to the County line, recognizing the Tonquin Geologic Area. The northern boundary of Area 5J is located along the boundary between the delineations of Conflicted and Important Agricultural Land. All of this Rural Reserve is located within three miles of the Portland Metro Urban Growth Boundary.

The area west of Ladd Hill Road contains the steeper slopes of Parrett Mountain, which is identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". The remainder of the area has moderately sloping terrain. The entire area is traversed by several creeks (Mill Creek, Corral Creek, Tapman Creek), which flow into the Willamette River, which also is identified as an important natural landscape feature. FEMA floodplains are located along the Willamette River. Landslide hazards are identified along Corral Creek.

With the exception of the Tonquin Geologic Area, all of Rural Reserve Area 5I is comprised of Important or Foundation Agricultural Land. The part of this area lying south of the Willamette River contains the Foundation Agricultural Land. The area contains a mixture of hay, nursery, viticulture, orchards, horse farms, and small woodlots. The Oregon Department of Forestry Development Zone Map identifies scattered areas of mixed forest and agriculture, and wildland forest (particularly on the slopes of Parrett Mountain).

Conclusions and Analysis: Designation of the Ladd Hill area as a Rural Reserve is consistent with OAR 660, Division 27. Except for the Tonquin Geologic Area, all of Rural Reserve Area 5I contains Important or Foundation Agricultural Land, and is located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary

to justify designation as a Rural Reserve, with the exception of the Tonquin Geologic Area, which is identified as Conflicted Agricultural Land.

Designation of the Tonquin Geologic Area as a Rural Reserve is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3). This area has not been identified as an area suitable or necessary for designation as an Urban Reserve. The boundaries of the Rural Reserve have been established to recognize parcels that have physical characteristics of the Tonquin Geologic Area, based on testimony received from various property owners in the area, and the City of Wilsonville. ClackCo Rec. 2608. For these stated reasons and those enunciated below, designation of this part of the Tonquin Geologic Area as a Rural Reserve is consistent with the factors provided in OAR 660-027-0060(3).

Rural Reserve 4J: French Prairie

General Description: This Rural Reserve Area is located south of the Willamette River and the City of Wilsonville, and west of the City of Canby. It is bordered on the west by I-5. This area is generally comprised of large farms. The area is generally flat. The Molalla and Pudding Rivers are located in the eastern part of this area. The Willamette, Molalla and Pudding Rivers and their floodplains are identified as important natural landscape features in Metro’s February 2007 Natural Landscape Features Inventory.”

All of this Rural Reserve is classified as Foundation Agricultural Land (identified in the ODA Report as part of the Clackamas Prairies and French Prairie areas). This area contains prime agricultural soils, and is characterized as one of the most important agricultural areas in the State.

Conclusions and Analysis: Designation of Area 4J as a Rural Reserve is consistent with OAR 660, Division 27. This entire area is comprised of Foundation Agricultural Land located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation of this area as a Rural Reserve.

However, county staff and the PAC also evaluated the French Prairie area under the other rural reserves factors, and found that it rated “high” under all of the factors related to long-term protection for the agriculture and forest industries. ClackCo Rec. 590-592. The analysis is set forth as follows:

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

The French Prairie area is adjacent to the Portland Metropolitan Urban Growth Boundary, and has access to Interstate 5 and Highway 99E, and has a high potential for urbanization, as evidenced by the submittals of proponents of designating the area as an urban reserve.

- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

The French Prairie area is identified as Foundation agricultural land, and is part of a large agricultural region.

- (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

The area is predominantly Class II soils, and much of the area has water rights for irrigation.

- (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

- (A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

The French Prairie area is a large block of agricultural land with large parcels. There is some localized conflict with nonfarm uses.

- (B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

- (C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

The Willamette River provides an effective edge for much of the area, and much of the area is in large lots.

- (D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

The French Prairie area is close to the agricultural centers of Canby, Hubbard and St. Paul, and has excellent access to transportation infrastructure. There are some issues with movement of farm machinery on heavily used routes.

Therefore, on balance, we would designate Area 4J as a rural reserve even in the absence of OAR 660-027-0060(4).

Rural Reserves 3E and 3H: Oregon City

General Description: This area lies east and south of the City of Oregon City. This area is bounded by the Willamette River on the west. The southern boundary generally is a line located three miles from the Portland Metro Area Urban Growth Boundary. A substantial part of Area 3H also is located within three miles of the City of Canby's Urban Growth Boundary.

Area 3E, located east of Oregon City, is characterized by a mix of rural residential homesites, small farms, and small woodlots. Most of the area has a moderately rolling terrain. The area includes portions of the Clear Creek Canyon, and Newell and Abernethy Creeks, all of which are

identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". Part of Area 3E also is identified by the Oregon Department of Forestry as a mixed forest/agricultural development zone. Most of Area 3E is identified as Conflicted Agricultural Land. There is an area identified as Important Agricultural Land, in the southeast corner of Area 3E.

Area 3H, located south of Oregon City, is characterized by larger rural residential homesites, particularly in the western part of this area, and farms. Beaver Creek and Parrot Creek traverse this area in an east-west direction. The Willamette Narrows and Canemah Bluff are identified as important natural landscape features in the Metro's February 2007 "Natural Landscape Features Inventory" and form the western boundary of Area 3H. The Oregon Department of Forestry designates the Willamette Narrows as wildland forest. All of this area is classified as Important Agricultural Land, except for the area immediately east of the City of Canby, which is designated as Foundation Agricultural Land.

Conclusions and Analysis: The designation of Areas 3E and 3H as a Rural Reserve is consistent with OAR 660-027, Division 27. All of Area 3H is Important or Foundation Farmland, located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation of Area 3H as a Rural Reserve.

The designation of Area 3E is appropriate to protect the Important Farm Land in the southeast corner of this area, and the area identified as mixed forest/agricultural land by ODF. Designation as a Rural Reserve also is justified to protect Abernethy Creek, Newell Creek and Beaver Creek and their associated riparian features, which are identified as important natural landscape features. Designation as a Rural Reserve of the portions of Area 3E not identified as Foundation or Important Agricultural Land, is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3), for the following reasons:

- 1) Abernethy Creek and Newell Creek and their associated riparian areas are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". A portion of Beaver Creek also is located in this area; Beaver Creek was added to this inventory in a 2008 update.
- 2) This area is potentially subject to urbanization during the period described in OAR 660-027-0040(2), because it is located adjacent to and within three miles of the City of Oregon City.
- 3) Most of this area has gently rolling terrain, but there also are several steeply-sloped areas. There are several landslide hazard areas located within Rural Reserve Area 3E (see 1/25/09 Metro Landslide Hazard Map).
- 4) The designated Rural Reserve area comprises the drainage area for Abernethy and Newell Creeks which provide important fish and wildlife habitat for this area.

Rural Reserves 3H (parts) 4J, 2C and 3I: Canby, Estacada and Molalla

General Description: Rural Reserves have been designated adjacent to the cities of Canby (parts of Areas 3H and 4J) Estacada and Molalla. These Rural Reserves were designated after coordinating with all three cities, and the cities do not object to the current designations.

Rural Reserve Area 2C is located adjacent to the western boundary of the City of Estacada. This area includes the Clackamas River and McIver State Park. It is identified as Important Agricultural Land. Most of this Rural Reserve also is identified as wildland forest on the ODF Forestland Development Zone Map. All of this Rural Reserve is located within three miles of Estacada's Urban Growth Boundary.

Rural Reserves are located on the south, west and eastern boundaries of the City of Canby. All of this area is identified as Foundation Agricultural Land. The area north of the City, to the Willamette River, has been left undesignated, although this area also is identified as Foundation Agricultural Land. This area was left undesignated at the request of the City of Canby, in order to provide for possible future expansion of its Urban Growth Boundary. The Oregon Department of Agriculture preferred leaving the area north of the City undesignated, instead of an area east of the City, which also was considered. All of the designated Rural Reserves are within three miles of the City of Canby.

Area 3I is located north and east of the City of Molalla. This area is located within 3 miles of Molalla's Urban Growth Boundary. All of the designated Rural Reserve is identified as Foundation Agricultural Land.

Conclusions and Analysis: Designation of the Rural Reserves around Canby and Estacada is consistent with OAR 660, Division 27. In the Case of Canby, the entire area is identified as Foundation Agricultural Land, and is located within three miles of Canby's Urban Growth Boundary. In the case of Estacada, the entire Rural Reserve area is identified as Important Agricultural Land, and is located within three miles of Estacada's Urban Growth Boundary. Rural Reserve 3I, near Molalla, is located within three miles of the urban growth boundary and also is identified as Foundation Agricultural Land. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify the Rural Reserve designation of these areas.

Rural Reserve 4I: Pete's Mountain/Peach Cove, North of the Willamette River

General Description: This Rural Reserve is bounded by the Willamette River on the east and south. On the north, Area 4I is adjacent to areas that were not designated as an Urban or Rural Reserve. There are two primary geographic features in this area. The upper hillsides of Pete's Mountain comprise the eastern part of this area, while the western half and the Peach Cove area generally are characterized by flatter land. The Pete's Mountain area contains a mix of rural residences, small farms and wooded hillsides. The flat areas contain larger farms and scattered rural residences. All of Area 4I is located within three miles of the Portland Metro Urban Growth Boundary.

All of Rural Reserve 4I is identified as Important Agricultural Land (the "east Wilsonville area"), except for a very small area located at the intersection of S. Shaffer Road and S. Mountain Rd... The Willamette Narrows, an important natural landscape feature identified in Metro's February 2007 "Natural Landscape Features Inventory", is located along the eastern edge of Area 4I.

Conclusions and Analysis: Designation of this area as a Rural Reserve is consistent with OAR 660-027, Division 27. With the exception of a small area at the intersection of S. Shaffer Rd. and S. Mountain Rd., all of this area is identified as Important Agricultural Land and is located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), the area identified as Important Agricultural Land requires no further explanation to justify designation as a Rural Reserve. The few parcels classified as Conflicted Agricultural Land are included to create a boundary along the existing public road.

East Clackamas County Rural Reserve (Area 1E and Area 2B)

General Description: This area lies south of the boundary separating Clackamas and Multnomah Counties. This area generally is comprised of a mix of farms, woodlots and scattered rural residential homesites. Several large nurseries are located in the area near Boring. The area south of the community of Boring and the City of Damascus contains a mix of nurseries, woodlots, Christmas tree farms, and a variety of other agricultural uses.

Most of the area is identified as Foundation or Important Agricultural Land. The only lands not identified as Foundation or Important Agricultural Land are the steeper bluffs south of the City of Damascus. Much of this steeper area is identified by the Oregon Department of Forestry as mixed farm and forest.

There are several rivers and streams located in this area. The Clackamas River, Deep Creek, Clear Creek and Noyer Creek, and the steeper areas adjacent to these streams, are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory".

All of this Rural Reserve is located within three miles of the Portland Metro Area Urban Growth Boundary, except for a small area in the eastern part of the Rural Reserve. This small area is located within three miles of the City of Sandy's Urban Growth Boundary.

Conclusions and Analysis: The designation of this area as a Rural Reserve is consistent with OAR 660-027, Division 27. Except for the steep bluffs located adjacent to the Clackamas River, all of this area is identified as Foundation or Important Agricultural Land and is located within three miles of an urban growth boundary. Pursuant to OAR 660-27-0060(4), no further explanation is necessary to justify designation as a Rural Reserve all of this area except for the aforementioned bluffs.

Designation as a Rural Reserve of the steep bluffs, not identified as Foundation or Important Agricultural Land, is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3).

- 1) This area is included in Metro's February 2007 "Natural Landscape Features Inventory".
- 2) This area is potentially subject to urbanization during the period described in OAR 660-027-0040(2), because it is located proximate or adjacent to the cities of Damascus, Happy Valley, and Oregon City, and the unincorporated urban area within Clackamas County.
- 3) Portions of this area are located within the 100 year floodplain of the Clackamas River. Most of the area has slopes exceeding 10%, with much of the area exceeding 20%. Portions of the area along Deep Creek are subject to landslides.

- 4) This hillside area drains directly into the Clackamas River, which is the source of potable water for several cities in the region. The Rural Reserve designation will assist protection of water quality.
- 5) These bluffs provide an important sense of place for Clackamas County, particularly for the nearby cities and unincorporated urban area. Development is sparse. Most of the hillside is forested.
- 6) This area serves as a natural boundary establishing the limits of urbanization for the aforementioned cities and unincorporated urban area and the Damascus Urban Reserve Area (Area 2A).

D. Clackamas County: Statewide Planning Goals

Goal 1- Citizen Involvement

In addition to participation in Metro's process, Clackamas County managed its own process to develop reserves recommendations:

Policy Advisory Committee

The county appointed a 21-member Policy Advisory Committee (PAC) made up of 7 CPO/Hamlet representatives, 7 city representatives, and 7 stakeholder representatives. The PAC held 22 meetings in 2008 and 2009. The PAC made a mid-process recommendation identifying reserve areas for further analysis, and ultimately recommended specific urban and rural reserve designations. The PAC itself received significant verbal and written input from the public.

Public Hearings

In addition to the meetings of the PAC, the county held a number of public hearings as it developed the ultimate decision on reserves:

2009

- Aug. 10: Planning Commission hearing on initial recommendations.
- Sept. 8: Board of County Commissioners (~~BCC~~) hearing on initial recommendations
- Feb. 25: BCC Hearing on Intergovernmental Agreement

2010

- March 8, 2010: Planning Commission hearing on plan and map amendments.
- April 21, 2010: BCC hearing on plan and map amendments
- May 27, 2010: BCC reading and adoption of plan and map amendments, and approval of revised IGA.

Through the PAC, Planning Commission and BCC process, the county received and reviewed thousands of pages of public comment and testimony.

Goal 2 – Coordination

–Goal 2 requires, in part, that comprehensive plans be ‘coordinated’ with the plans of affected governmental units. Comprehensive plans are ‘coordinated’ when the needs of all levels of government have been considered and accommodated as much as possible.’ ORS 197.015(5); *Brown v. Coos County*, 31 Or LUBA 142, 145 (1996).

As noted in the findings related to Goal 1, Clackamas County undertook continuous and substantial outreach to state and local governments, including formation of the Technical Advisory Committee. For the most part, commenting state agencies and local governments were supportive of the urban and rural reserve designations in Clackamas County. Where applicable, the specific concerns of other governments are addressed in the findings related to specific urban and rural reserves, below.

Goal 3 - Agricultural Lands

The reserves designations do not change the county’s Plan policies or implementing regulations for agricultural lands. However, the designation of rural reserves constrains what types of planning and zoning amendments can occur in certain areas, and therefore provide greater certainty for farmers and long-term preservation of agricultural lands.

Goal 4 - Forest Lands

The text amendment does not propose to change the county’s Plan policies or implementing regulations for forest lands. However, the text does establish rural reserves, which constrain what types of planning and zoning amendments can occur in certain areas, for the purpose of providing greater certainty for commercial foresters and long-term preservation of forestry lands.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

The text amendment does not propose to change the county’s Plan policies or implementing regulations for natural resource lands. However, the text does establish rural reserves, which constrain what types of planning and zoning amendments can occur in certain areas, for the purpose of providing for long-term preservation of certain of the region’s most important, identified natural features. The county has determined that other natural features may be better protected through an urban reserve designation, and the eventual incorporation of those areas into cities. In certain areas, for example Newell Creek Canyon, the protection of Goal 5 resources is enhanced by the adoption of planning principles in an Intergovernmental Agreement between the County and Metro.

Goal 9 - Economy of the State

The proposed text amendment is consistent with Goal 9 because it, in itself, does not propose to alter the supply of land designated for commercial or industrial use. However, the text does establish urban reserves, which include lands suitable for both employment and housing. In Clackamas County, specific areas were identified as appropriate for a mixed use center including

high intensity, mixed use housing (Borland area of Stafford) and for industrial employment (eastern portion of Clackanomah). These areas will be available to create new employment areas in the future if they are brought into the UGB.

Goal 10 - Housing

The proposed text amendment is consistent with Goal 10 because it, in itself, does not propose to alter the supply of land designated for housing. However, the text does establish urban reserves, which include lands suitable for both employment and housing. One of the urban reserve factors addressed providing sufficient land suitable for a range of housing types. In Clackamas County, there is an area identified as appropriate for a mixed use center including high intensity, mixed use housing (Borland area of Stafford) and many other areas suitable for other types of housing.

Goal 14 - Urbanization

The proposed text amendment is consistent with Goal 14. The program for identifying urban and rural reserves was designed to identify areas consistent with the requirements of OAR Chapter 660, Division 27. The text amendment does not propose to move the urban growth boundary or to change the county's Plan or implementing regulations regarding unincorporated communities. However, the amendment does adopt a map that shapes future urban growth boundary amendments by either Metro or the cities of Canby, Molalla, Estacada or Sandy

VII. REASONS FOR URBAN AND RURAL RESERVES IN MULTNOMAH COUNTY

A. Introduction

Reserves designations proposed for Multnomah County were developed through analysis of the urban and rural reserves factors by the County's Citizen Advisory Committee (CAC), consideration of the analysis in briefings and hearings before the Multnomah County Planning Commission and Board of County Commissioners, discussion in regional forums including the Reserves Steering Committee, Core 4, and public and government input derived through the county Public Involvement Plan for Urban and Rural Reserves and the regional Coordinated Public Involvement Plan. MultCo Rec. 3865-3869.

The Multnomah County Board appointed a CAC to consider technical analysis of the statutory and administrative rule factors, to make recommendations to County decision makers, and to involve Multnomah County citizens and stakeholders in development of the proposed County reserves plan. The make-up of the 15 member committee was structured to include a balance of citizens with both rural and urban values. The rural members were nominated by County recognized neighborhood organizations from the four affected rural plan areas to the extent possible. The CAC developed a suitability assessment and reserves recommendations in sixteen meetings between May, 2008, and August, 2009.

The approach to developing the proposed reserves plan began with analysis of the study area by the CAC. The county study area was divided into areas corresponding to the four affected

county Rural Area Plans, and further segmented using the Oregon Department of Agriculture (ODA) mapping and CAC discussion for a total of nine county subareas. MultCo Rec. 638-644. The phases of the CAC work included 1) setting the study area boundary; 2) identification of candidate urban and rural reserve areas; and 3) suitability recommendations based on how the subareas met the urban factors in OAR 660-027-0050 and the rural factors in -0060. The results of the suitability assessment are included in the report provided to the Planning Commission and Board of County Commissioners in August and September of 2009. MultCo Rec. 2932-3031.

The Multnomah County Planning Commission considered the CAC results and public testimony in a public hearing in August, 2009, and the Board of County Commissioners conducted a public hearing to forward recommendations to Core 4 for regional consideration in September, 2009. Additional Board hearings, public outreach, and regional discussion resulted in the Intergovernmental Agreement (IGA) between Multnomah County and Metro approved February 25, 2010. The IGA is a preliminary reserves decision that is the prerequisite to this proposed plan amendment as provided in the administrative rule. MultCo Rec. 9658-9663.

CAC Analysis, Candidate Areas and Suitability Rankings

The initial phase of analysis by the CAC considered the location of the regional study area boundary in Multnomah County. This, together with an overview of the various studies and the factors was the content of CAC meetings 1 through 3. MultCo Rec. 4525-4530. The first major phase of the analysis, identifying Candidate areas for urban and rural reserve focused on the first rural factor, the potential for urbanization to narrow the amount of land for further study as rural reserve. This occurred in CAC meetings 3 through 9, and resulted in agreement that all of the study area in Multnomah County should continue to be studied for rural reserve. Data sources studied included the Oregon Departments of Agriculture and Forestry (ODA) and (ODF) studies, Landscape Features study, aerial photos, existing land use, and information from committee members, and the public. MultCo Rec. 4530-4542.

The urban candidate areas assessment focused on urban factors (OAR 660-027-0050(1) and (3)) to consider the relative efficiency of providing key urban services. This work relied on the technical memos and maps provided by the regional water, sewer, and transportation work groups comprised of technical staff from each of the participating jurisdictions. This information resulted in rankings on the efficiency of providing services to the study area. The CAC also considered information related to urban suitability including the Great Communities study, a report on industrial lands constraints, infrastructure rating criteria, and physical constraint (floodplain, slope, and distance from UGB) maps in their analysis. In addition, input from Multnomah County “edge” cities and other local governments, and testimony by property owners informed the assessment and recommendations. Rankings were low, medium, or high for suitability based on efficiency. Throughout this process effort was made to provide both urban and rural information at meetings to help balance the work. MultCo Rec. 4525-4542.

The suitability recommendations phase studied information relevant to ranking each of the urban and rural factors for all study areas of the county and took place in CAC meetings 10 through 16. MultCo Rec. 4543-4556. The approach entailed application of all of the urban and rural factors and suitability rankings of high, medium, or low for their suitability as urban or rural reserve

based on those factors. Technical information included data from the prior phases and hazard and buildable lands maps, Metro 2040 design type maps, extent of the use of exception lands for farming, zoning and partitioning. During this period, the CAC continued to receive information from citizen participants at meetings, from local governments, and from CAC members. MultCo Rec. 890; 1055; 1159a; 1375; 1581; 1668; 1728. The group was further informed of information present in the Reserves Steering Committee forum, and of regional public outreach results. MultCo Rec. 4543-4546; 4551-4552. The product of the CAC suitability assessment is a report dated August 26, 2009, that contains rankings and rationale for urban and rural reserve for each area. MultCo Rec. 2932-3031.

B. Multnomah County: Urban Reserves

Urban Reserve 1C: East of Gresham

General Description: This 855-acre area lies east of and adjacent to the Springwater employment area that was added to the UGB in 2002 as a Regionally Significant Industrial Area (RSIA). MultCo Rec. 2983; 2985; 3226-3227. It is bounded by Lusted Rd on the north, SE 302nd Ave. and Bluff Rd. on the east, and properties on the north side of Johnson Creek along the south edge. The entire area is identified as Foundation Agricultural Land.

However, the urban reserve area contains three public schools within the Gresham Barlow School District that were built prior to adoption of the statewide planning goals. It also includes the unincorporated rural community of Orient. The area is the most suitable area proximate to Troutdale and Gresham to accommodate additional growth of the Springwater employment area and is the only area adjacent to the UGB on the northeast side of the region with characteristics that make it attractive for industrial use.

How Urban Reserve 1C Fares Under the Factors: The urban factors suitability analysis produced by the CAC and staff ranked this area as medium on most factors. The analysis notes that there are few topographic constraints for urban uses, including employment, that the existing rural road grid integrates with Gresham, and that it is near employment land within Springwater that has planned access to US Highway 26. Concern about minimizing adverse effects to farming was noted, although this factor was ranked medium also.

The rural reserve suitability assessment generally considers the larger Foundation Agricultural Land area between Gresham/Troutdale and the Sandy River Canyon as a whole. The analysis notes the existence of scattered groups of small parcels zoned as exception land in the southwest part of the area, including the Orient rural community. The lack of effective topographic buffering along the Gresham UGB, and the groups of small parcels in the rural community contributed to a “medium” ranking on the land use pattern/buffering factor (2)(d)(B). The CAC found the area as highly suitable for rural reserve, and indicated that the north half of the area was most suitable for urban reserve if needed.

Why This Area was Designated Urban Reserve: This area was ranked as the most suitable for urbanization in Multnomah County in the suitability assessment. Gresham indicated its ability and desire to provide services to this area primarily for employment. The area is also suitable for

continued agricultural use. However, as noted above, the presence of the Orient community, areas of small parcels, and lack of topography that buffers the area from adjacent urban development make this the most appropriate area for urbanization.

Additional support for urban/industrial designation in this general area was received from several sources including Metro in the Chief Operating Officer's report, the State of Oregon agency letter, and Port of Portland. MultCo Rec. 4662-4663; 4275; 2819-2820. Concern for protection of Johnson Creek was expressed by environmental stakeholders, and is addressed by holding the southern urban reserve edge to the north of the creek. MultCo Rec. 752. The position of the area on the east edge of the region adds balance to the regional distribution of urban reserve, and employment land in particular. All of the rural land in this area is Foundation Agricultural Land, however, the proposed urban reserve is the best choice to address employment land needs in this part of the region.

C. Multnomah County: Rural Reserves

Rural Reserve 1B: West of Sandy River (Clackanomah in Multnomah County)

General Description: This map area includes the northeast portion of the regional study area. MultCo Rec. 216. Subareas studied by the CAC in the suitability assessment include Government, McGuire and Lemon Islands (Area 1), East of Sandy River (Area 2), Sandy River Canyon (Area 3), and West of Sandy River (Area 4). MultCo Rec. 2961-2986. The Troutdale/Gresham UGB forms the west edge, the Columbia River Gorge National Scenic Area is the north boundary, and the Study Area edge and county line are the east and south boundaries. With the exception of the Government Islands group, all of this area is either Foundation or Important Agricultural Land. In addition, all except the southeast quadrant is within 3 miles of the UGB. MultCo Rec. 4407.

How Rural Reserve 1B Fares Under the Factors: The Foundation and Important Agricultural Land areas between the Gresham/Troutdale UGB and the east edge of the Sandy River canyon qualify as rural reserve because they are within 3 miles of the UGB. The Sandy River Canyon is a high value landscape feature and is made up of either Foundation or Important Agricultural Land. The canyon and associated uplands are not suitable for urbanization due to steep slopes associated with the river and its tributaries. The canyon forms a landscape-scale edge between urban areas on the west and rural lands to the east and ranked high in the suitability analysis on additional key rural factors of: sense of place, wildlife habitat, and access to recreation. The Government Islands area is not classified as either Foundation, Important, or Conflicted Agricultural Land, but is classified as "mixed forest" in the Oregon Department of Forestry study. The area ranked low under the farm/forest factors, and high on the landscape features factors related to natural hazards, important habitat, and sense of place.

Why This Area was Designated Rural Reserve: Rural reserve is proposed from the eastside of the UGB eastward to the eastern edge of the Sandy River Canyon except for the urban reserve area 1C (see Section III above). The east rural reserve edge corresponds approximately to the county Wild and Scenic River overlay zone, and maintains continuity of the canyon feature by continuing the reserve designation further than 3 miles from the UGB to the county line. An

area adjacent to the city of Troutdale in the northwest corner of the area is proposed to remain undesignated in order to provide potential expansion for future land needs identified by the city. The Government Islands group remains rural land since it already has long term protection from urbanization in the form of a long-term lease between the Port of Portland and Oregon Parks and Recreation, and the Jewell Lake mitigation site. MultCo Rec. 2961-2965; 2973-2985.

Rural Reserves 9A through 9F: West Multnomah County

This map area includes the north portion of the regional study area. Subareas studied by the CAC in the suitability assessment include NW Hills North (Area 5), West Hills South (Area 6), Powerline/Germantown Road-South (Area 7), Sauvie Island (Area 8), and Multnomah Channel (Area 9). MultCo Rec. 2986-3027.

Areas 9A – 9C Powerlines/Germantown Road-South

General Description: This area lies south of Germantown Road and the power line corridor where it rises from the toe of the west slope of the Tualatin Mountains up to the ridge at Skyline Blvd. MultCo Rec. 3004-3015. The north edge of the area is the start of the Conflicted Agricultural Land section that extends south along the Multnomah/Washington county line to the area around Thompson Road and the Forest Heights subdivision in the city of Portland. The area is adjacent to unincorporated urban land in Washington County on the west, and abuts the City of Portland on the east. Most of the area is mapped as Important Landscape Features that begin adjacent to Forest Park and continue west down the slope to the County line. MultCo Rec. 1767. The area is a mix of headwaters streams, upland forest and open field wildlife habitat.

How Rural Reserve 9A - 9C Fares Under the Factors: The CAC ranked the area “medium-high suitability” for rural reserve after considering important landscape features mapping, Metro’s designation as a target area for public acquisition through the parks and greenspaces bond program, the extensive County Goal 5 protected areas, Metro Title 13 habitat areas, proximity to Forest Park, and local observations of wildlife use of the area. MultCo Rec. 369-391; 357; 392; 392a. The CAC further ranked factors for sense of place, ability to buffer urban/rural interface, and access to recreation as high. While there was conflicting evidence regarding capability of the area for long-term forestry and agriculture, the CAC ranked the area as medium under this factor. MultCo Rec. 3004-3014. The county agrees that the west edge of area 9B defines a boundary between urbanizing Washington County and the landscape features to the east in Multnomah County. Elements that contribute to this edge or buffer include the power line right-of-way, Multnomah County wildlife habitat protection, planned Metro West Side Trail and Bond Measure Acquisition Areas, and the urban-rural policy choices represented by the county line. MultCo Rec. 751; 1125; 3901-3907.

The CAC ranked the area “low suitability” for urban reserve generally, with the exception of areas 9A and 9B. Areas 9A and 9B resulted in a split of the CAC between “low” and “medium” rankings. Most of the area 9A – 9C contains topography that limits efficient provision of urban services, and, should urban development occur, would result in unacceptable impacts to important landscape features. Limiting topographic features include slopes that range from 10% in the majority of area 9B to above 25% in portions of 9C, and stream corridors and ravines interspersed throughout the area. MultCo Rec. 652. Due to these features, the area was ranked

low for an RTP level transportation “grid” system, for a walkable, transit oriented community, and for employment land. The CAC also recognized that should urban development occur, it would be difficult to avoid impacts to area streams and the visual quality of this part of Landscape Feature #22 Rock Creek Headwaters.

Why This Area was Designated Rural Reserve: Among the urban factors in the Reserves rules are efficient use of infrastructure and efficient and cost-effective provision of services. These are also among the most important factors in the Great Communities study. MultCo Rec. 123-124. Multnomah County does not provide urban services and has not since adoption of Resolution A in 1983. MultCo Rec. 853-856. The County no longer has urban plan or zone designations; it contracts with the cities in the county for these services. This means urban services to Areas 9A - 9C would have to come from a city in a position to plan and serve new urban communities. As was the case when Metro considered addition of lands in Multnomah County on the west slope of Tualatin to the UGB in 2002, there is not a city in a position to provide urban services to Areas 9A to C. Beaverton is over two miles to the south. Metro assigned urban planning to Beaverton when Metro added the North Bethany area to the UGB in 2002. Given the obstacles to annexation of the unincorporated territory over that two miles, Washington County took on responsibility for the planning instead of Beaverton. Unlike Multnomah County, Washington County continues to provide planning services and maintains urban plan and zoning designations for unincorporated urban areas.

The only other city that could provide services is Portland. Portland has said, however, it will not provide services to the area for the same reasons it would not provide services to nearby “Area 94” when it was considered for UGB expansion in 2002. (Metro added Area 94 to the UGB. The Oregon Court of Appeals remanded to LCDC and Metro because Metro had failed to explain why it included Area 94 despite its findings that the area was relatively unsuitable for urbanization. Metro subsequently removed the area from the UGB.) Portland points to the long-standing, unresolved issues of urban governance and urban planning services, noting the difficulties encountered in nearby Area 93. The City emphasizes lack of urban transportation services and the high cost of improvements to rural facilities and later maintenance of the facilities. The City further points to capital and maintenance cost for rural roads in Multnomah County that would have to carry trips coming from development on both sides of the county line and potential impacts to Forest Park. MultCo Rec. 3201-3204; 3897-3907; 3895.

For these reasons, areas 9A – 9C rate poorly against the urban reserve factors.

The proposed rural reserve designation for all of area 9A – 9C recognizes and preserves the landscape features values that are of great value to the county. MultCo Oversize Exhibit. The small scale agriculture and woodlots should be able to continue and provide local amenities for the area. Rural reserve for this area is supported not only by the weight of responses from the public, but by the Planning Commission and the regional deliberative body MPAC as well. MultCo Rec. 4002-4005; 1917a-j; Oversize Exhibit.

Rural Reserves 9D and 9F: West Hills North and South, Multnomah Channel

General Description: This area extends from the Powerlines/Germantown Rd. area northward to the county line, with Sauvie Island and the west county line as the east/west boundaries. All of the area is proposed as rural reserve. Agricultural designations are Important Agricultural Land in 9D, and Foundation Agricultural Land in area 9F. All of area 9D is within three miles of the UGB, and the three mile line from Scappoose extends south to approximately Rocky Point Road in area 9F.

How Rural Reserve 9D and 9F Fare Under the Factors: All of the Multnomah Channel area is an important landscape feature, and the interior area from approximately Rocky Point Rd. south to Skyline Blvd. is a large contiguous block on the landscape features map. MultCo Rec. 1767. This interior area is steeply sloped and heavily forested, and is known for high value wildlife habitat and as a wildlife corridor between the coast range and Forest Park. It is also recognized as having high scenic value as viewed from both east Portland and Sauvie Island, and from the US Highway 26 corridor on the west. Landscape features mapping south of Skyline includes both Rock Creek and Abbey Creek headwaters areas that abut the city of Portland on the east and follow the county line on the west.

The potential for urbanization north of the Cornelius Pass Rd. and Skyline intersection in area 9D, and all of 9F, was ranked by the CAC as low. Limitations to development in the Tualatin Mountains include steep slope hazards, difficulty to provide urban transportation systems, and other key services of sewer and water. Areas along Multnomah Channel were generally ranked low due to physical constraints including the low lying land that is unprotected from flooding. Additional limitations are due to the narrow configuration of the land between US Highway 30 and the river coupled with extensive public ownership, and low efficiency for providing key urban services. MultCo Rec. 3022-3027. Subsequent information suggested some potential for urban development given the close proximity of US Highway 30 to the area.

Why This Area was Designated Rural Reserve: This area is proposed for rural reserve even though urbanization potential is low. Of greater importance is the high sense of place value of the area. The significant public response in favor of rural reserve affirms the CAC rankings on this factor. In addition, the high value wildlife habitat connections to Forest Park and along Multnomah Channel, the position of this part of the Tualatin Mountains as forming edges to the urban areas of both Scappoose and the Portland Metro region, further support the rural reserve designation.

Rural Reserve 9E: Sauvie Island

General Description: Sauvie Island is a large, low lying agricultural area at the confluence of the Willamette and Columbia Rivers. The interior of the island is protected by a perimeter dike that also serves as access to the extensive agricultural and recreational areas on the island. It is located adjacent to the City of Portland with access via Highway 30 along a narrow strip of land defined by the toe of the Tualatin Mountains and Multnomah Channel. This area was assessed as Area 8 by the County CAC. MultCo Rec. 3016-3020. The island is entirely Foundation Agricultural Land, and is mapped as an important landscape feature. Large areas at the north and south extents of the island are within 3 miles of the Scappoose and Portland UGBs.

How Rural Reserve 9E Fares Under the Factors: The island ranked high on the majority of the agricultural factors, indicating suitability for long-term agriculture. It ranked high on landscape features factors for sense of place, important wildlife habitat, and access to recreation. The low lying land presents difficulties for efficient urbanization including the need for improved infrastructure to protect it from flooding, and additional costly river crossings that would be needed for urban development. The CAC ranked the island low on all urban factors indicating low suitability for urbanization.

Why This Area was Designated Rural Reserve: The island is a key landscape feature in the region, ranking high for sense of place, wildlife habitat, and recreation access. The island defines the northern extent of the Portland-Metropolitan region at a broad landscape scale. These characteristics justify a rural reserve designation of the entire Multnomah County portion of the island even though potential for urbanization is low.

D. Multnomah County: Statewide Planning Goals

MCC Chapter 11.05.180 Standards for Plan and Revisions requires legislative plan amendments comply with the applicable Statewide Planning goals pursuant to ORS 197.175(2)(a). These findings show that the reserves plan amendments are consistent with the goals, and they therefore comply with them.

Goal 1- Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The process of studying, identifying, and designating reserves began in January of 2008, with formation of the regional Reserves Steering Committee, adoption of a Coordinated Public Involvement Plan to coordinate the work flow, and formation of county committees to assess reserve areas and engage the public. MultCo Rec. 4557-4562.

Multnomah County incorporated the Coordinated Public Involvement Plan into the plan followed for the county process, and this plan was reviewed by the Multnomah County Office of Citizen Involvement Board. MultCo Rec. 172-177. In addition to providing opportunity for public involvement listed below, the county plan incorporated a number of tools including internet pages with current and prior meeting agendas and content, web surveys, mailed notices to property owners, email meeting notifications, news releases and meeting and hearing notices, neighborhood association meetings, and an internet comment link.

Key phases of the project in Multnomah County included:

- The Multnomah County Reserves Citizen Advisory Committee (CAC) developed their suitability assessments and recommendations in 16 public meetings between May 2008 and July 30, 2009. MultCo Rec. 4525-4542. The Planning Commission conducted a hearing on Aug 10, 2009, to consider the CAC suitability recommendations and recommendations for reserve designations in the county. MultCo Rec. 1820-1919. Consensus of the Planning Commission endorsed the CAC recommendations.

- The Board adopted Resolution No. 09-112 at their September 10, 2009 public hearing, forwarding to Core 4 and the Reserves Steering Committee, urban and rural reserves suitability recommendations developed by the Multnomah County (CAC). MultCo Rec. 2689-2690. The Board focused on suitability of areas for reserves rather than on designations of urban and rural reserves pending information about how much growth can occur within the existing UGB and how much new land will be sufficient to accommodate long term growth needs.
- The Board adopted Resolution No. 09-153 at their December 10, 2009, public hearing, forwarding to Core 4, recommendations for urban or rural reserve for use in the regional public outreach events in January, 2010. MultCo Rec. 2894-3031. These recommendations were developed considering public testimony and information from the Regional Steering Committee stakeholder comment, discussion with Multnomah County cities, and information and perspectives shared in Core 4 meetings. MultCo Rec. 3032-3249; 2894-2898; 3934-3954.
- The Board approved the IGA with Metro at a public hearing on February 25, 2010. MultCo Rec. 3865-3874. Additional public and agency input was considered in deliberations including results of the January public outreach, results of deliberations by the regional Metropolitan Planning Advisory Committee, and interested cities.

Public outreach included three region wide open house events and on-line surveys. The first was conducted in July of 2008 to gather input on the Reserves Study Area Map. MultCo Rec. 213-215. The second occurred in April of 2009, for public input on Urban and Rural Reserve Candidate Areas - lands that will continue to be studied for urban and rural reserves. MultCo Rec. 903-908. The third regional outreach effort to gather input on the regional reserves map prior to refinement of the final map for Intergovernmental Agreements occurred in January of 2010. MultCo Rec. 3956-4009..

The Multnomah County Board of Commissioners heard briefings on the reserves project on 2/14/08, 4/16/09, and 8/20/09, and conducted public hearings indicated above. The Planning Commission conducted a public hearing on 8/10/09 and received regular briefings during the reserves project. MultCo Rec. 1918-1919.

Public testimony has been an important element in the process and has been submitted to Multnomah County in addition to public hearings in several ways including open house events that took place in July of 2008, April of 2009, and January of 2010, and in testimony provided at CAC meetings. MultCo Rec. 161; 205; 238; 267; 338; 403; 464; 599; 715; 890; 1055; 1159a; 1375; 1581; 1668; 1728.

Goal 2- Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The County's Plan policies and map amendments put in place the framework needed to carry out the objectives of the reserves plan by identifying areas where rural resources will be protected

from urbanization. The County rural plan has been coordinated with Metro's urban plan to identify where urbanization should occur during the 50 year plan. The County's policies and map ensure that rural reserve areas will remain rural and not be included within urban areas. The amendments further contain policies and strategies to support the on-going planning processes to facilitate availability of urban reserve areas for urban use as appropriate.

Coordination with Multnomah County Cities

Understanding the land needs and service potential of cities is of critical importance because the County would look to a city to provide urban governance and services should areas designated urban reserve come into the UGB in the future. Input from cities with an interest in reserves within Multnomah County during CAC development of the suitability assessments and these reserve designations is briefly summarized below.

- Beaverton – The City has indicated that it may be able to provide urban governance for areas on the west edge of the county, however whether that city would eventually provide these services is uncertain, and timing for resolution of all outstanding issues that would set the stage for extending Beaverton governance to this area is likely many years away.
- Gresham – The City indicated in their 2/25/09 letter that areas east of the city should continue to be studied for urban reserve, recognizing that the recommendation is made without a complete picture of urban land needs. MultCo Rec. 528-529. There should be some rural reserve east of the city, the region should minimize UGB expansions, and the City wants to focus on areas within the current UGB. The City provided a follow up letter dated 10/24/09 requesting urban reserve between SE 302nd and the Gresham UGB. MultCo Rec. 3226-3227. That area is shown as urban reserve on the proposed reserves plan map.
- Portland – City coordination efforts have occurred regarding potential reserve designations, particularly along the west edge of Multnomah County. Focus has been on the efficiency of providing urban services, and how governance services could be provided by the City. The City has indicated that the county line is an appropriate urban/rural edge, has identified service difficulties, the importance of landscape features in the area, and stated their interest in focusing limited resources on existing centers, and corridors and employment areas rather than along the west edge of the County. Therefore, Portland recommended rural reserve for this area.
- Troutdale – Troutdale requested approximately 775 acres of land for expansion, including the area north of Division and east out to 302nd Ave., indicating a need for housing land and ability to provide services to the area. MultCo Rec. 2082-2086. The proposed plan map leaves an approximately 187 acre area adjacent to the city without reserves designation. Proposed Policy 5 provides for a review of the reserves plan that can consider this and other areas in the region 20 years after the plan is adopted.

Additional agency coordination efforts related to Multnomah County reserves that occurred in addition to the regional process included Port of Portland, City of Scappoose, Sauvie Island

Drainage District, and East and West Multnomah Soil and Water Conservation Districts. MultCo Rec. 524-525; 1132-1133; 667-668; 342-343.

Goal 3- Agricultural Lands

Agricultural lands in the county are protected for farm use by existing zoning and plan policies, and these are unchanged by the proposed amendments. The proposed policies and map add a new element, rural reserve, that ensures protection from urbanization of farmland important to the long-term viability of agriculture in the County. This protection is consistent with the goal of maintaining agricultural lands for farm use.

Goal 4- Forest Lands

Forest lands in the county are protected for forest use by existing zoning and plan policies that are unchanged by the proposed amendments. The proposed policies and map add long-term protection from urbanization of Goal 4 resources consistent with this goal by designating these areas as rural reserve.

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

The Goal 5 resources in the county are protected by existing zoning and plan policies that are unchanged by the proposed amendments. The reserves factors require consideration of the importance of resources of the type that are protected by Goal 5 plans though the Landscape Features factors. The factors also require consideration of how these resource areas could be protected when included within urban reserve and subsequently urbanized. Goal 5 protection will apply to land included within the UGB in the future. The reserves suitability assessment considered natural and scenic resources as it was developed, and existing county protections are maintained consistent with Goal 5. MultCo Rec. 860a-f.

Goal 6- Air, Water and Land Resources Quality

The proposed plan policies and map have no bearing on existing waste management plans and are therefore consistent with this goal.

Goal 7- Areas Subject to Natural Hazards

Existing zoning contains safeguards intended to protect rural development from identified hazards. The factors required consideration of areas of potential hazard including flood, landslide, and fire in forming reserves designations. MultCo Rec. 3007. Consideration of hazard areas in the reserves plan and continuation of existing protections is consistent with this goal.

Goal 8 – Recreational Needs

The factors that applied to consideration of rural reserve to protect landscape features from urbanization include access to recreation areas including trails and parks. MultCo Rec. 3008-3009. Urban factors consider how parks can be provided in urban reserve areas. Existing plan and zoning provisions for parks are unchanged by the proposed reserves plan. The proposed reserves designations are consistent with Goal 8.

Goal 9 – Economic Development

The proposed urban reserve east of Gresham includes land that has potential to support additional economic development. MultCo Rec. 2983. This puts in place the potential for greater diversity of economic development in this area while minimizing loss of economically important farm land consistent with this goal.

Goal 10 – Housing

The proposed reserves plan increases potential for additional housing opportunity by designating additional land as urban reserve consistent with this goal. MultCo Rec. 2982-2985.

Goal 11 – Public Facilities and Services

The reserves factors analysis used in consideration of urban reserve included assessment of how efficiently the key public facilities could be provided to potential reserve areas. MultCo Rec. 2982-2985. Further, the 50 year urban reserve plan allows service planning to occur over a longer time frame. These elements support timely orderly and efficient provision of services consistent with this goal.

Goal 12 – Transportation

The proposed reserves plan policies and map do not cause any change to the county rural transportation system. Transportation planning to support urban uses within the proposed urban reserve east of Gresham will occur at the concept planning stage prior to including areas within the UGB. The relative efficiency of providing adequate transportation services in potential reserve areas was considered in the factors analysis. The proposed plan policies and map are consistent with Goal 12.

Goal 13 – Energy Conservation

The evaluation of the suitability of land for urban reserve took into account the potential for efficient transportation and other infrastructure, and sites that can support walkable, well-connected communities. These are energy conserving approaches to urban development, and the proposed urban reserve ranks moderately well on these factors and is consistent with this goal. MultCo Rec. 2982-2985.

Goal 14 – Urbanization

The reserves plan and policies implement an approach to the transition from rural to urban land that increases understanding of the future location of new urban areas and the time to plan for the transition. Urban reserves are expected to thereby improve this process consistent with this goal.

Goal 15 – Willamette River Greenway

Land planned under this goal in Multnomah County is located along Multnomah Channel and is zoned with the county Willamette River Greenway overlay zone. The reserves plan does not change that zoning. The proposed rural reserve along the channel protects the Greenway from urban development during the 50 year plan period, and this protection is consistent with the goal.

VIII. REASONS FOR URBAN AND RURAL RESERVES IN WASHINGTON COUNTY

A. Introduction

Washington County A-Engrossed Ordinance No. 733 designates rural reserves and adopts urban reserves designated by Metro within unincorporated areas of rural Washington County (areas outside of the Metro urban growth boundary). Lands designated as rural reserves are provided long-term protection from urbanization, while urban reserves are lands identified as the first priority to be added to the region's urban growth boundary (UGB) if and when it is determined by Metro that additional capacity to accommodate population or employment growth is needed.

A-Engrossed Ordinance 733 adds new policies to the Washington County Comprehensive Plan designed to carry out the purpose of state law in ORS 195.137 – 195.145 and OAR 660-027. These policies include a new Policy 29 of the Rural/Natural Resource Plan element, establishing standards applicable to lands now designated by Washington County as rural reserves. The ordinance also creates two new maps. One identifies the rural reserves designated by the county, as well as the urban reserves adopted by Metro; the second map identifies the location of "Special Concept Plan Areas" in the county.

The ordinance also makes minor modifications to Rural/Natural Resource Plan Policy 3, Intergovernmental Coordination; Policy 23, Transportation; and Policy 27, Urbanization, to require coordination of urban and rural reserves in planning processes. The ordinance also amends Comprehensive Framework Plan for the Urban Area Policy 3, Intergovernmental Coordination; Policy 32, Transportation; and Policy 40, Regional Planning Implementation to make similar minor conforming changes.

The amendments made as a result of the reserves planning process are shown in Exhibits 1 through 9 of A-Engrossed Ordinance No. 733 and are made part of the Washington County Comprehensive Plan through the adoption of this ordinance

Process Summary

In developing recommendations for urban and rural reserves in the Portland metro region, each of the four local governments directly collaborated and coordinated the primary tasks of the project (such as development of background information, primary technical analysis and regional scale public involvement. Beyond those core efforts however, each of the three counties (and Metro) utilized a different process to develop locally supported recommendations. The following outline summarizes the urban and rural reserves planning process in Washington County.

- 1) Project Management & Oversight:
 - i) Regional Partners:

In order to carry out the technical and policy work required to implement urban & rural reserves in the 3-county Metro region (the project), Metro and Clackamas, Multnomah and Washington Counties formed a partnership alliance. This partnership (the Regional Partners) agreed to jointly staff and fund the project.

ii) Core 4:

The Core 4 was comprised of one key elected official from each of the four implementing jurisdictions. This group provided policy level project oversight and management and was charged with assuring that the regional reserves designations represented a reasonable balance of the guiding factors of OAR 660-027. WashCo Rec. 5.

iii) Regional Project Management Team (PMT):

The PMT was comprised of primary staff (planning directors / managers) from each of the four jurisdictions. This team of planning experts directed and reviewed the technical analysis work and served as advisors to the Core 4. This Team was involved from the initial inception of the project in the implementation of the legislation creating the new concepts for urban and rural reserves in the Portland Metro region (Senate Bill 1011). WashCo Rec. 14.

2) Project Coordination

i) Project Consultants, Kerns & West (K&W):

In order to manage the policy level recommendations necessary to carry out this project, the Regional Partners solicited quotes and selected from respondents, the firm of Kerns & West to provide facilitation / mediation for the meetings and activities of the Core 4 and Regional Steering Committee. K&W provided these services throughout the process of developing final urban and rural reserves recommendations to Metro and the 3 counties.

ii) Project Coordination was also provided by the Core 4, PMT, Core 4 Technical Team and the Public Involvement Team.

3) Advisory Committees

i) Regional Project Steering Committee (RSC):

The RSC was made up of a variety of management level professionals representing a diverse array of interests. This Committee, co-led by the Core 4, was charged with overseeing the study of urban and rural reserves and to make recommendations relating to the final designation of reserve areas to the three counties and Metro.

ii) Washington County Reserves Coordinating Committee (WCRCC):

The WCRCC was formed to review the results of the project technical analyses and to develop policy and recommendations on urban and rural reserves in Washington

County. Recommendations developed by the WCRCC were forwarded to the Regional Steering Committee and Core 4.

iii) Core 4 Technical Committee:

The Core 4 Technical Committee was comprised of planning staff from Metro and each of the three counties. These staff members carried out the technical analyses necessary to determine the relative qualifications of lands within the regional study area as urban reserves, rural reserves or neither. This committee was directly guided by the PMT and results of their work were submitted to local county advisory committees and, as appropriate, to the Regional Steering Committee.

4) Washington County Planning Directors

- i) The Washington County Planning Directors served as the technical advisory committee to the WCRCC and served to coordinate with their respective city councils and planning commissions in developing reserves recommendations. This committee met regularly throughout the reserves planning process to assure that the technical analysis process appropriately addressed local issues, concerns and needs, all jurisdictions in Washington County remained fully informed, and that all stakeholders and interested members of the general public were provided adequate opportunities for involvement in the reserves planning process.

5) Public Involvement

- i) Reserves Public Involvement Team
- ii) Public Involvement Plans WashCo. Rec.4013-4396
- a. Regional WashCo. Rec.4013-4024
 - b. Washington County WashCo. Rec.4026-4031

iii) Public Involvement Activities

6) Iterative Process:

The Five phases of the Urban and Rural Reserves project were:

- i) Phase 1: Establish committees and public involvement process;

The objectives of Phase 1 were to:

- Establish the Reserves Steering Committee (RSC) WashCo. Rec.4053-4054
- Establish County Coordinating Committees (WCRCC) WashCo. Rec. 1401; 1388-1400
- Create a Coordinated Public Involvement Process WashCo. Rec.4013-4052
- Develop the Analytical Approach to identifying urban & rural reserves

- ii) Phase 2: Develop Reserve Study Areas;

The objectives of Phase 2 were to:

- Identify broad Reserve Study Areas WashCo. Rec. 2996; 3868-3872
- During the summer and early fall of 2008, the Regional Partners approved a Regional Reserves Study Area within which urban and rural reserves were to be identified.
- Review initial 40-50 year Population and Employment Forecasts WashCo. Rec. 3800; Metro 2005-2060 Population and Employment Forecast – May 19, 2008
- Review data needs and begin to assemble data

iii) Phase 3: Analyze Reserve Study Areas;

The objectives of Phase 3 were to:

- Analyze how Reserve Study Areas meet applicable urban and rural Reserve Factors of OAR 660-027 WashCo. Rec. 2930-3819
- Refine the 40-50 year Population and Employment Forecasts and Allocations Metro 2005-2060 Population and Employment Range Forecast – April 2009 draft
- Develop preliminary urban and rural Reserve recommendations WashCo. Rec. 2930-3819.

iv) Phase 4: Recommend Reserve Designations;

The objectives of Phase 4 were to:

- Finalize Reserve Areas WashCo. Rec. 1379-1385
- Draft and adopt Intergovernmental Agreements (IGAs) WashCo. Rec. 1379-1385; 1379; 9296.

v) Phase 5: Adoption of Urban and Rural Reserves. The objectives of Phase 5 were to:

- Draft and adopt ordinances incorporating conforming amendments to local Plans and Codes. WashCo Rec. 8060-8063; 9039-9043.
- Draft and adopt joint decision findings
- Submit implementing Plan and Code amendments to LCDC for review and acknowledgement

7. The Washington County Planning Directors and respective city staff reviewed the factors of OAR 660-027 along with the concepts of building “Great Communities” (WashCo. Rec. 2930-3819) in order to develop "pre-qualifying concept plans" for areas being recommended as urban reserves.
8. The Washington County Urban & Rural Reserves Coordinating Committee reviewed the technical analyses and recommendations prepared by the Planning Directors, held regular public meetings, provided policy direction throughout each phase of the project, and

forwarded final recommendations from Washington County to the Regional Reserves Steering Committee and Core 4.

Stakeholder Requests and Responses

1) Reserves Planning Process

The public process section of this report discusses the county's extensive public outreach during the reserve planning process. However, two groups were consistent in voicing concern during the county's analysis, subsequent recommendations to the Core 4, and the Core 4 deliberation period. These two groups were the *Washington County Farm Bureau*, which was a voting member of the Washington County Reserves Coordinating Committee (WCRCC), and *Save Helvetia*, a group consisting primarily of residents interested in protecting rural lands generally located north of Sunset Highway and east of the city of North Plains.

Washington County Farm Bureau: Throughout the technical analysis and review process leading to preliminary recommendations on urban and rural reserves, the consistent message from the Washington County Farm Bureau was that lands within the existing UGB should be used more efficiently and, with the exception of lands classified as "Conflicted" on the map developed by the Oregon Department of Agriculture, all lands in the study area within approximately one mile of a UGB should be designated as rural reserve. Farm Bureau members submitted a map and cover letter depicting their recommendations. WashCo. Rec. 2098-2099; 3026; 3814-3816. The needs determination by county and city staff determined that the one-mile recommendation noted above would not address the county's urban growth needs over the 50-year reserves timeframe. The WCRCC on September 8, 2009 voted 11 to 2 in support of urban reserve areas of approximately 34,200 acres and rural reserve areas of approximately 109,750 acres in Washington County. In consideration of the concerns raised by the Farm Bureau as well as like-minded stakeholders, interest groups and community members, the Core 4 recommended a reduction of approximately 40 percent (34,200 acres to 13,561 acres) to the WCRCC's urban reserve recommendation. These adjustments represented the Core 4's judgment in balancing the need for future urban lands with the values placed on "Foundation" agricultural lands and lands that contain valuable natural landscape features to be preserved from urban encroachment. Rural reserve acreage increased during Core 4 deliberations, from the WCRCC recommendation above to 151,666 acres. The intergovernmental agreement (IGA) signed with Metro and approved by the Washington County Board of Commissioners on February 23, 2010 acknowledged these totals for urban and rural reserves. Amendments to the agreements are allowed pursuant to section C.4 of the agreement. Changes to some reserve boundaries were requested during the county ordinance process beginning in April 2010 and are discussed below.

Save Helvetia: This citizen group was established during the early stages of the urban and rural reserves planning process. The group's initial and preeminent concern was that all rural land within the reserves study area located north of Sunset Highway be designated as rural reserve. WashCo. Rec. 2229-2239; 3618. The group's mission statement includes the desire "*To encourage cities to accommodate population growth by maximizing infill and efficiently using land already inside city borders.*" The group also supported the Farm Bureau's position of recommending a rural reserve designation for all foundation farmland within one-mile of the

UGB and called out the importance of preserving agricultural land for different farm sizes and uses.

Core 4 deliberations dramatically changed the reserve proposals recommended by the WCRCC for areas north of Highway 26. The original recommended urban reserve that extended north of Highway 26 to Phillips Road and east to the county border with Multnomah County was changed to a rural reserve designation with the exception of two small urban reserve areas (Urban Reserve Areas 8B and 8C) adjacent to the existing UGB and an undesignated area between Highway 26 and West Union Road. Other urban areas in the county were also reduced in size in order to minimize development impacts to valuable agricultural and natural resources. The Farm Bureau and Save Helvetia representatives in particular were present at open houses and presented public testimony at hearings. The Audubon Society of Portland, 1,000 Friends of Oregon, Coalition for a Livable Future and interested citizens also voiced concern at different points of the reserves process regarding future urban development north of Highway 26.

2) Ordinance No. 733 Hearings Process

Several reserves amendment requests came before the Washington County Planning Commission on April 21, 2010 and were forwarded to the Board for its consideration. The Board held its first public hearing on Ordinance No. 733 on April 27, 2010 and took additional testimony from individuals requesting amendments to the urban and rural reserves map. The Board requested staff to prepare issue papers for the specific requests and continued the hearing to May 11, 2010. On May 11, 2010, the Board directed staff to follow the map amendment process outlined in Section C.4. of the Metro-Washington County IGA for two of the requests (discussed in Section 3, below).

The two requests consisted of a proposal by staff to make "technical" changes that would place certain right-of-way areas into a single reserve designation (rather than designations split at the road's centerline), to correct for "parcel shifts" that occur when digital map layers are updated, to correct mapping errors, and to address the split reserves designation of a property in the vicinity of Roy Rogers Road. WashCo Rec. 8559-8582.

The second request was to add the 130-acre Peterkort property west of the North Bethany area to Urban Reserve Area 8C and remove it from Rural Reserve Area 8F. An issue paper regarding the Peterkort property was developed for the Board's review (reference record - issue paper 3). Further information about the Peterkort property is provided below. WashCo Rec. 8586-8590.

O'Callaghan: Located along the Rock Creek drainage southwest of the above referenced Peterkort site and along the northern edge of the western segment of Urban Reserve Area 8C (Bethany West) are two parcels owned by the O'Callaghan family. These parcels total approximately 58 acres and are bordered on the east by the existing urban growth boundary and N.W. 185th Avenue. During the hearings process for Ordinance No. 733, a description and analysis of the request for an urban reserve designation for the property was included in Issue Paper 3 of the May 11 staff report to the Board. WashCo Rec. 8586-8590. The Board reviewed the issue paper and elected not to include this amendment request in the engrossed ordinance.

City of Cornelius: The city of Cornelius requested a number of adjustments to the urban reserve areas of interest to the city. These adjustments were generally referenced as "technical" changes

intended to simplify future urbanization of those lands. There were two elements of the city's request:

- 1) Add as urban reserves approximately 48 acres of land lying within the 100-year floodplain; (14.3 acres from undesignated lands and 34 acres from rural reserves);
- 2) In order to support the future expansion of city parks and open space, change approximately 87 acres of rural reserve lands to undesignated and change approximately 126 acres of undesignated land to rural reserves.

The city's reasons listed for the requested changes were as follows:

- a) Using floodplain lines as a UGB requires difficult surveying and property line adjustment prior to annexation when floodplain does not match tax lot lines.
- b) Floodplain boundaries change over time, depending on stream flow, climate change and upstream activity; some floodplain designations are dated and inaccurate.
- c) The city does not allow development in the floodplain, except for certain bridges and pathways for pedestrians.

These requests were first presented to the Planning Commission on April 21, 2010 and to the Board on April 27, 2010 by city staff.

The Washington County Reserves Coordinating Committee recommendation of September 15, 2009 identified the subject properties as part of larger urban reserve areas on the north and south edge of Cornelius. Core 4 deliberations from October 2009 through February 2010 resulted in a change in designation from proposed urban reserve to proposed rural reserve for each of the above areas with the exception of the 126 acre undesignated area. The Core 4 actions did not alter the area's undesignated status.

At the May 25, 2010, public hearing on Ordinance No. 733, the Board of Commissioners decided to retain the Core 4 recommendations on these properties. WashCo. Rec. 8839-8841.

Bobosky / Bendemeer: The Bobosky property is a ten acre taxlot included within a small rural residential community known as Bendemeer, located north of West Union Road between NW Cornelius-Pass Road and NW Dick Road. On April 21, 2010, the Planning Commission heard testimony from Wendie Kellington and Wink Brooks on behalf of owners Steve and Kelli Bobosky to change the Bobosky property from rural reserve to urban reserve. The applicants asserted during the hearing that exception lands (AF-5 and AF-10 designations) do not serve to promote continued agricultural use. The Planning Commission subsequently recommended that all properties within the Bendemeer subdivision be changed from rural to urban reserve.

The property in question ranked high for both urban and rural reserves in staff's analysis. The Oregon Department of Agriculture classified the properties as Foundation agricultural land. The city of Hillsboro developed a pre-qualifying concept plan that addressed how the area met the urban reserve factors. This area was originally designated as an urban reserve but was changed to a rural reserve designation during Core 4 deliberations. Ms. Kellington and the Boboskys provided testimony to the Board of Commissioners at their April 27, 2010 hearing.

A description and analysis of staff's recommendation for urban reserve was included in Issue Paper 4 of the May 11 staff report to the Board. The Board elected not to include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Black / Waibel Creek: Tom Black presented oral testimony to the Planning Commission during the April 21, 2010 hearing to request a change from urban reserve to rural reserve for a 1,580 acre area north of Waibel Creek, south of Highway 26, west of the eastern terminus of Meek Road and east of the McKay Creek floodplain. This area is the northern half of urban reserve area 8A. Mr. Black noted concerns regarding preservation of historic resources, such as the Joseph Meeks property, and preservation of agricultural land. The commission evenly split on the recommendation, with four commissioners voting for additional review and four voting to deny the request.

Mr. Black's presented his testimony before the Board on April 27. Issue paper number 4 of the May 11, 2010 Staff report to the Board described staff's analysis of the area. The Board elected to not include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Tualatin Riverkeepers: Brian Wegener of Tualatin Riverkeepers requested a change of designation for Area 6B (Cooper Mountain) from urban reserve to rural reserve. Mr. Wegener's testimony was presented to the Planning Commission on April 21, 2010 and subsequently to the Board on April 27th. The testimony asserted that Cooper Mountain contained many headwater streams and the area's steep slopes and shallow soils preclude efficient urban development. Mr. Wegener believes that the area could not be efficiently developed to urban densities without causing significant impacts to the environment.

This area was the subject of a pre-qualifying concept plan developed by the city of Beaverton, which provided evidence demonstrating compliance with the eight urban reserve factors. Exhibit B of the Metro/County reserves Intergovernmental Agreement (IGA) noted that concept planning for this area “should be undertaken as a whole in order to offer appropriate protection and enhancement to the public lands and natural features that are located throughout the area.” These requirements have been included in new Plan Policy 29 enacted through Ordinance No. 733 as “Special Concept Plan Area A.” A description and analysis of staff's recommendation for urban reserve was included in Issue Paper 4 of the May 11, 2010, staff report to the Board. The Board elected to not include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Amabisca: Cherry Amabisca presented testimony to the Board on May 11, 2010, for several properties north of Highway 26. Specifically, the requested change was for a change in designation from urban reserve to rural reserve for the Standring properties (1N2 15, Lots 900 and 901) and other properties (1N2 21AA, Lots 100 and 1N2 15, Lots 1100, 1200, 1300, and 1400) totaling 78.5 acres. These properties collectively comprise urban area 8B. An additional request was to change the currently undesignated lands west of Helvetia Road (totaling 556.5 acres) to rural reserve.

The properties included in Ms. Amabisca's request ranked favorably as both an urban or rural reserve. The properties in the urban reserve area were identified as the location of future interchange improvements. The undesignated area was initially recommended as an urban reserve but was removed during the Core 4 deliberations. A description and analysis of the urban

reserve area and the undesignated area was included in Issue Paper 4 of the May 11 staff report to the Board. The Board elected to not include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Peters: Linda Peters forwarded a request to the Board via e-mail dated April 27, 2010 to make the following changes to the Urban and Rural Reserves map: to change the urban reserve designation in Urban Reserve Areas 8A (Hillsboro North), 6B (Cooper Mountain Southwest), and the urban reserve areas north of Council Creek (Urban Reserve Areas 7I - Cornelius North and a portion of 7B - Forest Grove North) to rural reserve and remove all the undesignated area around the cities of North Plains and Banks. Ms. Peters also requested that the Board retain the rural reserves designation for approximately 40 acres of right-of-way on the north side of Highway 26 between Jackson School Road and Helvetia Road.

Urban Reserve Area 8A (Hillsboro North) did not rank as high for rural designation as other areas of the county in staff's analysis. There were no changes to the area during the Core 4 deliberations. Hillsboro underwent extensive pre-qualified concept planning for this area and noted that the area has the potential to develop into a complete community. Preliminary analysis conducted by Metro indicates that the area can be readily served by sewer and water and the transportation system can be designed for connectivity.

Urban Reserve Area 6B (Cooper Mountain Southwest) was initially part of a larger urban reserve but was reduced in size to its current 1,777 acres during Core 4 deliberations. Beaverton provided a pre-qualified concept plan for this area that designated most of the area for future residential use. Exhibit B of the Metro/County reserves Intergovernmental Agreement (IGA) noted that concept planning for this area "*should be undertaken as a whole in order to offer appropriate protection and enhancement to the public lands and natural features that are located throughout the area.*" These requirements have been included in new Plan Policy 29 enacted through Ordinance No. 733 as "Special Concept Plan Area A."

Urban Reserve Area 7I (Cornelius North) was initially part of a larger urban reserve north of both Cornelius and Forest Grove but was reduced to its current size during Core 4 deliberations. Cornelius submitted a pre-qualified concept plan for the area that shows a mix of inner neighborhood and industrial uses in this area with linear parks along Council Creek and its tributaries. Future light-rail expansion from Hillsboro is projected for this area.

Urban Reserve Area 7B (Forest Grove North) was initially part of a larger urban reserve north of both Cornelius and Forest Grove but was reduced to its current size during Core 4 deliberations. The area ranked highly for both rural and urban reserves. Forest Grove has completed a pre-qualified concept plan for this area that shows residential use surrounding a "village center."

Banks and North Plains fall outside Metro's jurisdictional boundary. Undesignated land has been set aside around each city to allow for future growth over the 50-year reserves timeframe. It is the county's expectation that future planning will result in the application of urban and rural reserve designations in appropriate locations within these currently undesignated areas. These areas are noted as "Special Concept Plan Area B" in Exhibit B of the IGA and in Policy 29 of the Rural/Natural Resource Plan.

The county has proposed to change approximately 40 acres of the north side of Highway 26 between Jackson School Road and Helvetia Road from a rural reserve designation to an urban reserve designation. This change can be found on page 4 of Issue Paper 2, listed as map item #8 (WashCo Rec. 8559-8582). As with the above requested changes, the rationale for the change in designation is discussed in a broader policy context in Issue Paper 4 of the May 11 staff report to the Board. WashCo Rec. 8601-8619. The Board elected to not include any of the requested changes in the engrossed ordinance.

Pumpkin Ridge: The request to change the designation of Pumpkin Ridge Golf Course from rural reserve to undesignated was made by Gary Hellwege and attorney Greg Hathaway during their appearance at the Board hearing on April 27, 2010. Mr. Hellwege and Mr. Hathaway expressed concern that the flexibility to expand existing services at the golf course might be constrained by a rural reserve designation. The golf course is located immediately north of the city of North Plains.

The undesignated area around North Plains was reduced in size during Core 4 deliberations as it was determined that a reduction in acreage would still allow for adequate capacity for the city's future development. As part of this process, the Pumpkin Ridge property was removed from the undesignated area and made a rural reserve.

A description and analysis of the areas was included in Issue Paper 4 of the May 11, 2010, staff report to the Board. WashCo Rec. 8601-8619. The Board elected to not include this amendment request in the engrossed ordinance.

Proposed Adjustments to Ordinance No. 733

At its hearing on May 11, 2010, the Board authorized staff to follow the amendment process described in the Metro-Washington County Reserves IGA relating to two categories of changes to the county's urban and rural reserves map. These changes are described below:

Technical Amendments

A variety of minor map amendments were recommended by staff to resolve technical issues with the initial mapping of the Core 4 recommendations and to alleviate the potential need for future amendments to local comprehensive plans. These minor map amendments are generally characterized as:

- (1) Gaps between urban and rural reserves that were not intended to be undesignated.
- (2) Digital map layer adjustments resulting from base-map changes which caused parcel line-work to not appropriately match the boundaries for reserves designations.
- (3) Stem of flag lot designated rural reserve dividing an undesignated area – stem should remain undesignated for consistency with adjoining lands.
- (4)** Rural reserve designations of public road Rights-of-Way (ROW) adjoining urban or future urban areas could result in management and/or maintenance issues. Staff recommended during the hearings process for Ordinance No. 733 that in instances where roadways are utilized as boundaries for either urban reserves or undesignated lands, the entire ROW be

designated urban reserve or remain undesignated. The Board of County Commissioners agreed with this issue and directed county staff to have the changes reviewed through the process defined in the Intergovernmental Agreement with Metro. WashCo Rec. 8533-8554.

Peterkort

At the April 21, 2010 Planning Commission and April 27, 2010 Board of County Commissioners hearings, representatives from the Peterkort family requested that the county reconsider their property's (1N1 18, Lot 100) rural reserve designation and add the property to Urban Reserve Area 8C, Bethany West. The Peterkort family stated that several major infrastructure improvements had been identified to serve the North Bethany development, all located on or adjacent to the Peterkort family lands.

In the technical analysis to determine conformance with the factors for designation of lands as urban reserves or rural reserves (OAR 660-027-0050 and 660-027-0060) Washington County staff found that the property qualified for designation as either rural reserve or urban reserve. The detailed findings on these qualifications are incorporated in the September 23, 2009 recommendations report from the Washington County Urban and Rural Reserves Coordinating Committee to the Regional Core 4 and Reserves Steering Committee.

The Washington County Reserves Coordinating Committee recommendation of September 23, 2009 identified the Peterkort property as part of a significantly larger urban reserve area that extended from the existing urban growth boundary north and east to the Multnomah County border, and to Jackson School Road on the west. Core 4 deliberations in December 2009 resulted in the conversion of most of the urban reserve lands north of Highway 26 to rural reserve. This property was among those changed to a rural reserve designation.

The entire 129-acre Peterkort site is important to the successful implementation of the North Bethany Community Plan and to important elements of the funding process on key transportation and sewer line links. The following key points support inclusion of the Peterkort site within Urban Reserves:

1. **Transportation:** Provides urban land for public ROW and supports the development of a key transportation system link serving the future development of the North Bethany Community.
2. **Sewer system connectivity:** The optimal alignment for a primary gravity flow sewer trunk line to serve North Bethany crosses the Peterkort property. **NOTE: construction of a pump station-based option could delay construction of sanitary sewer services to the North Bethany area by at least three years.**
3. **Wetlands mitigation:** The sewer plan identifies roughly 46 acres of valuable opportunities on the Peterkort property which can be used to mitigate wetland impacts caused by public infrastructure development in North Bethany.
4. **Enhancement of Natural Areas Program Target Area:** Lands on the Peterkort site will support connections to important regional natural areas. WashCo Rec. 8533-8554.

The following findings address the factors for designation of this property as Urban Reserves:

OAR 660-027-0050:

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

As noted above, the Peterkort site provides the only practicable location for siting a gravity flow sewer line for the provision of sanitary sewer services to a portion of the North Bethany planning area. This site also provides the only reasonable route for an alternative transportation system link between this community and surrounding areas. Future development of this site would not only utilize the public and private investments currently being made in North Bethany, but would ultimately aid in funding long-term infrastructure construction and maintenance.

It is expected that future development of the Peterkort site would be designed to complement the North Bethany Community at urban densities that optimize both private and public infrastructure investments. The developable portion of the Peterkort property would be designed to connect to the North Bethany community and the surrounding community via a future road connection (Road 'A') and could be served by the planned sewer line.

(2) Includes sufficient development capacity to support a healthy economy;

Together with remaining buildable lands within the UGB and other urban reserve lands throughout the region there will be sufficient development capacity to support a healthy economy. The addition of the Peterkort property adds approximately 80 acres of developable land to Urban Reserve Area 8C. The area could likely be developed as the sixth neighborhood of North Bethany, featuring a walkable community centered around parks and mixed use areas.

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

This site has been included in facilities planning discussions during development of the North Bethany Plan. The Beaverton School District has made commitments for needed facilities in this area and has included discussion and consideration of potential urban reserves based growth impacts in the recent development of the 2010 update of their Long Range Facilities Plan. The Rock Creek Campus of Portland Community College is immediately adjacent to the southern boundary of this site. Other well-established facilities and services being extended to the North Bethany Community would also be expected to serve this site.

(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

The Peterkort site will be served by a collector road (Road 'A') extending along the northern portion of the site to connect the North Bethany community to SW 185th Avenue to the west. The northeastern edge of this property directly abuts planned connections to both on and off-street pedestrian facilities linking to planned neighborhood parks in North Bethany. This site offers a major opportunity to link trails in the broader Bethany area along the Rock Creek corridor.

Public transit service is currently available immediately south of the site with multiple lines providing connections to Westside Light Rail Transit.

(5) Can be designed to preserve and enhance natural ecological systems;

Limited opportunities for wetlands mitigation are available in this area of the county. Therefore, a key focus of adding the Peterkort site to the urban area is the opportunity to improve and enhance the currently degraded wetlands along Rock Creek. The entirety of Urban Reserve Area 8C would be subject to certain requirements identified in the county's Rural/Natural Resource Plan Policy 29. This area, called out as Special Concept Plan Area C, would require the implementation of Metro's "Integrating Habitats" program in the concept and community planning of the reserve area. The "Integrating Habitats" program utilizes design principles to improve water quality and provide wildlife habitat.

(6) Includes sufficient land suitable for a range of needed housing types;

The Peterkort site will provide added opportunities to meet local housing needs. The 80 acres of buildable land on the site can be developed with a variety of different housing types which would be expected to complement those already planned in the North Bethany area.

Considering that employment growth in Washington County has been historically very strong, and that the area remains attractive to new business and holds potential for significant growth, housing demand in this area will continue to grow.

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

As previously noted, this site is traversed by Rock Creek and its associated floodplain which is included on the Metro Regional Natural Landscape Features Map. Rock Creek and its associated wetlands are considered an important target area for long-term water quality improvements in the Tualatin River Basin and provide vital habitat linkage for sensitive species. Together with the other lands in Urban Reserve Area 8C, this site will be subject to a special planning overlay (Special Concept Plan Area C) designed to address the important values of this riparian corridor by requiring appropriate protection and enhancement through the use of progressive and environmentally sensitive development practices.

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Concept and community level planning in conformance with established county plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area. As noted above, Urban Reserve Area 8C will include a planning overlay specifically targeting special protection for the identified natural landscape features in the area. It is important to note that even without this special plan policy, the existing regulatory framework in urban Washington County would require significant levels of protection and enhancement of the Rock Creek corridor at the time of development of surrounding lands.

B. Washington County: Urban Reserves

The following findings provide an overview of and important references to the detailed analysis performed by Washington County to determine the amount of land that will be needed in Washington County to facilitate long-term planning for urbanization.

OAR 660-027-0050(2) – Does the land have enough development capacity to support a healthy economy?

A variety of methods were used to determine whether Candidate Urban Reserves would contain enough development capacity to form complete communities and support a healthy economy. Washington County staff utilized population and employment forecast data from Metro to develop a Land Needs Analysis for urban reserves that is outlined below. The complete analysis and methodology is fully detailed in the September 23, 2009, report and recommendations from the Washington County Urban and Rural Reserves Coordinating Committee to the Regional Reserves Steering Committee. WashCo. Rec. 3586-3609. In addition, the findings for OAR 660-027-0050(2) were supplemented by data presented by the National Association of Industrial and Office Properties (NAIOP), a business group focused on needs of industrial and related uses, as well as a stakeholder in the Reserves process and member of the Regional Reserves Steering Committee. WashCo. Rec. 6674.

Land Needs Estimates

A significant component of the urban reserves planning process was consideration of the population and employment forecasts to determine the amount of land that should be included in urban reserves recommendations. Population and employment projections were important to identify the gap between how much growth can be accommodated inside the current UGB and what, if any, additional land needs should be considered.

OAR 660-027-0040 requires that *“Urban Reserves designated under this division be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296.”* Effectively, given that Metro is scheduled to make the next UGB expansion decision in 2010, the applicable planning period would run to between 2050 and 2060.

Metro provided initial 2005–2060 population and employment forecasts in May 2008. These forecasts covered the seven-county Portland-Beaverton-Vancouver Primary Metropolitan Statistical Area (PMSA) in its entirety. No county-specific allocations were provided to assist in determining potential county level needs. In spring of 2009, Metro provided updates of the 20 and 50 year Regional population and employment range forecasts again without specific county allocations.

Members of the WCRCC and the regional Reserves Steering Committee, along with staff, noted many times that a range of future land demand was relevant to the urban reserves discussions. Washington County staff determined that in order to appropriately address market trends and reasonable assumptions for future market demand, estimates of long-term sub-regional growth and related land needs was an important consideration in these discussions. Washington County therefore developed county-specific growth estimates which were in turn used in developing land

needs estimates for consideration and refinement of candidate urban reserves. These allocations were based on Metro's latest population and employment forecasts issued in April 2009. Metro 2005-2060 Population and Employment Range Forecast – April 2009 draft.

The county's land needs analysis, combined with the detailed analysis of remaining growth capacity within Washington County's 2007 UGB provided a clearer understanding of how much additional land might be needed to accommodate forecast long-term growth. Based on this information, in June 2009, the WCRCC recommended the candidate urban reserves in Washington County should be approximately 47,000 acres. WashCo Rec. 3011.

Beginning in June, 2009, the cities within Washington County began developing their Pre-qualified Concept Plans to assess how urban reserves, if brought into the UGB, could facilitate long-term growth needs and serve to complete each of their respective communities. This planning effort followed the general concepts of Region 2040 and provided opportunity for the cities to review their areas of interest and affirm if the identified areas were appropriate. These efforts further refined the candidate urban reserves recommendations to approximately 39,000 acres.

Following extensive review and consideration of all applicable issues and concerns raised by stakeholders in the county, on September 23, 2009, the WCRCC recommended approximately 34,300 acres as Washington County Urban Reserves. This recommendation was forwarded to the Regional Reserves Steering Committee and Core 4 on September 23, 2009. WashCo Rec. 2930-3818.

Released in September, 2009, and subsequently adopted in December, 2009, Metro's most recent Urban Growth Report and related materials suggest a long-term land need for Urban Reserves to the year 2060 of between 15,700 and 29,100 acres. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 601-603; *Appendix 3E-D*, Metro Rec.607-610. The Core 4 recommendations for urban reserves completed as of February 25, 2010 were generally based upon these Metro estimates and resulted in the Core 4's recommendation for approximately 13,000 acres of urban reserves in Washington County.

Urban Reserves 4E, 4F and 4G: I-5 East - Washington County

General Description: These three coterminous areas are located east of Interstate 5 in the southeast corner of the county. The city of Tualatin forms the west boundary and Urban Reserve Area 4D in Clackamas County is immediately east. Interstate 205 forms the north boundary and the south boundary is generally Elligsen Road, with an area of approximately 78 acres extending south of this road to the county line. These three areas combined total approximately 1,565 acres, 919 acres of which are considered buildable. WashCo Rec. 9276-9295. Saum Creek in the northwest corner of the reserve is the primary drainage. Rolling terrain with incised drainages typify the area.

How the Above Urban Reserves Fare Under the Factors: Urban Reserve Area 4E was included in a Pre-Qualifying Concept Plan (PQCP) developed by the city of Tualatin. Urban Reserve Area 4F was not included in a PQCP and future governance of the area has yet to be determined. However, Urban Reserve Area 4G was subject to a PQCP developed by the city of Wilsonville.

These PQCPs included a detailed review of the planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3495-3563; 3564-3574.

Urban Reserve Factors 1 through 4

The city of Tualatin prepared a pre-qualified concept plan for the area that extends from Interstate 205 south to Frobase Road (Urban Area 4E). Approximately 546 acres of the 841-acre concept plan area was calculated as net developable land after removal of constrained lands. This area is expected to support a population of approximately 4,000 new residents. Future arterials and collectors have been identified and cost estimates and locational analysis have been conducted for provision of water and sewer facilities. Technical staff supporting the Project Management Team (the Core 4 technical team) rated the area as high for sewer provision and medium for the provision of water. One neighborhood center is mapped in the concept plan that could support approximately 252-420 jobs on 6-10 acres. School assessments have been conducted that call for at least one elementary school. Current service level provision for Tualatin residents was extrapolated to the new area to determine future police, fire, and park needs. A trail system that will connect with the existing trail system in Tualatin has been designed around the stream network and in the buffer areas along I-5 and I-205. A preliminary system of arterials, collectors, and local roads has been identified to efficiently connect the new urban area.

The urban reserve area is larger than the area included in Tualatin's pre-qualified concept plan included in the September 23, 2009 staff report. South of Frobase Road, the land is gently rolling with the exception of two knolls approximately 500 feet in elevation.

The city of Wilsonville has committed to providing urban services to Urban Reserve Area 4G. This 454-acre area features approximately 223 buildable acres. The draft concept plan map shows this area primarily as inner neighborhood with some employment designation due north of the city and adjacent to Interstate 5. Inner neighborhood assumes a residential mix of 50% SFR, 25% SFR attached, and 25% MFR at an average dwelling density of 10du/acre. The submitted concept plan notes that the area can facilitate "logical extensions of existing business parks, medical clinics, offices, and service centers along SW Parkway Avenue north of Elligsen Road and are a sufficient size to make efficient use of infrastructure investments." The city has indicated its ability to provide services, including parks, water, sewer, storm, and transit. Tualatin Valley Fire & Rescue (TVFR) can easily service the reserve area from an existing area station.

The plan notes that "the city conducts a thorough master planning process to ensure a safe and connected multi-modal system."

Urban Reserve Factors 5 through 8

Resource protection measures were discussed in the pre-qualified concept plan submitted by Tualatin and included in the appendix to the September 2009 staff report. Environmentally constrained lands were removed from buildable land calculations, including riparian buffers of at least 50 feet as required by Clean Water Services. The city's existing regulatory framework will preserve and support enhancement of natural ecological systems potentially impacted by future

urbanization, including area designated as open space and natural areas where large stands of trees currently exist. The reserve area does not include any significant natural landscape features from Metro's 2007 Natural Landscape Features Inventory.

Sufficient buildable land is available for the range of housing types necessary in contributing to a complete community. The concept plan includes areas projected for medium to low density residential development. The surrounding area to the reserve (4E) is already currently developed or is a proposed urban reserve. Together with remaining buildable lands within the UGB and other urban reserve lands throughout the region there will be sufficient development capacity to support a healthy economy.

For Area 4G, Wilsonville has stated that the city's existing resource program will "ensure that natural resource values are preserved and where possible enhanced to compliment and improve natural ecological systems. Important natural resources within the urban reserve area will be considered for protection under the city's Goal 5 inventory process.

Housing capacity is improved with addition of the reserve area inside the city limits. With an expected increase in the jobs to population ratio for the city, the need exists to provide more housing options to those who work in the Wilsonville area.

An undesignated area currently in agricultural use occurs east of the southern extension of urban reserve area 4G and northeast of Wilsonville. That city's pre-qualified concept plan notes that agricultural areas will be buffered by elevation differences and preservation of existing trees and vegetation, where applicable.

Why This Area was Designated Urban Reserve: This area will provide dwelling capacity to accommodate future growth in Tualatin over the 50 year reserves timeframe. The area is highly parcelized and has relatively dense rural residential development. The area was ranked low under consideration of rural reserve factors in staff's reserves analysis given the highly parcelized nature of the tax lots and the existing residential development. Existing road capacity is adequate to allow for cost-efficient expansion of the transportation network. The city of Tualatin has agreed to provide governance and needed urban services to the area.

Wilsonville has indicated in the concept planning submittals that the urban reserve areas are envisioned to complement the existing city and provide for the city's 20-year housing need and the 20-50 year housing/employment need.

Urban Reserve 5A: Sherwood North

General Description: This area would extend the city boundary north to the edge of the slope that overlooks the Tualatin River National Wildlife Refuge. The 123-acre area is currently undeveloped.

How Urban Reserve 5A Fares Under the Factors: Urban Reserve Area 5A contains three small areas of land that are included in a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Sherwood to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the

"Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo. Rec. 3479.

Urban Reserve Factors 1 through 4: The city of Sherwood has submitted a PQCP that includes this 123-acre reserve area as well as Urban Reserve Areas 5B (Sherwood West) and 5D (Sherwood South) into its concept planning for newly developable lands adjacent to the city. Approximately 60 acres of this area were mapped as buildable. The northwest corner of the reserve area is mapped as employment areas on the concept plan map. The remainder of the area is not designated for a particular use on the concept plan map. Future uses would likely be either open space, designated parks, or limited residential due to land constraints. WashCo Rec. 3479-3481.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Sherwood will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of this area. The elevation difference between the edge of the urban reserve area and the Tualatin River National Wildlife Refuge will provide a buffer from urban development. The area was planned for employment and industrial development in Sherwood's draft pre-qualified concept plan. WashCo Rec. 3481-3482.

Why This Area was Designated Urban Reserve: Sherwood has included this area as an urban reserve to add capacity for industrial and employment needs. The northeast section of this urban reserve adjacent to Highway 99W and existing light industrial uses is designated industrial in the draft concept plan. The northwest area of the reserve was originally noted as part of a larger employment area. Much of this employment area as shown on the concept plan was included in a rural reserve during Core 4 deliberations after September 2009.

Urban Reserve 5B: Sherwood West

General Description: Urban Reserve Area 5B is approximately 1,291 acres and is located on the west boundary of Sherwood. The area is bounded by Chapman Road to the south, Lebeau Road to the north, and generally extends approximately 3/4 mile west of the city. The area consists of parcels that are in residential or agricultural use, including small woodlots and orchards. Chicken Creek flows through the north section of the reserve. SW Chapman Road and SW Eddy Road are classified as collector streets in the county transportation plan. SW Elwert Road is classified as an arterial.

How Urban Reserve 5B Fares Under the Factors: Urban Reserve Area 5B is included in a larger Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Sherwood to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3479.

Urban Reserve Factors 1 through 4

The city of Sherwood submitted a PQCP that considers this reserve area along with Urban Reserve Areas 5A (Sherwood North), 5A (Sherwood North) and 5F (Tonquin) into its planning for developable lands adjacent to the city. WashCo Rec. 9276-9295. According to analysis done by county staff, this area contains approximately 204 acres of developable land. The flatter, northwest corner of Urban Reserve Area 5D is planned for a Station Center surrounded by commercial development. This area, centered along Highway 99W between this urban reserve and Urban Reserve Area 5B to the northwest, can be integrated efficiently with existing development. Residential density in the station center is projected at 20 units per acre and 25 jobs per acre are projected on employment lands. Residential use is proposed for the rest of the reserve area at 10 units per acre. Capacity will allow for a variety of housing design types.

The area is within the boundaries of the Sherwood School District. Urban services can be provided by the city, and in the case of fire protection, Tualatin Valley Fire and Rescue. According to the submitted concept plan, a combination of public and private investment would be needed to service the newly urbanized areas.

Topography varies widely across the study area but the city anticipates that existing street and trail patterns can be continued with the addition of Urban Reserve Area 5B. The city will continue to work with Metro and regional partners to achieve a regional and local system of well-connected trails, bikeways, and streets.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and the City of Sherwood will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the south Sherwood area. Lands constrained from development include floodplain areas, slopes greater than 25 percent, vegetated corridor proxy areas, and Metro-designated riparian and wildlife habitat. Clean Water Services standards are used to ensure protection and enhancement of riparian areas.

Vacant buildable lands, along with redevelopment and infill lands, will provide sufficient land to support a range of needed housing types and contribute to a healthy economy. This area can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining Natural Landscape Features. The Chicken Creek riparian corridor functions as a buffer between rural agricultural uses and potential urbanization, minimizing potential urban impacts to nearby farm uses west of the reserve boundary. WashCo Rec. 3479-3482.

Why This Area was Designated Urban Reserve: Future development in Sherwood is constrained to the east by the city limits of Tualatin and the north border is constrained by the presence of the Tualatin River National Wildlife Refuge. Designation of this area as an urban reserve allows for the continued development of Sherwood over the 50-year reserves timeframe by adding needed housing and employment capacity. The floodplain of Chicken Creek forms an effective buffer between the adjacent agricultural use to the west and future urban development should the reserve be brought into the UGB. The city has provided a concept plan for the area that illustrates residential areas and neighborhood centers at the border of the urban reserve area and the existing city. The plan notes that this area (and Areas 5A and 5D) can be efficiently developed while protecting existing natural ecological systems. WashCo Rec. 3481.

Urban Reserve 5D: Sherwood South

General Description: This 439-acre area is located south of the city of Sherwood and Brookman Road and extends west to Highway 99 and east to Ladd Hill Road. The area is a mix of exception lands (AF-5 and AF-10) and resource lands (AF-20) applied to the 57 parcels that comprise the area. The area is a mix of residential and small farm use. The east side of the reserve contains Christmas tree operations and timbered parcels without dwellings. Cedar Creek and its associated floodplain are present as are several tributaries that enter Cedar Creek within the reserve area. The east area of Urban Reserve Area 5D has greater topographical relief than the west area.

How Urban Reserve Area 5D Fares Under the Factors: Urban Reserve Area 5D is included in a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Sherwood to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3479.

Urban Reserve Factors 1 through 4

The city of Sherwood submitted a PQCP that considers this reserve area along with Urban Reserve Areas 5B (Sherwood West), 5A (Sherwood North) and 5F (Tonquin) into its planning for developable lands adjacent to the city. WashCo Rec. 9276-9295. The flatter, northwest corner of Urban Reserve Area 5D is planned for a Station Center surrounded by commercial development. This area, centered along Highway 99W between this urban reserve and Urban Reserve Area 5B to the northwest, can be integrated efficiently with existing development. Residential density in the station center is projected at 20 units per acre and 25 jobs per acre are projected on employment lands. Residential use is proposed for the rest of the reserve area at 10 units per acre. Capacity will allow for a variety of housing design types.

The area is within the boundaries of the Sherwood School District. Urban services can be provided by the city of Sherwood, and in the case of fire protection, Tualatin Valley Fire and Rescue. According to the submitted concept plan, a combination of public and private investment would be needed to service the newly urbanized areas.

The station community would provide for a walkable center in a key transportation hub. Sherwood staff noted that existing street patterns and trail systems could be extended if and when a reserve is brought into the UGB. WashCo Rec. 3480.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Sherwood will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the Sherwood south area. Lands constrained from development include floodplain areas, slopes greater than 25 percent, vegetated corridor proxy areas, and Metro-designated riparian and wildlife habitat. Clean Water Services standards are used to ensure protection and enhancement of riparian areas. Constrained lands constitute roughly a third of the area.

Although a portion of this area currently supports low-density single family development, the remaining vacant buildable lands, along with redevelopment and infill lands, will provide sufficient land to support a range of needed housing types and contribute to a healthy economy. This area can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3481.

Why This Area was Designated Urban Reserve: The city's pre-qualified concept plan shows this urban reserve as a mix of constrained lands, residential areas, and a station center within a mixed-use neighborhood area shared between this urban area and urban reserve 5B. The 99-acre station area has a projected capacity of 2,475 jobs and 1,980 dwelling units. The area is within the Sherwood School District and can be served by existing service providers, including Tualatin Valley Fire and Rescue (TV F&R). Existing street and trails can be extended into this area. The station center encompasses several transportation corridor connections and can be designed to be a walkable center. WashCo Rec. 3482.

Urban Reserve 5F: Tonquin

General Description: Urban Reserve Area 5F is approximately 565 acres and is part of the larger Tonquin Scablands area. Portions of this area are included on Metro's 2007 Natural Landscape Features Inventory map. The area is comprised of the unincorporated land east of the city of Sherwood and includes portions of the Tualatin River National Wildlife Refuge, quarry operations, a gun club practice facility, and training area for Tualatin Valley Fire and Rescue. Much of the area is included in the county's Goal 5 inventory as a mineral and aggregate area. Rock Creek and Coffee Lake Creek are the principal drainages in the reserve area. Approximately 143 acres in this area are considered buildable lands. WashCo Rec. 9276-9295.

How Urban Reserve 5F Fares Under the Factors: A portion of Urban Reserve Area 5F is included in the Pre-Qualifying Concept Plans (PQCP) submitted by Tualatin to meet long-term industrial needs. The remainder of the area was shown as residential on the city of Sherwood's PQCP for the area. WashCo Rec. 3495-3518.

Urban Reserve Factors 1 through 4

The city of Tualatin included a 117-acre portion of this reserve in its PQCP included with the September 23, 2009, staff report. WashCo Rec. 3495-3518. Referred to in that document as "Knife River," the area occurs on the north and south sides of Tonquin Road and is of interest primarily for transportation connectivity to extend SW 124th Avenue and to expand the city's industrial land base. The core 4 technical team rated this area a high suitability for sewer service and medium suitability for provision of water service. For transportation, the area received a medium ranking indicating that this area is somewhat suitable for providing a transportation system capable of accommodating urban levels of development. The city has evaluated the area for walkability and notes that the Knife River area can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers. Cost estimates have been completed for provision of urban services to the area and together with remaining buildable lands within the UGB and other urban reserve lands throughout the region there will be sufficient development capacity to support a healthy economy.

The remaining area features predominately Goal 5-designated resources. Urban development in this area would likely be non-residential. The area could also serve employment lands. Potential exists for pedestrian and bike trail development along Coffee Lake Creek and Rock Creek.

Urban Reserve Factors 5 through 8

Future development of the area will need to account for the presence of significant natural features in the area, including creeks, floodplains, and wetlands. Parts of the area are in the county's mineral and aggregate overlay district and the Tonquin Geologic Area is included in Metro's Natural Features Inventory. A well-connected system of trails throughout the area can be designed to avoid or minimize potential adverse effects on adjoining natural landscape features. (WashCo Rec. 3495-3518.) Tualatin's concept plan did not designate residential use for this area due in part to the existing non-residential uses noted above. Farm and forest uses do not abut the reserve boundary and impacts to either resource are not anticipated.

Why This Area was Designated Urban Reserve: The natural features in this area can be protected and enhanced under the existing regulatory framework in Washington County, Sherwood and Tualatin. The 568 acres in Area 5F is located between the cities of Sherwood and Tualatin and is bordered on three sides by the existing UGB. This area includes quarry activity, Tualatin Valley Fire and Rescue training facilities and the Tualatin Valley Sportsman's Club. Capacity exists to provide land to support future business/industrial growth and will support important transportation connections. The city of Tualatin has developed general service costs estimates and has agreed to provide governance and public facilities and services to eastern portion of this area.

Urban Reserve 6A: Hillsboro South

General Description: Urban Reserve Area 6A abuts the southern edge of the City of Hillsboro and generally extends from the city limits south to Rosedale Road and from SW 209th Avenue on the east to SW River Road on the west. Area 6A covers approximately 2,007 acres. (WashCo Rec. 8845.) Urban Reserve Area 6A includes a variety of existing land uses including rural and suburban housing with connections to public water, a golf course (the Reserve Vineyards and Golf Club), landscape horticulture, greenhouse nurseries, orchards, field crops and small woodlands. Area 6A is divided north-south by Butternut Creek and its associated floodplain, the northwest corner of the area is traversed by Gordon Creek and the southeast corner of the area is traversed by Hazeldale Creek. This area is adjacent to the southeast corner of the city of Hillsboro.

How Urban Reserve 6A Fares Under the Factors: Urban Reserve Area 6A was included as part of a larger area in a Pre-Qualifying Concept Plan (PQCP) analyzed by the city of Hillsboro to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3110-3452.

Urban Reserve Factors 1 through 4

There are approximately 1,442 acres of gross buildable land on this site WashCo. Rec. 9075-9094 that can be efficiently and cost-effectively served by public facilities and services provided by the City of Hillsboro. Buildable lands within the UGB and Urban Reserve Area 8A can provide sufficient development capacity to support a healthy economy in Hillsboro and the region. The city has indicated that the lands in Area 6A can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. The city's PQCP utilized 2040 Design Types and developed a summary of potential development capacity of the area. This summary estimates a housing capacity of over 10,200 dwelling units and an employment capacity of over 1,400 jobs. WashCo Rec. 3110.

Urban Reserve Factors 5 through 8

The riparian corridors and associated floodplains of Butternut, Gordon and Hazeldale Creeks can be protected and enhanced under the existing regulatory framework in Washington County and the city of Hillsboro. Buildable lands within the UGB, along with other urban reserve lands throughout the region, will provide sufficient development capacity to support a healthy economy. Future concept and community level planning can assure a site design that will preserve and enhance ecological systems. The city of Hillsboro has indicated that up to 925 acres of the South Hillsboro urban reserve area and adjoining undeveloped lands to the east may be dedicated to open space and parks and that these areas can be designed to preserve applicable natural landscape features. Concept and community level planning in conformance with established city plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area. WashCo Rec. 3110.

Why This Area was Designated Urban Reserve: A large segment of this urban reserve has been the focus of development projections and planning by the city of Hillsboro for over twenty years. In February 2008, the city of Hillsboro developed a Draft South Hillsboro Community Plan, which fully integrates a design for future development of Urban Reserve Area 6A into the surrounding area. This draft plan integrates a proposed new town center with a neighborhood centers, residential neighborhoods, a complex greenspace system (including the golf course, community and neighborhood parks, protected floodplains, wetlands and other open space) and a well-connected, multi-modal transportation system.

Urban Reserve 6B: Cooper Mountain Southwest

General Description: Urban Reserve Area 6B is located on the west-facing slopes of Cooper Mountain and is bordered by the existing UGB on the north and east, SW Scholls Ferry Road on the south and Tile Flat Road and Grabhorn Road on the west. Urban Reserve Area 6B includes approximately 1,777 acres. WashCo Rec. 8838. Urban Reserve Area 6B includes a variety of existing land uses including rural and suburban housing with connections to public water, landscape horticulture and plant nurseries, orchards, field crops, small woodlands and many areas of unmanaged vegetation. The area is characterized by a number of steep slopes and

drainage ravines. This area adjoins the city of Beaverton on the east and the unincorporated Aloha area on the north.

How Urban Reserve 6B Fares Under the Factors: Urban Reserve Area 6B is a portion of a larger area included in a Pre-Qualifying Concept Plan (PQCP) analyzed by the city of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3056-3061.

Urban Reserve Factors 1 through 4

There are approximately 892 acres of gross buildable land in Urban Reserve Area 6B that could be developed at urban densities which is proposed to be served by the city of Beaverton. Buildable lands within the UGB and other urban reserve areas throughout the region will provide sufficient development capacity to support a healthy economy. As indicated by its pre-qualifying concept plan, the city of Beaverton has indicated that the lands in Urban Reserve Area 6B can reasonably be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3056-3058.

Urban Reserve Factors 5 through 8

Headwaters to two tributaries to the Tualatin River originate in the reserve, which are identified as local and regional Goal 5 resources. Steep slopes and public open space that will likely constrain future development of the area. These limitations are addressed in the "Principles for Concept Planning of Urban Reserves" attached as Exhibit B to the Intergovernmental Agreement between Metro and Washington County that provides for implementation of urban and rural reserves in the county. These concept planning principles were established specifically to address concerns related to environmental impacts that could occur as a result of urbanization of the sensitive lands in Urban Reserve Area 6B. WashCo Rec. 3058-3061. Existing development standards implemented by Washington County, Clean Water Services and the city of Beaverton will provide protection and potentially require enhancement of designated significant resources.

Why This Area was Designated Urban Reserve: Urban Reserve Area 6B lies within a designated critical groundwater area and supports only limited commercial agricultural activities. Approximately thirty percent of the area is developed suburban home sites, is immediately adjacent to fully serviced urban development and provides opportunity to serve local market demand for housing. The city of Beaverton has agreed to provide governance and urban services to this area.

Urban Reserve 6C: Roy Rogers West

General Description: Urban Reserve Area 6C is located in the Bull Mountain area south of Scholls Ferry Road near the northwest corner of the city of Tigard. This reserve area is approximately 562 acres. Urban Reserve Area 6C includes a variety of existing land uses including rural housing, landscape horticulture, orchards, small woodlands and small scale agriculture. The southern portion of Urban Reserve Area 6C, east of Roy Rogers Road, is included in the preferred draft concept plan for the West Bull Mountain urban planning area. In

order to provide appropriate transportation system links and to limit pumping of sewage and stormwater, the design relies upon expansion of the planning area to include this southern portion of Area 6C.

How Urban Reserve 6C Fares Under the Factors: Urban Reserve Area 6C included in Pre-Qualifying Concept Plans (PQCP) prepared by Washington County and the city of Tigard to address how the area would meet long-term growth. The area includes a portion of land that is part of the West Bull Mountain planning area. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3487-3490.

Urban Reserve Factors 1 through 4

There are approximately 340 acres of gross buildable land in Urban Reserve Area 6C that could be developed at urban densities and which could be efficiently and cost-effectively served by public facilities and services provided by the city of Tigard. Buildable lands within the UGB and other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy. The city of Tigard has indicated that the lands in Urban Reserve Area 6C can reasonably be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3487-3489.

Urban Reserve Factors 5 through 8

Urban Reserve Area 6C includes small scale drainage areas and forested upland wildlife habitat. This area can support a range of housing types which would be expected to develop at average densities ranging from 10 to 12 units per acre. WashCo Rec. 3489-3490. Although there are no designated significant landscape features within this urban reserve area, existing development standards implemented by Washington County, Clean Water Services and the city of Tigard will provide protection and potentially require enhancement of designated significant Goal 5 resources. The majority of Area 6C is naturally buffered from surrounding commercial agricultural activities by the broad floodplain of the Tualatin River and local tributaries or by established small woodlands.

Why This Area was Designated Urban Reserve: Urban Reserve Area 6C lies within a designated critical groundwater area and has very limited access to water for commercial agricultural operations. This area adjoins the West Bull Mountain Community Planning area in unincorporated Washington County and approximately 248 acres of this urban reserve area has been included in that planning study in order to provide appropriate transportation system connectivity and support the creation of a more complete community. The city of Tigard has agreed to provide governance and urban services to this area.

Urban Reserve 6D: Beef Bend South

General Description: Urban Reserve Area 6D is located in the Bull Mountain area south of Beef Bend Road near the northwest corner of Tigard. This urban reserve is approximately 521 acres. Many of the taxlots within this urban reserve area are devoted to suburban housing with an

average lot size of approximately 1.4 acres. The remainder of the area includes agricultural activities primarily focused on landscape horticulture, field crops and small woodlands.

How Urban Reserve 6D Fares Under the Factors: Urban Reserve Area 6D is included in a Pre-Qualifying Concept Plan (PQCP) analyzed by the city of King City to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3462-3464.

Urban Reserve Factors 1 through 4

There are approximately 253 acres of gross buildable land in Urban Reserve Area 6D that could be developed at urban densities and which could be efficiently and cost-effectively served by public facilities and services provided by the city of King City. Buildable lands within the UGB and other urban reserve lands throughout the region will be sufficient development capacity to support a healthy economy. The city of King City has indicated that the lands in Urban Reserve Area 6D can reasonably be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3462.

Urban Reserve Factors 5 through 8

This urban reserve includes a segment of the Tualatin River floodplain, which is included in Metro's Natural Landscape Features Inventory. The city has indicated that natural areas along the river would be protected. The Beef Bend South urban Reserve Area can support a range of housing types which would be expected to develop at average densities of approximately 10 units per acre. WashCo Rec. 3462-3463. The majority of Area 6D is buffered from surrounding commercial agricultural activities by the broad floodplain of the Tualatin River and local tributaries to the south and by Roy Rogers Road to the west. Lands to the north of Beef Bend Road are either developed or lie within Urban Reserve Area 6C.

Why This Area was Designated Urban Reserve: Urban Reserve Area 6D lies within a designated critical groundwater area and has very limited access to water for commercial agricultural operations. This area adjoins the western edge of the city of King City and will provide capacity to support projected housing and jobs growth in Washington County. WashCo Rec. 3602. King City has agreed to provide governance and urban services to this area.

Urban Reserve 7A: David Hill

General Description: Urban Reserve Area 7A is located at the northwest corner of Forest Grove and generally extends along the northwestern edge of the UGB northeast and southwest of David Hill Road. The northeast edge of this area extends to Thatcher Road while the southwest boundary extends to Gales Creek Road. This area is approximately 340 acres. Urban Reserve Area 7A is generally characterized by rolling hillside lands containing diverse rural land uses. These uses range from small woodlands to a variety of small to moderate scale agricultural

activities primarily focused on landscape horticulture. This urban reserve area was added by the Core 4 during its deliberations.

How Urban Reserve 7A Fares Under the Factors:

Urban Reserve Factors 1 through 4

Due to location and general terrain, the David Hill site will be generally limited to residential use, park areas and open space. The city of Forest Grove has developed preliminary recommendations for the use of this area. There are approximately 134 buildable acres within this area. (WashCo Rec. 9276-9295.) The majority of areas with steeper slopes are recommended for clustered single family development, while areas of lesser slope are proposed as multi-family residential areas and a small area of neighborhood commercial. The David Hill area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments and includes sufficient development capacity to support a healthy economy. These lands can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be served with schools and other urban level facilities and services. WashCo Rec. 3089-3098.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Forest Grove will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the David Hill area. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and natural landscape features. WashCo Rec. 3089-3098.

Why This Area was Designated Urban Reserve: The city of Forest Grove has agreed to provide governance and urban services to lands within Urban Reserve area 7A – David Hill. The buildable land within this area will provide opportunities to meet long-term housing needs in the city of Forest Grove. WashCo Rec. 3089-3090.

Urban Reserve 7B: Forest Grove North

General Description: Urban Reserve Area 7B is located along the northern edge of Forest Grove and generally extends from the existing UGB north to Purdin Road between Highway 47 on the east and Thatcher Road on the west. This area is approximately 508 acres.

How Urban Reserve 7B Fares Under the Factors: Urban Reserve Area 7B is a small portion of a Pre-Qualified Concept Plan (PQCP) area analyzed by the city of Forest Grove to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3089-3098.

Urban Reserve Factors 1 through 4

Urban Reserve Area 7B contains approximately 508 acres. Roughly 374 acres are considered buildable with few constraints. (WashCo Rec. 9276-9295.) This area can reasonably be

developed at urban densities that would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB and other urban reserve areas in the region include sufficient development capacity to support a healthy economy. The city of Forest Grove has recommended a variety of uses for this area, including Industrial, Office, Residential, Mixed-Use and Agricultural Services. The city has also indicated that these lands can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3089-3098.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Forest Grove will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the Forest Grove North area. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3089-3102.

Why This Area was Designated Urban Reserve: Urban Reserve Area 7B will add needed jobs and housing capacity to support the employment continuing growth in Washington County. This area was derived from a much larger proposed urban reserve within a PQCP developed by the city of Forest Grove. The larger PQCP area was over 3,100 acres and was designed to meet long-term growth needs for the city of Forest Grove through the year 2060. The city of Forest Grove has agreed to provide governance and needed urban services to this urban reserve area.

Urban Reserve 7C: Cornelius East

General Description: Urban Reserve Area 7C is located along the eastern edge of the city of Cornelius and generally extends north of Tualatin Valley Highway to the north and east to the floodplains of Council Creek and Dairy Creek. This area also includes a 6.5-acre parcel of land adjoining the eastern limits of the city of Cornelius south of Tualatin Valley Highway between the highway and Southern Pacific Railroad line. Urban Reserve Area 7C is approximately 137 acres. The area supports approximately 96 detached single family homes and a small number of commercial activities.

How Urban Reserve 7C Fares Under the Factors: Urban Reserve Area 7C is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Cornelius to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3071-3075.

Urban Reserve Factors 1 through 4

This urban reserve contains approximately 118 acres of buildable land together with a variety of infill and redevelopment opportunity sites. This area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB, along with other urban reserve lands within the region provide sufficient development capacity to support a healthy economy. The city of Cornelius has indicated that

these lands can be designed to be walkable and appropriately served with a well-connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3071-3072.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and the city of Cornelius will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of Urban Reserve Area 7C. Although a significant portion of this area currently supports low-density single family development, the remaining vacant buildable lands, along with redevelopment and infill lands will provide sufficient land to support a range of needed housing types. This area can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. The broad floodplains of Council Creek and Dairy Creek provide effective buffers between urban and rural uses in the area. WashCo Rec. 3072-3075.

Why This Area was Designated Urban Reserve: Urban Reserve Area 7C will add needed housing capacity to support continuing employment growth in Washington County. The city has indicated a need to include approximately 40 acres of this urban reserve in a 2010 UGB expansion designed to meet short term growth needs. The established land use pattern in the area is suburban residential and the area is isolated from surrounding large block agricultural lands by the broad floodplains of Council Creek and Dairy Creek, which will buffer urban development from surrounding commercial agricultural operations. Lands south of Tualatin Valley Highway are separated from surrounding farm and forest lands by the Southern Pacific Railroad line approximately 600 ft. south of the highway. The city of Cornelius has agreed to provide governance and all needed urban services to this area.

Urban Reserve 7D: Cornelius South

General Description: Urban Reserve Area 7D is located at the southeastern corner of Cornelius between the existing city limits and the Tualatin River floodplain on the west and SW 345th Avenue on the east. The urban reserve is approximately 211 acres.

How Urban Reserve 7D Fares Under the Factors: Urban Reserve Area 7D is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Cornelius to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3071-3075.

Urban Reserve Factors 1 through 4

Urban Reserve Area 7D contains approximately 173 acres of buildable land with few development constraints. WashCo Rec. 9276-9295. This area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB along with other urban reserve lands within the region provide sufficient development capacity to support a healthy economy. The city of Cornelius has indicated through its PQCP for the area that these lands can be designed to be walkable and

appropriately served with a well-connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3071-3072.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Cornelius will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the urban reserve. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3072-3075.

Why This Area was Designated Urban Reserve: This urban reserve area will add needed housing capacity to support continuing growth in Washington County. The relatively large parcels of undeveloped land will support the larger scale development projects that can make the most efficient and cost effective use of public facilities and services. The city of Cornelius has agreed to provide governance and needed urban services to this area. This area includes a 41-acre parcel owned by the Hillsboro School District, which has indicated a need to develop a new high school on this site within the next three to five years.

Urban Reserve 7E: Forest Grove South

General Description: Urban Reserve Area 7E is located along the southeastern edge of the city of Forest Grove adjoining the southern edge of the UGB south of Highway 47 at the southern terminus of Elm Street. The northwest border of the urban reserve follows the existing Forest Grove city boundary while the remaining borders of the area are defined by the 100 year floodplain of the Tualatin River. This area includes portions of two tax lots covering approximately 38 acres of those lots lying outside of the 100 year floodplain. This area is generally characterized by relatively flat agricultural lands. The city of Forest Grove prepared a pre-qualifying concept plan for this area to address how it met the urban reserve factors.

How Urban Reserve 7E Fares Under the Factors: Urban Reserve Area 7E is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Forest Grove to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3089-3102.

Urban Reserve Factors 1 through 4

Forest Grove's PQCP indicated that this site will likely be committed to industrial use due to its limited size, relative isolation and existing industrial uses in the immediate area. The urban reserve could be developed at urban industrial densities which would efficiently utilize existing and future infrastructure investments. The site is within close proximity to the Pacific & Western rail line and has access to Highway 47.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Forest Grove will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of this urban reserve area. The developable lands in the area can be designed to avoid or minimize potential adverse effects on surrounding farms and natural landscape features.

Why This Area was Designated Urban Reserve: The city of Forest Grove has agreed to provide governance and urban services to lands within this urban reserve. There are approximately 36 acres of buildable land within this area that will provide opportunities to support jobs growth in the city of Forest Grove.

Urban Reserve 7I: Cornelius North

General Description: Urban Reserve Area 7I is located along the northern edge of the city of Cornelius and generally extends north of Council Creek, north and east to Long Road and the floodplain of Dairy Creek. The western border is Cornelius-Schefflin Road. Area 7I includes approximately 624 acres.

How Urban Reserve 7I Fares Under the Factors: Urban Reserve Area 7I is a portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Cornelius to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3071-3075.

Urban Reserve Factors 1 through 4

The urban reserve contains approximately 470 acres of buildable land with limited development constraints. WashCo Rec. 9276-9295. This area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB and other urban reserve lands within the region provide sufficient development capacity to support a healthy economy. The city of Cornelius has prepared a pre-qualifying concept plan, which indicated that these lands can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3071-3072.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Cornelius will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the urban reserve. The concept plan map shows a mix of inner neighborhood and industrial uses for the reserve area, consistent with the county's suitability analysis, with buffers along Council Creek and its tributaries and open space adjacent to Dairy Creek. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3074.

Why This Area was Designated Urban Reserve: This urban reserve will add needed jobs and housing capacity to support the continuing growth in Washington County. Approximately 178

acres of this area (~28% of total land in Urban Reserve Area 7I) has been recommended by Cornelius for UGB expansion in 2010. This area can help support Metro recommendation for roughly 3,000 acres of land suitable for large-parcel industrial use, which provides capacity for specific industrial uses such as the existing high-tech industrial sector. WashCo Rec. 3067. Cornelius has indicated a need for approximately 150 acres of industrial land. The relatively large parcels of undeveloped land in this urban reserve can support the larger scale developments that facilitate efficient and cost-effective provision of public facilities and services. These parcels would accommodate the establishment of a large industrial site of approximately 100 acres. The city of Cornelius has agreed to provide governance and needed urban services to this area.

Urban Reserve 8A: Hillsboro North

General Description: Urban Reserve Area 8A is located along the northwest edge of the city of Hillsboro and generally extends from the city limits/UGB north to Sunset Highway and west from NW Shute Road to the eastern edge of the 100 year floodplain of McKay Creek. The urban reserve also contains Waibel Creek, which runs north-south, with the northern portion featuring Storey Creek, which runs east-west. This area is situated northwest of existing industrial and employment lands north of Hillsboro, is adjacent to the Hillsboro Airport and totals approximately 2,712 acres in size.

How Urban Reserve 8A Fares Under the Factors

Urban Reserve Area 8A is a portion of a larger Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Hillsboro to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3113-3137.

Urban Reserve Factors 1 through 4

There are approximately 2,265 acres of buildable land on this site that could be developed at urban densities which could be efficiently and cost-effectively served by public facilities and services provided by the city of Hillsboro. WashCo Rec. 3117-3137. Buildable lands within the UGB and other urban reserve lands in the region will provide sufficient development capacity to support a healthy economy. Hillsboro prepared a pre-qualifying concept plan which identified how the industrial areas within this urban reserve can be designed to include pedestrian facilities along with an appropriate system of well-connected streets, bikeways, recreation trails and public transit service.

Urban Reserve Factors 5 through 8

The natural ecological systems within Waibel and Storey Creeks and their associated floodplains on this site will be protected and enhanced under the existing regulatory framework in Washington County and Hillsboro. Both concept and community level planning can assure a site design that will preserve and enhance ecological systems. This urban reserve area can be designed to preserve natural landscape features. Concept and community level planning in

conformance with established city plan policies can establish a site design which will minimize adverse impacts on farm practices and natural landscape features in the area. WashCo Rec. 3133-3137.

Why This Area was Designated Urban Reserve: Urban Reserve Area 8A was specifically selected for its key location along the Sunset Highway and north of existing employment land in Hillsboro and also because of the identified need for large-lot industrial sites in this region. WashCo Rec. 3124-3128. This area's pattern of relatively large parcels can help support the Metro recommendation for roughly 3,000 acres of large-parcel areas which provide capacity for emerging light industrial high-tech or biotech firms such as Solarworld and Genentech. Transportation needs for this sector and other development in the reserve can be met by Highway 26, which provides a high-capacity transit link to other areas of the region. Additionally, industrial development in this area will be proximate to existing and future labor pools residing in Hillsboro and nearby cities. These lands will also provide opportunities to attract new industries which would help diversify and balance the local and regional economy.

Urban Reserve 8B: Shute Road Interchange

General Description: Urban Reserve Area 8B is located at the northwest quadrant of the intersection of Sunset Highway and NW Shute Road. This site totals approximately 88 acres and includes land within the 100 year floodplain of Waibel Creek. The existing UGB and the corporate limits of Hillsboro run along the eastern border of the site, while the southern boundary runs along Sunset Highway and is contiguous to Urban Reserve Area 8A. Lands to the north and west of the site are agricultural lands.

How Urban Reserve 8B Fares Under the Factors: Urban Reserve Area 8B is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Hillsboro to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3113-3137.

Urban Reserve Factors 1 through 4

There are approximately 60 acres of buildable land within this urban reserve that could be developed at urban densities and served efficiently and cost-effectively by public facilities and services provided by the City of Hillsboro. Buildable lands within the UGB along with other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy. In conjunction with existing urban lands to the east, this area could be designed to be walkable and to include pedestrian facilities along with a well-connected system of streets, bikeways, recreation trails and public transit service. WashCo Rec. 3132.

Urban Reserve Factors 5 through 8

The natural ecological systems within the tributary of Waibel Creek and its associated floodplain on this site will be protected and potentially enhanced under the existing regulatory framework in Washington County and Hillsboro. Both concept and community level planning can assure a site design that will preserve and enhance ecological systems. Independent of other urban reserve lands in the region, this site is of adequate size to support a mix of housing types and, following

a detailed community planning process, could be developed in a way that preserves applicable natural landscape features. Concept and community level planning in conformance with established city plan policies can establish a site design which will minimize adverse impacts on farm practices and natural landscape features in the area. Adjoining lands are not designated rural reserves.

Why This Area was Designated Urban Reserve: Urban Reserve Area 8B sits at the northwest corner of a major highway interchange which has recently received funding commitments for significant improvements. This interchange is located at the northwestern edge of a very large technology-based industrial area. This site will provide flexibility in planning for needed interchange improvements as well as other infrastructure needs (e.g. sewer and stormwater management) for developing urban lands to the east.

Urban Reserve 8C - Bethany West

Note: Urban Reserve Area 8C is comprised of 2 separate collections of parcels which are further identified as: *Urban Reserve Area 8C- Bethany West / PCC Rock Creek*; and *Urban Reserve Area 8C- Bethany West / West Union* – separate findings and conclusions for these subareas are provided below.

Study Area 8C – Bethany West / PCC Rock Creek

General Description: Including the Peterkort site, the PCC Rock Creek portion of Study Area 8C is approximately 173 acres in size. This land is located near the intersection of NW Springville Rd. and NW 185th Avenue at the northern end of the PCC Rock Creek Campus. This area abuts the current UGB along its eastern and southern boundaries.

One of the Metro conditions for the ordinance that brought North Bethany into the UGB called for the county to “commend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves.” Additional urban land to the immediate west of the North Bethany Community Planning Area is necessary for the provision of sanitary sewer and storm drainage and to assist in the funding for a primary road link to SW 185th Avenue.

Following the directives of the Board of County Commissioners at its May 25, 2010 public hearing on Ordinance No. 733, the Peterkort site was included within this Urban Reserve subarea. In order to address a number of concerns raised in relation to the wetlands and floodplains on the Peterkort site as well as within the "West Union" portion of Urban Reserve Area 8C, a Special Concept Plan Area overlay was added to Ordinance No. 733 (Special Concept Plan Area C). This special plan overlay requires application of the “Integrating Habitats” approach to planning and development of these lands. Independent findings for inclusion of the Peterkort site are provided above under **Section B** of these findings. Additional information relating to the Peterkort site is included in the record on pages 8533 to 8540.

How Urban Reserve 8C Fares Under the Factors: Note that this urban reserve area is included as an important element of the North Bethany Community Planning area. See associated findings related to the Peterkort site under **Section B** of these findings. This section of Urban Reserve Area 8C is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the

initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3062.

Urban Reserve Factors 1 through 4

Together with the West Union portion of this area, approximately 141 acres of this reserve area is considered buildable land with few development constraints. Ref Record p.) The land is reasonably flat and contains a portion of Rock Creek and its associated floodplain. The established regulatory framework in Washington County will protect and potentially require buffers from and enhancement to this important landscape feature.

This area will support extension and/or expansion of public facilities (e.g. sewer and storm drainage) from adjoining urban areas, especially the new North Bethany community. Urban services are currently being provided to lands immediately east and south of this area. Although constrained by floodplain and related buffers, developable portions of this area can be connected to surrounding trails and roadways within the North Bethany community. Public transit currently serves adjacent lands to the south. The developable portions of this area \, together with other urban reserves and lands already inside the UGB, provide sufficient development capacity to support a healthy economy.

Urban Reserve Factors 5 through 8

The natural ecological systems within the segments of Rock Creek and associated floodplain on this site will be protected and potentially enhanced under the existing regulatory framework in Washington County, as well as through the application of Special Concept Plan Area requirements. These requirements state that future concept and community planning of the area must take into account Metro's ~~Integrating Habitats~~" program to ensure that future development protects natural features. Lands on this site can provide stormwater management, wetlands mitigation and provide public facility links to support housing and related urban development in adjoining urban areas.

Concept and community planning of the developable portion of Urban Reserve Area 8C would be considered as part of the North Bethany development scheme. The area would be planned as one of a series of walkable neighborhoods oriented around parks and mixed use areas and would be designated to provide a variety of housing types. Incorporating the ~~Integrating Habitats~~" program as required by Special Concept Plan Area C language (WashCo Rec. 9044-9046) into the planning for this area will ensure the preservation of landscape features. As in the North Bethany planning process, impacts to farm uses in the adjoining rural area will be considered and mitigated.

Why This Area was Designated Urban Reserve: This urban reserve will support critical infrastructure links to the North Bethany Community planning area located immediately east of this site. These lands will also support required connections to primary transportation, sewer and stormwater facilities, as well as key opportunities for wetlands mitigation on currently degraded wetlands along Rock Creek. A final financing plan for North Bethany did not include funding projections from the lands within Urban Reserve Area C; however, a new neighborhood could provide the opportunity for additional funding to support the provision of infrastructure such as Road A.

Urban Reserve 8C: Bethany West / West Union:

General Description: The West Union segment of this urban reserve is located within the northwestern quadrant of the intersection between NW West Union Road and NW 185th Avenue. This site is approximately 132 acres and includes home sites and a small commercial site at the intersection of NW 185th Avenue and NW West Union Road. This site is bordered on the east and south by the UGB and to the north and west by Rock Creek. Approximately 28 % of this site lies within the 100 year floodplain of Rock Creek.

How Urban Reserve 8C Fares Under the Factors: This portion of Urban Reserve Area 8C is a small area included in a larger Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3062.

Urban Reserve Factors 1 through 4

Together with the PCC Rock Creek portion of this area, there are approximately 141 acres of buildable land in this urban reserve that could be developed at urban densities which could be efficiently and cost-effectively served by public facilities and services. WashCo Rec. 3062. This site could also support the extension of services designed to improve the efficiency of service to surrounding urban lands. Buildable lands within the UGB along with other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy. Development in the surrounding area includes pedestrian facilities along with a well-connected system of streets, bikeways, recreation trails and public transit service. The pre-qualifying concept plan submitted by city of Beaverton indicates that the site can be reasonably linked to these facilities and services.

Urban Reserve Factors 5 through 8

The natural ecological systems within the segments of Rock Creek and associated floodplain on this site will be protected and potentially enhanced under the existing regulatory framework in Washington County. Both concept and community level planning can assure a site design that will preserve and enhance ecological systems. Independent of other urban reserve lands in the region, this site is of adequate size to support a broad mix of housing types and, following a detailed community planning process, could be developed in a way that preserves adjoining natural landscape features. Rock Creek and its associated broad floodplain (averaging over 800 feet in width at this location) provides an excellent buffer between the potential urbanization of this site and surrounding rural reserve lands. Concept and community level planning in conformance with established county plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area.

Why This Area was Designated Urban Reserve: The West Union segment of this urban reserve is located at the intersection of two major urban arterials (NW West Union Road and NW 185th Avenue) and is physically isolated from surrounding rural resource lands by Rock Creek and its floodplain. This site provides opportunity to extend and expand gravity flow sewer service as

well as large scale stormwater management facilities to this site as well as the North Bethany community planning area located to the northeast.

C. Washington County: Rural Reserves

1. Introduction

The following general comments are applicable to the specific subarea findings below:

Undesignated Area

Undesignated areas appeared under two different scenarios in the final recommendations contained in the September 23, 2009 staff report. Area around Banks and North Plains were left undesignated to provide the opportunity for each city to undergo UGB management and urban reserves planning under Oregon Administrative Rule 660-021. It is the county's expectation that such planning will result in application of urban reserve designations in appropriate locations and quantities within these currently undesignated areas. WashCo Rec. 9044-9046.

The other type of undesignated area was derived from the iterative GIS analysis that resulted in a rural reserve suitability determination for lands outside the UGB. These undesignated areas were shown on Map 36 in the appendix to the September 23, 2009 staff report. WashCo Rec. 3033. These areas did not qualify as a rural or urban reserve under the applicable factors. During Core 4 deliberations from October 2009 to February 2010, many previously undesignated areas were folded into adjacent rural reserves with the exception of the areas around North Plains and Banks and five undesignated areas adjacent to either a proposed urban reserve or the existing UGB. Technical map amendments adopted June 15 by the Board of Commissioners adjusting the total acreage of urban and rural reserve areas for the purposes of correcting mapping errors, —parcel shifts” when digital map layers are updated, and right-of-way adjustments to reserves boundaries. These adjustments increased the net amount of undesignated area outside the UGB by approximately 105 acres, primarily through the right-of-way adjustments. In addition, the Core 4 left some areas as undesignated for future consideration – these include North of Sunset Hwy near Urban Reserve Area 8B near Roy Rogers Road.

Subject to urbanization-OAR 660-027-0060(2)(a);(3)(a)

Staff divided the subject to urbanization factor into three classifications: high, medium, and low. These three classifications were applied to the 41 sub-areas in the rural reserve study area. Areas considered highly subject to urbanization were the initial areas of interest by cities. Medium subject to urbanization areas began from the outer edge of the city interest areas and included areas where potential urbanization over the reserves 50-year timeframe was possible. Low subject to urbanization areas were those areas in the study area beyond the medium subject areas, where urbanization potential was least likely. WashCo Rec. 3969. Fair market value was evaluated through a number of analytical iterations, yet staff found the application of "fair market value" independent of other indicators did not provide a conclusive indication of lands that may be subject to urbanization. WashCo Rec. 2972.

Safe Harbor factor- OAR 660-027-0060(4)

This factor [OAR 660-027-0060(4)] allows for a county to "deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation under OAR 660-027-0040(10)." Staff was compelled to conduct a more rigorous analysis of county agricultural land given the broad application of foundation farmland to the county study area. Staff did not use the three mile "safe harbor" factor as it would not reasonably capture the extent of analysis staff conducted to arrive at rural reserve recommendations. This factor is therefore not applicable to the rural reserve area findings and is not addressed therein.

Agricultural and Forestry Considerations - OAR 660-027-0060(2)

Agricultural and forestry considerations were applied to the above rule separately when considering which areas were most suitable as rural reserves. The study area was classified into 41 sub-areas included in four tiers. Tier 1 areas ranked as the highest priority for rural reserves based on either agricultural, forestry, or natural landscape feature considerations. A composite map for all Tier 1 areas resulted in the final map noting those areas most suitable for rural reserves. WashCo Rec. 3024.

The map results from the ODA analysis are limited to a total of three classifications in the 2007 Agricultural Lands Inventory: Foundation, Important, and Conflicted lands. The overwhelming majority of the acreage in Washington County was considered foundation land; this designation was broadly applied and made no further distinction among those agricultural areas. (As an example, the entirety of Hagg Lake and relatively large blocks of forestland were classified as foundation land.) To better apply the rural reserve factors found under OAR 660-027-0060, staff believed a more intensive agricultural analysis was important to the rural reserve designation process. Components of this analysis included parcelization, dwelling density, potential crop productivity based on successive agricultural inputs, and possession of a water right or inclusion within the Tualatin Valley Irrigation District. WashCo Rec. 2971-2980.

Staff asked both the Department of Agriculture and the county Farm Bureau for quantitative information that would help us better address Factor (2)(d), which calls for a consideration of the sufficiency of agricultural infrastructure in the rural area. A quantitative response specific to agricultural infrastructure was not provided by the ODA or Farm Bureau. This factor is briefly addressed in the findings below. Generally, staff could not find quantitative information that established a threshold for continued viability of agricultural suppliers when considering this factor relative to a 'tipping point' when considering this factor and the associated loss of farm acreage.

To map forestlands, staff used the Oregon Department of Forestry's (ODF) Wildland Forest Inventory mapping data from 2008. This data more accurately assessed on-the-ground conditions relative to forest lands by including eight separate land use categories. ODF recommended larger blocks of forested land in the outer edges of the study area for protection. Cite. These areas (Wildland Forest) were included as Tier 1 candidates for rural reserve recommendation. The ODF inventory states that *Wildland Forest* areas need to be protected in order to sustain long-

term forestry operations for forest land.¹⁰ Tier ranking determinations for forestry were facilitated by this greater level of detail.

Natural Features Considerations - OAR 660-027-0060(3)

Natural feature considerations were applied to the above rule separately from agricultural and forestry considerations. Tier 1 areas for natural landscape features ranked as the highest priority for rural reserves. A composite map for Tier 1 forestry, agriculture, and natural feature areas resulted in a final map noting the areas most suitable for rural reserve designation. WashCo Rec. 3024.

Metro's Natural Landscape Features map formed the basis of staff's natural landscape features analyses. This map included county floodplains as well as the Hagg Lake watershed and natural areas such as the Tonquin Scablands, Killen Wetlands, and Wapato Lake. WashCo Rec. 3028. Staff additionally considered the county's Goal 5 Significant Natural Resource inventory as suitable for rural reserve designation. This includes areas protected for floodplain, riparian corridor, and/or wildlife habitat value. Areas with slopes over 25% were also included as pertinent information in determining rural reserve designation under this factor given constraints on urban development in these areas. Finally, a criterion that included a "sense of place" [factor (3)(e)] was met by including all areas above 350 feet in elevation as suitable for rural reserve designation in addition to those natural areas that might shape and define a regional identity perspective. Limiting urban development above 350 foot elevation level helps provide a sense of place by preserving viewpoints and minimizing residential density. The composite map for the above features revealed a reserves map that included all areas of the Chehalem Mountains as suitable for rural reserve designation.

2. Rural Reserve Descriptions

Rural Reserve 5C: East Chehalem Mountains

General Description: This 15,152 acre reserve area has a similar land use pattern as reserve 6E, with larger agricultural lots on the valley floor and smaller parcels in the Chehalems. The Tualatin River flows through the northern portion of the reserve. The larger sub-basins that flow into the Tualatin include Heaton Creek, Baker Creek, and Chicken Creek. Key natural landscape features include the river and the Tualatin River National Wildlife Refuge. Scholls Ferry and Scholls Sherwood Roads are the primary arterials.

Urban Reserve Area 5A (Sherwood North - 123 acres) is located on the rural reserve's northern border, while Urban Reserve Area 5B (Sherwood West - 1,280 acres) occurs on the east border of the reserve and Urban Reserve Areas 6D (Beef Bend South - 519 acres) and 6C (Roy Rogers West - 557 acres) are located on the north border. An undesignated area of approximately 199 acres is located immediately west of SW Roy Rogers Road. The area was initially included in a rural reserve but was changed to undesignated during Core 4 deliberations from February 8, 2010, to the date of the IGA adoption between the county and Metro on February 25, 2010. Land originally recommended as undesignated between Mountain Home and Scholls-Sherwood Roads

¹⁰ As described in *Forests, Farms and People: Land Use Changes on Non-Federal Land in Western Oregon, 1973-2000*, Oregon Department of Forestry, May, 2002.

was added to the rural reserve recommendations based on public input and discussion among the county planning directors, elected officials, and the Core 4.

Rural Reserve Area 5C best qualifies as a rural reserve through agricultural factors and natural features factors.

Findings: Designation of Lands as Rural Reserves

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

Agricultural Considerations Under Factor (2)(b-d)

A portion of this reserve area was identified as Tier 1 suitability for agriculture in the September 23, 2009, staff report. The Tier 1 area correlates roughly to the Tualatin River floodplain south to Scholl's-Sherwood Road, extending east to Roy Rogers Road. Proposed urban reserves immediately west of Sherwood and King City were ranked as Tier 3 areas for agriculture based on degree of parcelization and proximity to urban areas.

Capability for agricultural operations was determined by an evaluation of existing agricultural uses, soil class, and availability of water. Approximately one third of the reserve area is located within the Chehalem Mountains. Class II and Class III soils are the dominant soil classes with pockets of Class IV soils immediately adjacent to the river. Additional Class IV (and Class VI) soils occur in the Chehalems in those areas noted as Tier 3 or Tier 4 in the county's agricultural analysis. The most capable area for agricultural operations is within the Tualatin River's floodplain. The larger farm operations (greater than 35 acres) in this reserve are located within a half-mile to three-quarters of a mile of the river, generally between Scholls-Sherwood Road and Scholls Ferry Road.

The Tualatin floodplain in this reserve area is the southern limit of the TVID. TVID boundaries and existing water rights were mapped to help define agricultural infrastructure. Numerous water rights exist within the floodplain. WashCo Rec. 3015. Scattered rights to groundwater and surface water also occur in the foothills. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe.

The area of existing large lot agricultural use is likewise most suitable for long-term agricultural operations due to existing use patterns and the degree of parcelization elsewhere within the reserve. Most of the lots in the southern portion of this reserve (the Chehalems) are less than 15 acres, resulting in a greater degree of parcelization than elsewhere. Residential density in this area of the Chehalems is greater relative to the Chehalem area in adjacent Rural Reserve Area 6E to the west.

Forestry Considerations Under Factor (2)(b-d)

Based on aerial photos, forested areas in this reserve occur primarily along the Tualatin River riparian corridor and in the riparian areas of the river's tributaries. A number of smaller residential parcels are timbered. Commercial, large-scale forestry operations do not occur in this reserve.

Land designated by ODF as *Wildland Forest* occurs on either side of Highway 219 near the Yamhill County line. Areas designated as *Wildland Forest* were included as Tier 1 areas suitable for rural reserve based on the department's analysis. Most of the mountain is in contiguous timber and is either in small-woodlot cultivation or unmanaged forest use. Future commercial forestry operations may be constrained due to existing parcelization of the area, steepness of the topography, and existing and future transportation limitations.

Natural Landscape Feature Considerations Under Factor (3)(a-h)

Factor (3)(a) is addressed under the *general comments* section of the rural reserves introduction.

The Tualatin River and the Chehalem Mountains are prominent natural features in this proposed reserve. The river's floodplain serves important hydrological functions related to flood water retention and discharge and additionally serves important biologic functions such as its use as a wildlife dispersal corridor and provision of critical habitat for anadromous fish. The Chehalem Mountains provide upland habitat and have the potential as a wildlife corridor for east-west dispersal. Both features are significant identifiers for a sense of place at a local and regional level.

The river's floodplain can also function as a buffer between the mixed farm and residential use found in the Chehalems and the transition to urban uses north of the river.

Several units of the Tualatin River National Wildlife Refuge form an effective natural buffer between resource lands and the cities of Sherwood, King City and Tualatin. The refuge also provides a regional sense of place by providing natural habitat features in close proximity to urban areas.

Consideration was given to provision of recreational access to natural features in the area. A segment of the trail alignment for the proposed Tonquin Trail connecting Sherwood, Wilsonville, and Tualatin borders the 88-acre section of the reserve to the northeast. Changes are not anticipated to the transportation system that would limit existing or future access to recreational opportunities.

Rural Reserve 5I: Parrett Mountain

General Description: This reserve consists of approximately 1,922 acres centered around Parrett Mountain and 88 acres east of Baker Road in the Tonquin Scablands area. The Parrett Mountain area is west of Baker and Tooze Roads and bounded by Highway 99W east to the county boundary at SE Ladd Hill Road. Parrett Mountain Road divides the topography of the area with most of the parcels north of the road in forest use and parcels south of the road in agricultural and residential use. Proposed urban reserve area 5D (539 acres) is on the north border of the reserve. Rural reserve area (in Clackamas County) is located south and west of the smaller Tonquin area of the reserve. Immediately east of this unit is the city of Tualatin and north is Urban Reserve Area 5F (568 acres). The area best qualifies as a rural reserve through forestry and natural features factors.

Cedar Creek and its tributaries are the predominant natural landscape features in addition to Parrett Mountain.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

Agricultural Considerations Under Factor (2)(b-d)

This rural reserve area was ranked at Tier 4 (lowest ranking) for agriculture in staff's analysis. The area was mapped as conflicted land in the Oregon Department of Agriculture's (ODA) agricultural inventory. The west unit of this reserve area consists primarily of the uplands of Parrett Mountain and is unsuitable for agricultural operations due to topography and lack of prime soils. Exceptions exist south of Parrett Mountain Road, which is relatively flat and is capable of sustaining long-term agriculture, and north of Parrett Mountain adjacent to Highway 99. Both areas are primarily residential or in limited farm use.

The east unit of the reserve consists primarily of Coffee Lake and is unsuitable for agricultural use.

Forestry Considerations Under Factor (2)(b-d)

Forest cover is generally limited to the undeveloped areas of Parrett Mountain. Some forest cover occurs within the riparian corridor of Cedar Creek adjacent to Highway 99 and in isolated pockets between Cedar Creek and the north slope of the mountain. Commercial forestry operations are not present and the area does not appear to be in active woodlot management, based on aerial photos. However, the area is capable of sustaining forestry based on soil type and the existing forest cover. Moderate-sized forestry operations and small woodlot management is possible.

The ODF forest inventory includes much of Parrett Mountain as *Wildland Forest* with the exception of an existing subdivision centered on either side of Labrousse Road. South of Parrett Mountain Road the map shows the area as *Mixed Forest & Agriculture*. The *Wildland Forest* section of Parrett Mountain was ranked as a Tier1 area in staff's analysis given the *Wildland Forest* designation.

Natural Landscape Feature Considerations Under Factor (3)(a-h)

Factor (3)(a) is addressed under 'general comments' in the rural reserves introduction.

Areas included on Metro's Natural Features Inventory area were included as Tier 1 areas for rural reserve designation in staff's analysis. This includes the 88 acres in the Tonquin Scablands area. The Parrett Mountain area was also included as a Tier 1 consideration given the regional sense of place that is found in the area. Parrett Mountain likely contains suitable habitat for wildlife, including big game cover, and also provides a buffer between the city of Sherwood and rural areas south of the mountain.

Consideration was given to provision of recreational access and no changes are expected to the transportation system that would limit any existing access to recreational opportunities.

Rural Reserve 6E: Central Chehalem Mountains

General Description: This 25,381-acre rural reserve is almost evenly divided by the Tualatin River, which is a key natural feature of the reserve. The Chehalem Mountains are also a prominent natural feature. The north half of this reserve area is typified by farm parcels adjacent to and north of the river. South of the river and Highway 219, the lots are smaller and uses are more varied, including residential use, nursery use, and small farm and forest use parcels. The Chehalem foothills start in this southern half and extend south-southwest to the county line. The upper drainages in the Chehalems feed into the McFee Creek basin. The reserve area is divided by several arterials, including Highway 219, Farmington Road, and River Road. Proposed urban area 6B (Cooper Mountain Southwest) abuts the northeast corner of the reserve and Urban Reserve area 6A (Hillsboro South) is located northeast of the junction of Rosedale and River Roads.

Two undesignated areas are located on the north boundary. One area of approximately 358 acres is located between the Tualatin River and Minter Bridge Road south of the Hillsboro city limits. The area has remained undesignated throughout the reserves mapping changes. The other undesignated portion near Rural Reserve Area 6E is approximately 568 acres and encompasses the quarry area between Farmington Road and Clark Hill Road. This area was initially recommended as an urban reserve by the WCRCC in the September 23, 2009, staff report. The status of the area was changed to undesignated with the release of the Bragdon/Hosticka Urban and Rural Reserves map of 12/08/09. A small amount of additional undesignated acreage area was added to the area during Core 4 deliberations from February 8, 2010 to the date of the IGA adoption between the county and Metro on February 23 and 25, 2010.

Rural Reserve Area 6E best qualifies as a rural reserve through application of the agricultural, forestry, and natural features factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section of the rural reserves introduction.

Agricultural Considerations Under Factor (2)(b-d)

Much of the central area of this reserve was classified as Tier 1 for agricultural operations and is capable of supporting agricultural operations over the 50-year reserves timeframe. The Tier 1 defined area includes the area from Bald Peak Road east to Highway 210 and from Highway 219 east to River Road and is bounded by the Tualatin river floodplain. The majority of the area is considered Foundation farm land on the Oregon Department of Agriculture map. WashCo Rec. 2998. Capability was determined through soil class and availability of water. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe.

Class II and class III soils predominate, with isolated pockets of Class I soils and some Class IV soils immediately adjacent to the river. Class III and IV predominate in the Chehalem Mountains. Numerous parcels in the river's floodplain are included in the Tualatin Valley Irrigation District and existing water rights are widespread. Numerous water rights also exist outside the water district in the Chehalem foothills. WashCo Rec. 3015. As with Rural Reserve

8E, the area is potentially some of the most productive land in the study area for agricultural purposes, based on Staff's analysis.

The majority of parcels in the Tier 1 area are 35 acres or larger and are currently in agricultural use. This area discussed above under Tier 1 considerations is a component of the larger sub-area 25. These farm parcels are typically on the valley floor, gradually transitioning to smaller lots and more residential use as one moves south into the Chehalem foothills. The gradual transition to residential lots containing pasture or small woodlots acts as an effective buffer to the existing agricultural uses on the valley floor.

As noted above, TVID boundaries and existing water rights were mapped to help define agricultural infrastructure. Infrastructure to support agricultural uses is likely sufficient given the predominance of relatively large agricultural operations throughout the valley floor.

Forestry Considerations Under Factor (2)(b-d)

Aerial photos show that forest canopy in the Tier 1 agricultural area described above is limited to a few streams. Forested areas in this reserve occur south of the Tualatin River in the Chehalem Mountains. Commercial forestry operations do not occur in this reserve.

An area designated *Wildland Forest* by the Oregon Department of Forestry is present at the crest of the Chehalems adjacent to the county line. Staff included this area as suitable for rural reserve based on this forestry consideration. WashCo Rec. 3027. No other *Wildland Forest* designations occur in the reserve area. Existing parcelization of the area, steepness of the topography, and existing and future transportation limitations preclude large-scale forestry operations.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The Tualatin River and the Chehalem Mountains are prominent natural features in this proposed reserve. The river floodplain serves important hydrological functions related to flood water retention and discharge and additionally serves important biologic functions such as provision of a wildlife dispersal corridor and critical habitat provisions for anadromous fish. Both features are also significant identifiers for a sense of place at a local and regional level. Additionally, Jackson Bottoms is a regionally significant wetland that provides wintering habitat for ducks, geese, and swans as well as other migrants. This area also provides a sense of place year-round as a natural area.

Urban Reserve Area 6A abuts south Hillsboro and Urban Reserve Area 6B abuts the western boundary. The floodplain of the Tualatin River helps form the west boundary of Urban Reserve Area 6A. Existing floodplains can function as buffer areas between future development in the proposed urban reserve and the agricultural uses south of Rosedale Road and west of River Road. Urban Reserve Area 6B consists primarily of the southwest slopes of Cooper Mountain. The topography of the area creates an effective buffer between agricultural uses on the valley floor and the more intense residential development located east of the Metro-owned and operated 231-acre Cooper Mountain Nature Park located on the mountain's upper slopes. The park provides an additional buffer between urban and rural uses. Consideration was given to provision of recreational access to natural features in the area.

Rural Reserve 7F: Hagg Lake

General Description: This approximately 25,652 acre area includes land west and southwest of Forest Grove to the study area boundary. Gales Creek Road forms the northern edge and Highway 47 its eastern edge. With the exception of the Gales Creek and Tualatin River floodplains, the reserve area is characterized by incised ravines and rolling topography to an elevation of approximately 1,000 feet. The predominant landscape features are Gales Peak and Hagg Lake. Commercial forestry operations occur throughout much of the area with farm parcels within the Gales Creek floodplain and on either side of the Highway 47 corridor. The area best qualifies as a rural reserve through forestry factors.

The community of Dilley is located between Forest Grove and Gaston west of Highway 47.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under 'general comments' for the rural reserves introduction.

Agricultural land in this reserve is located in the area between Gales Creek south to the hills around Hagg Lake as well as land between Old Highway 47 and Highway 47. The Patton Valley Road area south to the county line is also in agricultural use. The area in the vicinity of Gales Creek was ranked as Tier 1 for agriculture in the staff analysis. Row crops are the predominant agricultural use in the area. Several large parcels in nursery use occur in the vicinity of SW Stringtown Road and SW Ritchey Road.

Soil classes in the Tier 1 area are predominantly Class II and Class III. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe. Virtually all of the flat area of Rural Reserve 7F is currently in farm use and is capable of supporting agriculture over the reserves timeframe.

Agricultural infrastructure in the area is likely to be sufficient given the on-going agricultural use in the farm areas noted above. The towns of Forest Grove, Cornelius and Hillsboro are close enough to the reserve to provide agricultural support such as machinery purchase and repair as well as supply and distribution outlets.

Forestry Considerations Under Factor (2)

The majority of this reserve includes the mountainous west end of the study area. The area northeast of Hagg Lake rises to approximately 1,000 feet in elevation and gradually increases to approximately 1,600 feet northwest of the lake. Virtually all of the area is commercial forest land, including a number of contiguous parcels held by Stimson Lumber Company. Most of the hilly terrain in the reserve is included as *Wildland Forest* in ODF's forest inventory and was therefore proposed as a high priority for rural reserve designation by staff. This area includes the largest contiguous block of forested land in the Washington County reserves study area.

Stimson Lumber Company maintains an active log processing facility in Scoggins Valley that provides an outlet for much of the timber harvested in the hills above Hagg Lake. The cities of North Plains and Banks also have mills that provide log processing. Logging supply and

equipment repair facilities can be found in surrounding communities, including McMinnville in Yamhill County.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under *general comments* in the rural reserves introduction.

Much of the reserve area, including the foothills north of Hagg Lake and the Gales Creek floodplain, occur on the Natural Landscape Features Inventory (cite source). Significant portions of the reserve are either in a floodplain or in areas where slopes are greater than 25%. The area is considered Wildlife Habitat in the county's Goal 5 Inventory with the recognition that the contiguity of the forest cover provides important habitat throughout the life cycle of big game species and other mammals. Most of the topography is over 350 feet in elevation, providing a visual sense of place and a relatively undisturbed mountainous area close to the county's westernmost cities.

The Reserve area provides some measure of separation between the cities of Forest Grove and Gaston, limiting the type of development that could extend beyond each city's boundary.

Hagg Lake is one of the county's most significant recreational facilities. Access to the area is via Scoggins Valley Road, an improved two-lane road. Access to the recreational potential of the Gales Creek watershed is provided by Gales Creek Road, also a two-lane improved road.

Rural Reserve 7G: West Chehalem Mountains

General Description: This diverse area of approximately 26,898 acres includes the west end of the Chehalem Mountains, farm lots of varying sizes, residential parcels with pasture and/or woodlots, and timbered parcels. Numerous perennial tributaries of the Tualatin River originate in this reserve, including Davis, Christenson and Mill Creeks. The Tualatin River floodplain is the predominant natural feature and forms the northern boundary of the area, with Highway 47 serving as the western boundary. Bald Peak Road forms the area's southern boundary and Highway 219 forms the eastern boundary. The small community of Laurelwood is located southeast of the town of Gaston. Roads south of Cornelius and Forest Grove include Tongue Lane, Blooming Fern Hill Road, and Golf Course Road. Urban Reserve Area 7D (Cornelius South) is located adjacent to Cornelius at the north boundary of the reserve area. A 1,013-acre undesignated area south of Cornelius was initially recommended as an urban reserve by the WCRCC in September, 2009. The status of the area was changed to undesignated (without acreage adjustments) with the release of the Bragdon/Hosticka Urban and Rural Reserves map of December 8, 2009. The area remained unchanged from this designation during the rest of the Core 4 deliberative process into February 2010.

The area best qualifies as a rural reserve through agricultural factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

The majority of the relatively flat land in this reserve is currently devoted to agriculture use. Nursery operations are not uncommon south of the Tualatin River floodplain. The area comprising the floodplain boundaries south to Simpson Road and north to the Forest Grove city limits was ranked as the highest suitability for agriculture (Tier 1) in this reserve. Class I soils are located between Golf Course Road and Blooming Hill Road with Class II and Class III soils in the remaining area. The land use pattern supports this area as being highly suitable for agricultural use. The larger parcels in the area are currently in farm use and most are located within the Tualatin Valley Irrigation District. Water rights are present throughout much of the valley floor.

Staff presumes that an adequate agricultural infrastructure currently exists in the surrounding area given the number of farm operations in this reserve.

Forestry Considerations Under Factor (2)

The remaining area of the reserve includes the western end of the Chehalem Mountains, which are characterized by smaller lots, variable topography, and multiple uses, including small hobby farms, residential parcels, and larger lots north of Dixon Mill Road that historically have been used for forestry operations. Metro has recently purchased approximately 1,143 acres that were in historic forestry use for the Chehalem Ridge Natural Area, a new regional park that is currently undeveloped. The new park area was mapped as *Mixed Forest and Agriculture* on the ODF inventory.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The important natural landscape features of the area include the west end of the Chehalem Mountain Ridge, the Wapato Lake area north of Gaston and a section of the Tualatin River that flows through this reserve. Each of these features was ranked as the highest priority for rural reserve in the staff analyses. The Fernhill Wetlands complex south of Forest Grove provides regionally important wintering habitat for ducks, geese, swans, and other migratory birds. Including this feature, as well as other County Goal 5 inventoried resources in a rural reserve will protect important fish and wildlife habitat from the effects of urbanization and provides a regional sense of place that would be lost with urban encroachment. Water quality can be maintained by limiting impervious surfaces and urban development in the Chehalem area where tributaries to the river are located. The floodplain helps form a natural boundary between the urban uses in Forest Grove and Cornelius and the farmland south of those cities.

Consideration was given to provision of recreational access to natural features in the area. Changes are not anticipated to the transportation system that would limit existing or future access to recreational opportunities.

Rural Reserve 7H: West Fork Dairy Creek

General Description: This wedge-shaped area is approximately 15,696 acres northwest of Forest Grove and west of the city of Banks. State Highway 47 and Gales Creek Road define the east and west boundaries, respectively. Highway 47 is classified as a principal arterial on the county's Transportation Plan and Gales Creek Road as an arterial. David Hill and the west fork of Dairy

Creek and its tributaries are the predominant landscape features. Much of the area is characterized by farm parcels over 30 acres with scattered residential dwellings. Urban Reserve Areas 7A (David Hill) and 7B (Forest Grove North) abut the northern edge of Forest Grove. Land around Banks has been left undesignated to allow for that city's future growth. The area qualifies as a rural reserve through agricultural, forestry, and natural landscape features factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section of the rural reserves introduction.

The agricultural land in this reserve is farmed up to the lower slopes of the hills that encircle the floodplain of the west fork of Dairy Creek. This area has been in agricultural use for decades and is capable of maintaining that use. The reserve contains large blocks of contiguous Class II soils and also has the largest contiguous block of parcels within the Tualatin Valley Irrigation District. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations on water removal from in-stream flow over the reserves timeframe. Large areas west, southwest and north of Banks have water rights outside of the irrigation district. WashCo Rec. 3015.

Parcels in the agricultural area are contiguous and typically over 35 acres in size, which can facilitate large-scale farming operations.

Agricultural infrastructure in the area is likely sufficient given the ongoing agricultural use in the farm areas noted above. The towns of Forest Grove, Cornelius, and Hillsboro are close enough to the reserve to provide agricultural support such as machinery purchase and repair and supply and distribution outlets.

Forestry Considerations Under Factor (2)

As noted above, the agricultural area in the reserve is ringed by forested hills to an elevation of approximately 500 feet northwest of Banks and just over 1,100 feet in the David Hill area. Based on aerial photographs, much of the forested area in the reserve has been harvested in the past and continues to be in commercial rotation or small-scale woodlot management. With the exception of smaller parcels on the lower slopes of David Hill and exception lands northwest of Banks, the forested lands of this reserve include very limited residential development.

The majority of David Hill is ranked as *Wildland Forest* by the ODF as is a wedge of land at the north edge of the reserve between SW Cedar Canyon Road and Highway 47. WashCo Rec. 2999. Staff ranked these areas as Tier 1 and Tier 2 (i.e. most suitable) in applying the forestry element under this factor. The ODF ranked the remaining hill areas above the floodplain as *Mixed Forest & Agriculture*. Staff determined through the analyses iterations that these (non-Tier 1) hill areas be left undesignated given the lack of priority for either forestry or agriculture. During Core 4 deliberations, the undesignated areas within this reserve were assimilated into surrounding rural reserves, with the exception of undesignated area around the city of Banks.

David Hill is buffered by Hillside Road to the north and Gales Creek Road to the south, effectively creating a forested island above the valley floor. Cedar Canyon Road separates the forested uses northwest of Banks from the agricultural uses on the valley floor.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The west fork of Dairy Creek and David Hill are the predominant natural landscape features in the reserve area. The David Hill area and much of the surrounding hill areas contain slopes too excessive for efficient and cost-effective urban development and are included as Tier 1 (forestry) lands for this reason alone. Residential development in the hill areas is limited and contiguous blocks of forest in varying age classes are not uncommon, providing a variety of habitat potential for wildlife. Feeder streams to the west fork tributaries originate in the surrounding hills and help to maintain water quality and quantity for Dairy Creek, a stream recognized by the Oregon Department of Fish and Wildlife as important for anadromous and resident fish.

David Hill is the highest hill in this reserve area and provides views from its summit north to the Tualatin Mountains and south to Yamhill County. The Dairy Creek floodplain covers both this reserve and Rural Reserve Area 8E (Dairy Creek) to the east and encompasses the largest contiguous agricultural area in the county. Both features serve to provide a sense of place. The floodplain further functions as a natural buffer from the urban uses south to Forest Grove.

Rural Reserve 8E: Dairy Creek

General Description: This area of approximately 19,182 acres consists of the relatively flat agricultural land located north of the city of Forest Grove to Highway 26. Highway 47 defines the western boundary and McKay Creek defines the east boundary. The east and west forks of Dairy Creek meet in the approximate center of the reserve to form the main stem of Dairy Creek, which flows southeast through the southern half of this reserve. Cornelius-Schefflin Road, Zion Church Road, Verboort Road, and Martin Road are classified as arterials in the county's Transportation Plan. The small communities of Verboort and Roy are located within this reserve. Urban Reserve Areas 7I (Cornelius North) and 7C (Cornelius East) are located at the southern edge of the reserve adjacent to Cornelius. Urban Reserve Area 8A (Hillsboro North) is located on the northeast boundary of this area. The area qualifies as a rural reserve through agricultural and natural landscape features factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

This reserve area continues to be a key agricultural sector of the county due to the contiguity of larger parcels in agricultural use, the proximity to perennial water from McKay Creek and the east and west forks of Dairy Creek, and the presence of high-value farm soils. Class II soils predominate in this reserve and relatively large areas of Class I soils occur between Zion Church Road and North Plains, west of Gordon Road, and the vicinity of Scotch Church and Glencoe Roads. The area benefits from being centrally located between the cities of Hillsboro, North Plains, Banks, Forest Grove and Cornelius relative to agricultural infrastructure such as seed and

feed distribution, farm equipment repair, and transportation capacity . This area has been in long-term farm use and maintains the capability for long-term agricultural use.

Forestry Considerations Under Factor (2)

This area is recommended as a rural reserve given its agricultural importance and suitability under factor (3) below. Forest cover is limited in this reserve to the riparian corridors of Dairy Creek and McKay Creek.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The east and west forks of Dairy Creek meet in the approximate center of the reserve, creating a large floodplain area that serves important hydrologic and biological functions. Stormwater retention and release, water quality, and lower water temperatures are facilitated by limits on impervious surface area and its associated run-off. The creek and associated tributaries provide full life cycle habitat as migration corridors, rearing area for young, and feeding and resting areas for anadromous and native fish and amphibians. The east and west forks of Dairy Creek are the main cutthroat trout spawning and rearing areas within the Tualatin sub-basin. Species of concern found in the drainage include the northern red-legged frog and steelhead trout.

The entire reserve consists of flat to gently rolling topography that is almost exclusively in agricultural use. Views south into the reserve from Highway 26 provide a sense of place by connecting Metro area residents to close-in farmland identified through numerous public comment submittals as important elements in the regional identity.

Trails and parks are currently not found in this reserve area but adequate access to potential trail areas, such as along the riparian corridors, is available through the existing road network.

Rural Reserve 8F: Highway 26 North

General Description: Highway 26 (Sunset Highway) forms the southern boundary of this approximately 21,446-acre rural reserve. The north and west boundaries are defined by the edge of the study area and the east boundary is formed by Rock Creek. The area is characterized by several tributaries flowing south from the Tualatin Mountains, including Waibel, Storey, and Holcomb Creeks. Sections of McKay Creek and the East Fork of Dairy Creek also flow through this reserve area. The topography of the area is characterized by the foothills of the Tualatin Mountains. Tributary ravines are common in the area, particularly in the eastern half. NW Cornelius Pass Road and NW West Union Road are designated arterials in the county's Transportation Plan; collector roads include NW Shady Brook, NW Jackson School, NW Helvetia, and NW Phillips Roads. Urban Reserve Area 8C (West Bethany) occurs as two small units located on the east boundary adjacent to the regional UGB. The area best qualifies as a rural reserve through agricultural and natural landscape features factors.

The community of Helvetia is located in this reserve.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed in the *general comments* section in the rural reserves introduction.

Land in existing agricultural use extends from the south reserve boundary north to the foothills of the Tualatin Mountains. The larger parcels, such as those located adjacent to Jackson School Road and Mountindale Road, are in agricultural use. Class II soils predominate north of West Union Road. Areas of Class I soils exist south of West Union Road in the vicinity of Jackson School road and on either side of Helvetia Road. Relatively large areas of Class I soil occur north of North Plains and Mountindale Road. Mountainous areas of the reserve tend to be Class III and IV soils. Water rights are concentrated along McKay and Dairy Creeks and intermittently along Waibel Creek and Rock Creek. Water rights are sporadic throughout the rest of the reserve. WashCo Rec. 3015. Residential and small farm use is typical in the foothills, where parcels are generally smaller than those on flatter terrain to the south. Availability of water was an important consideration in staff's analysis of agricultural lands given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe.

The majority of this reserve ranked as Tier 2 and Tier 3 for rural reserve designation. Relative to other rural areas of the county, dwelling density and parcelization is high throughout much of the reserve, particularly in the Helvetia area. WashCo Rec. 3021-3022. Also, agricultural productivity ratings developed by applying the Huddleston methodology ranked considerably lower throughout this reserve than rural reserve areas in the Tualatin River floodplain and the Dairy Creek basin between Banks and Forest Grove. The most productive agricultural areas in the reserve are located northwest of North Plains in the Mountindale area. WashCo Rec. 3017.

Forestry Considerations Under Factor (2)

The majority of this reserve area is in agricultural use. Forested parcels and rural residential areas occur in the foothills of the Tualatin Mountains. The ODF inventory included several areas designated *Wildland Forest* at the northern edge of the study area, including north of the Highway 26/Highway 6 junction as well as areas at the county's east edge northeast of North Plains. All areas designated *Wildland Forest* in the ODF inventory had Tier 1 suitability in the county's forestry analysis. The foothills are typified by scattered woodlots and soils are potentially suitable for long-term forestry operations. Existing parcelization and dwelling density would likely limit larger commercial forestry operations.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

Rock Creek, McKay Creek, and the East Fork of Dairy Creek flow through this reserve and several important tributaries - including Bledsoe Creek, Jackson Creek, and Holcomb Creek - originate in the Tualatin Mountain foothills. These streams are critical for enhancement of water quality and quantity necessary for resident and anadromous fish habitat. Downstream flow for agriculture is dependent on the tributary streams in this reserve. Relatively large floodplain areas exist in the Mountindale area north of Highway 26 and north of North Plains, providing a buffer between rural uses and the city.

Elevations over 350 feet were included as Tier 1 areas for rural reserves to address factor (3)(e) relative to a sense of place. Portions of the hills above this elevation were also included in Metro's Natural Features Inventory given their significance as headwaters to Rock Creek.

Foothills to the Tualatin Mountains provide a natural buffer between agricultural uses closer to the Sunset Highway and the more intensive residential use further north. Access to recreation areas such as Forest Park and Sauvie Island in Multnomah County are provided through several roads that run north-south in this reserve. The Banks-to-Vernonia State Trail from Stub Stewart State Park to the city limits of Banks occurs in this reserve and is likewise unimpeded from recreational access.

Supplemental Findings in Support of A-Engrossed Ordinance No. 740

Rural and Urban Reserves in Washington County

- 1) Description of LCDC Oral Remand
- 2) Developing the Oral Remand Response
- 3) Balancing Efforts in Washington County
- 4) Reserves Findings
 - a) Rural Reserve Overview
 - b) Supplemental Findings for new Rural Reserve land near Cornelius
 - c) Supplemental Reserve Findings for Urban Reserve Area 7B
 - I) Overview
 - II) Urban Findings
 - III) Rural Findings
 - d) Supplemental Reserve Findings for Urban Reserve Area 8B
 - I) Overview
 - II) Urban Findings
 - III) Rural Findings
 - e) General Undesignated findings
- 5) Findings and Statement of Reasons for Foundation Agriculture Land as Urban Reserves
- 6) Matrix of Reserves Subareas and Associated Acreage

Description of the Land Conservation and Development Commission's Oral Remand

At its October 2010 hearing (held October 19th-22nd and 29th), the Land Conservation and Development Commission (LCDC) reviewed the regional Reserves planning work for possible acknowledgement. Urban and Rural Reserves in Multnomah and Clackamas counties were approved; however, the Commission voted against acknowledging two Urban Reserve areas and all Rural Reserves in Washington County. Specifically, LCDC's decision resulted in a remand for the following reasons:

- 1) Regarding Area 7I located north of Cornelius, LCDC explicitly rejected the Urban Reserve designation and remanded the area for reconsideration by Washington County and Metro.
- 2) Regarding Area 7B north of Forest Grove, LCDC directed that additional findings be provided to support the area's Urban Reserve designation. Additionally, LCDC voiced concerns about including lands north/east of Council Creek within the Urban Reserve.
- 3) LCDC remanded all Rural Reserves in Washington County to provide the opportunity for the county and Metro to consider revising designations to add additional Urban Reserves (to replace 7I and a portion of 7B) and more Undesignated land in Washington County, if desired.

By declining to acknowledge the county's Reserves, LCDC afforded Washington County the opportunity to replace Urban Reserve acres lost in Areas 7B and 7I with Urban Reserve designations on land elsewhere in the county. LCDC capped the number of new Urban Reserve acres at 624 acres included in Area 7I, plus the number of acres removed from 7B.

In response to LCDC's comments made during the October hearing (Washington County Record pages 10179-10191) and with guidance provided by the Board of County Commissioners, county staff looked to the following principles to guide the work of making adjustments to Reserves designations:

Principle 1 - Replace Urban Reserve lost *gross* acres of land on an acre-for-acre basis.

Principle 2 - Attempt to replace Urban Reserve *net* acres lost on an acre-for-acre basis.

Principle 3 - Replace loss of land suitable for industrial/employment uses within Urban Reserves with land suitable for those uses.

Principle 4 - Examine opportunities to leave additional lands Undesignated.

Developing the Oral Remand Response

Utilizing the guidance offered by LCDC commissioners at the acknowledgement hearing in October 2010, and principles outlined by members of the Washington County Board of Commissioners, county staff moved forward with developing a draft Reserves map that was responsive to the oral remand by LCDC.

County staff listened to the audio recording of LCDC's proceedings on October 29, 2010 and prepared a partial transcript of the deliberations (Washington County Record pages 10179-10191). In framing a potential motion for LCDC's consideration, Chair VanLandingham offered the following thoughts:

"So I think the motion is that we remand to Washington County and Metro to reject 7I, we remand to them to develop findings in regard to 7B, we remand Washington County's rural reserves for Washington County and Metro to consider whether to designate some of that rural reserve to urban reserve, capped at 7I as [Commissioner McPherson] described it, so that it is 7I plus the other amount, plus any amount of undesignated land that they want to designate. We are approving everything else, in all three counties and we are giving staff, we are determining any objection not specifically addressed in this motion is being denied."

This motion, made by Commissioner Jenkins and seconded by Commissioner Pellett was voted on and approved 6-0.

LCDC's oral remand of Urban Reserves in Washington County was limited to two areas: lands located north of Forest Grove and north of Cornelius. All other Urban Reserves were acknowledged, and no changes were made to any areas left Undesignated. Rural Reserves were remanded back to the county for the primary purpose of allowing the county and Metro the option of replacing lost Urban Reserve lands, and to consider whether to leave any additional areas Undesignated.

In the following sections of this document, detailed findings are provided to supplement the original Rural and Urban Reserves decision findings prepared for the June 2010 adoption of

A-Engrossed Ordinance No. 733 (Washington County Record pages 9616-9695). Unless modified by the findings contained herein, the county's prior findings for A-Engrossed Ordinance No. 733 remain valid. These sections include:

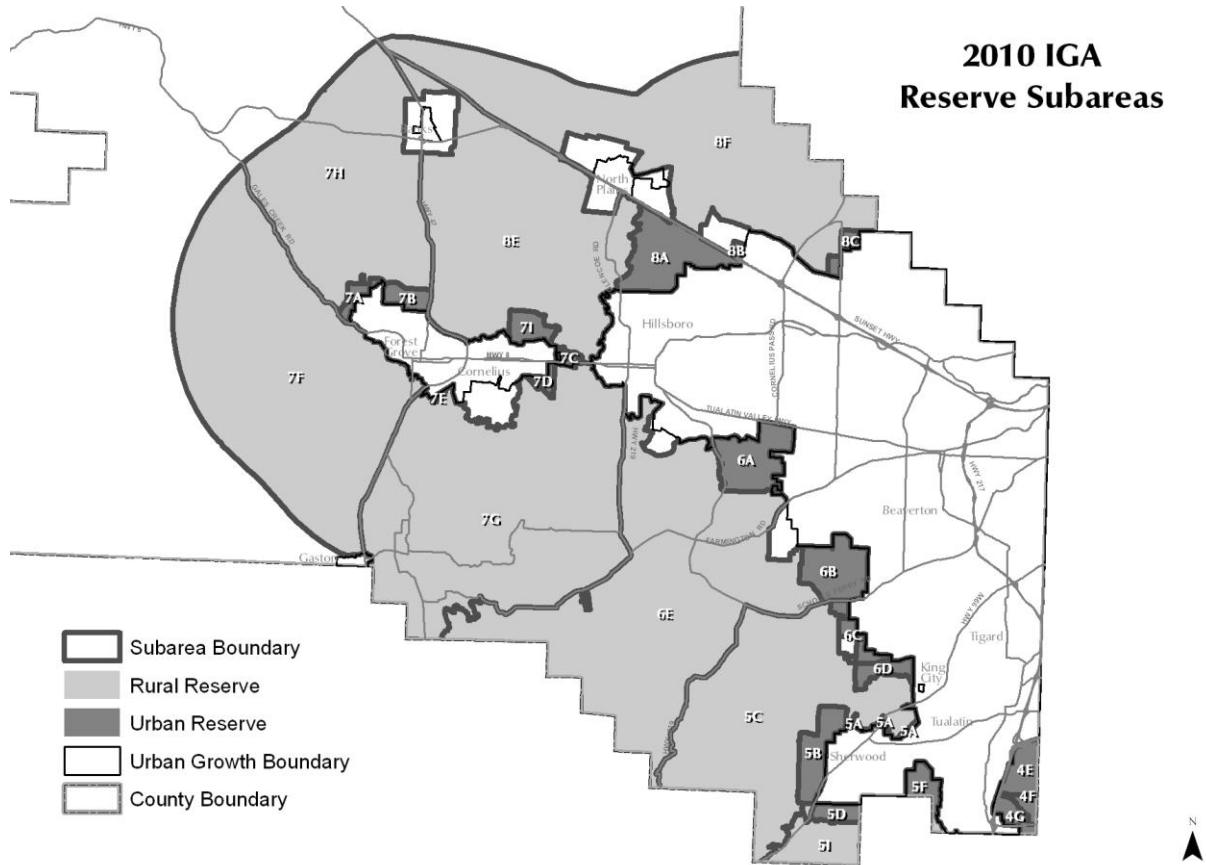
- 1) *Balancing Efforts for Washington County Reserves* describes the regional balancing process used to craft a revised Rural and Urban Reserves map for Washington County.
- 2) *Specific Reserves Factor Responses* were prepared for the following locations:
 - a) Rural Reserve Area 8E (Dairy Creek)
 - b) Urban Reserve 7B (Forest Grove North)
 - c) Urban Reserve 8B (North of Highway 26)
- 3) *General Findings for Undesignated Lands*, though not required by the Reserves Rule, were prepared to explain why certain areas were modified in response to LCDC's oral remand.

Balancing Efforts on Reserves in Washington County

The overall objective of Reserves planning is to achieve "balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents" (Washington County Record page 32). During the multi-year Reserves planning process, the county, Metro and other regional partners worked together to analyze land needs and determine which rural areas should be protected with Rural Reserve designations. At the acknowledgement hearing, LCDC appeared satisfied with the "balancing" measures taken over the course of the Reserves planning process. Following the oral remand, Washington County and Metro continued their efforts to balance the Reserves in the county by evaluating information and comments provided by the public and community partners.

Following LCDC's October 2010 oral remand of two Urban Reserves and all Rural Reserves in Washington County, county staff began the process of working with the Board of County Commissioners to develop a revised draft Reserves map for consideration. Because all other Reserves areas were acknowledged by LCDC, staff focused its analysis toward revising the county's Reserves map in specific geographic areas: 1) Area 7B north of Forest Grove, 2) Area 7I north of Cornelius, and 3) the Undesignated area north of Highway 26 near Helvetia Road.

The county's analysis started from the Reserves map adopted by A-Engrossed Ordinance No. 733, shown below.



In early December 2010, the Board reviewed a proposal that would adopt a new Reserves map. The map included the following changes:

- Removed 28 acres of Urban Reserve land north of Forest Grove located east of Council Creek
- Changed approximately 430 acres north of Cornelius and west of Susbauer Road from Urban Reserve to Rural Reserve. This area was previously included in former Urban Reserve Area 7I
- The balance of former Urban Reserve Area 7I, located east of Susbauer Road, was changed from Urban Reserve to Undesignated
- North of Highway 26, a 585-acre Undesignated area located northwest of the intersection of Highway 26 and Helvetia Road was changed to Urban Reserve
- To the west of the 585-acre area described above, a 290-acre area previously designated Rural Reserve was changed to Undesignated

After reviewing the proposed map, the Board voted to approve the changes and adopted a Supplemental Intergovernmental Agreement (IGA) which included the revised map. Concurrently with the adoption of the Supplemental IGA, the Board directed staff to prepare and file a land use ordinance to amend the county's adopted Rural and Urban Reserves map. This ordinance, Ordinance No. 740 was filed on January 11, 2011. (Washington County Record pages 10320-10375).

Though the Washington County Board of Commissioners approved the Supplemental IGA in late 2010, by March 2011 the Metro Council had not yet considered the map changes during a public hearing, which effectively resulted in a rejection of the county's proposed oral remand response. Instead, Chair Andy Duyck and Metro Council President Tom Hughes worked together to craft a proposal - the Duyck/Hughes map, which differed from the Reserves map in the Supplemental IGA and in Ordinance No. 740 in two ways:

- The 290-acre area north of Highway 26 located just west of the Helvetia Road area proposed for Urban Reserve designation was returned to Rural Reserve designation
- South of Rosedale Road, approximately 383 acres designated Rural Reserve by A-Engrossed Ordinance No. 733 were proposed for Undesignated status

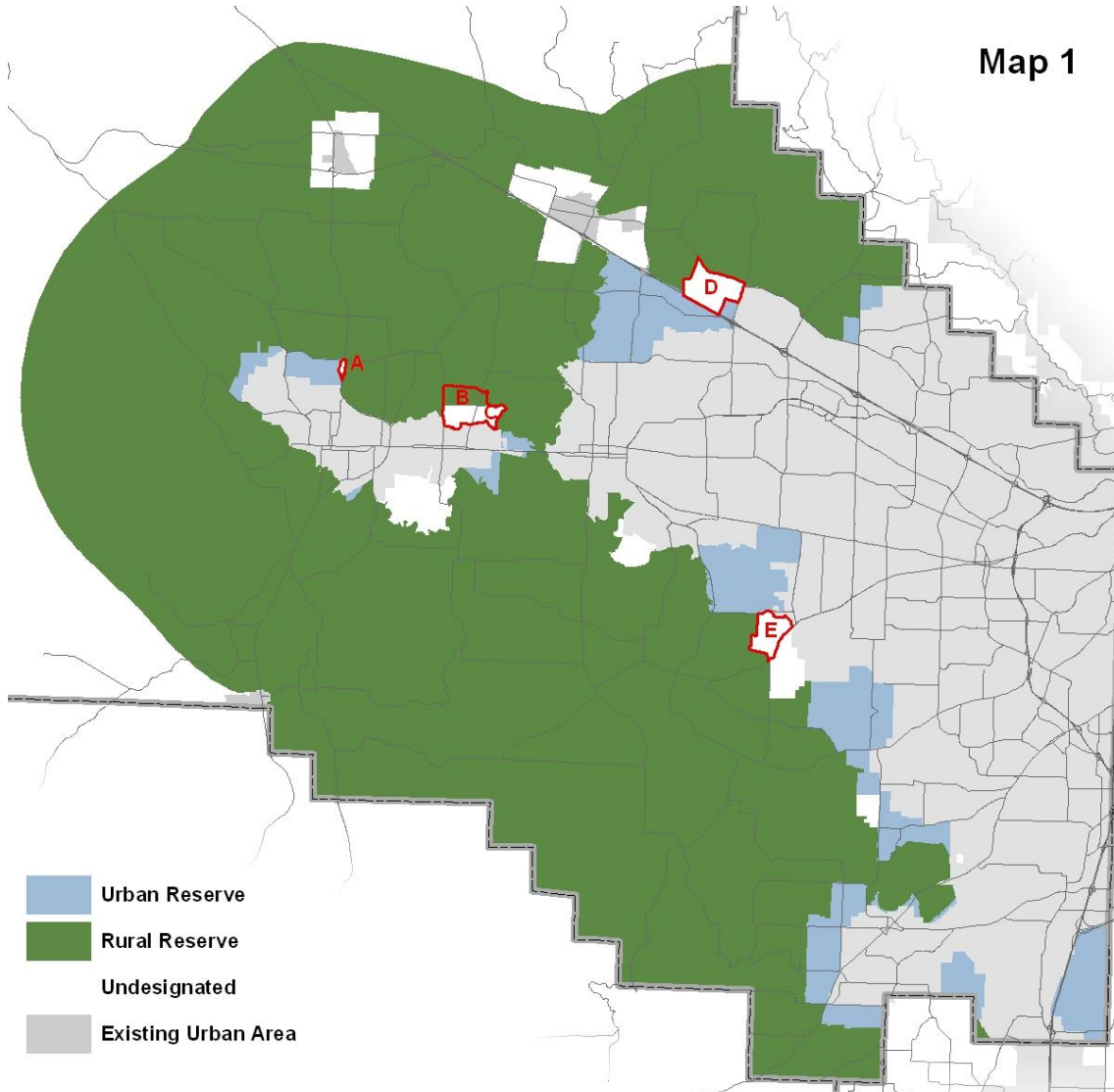
All other adjustment areas shown in Ordinance No. 740 were retained in the Duyck/Hughes proposal.

On March 15, 2011, the Board and Metro Council conducted a joint public hearing on a Supplemental IGA intended to modify the Reserves map. At the joint hearing, the Board and Metro Council heard testimony on the Supplemental IGA that was included in the record for Ordinance No. 740 (written testimony provided at Washington County Record pages 10620-10911). Upon conclusion of public testimony, the Board and Council considered several iterations of the Supplemental Reserves IGA map. These iterations and the motions made by each legislative body are detailed in the following pages.

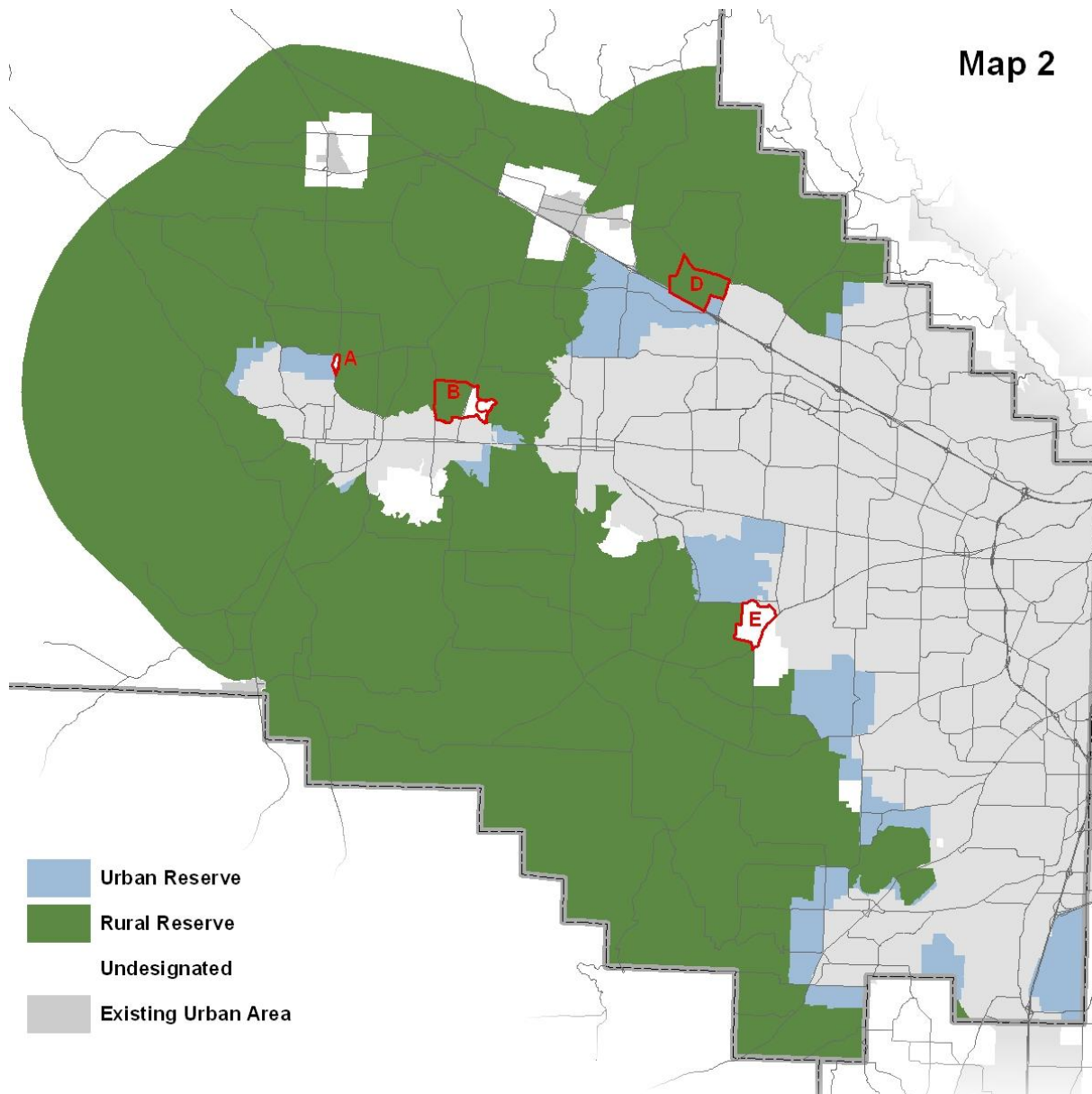
Summary of Board and Council Motions at Joint Hearing on March 15, 2011

Map 1 – Metro Council Discussion: At the conclusion of testimony on the Supplemental Reserves IGA, the Council President Tom Hughes invited the Metro Council to share their opinions about the process. In the initial discussion by the Council, Councilors Collette and Burkholder made amendment suggestions to the proposed IGA map. Councilor Burkholder expressed concern about the area north of Sunset Highway and questioned whether the change from Undesignated to Urban Reserve would risk the success of the entire Reserves decision. He proposed that the area (Area D) be undesignated. North of Cornelius, Councilor Collette suggested that the area south of NW Hobbs Road in former Urban Reserve 7I be undesignated

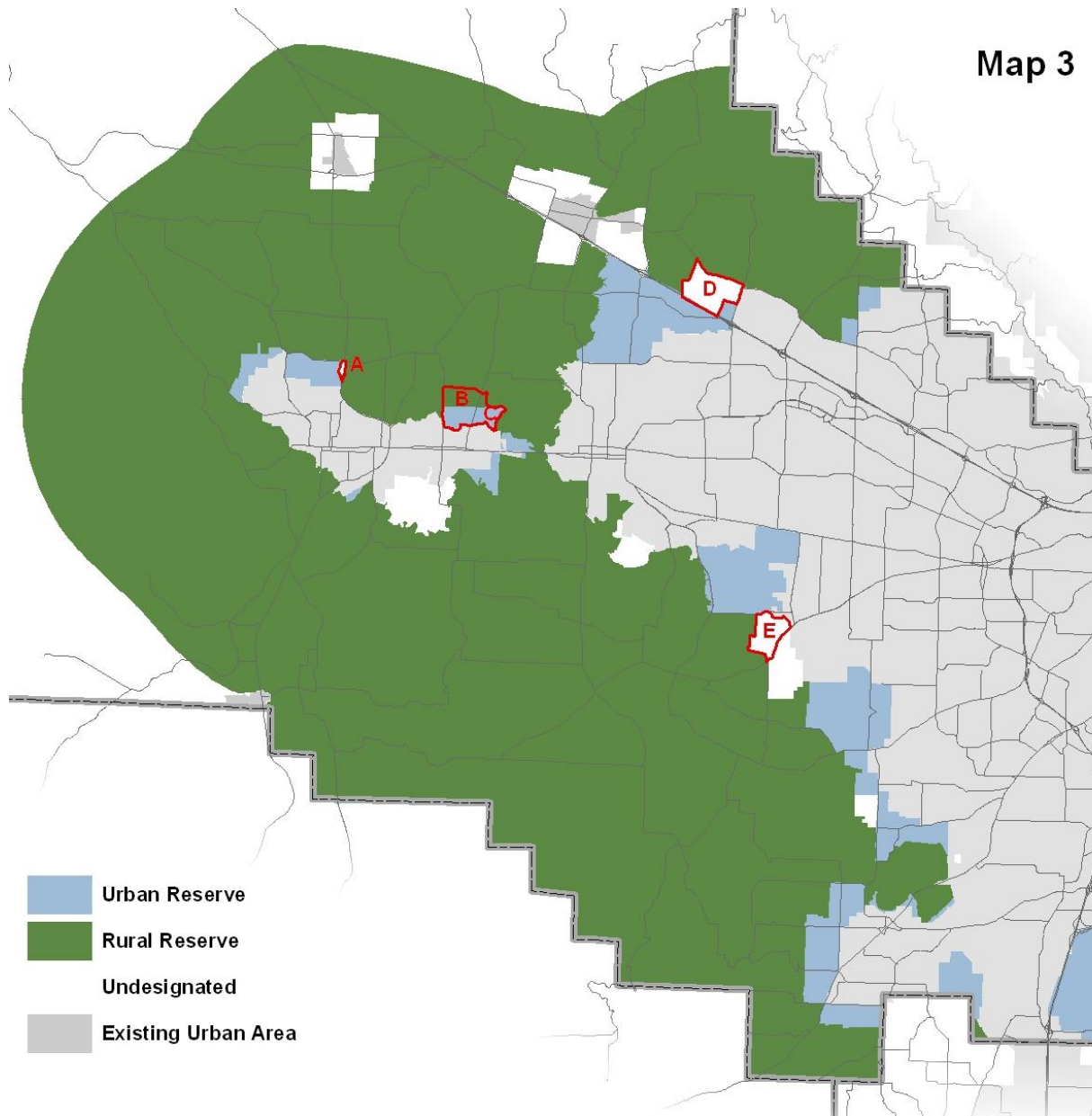
and that the land north of that area be Rural Reserve (Areas B & C on the map). With the other councilors generally agreeing to these amendments, President Hughes closed the discussion. *No vote was taken.*



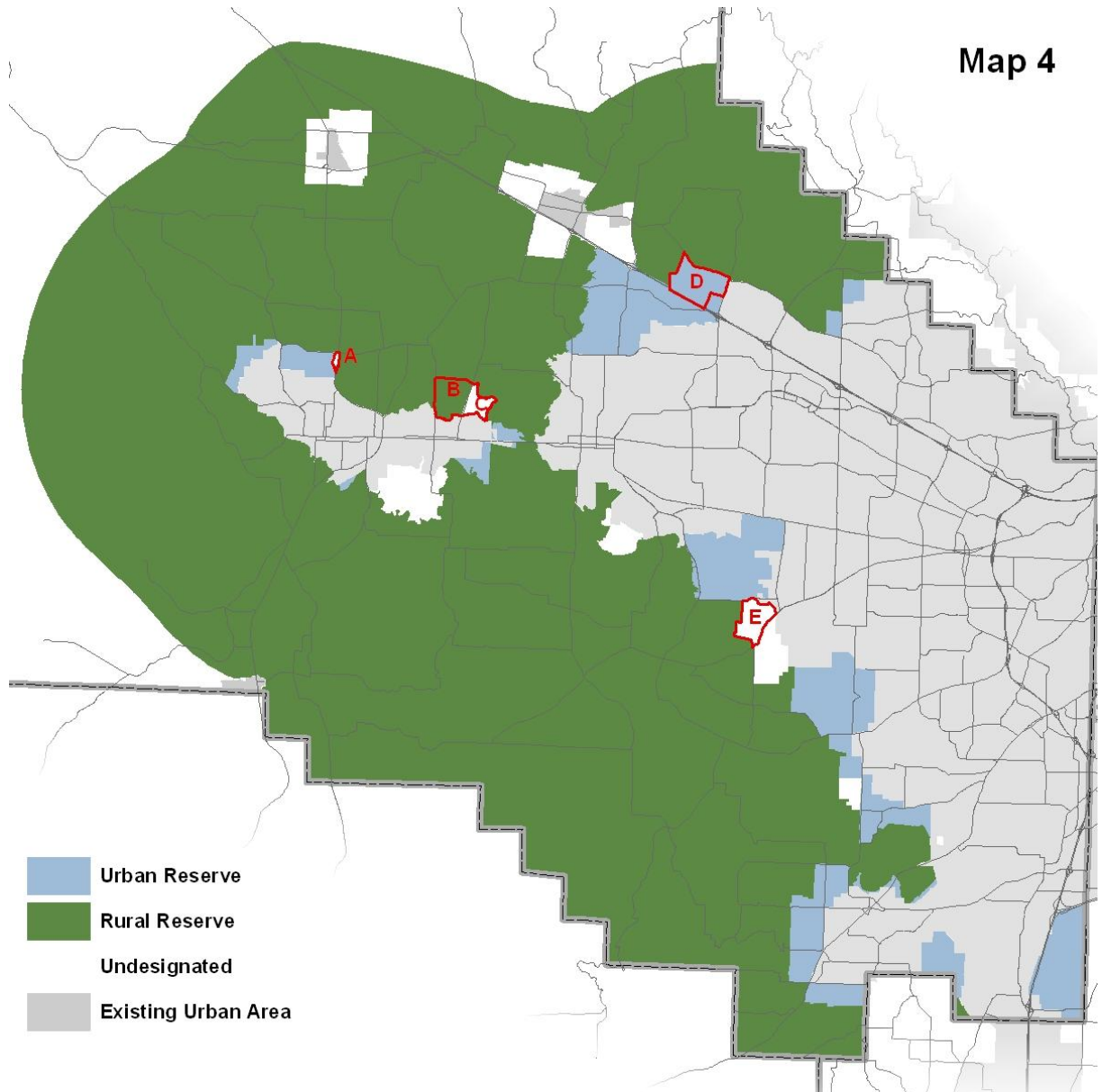
Map 2 – Motion by Commissioner Schouten: Following the Council’s discussion, the Board began its deliberations on the Supplemental IGA map proposed by Chair Duyck and Council President Hughes. After deliberation, Commissioner Schouten made a motion to make Area D on the Supplemental IGA map a Rural Reserve. Commissioner Malinowski seconded. *The motion failed to carry on a 1-4 vote.*



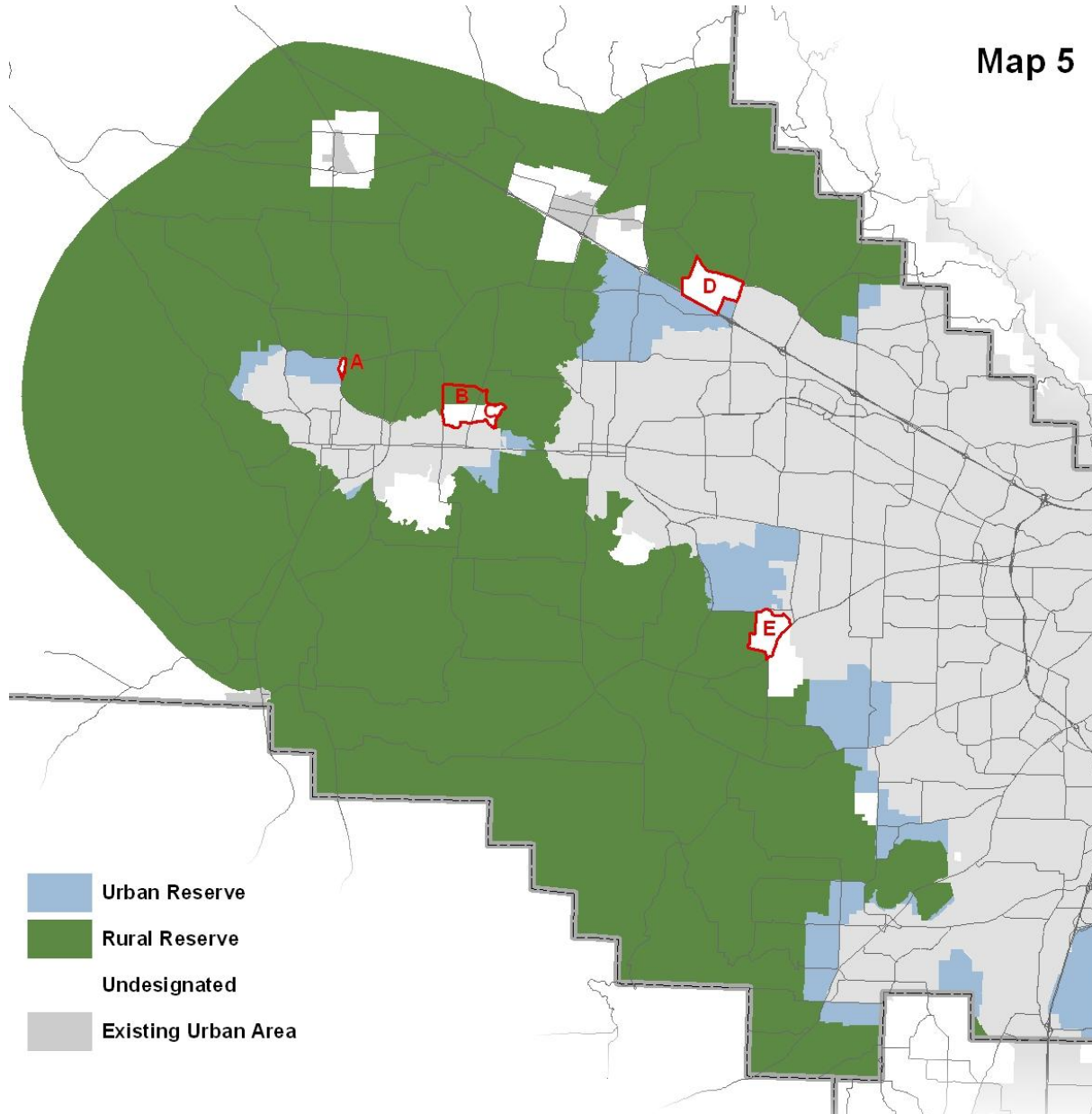
Map 3 – Motion by Commissioner Rogers: Commissioner Rogers moved to change Area A to Undesignated, to incorporate the changes shown in the Community/Farm map ("71*") put forth by the city of Cornelius and its supporters (making approximately 360 acres Urban Reserve on the southern portion of former Urban Reserve Area 71, with the balance of the area designated Rural Reserves), and to change Area D to Undesignated. Chair Duyck seconded for the purposes of discussion, reserving the right to reconsider. Commissioner Terry commented that changing Area D to Undesignated would throw away investments already made in the area. After some discussion where it was apparent that the votes were not there to support, Commissioner Rogers and Chair Duyck withdrew their motion and second regarding the map. *No vote was taken.*



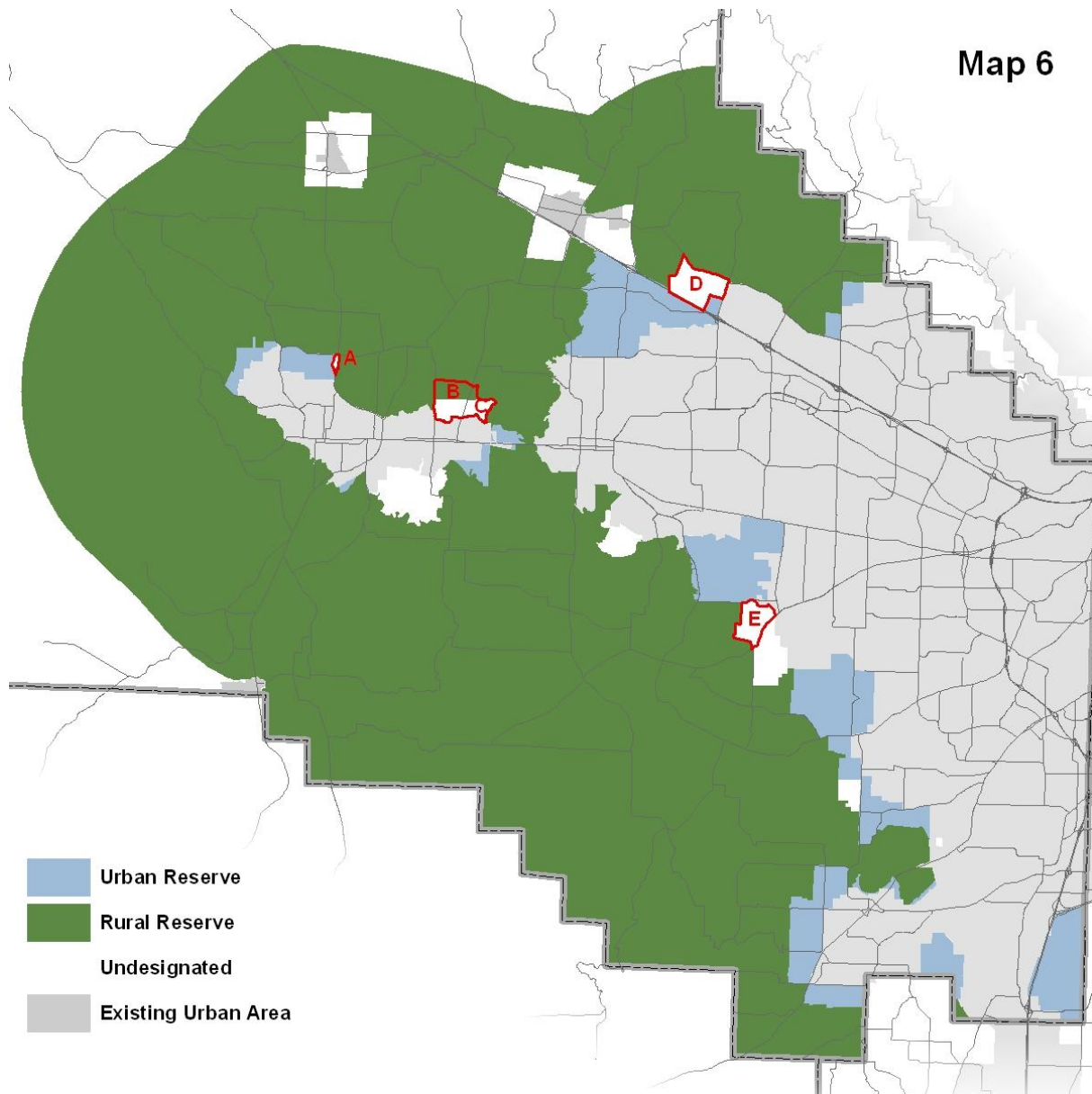
Map 4 – Motion by Commissioner Terry: Commissioner Terry made a motion to approve the Supplemental Reserves IGA map as proposed by Chair Duyck and President Hughes. Commissioners Schouten and Rogers both expressed reservations about the Urban Reserve designation for Area D north of the highway. The motion to accept the Duyck/Hughes-proposed IGA map failed on a 2-3 vote. At this point the Board recessed to allow the Council to convene.



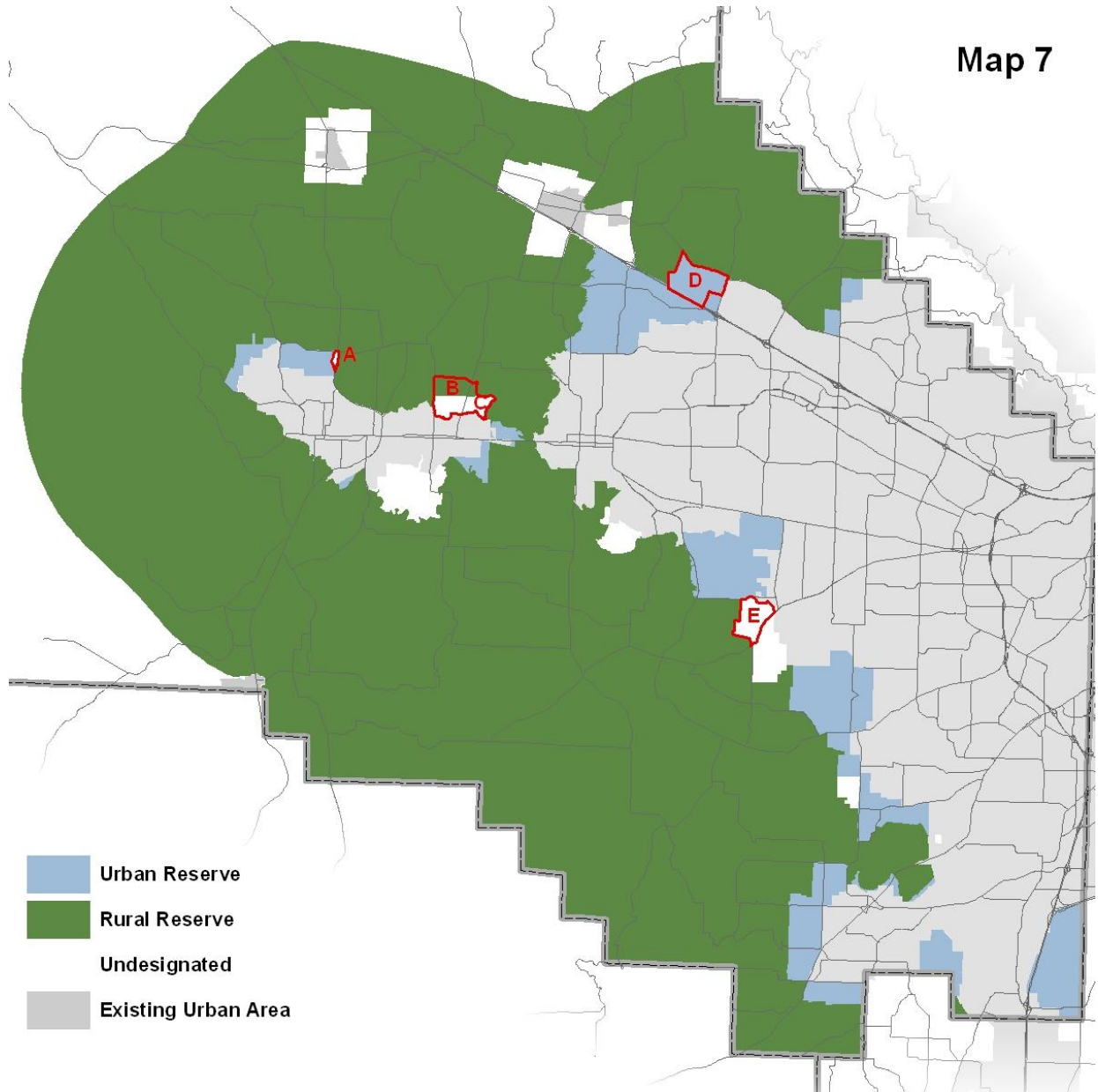
Map 5 – Motion by Councilor Collette: Councilor Collette moved to accept the Duyck/Hughes map with the following changes: 1) Make Area D Undesignated, and 2) Designate the 360-acre area known as 7I* (located directly north of the existing city limits of Cornelius) Undesignated, with Rural Reserve north of that area. Following a brief discussion by the Council, the motion was approved 7-0 (seconded by Burkholder).



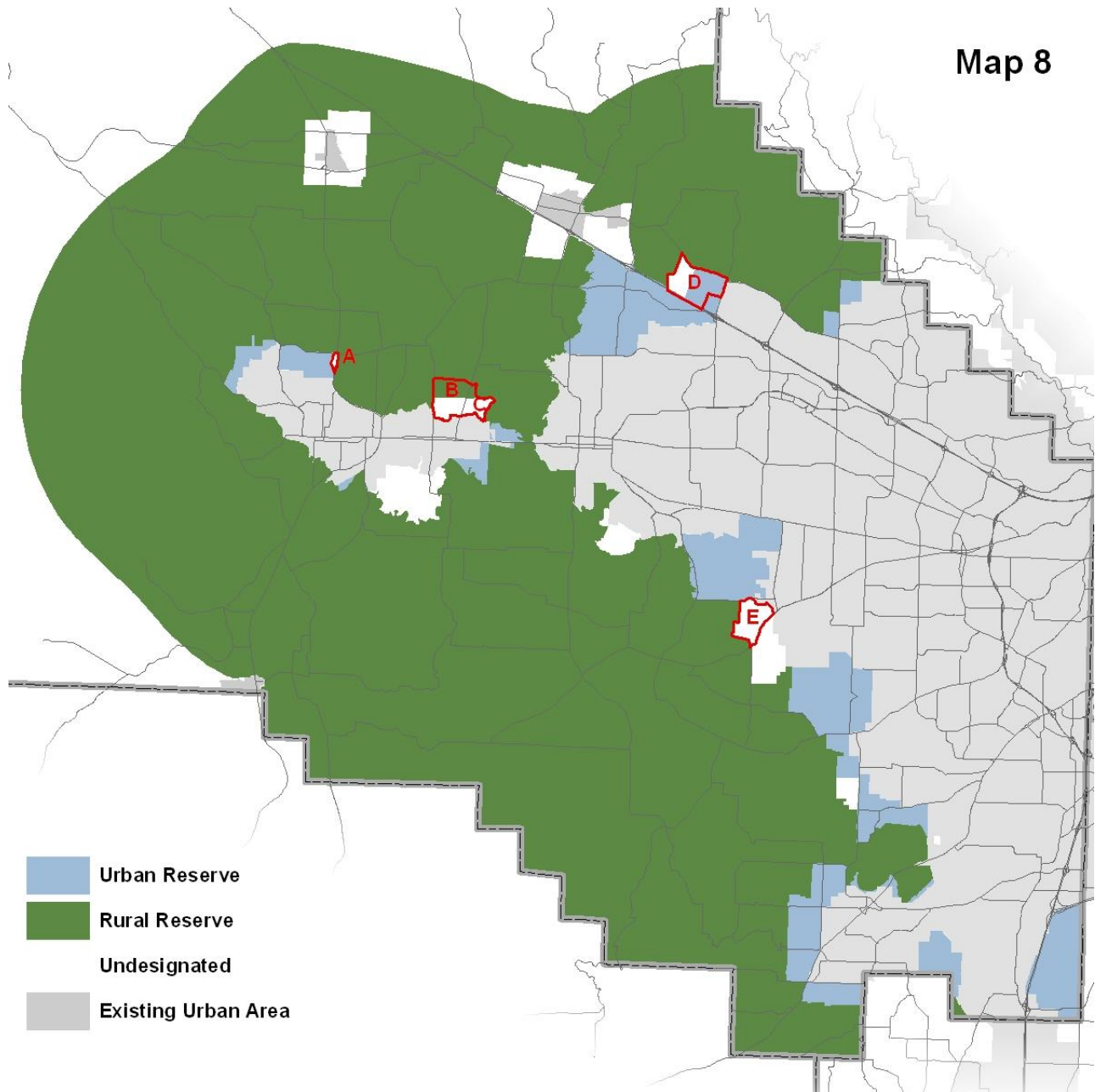
Map 6 – Motion by Commissioner Schouten: Commissioner Schouten moved to adopt the amendments as proposed by the Metro Council, making Area D undesignated along with the southern portion of former Urban Reserve Area 7I, and changing the northern portion of the former reserve area to Rural Reserve; Commissioner Malinowski seconded. Commissioner Terry noted that he wanted Urban Reserve replacement acreage "somewhere" - motion failed on a 2-3 vote.



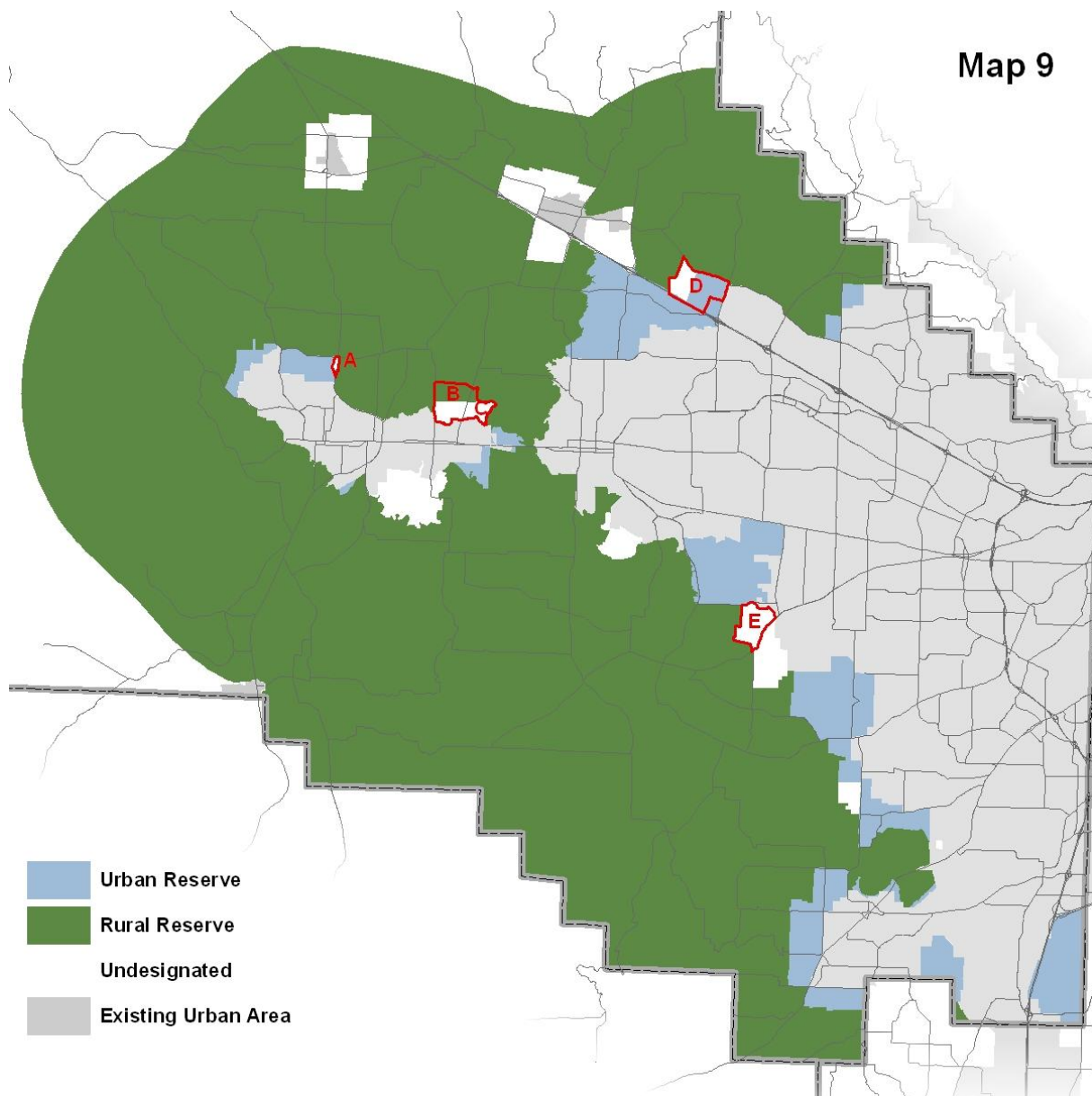
Map 7 – Motion by Commissioner Terry: Commissioner Terry moved to maintain Area D as an Urban Reserve as shown on the Duyck/Hughes-proposed IGA map and to change the southern portion of former Urban Reserve Area 7I near Cornelius to Undesignated, with the balance of the former urban reserve area designated Rural Reserve, as discussed under Councilor Collette's motion. This motion passed 3-2, with Schouten and Malinowski opposed.



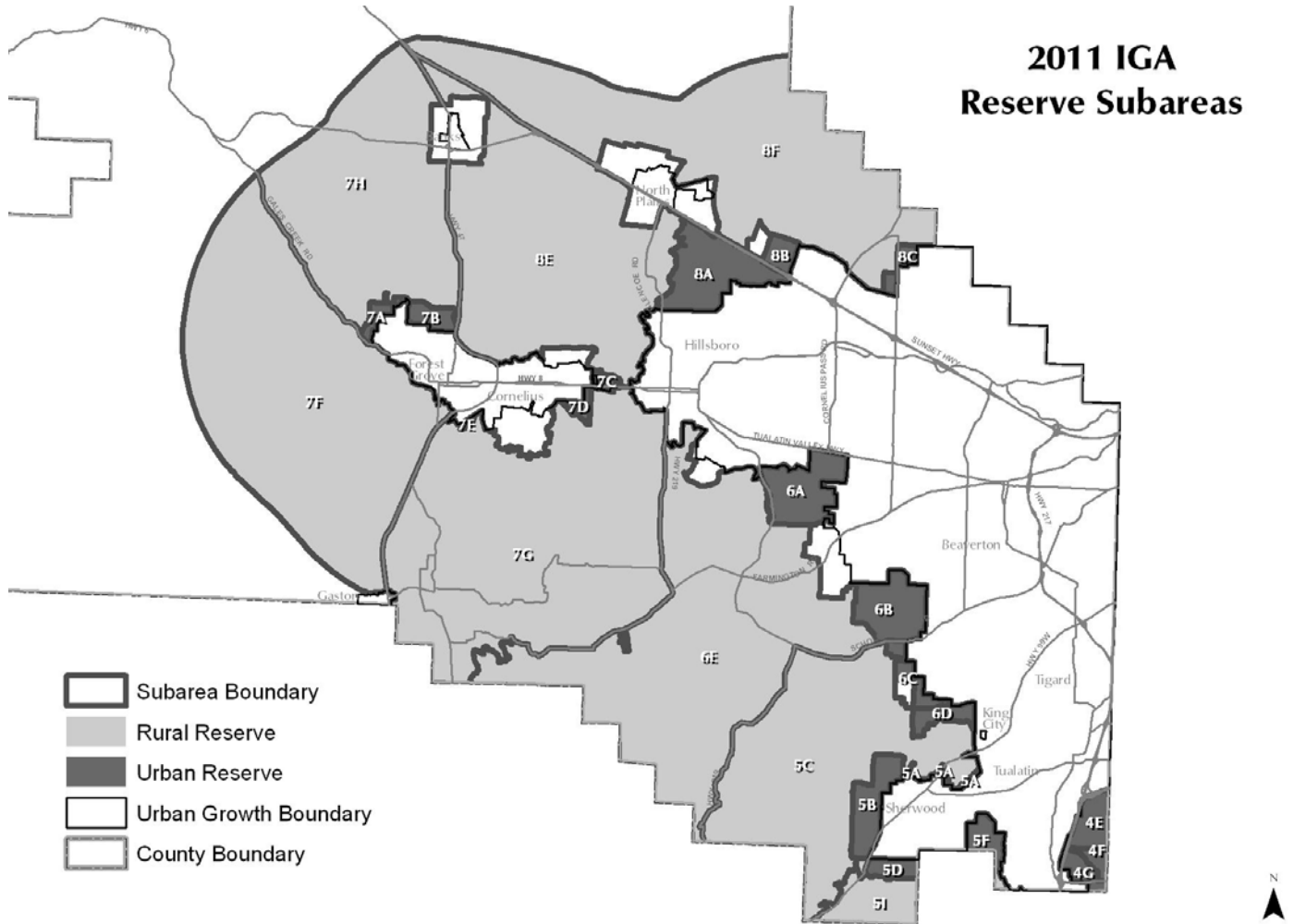
Map 8 – Motion by Councilor Collette: Councilor Hosticka (w/Harrington second) moved to reconsider previous approval – the motion passed 7-0. Councilor Collette proposed a compromise on Area D; specifically, to divide Area D at NW Groveland Road. West of the road would be Undesignated; east of the road would be Urban Reserve. The Council agreed to make the same changes to the Cornelius area as was approved by the Board in its immediately prior action. This motion carried on a 6-1 vote, with Councilor Craddick dissenting.



Map 9 – Final Supplemental IGA Map: Commissioner Rogers moved to accept the Metro proposal; Malinowski seconded. Commissioner Rogers stated his reluctance to support this proposal and asked that, in the event LCDC remands the Reserves work again, he hoped that adding Urban Reserve land north of Cornelius would be considered. Commissioner Rogers voted with Chair Duyck and Commissioner Terry to accept the motion, which carried 3-2. The Board’s motion also included authorizing the Long Range Planning Manager to prepare a map of the final action by both bodies for the Chair’s review prior to executing the Supplemental Reserves IGA.



Final Motion by Metro: The Council reconvened and Councilor Harrington moved to adopt Metro Resolution and Order 11-4245 with the IGA map as amended and approved by Washington County. Councilor Hosticka seconded the motion and the Council adopted the motion 6-1, with Councilor Craddick in dissent. Council then adjourned the joint public meeting. The final map adopted with the Supplemental Reserves IGA is shown below.



These two governing bodies sat together in an extended public hearing, took testimony from a number of groups and individuals and together considered how to achieve balance within the county. The map shown above depicts the efforts and substance of the balancing process in Washington County.

The Board held an additional public hearing on Ordinance No. 740, and at the close of testimony, ordered engrossment of the ordinance to reflect the changes to the Supplemental Reserves IGA map adopted by the Board and Metro Council on March 15, 2011. The changes are shown on Exhibit 1 of A-Engrossed Ordinance 740 (Washington County Record pages 11005-11061).

- 1) North of Forest Grove – The 28 acres within Area 7B located east of Council Creek are changed from Urban Reserve to Undesignated. This area was unaffected by the engrossment of the ordinance.
- 2) North of Cornelius – The 360 acres in the southern portion of former Urban Reserve Area 7I are changed from Urban Reserve to Undesignated.
- 3) North of Cornelius – The 263 acres in the northern portion of former Urban Reserve Area 7I are changed from Urban Reserve to Rural Reserve.
- 4) North of Highway 26 – The 352 acres bounded on the west by Groveland Road, on the north by West Union Road, on the east by Helvetia Road and Urban Reserve Area 8B, and on the south by Highway 26 are changed from Undesignated to Urban Reserve. This acreage is added to the existing 88 acres of Urban Reserve Area 8B, which was designated through A-Engrossed Ordinance No. 733.
- 5) South of SW Rosedale Road – The 383 acres located northwest of the intersection of SW 209th and SW Farmington Road are changed from Rural Reserve to Undesignated.

Except for those specific changes set forth above, the Reserves map and applicable policy provisions originally adopted by A-Engrossed Ordinance No. 733 remain unchanged.

Reserves Findings

Rural Reserves Analysis Overview

Introduction

Provided below are general descriptions of how the county applied Rural Reserves factors within the Reserves study area, as well as an explanation of the rigorous application of additional data screens over the multiple-year process of Reserves planning efforts.

Agricultural and Forestry Considerations - OAR 660-027-0060(2):

The map results from the ODA analysis (Washington County Record pages 9748-9818) are limited to a total of three classifications in the 2007 Agricultural Lands Inventory: Foundation, Important, and Conflicted lands. The overwhelming majority of the acreage in Washington County was considered foundation land; this designation was broadly applied and made no further distinction among those agricultural areas. (As an example, the entirety of Hagg Lake and relatively large blocks of forestland were classified as foundation land). To better apply the rural reserve factors found under OAR 660-027-0060(2), staff believed a more intensive agricultural analysis was important to the rural reserve designation process. Some components of this analysis included parcelization, dwelling density, potential crop productivity based on successive agricultural inputs, and possession of a water right or inclusion within the Tualatin Valley Irrigation District. (Washington County Record Pages 2971-2980).

Agricultural and forestry considerations were applied to the above rule separately when considering which areas were most suitable as rural reserves. For the farmland analysis, the entire reserve study area was divided into 41 subareas and through analysis ultimately classified into one of four tiers. The purpose of creating subareas was to account for area differences based on an application of the Rural Reserve factors. Tier 1 indicated candidate areas that were suitable for Rural Reserves, followed by Tier 2, Tier 3, and Tier 4. Each of the ten Tier 1 subareas had high productivity ratings and all but one was characterized by larger parcels. A composite map for all Tier 1 areas resulted in the map noting those areas most suitable for rural reserves. (Washington County Record Page 3024). Detailed information on subarea characteristics and tier determinations are contained in the September 23, 2009 Staff Report prepared for the Reserves Regional Steering Committee and submitted to the Land Conservation and Development Commission (LCDC) by Metro and the county as part of the consolidated findings. (Washington County Record Page 2978-2980; 2985-2987).

To map forestlands, county staff used the Oregon Department of Forestry's (ODF) Wildland Forest Inventory mapping data from 2008 (Washington County Record pages 9696-9747). This data more accurately assessed on-the-ground conditions relative to forest lands by including five land use categories for forestry and agricultural uses. ODF recommended larger blocks of forested land in the outer edges of the study area for protection. These areas (Wildland Forest) were included as Tier 1 candidates for rural reserve recommendation. The ODF Inventory states that Wildland Forest areas need to be protected in order to sustain long-term forestry operations for forest land. Tier ranking determinations for forestry were facilitated by this greater level of detail.

Natural Features Considerations - OAR 660-027-0060(3):

Natural feature considerations were applied to the above rule separately from agricultural and forestry considerations. Tier 1 areas for natural landscape features ranked as the highest priority for rural reserves. A composite map for Tier 1 forestry, agriculture, and natural feature areas resulted in a final map noting the areas most suitable for rural reserve designation. (Washington County Record Page 3024).

Metro's Natural Landscape Features map formed the basis of staff's natural landscape features analyses. This map included county floodplains as well as the Hagg Lake watershed and natural areas such as the Tonquin Scablands, Killin Wetlands, and Wapato Lake. (Washington County Record Page 3028). Staff additionally included the county's Goal 5 Significant Natural Resource inventory as suitable for rural reserve designation. County Goal 5 areas are managed for floodplain, riparian corridor, and/or wildlife habitat value. Areas with slopes over 25% were also included as pertinent information in determining rural reserve designation under this factor given constraints on urban development in these areas.

Finally, a factor that included a "sense of place" [factor (3)(e)] was addressed by including all areas above 350 feet in elevation as suitable for rural reserve designation in addition to those natural areas that might shape and define a regional identity perspective. Limiting urban development above 350 foot elevation level helps provide a sense of place by preserving viewpoints and by minimizing residential density. The composite map for the above features revealed a reserves map that included all areas of the Chehalem Mountains as suitable for rural reserve designation.

Supplemental Findings for new Rural Reserve land near Cornelius

(Northern portion of former Area 7I)

A-Engrossed Ordinance No. 740 includes changes to the Urban Reserve designation for Area 7I north of Cornelius. The area has been divided roughly in a 60/40 ratio, with 360 acres in the south half proposed as Undesignated and 263 acres in the north half proposed as Rural Reserve. The 263 acres of Rural Reserve will be folded into the surrounding Rural Reserve 8E (Dairy

Creek). Findings that addressed OAR 660-027-0060 for Rural Reserve 8E were included with the submitted consolidated findings noted above. The addition of the 263 acres of rural designation to Rural Reserve 8E brings the total area for the reserve to 19,445 acres.

The initial findings for Rural Reserve 8E adopted by A-Engrossed Ordinance No.733 are also generally applicable to the 263 new rural reserve acres. However, further analysis and discussion of the factors pertinent to the 263 acres is contained below. The new area is suitable for urban development given the generally flat topography and proximity of urban services from Cornelius but it is also suitable for Rural Reserve designation as evidenced by existing agricultural uses and extensive surrounding agricultural uses, ready access to water, and the prevalence of high-value soils.

The county's analysis of this area rated it as a Tier 2 candidate reserve area. The area is included as part of Subarea 18, which extends from the Cornelius city boundary north past Verboort Road west to Highway 47 and east of Susbauer Road. The subarea had a high productivity rating, but was rated Tier 2 due to the dwelling density found throughout the entire subarea. The parcelization of the area did not exhibit a trend toward either larger or smaller parcels (Washington County Record page 3024).

Agricultural Considerations Under Factor OAR 660-027-0060(2)

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land.

The reserve area has a high subject to urbanization rating given its proximity to the city of Cornelius and the inclusion of the area in the city's Pre-Qualified Concept Plan submitted as part of the record for A-Engrossed Ordinance No. 733.

Staff compiled more than a dozen analysis variations to address fair market value. Because adequate data necessary to explore fair market value was not readily available, staff utilized real market values for individual parcels as recorded in Washington County's Department of Assessment and Taxation. The analysis did not show any correlation between property value and parcels in close proximity to the urban growth boundary. Staff determined that the notion of fair market value independent of other indicators does not provide a conclusive indication of land areas that may be subject to urbanization (Washington County Record page 9675).

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land.

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations.

Aerial photos in county archives document agricultural use in the Rural Reserve area since at least 1980, but sustained agricultural use has occurred in the area for decades prior to this time. The predominant soil class is Class II, with one small area of Class I soil and fingers of Class III soils in the lower, wetter areas of the reserve. All three soil classes are suitable for farming and the capability of the area to sustain long-term agricultural use is evident. The area is rated as highly productive in the county analysis based on soil capability but also because of its inclusion in the Tualatin Valley Irrigation District and the presence of several established water rights on larger agricultural parcels.

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots.

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns.

The land use pattern of the 263 acre area forms a sizable block of agricultural operations that is contiguous with extensive agricultural activity north to the city of Banks and Highway 26. The area has a range of parcel sizes, with at least nine taxlots at an acre or less and two taxlots over 60 acres. Two owners own two or more taxlots. Four taxlots, comprising no less than 45 percent of the total reserve area, are at least 30 acres in size and in existing agricultural use. Rural dwelling density is relatively high adjacent to Cornelius-Schefflin Road and Long Road. North of the proposed area is the Dairy Creek floodplain, which is a key agricultural area of the county and is comprised of larger agricultural parcels. Leasing activity was not available to staff but it is presumed that leased farming activity occurs across taxlot boundaries. Agricultural activity currently predominates in the 360 acre Undesignated area south of the new Rural Reserve area. The Undesignated land can effectively function as a buffer from more intensive urban development within the Cornelius Urban Growth Boundary.

(D)The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

Agricultural infrastructure in the form of drain tiles are established throughout much of the Dairy Creek basin. Agricultural supply outlets for fertilizer, animal feed, agricultural chemicals, and farm equipment sale and maintenance are available in both Cornelius and Hillsboro. Staff concludes that the sufficiency of agricultural infrastructure necessary to sustain long-term farming operations is adequate given the long-term farming history of the area and the positive market considerations that are highly likely given the certainty and long-term stability for agricultural use of this Rural Reserve area.

Based on the above, the area is determined to be suitable to sustain long-term agricultural operations.

Forestry Considerations Under Factor OAR 660-027-0060(2)

Staff relied on the Oregon Department of Forestry's (ODF) Metro-area analysis of forestland that encompassed the reserves study area (Washington County Record pages 9696-9747). The ODF analysis included five forestry and agricultural categories as shown on Map 4 of the September 23, 2009 Staff Report (Washington County Record Page 2999). The ODF analysis indicated that all forestlands within the *Wildland Forest* designation should be protected in order to sustain long-term forestry operations in the area. Forestlands within this classification were ranked as Tier 1 in the county analysis.

There are no Wildland Forestlands in this Rural Reserve area and commercial forestry operations are not present. One taxlot in the reserve has most of its 20 acres in unmanaged timber.

Natural Landscape Feature Considerations Under Factor OAR 660-027-0060(3)

Staff combined Metro's Natural Landscape Features Inventory with the county's mapped Goal 5 areas, constrained slopes over 25 percent, and all areas over 350 feet (to address factor (e) below) as the basis for applying the factors below. Potential candidate Rural Reserves areas were divided into three tiers based on the above and from additional input from staff's knowledge of county natural areas. The components within each tier are described at length on pages 37 and 38 of the September 2009 staff report. (Washington County Record pages 2987 and 2988). The proposed Rural Reserve east boundary is formed by Dairy Creek, a Tier 1 Natural Feature. No other Tier 1, 2, or 3 Natural Features are included within or adjacent to the reserve.

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural resource features, a county must consider those areas identified in Metro's February 2007 "Natural Landscaper Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);

For Rural Reserve factor (3), staff considered the entire study area as equally subject to urbanization to allow for all natural features within the study area to be considered.

- (b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

The 100-year floodplain of Dairy Creek enters the northeast corner of this Rural Reserve. The floodplain area is entirely in agricultural use. In the west half of the reserve area an unnamed tributary of Council Creek flows south and has a narrow county-designated floodplain. The proposed reserve area is generally flat with the exception of a gradual rise in terrain at the west edge of Dairy Creek. There is little to no potential for landslides or other natural disasters in the reserve area.

- (c) Are important fish, plant or wildlife habitat;**

The area is almost entirely in agricultural use, which typically provides limited habitat capacity for wildlife. One unmanaged stand of timber of approximately 12 acres occurs as "island" habitat on the west side of the reserve and may provide a refuge for resident and migratory bird and mammal species. Dairy Creek is listed on Metro's Natural Feature Inventory and the county's Goal 5 inventory map and is ranked in the county analysis as Tier 1. The creek is important

habitat for life-cycle development of anadromous and non-anadromous fish, with the Creek's riparian vegetation serving as an important dispersal corridor for bird, mammal and amphibian species moving through the Dairy Creek basin.

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

Agricultural activities can negatively affect streams and riparian areas through chemical drift and localized accumulation as well as creating turbidity from farming too close to stream banks. However, maintaining the land in an agricultural base allows for stream and water table recharge through limitations on impervious surface area. A headwater stream to Council Creek originates at the northwest corner of the reserve and flows south but lacks adequate vegetative cover to minimize increase water temperatures necessary for water quality. Farm activity occurs up to the tributary edges.

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

Elevations over 350 feet were included as Tier 1 areas for Rural Reserves as one method staff used to address factor (3)(e) relative to a sense of place. The area rises gently on the west and east side of the reserve to an elevation between 170-180 feet. Dairy Creek is a significant riparian corridor and a defining natural feature in Washington County and likely provides a sense of place for area residents.

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;

The Dairy Creek floodplain is the defining natural boundary of the area but does not separate urban uses from either rural uses or natural resource uses. The additional Rural Reserve land north of Cornelius is folded into Rural Reserve 8E, an extensive area north of the proposed reserve land that takes in much of the Dairy Creek floodplain and important agricultural lands north of Cornelius-Schefflin Road and Zion Church Road. The nearest urban uses are south of the reserve area and are separated from those uses by a 360-acre area of undesignated land that is predominantly in agricultural use.

g) Provide for separation between cities;

Large areas of Rural Reserve land and the Dairy Creek floodplain exist between this Rural Reserve and the city of Banks to the north.

h) Provide easy access to recreational opportunities in rural areas, such as rural; trails and parks.

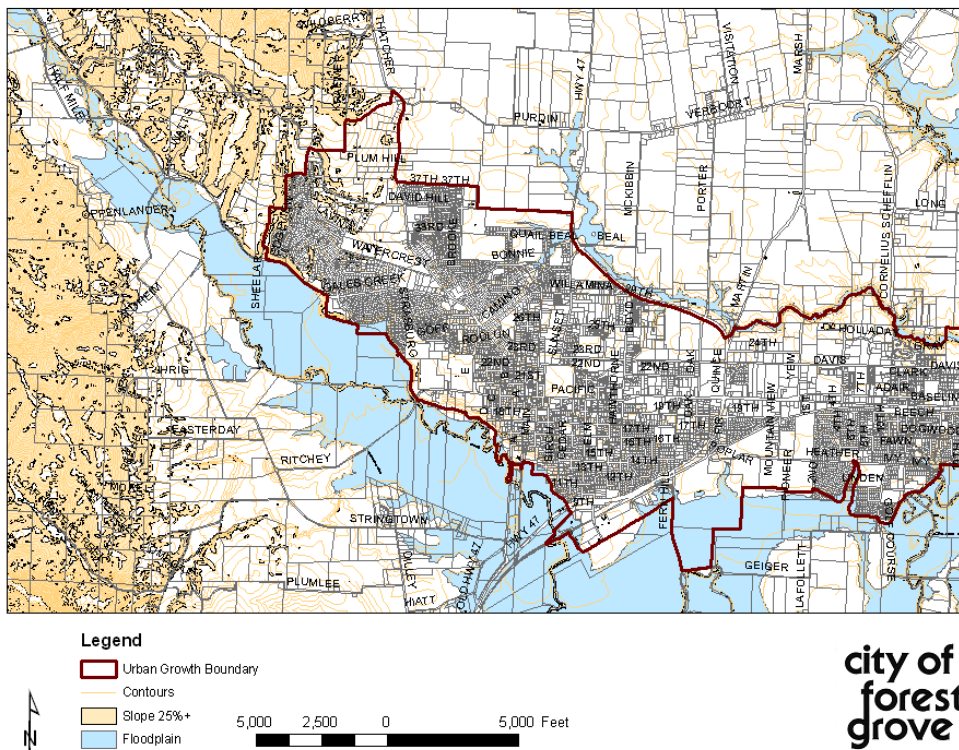
There are no specific recreational activities planned within the Reserve area. Designation of the area as a Rural Reserve is not expected to alter access to potential recreational opportunities, such as biking or walking in the rural areas within and surrounding the proposed Reserve area.

Supplemental Reserve Findings for Urban Reserve Area 7B

(Forest Grove North)

Overview

Forest Grove can only expand to the north or west. It cannot grow to the east because the community immediately abuts the City of Cornelius. It cannot grow to the south, other than the small 38-acre Urban Reserve Area 7E, because of the presence of the Tualatin River and Gales Creek floodplains (see map below). The most logical direction for Forest Grove to expand is to the north for several reasons.



Expanding to the west would be encroaching further on David Hill and the Gales Creek Valley. Expanding in this direction would elongate the shape of the community. This would increase service costs by extending services, particularly emergency services. Fire service is based on response times. To meet the Fire Department response times, an additional station would be needed. To be functional, the City would have to hire additional staff, equipment and training to make the station operational. These additional services would impose additional capital and ongoing costs to the City.

By comparison, growth to the north results in the community being more compact in shape. Distances from city hall would not increase when compared with the current Urban Growth Boundary (UGB). This situation eliminates the need for a new fire station or patrol area. The city would not have the capital and ongoing expenses that would be required if there is a westward expansion. Thus, growth to the north continues a pattern of development that can be efficiently served.

There are other issues associated with expanding onto David Hill. The David Hill area does not support the employment needs, particularly large lot industrial, required by the community.

There are slope and geological limitations for the David Hill area. A geologic report found that 18 out of 56 lots in the Summit Point final plat (one of the most recent developments in the David Hill area) required specially engineered foundations to address potential geologic constraints of the area (Washington County Record pages 11105-11107).

Slopes represent potential unstable ground. Various areas on David Hill have experienced landslides. Further, emergency access, particularly fire response, is greatly hampered by steep slopes. For this reason, the Forest Grove Development Code (Section 10.8.610 M) limits residential streets generally to a slope no greater than 12% with a maximum slope no greater than 15% for a maximum distance of 250 feet. Given these limitations, the City is concerned with the ability to accommodate development on steep slopes. As can be seen by the map above, a substantial portion of the David Hill area has slopes 25% or greater.

The best option for urban expansion for Forest Grove is to grow northward. Area 7B is in close proximity to the City's Town Center. The distance to the main intersection in the community,

Pacific Avenue and Main Street, is between 1.35 to 1.94 miles from the closest and further point in the Urban Reserve area. This distance can be traversed by walking in about 27 to 39 minutes (assuming 3 mph speed) and 7 to 10 minutes by bicycle (assuming 12 mph speed). The topography is generally less than 10 percent slope, making walking and bicycling very feasible. In addition, it is due north of the Town Center area and road, pedestrian and bicycle connections can be achieved relatively easily with modest costs. This connection to the Town Center means that development of the area with land uses (industrial) complimentary to the Town Center would contribute to the development of the Town Center.

Urban Reserve Findings

The following is a discussion of how the urban reserve factors (OAR 660-027-0050) apply to the Purdin Road area.

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;**

Topography of the Purdin Road area is relatively flat with slopes generally 5 percent or less. The one exception is along Thatcher Road extending from the existing UGB northward where slopes reach up to 10 percent. These slopes are conducive to accommodate industrial and employment uses. As reflected in the most recent Pre-Qualifying Concept Plans (PQCP) developed by the City, this is the primary urban use for the area. This demonstrates that there are no physical constraints in the area to preclude higher density development (Washington County Record pages 11107-11110).

Forest Grove provide water, electrical, police and fire protection, parks and recreation, municipal court, library services, land use planning, zoning, building inspection, street maintenance and general administrative services. As a full service city, Forest Grove has analyzed its ability to

provide services to urban reserve areas in the most efficient way and by making use of its existing city infrastructure (Washington County Record pages 11112-11113).

Sewer service is provided by the City in partnership with Clean Water Services. The City's Sewer Master Plan shows a planned 12 inch sewer trunk line along Thatcher Road from near Purdin Road and extending through Urban Reserve Area 7B before connecting with an existing sewer line on Brooke Street within the current UGB. Substantial municipal infrastructure lines end at or near the urban growth boundary. Clean Water Services' Master Plan shows three future laterals and one future trunk line south of Purdin Road and west of Highway 47 – Urban Reserve Area 7B. There is also an existing trunk line that follows Council Creek and connects to the Rock Creek treatment plant. Based on analysis prepared by waste water treatment providers in the region, both Rock Creek and Forest Grove treatment plants have room to expand. These are just part of the reasons why the area has been shown as a high sewer suitability area on the Metro Urban and Rural Reserve Preliminary Sewer Service Suitability Map (February 2009) (Washington County Record pages 3321-3333). No major new facilities are needed to serve the area included within the potential urban reserve. As a result, the area can be efficiently served with sewer facilities.

Regarding water, the City's Water Master Plan (August 10, 2010), in part analyzed the adequacy of the City's water supply for the 40 year planning period of the plan. Taking into account water demand from projected development within the current UGB, the David Hill Urban Reserve area (Area 7A), the Purdin Road Urban (Area 7B), the South Industrial Urban Reserve area (Area 7E) and an additional area identified as the North Water Planning Area used as part of a high growth water demand alternative, the study concluded that the City does not need new sources of supply in the next 40 years, except possibly under the high growth scenario. In that scenario, the study identifies other options to augment water supply needs after the Year 2045.

Regarding water distribution, the City has a 5 million gallon reservoir and a 1 million gallon reservoir serving the community as well as 10 percent ownership in the 20 million gallon Joint Water Commission (JWC) reservoir. There is an existing 8" water line along Thatcher Road adjacent to Urban Reserve Area 7B and an 8" line along David Hill Road. For this reason, the Metro Urban and Rural Reserve Preliminary Water Service Suitability Map, dated February 2009, shows the proposed candidate urban reserve area as being within the high service suitability zone (Washington County Record pages 3334-3338). This means that only typical extensions of service such as general distribution lines and reservoirs are needed. No major facilities are required to serve the urban reserve area. As a result, the City has sufficient supply of water to serve the area and can also be efficiently served with water distribution facilities.

Efficient extension of transportation can be achieved. Highway 47 is an existing state facility that serves the area, and Main and B streets terminate near the urban reserve area and can be easily extended to serve the area.

A preliminary analysis of providing transportation service within urban reserve areas was completed in February 2009 (Washington County Record pages 3314-3320). The analysis shows that the Forest Grove potential candidate urban reserve area falls into the higher suitability category for system lane cost, added lane cost and connectivity. This means that the area is among the most suitable for providing a transportation system capable of accommodating urban levels of development.

Overall, Urban Reserve Area 7B meets Urban Reserve Factor 1 based on the above analysis.

(2) Includes sufficient development capacity to support a healthy economy;

The city views Urban Reserve Area 7B as the location for employment expansion, particularly industrial. The reason is that the David Hill Urban Reserve Area 7A is too hilly to accommodate any substantial employment growth and is too far away from main roads needed to connect to the regional transportation system for freight and employment movement. Area 7B is the best location for significant employment expansion due to its size, flatness of the area, proximity to the Town Center and proximity to the regional road network. Further, there are large parcels to meet the City's large lot industrial needs.

The City's Economic Opportunities Analysis (EOA) report (Washington County Record page 11129-11249) provided a justification for the amount of land need beyond current supply in the community for office, industrial, retail and other employment sectors. When taking into account current vacant land supply in the community, there is still a need for 284 to 1,520 acres of additional industrial land in order to meet the City's industrial need over the next 50 years (Washington County Record page 11192). Thus, this land in Area 7B is needed to achieve a ~~healthy~~ healthy economy."

The City's EOA report also addressed the community's 20 year need by parcel size. The report indicates there is a need for at least one large lot industrial site (50 to 100 acres in size) sometime during the next 20 years (Washington County Record page 11183). Currently, no such site exists in the community. The only parcel within the study area that could accommodate this large-lot need without having to assemble the land is a 115 acre parcel located in the northwest portion of 7B. Further, the property owner has indicated that the orchard currently on the property is nearing the end of its useful life and would be available for development within the next 2 to 5 years.

Besides the large-lot industrial need, the urban reserve area provides for a range of potential industrial sites for large, medium and small employers. In addition, locating industrial land near the Highway 47 corridor complements public investments in transportation made to improve traffic circulation in western-Washington County. Such improvements include construction of the Highway 47 Bypass, Martin Road/Verboort Road intersection improvements and road upgrades recently completed along Cornelius-Schefflin Road.

For the above reasons, Area 7B provides sufficient development capacity to support a healthy economy both for Forest Grove and the region.

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

Forest Grove provides water, electrical services, police and fire protection, parks and recreation, municipal court, library, land use planning, street maintenance, building inspection and general administrative services. In addition, the City of Forest Grove partners with Clean Water Services for storm water and sanitary sewer services. The City of Forest Grove employs approximately 164 full time employees (FTE) including 34 FTE in the Police Department and 20 FTE in the Fire Department. The City's total General Fund resources amount to over \$16 million. Across all city funds total resources amount to over \$65 million. The City of Forest Grove has a long tradition of providing cost-effective municipal services over 130 years.

Financially capable service providers offering urban-level public facilities include the City of Forest Grove, Washington County, Clean Water Services, and Forest Grove School District.

The financial capacity of these organizations is illustrated from the Great Communities report as they characterize Clean Water Services capabilities:

–On one hand, if Clean Water Services in Washington County, for example, invests in new sewer lines and treatment capacity for the Forest Grove/Cornelius area, the \$78 million cost over the next 10 to 15 years may be financially feasible. Last year they collected \$70.7 million in user fees and had a beginning fund balance of \$81.9 million. On the other hand, a small sanitary district-with total sewer revenues of \$3.056 million and beginning cash at \$5.6 million-may view a \$22 million investment in new sewer lines and treatment costs as too costly and risky to undertake by itself.” (Washington County Record page 7858)

Since the area is primarily intended for employment use in general and industrial use in particular, the demand on school facilities is anticipated to be minimal. Any future school needs will be coordinated with the Forest Grove School District as part of comprehensive planning efforts (ORS 195.110).

The Purdin Road Urban Reserve area optimizes major public improvements to Martin Road and Highway 47. Martin Road, a Washington County facility, provides the most direct access to the Sunset Highway corridor via Verboort Road, Cornelius-Schefflin, Zion Church and Glencoe Roads. Martin Road was recently improved with two roundabouts at Verboort Road. Cornelius-Schefflin Road was improved in 2008 with new paving and striping and was widened in some locations to better accommodate farm equipment.

Oregon Highway 47 was realigned during the late-1990s and serves as a bypass route around Forest Grove’s Town Center. The urban reserve area is adjacent to Highway 47. Highway 47 is a key corridor providing access to the city of Banks, Oregon Highway 6, and Oregon Highway 26 to the north and Yamhill County to the south. The Oregon Department of Transportation has identified Highway 47 as having additional capacity to accommodate future growth. In addition, the City’s Transportation System Plan incorporates improvements (traffic circle) to the Highway 47/Purdin Road intersection planned by ODOT to address safety issues. To make the traffic circle function properly, ODOT requested the City to plan for an extension of Main Street to Purdin Road through Area 7B.

The potential extension of Main Street and B Street to serve this urban reserve area provides clear connectivity between the urban reserve area and the existing City of Forest Grove. In addition, Main and B Streets provide direct access to the Forest Grove Town Center. This direct connection provides an efficient route for future transit service and provides additional support for investments in the Town Center. This efficiency is due to the relatively short distance between the area and the Town Center, as substantiated above and the flatness of the terrain between the area and the town center.

As indicated above, the area is shown to be within an area of high suitability for water service, high sewer suitability area with no need of major sewer facility improvements to provide service and higher suitability category for system lane cost, added lane cost and connectivity (Washington County Record pages 3314-3338).

Based on the above discussion, the area can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers.

(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

Urban Reserve Area 7B can be designed to be walkable and integrated with the existing and planned system of well-connected streets, bikeways, recreation trails and public transit. The area is flat with no constraints that would prevent the development of a well-served transportation network for the area. The City's Transportation System Plan proposes the extension of Main Street and B Street that will serve the candidate reserve area. Both Main and B Streets provide direct access to the Forest Grove Town Center. Due to its proximity to the Town Center as noted above, there is easy access for pedestrian and bike connections to the Town Center and the existing transit line on Pacific and 19th Avenues. Both streets also provide a direct route for future transit service. A substantial portion of a potential transit route from the Town Center to this area is already planned for Medium (12 units per net acre) and High (20 units per net acre) density residential development. Based on input the City received from TriMet, these densities are of sufficient levels to support extension of transit service to the area. The higher intensity nodes of development can be integrated into the area to encourage a walkable, well-connected transportation system.

Urban Reserve Area 7B is proximate to the existing pedestrian pathway along Highway 47 as well as the planned Council Creek Regional Trail. In addition to the regional trail, the vegetated corridors in the urban reserve area provide an opportunity for multi-use trail connections supporting recreation and commute trips.

Based on this discussion, Area 7B meets Urban Reserve factor (4).

(5) Can be designed to preserve and enhance natural ecological systems;

Clean Water Services' regulations for vegetative corridors requirements will essentially restrict development (except for trails along the periphery of the corridor) along the stream areas and provide for vegetative restoration. The regulations calculate buffers based on the number of acres an intermittent stream drains and call for up to 50-foot buffers on slopes less than 25%, and up to 200 feet if the land features greater than 25% slopes (Washington County Record page 11114-11115). All the watercourses in this area are intermittent.

Although it has not been calculated, it is likely that the drainage area for Council Creek and its tributary includes more than 100 acres. It should be noted that based on measurements taken by city of Forest Grove staff, plowed areas adjacent to Council Creek and its tributaries are about seven feet from the channel edge.

Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's Model Code developed for Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion and encourage the use of clustering. Further, both the CWS and Article 5 standards would require re-vegetation of appropriate species to enhance water quality which would reinforce animal habitat.

In addition, Article 4 of the Development Code provides the framework for planned developments for residential, commercial and industrial projects. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. In addition the relatively large parcel sizes in the area can allow for placement of industrial uses away from sensitive areas.

Based on the above analysis, existing requirements would require urban development to preserve and enhance ecological functions, therefore factor (5) can be met.

(6) Includes sufficient land suitable for a range of housing types;

The City intends for this area to be substantially developed for employment uses. However, a portion of the area next to an existing residential area on the western part of the area could be appropriately developed for residential uses. The City anticipates that the overall densities would be at least 10 units per acre, accommodating a variety of housing types. This would allow the creation of nodal development with higher densities (upward to 20 units per net acre – the highest densities currently allowed by the City) mixed with supportive office and small commercial development. This approach would support the extension of transit service into this area. This approach would provide opportunities for a variety of housing options. Further, it indicates that there are no anticipated constraints with the area to accommodate a variety of housing types.

After discounting for future development capacity within the current UGB, the City's Economic Opportunities Analysis shows a need for 1,073 to 3,905 acres for future residential development and 13,909 to 32,067 housing units. Within the current UGB, City staff estimates that current capacity for new development (including both raw land and redevelopment) would accommodate 4,600 units. Thus, any residential uses included in the Purdin Road area can help the City meet its long-term residential need (Washington County Record pages 11129-11249). This Urban Reserve factor can be met.

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves;

As discussed above, Clean Water Services' vegetative corridors requirements will effectively restrict development (except for trails along the periphery of the corridor) along the stream areas and provide vegetative restoration. Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's Model Code developed for Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion, encourage the use of clustering and where applicable, require re-vegetation. In addition, Article 4 of the Development Code provides the framework for planned developments. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. In addition, the large parcels would allow flexibility in the siting of industrial uses (Washington County Record pages 11129-11249).

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important landscape features on nearby resource land, including land designated as rural reserves;

In discussing this issue with the Farm Bureau, there appears to be two concerns. First is to minimize conflicts between urban development and farm practices due to proximity and the nature of various land uses. Industrial and employment uses are intended for the Urban Reserve area for most of Area 7B and all of the properties along Purdin Road. According to testimony received from the Farm Bureau, industrial activities are the most compatible urban use with agriculture (Washington County Record pages 11116-11124). Issues such as noise, time of operation, plowing and dust and spraying from agricultural activities would be less disturbing to industrial development than with other urban uses, particularly residential. In addition, it is the intent of the City to preserve this area for larger lot industrial. This provides opportunities for additional buffering through increased setbacks. It should also be noted that this additional buffering can be utilized for parking areas and landscaping.

Buffering would also be achieved through the presence of Purdin Road. The road currently is 20 feet in width (from fog line to fog line) with a total pavement width of about 22 feet. The road is

located on a 60 foot wide right-of-way. However, this road would need to be at least a three lane road with wide shoulders and bike lanes. The wide shoulders would allow slower farm traffic to operate on the roadway. It would approach that of Cornelius-Schefflin Road in the vicinity of Wren Road, which is three lanes with wide shoulders (but lacks a bike lane). That road is 38 feet in width (fog line to fog line) with a total pavement width of 52 feet (back of curb to back of curb) on a 98-foot wide right-of-way. In addition to the paved width, there is additional room beyond the curb to accommodate wide farm equipment. The curb is beveled rather than at 90 degrees to make it easier to —jump the curb”. This road design would provide an additional distance between the farm and urban activities. It should be noted that this road could be accommodated under the City’s arterial standard which is from 66 to 96 feet right-of-way width.

The following are photos of both roadways to provide comparison:



Purdin Road looking west from Council Creek



Cornelius-Schefflin Road

The Farm Bureau's second concern is the potential conflict of urban and agricultural traffic sharing the same road. Washington County has attempted to address this conflict by constructing roads with extra wide shoulders. This allows farm equipment to use the shoulders and allow faster traffic to safely pass. The portion of Cornelius-Schefflin Road noted above is an example of this approach. This additional width to allow "two-way traffic" (urban and agricultural) can be accomplished relatively easily since most of the land holdings in Area 7B are large parcels intended for industrial and employment use.

However, it is important to recognize that Purdin Road is already carrying urban levels of traffic. County trip data indicates average daily trip count in 2008 for the road was 2,249. The City also recently completed an update to its Transportation System Plan. Current afternoon peak hourly trips are 370 vehicles per hour (or about 6 cars per minute).

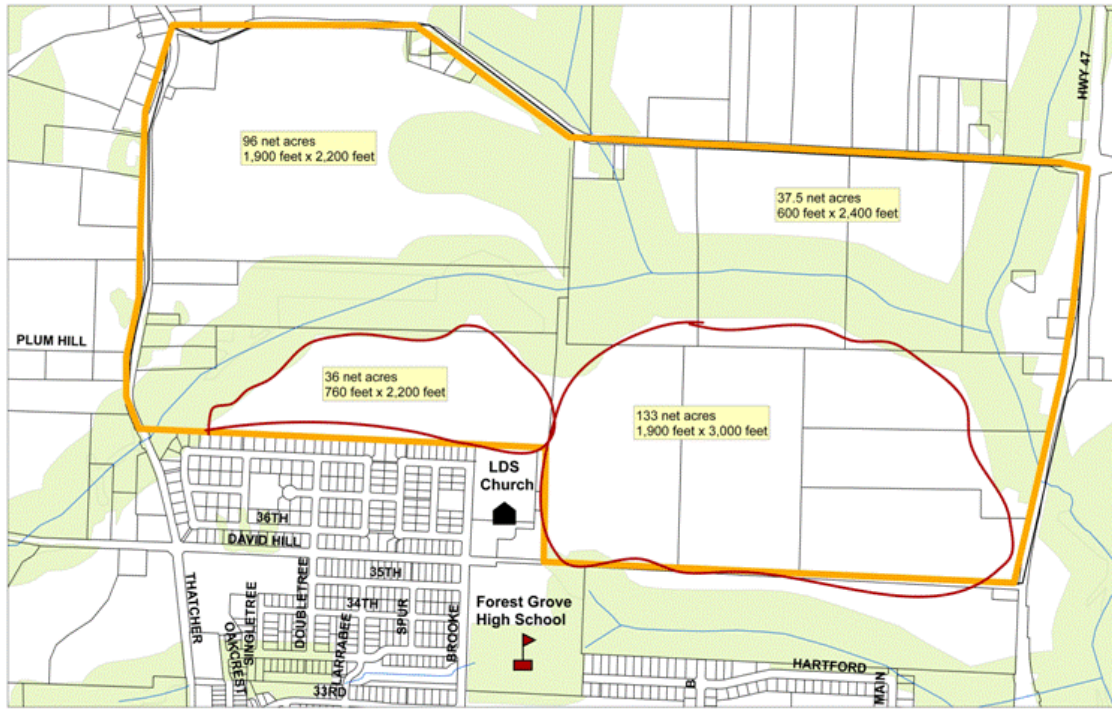
The road is the primary route residents living on the west side of the Forest Grove community use when they leave the community. Within the current UGB, there is sufficient vacant land west of Thatcher Road and north of Gales Creek Road to accommodate an additional 1,340

single family dwelling units. Based on the City's housing analysis, it is likely that this will develop within the next 20 years. Based on current trip generation rates, these additional units would add about an additional 13,400 average daily trips and an additional 1,340 peak hourly trips. Based on observations of current traffic, at a minimum a substantial portion of the peak hourly trips would use Purdin Road to commute to jobs east of the community or into Forest Grove (City staff estimates between 80 to 90 percent). This would result in a total peak hourly trip rate of 1,442 to 1,576 (or about 24 to 26 cars per minute). (Even if a conservative rate of 50 percent is used, the peak hourly trips would still total 1,040 or 17 vehicles per minute.) Thus, any conflict already exists and will worsen without any development outside the current UGB. The benefit of the Urban Reserve area is that it can accommodate additional jobs and possibly reduce commute trips through rural areas as well as allow for needed future road improvements.

Appropriate Boundary

LCDC remanded Urban Reserve area 7B to determine the appropriate location of a north boundary. The two locations considered were Purdin Road or a tributary of Council Creek which runs generally in an east-west direction through the area. The following map shows the Purdin Road area with the tributary bisecting the area. Based on City staff analysis, about 133 net acres are located north of the tributary and about 169 net acres are located south. Most importantly, to meet the need for large lot industrial, the one parcel that is over 50 acres in size (115 acres) lies north of the tributary and is available in the near term for industrial use. All the other parcels are between 21 to 39 acres in size (excluding the existing home sites) and properties would have to be aggregated to achieve the 50 acre size needed for large lot industrial.

Purdin Road Urban Reserve Area



city of
forest
grove

From a land use standpoint, the City intends to plan for residential development on the 36 net acre area south of the tributary. This would avoid placing industrial uses adjacent to an existing residential neighborhood. In addition, conversations between City staff and property owners in the entire area indicate that those owners with lands south of tributary prefer residential development if the land is to be developed. The following table estimates the jobs potential north and south of the tributary based on an employment rate for industrial uses provided in the City’s Economic Opportunities Analysis.

North of the Tributary	2,248 jobs
South of the Tributary	
All Industrial	2,856 jobs
Only Eastern portion	2,248 jobs
No industrial	0 jobs

Based on 16.9 employees per acre per the City’s Economic Opportunities Analysis

Thus, there is from a City standpoint a need to allow the entire area into the Urban Reserve to meet future industrial and large lot industrial demands. This is particularly important when taking in the long-term needs of the community as identified in the 2060 land area needs provided above under the discussion of Factor 2.

However, the criterion is directed at minimizing impacts on agricultural operations. Thus, the issue from the regional and state perspective is which makes the best buffer between agriculture and urban. The following is photo of the tributary in the area of discussion.

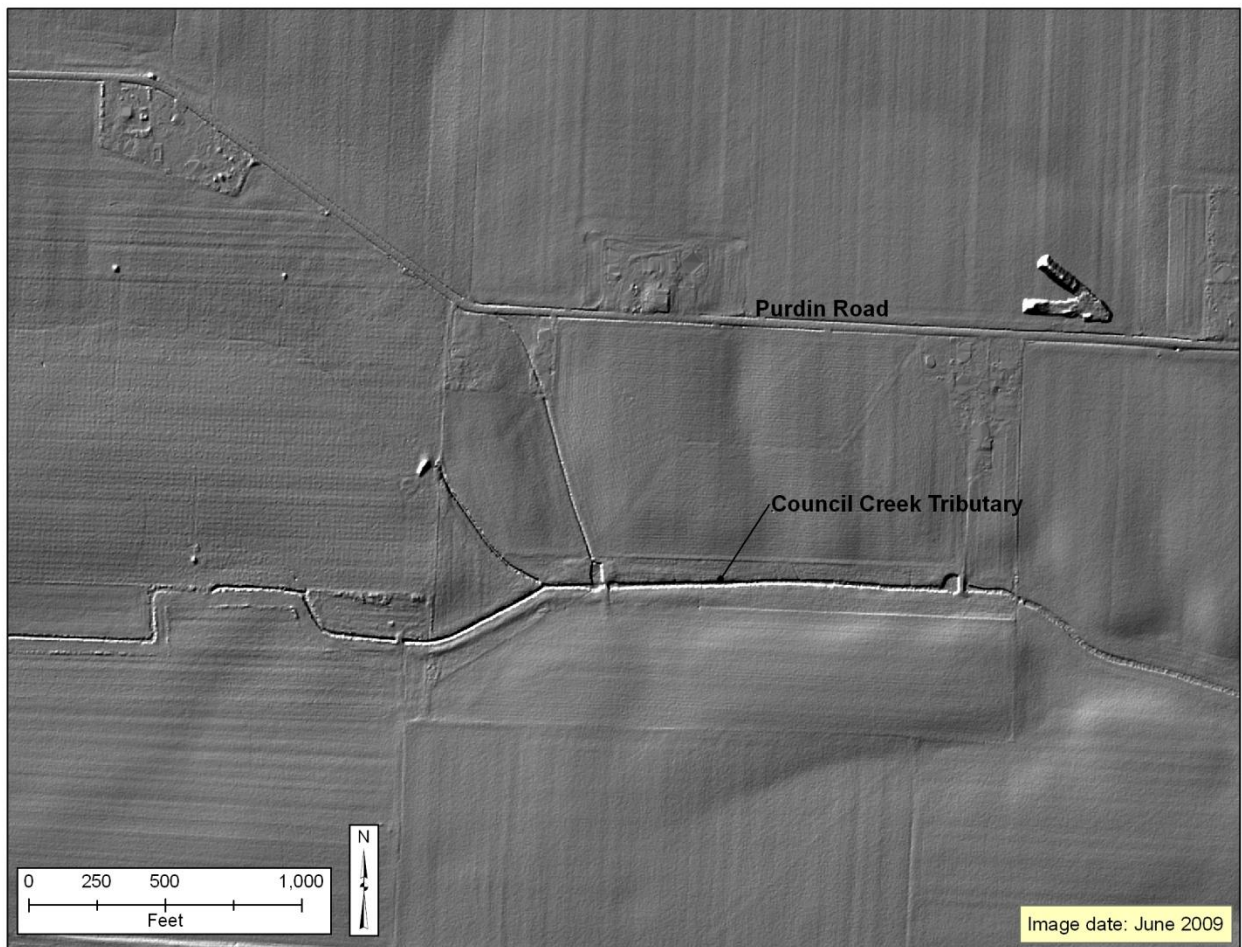


The following field measurements were taken:

Channel Width:	12 feet
Distance between outer edges of tall grass:	22 feet
Distance between plowed fields on each side of the channel:	26 feet

Disturbed soil is approximately seven feet from the edge of the channel which creates the opportunity for relatively high amounts of turbidity in the channel. By comparison, if this channel remains within the Urban Reserve, buffer areas would be required 50 feet from the channel edge with the requirement for replanting with appropriate vegetation to intercept suspended solids. Accordingly, there would be an environmental benefit to place the entire tributary corridor into urban reserve.

Further, this channel has been modified or is not a natural channel. The following is LiDAR imagery of the channel.



(Washington County Record page 11250)

As can be seen from the image, the tributary channel is fairly straight and takes a 90 degree turn in part of the channel course. These are indications of an unnatural stream course or at least one that is highly modified.

To date, there has not been any explanation why a stream course makes a better buffer than a roadway. From a distance standpoint, the stream would offer a narrower buffer width, even taking CWS standards into account. The buffer width would be 69 feet from plowed areas to the outside edge of a vegetative corridor on the urban reserve side of the tributary. This is based on the following:

Edge of plowing to channel edge	7 feet
Channel width	12 feet
Vegetative corridor width (on urban side of channel)	50 feet

By comparison, Purdin Road right-of-way would be 96 to 98 feet in width. This does not include any additional separation due to increased setbacks for development along Purdin Road which we would propose as part of the development requirements for this area. A reasonable distance would be 30 feet which is equal to the City's largest buffer requirements (which is between industrial and residential zoned properties).

The only explanation regarding the preference of the stream is that it avoids placing further traffic on a county road. However, as noted above, Purdin Road currently handles urban levels of traffic at least during peak hours that will substantially increase due to future development within the current UGB. By making Purdin Road the boundary, it will allow for improvements to the road to minimize existing and future conflicts between agricultural and urban traffic. This would be accomplished in two ways. Placing the road within the urban reserve area would allow for major improvement of the roadway itself without raising any issue related to road improvements outside Urban Growth Boundary. In addition, development along the south side of Purdin Road would help defray the costs of the roadway improvement. The City would receive Transportation Development Tax funds from the development to assist in construction. Leaving this road within the Rural Reserve or undesignated would require the County to make future

improvements which may be difficult due to other pressing needs for limited County funds. Improvement of this road would likely be a low priority given demands in the more urbanized (and urbanizing) portions of Washington County.

Another consideration is that the Purdin Road boundary would allow the City to meet ODOT's request noted above. That is, ODOT is planning to construct a traffic circle at the Purdin Road/Highway 47 intersection and requested the City to extend Main Street north to connect with Purdin Road. The intent of this connection is to assure the circle would be functioning properly with similar traffic levels on all four legs of the intersection. Leaving the area east of Council Creek Undesignated provides the greatest degree of flexibility in dealing with any future road improvements, as the Reserves Rule prohibits transportation improvements that require an exception to Statewide Planning Goals.

One other issue associated with using a roadway as opposed to a creek would be the "single" loading of the street with urban development only on one side. The City currently is addressing this situation with the extension of David Hill Road and has not posed a significant obstacle with either getting needed road improvements or farming the agricultural lands north of the roadway.

One other matter discussed by LCDC was the issue of urban reserve intrusion into agricultural areas. Currently, there is a disparity in the location of the UGB east and west of Thatcher Road. The UGB is about 0.75 miles further north on the west side of Thatcher Road. Establishing the urban reserve line to Purdin Road would extend the UGB essentially directly to the east of the existing UGB until reaching Council Creek. This straightening up of the UGB allows for more logical growth patterns and allows urban development on both sides of Thatcher Road. This means that the urban reserve would be bounded by the current UGB on two sides to the west and south. Overall, about 51 percent of the perimeter of 7A to Purdin Road would be adjacent to the existing UGB. If the tributary is used as the boundary, about 46 percent of the perimeter is adjacent to the UGB on only one side.

If the tributary is used, then concerns noted above about conflicts between agriculture and urban still remains. The only difference is that the issue is transferred from Purdin to Thatcher Road since there would be no potential change in the UGB if the tributary is the northern boundary.

Rural Reserve Factors

General Description: The following is an analysis of Rural Reserve factors for the Purdin Road area. This area is bounded by Purdin Road to the north, Council Creek and Highway 47 to the east, the city of Forest Grove to the south and Thatcher Road to the west. Council Creek flows south through the east side of the reserve and a tributary of this creek bisects its center and runs east-west across the area. There is little variation in topography. The reserve is currently in agricultural and rural residential use. Highway 47 is classified as a principal arterial in the County's Transportation Plan. Thatcher and Purdin Roads are classified as collectors.

Agricultural Considerations Under Factor OAR 660-027-0060(2)

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land.**

Staff divided the subject to urbanization factor into three classifications: high, medium, and low. These three classifications were applied to the 41 sub-areas in the rural reserve study area. Areas considered highly subject to urbanization were the initial areas of interest by cities. Medium subject to urbanization areas began from the outer edge of the city interest areas and included areas where potential urbanization over the reserves 50-year timeframe was possible. Low subject to urbanization areas were those areas in the study area beyond the medium subject areas, where urbanization potential was least likely. Fair market value was evaluated through a number of analytical iterations, yet staff found the application of "fair market value" independent of other indicators did not provide a conclusive indication of lands that may be subject to urbanization. (Washington County Record Page 2972).

The reserve area has a high subject to urbanization rating given its proximity to the city of Forest Grove and the inclusion of the area in the city's Pre-Qualified Concept Plan submitted as part of the record for A-Engrossed Ordinance No. 733.

- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land.**

Land within the Purdin Road area is capable of sustaining long-term agricultural operations. The Oregon Department of Agriculture report Identification and Assessment of the Long-Term

Commercial Viability of Metro Region Agricultural Lands (Washington County Record pages 9748-9818) describes the type of farming activity taking place in the Tualatin Valley. The report describes the area as being diversified with hay land, annual grasses, grass seed, nursery land and orchards. Many of these activities take place within the reserve area. The area has been designated as Foundation Farmland by the study. In addition, mapping by Washington County rates this area as high value farmland (Washington County Record page 3018).

There are a number of small residential lots within the concept area. Residences are mostly prevalent along Highway 47 and Thatcher Road. Conflict between residential and agricultural operations is a possibility depending on the type of agricultural operation within the reserve area.

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations.

The Purdin Road area has suitable soils needed to sustain long-term agricultural operations. Soils types within the reserve area include soil type 42 (Verboort silty clay loam) and 45A (Woodburn silt loam). These lands are predominately Class II capability and are designated as prime farmland.

Soil type 42 (Verboort silty clay loam) is described as being nearly level soil in narrow irregularly shaped, concave areas along drainage ways. Within the concept area this soil is found proximate to Council Creek and the east/west tributary. According to the Washington County Soil Survey, Verboort soils are suitable for grain, hay, irrigated pasture and wildlife habitat.

Soil type 45A (Woodburn silt loam) is described as nearly level soil with slight erosion and slow runoff characteristics. According to the Washington County Soil Survey, Woodburn soils are used for irrigated crops, pasture, recreation, home sites and wildlife habitat. The majority of the soil within the reserve area is Soil type 45A. (Washington County Record page 3016).

The Purdin Road area is also within the Tualatin Valley Irrigation District. Washington County has analyzed water service suitability for the reserve candidate areas. Map 11 included in the Washington County Urban and Rural Reserves Staff Report indicates that the Purdin Road area has water service suitability. (Washington County Record page 3006).

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots.

Taken together the urban reserve area features a large block of agricultural resource land with a concentration of farm operations. The largest parcel within the concept area is 115 acres. The smallest parcel, a small cemetery is 0.13 acres in area. The average parcel size in the Purdin

Road area is 19.4 acres. The smallest parcels contain dwellings along Purdin Road although small residential parcels less than one acre in area are also found along Highway 47 and Thatcher Road.

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.

The adjacent land use pattern directly to the south of the area is residential and vacant residential land. The area directly to the west is developing residential. Few manmade or natural buffers exist between the existing residential development and the Purdin Road area.

Thatcher Road provides a buffer along the western boundary of the study area. A fence provides the only buffer between the area and the residential land to the south within the Forest Grove city limits.

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns.

The urban reserve area is comprised of 18 individual ownerships and 28 parcels. The smallest parcels are located along Highway 47 and Thatcher Road. The parcelization pattern and ownership patterns in the concept area do not preclude agricultural operations. Most residences within the concept area are owner-occupied and the land is farmed by the property owners.

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

Agricultural infrastructure in the area includes the irrigation delivery system provided by the Tualatin Valley Irrigation District. A report prepared by the Oregon Department of Agriculture in 2007 (Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands) indicates the drainage infrastructure is well developed and being maintained and updated by area farmers. (Washington County Record pages 9748-9818).

Forestry Considerations Under Factor OAR 660-027-0060(2)

The entirety of this reserve area is in agricultural use and is not mapped as forestland on the Oregon Department of Forestry Wildland Forest Inventory map (Washington County Record Page 2314).

Natural Landscape Features Under Factor OAR 660-027-0060(3)

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural resource features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);

For Rural Reserve factor (3), staff considered the entire study area as equally subject to urbanization to allow for all natural features to be considered equally.

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

A tributary of Council Creek bisects the center of the Urban Reserve area. Council Creek flows south through the eastern third of the reserve area in the vicinity of Highway 47. The 100-year floodplain for Council Creek extends approximately 700 feet west up the tributary. The entire reserve area is generally flat and there is no potential for landslides.

(c) Are important fish, plant or wildlife habitat;

The area is not important for fish, plant or wildlife habitat given that the reserve is exclusively agricultural in nature. The Council Creek tributary that flows east through the reserve has been modified and lacks adequate year-round flow to support viable populations of fish. The limited amount of vegetation throughout the reserve is too isolated to provide for long-term habitat needs for birds and/or mammals.

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

Sections of Council Creek, particularly east of the reserve area, are an important stream and riparian corridor for fish, amphibians, and wildlife. Maintaining water quality and quantity at the headwaters of the creek's tributaries is therefore important to the viability and vitality of wildlife populations using this resource. Currently, agricultural practices do not provide adequate vegetative cover that would moderate tributary temperatures, with farming typically occurring up to the edges of the tributary..

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

Elevations over 350 feet were included as Tier 1 areas for rural reserves to address this factor. The area rises gently toward the west, with the highest elevation of approximately 260 feet adjacent to NW Thatcher Road. There are no distinctive physical features that might provide a sense of place in the proposed reserve, although the rural community of Verboort is slightly less than a mile from the northeast corner of the reserve.

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;

The floodplain of Council Creek forms the reserve's east boundary with Highway 47. This is the only defining natural boundary within or adjacent to the reserve area and will serve to separate existing rural and proposed urban uses. The tributary to Council Creek that bisects the reserve is an agricultural ditch for much of its length and is generally too narrow to form a defined boundary between existing rural use and future urban uses. Purdin Road forms the north boundary of the reserve area.

(g) Provide for separation between cities;

Large areas of Rural Reserve land and the Dairy Creek floodplain occurs between this Urban Reserve and city of Banks to the north.

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

There are no recreational activities within the reserve area. Designation of the area as an Urban Reserve is not expected to alter access to potential recreational opportunities, such as biking or walking, in rural areas north of Forest Grove.

Supplemental Reserve Findings for Urban Reserve Area 8B

(North of Highway 26)

Overview

The following is an analysis of the application of urban reserve factors (OAR 660-027-0050) to Area 8B, located north of Highway 26 on the west side of Helvetia Road. During the joint public hearing between the Washington County Board of Commissioners and the Metro Council, the two bodies agreed to change 352 acres of Undesignated land to Urban Reserve. This undesignated land was adjacent to the west and northern boundaries of Urban Reserve 8B. Together with the 88 acres already designated Urban Reserve through the adoption of Ordinance No. 733 in June 2010, the modified Area 8B now contains approximately 440 acres. Findings and evidence in support of designated Urban Reserves for the North and South Hillsboro areas previously submitted are hereby incorporated by reference in to these findings and conclusions pertaining to “Area 8B” as identified in the attached Map Exhibit H.

In August 2009, the City of Hillsboro (“Hillsboro”) submitted as part of the record a preliminary concept plan and findings in support of proposed Urban Reserves in north Hillsboro of 7,890 gross acres and 4,261 net developable acres (Washington County Record pages 3115 & 3451). These reserves proposals were considered by the Washington County Reserves Coordinating Committee (WCRCC) and the Metro Council over the course of two years at documented WCRCC and Metro Council Reserves open houses and public hearings in Washington County and at the Metro Council Chambers documented in the Reserves Record. As a result of the Reserves review and deliberation processes, the Urban Reserves approved in 2010 for north Hillsboro in Areas 8A and 8B reduced this area to 2,754 gross and 1,744 net developable acres.

Area 8B contains 440 total acres and 340 buildable acres. The area is bounded by Highway 26 to the south, West Union Road to the north, Helvetia Road to the east and Groveland Road to the West. There are 233 acres of undesignated land that separates Area 8B from Rural Reserves to the west. This undesignated area contains riparian and upland State Goal 5 areas and resources to the west (Washington County Record page 11283).

Urban Reserve Findings

The following is a discussion of how the urban reserve factors (OAR 660-027-0050) apply to Area 8B.

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;**

Hillsboro's Pre-Qualifying Concept Plan (PQCP) for north Hillsboro outlines the City's infrastructure service availability to Area 8B and the entire North Hillsboro Urban Reserves areas. (Washington County Record pages 3117-3122). Highlights of the PQCP for Area 8B include:

- **Water:** *The Hillsboro Water Department Master Plan (50-year planning horizon) includes shorter-term plans for a new reservoir to be constructed near the intersection of NW Evergreen and NW Glencoe Road to serve existing underserved area customers, in addition to serving areas north to Highway 26. This reservoir will be built regardless of whether Area 8B is designated as Urban Reserves for future urban growth boundary expansion, and only the size of the reservoir will be impacted based on potential future boundary expansion. (Washington County Record pages 3120 & 3306);*
- **Sanitary sewer:** *The city has an intergovernmental agreement with Clean Water Services regarding sanitary sewer services. (Washington County Record page 3118). Essentially, the city is responsible for all sewer wastewater collection facilities that are less than 24 inches in diameter. Larger trunk lines and treatment facilities are managed by Clean Water Services in accordance with the agency's master plan;*
- **Storm Water:** *City will consider applying methodologies in Metro's "Green Streets" manual, as well as other methods identified as part of the North Hillsboro Industrial Development Strategy, currently underway to provide for Area 8B storm water management and drainage (Washington County Record page 3121).*
- **Electricity, Gas & Cable:** *Electricity service in the existing surrounding industrial areas is designed to meet the unique needs of high-tech manufacturers and companies with*

power-sensitive operations, such as Intel’s Ronler Acres campus (Washington County Record page 3119). Portland General Electric is in the process of locating two new substations in the Evergreen industrial area that will further enhance the reliability of power needed for existing and future industrial areas in North Hillsboro, including Area 8B.

- **Transportation:** *The area’s location adjacent to Highway 26 serves freight movement. Through the Oregon Jobs and Transportation Act, \$45,000,000 has been allocated toward the estimated \$70 million needed to improve the Brookwood Parkway interchange area to address existing capacity issues related to full development of North Hillsboro industrial lands within the existing UGB (see Washington County Record page 3112 referencing capacity expansions along Hwy 26; HB 2001 Sec. 64(2)(d)(2009)). Area 8B abuts this interchange.*

Metro’s studies of serviceability made the following conclusions regarding serviceability for Area 8B:

- **Water:** *Highly suitable for water service, meaning it will only require typical extensions of service, including general distribution lines and reservoirs with no major facilities needed;*
- **Sewer:** *Area 8B was ranked as efficient – being an area that is the easiest and least costly to serve, requiring only upsizing of existing trunk lines or adding new trunk lines.*
- **Transportation:** *Metro studies show high connectivity suitability (the area is among the most suitable for providing a transportation system capable of accommodating new urban development) (Washington County Record pages 3120-3122 & 3308-3338).*

Located at the northwest quadrant of the intersection of Helvetia Road and Highway 26 and adjacent to existing industrial areas, Area 8B is uniquely suitable for industrial development, as it is in the heart of –Silicon Forest”, and has the necessary infrastructure readily available (Washington County Record pages 3119-3122 & 3163). Hillsboro has a track record of successfully delivering infrastructure services to UGB expansion areas, and based on preliminary studies, it will be able to provide services to Area 8B.

(2) Includes sufficient development capacity to support a healthy economy;

A recent study by Johnson Reid indicated that, over the next 20 years, the West Washington County –Silicon Forest” will need approximately 1,200 acres for large lot industrial use north of Hillsboro (e.g., 50 acres or more) (Metro Record at 1641; Washington County Record pages 3208-3216; 11258-11260). This is consistent with Metro’s forecast need for 3,000 acres of

**Table 1: Hillsboro Industrial Siting Prospects
3 Years (2007-2009)**

PROJECT	LEAST ACRES	MOST ACRES
Sonnershien	450	800
Apricus	250	300
Tahoe	80	150
Parkway II	75	200
Hot	75	75
Parkway	65	75
Million	65	75
Sunbelt	50	75
Bright	50	75
August	50	100
Boss	50	60
Bee	40	50
Bright	40	50
Valencia	40	50
Monarch	40	50
DT/Apollo	35	40
MIT	30	40
Reddy	26	40
Harvester	25	25
GM	20	25
David II	20	50
Overview	20	30
SpectraWatt	20	25
Jade	20	50
Innovate	15	25
Ark	15	20
Cell	10	25
Cambridge	10	20
SAV	10	20
Champion	10	15
MS	10	20
Wick	8	10
Edison	8	25
Ferro	5	10

industrial land region-wide over 50 years, as well as a study for West Washington County Cities indicating a 50-year need for 3,500 acres for industrial use in the West Washington County area to accommodate the long-term employment land needs of the five cities located there (Washington County Record pages 11262-11264). The need for large lot industrial uses is further supported by inquiries fielded by the city's Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (Tables 1 & 2; Metro Record at 1860).

**Table 2: Hillsboro Industrial Site Recruitments
Over 3 Years**

	Least Acres	Max. Acres	Percent	
100+ Acres	2	5	15%	*
50-99 Acres	9	12	35%	*
25-49 Acres	8	10	29%	
< 25 Acres	15	7	21%	
Total Sites	34	34	100%	

*50% of total site inquiries for parcels over 50 acres in size

In 2010, Metro's MPAC Employment Subcommittee acknowledged that "attracting and retaining traded-sector industrial companies is critical to the region's economic prosperity" (Metro Record at 172-178). Likewise, in their comments into the record, the State agencies emphasized "the need for an adequate supply of employment lands in the Metro urban growth boundary" noting that the region "attracts" traded-sector technologies and businesses that disperse throughout the state" (Washington County Record page 10640).

The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; Washington County Record at 3429-3450), demonstrates the contribution of industrial uses in the North Hillsboro

Area to the economy. Economic benefits of industrial lands, such as those currently located in North Hillsboro, include:

- Double the County average of market value/acre for industrial lands;
- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing industry clusters (per State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (Washington County Record pages 3126 & 3429-3450).

Similarly, interviews with leaders for the three industry clusters in Washington County (high-tech, bio-tech/biopharma and photovoltaic solar panel manufacturing) and other economic experts identified the following seven key qualities crucial to attracting firms to the county’s –Silicon Forest”):

“According to interviewees, the question of “Why Hillsboro?” yielded a distinct mix of qualities highly desirable, if not integral, to a specific segment of the nation’s high tech industry. The following qualities were frequently cited in a not replicable combination as distinct inputs required by targeted industry:

1. **High-Capacity, Continuous Electrical Power at Competitive Rates**
2. **High-Capacity, High-Quality Water Supply**
3. **Highly-Skilled/Educated Workforce with Existing High-Tech Cluster Investment**
4. **Flat, Seismically Stable Land without Brownfield Costs & Risks**
5. **Proximate, Diverse Transportation Infrastructure (Freeway, Air, Rail)**
6. **Specialized, Existing Industrial Material Supply Infrastructure (Chemicals, Gases)**
7. **Unique Expertise and Experience of the City of Hillsboro**

All of the above factors are individually attracted to a wide swath of industry, including high-tech, but **the unique combination of all of the above distinguish Hillsboro from elsewhere in the State of Oregon and make the city uniquely competitive with other markets in North America** for high-tech industry that intrinsically depend heavily upon power, water, and highly-skilled labor.” (Washington County Record 11258-11261, emphasis added).

A recent city review of large industrial lots currently available showed:

- *West Washington County is presently uncompetitive for large lot industrial employers with only two State Certified large lots available for development and a maximum site*

assembly potential of 531 acres in the current UGB. The two development ready sites are:¹¹

- *Approximately 128 gross acres (total of 110 net developable acres) along Brookwood Parkway just north of Genentech;¹² and*
- *Approximately 73 (65.21 net developable) acres located at Brookwood Parkway and Huffman Roads (the “Nike” property)(Washington County Record page 11263).*
- *Competitive markets typically do not have constraints on the amount of land they can offer for development. Development-ready sites offered by competitors range from 1,125 to 2,000 acres and 11 to 25 sites of 50 acres or more.*
- *To remain competitive, there is a need for 1,214 acres dedicated to industrial use in West Washington County for the next 20 years (Washington County Record pages 11258-11262).*

CH2MHill has identified a total of ten (10) potential large industrial sites in and around the North Hillsboro Urban Reserves, including a site in Area 8B, that contain location, geographic, infrastructure serviceability and other physical and geo-political features that make them highly competitive/attractive for purely market reasons to new industrial companies seeking large sites (Washington County Record pages 11267-11282). Per CH2MHill, Area 8B ranks highest comparatively among the ten sites in terms of containing such site features.

The PQCP illustrates the potential for industrial development within Area 8B (Washington County Record pages 3125 & 3163). The addition of Area 8B to the Urban Reserves will provide for an additional 340 buildable acres of large, seismically stable, vacant sites for industrial uses located near

- *A major highway interchange that is slated for improvements;*
- *Existing and planned infrastructure;*
- *Existing and planned housing, including the Tanasbourne/AmberGlen 2040 Regional Center;*
- *Skilled workforce; and*
- *Existing industrial clusters.*

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

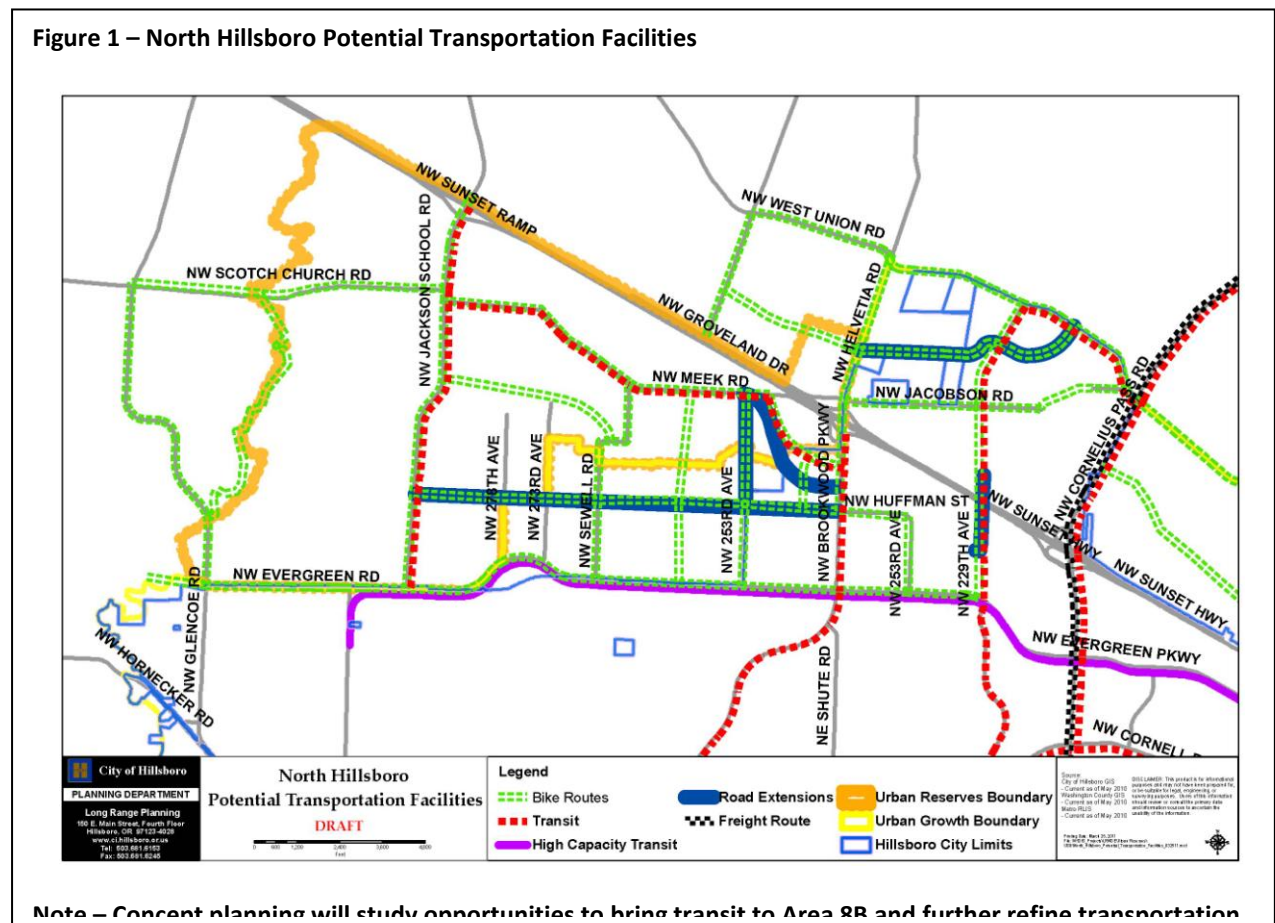
¹¹ *The Oregon prospector (www.oregonprospector.com) also lists a 51 gross acre site north of Hwy 26. However, development of this site for high tech will require upgrades to the nearby West Union substation.*

¹² *This site is challenged due to a 150’ wide BPA easement running east-west on the northern portion of the property. The result is 52 net acres to the south of the easement and 58 net acres to the north (Washington County Record page 11261). The area north of the BPA easement is further bifurcated by Waible Creek.*

Area 8B would be targeted for industrial uses and, as such, schools and parks would be prohibited in the area by applicable provisions in the Metro Code and City Industrial Zoning rules. (The Hillsboro School District, as well as Hillsboro Parks and Recreation Department, participated in the PQCP Charrette hosted by the Planning Department to assist in the preparation of the PQCP.) As noted in the PQCP, the Hillsboro Comprehensive Plan requires that essential services be available within five (5) years of development approval (Washington County Record page 3129). The ability of the city to service the area with public services is addressed at Washington County Record pages 3129-3130.

- (4) **Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;**

Figure 1, below, is a refinement of the preliminary transportation systems set forth in the Hillsboro PQCP. Figure 1 generally illustrates how north Hillsboro proposed Urban Reserves, including Area 8B, could be served with multi-modal transportation (Washington County Record pages 3122 & 3132).



Additionally, Area 8B is important to the Brookwood Parkway interchange improvements, as well as surrounding roads that support the interchange and neighborhoods.

(5) Can be designed to preserve and enhance natural ecological systems;

An outline identifying natural resources within Area 8B is provided in the PQCP (Washington County Record page 3133). It is Hillsboro's intent to preserve and incorporate these areas as open space into future neighborhoods (Washington County Record pages 3133-3134). The City has adopted and enforces its Significant Natural Resource overlay zone to protect wildlife habitats, upland forest resources, riparian resources and corridors and other like-kind significant "Goal 5" natural resources located within area annexed to the City. Any development in these areas will be required to address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem (Washington County Record page 3136) Moreover, these extensive natural areas along the westerly edges of Area 8B will provide a strong, protected and enduring buffer between future industrial activities in the balance of Area 8B and the agricultural uses/activities north and west of, and beyond these natural areas.

The undesignated area to the immediate west of Area 8B will also serve to further this factor, as the undesignated area contains riparian and upland resources (Washington County Record pages 11283-11284). Not only will these resources remain untouched, they will serve as a buffer between potential urban uses to the east and rural reserves to the west.

(6) Includes sufficient land suitable for a range of housing types;

While a small portion of Area 8B was initially shown in the PQCP as including Employment/Mixed Use (Washington County Record page 3451), because of the reduction of the proposed Urban Reserves from the PQCP, this area would be targeted for large-lot industrial and employment uses if urbanized and annexed to the City. As addressed in Factor (8) below, targeting this area for industry, as opposed to housing development, will help alleviate potential conflict between urban and rural uses (see Washington County Record pages 11380-11381 - recognizing that industrial/business parks create less of a conflict between urban and rural uses; see also Washington County Record pages 11283-11265, p. 5-3, "Local or regional long-range planning should avoid, as far as is practicable, locating urban sensitive receptors, **primarily residential development**, in proximity to rural agricultural land. Where urban sensitive receptors must be located near rural agricultural land, buffering mechanisms should be used to minimize potential conflicts." Emphasis added.)

The city will be able to provide an adequate mix of housing to support future industrial uses in Area 8B and the rest of the North Hillsboro Urban Reserves area as new housing developments come into the local housing market in the adopted Tanasbourne/AmberGlen Regional Center (high-density housing), downtown and South Hillsboro (mixed densities and housing types).

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves, and;

Hillsboro's Natural Resources Management Program includes a map that generally identifies the extent and location of significant wetlands, riparian corridors and wildlife habitat areas and their impact areas, as identified in the adopted "List of Significant Goal 5 Natural Resource Sites in the City of Hillsboro" and its supporting document the "City of Hillsboro Goal 5 Natural Resources Inventory and Assessment Report", and the ESEE analyses, completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 23 provisions. Natural resources in annexed areas are inventoried and those determined to be significant and their Impact Areas are added to the Significant Natural Resource Overlay District as part of the rezoning process. These protection/preservation provisions would apply to the extensive natural resource areas along the west edges of Area 8B if and when it is urbanized.

Development projects located in or partially within the overlay area for the Natural Resources Management Program Ordinance map must address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem in the vicinity of the proposed development site. Also, in accordance with the Tualatin Basin Fish & Wildlife Habitat Program, land developers and property owners are encouraged to incorporate habitat friendly practices in their site design where technically feasible and appropriate.

The undesignated area to the immediate west of Area 8B will also serve to further this factor, as the undesignated area contains riparian and upland resources (Washington County Record pages 11283-11284). Not only will these resources be preserved, they will serve as a buffer between potential urban uses to the east and rural reserves to the west.

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves.

Although Oregon has long been a leader in creating an urban/rural divide through the use of urban growth boundaries, there is a surprising lack of research from the state on how to create transitions between these often conflicting uses. This subsection has been used throughout the urban/rural reserve process to promote the use of natural features to create such buffers.

In the past, there has been little consideration given to the urban/rural divide when expanding the UGB, often resulting in urban uses directly abutting farmland (Washington County Record pages 11283-11284). The designation of Urban Reserves affords the region the opportunity to look to other jurisdictions to learn how to enhance natural buffers, as well as plan for manmade transitional buffers (Washington County Record pages 11285-11454).

One such example is the Greater Bear Creek Valley Regional Plan (Washington County Record pages 11285-11367). The following relevant agricultural buffering standards have potential and suitable application to future urban use of Area 8B if it is designated Urban Reserves, added to the UGB and annexed to the City for industrial activities:

The central concept in buffering is adequate separation between conflicting uses. There are a number of strategies for achieving this separation through planning decisions and the use of planning controls:

- *A well-designed vegetative buffering element will reduce the amount of land required for an effective buffer.*
- *Man-made or natural features should be incorporated in buffers whenever possible, such as infrastructure rights-of-way, roads, nonresidential structures, watercourses, wetlands, ridge lines, rock outcrops, forested areas, and steep slopes. (Washington County Record pages 11285-11367)*

Area 8B can be adequately buffered through the following:

1. *Natural features. To the immediate west of Area 8B are 233 acres of undesignated land. This undesignated area contains several Goal 5 features, including riparian corridors and upland features, such as flood plain, and a thickly forested wooded area (Washington County Record pages 11283-11284). These natural features will serve a buffer between the Urban Reserves of Area 8B and Rural Reserves to the west.*
2. *Industrial use. Industrial uses create less of a conflict with surrounding agricultural industrial uses (see Washington County Record pages 11348-11353). It is customary for industries, such as those currently located in Washington County, to use landscaping and berms to buffer operations from roads and surrounding uses (Washington County Record pages 11283-11284).*
3. *Man-made buffering. As suggested in the supplemental information regarding planning for urban/rural edges (Washington County Record pages 11285-11454), man-made buffering, including West Union Road and vegetative buffering can further reduce potential conflict between the urban and rural industrial uses. The planning process for Urban Reserves required by Title 11 of Metro's Urban Growth Management Functional Plan, can include provisions for road improvements and buffering on the urban side of development.*

URBAN RESERVE DESIGNATION CONCLUSIONS

Area 8B is uniquely suited to help accommodate the regional urban industrial needs for the next 50 years. Area 8B, as with Urban Reserve Area 8A, offers the characteristics sought by existing and emerging industry clusters in Washington County. The city has a proven track record of providing services and has demonstrated the ability to continue to do so in Area 8B and the surrounding Urban Reserves. In combination with on-going efforts inside the existing city, as

well as in Urban Reserves in the north and south of the city, the city will be poised to provide an appropriate amount and mix of housing and jobs, complemented by multi-modal transportation. Both natural and man-made features will provide buffering between expected industrial and surroundings agricultural uses.

Rural Reserve Factors

General Description: The following is an analysis of Rural Reserve factors for the new Urban Reserve area described in this section. The reserve is almost entirely in agricultural use with scattered rural dwellings. The Hillsboro school district owns property in the northeast corner of the reserve. There is little variation in topography across the area. The main stem of Waible Gulch flows south through the east half of the reserve and at least two headwater streams to Waible Gulch originate in the west half of the reserve. Highway 26 is classified as a principal arterial in the County's Transportation Plan. Helvetia and West Union Roads are designated arterials.

Agricultural Considerations Under Factor OAR 660-027-0060(2)

- (2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:**
- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land.**

Staff divided the subject to urbanization factor into three classifications: high, medium, and low. These three classifications were applied to the 41 sub-areas in the rural reserve study area. Areas considered highly subject to urbanization were the initial areas of interest by cities. Medium subject to urbanization areas began from the outer edge of the city interest areas and included areas where potential urbanization over the reserves 50-year timeframe was possible. Low subject to urbanization areas were those areas in the study area beyond the medium subject areas, where urbanization potential was least likely. Under this categorization and being adjacent to the existing Urban Growth Boundary, the subject area is rated as highly subject to urbanization.

Fair market value was evaluated through a number of analytical iterations, yet staff found the application of "fair market value" independent of other indicators did not provide a conclusive indication of lands that may be subject to urbanization. (Washington County Record Page 2972).

The reserve area has a high subject to urbanization rating given its proximity to the city of Hillsboro and the inclusion of the area in the city's Pre-Qualified Concept Plan submitted as part of the record for A-Engrossed Ordinance No. 733.

- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land.**
- (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations.**

Virtually all of the reserve is in existing agricultural use. Class I and Class II soils are found evenly throughout the 352 acres and the area is capable of sustaining long-term dry farming agricultural use. Soil types in the area are predominately Willamette 44A and Woodburn 45A & 45B soil types, which are suitable soil types for agricultural activity. Verboort, Huberly, and Amity soil types are also found in localized areas of the reserve. The area is outside the boundaries of the Tualatin Valley Irrigation District and Map 18 of the September 2009 Staff Report (Appendix 1) shows one property that holds a water right (Washington County Record Page 3015). Availability of water was an important consideration in staff's analysis of agricultural lands given assumptions of climate change impacts and potential reductions to in-stream flow over the reserves timeframe. The area has been designated as Foundation Farmland by the State Department of Agriculture. Mapping by Washington County rates this area as high value farmland (Washington County Record Page 3018).

There are no forestry operations in the reserve boundaries or adjacent to the reserve.

- (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:**
 - (A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots.**
 - (B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.**

The majority of this reserve area ranked as Tier 3 due to its inclusion within a subarea that included the Helvetia area, which has a relatively high dwelling density and slightly smaller parcels than other agricultural areas of the county. The reserve is suitable for farming as evidenced by the on-going agricultural activity that has occurred in the area over at least the last several decades. Agricultural productivity ratings developed by applying the Huddleston methodology were lower throughout this reserve than reserve areas in the Tualatin River

floodplain and the Dairy Creek basin between Banks and Forest Grove given the relative limitations of available water.

The adjacent land use pattern is almost entirely in agricultural production. Rural residential dwellings are located immediately west of the Shute Road interchange with limited commercial development east of the interchange.

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns.

Sixteen (16) taxlots are located within the reserve area, ranging in size from one acre to 59 acres. Ten of the 16 taxlots are owned by four owners, with one owner holding title to four lots. Almost all of the taxlots are in agricultural use. The Hillsboro School District owns an approximately 11-acre parcel in the northeast corner of the reserve at NW Helvetia and NW Union Roads and there is a one-acre residential parcel adjacent to NW Helvetia Road. There is one 30-acre hazelnut orchard on the west side of the area. Several farm dwellings are found in the reserve, principally on the edges adjacent to NW Helvetia Road and Highway 26.

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

Agricultural supply outlets for fertilizer, animal feed, agricultural chemicals, and farm equipment sale and maintenance are available in Hillsboro and surrounding cities. Staff concludes that the sufficiency of agricultural infrastructure necessary to sustain long-term farming operations is adequate given the long-term farming history of the area and the positive market considerations that are highly likely given the certainty and long-term stability for agricultural use of this Rural Reserve area.

Based on the information provided above, the area is determined to be suitable to sustain long-term agricultural operations.

Forestry Considerations Under Factor OAR 660-027-0060(2)

Staff relied on the Oregon Department of Forestry's (ODF) Metro-area analysis of forestland that encompassed the reserves study area.¹³ The ODF analysis included five forestry and agricultural categories as shown on Map 4 of the September 23, 2009 Staff Report (Washington County Record Page 2999). The ODF analysis indicated that all forestlands within the *Wildland Forest* designation should be protected in order to sustain long-term forestry operations in the area. Forestlands within this classification were ranked as Tier 1 in the county analysis.

¹³ *Criteria for Consideration of Forestlands Within Future Rural Reserves*. Oregon Department of Forestry. January 29, 2008

There are no Wildland Forestlands in this Rural Reserve area and commercial forestry operations are not present. One taxlot in the reserve has most of its 20 acres in unmanaged timber.

Natural Landscape Features Under Factor OAR 660-027-0060(3)

Staff combined Metro's Natural Landscape Features Inventory with the county's mapped Goal 5 areas, constrained slopes over 25 percent, and all areas over 350 feet (to address factor (e) below) as the basis for applying the factors below. Potential candidate Rural Reserves areas were divided into three tiers based on the above and from additional input from staff's knowledge of county natural areas. The components within each tier are described at length on pages 37 and 38 of the September 2009 staff report. (Washington County Record pages 2987-2988). There are no Tier 1 Natural Features areas within the reserve boundary. (Washington County Record page 3030).

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural resource features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);

For Rural Reserve factor (3), staff considered the entire study area as equally subject to urbanization to allow for all natural features within the study area to be considered.

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

The Waible Gulch floodplain occurs in the eastern half of the reserve. There is little relief between the floodplain and the surrounding area; hence the potential for landslides is not present. The only other tributary within the reserve is a drainage ditch that forms an upper tributary to Waible Gulch. The remainder of the area is relatively flat and is not subject to natural disasters.

(c) Are important fish, plant or wildlife habitat;

The area did not rate as high for fish, plant or wildlife habitat given that the reserve is almost exclusively agricultural in nature. Waible Gulch, located on the east side of the reserve, is an exception in that it provides some riparian vegetative cover and has a moderate stream flow for most of the year that may be suitable for localized populations of wildlife. Waible Gulch was not listed among those areas rated highest for protection on Metro's Natural Features Inventory Map. Staff ranked the Waible Gulch riparian area as a Tier 2 area (Washington County Record Page 3030). Areas of Oregon White Oak habitat occur in the uplands west of the Gulch. Hillsboro's Pre-Qualified Concept Plan included as part of the submitted findings for A-Engrossed

Ordinance 733 a map the 100-year floodplain of Waible Gulch and mapped open space between the creek and Helvetia Road. (Washington County Record Page 3138). Findings for Urban Reserve Factor OAR 660-027-0050(7) above are also relevant to this factor.

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

Waible Gulch is a tributary of McKay Creek, which is an important stream and riparian corridor for fish, amphibians, and wildlife. Maintaining water quality and quantity in the tributaries to McKay Creek is therefore important to the viability and vitality of wildlife populations using this resource. Current agricultural practices do not provide vegetative cover that would moderate temperatures in the reserve's tributaries, with farming typically occurring up to tributary edges. However, increased water temperatures are a corollary of an increase in impervious services typical of urban development. A rural reserve designation will allow for existing agricultural practices, including current rates of water usage, to continue.

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

Elevations over 350 feet were included as Tier 1 areas for Rural Reserves as one method staff used to address factor (3)(e) relative to a sense of place. The highest elevation within the reserve area is 220 feet. There are no distinctive physical features that might provide a sense of place for the region; however, agricultural activity in the reserve creates a bucolic setting adjacent to the heavily travelled Highway 26 corridor.

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;

There are no natural features that would provide a buffer between agricultural activities in the surrounding Rural Reserves and the expected urban development in Area 8B. West of NW Groveland Road, approximately 233 acres has been left undesignated that will function as a buffer between future urban and existing rural use. NW West Union Road can function as a buffer that separates urban and rural uses as it currently does further east. Comments specific to buffer and boundaries are made in the findings for Urban Reserve Factor OAR 660-027-0050(8) above and are similarly applicable to this factor.

(g) Provide for separation between cities;

The Undesignated area noted above and the Rural Reserve to the west of the reserve provides separation between the cities of Hillsboro and North Plains.

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

Recreational activities that occur in the Helvetia area, such as biking and running events, can be accessed from NW Helvetia Road. Designation of the area as Urban Reserve is not expected to alter this potential access to rural areas. A Rural Reserve designation may preclude future infrastructure improvements such as increased road width, sidewalks, and/or bike lanes that are not currently present and would add to capacity for recreational use.

Undesignated Lands in Washington County

As part of the LCDC oral remand on the initial review of proposed Urban and Rural Reserves, LCDC took the following actions:

- 1) Approved mapped Undesignated lands, not including any eventual designation of Areas 7I and 7B.
- 2) Approved Undesignated lands north of Highway 26 and west of Area 8B.
- 3) Rejected Urban Reserves for Area 7I with the implication that Area 7I must be changed to either Rural Reserve or Undesignated.
- 4) Invited Washington County and Metro to identify "any amount of Undesignated land that they want to designate."

Oregon Administrative Rule OAR 660-027 is the administrative rule for Urban and Rural Reserves in the Portland Metropolitan area. The rule establishes factors to be considered for the identification of Urban Reserves and Rural Reserves. The rule requires that counties adopt Rural Reserves if any Urban Reserves are to be designated. The amount of Urban Reserves acres is connected to a determination of the long-term need for potential urban land. There is no corresponding need requirement for Rural Reserves; only that *some* Rural Reserves must be designated if Urban Reserves are designated.

The Reserves Rule does not require that where the Rural Reserve factors are applied and a conclusion that a Rural Reserves designation may be considered a good fit with such factors, that such lands *must* be designated Rural Reserves. Therefore, the Rural Reserve factors, when considered, do not lead to a mandatory requirement to designate, nor is there any overall "need" requirement for Rural Reserves.

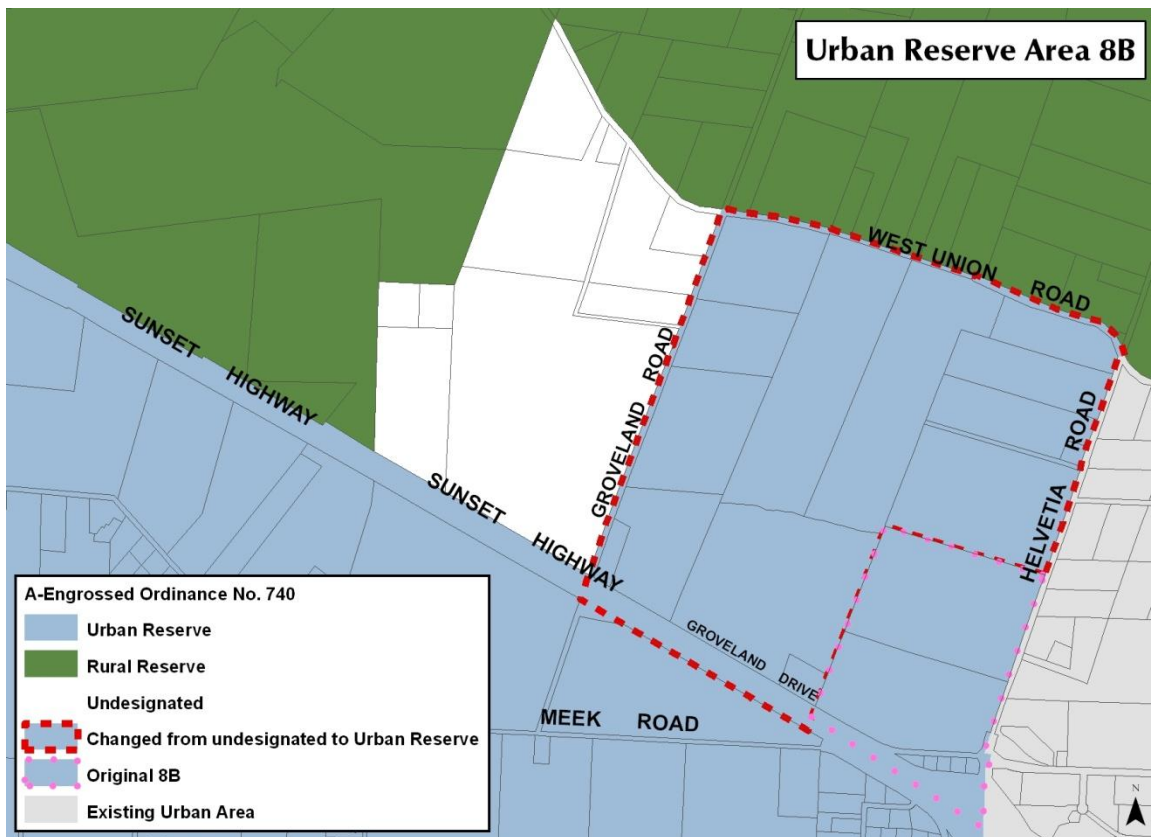
Consequently, Metro and Washington County may have lands which are not designated as either Urban Reserves or Rural Reserves. Such lands have come to be known as "Undesignated lands." The Rule contains no factors for the identification for Undesignated lands, and therefore there is no requirement under the Rule to explain or provide findings regarding "Undesignated lands." In fact, in his staff report to LCDC, Department of Land Conservation and Development Director Richard Whitman noted:

"Nothing in statute or the Commission's rules requires the county to adopt findings concerning lands that it did not propose to designate as rural reserves. See, OAR 660-027-0060(2) (" * * a county shall base its decision on consideration of whether the lands proposed for designation"). [cite to page 103 of August 2010 DLCD staff report]*

Nonetheless, the very nature of LCDC's oral remand seems to require an explanation of how Metro and Washington County dealt with "Undesignated lands" issues. This explanation is provided in the following section.

Undesignated Lands Explanation

1) *Undesignated Land North of Highway 26*



The initial LCDC approval in October 2010 included an undesignated area of 585 acres north of Highway 26, north and west of Urban Reserve Area 8B. Metro and Washington County eventually partially replaced Urban Reserve lands lost in Area 7I (Cornelius North) by converting approximately 352 acres of this area from Undesignated status to Urban Reserve

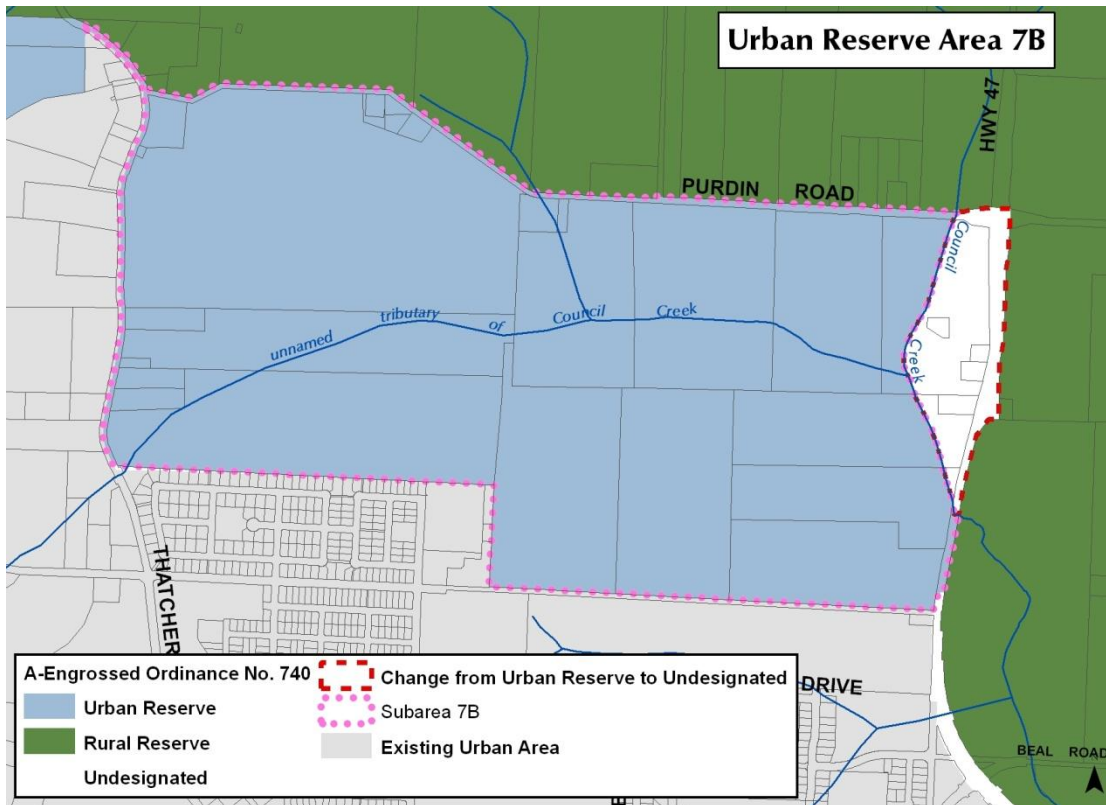
(findings for this area's designation as an Urban Reserve can be found in the section titled "Urban and Rural Reserve Findings for Urban Reserve Area 8B (Highway 26 North)."

The remaining 233 acres within the former Undesignated area near Area 8B was left Undesignated. This adjustment responded to LCDC's invitation to replace Urban Reserve lands lost due to the rejection of Urban Reserve land north of the city of Cornelius (Area 7I) as well as retain or increase the number of acres of Undesignated lands within the county.

2) *Urban Reserve Area 7B - Forest Grove North*

During its October 2010 hearing, LCDC asked for additional analysis and findings regarding Area 7B, which was initially proposed as Urban Reserves. There was considerable discussion centered on whether Purdin Road or the Council Creek flood plain provided a better demarcation between Urban Reserve lands and other rural lands, either Rural Reserve or Undesignated. In this area, LCDC asked for additional analysis regarding the location of Council Creek and the location of an un-named tributary of Council Creek. Analysis was intended to focus upon providing greater clarity regarding application of Urban Reserve factors and greater clarity regarding the location of Council Creek and its continued utility in being the demarcation point between Urban Reserves and Rural Reserves.

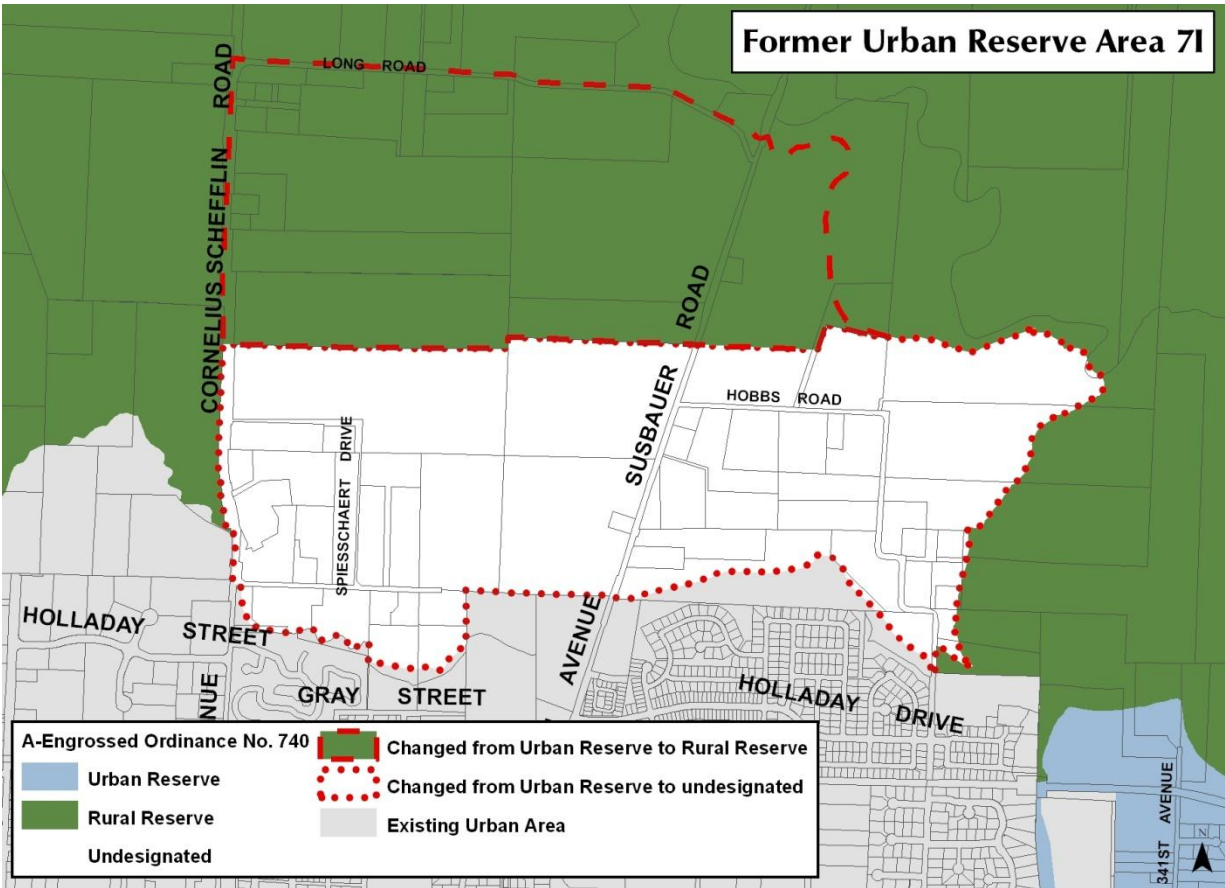
At various points during the hearing, LCDC provided very strong opinions about Council Creek being the best boundary between the existing city limits of Cornelius and farmland located north of town. Therefore, staff's first step in determining an appropriate boundary for Area 7B involved mapping Council Creek within the Reserve area. The mapping exercise showed that Council Creek runs roughly north-to-south across the northeast corner of Area 7B. An unnamed tributary of Council Creek runs west-to-east across Area 7B, dividing the Reserve into roughly two areas - north of the tributary and south of the tributary. A map of the area is provided on the following page.



Ultimately, Metro and Washington County determined that Council Creek was the superior demarcation point between Urban and Rural Reserves north of Forest Grove (see the section titled "Urban and Rural Reserve Findings for Urban Reserve Area 7B (Forest Grove North)" for more detail). This conclusion left an intervening portion of land east of Council Creek to the east edge of the Highway 47 right of way and north to the intersection with Purdin Road and the right of way of Purdin Road west to Council Creek. The area was left Undesignated to provide for the planned improvement of Highway 47 and its intersection with Purdin Road. The reason behind this decision is because the Urban and Rural Reserves Rule does not allow for plan amendments that require an exception to Statewide Planning Goals. Leaving this small area Undesignated provides the greatest flexibility in addressing the planned improvement. In this case, the Highway 47 and Purdin Road rights of way provide a superior demarcation point between Urban and Rural Reserves and offer the best opportunity for buffering between Reserve areas.

3) Urban Reserve Area 7I - Cornelius North

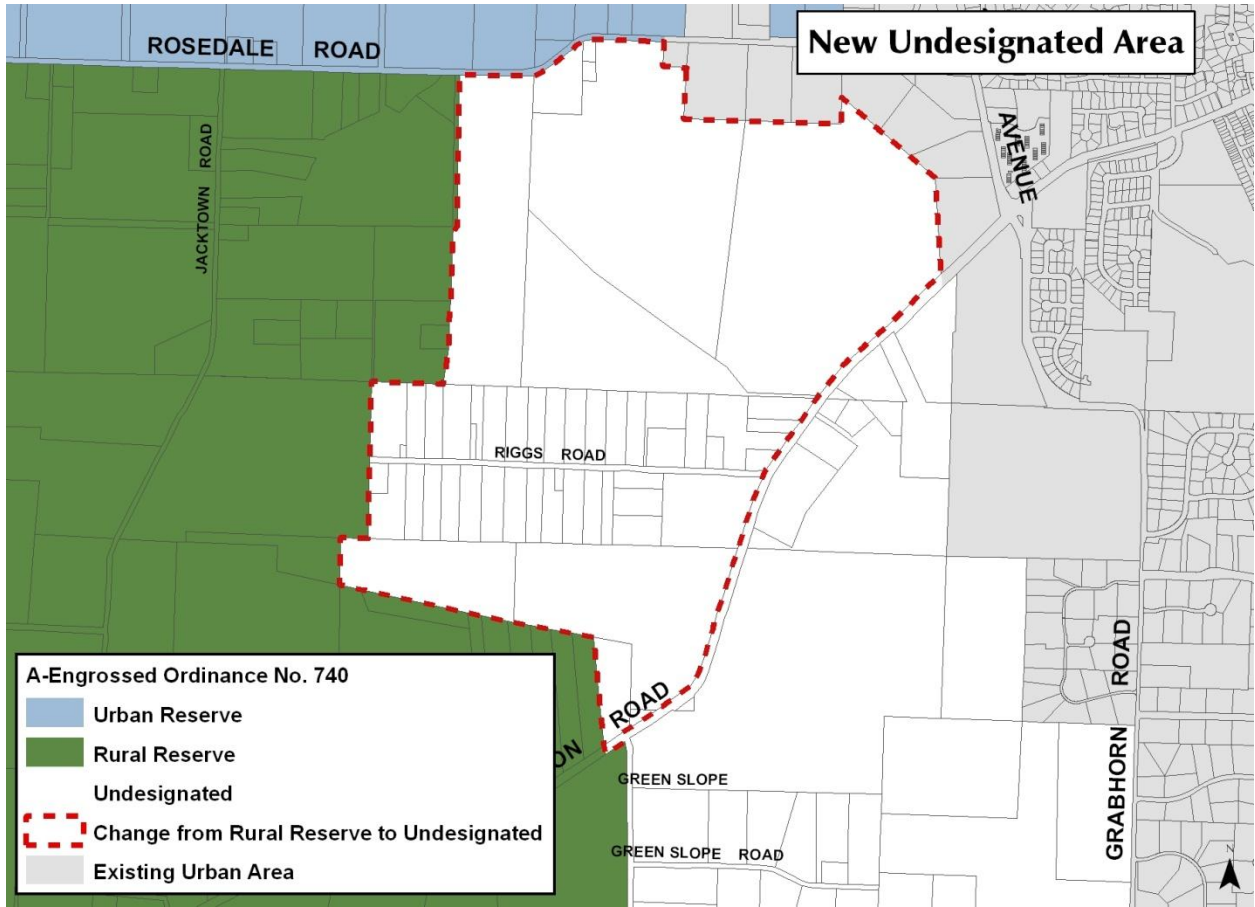
In its oral remand, LCDC rejected Area 7I as Urban Reserves. Area 7I was composed of 623 acres. The rejection of an Urban Reserve designation for this area left the theoretical possibility of designating some or all of Area 7I as Rural Reserve or leaving some or all of Area 7I as Undesignated. A map of Area 7I is provided below.



For the reasons stated above under the discussion of "Undesignated Lands" and because LCDC invited Metro and Washington County to provide more Undesignated lands, ultimately 363 acres directly north of the city of Cornelius were left Undesignated, with the northern remainder of former Urban Reserve Area 7I designated as Rural Reserve. The decision to leave 363 acres undesignated is ultimately best explained by the record of Metro and Washington County's joint public hearing on March 15, 2011. It was at that joint hearing that Metro and Washington County elected officials fulfilled the balancing objective of OAR 660-027-0005(2).

4) Undesignated Lands South of Rosedale Road

Metro and Washington County ultimately identified an additional 383 acres south of Rosedale Road as Undesignated lands. This area is bounded on the north by Urban Reserve Area 6A (Hillsboro South), on the east by existing urban land, and on the south by Farmington Road. Another Undesignated area is located across Farmington Road from the Rosedale Road Undesignated land area. This adjustment partially represents an opportunity to replace previous Undesignated lands north of Highway 26 which were redesignated Urban Reserves, while also accepting LCDC's invitation to explore the provision of additional Undesignated lands within Washington County. A map showing the Rosedale Road area is provided below.



Findings and Statement of Reasons for Foundation Agriculture Land as Urban Reserves

Overview

OAR 660-027-0040(11) essentially requires Metro, and by implication Washington County, to explain why Foundation Agricultural lands were selected as Urban Reserves. Such an explanation must reference the Urban Reserve factors and the Rural Reserve factors and explain why Foundation Agricultural land was designated for Urban Reserves rather than other land otherwise available for consideration.

Washington County understands, at a minimum, the phrase "other land considered under this division" to mean land under study by the region and classified something other than Foundation Agricultural land in the ODA report entitled "Identification and Assessment of the Long-Term Agricultural Lands" (Washington County Record pages 9748-9818). The ODA report also classifies land as Important and Conflicted.

In a broader sense, Washington County understands the phrase "other land considered under this division" to mean that lands classified as forest land or as natural landscape features should also be evaluated under the Reserves factors. In the case of the David Hill area, the land qualified as Rural Reserve based on its forest capability. The Chehalem and Tualatin Mountains both qualified as Rural Reserves due to natural landscape features. The Tualatin River floodplain separating the Chehalem Mountains from the Cornelius and Forest Grove area was also largely designated as a Rural Reserve due to its natural landscape feature designation.

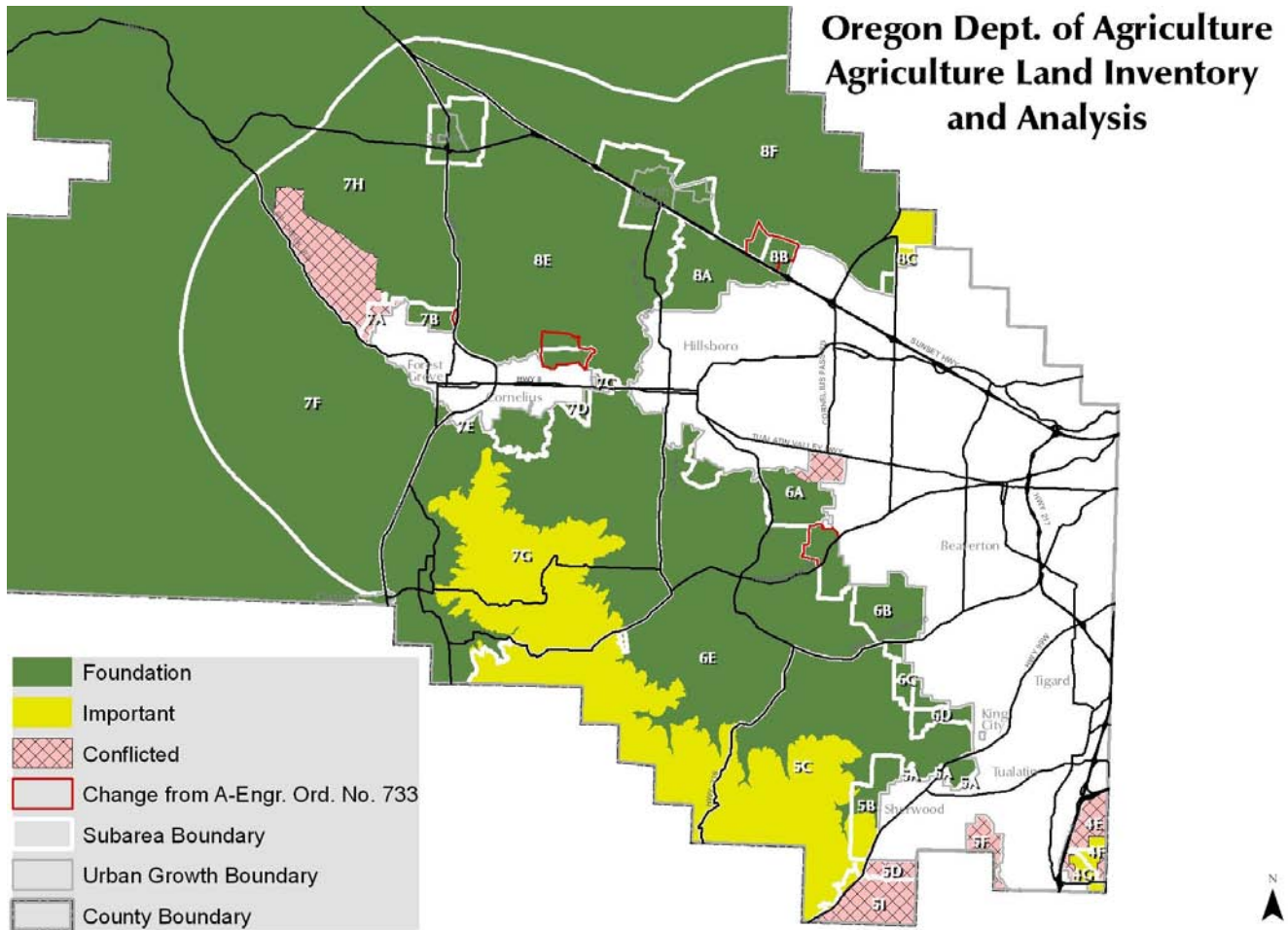
ODA Classifications in Washington County

The ODA report classifies the vast majority of lands within the study area in Washington County as Foundation land. A much smaller portion of the study area is classified as Important and a very small portion of the study area in Washington County is classified as Conflicted. These areas are shown on the following page.

Non-Foundation Lands in Washington County

As a general matter, ODA is of the opinion that Conflicted lands may be the most appropriate location for Urban Reserves. Conflicted lands are located in three general areas within the county: south of Hillsboro (the St. Mary's property), northwest of Forest Grove (the David Hill area), and south of the cities of Sherwood and Tualatin. Where possible, Urban Reserves were designated by Metro in these areas. However, these Conflicted lands typically featured topographic challenges which make urban service provision challenging, expensive and generally poorly suited to achieve urban residential capacity expectations or suitable for industrial/employment uses.

Another consideration regarding Conflicted lands dealt with the fact that, while the land may be "Conflicted" in terms of agricultural land, it nevertheless qualified for Rural Reserve designation under either forestry or natural landscape considerations. A brief description of Conflicted lands within Washington County is provided in the following section.



Conflicted Lands

St. Mary's property

The entirety of the St. Mary's property south of TV Highway, west of 209th and east of the Witch Hazel community was included in Urban Reserve Area 6A (Hillsboro South).

David Hill

The large Conflicted lands northwest of Forest Grove are known as the David Hill area. The southern 340 acres of that Conflicted area were designated as Urban Reserve 7A (David Hill). The majority of the David Hill Conflicted area features steep slopes and presents difficulty for provision of urban services, however the 340 acres adjacent to the city of Forest Grove have fewer use limitations. The rest of the Conflicted lands have topographic, urban service and use constraints. The larger David Hill area qualified as a Rural Reserve based on its large block of Wildland Forest land (Washington County Record pages 2999 and 9201-9203).

Lands near Sherwood and Tualatin

Some, but not all, Conflicted lands in the vicinity of Sherwood and Tualatin were designated Urban Reserve, but the remainder of remaining "Conflicted" lands were ill-suited for Urban Reserve designation for topographic, service provision and use constraints.

Important Lands

The ODA report mapped Important agricultural lands in three areas within Washington County's study area. The largest area of Important lands is the Chehalem Mountain range. The second area is in north Washington County, generally north of the urban community of North Bethany, east of 185th Avenue and Cornelius Pass Road, and south and west of the county line. The third area of Important lands lies east of Interstate 5, southeast of the city of Tualatin.

Chehalem Mountains

The mapped Important agricultural lands of the Chehalem Mountains are separated from the urban area by the large Tualatin River floodplain. The Important agricultural lands of the Chehalem Mountains are contiguous to the western boundary of Sherwood. Metro and Washington County have included Urban Reserves in this area.

Elsewhere in the Important lands of the Chehalem Mountains, extension of necessary urban services would be very expensive and would create an illogical island of non-contiguous, expensive-to-serve land for many of the cities within the county. The northern boundary of Important lands is located near Forest Grove and Cornelius. The city of Forest Grove indicated that serving this land would be difficult due to the floodplain constraints (Washington County Record page 11106). Additionally, the challenging topographic nature of the Chehalem Mountains provides significant limitations in achieving necessary residential densities and would not be conducive to industrial/employment use.

Furthermore, the vast majority of the Chehalem Mountains are identified as an important natural landscape feature that defines the region for its residents (Washington County Record page 3000). Due to natural landscape feature considerations, the majority of Chehalem Mountain lands qualified for and were selected as Rural Reserves.

Tualatin Mountains

Another small area in the northern portion of the county was classified as Important agricultural lands. This area is located north of the North Bethany community. Generally, the lands north of Germantown Road become very steep and are associated with the Tualatin Mountains. The Tualatin Mountains are classified as an important landscape feature. Providing urban services to the steeply sloped lands north of Germantown Road would be very challenging and the topography of the area limits residential densities and is inappropriate for industrial/employment uses. This area was ultimately designated Rural Reserves because of its important natural landscape features and associated factors.

A portion of the Important land area located south of Germantown Road was designated Urban Reserves because it was not limited by topographic features and was in an area where roadway and sewer services to service existing UGB properties had previously been planned.

Lands near Tualatin

Important lands classified by ODA that area located southeast of Tualatin were included as Urban Reserves 4E, 4F and 4G.

Conclusion

Twenty percent of the land within Washington County's study area is classified as Conflicted or Important agricultural lands. Just under 80% of the study area was classified as Foundation land by ODA. Where possible, Metro and the county utilized Conflicted and Important lands for Urban Reserves. Findings earlier in this report for Urban Reserves and Rural Reserves, including findings regarding overall regional balancing, explain the choices made when designating Foundation lands for Urban Reserves. Additional findings for Urban Reserves not discussed in this supplemental findings document were prepared for A-Engrossed Ordinance No. 733 (Washington County Record pages 9616-9695).

Matrix of Reserves Subareas and Associated Acreage

The figures below replace the total acreage and buildable lands acreages provided in the legislative findings prepared for A-Engrossed Ordinance No. 733, adopted in June 2010. All

other text in the individual subarea findings is unchanged by the adoption of these findings to support A-Engrossed Ordinance No. 740.

Subarea	Total Acres	Buildable Lands	
		Buildable	Unbuildable
4E - I5 East*	841	486	355
4F - I5 East*	270	210	60
4G - I5 East*	454	223	231
5A - Sherwood North	123	60	63
5B - Sherwood West	1,291	866	425
5C - East Chehalem Mountains	15,152		
5D - Sherwood South	439	204	235
5F - Tonquin*	565	143	422
5I - Parrett Mountain*	1,922		
6A - Hillsboro South	2,007	1,442	565
6B - Cooper Mountain Southwest	1,776	892	884
6C - Roy Rogers West	562	340	222
6D - Beef Bend South	521	253	268
6E - Central Chehalem Mountains	24,998		
7A - David Hill	340	134	206
7B - Forest Grove North	480	356	124
7C - Cornelius East	137	118	19
7D - Cornelius South	211	173	38
7E - Forest Grove South	38	36	2
7F - Hagg lake	25,652		
7G - West Chehalem Mountains	26,898		
7H - West Fork Dairy Creek	15,696		

8A - Hillsboro North	2,725	2,265	460
8B - Shute Road Interchange	440	340	100
8C - Bethany West	305	141	164
8E - Dairy Creek	19,445		
8F - Highway 26 North*	21,446		
Urban Reserve Total	13,525	8,682	4,843
Rural Reserve Total	151,209	0	0
TOTAL	164,734	8,682	4,843

* Washington County portion of multi-county subarea

IX. CONSISTENCY WITH REGIONAL AND STATE POLICIES

A. Regional Framework Plan

Policy 1.1: Urban Form (1.1.1(a); 2.3)

The determination of the amount of urban reserves needed to accommodate growth to the year 2060 was based upon the current focus of the 2040 Growth Concept on compact, mixed-use, pedestrian-friendly and transit-supportive communities and a new strategy of investment to use land more efficiently. The reserves decision assumes that residential and commercial development will occur in development patterns more compact than the current overall settlement pattern in the UGB. In addition, amendments made by the reserves decisions to Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan place greater emphasis than the previous version of Title 11 on “great communities” that achieve levels of intensity that will support transit and other public facilities and services.

Policy 1.4: Economic Opportunity (1.4.1)

The four governments selected urban reserves with factor OAR 660-027-0050(2) (healthy economy) in mind. Rating potential urban reserves for suitability for industrial development, using staff maps and the *Business Coalition Constrained Land for Development and Employment Map* produced by Group McKenzie, resulted in designation of thousands of acres suitable for industrial and other employment uses as urban reserves. These reserves are distributed around the region to provide opportunities in all parts of the region.

Policy 1.6: Growth Management (1.6.1(a))

See finding for Policy 1.1.

Policy 1.7: Urban/Rural Transition

The four governments inventoried important natural landscape features outside the UGB and used those features to help make a clear transitions from urban to rural lands. The findings

above explain how the governments applied the landscape features factors in OAR 660-027-0060(3) in designation of urban and rural reserves and demonstrate the use of natural and built features to define the extent of urban reserves.

Policy 1.11: Neighbor Cities

The four governments reached out to the non-Metro cities within the three counties and to Columbia, Yamhill and Marion counties and their cities to hear their concerns about designation of reserves near their boundaries. All expressed an interest in maintenance of separation between the metro urban area and their own communities. The four governments were careful not to designate urban reserves too close to any of these communities. As the findings above indicate, the counties consulted with “neighbor cities” within their borders about which lands near them should be left un-designated so they have room to grow, and which lands to designate rural reserve to preserve separation. The city of Sandy asked Metro and Clackamas County to revise the three governments’ agreement to protect a green corridor along Hwy 26 between Gresham and Sandy. At the time of adoption of these decisions, the three governments agreed upon a set of principles to guide revision to the agreement to use reserves to protect the corridor.

Policy 1.12: Protection of Agriculture and Forest Resource Lands (1.12.1; 1.12.3; 1.12.4)

See section II of the findings for explanation of the designation of farmland as urban or rural reserves. Metro’s Ordinance No. 10-1238A revises Policy 1.12 to conform to the new approach to urban and rural reserves.

Policy 1.13 Participation of Citizens

See sections III and IX (Goal 1) of the findings for full discussion of the public involvement process. The findings for each county (sections VI, VII and VIII) discuss the individual efforts of the counties to involve the public in decision-making.

Policy 2.8: The Natural Environment

The four governments inventoried important natural landscape features outside the UGB and used the information to identify natural resources that should be protected from urbanization. The findings above explain how the governments applied the landscape features factors in OAR 660-027-0060(3) in designation of rural reserves for long-term protection of natural resources.

B. Statewide Planning Goals

Goal 1 - Citizen Involvement

The four governments developed an overall public involvement program and, pursuant to the Reserve Rule [OAR 660-027-0030(2)], submitted the program to the State Citizen Involvement Advisory Committee (CIAC) for review. The CIAC endorsed the program. The four governments implemented the program over the next two and a half years. Each county and Metro adapted the program to fit its own public involvement policies and practices, described above. In all, the four governments carried out an extraordinary process of involvement that involved workshops, open houses, public hearings, advisory committee meeting open to the public and opportunities to comment at the governments’ websites. These efforts fulfill the governments’ responsibilities under Goal 1.

Goal 2 - Land Use Planning

There are two principal requirements in Goal 2: providing an adequate factual base for planning decisions and ensuring coordination with those affected by the planning decisions. The record submitted to LCDC contains an enormous body of information, some prepared by the four governments, some prepared by their advisory committees and some prepared by citizens and organizations that participated in the many opportunities for comment. These findings make reference to some of the materials. The information in the record provides an ample basis for the urban and rural reserve designated by the four governments.

The four governments coordinated their planning efforts with all affected general and limited purpose governments and districts and many profit and non-profit organizations in the region (and some beyond the region, such as Marion, Yamhill and Polk Counties and state agencies) and, as a result, received a great amount of comment from these governments. The governments responded in writing to these comments at several stages in the two and one-half year effort, contained in the record submitted to LCDC. See Attachment 2 to June 3, 2010, Staff Report, Metro Rec. ___. These findings make an additional effort to respond to comments from partner governments (cities, districts, agencies) on particular areas. These efforts to notify, receive comment, accommodate and respond to comment fulfill the governments' responsibilities under Goal 2.

Goal 3 - Agricultural Lands

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Designation of agricultural land as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of agricultural land as urban reserve means the land may be added to a UGB over the next 50 years. Goal 3 will apply to the addition of urban reserves to a UGB. The designation of these urban and rural reserves is consistent with Goal 3.

Goal 4 - Forest Lands

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Designation of forest land as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of forest land as urban reserve means the land may be added to a UGB over the next 50 years. Goal 4 will apply to the addition of urban reserves to a UGB. The designation of reserves is consistent with Goal 4.

Goal 5 - Natural Resources, Scenic and Historic Areas and Open Spaces

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands inventoried and protected as Goal 5 resource lands. Designation of Goal 5 resources as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of Goal 5 resources as urban reserve means the land may be added to a UGB over the next 50 years. Goal 5 will apply to the addition of urban reserves to a UGB. The designation of reserves is consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to protect air, water or land resources quality. Nor does designation of reserves invoke state or federal air or water quality regulations. The designation of reserves is consistent with Goal 6.

Goal 7 - Areas Subject to Natural Hazards

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to protect people or property from natural hazards. Nonetheless, the four governments consulted existing inventories of areas subject to flooding, landslides and earthquakes for purposes of determining their suitability for urbanization or for designation as rural reserve as important natural landscape features. This information guided the reserves designations, as indicated in the findings for particular reserves, and supported designation of some areas as rural reserves. Goal 7 will apply to future decisions to include any urban reserves in the UGB. The designation of reserves is consistent with Goal 7.

Goal 8 - Recreational Needs

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to satisfy recreational needs. The designation of reserves is consistent with Goal 8.

Goal 9 - Economic Development

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 9. All urban and rural reserves lie outside the UGB. No land planned and zoned for rural employment was designated rural reserve. Designation of land as urban reserve helps achieve the objectives of Goal 9. Much urban reserve is suitable for industrial and other employment uses; designation of land suitable for employment as urban reserve increases the likelihood that it will become available for employment uses over time. The designation of reserves is consistent with Goal 9.

Goal 10 - Housing

All urban and rural reserves lie outside the UGB. No land planned and zoned to provide needed housing was designated urban or rural reserve. The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not remove or limit opportunities for housing. The designation of reserves is consistent with Goal 10.

Goal 11 - Public Facilities and Services

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural facilities and services. The four governments assessed the feasibility of providing urban facilities and services to lands under consideration for designation as urban reserve. This assessment guided the designations and increases the likelihood that urban reserves added to the

UGB can be provided with urban facilities and services efficiently and cost-effectively. The designation of reserves is consistent with Goal 11.

Goal 12 - Transportation

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural transportation facilities or improvements. The four governments assessed the feasibility of providing urban transportation facilities to lands under consideration for designation as urban reserve, with assistance from the Oregon Department of Transportation. This assessment guided the designations and increases the likelihood that urban reserves added to the UGB can be provided with urban transportation facilities efficiently and cost-effectively. The designation of reserves is consistent with Goal 12.

Goal 13 - Energy Conservation

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and has no effect on energy conservation. The designation of reserves is consistent with Goal 13.

Goal 14 - Urbanization

The designation of urban and rural reserves directly influences future expansion of UGBs, but does not add any land to a UGB or urbanize any land. Goal 14 will apply to future decisions to add urban reserves to the regional UGB. The designation of urban and rural reserves is consistent with Goal 14.

Goal 15 - Willamette River Greenway

No land subject to county regulations to protect the Willamette River Greenway was designated urban reserve. The designation of urban and rural reserves is consistent with Goal 15.

ORIGINAL

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April 21, 2011

Via Hand Delivery
Metro Council
600 Grand Ave.
Portland, Oregon

Re: Urban Rural Reserves/Amendments to the Functional Plan Metro
Ordinance 11-1255

Dear Members of the Metro Council:

Please accept this letter and its attachments into the record of proposed Metro Ordinance 11-1255 concerning designation of urban and rural reserves. This firm represents Steve and Kelly Bobosky, the owners of a nearly ten (10) acre property at 21393 NW West Union Road (Tax Lot 1N2 14A 3000), which is zoned AF-5 and subject to an acknowledged exception to Goal 3 (Agriculture). The property is located in the "Bendemeer Area" of Washington County. Pursuant to ORS 197.615 (2)(B), please provide Steve and Kelli Bobosky and the undersigned with notice of decision or decisions regarding Metro Ordinance 11-1255 as required by ORS 197.615.

The undersigned has been advised by Metro legal counsel, Dick Benner, that the record of this matter above captioned includes the record of the previous decision designating rural and urban reserves. Accordingly, please accept this letter as one that reinforces the arguments the undersigned and its clients Steve and Kelli Bobosky have previously included in that record, which previous arguments are specifically incorporated herein having equal force to the proposed amendments as with the previous amendments to which they had been specifically addressed. Steve Bobosky also appeared and presented additional facts and arguments at the joint County/Metro hearings of the proposed IGA amendments on March 15, 2011, that are in the record of this proceeding and are also incorporated herein.

We object to the subject property being designated Rural Reserve and foreclosed from designation as urban reserve or from being considered land capable of being brought into the Metro UGB, as contemplated in proposed Metro Ordinance 11-1255. The subject 10 acre property should either be left as "Undesignated" or, given that Washington County's professional staff confirmed in the summer and fall 2009 staff reports that the property meets the factors for Urban Reserve designation, designated as "Urban Reserve". That the subject property meets the criteria for urban reserve means it should be at worst left undesignated so that if the region has guessed wrong about land needed for urbanization, this well situated exception land is available for that purpose rather than leaving only high quality agricultural land as is the

case under the proposed decision. In any case, the subject 10 acre property neither meets the "Agriculture" nor "Natural Resources" basis for designation as Rural Reserve in OAR 660-027-0060. Therefore, the Rural Reserve category does not make legal or policy sense to apply to it.

Attached are several documents for inclusion in the record of Metro Ordinance 11-1255. First, attached to this letter is a map showing, among other things, the subject property is in an acknowledged exception area and that it just borders the existing UGB. Second, also attached for inclusion in the record, are documents indicating that this process of establishing Rural Reserves on a "remand" lacked required transparency. The LCDC "oral remand" never made it into the form of a final appealable order and the deliberations about why that is so, never made it into the public processes. A final LCDC order should never be superfluous. The selection of the decision reflected in Ordinance 740 occurred outside of the public process and this, respectfully, puts the proposed decisions out of compliance with Goal 1 Citizen Involvement, Goal 2 Land Use Planning and state, Metro and the County rules about citizen involvement. Third and finally, under separate cover our clients put the audio DVDs of the joint Metro County hearing on March 15, 2011, where it is reinforced that the subject property and the Bendemeer subdivision within which the subject property is located, has no real agricultural or natural resource value to justify a rural reserve designation.

The subject 10 acres exception property should not be classified as Rural Reserve and we strongly object to such proposed classification. Washington County staff was correct in their assessment that this parcel (and the approximately 130 area in which it is located) should be either "Urban Reserve" or "Undesignated". We believe the subject property was initially mistakenly identified for designation by policy makers as Rural Reserve in the first place and that mistake has not had a serious review in the context of legal requisites since. We searched the record and have been unable to see why this exception parcel and area were designated rural reserve. On the various websites there is nothing about why the property could legitimately be a "rural reserve" and the only evidentiary statement is a statement in County Issue Paper No. 10 saying: "virtually all exception lands (AF-10 and AF-5) adjacent to urban areas have been included in the urban reserve recommendations". We have similarly found no recognition of the legal significance of the undisputed fact that the area within which the subject 10 acre property exists (Bendemeer) is a designated acknowledged exception area. There may be something that exists, but our point is that the difficulty of locating anything along these lines suggests the decision makers were likely not initially or now fully cognizant that they were converting exception land to "Rural Reserves" while designating a great deal of high quality EFU Goal 3 Agricultural Land as Urban Reserves including in the same area. We see no legal or policy justification for making the subject 10 acres of exception land, located directly across the street from the existing UGB and the well known future Intel expansion site, to be locked up as "Rural Reserve." At a minimum the subject 10 acres of exception land should simply be left as "Undesignated."

We understand that whether exception land property like the subject is selected for classification as "Undesignated" or "Urban Reserve", is a policy choice. However, please

understand that there is little room for policy choices for exception land like the subject 10 acres between leaving such land as "Undesignated" versus imposing the "Rural Reserves" category. In this regard, please understand that there is no allowed policy choice regarding whether exception land like the subject 10 acres is maintained as "Undesignated" versus imposing the "Rural Reserves" category upon it. Exception land will rarely if ever meet the legal tests for "Rural Reserves". Here, the subject 10 acres do not meet the legal tests for Rural Reserves and there simply cannot be a serious legal argument that it does. Moreover, State law has already made the policy choice that exception lands like the subject 10 acres are (1) not Agricultural Lands, and (2) are the first lands to be urbanized (after urban reserves). Therefore, in the absence of the most extraordinary of circumstances (not present here) exception lands must be left as "Undesignated" to fulfill the state statutory role assigned by the legislature as potential UGB land if urban reserves are unavailable. ORS 197.298(1). Making exception land Rural Reserves is inconsistent with not only ORS 197.298(1), but also ORS 195.141 because exception lands are as a matter of law nonfarm lands incapable, also as a matter of law, of "providing long term protection to the agricultural industry." ORS 197.141(3) and ORS 197.141(3)(d)(B). Exception land by definition is not "Agricultural Land." OAR 660-033-020(1)(c). It should be obvious that exception lands will rarely if ever be appropriately made off limits to future decision makers as a source of urban land supply on the idea they are farmlands and therefore rarely, if ever, could be appropriately designated Rural Reserve. Rather, as noted above, exception land is the first place state law requires future decision makers to look for UGB amendments when there are not enough urban reserves. ORS 197.298(1). The proposed decision makes it impossible for the region to comply with ORS 197.298(1) when it comes time to expand the UGB. If exception lands are designated as "Rural Reserves" this sets up an untenable legal conflict between the requirement to draw from exception lands in ORS 197.298(1) and the rules about locked up rural reserves and policy favoring the protection of Goal 3 "Agricultural Land". On the other hand, leaving exception lands as "Undesignated" serves both the policy of ORS 197.298(1) while leaving flexibility to future decision makers to choose exception land for future land needs rather than forcing them to urbanize high quality Agricultural Land.

Further, and importantly, pretending that exception land serves long term Agriculture does a disservice to the Agricultural industry because as a matter of law exception lands do no such thing, making set asides of exception land as Rural Reserves a charade that leaves Agriculture with nothing. One need only refer to the County's Comprehensive Plan Exception Element to see that exception like the subject 10 acres, and indeed the Bendemeer area, has already been determined unsuited for, and unavailable to, agriculture due to "parcelization and ownership patterns", "lot size", "substantial * * * development of existing lots in the area * * *", "existing and adjacent uses which create operational conflicts with farming and forestry practices", "soil and terrain characteristics", "productivity", "irrigation potential" among others. See Washington County Comprehensive Plan Exceptions Document pages 3-4.

Maintaining the subject 10 acre of exception land (and the Bendemeer exception area) as "Undesignated" is not only consistent with the authority vested in the region under ORS 195.141

and OAR 660-027 to designate rural reserves, but also consistent with law and good Agricultural Land policy. Making the subject 10 acres of exception land (and the Bendemeer exception area), also supplies important flexibility for future decision makers to choose exception land if more urban reserves or UGB land is needed than is set aside in this process. This is particularly important here because the region is not proposing to set aside all the land that Washington County's professional staff anticipated will be needed over the 50 year planning horizon and is even short of Metro's anticipated land need range. Specifically, according to Washington County staff, this process will result in a 35,000+ acre shortage of land likely to be needed over the 50 year planning horizon in Washington County. This makes clear that there is a strong possibility that at some point future decision makers will be asked to find more land and they will be limited to looking to those lands that the region now leaves as "Undesignated." No one disputes that "Undesignated" lands provide the exclusive source of additional land that future decision makers may draw upon to meet future land supply needs if the designated "Urban Reserves" are unavailable or used up. The region should have readily available exception lands situated as the subject where it could and has been proposed for designation as urban reserves, able to be urbanized rather than looking to high quality agricultural land. No one disputes that the land that will be "off limits" to future decision makers as a source for identified unmet land needs, are the land current policy makers in this process tie up as "Rural Reserve." Well placed exception lands such as the subject land should never be designated as rural reserves.

While OAR 660-027-0060(3) allows Rural Reserve designation of areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and "other pertinent information", the subject 10 acres are not on any such inventory (including in the most recent supplemental evaluation) and no such "pertinent information" has even been, nor could it be, identified to bring the subject 10 acres within this narrow "Rural Reserves" category. There are no natural resources on or associated with the subject 10 acres of exception land. Further, it does not make sense that the subject 10 acres of exception land containing no identified important or other natural resources, being across the street from an important Intel expansion site and having high quality transportation connections and public infrastructure investment, would be tied up on this narrow basis especially when nearby high quality agricultural land zoned EFU is proposed to be urbanized.

Accordingly, it seems obvious that it makes no legal or policy sense for current decision makers to designate the subject 10 acres as "Rural Reserves." Therefore, we write this letter to request that Metro amend Metro Ordinance 11-1255 to reclassify the subject 10 acres as either "Urban Reserves" or to leave it as "Undesignated."

BENDEMEER AREA DESCRIPTION

The subject property is located within the Bendemeer Area which is north of NW West Union Road, between NW Cornelius Pass Road and Dick Road. The subject property is in residential use.

This area is fully covered by an exception to Statewide Planning Goals 3 (Agriculture). By definition, "Agricultural Lands" do not include "land within acknowledged exception areas for Goal 3 or 4." OAR 660-033-0020(1)(c). Therefore, there are no "Agricultural Lands" within this area or on the subject 10 acres.

Bendemeer is a small area encompassing approximately 130 acres immediately adjacent to the North Hillsboro Industrial Area and Hillsboro's northern Regional Urban Growth Boundary which is located on West Union Road, running along the southern edge of Bendemeer. The majority of lots contain homes or businesses served by shallow wells and septic tanks. Land use in the Bendemeer Area is primarily residential in nature. Commercial development is located at the Cornelius Pass, West Union Road intersection. A railroad right-of-way bisects the area north-south. There are 58 tax lots in the Bendemeer area, with most lots being less than three acres in size, the smallest lot being .24 acres with three of the largest lots being approximately 5 acres and the largest being slightly smaller than 10 acres. More than 40 of the lots contain homes. A summary of lot sizes and dwellings is shown on Exhibit "B".

CURRENT PLANNING DESIGNATIONS / EXCEPTION AREA

The County's Rural/Natural Resource Plan – Land Use Districts designate the Bendemeer Area as AF-5, Agricultural and Forest (5 acre minimum lot size) with one lot located at the intersection of West Union and Cornelius Pass Roads zoned R-COM, Rural Commercial. None of these are exclusive farm use districts or implement Goal 3 (Agriculture) in any way.

Because of the historical small lot configuration and residential development in the Bendemeer Area, the County determined the Bendemeer Area an exception to the requirements of Statewide Planning Goal 3, Agriculture, which Goal 3 is designed to preserve contiguous, large lot prime agricultural areas. LCDC acknowledged this exception to Goal 3. Consequently the County's Comprehensive Plan and state law recognizes that the subject property, as well as the Bendemeer Area within which the subject property is located, is an acknowledged exception to Goal 3, unsuited for Agriculture and set aside for residential and not Agricultural use. Sections of the County's Rural/Natural Resource element of the Washington County Comprehensive Plan and the County's Exception Statement Document, dated September 9, 1986 regarding the Bendemeer Area are in the record and describe the Bendemeer Area as an area that meets the definition of lands that are a "Physically Developed and Committed Area" and thus not suitable for agricultural protection.

ORS 197.298 establishes "Priority of land to be included within urban growth boundary". This statutory provision creates a priority system for identifying which land should first be considered for inclusion within an urban growth boundary (UGB), requiring designated urban reserves and "exception land" be the first places to be drawn from for UGB amendments. Rural Reserves established by administrative rule cannot be selected ignoring this important statutory priority as a UGB land source that exception lands enjoy.

This is especially true when land mere yards away away is zoned EFU but proposed for designation as Urban Reserve. It is impermissible to select nearby and distant Goal 3 “Agricultural Land” zoned EFU urban reserve but make perfectly acceptable exception land mere yards from a proposed “Urban Reserve” a “Rural Reserve.” To do so would have the legal framework exactly backwards. If there is a specific area land need then the region must draw from the exception land in the area to designate as urban reserve. The region cannot ignore the available and nearby exception land and take in Goal 3 Agricultural Lands. If the region has land supply needs, it must take those needs from exception lands. Here, the proposal is to designate large swaths of EFU zoned land as “Urban Reserve” and the subject 10 acres of exception land as “Rural Reserve.” This the region may not do. At a minimum the subject 10 acres must be left as “Undesignated.”

SUBJECT PROPERTY’S AREA PROXIMATE TO INDUSTRIAL AND INSTITUTIONAL LANDS; PUBLIC FACILITIES FOR INDUSTRIAL USES ARE INSTALLED ACROSS THE STREET

The Bendemeer Area is located immediately north of the North Hillsboro Industrial Area, one of the largest contiguous industrial areas in the State of Oregon. Served by the Sunset Highway and two major interchanges at NW Cornelius Pass Road and Shute/Helvetia Road, this industrial area is home to Intel Corporation’s largest employment center, housed on three major campuses in the North Hillsboro Industrial Area. Bendemeer is located less than 2 miles from Intel’s Ronler Acres Campus, which is one of the largest and most capital intensive industrial sites in the world. Across West Union Road from Bendemeer is another Intel campus site, held by Intel for its future needs. Many other industrial users large and small call the North Hillsboro Industrial Area home. Larger industrial companies such as Genentech and Solar World, Radysis, Tri-Quint Semiconductor and FEI are located in this area as well as smaller companies such as Accumed, Pinnacle Exhibits, Beaverton Foods, Estrogen, West Coast Coffee Company, Parr Lumber and Columbia Industries. The Bendemeer Area is located directly adjacent to a highly successful employment area with excellent prospects for creating additional employment in the future.

The Hillsboro School District’s Liberty High School is also located close by in the North Hillsboro Industrial Area and serves the Bendemeer Area as do two local elementary schools, Lennox and West Union, which are located in the adjacent Rock Creek neighborhood and in the agricultural area west of Helvetia Road, respectively. Urban water and sanitary sewer utilities are located (across the West Union from) adjacent to Bendemeer and are provided by the Tualatin Valley Water District and the City of Hillsboro and are shown on Exhibit E.

WASHINGTON COUNTY URBAN AND RURAL RESERVES TECHNICAL ANALYSIS

The Washington County Department of Land Use and Transportation Long Range Planning Division submitted a technical analysis to the Washington County Reserves Coordinating Committee on August 3, 2009, titled “Urban and Rural Reserves Planning in

Washington County / Staff Report Urban and Rural Reserves Recommendations”. This draft report was supplemented by September 1st and September 23rd 2009 Staff Reports. These reports were further supplemented by five appendices supporting and describing recommended Urban and Rural Reserves. These reports with their supplementary material, provided by Washington County cities and the public, provided the technical basis upon which the County based their Urban and Rural Reserve recommendations designating the Bendemeer Area as an Urban Reserve. A review of the August 3rd and September 23rd staff reports and appendices show why this conclusion was a logical assumption based upon the Urban and Rural Reserve Factors provided by Oregon Administrative Rule 660-027.

The Area within which the subject 10 acres of exception land exists ranked high as an eligible Urban Reserve on Map 2 primarily because of it is adjacent to the existing UGB and the associated existing urban utilities and their service providers. Map 4, depicts the Oregon Department of Forestry “Wildland Forest Inventory” describing the Area as “Low Density Residential/Commercial”. Map 5 depicts the “Metro Natural Landscape Features Inventory”. This map shows no major natural landscape features on the subject property or in the Bendemeer area. The County’s Rural/Natural Resource Plan identifies a “Water Areas, Wetlands and Fish and Wildlife Habitat” along Holcomb Creek which runs through the east most 3 lots of the Bendemeer Area immediately west of Cornelius Pass Road, affecting less than 10 acres of the Area’s 130 acres. This does not in any way affect the subject 10 acres.

Map 9 depicts the Area as highly suitable for an Urban Reserve designation. Maps 11, and 12 depict the Area ranking “Highly Suitable” for future sewer and water utility extensions. Map 13a, Transportation Connectivity Suitability, ranks the Area highest for transportation connectivity, relative to other areas. Map 18, Water Resources, show the subject 10 acres and its larger exception area is not within the Tualatin Valley Irrigation District Boundary, nor does it include properties with water rights. .

Maps 23 and 24, show the relative size of land parcel and ownership patterns within the area confirming the smaller lot sizes within the Bendemeer Area. Maps 25 and 26 describe Rural Residential Dwelling Density, also confirming the individual ownership of the small lots within the Bendemeer exception area.

Maps 27 and 28, Farm Analysis Tiers and Sub-Areas define the relative suitability of land for Rural Reserve designation and this deserves some scrutiny. Out of four tiers, with Tier 1 being the most suitable for being classified as a “Rural Reserve” and Tier 4 the least suitable for being classified as a “Rural Reserve”, the Bendemeer Area was ranked near the bottom for rural reserve suitability – being put into Tier 3 in Sub-Area 14. Sub Area 14 is defined on page 33 of the August 3rd, 2009 Urban and Rural Reserve Staff Report, as having higher urbanization potential and lower agricultural productivity primarily because of the smaller parcels and higher dwelling unit density of the area. This “Tier” analysis erroneously presumed that an exception area could be classified as “Agricultural Lands.” However, as noted below this is impossible: OAR 660-033-0020(1)(c) specifically excludes exception lands from the definition of

“Agricultural Lands.” On the other hand, many of the areas proposed to be designated as Urban Reserves, are areas currently designated Exclusive Farm Use by Washington County’s Rural/Natural Resource Plan and subject to Statewide Planning Goal 3 (Agriculture). Moreover, the Goal 3 Agricultural land proposed to be designated Urban Reserve in Area 8C and others nearby is located a stone’s throw to Bendmeer being situated on the northwest corner of 185th and West Union Rd. If one excludes exception lands from the Agricultural analyses and includes only “Agricultural Lands” as defined in state law, then it is clear the subject 10 acres would have been “Tier IV” (lowest suitability) for becoming a “Rural Reserve.” In this regard, Maps 19, 20 and 21 regarding agricultural suitability are only relevant for nonexception lands, given it is impossible for exception lands to be “Agricultural lands.”

Maps 30, 31, 32 and 33 describe Forest Analysis Tiers, Metro Natural Landscape Features Inventory, Important Natural Landscape Features (INLF) Overlay and Important Natural Landscape Features Composite Tiers, respectively. This has been updated by maps in the supplemental record and in both there are still no such resources listed for the subject property, significant or otherwise.

GROWTH ESTIMATES AND FUTURE LAND NEEDS

Pursuant to Oregon Administrative Rule (OAR) 660-027-0040 (2), land designated Urban Reserve in the Metro Region must be based on estimated population and employment growth. To comply with this rule Washington County prepared population and employment forecasts for the County. This was a rigorous forecast process which is explained generally in the September 23rd Staff Report on pages 14-16. Also a memorandum in the record from the Washington County Planning Directors to the Washington County Reserves Coordinating Committee, titled “Addendum to May 11th Staff Report on Land Needs Estimates for Urban Reserves- Corrections to technical analysis”, dated June 4, 2009 (hereinafter “Need Memorandum”). Land needs estimates are shown in Appendix 4-(A-1 and A-2) of this Need Memorandum. The conclusion of the County’s forecasting work estimated a 2060 demand for additional residential and non-residential urban land of somewhere between a low range of 27,722 gross acres and high range of 66,934 gross acres. The 2050 demand for residential and non-residential land was estimated to be within a range of 17,734 and 50,411 gross acres.

Metro’s “Urban and Rural Reserves 2009-2050/2060 Chief Operating Officer Recommendation”, dated September 15, 2009 recommends a much smaller urban land need estimate based on the expectation that the Region will be able to efficiently utilize existing zoning capacity through redevelopment supported by targeted urban infrastructure investment in the region’s downtowns, main streets and corridors. The Metro estimate of land need is based on the region’s 2040 growth strategy and assumes that between 19 percent and 29 percent of future residential growth and key employment opportunities would occur on the land newly added to the existing UGB resulting in a Metro estimated urban reserve land need of between 15,700 and 29,100 acres. The total Urban Reserve acreage proposed for inclusion in this process for the entire Metro region is 28,165 acres -- 1,165 acres short of the Metro high estimate of 29,000 acres.

Exhibits to the “Intergovernmental Agreement Between Metro and Washington County to Adopt Urban Reserves” describe the results of the Core 4 Urban and Rural Reserve deliberations, resulting in a 50 year Urban Reserve addition in Washington County of approximately 13,500 acres, far below the estimated land need supported by Washington County. The total Urban Reserve acreage proposed for the entire Metro region is 28,165 acres of urban reserves: Washington County having 13,500 acres; Clackamas County having approximately 13,700 acres and Multnomah County having 855 acres.

Given the range of assumed urban land to be needed over the next 50 years it would be consistent with both the Washington County and Metro land need estimates to designate the subject 10 acre “exception” parcel located directly adjacent to a highly successful industrial area as either urban reserves or “Undesignated”. However, in no case is it consistent with law including the County’s analysis of it to make the subject 10 acres a “Rural Reserve.”

URBAN AND RURAL RESERVE FACTORS

OAR 660-027-0050 and 0060 define the factors to be considered when determining whether an area within the Metro area should be classified as an Urban or Rural Reserve. Considering both Urban and Rural Reserve Factors, we believe that the Bendemeer Area is better suited for an Urban Reserve designation or left undesignated rather than being designated Rural Reserve. The Rural Reserve Factors express the intent to designate as Rural Reserves those lands most suitable for sustaining long-term agricultural and forestry operation on large blocks of land taking into account, parcelization, tenure and ownership patterns. As previously discussed, the subject property and indeed the 130 acre Bendemeer area within which it is situated is not consider “Agricultural Land” for long term agricultural (or forest) use as a matter of law. The subject 10 acres (and the Bendemeer area) is an acknowledged “exception area”, not subject to Statewide Planning Goal 3, Agriculture. Rather, the subject 10 acres is an acknowledged residential area, that is highly parcelized composed of small residential lots with many ownerships.

The subject property has no identified significant natural resources and is not located nearby to any identified significant natural resources to allow it to be designated as a “Rural Reserve” on any sort of extraordinary basis.

The subject 10 acres if anything meets the Urban Reserve factors: it is adjacent to existing urban utilities inside the UGB, making it relatively easy to efficiently extend public utilities. Water and sewer service are available from the City of Hillsboro, Clean Water Services and the Tualatin Valley Water District, all agencies among the most financially capable service providers in the Metro Region. The area is currently served by the Hillsboro School District, one of the largest school districts in the State.

Moreover, the existing street network (including NW Bendemeer Road, NW Old Pass Road and NW 212th and 214th Place) provide a strong foundation for future traffic and pedestrian circulation. Sidewalks within Bendemeer already exist along Cornelius Pass Road and West Union Road adjacent to the existing Bendemeer commercial area. As the areas within the

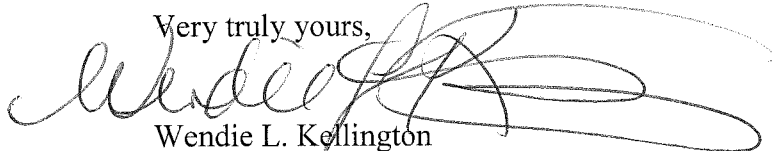
existing UGB develop, sidewalks will be constructed adjacent to and connect the Bendemeer area with existing development south of West Union Road. Sidewalks adjacent to Bendemeer currently exist on NW Century Boulevard at the intersection of NW Dick Road and West Union, on NW Mauzey Road located east of West Union Road across from the Bendemeer commercial center and on Cornelius Pass Road south of West Union. These sidewalks and streets within the UGB connect the subject 10 acres (and its Bendemeer area) directly to the residential and industrial employment areas within the adjacent UGB.

If Metro makes a policy choice not to make the subject 10 acres Urban Reserve, then it must simply leave it as "Undesignated." But there is no justification to make it a "Rural Reserve."

SUMMARY

The subject 10 acres is an acknowledged and designated "exception area". It is not subject to Goal 3 and as a matter of law does not contain "Agricultural Lands." It does not contain identified natural resources. It is located within a residential area containing a historical small lot pattern with varied ownerships. The subject property is well placed to provide additional housing capacity very close to a very highly developed employment area. Its location is so good for this purpose in fact that it was recommended for urban reserve designation by the County's professional staff and first planning commission recommendation. Adjacent utilities can be provided easily to the property and indeed the entire 130 acre exception area in which it is located and transportation access to the area can easily be connected to the adjacent employment area making easy access for pedestrians and bicyclists to get to work and schools. Thus, designating the subject property as "Urban Reserve" or leaving it as "Undesignated" are the only categories that could conceivably be consistent with law. However, in no way are we aware of any justification to make the subject property a "Rural Reserve." We request Metro remove the proposed Rural Reserve designation of the subject 10 acres.

Very truly yours,



Wendie L. Kellington

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March 17, 2011 9:38 AM

After marathon meeting, Washington County and Metro agree on reserves plan

Tuesday the 15th the Metro Council and the Washington County Commission worked hard to make history—setting clear boundaries to guide the next 50 years of growth in this region. (full coverage below). The process was long—including seven hours of heartfelt testimony by citizens—but it was also transparent, open and characterized by 12 leaders striving in good faith to ensure the future health and prosperity of our citizens. It was a proud moment that gives lie to those who paint government as venal and under the thumb of special interests. Thanks to Washington County Chair Andy Duyck, Metro President Tom Hughes and my colleagues on both boards.

--Rex Burkholder

By Nick Christiansen. This story was not subject to the approval of Metro staff or elected officials. Its content does not necessarily reflect the opinion of Metro staff or councilors.

Reporting from Hillsboro

Urban and rural reserves live.

After a nine-hour meeting that at times resembled a cross between the board games Battleship and Clue, the Metro Council and Washington County Commission agreed on a plan for land reserves. The new urban and rural reserves proposal will be sent to the Land Conservation and Development Commission for consideration this summer.

In 2010, the commission remanded part of the reserves proposal back to Washington County and Metro chiefly because of concerns about urbanization north of Council Creek near Cornelius.

See also: State board's partial remand puts UGB decision in flux (Oct. 29, 2010)

The new proposal kept most of what was accepted by the commission. But part of the proposed urban reserve north of Cornelius was changed to undesignated. Areas near Highway 47 north of Forest Grove went from urban to undesignated, and a new undesignated parcel was designated southwest of Aloha.

The most controversial element of the proposal, however, was changing an undesignated area north of U.S. 26 and west of Helvetia Road from undesignated to urban.

Thus begins Reserves: The Game. After taking public testimony for about seven hours, the boards met in joint session to try and hammer out a compromise each would accept. The baseline was the so-called Duyck/Hughes map, first proposed by Washington County Chair Andy Duyck and Metro Council President Tom Hughes after weeks of negotiations.

Click here to see the Duyck/Hughes map, before the changes agreed to at the March 15 meeting

Up first were Metro councilors, each offering their own opinions on what the final map should look like. Many on the council expressed concern with the idea of designating urban reserves north of the Sunset Highway.

"Are we, by adding this change north of 26, putting at risk this whole process?" asked Councilor Rex Burkholder. "We have nothing to judge whether this would be supported by the (state land use) commission or not."

It was up to Washington County Commissioners to start guessing what would be the winning combination on the map. But instead of Miss Scarlet in the library with the candlestick, commissioners were left to figure out what would get three votes on their own board plus pass muster at Metro.

Commissioner Dick Schouten made the first guess -- make the area north of 26 rural and accept the rest of the Duyck/Hughes map as is. That suggestion failed 4-1 out of concern it wouldn't give Washington County cities enough flexibility if the urban reserves do, one day, run out of suitable land.

Next up was Commissioner Roy Rogers, taking the southern portion of the area north of Cornelius and making it an urban reserve, with rural north of Hobbs Road and leaving the area north of the Sunset Highway as undesignated.

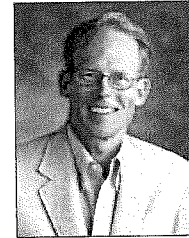
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REX BURKHOLDER HOME

ABOUT

CONTACT

ISSUES



Rex Burkholder represents District 5, which includes Northwest Portland, North Portland, Northeast Portland, downtown Portland, a portion of Southwest Portland and a portion of Southeast Portland.

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That motion didn't even get to a vote, after it was withdrawn by Rogers because of opposition on his own board.

"As much as I would like to see an urban reserve in Cornelius, I have a fear of LCDC throwing it back," said Washington County Commissioner Bob Terry.

Terry then moved to accept the Duyck/Hughes map as-is. That failed 3-2, prompting a break in the action.

A 10 minute recess brought intense negotiations around the Shirley Huffman Auditorium. Metro staff and a few councilors met in the back room for a briefing. Joining Hughes and Duyck on the dais were Hughes' successor as Hillsboro Mayor, Jerry Willey, and Duyck's predecessor as county chair, Tom Brian. Former Metro Councilor Rod Park worked the room.



Members of the Washington County Commission and Metro Council talk during a recess at the March 15 joint meeting. In the background, former Washington County Chair Tom Brian stands on the dais, talking to his successor, Andy Duyck.

The dealings brought the boards no closer to a consensus. With the Metro Council taking the lead in the session that followed, Councilor Carl Hosticka moved to accept most of the Duyck/Hughes map, but with some of the area nearest Cornelius left undesignated, as with all of the land north of Council Creek.

The Metro Council passed that 7-0, and at 6:22 pm, recessed.

Schouten moved to accept Metro's proposal, but adding no new urban reserves wasn't good enough for the Washington County commissioners.

"I am not comfortable with the current proposal, with no urban reserves in any of it at all," Terry said. "I think some of it should be urban reserves."

Schouten's motion failed 3-2, with Commissioner Greg Malinowski the only supporting vote.

The next proposal, from Terry, was the same as the Metro proposal, but included the area north of U.S. 26 as an urban reserve. That passed 3-2, with Schouten and Malinowski opposed.

At 6:37 p.m., the Washington County Commission recessed.

Metro Councilors expressed dismay that the proposal would have to include any urban reserves north of U.S. 26.

"I respect my colleagues' concern for changing any portion of Area D to urban reserve," said Councilor Kathryn Harrington, who was Metro's lead negotiator on reserves until this year. "I don't get to make this decision by myself. I don't get to make a proposal to LCDC by myself. I do it as a member of the Metro Council and the Metro Council does so in association with our three county partners."

But with Washington County seemingly unbending, the council voted 6-1 to approve a motion, put forth by Councilor Carlotta Collette, to designate areas east of Groveland Road, between U.S. 26 and West Union Road, as an urban reserve. Councilor Shirley Craddick cast the lone dissenting vote.

The Washington County Commission voted 3-2 to support the Metro Council proposal. The meeting concluded at 6:59 p.m., nine hours after it began.

The boards will have to vote on formal agreements next month, leading up to the anticipated review by the state land commission in August.

[Click here to learn more about urban and rural reserves](#)
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Dan Olsen read the proposed ordinance by title.

Tom Tushner stated that Ordinance 738 is a revision of the County road standards. He explained that the road standards are used by the engineering community in the construction of capital improvements to the County's road-related infrastructure. Mr. Tushner indicated that Ordinance 738 contains housekeeping items and updates to the current Washington County Uniform Road Improvement Design Standards. He reviewed that road standards were last updated in 1998 and enumerated some of what the update will accomplish:

- Incorporate new graphics for typical sections
- Incorporate changes in materials, processes and technologies
- Provide clarifications of interpretations of standards encountered in the last 13 years
- Incorporate design standard changes that have taken place since 1998
- Encourage low-impact development approaches
- Set standards for roadways, pedestrian and bike facilities
- Add standards for both landscaping and illumination

Mr. Tushner informed the Board that the proposed standards have been widely circulated. He recommended that the Board adopt Ordinance 738, replacing Ordinance 524.

The public hearing was opened.

No public testimony was offered.

The public hearing was closed.

It was moved to adopt Ordinance No. 738.

Motion – Rogers

2nd – Malinowski

Vote – Terry

Vote – 5-0

Roll Call: All Aye

Commissioner Schouten stated that this is largely a housekeeping ordinance that does contain fairly detailed technical information. He said that there are some pieces in the ordinance that the Board needs to revisit at some point as it re-looks at the Transportation System Plan. Commissioner Schouten's understanding was that the Board will have the chance in the future to get into the policy implications, road design width, and other issues.

Andrew Singelakis confirmed that broader changes would come in through the Transportation System Plan update and be implemented later. He said that this ordinance is really intended to be housekeeping and to provide better graphics in the document.

Chairman Duyck commented that he appreciated that this is what the ordinance consisted of. He said that he looked through it to see whether this would add a lot of cost to the County's transportation projects and did not see that would be the case. Chairman Duyck noted that the ordinance mostly codifies standard practices.

Mr. Singelakis agreed with the Chair's assessment.

Commissioner Terry added that it appears that we are already doing some of what is in the ordinance now.

Commissioner Schouten asked if the ordinance reflects work done by Greg Miller.

Mr. Singelakis affirmed that this is the case. He announced that Greg Miller, who is retiring March 1, 2011 due to health reasons, was the primary author of this ordinance and wants it to move forward.

4. LAND USE AND TRANSPORTATION

4.a.

RO 11-12

Consider a Revision to Resolution and Order 10-118 to Extend the Deadline for Metro's Adoption of the Supplemental Intergovernmental Agreement Concerning Urban and Rural Reserves (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

Chairman Duyck offered to provide a history of this item for the benefit of new Board members. He reviewed that the Board adopted an IGA with Metro last summer and a subsequent ordinance put those changes into code. Chairman Duyck recalled that the IGA then went before LCDC, who remanded portions of it back to the County. He said that in adopting a subsequent IGA (which had a deadline of February 15, 2011), Metro had concerns about that IGA. Chairman Duyck stated that those concerns have not yet been resolved. He explained that the purpose of the extension is to give time to work with Metro to resolve them.

Brent Curtis said that the original Resolution and Order, which staff is asking the Board to amend today, was adopted by the Board on December 14, 2010. He stated that at the same time, the Board directed staff to file an ordinance which would conform our land use plan to the substance of the IGA. Mr. Curtis reported that staff has filed an ordinance and provided notice. He said that there will be a Planning Commission hearing on March 2, 2011 and a hearing before the Board on March 15, 2011.

Mr. Curtis stated that if the ultimate IGA between Metro and Washington County gets formulated in the next month, it may be different than this IGA and staff will have to

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amend the IGA and engross the ordinance. He said that it is exactly parallel to what happened last year when the Board and Metro worked together to come up with Reserves.

Mr. Curtis clarified that this particular item today simply extends the deadline for the IGA from February 15 to March 15, 2011. He said that a parallel action that has already been put into motion has an ordinance going in front of the Planning Commission on March 2nd and the Board on March 15th. Mr. Curtis summarized that these all deal with Reserves and the oral remand that LCDC provided in October of last year.

Chairman Duyck asked if there is still time to engross the ordinance and meet the deadlines if the IGA is modified.

Mr. Curtis responded that staff is working with Metro on not only the substance of the IGA but also on the process. He said that depending on nuances about hearing times, locations, etc., we may end up taking a few more weeks than originally anticipated. Mr. Curtis stated that as a general matter, we believe that several extra weeks are very tolerable and would be consistent with moving the item forward to LCDC. He said that staff is continuing to explore and ensure that those options would meet LCDC's needs as well.

Chairman Duyck's understanding was that even if we adopt a new IGA and new ordinances, there is still time before LCDC takes it up—which gives us a little flexibility. He said that they are talking about doing it after the Legislative Session, which puts it sometime into August.

Mr. Curtis reviewed that the original timeframe in the original resolution had us being done with the IGA and ordinance by early April and then sending to LCDC. He said that LCDC would then have a number of months to consider it between the middle of April and early August. Mr. Curtis stated that if we happened to take several more weeks, we think that will still be consistent. He said that once the Board takes its action in terms of the IGA, both Metro and Washington County have to have similar actions; it's an IGA that has to have the singular content that both agree to. Mr. Curtis stated that we then conform our plan and Metro conforms their plan, following which we send it to LCDC. He specified that this is what LCDC evaluates. Mr. Curtis said that when we get to April and consider the land use ordinances and engross land use ordinances to conform to the ultimate agreement between Metro and Washington County, that will put in place the sentiment of Metro and Washington County (as well as the other two counties) and will go to LCDC for review. He stated that it is between now and whatever the schedule dictates in April that the Board and Metro will arrive at a response to the oral remand LCDC provided last year.

Commissioner Schouten asked when the Planning Commission meetings are held.

Brent Curtis responded that the Planning Commission typically meets twice a month; they meet in the afternoon on the first Wednesday of the month and they meet in the evening on the third Wednesday of the month.

Commissioner Schouten ascertained that the Planning Commission's meeting on March 2nd will be in the afternoon.

Mr. Curtis affirmed that the meeting has a 1:30 p.m. public hearing time on that date.

Commissioner Schouten asked if the Board will meet in the morning or evening on March 15, 2011.

Mr. Curtis replied that that will be a 10:00 a.m. meeting.

Commissioner Schouten asked how soon prior to March 2nd the public would have the ability to see the Planning Commission materials. He also wanted to know what the materials would consist of.

Mr. Curtis stated that the subject of the March 2nd Planning Commission hearing is the ordinance. He said that it conforms our land use plan to the substance of the IGA that the Board adopted on December 14, 2010. Mr. Curtis stated that the substance of the Board's hearing on March 15th is the same. He indicated that the map has been known since December 14, 2010 and is out there. Mr. Curtis remarked that the subject of today's meeting is to extend the deadline that was placed in the original amendment to the IGA, to provide another month for Metro and Washington County to work on this. He indicated that this lets Metro and Washington County see if, first, Metro agrees with the Board's original December 14th decision and, if it does not, potentially the Board could arrive at a new understanding of mutual agreement about the content of an IGA in this subsequent month.

Mr. Curtis stated that assuming the Board adopts this today, another month will be provided for Metro and Washington County to work together. He noted that we do not know exactly when that agreement will come together and felt that Chairman Duyck is in a better position to speculate about that. Mr. Curtis summarized that we do not know the substance of a decision and we cannot provide that to the public because it has not been arrived at by the parties (Metro Council and Washington County Board). He said that if it is a different map than adopted on December 14th, then staff will have to amend this IGA again in regard to substance and will have to engross Ordinance 740.

Chairman Duyck regarded the action item before the Board today as more of a courtesy to Metro. He said that we have to keep in mind that we have a new Metro Council and Metro is in the process of replacing one Councilor who has resigned. Chairman Duyck summarized that the Council is in flux and needs additional time; he felt that the Board should provide that time out of courtesy. He said that it is conceivable that, if the IGA was amended, it would come before the Board at the first meeting in March—the same

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meeting where the Board would likely be taking action to engross the ordinance. Chairman Duyck observed that this does not give people a lot of time to see it but noted that we are under that time sequence that we are trying to stay on track with. He reported that the County is still talking with Metro. Chairman Duyck anticipated that Metro will probably make a proposal this week and, if it is acceptable, we will be able to roll it out to the public as soon as possible.

Commissioner Schouten stated that all indications are that Metro will not support the maps that came out of the December 14th meeting. He felt that the public is interested in seeing the new maps.

Commissioner Malinowski said he has always had concerns about the lack of public ability to help shape the decision on December 14, 2010. He admitted that people did have their say. Commissioner Malinowski's thought was that December 14th action was taken because time was of the essence as we tried to get something to Metro. He reflected that there was not time to involve the public. Commissioner Malinowski said that since it has turned out that Metro has not gotten to it, we did have more time. His concern going forward was that if Metro and the Board come to a deal, by the time we ask the public what they think, it will be a "yes or no and thanks for coming" kind of thing rather than a "okay let's shave this off and add this on". Commissioner Malinowski stated that if the public can be involved, they should be involved as we are actually cutting the maps and not just after the fact. He was not sure why we do not need to involve the public more.

Chairman Duyck summarized that the action today is whether the Board extends more time for Metro to make this decision.

It was moved to approve the date change to Resolution and Order 10-118 as described in the agenda item and to authorize the Chair to sign a new Resolution and Order memorializing the change.

Motion – Rogers
2nd – Terry
Vote – 4-0-1
(Abstain – Malinowski)

Commissioner Rogers said that it is only fair to allow Metro to look at making changes. He recognized that this has been a very difficult process. Commissioner Rogers noted that this will be the third time that the Board has seen this. He respected the Metro Councilors and their opinions. Commissioner Rogers was very much in favor of extending the time. He wondered if this is adequate time and hoped that it is.

OFFICE OF COMMUNITY DEVELOPMENT

1.f.
MO 11-24

7

Approve Lifeworks NW Request to Assume the CDBG Obligations of A Child's Place Public Facility Under Modified Terms of the CDBG Project Agreement and Trust Deed

It was moved to authorize the County Administrator to execute an amendment to the 2004 CDBG Project Agreement with A Child's Place to provide that the lien and restriction on the property will expire on June 30, 2015 and to authorize the County Administrator to execute an Assignment, Assumption and Consent Agreement allowing Lifeworks NW to assume the obligations of A Child's Place under the 1994 and 2004 CDBG award, as amended.

Motion – Rogers
2nd – Schouten
Vote – 4-0

Commissioner Terry was away from the dais at time of vote.

Commissioner Schouten was delighted for another organization to come in and provide services to children—something a little different at the site—and to be able to take advantage of the unique fixtures/appliances there geared toward use by small children. He stated that this allows us to be able to maintain value and to protect the private and public investments that were made there. Commissioner Schouten was pleased that we were able to find another purchaser and provider of services there.

5. ORAL COMMUNICATION (5 MINUTE OPPORTUNITY)

None.

6. BOARD ANNOUNCEMENTS

None.

7. ADJOURNMENT: 10:40 a.m.

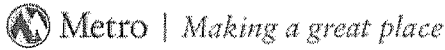
Motion – Terry
2nd – Schouten
Vote – 5-0

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March 10, 2011 4:55 PM

Highlights of the revised Washington County reserves proposal

On Feb. 22, Metro Council President Tom Hughes and Washington County Chair Andy Duyck unveiled a revised proposal for urban and rural reserves in Washington County. This proposal was offered in response to direction provided by the Oregon Land Conservation and Development Commission (LCDC) last October, asking the two governments to revise the map they submitted for review and approval. (At the same time LCDC accepted proposed urban and rural reserve maps for Clackamas and Multnomah counties without changes.)



Specifically, LCDC rejected a proposed urban reserve north of Cornelius, 623 acres in size, citing its value to the agricultural community in northern Washington County. LCDC also asked Metro and Washington County to re-evaluate a proposed urban reserve north of Forest Grove and determine whether it meets established factors for designation as an urban reserve.

Because of the exclusion of the urban reserve north of Cornelius and the uncertainty over the amount of land that would be included as urban reserve, LCDC did not approve the proposed rural reserves in the county. This left Metro and Washington County with the flexibility to find appropriate and suitable urban reserves elsewhere in the county if the two governments chose to replace all or a part of the Cornelius urban reserve. LCDC instructed that the total amount of urban reserves in Washington County could not exceed the total amount from the map proposed last fall (13,884 acres).

Staff and elected officials from Metro and Washington County have worked to revise the map to follow LCDC's instructions and provide sufficient urban reserves to meet future growth needs while maintaining protections for valuable farm and forest lands. Since LCDC was supportive of the urban reserves proposed for Washington County, aside from the two areas north of Cornelius and Forest Grove, the revised map now under consideration includes all of the other original urban reserve areas proposed for Washington County. These urban reserve areas were designated after extensive analysis and public review over a period of more than two years.

Download the map that illustrates changes to the Washington County reserves proposal [PDF]

The new reserves map for Washington County features the following changes to last fall's proposal:



- Of the 623 acres of urban reserves proposed north of Cornelius (formerly labeled as "Urban Reserve 7I"), 426 acres are now proposed as rural reserve that will be excluded from urban development for 50 years. The remaining 197 acres on the eastern side of this former urban reserve are proposed to be included as "undesignated" land that is neither urban nor rural reserve. This area includes what is known as "exception land" (lower-quality farmland), has existing non-farm uses, and generally consists of smaller parcels owned by multiple owners. As undesignated land, it would be of lower priority for future urban growth boundary expansions, as state law requires the Metro Council to look to urban reserve lands first. If the Metro Council wishes to expand the urban growth boundary onto undesignated land, it must demonstrate that undesignated land serves growth needs that cannot be met inside the urban growth boundary or on designated urban reserves across the region.
- In the proposed 508-acre urban reserve north of Forest Grove (Urban Reserve 7B), only 28 acres, between Council Creek and Highway 47, were removed and proposed to become undesignated land, while the rest of the proposed urban reserve remains intact. This addresses the primary area of concern expressed by LCDC about providing urban reserve land north of Council Creek and allowing the creek to serve as a natural buffer between farmland and future urban growth. This retains the remainder of the urban reserve area to meet future housing and employment needs.
- A new urban reserve of 585 acres is proposed on previously undesignated land

April 2, 2011 7:23 AM
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Kathryn Harrington represents District 4, which includes Northern Washington County, Cornelius, Hillsboro, Forest Grove, Northwest Beaverton, Aloha, Bonny Slope, Bethany, Raleigh Hills, West Slope, Cedar Mill and Cedar Hills.

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north of and adjacent to Highway 26, south of Northwest West Union Road, and adjacent to previously designated Urban Reserves 8A and 8B. This land, with its flat topography and connections to existing transportation routes, provides a suitable alternative for future employment and housing to make up for the previously identified reserves north of Cornelius. Leaders from the City of Hillsboro and Washington County have also indicated that they have the willingness and financial capacity to provide essential public services to serve future growth in this area.

- A 383-acre undesignated area is proposed south of Southwest Rosedale Road and north of Southwest Farmington Road, adjacent to proposed Urban Reserve 6A. This land was previously proposed as rural reserve but is proposed as undesignated land to provide additional flexibility, if it should ever be needed, for urban development south of Hillsboro and west of Beaverton.

If these changes are adopted, along with the other urban and rural reserves proposed for Washington County, there will be a total of 13,745 acres of urban reserves and 151,372 acres of rural reserves in Washington County. (Note: these acreage totals are slightly different from what was announced in February. These revised numbers reflect refinements to the boundaries of urban and rural reserves to account for street right-of-ways, floodplains and alignment of tax lots.)

The proposed urban and rural reserves map for Washington County, and the contractual language between Metro and Washington County that administers the urban and rural reserves, must be approved by both the Metro Council and the Washington County Board of Commissioners. This agreement will be considered at a public meeting to be held on Tuesday, March 15, beginning at 10 a.m. in the auditorium of the Charles D. Cameron Public Services Building in Hillsboro. Public comment is welcome and encouraged on this reserves proposal through March 15.

[Read more about how to provide comment on the Washington County reserves proposal](#)

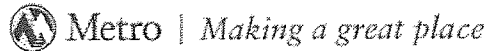
Following adoption of the intergovernmental agreement, the Washington County Board of Commissioners will adopt an ordinance that formally designates the rural reserves, and the Metro Council will adopt an ordinance that formally designates the urban reserves. These land use actions are expected to be completed before the end of April. The revised urban and rural reserves map for Washington County is expected to be reviewed and acknowledged by LCDC before the end of the summer, after which the Metro Council may consider targeted expansions of the urban growth boundary into urban reserves in any of the three counties as needed.

[Read more about urban and rural reserves](#)
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METRO COUNCIL DISTRICT 4 NEWS

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March 10, 2011 4:57 PM

Remember to weigh in on Washington County reserves proposal

Metro and Washington County welcome your feedback and input on the revised urban and rural reserves proposal for Washington County. This proposal will be discussed by the Metro Council and the Washington County Board of Commissioners at a public hearing next Tuesday, March 15, beginning at 10 a.m. at the Charles D. Cameron Public Services Building in Hillsboro (155 N First Ave.).

Learn more about the revised urban and rural reserves proposal for Washington County

Learn more about what's changed on the map from last year, and why

If you cannot attend Tuesday's hearing, there are many other ways to share your views on the proposal:

• Send comments via e-mail to reserves@oregonmetro.gov. Comments received by 5 p.m. on Friday, March 11 will be included in a public comment report that will be provided to Metro Councilors and Washington County Commissioners before the March 15 hearing and included in the public record.

• Call 503-813-7577 to leave a voice-mail message for the elected officials with views and perspectives on the revised urban and rural reserves proposal.

• Call or write directly to members of the Metro Council and the Washington County Board of Commissioners with comments and views on the reserves proposal.

Find out how to reach individual Metro Councilors directly

Find out how to reach individual Washington County Commissioners directly

After Tuesday's hearing, there will continue to be ways to offer your comments:

• The Washington County Board of Commissioners will consider and vote on changes to the county's comprehensive land use plans that would formally designate rural reserves. This action is expected to be completed before the end of March.

• The Metro Council will consider and vote on changes to Metro's ordinances that would formally designate urban reserves. This action is also expected to take place at a public hearing to be held on Thursday, April 21.

• The Boards of Commissioners of Clackamas and Multnomah counties will adopt a revised set of findings that support the complete urban and rural reserves proposal for all three counties. These actions, which will also take place in public meetings, are also anticipated by the end of April.

• Once a revised joint set of findings is adopted by the four governments, that set of findings and the proposed Washington County reserves map will be sent to be reviewed and considered by the Land Conservation and Development Commission by the end of the summer.

Learn more about urban and rural reserves

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April 2, 2011 7:26 AM

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Kathryn Harrington represents District 4, which includes Northern Washington County, Cornelius, Hillsboro, Forest Grove, Northwest Beaverton, Aloha, Bonny Slope, Bethany, Raleigh Hills, West Slope, Cedar Mill and Cedar Hills.

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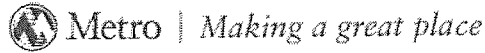
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Carlotta Collette

METRO COUNCIL DISTRICT 2 NEWS
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December 10, 2010 11:23 AM

Statement from Metro Council President Carlotta Collette on urban and rural reserves

Metro is committed to protecting the region's farms and forests and to providing good jobs now and in the future. That's why the Metro Council and its partners recently approved an historic proposal that protects more than 266,000 acres of rural land from development and provides about 28,000 acres to provide jobs and housing for our growing population during the next 50 years.

After a very detailed review of our growth management and land protection strategy, the Oregon Land Conservation and Development Commission asked that our region reconsider just a few small areas in Washington County. On Monday, the Metro Council received a proposal, developed by the chairman and chairman-elect of Washington County, designed to address the LCDC's request.

The Metro Council, at its work session today, briefly discussed this proposal. There is no support on the Metro Council for the proposed map.

The Metro Council is committed to reaching agreement on a new urban and rural reserves map for Washington County and completing this effort in a timely, thoughtful and inclusive manner. At multiple phases throughout the urban and rural reserves process, the Metro Council has provided many opportunities for public input. The Metro Council will continue to provide opportunities for the public to comment on any reserves proposal it has under consideration before making final decisions.

Learn more about urban and rural reserves
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April 2, 2011 7:31 AM
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Carlotta Collette represents District 2, which includes the cities of Gladstone, Johnson City, Lake Oswego, Milwaukie, Oregon City, Rivergrove, West Linn, a portion of Southwest Portland and unincorporated parts of Clackamas County.

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Councilor Carlotta Collette's 2009
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Update on urban and rural reserves

PLANNING AND CONSERVATION > REGIONAL PLANNING AND POLICY > URBAN AND RURAL RESERVES > UPDATE

The Oregon Land Conservation and Development Commission approved urban and rural reserves designated in Clackamas and Multnomah counties. Learn more about efforts to complete urban and rural reserves in Washington County.

What is the status of urban and rural reserves?

Updated March 21, 2011

On March 15, the Metro Council and the Washington County Board of Commissioners reached agreement on a proposal to designate urban and rural reserves in Washington County. The agreement between the two governments calls for the establishment of approximately 13,500 acres of urban reserves and more than 151,000 acres of rural reserves. If acknowledged by the Oregon Land Conservation and Development Commission (LCDC), these areas would be added to the urban and rural reserves already designated in Clackamas and Multnomah counties, for a total of more than 28,000 acres of urban reserve and nearly 267,000 acres of rural reserve across the region.

The new urban and rural reserves map for Washington County removes a 623-acre urban reserve north of Cornelius that was rejected by LCDC in October 2010. In its place, the map creates an "undesignated" area (neither urban nor rural reserve) of approximately 360 acres north of the Cornelius and Council Creek and an additional rural reserve of about 263 acres to the north of the undesignated area. The new agreement also changes a portion of an urban reserve, north of Forest Grove, to undesignated land, creates a new undesignated area out of previously rural reserve land south of SW Rosedale Road and west of SW Farmington Road, and adds a new urban reserve of approximately 352 acres in previously undesignated land north of Highway 26, south of NW West Union Road and east of NW Groveland Rd., while retaining some areas as undesignated land.

The urban and rural reserve maps for Clackamas and Multnomah counties were acknowledged by LCDC last October and have not changed.

[Download the proposed urban and rural reserves map for Washington County](#)

[Download the adopted reserves agreement between Metro and Washington County](#)

What comes next, and how can I get involved?

The Metro Council and the Washington County Board of Commissioners will adopt land use ordinances to implement the agreement:

- The Washington County Board of Commissioners will consider and vote on Ordinance no. 740 that will amend the county's land use ordinances and comprehensive plan to account for the new urban and rural reserves map and formally designate rural reserves. The county is planning to hold public hearings in late March and April on the ordinance. [Learn more about Washington County's Ordinance no. 740 and upcoming public hearings](#)
- The Metro Council will consider and vote on an ordinance that changes the Urban Growth Management Functional Plan to formally designate the new urban reserves. A public hearing on this ordinance will be held on Thursday, April 21, beginning at 2 p.m. at Metro Regional Center, located at 600 NE Grand Ave. in Portland. [Learn more about the Metro Council meeting on April 21](#)
- The Boards of Commissioners of Clackamas and Multnomah counties will also adopt a revised set of findings that support the complete urban and rural reserves proposal for all three counties. These actions are expected by the end of April.
- Once a revised joint set of findings is adopted by the four governments, that set of findings and the proposed Washington County reserves map will be sent to LCDC for review and acknowledgment. It is expected that LCDC will hold a public hearing on the Washington County reserves proposal in August.

What about the urban growth boundary?

The Metro Council is working to ensure the region is planning ahead for population and employment growth. While much of this region's anticipated growth is expected to happen in downtowns and main streets, there may be a need for targeted urban growth boundary expansions to accommodate future homes and jobs. If an urban growth boundary expansion is needed, the Metro Council intends to locate those expansions in urban reserve areas because these are the places most likely to develop into great communities.

In December 2010, the Metro Council adopted a set of policies that will focus more growth and public investments in existing communities already inside the urban growth boundary. The Metro Council has agreed to delay any decisions about whether to expand the urban growth boundary until Fall 2011, after all of the urban reserve areas are finalized.

[Read more about new policies to enhance the capacity of the urban growth boundary](#)

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RELATED DOCUMENTS

- [Map of proposed urban and rural reserves in Washington County](#)
1.2M Adobe Acrobat PDF | Published March 17, 2011
- [Map of proposed urban and rural reserves in Washington County, illustrating changes from 2010 proposal](#)
1.2M Adobe Acrobat PDF | Published March 17, 2011
- [Washington County reserves agreement, adopted March 15, 2011](#)
1.3M Adobe Acrobat PDF | Published March 21, 2011
- [Clackamas County reserves agreement, adopted in March 2010](#)
568K Adobe Acrobat PDF | Published March 3, 2010
- [Multnomah County reserves agreement, adopted in March 2010](#)
248K Adobe Acrobat PDF | Published March 17, 2010
- [Map of urban and rural reserves in Clackamas County \(acknowledged by LCDC\)](#)
703K Adobe Acrobat PDF | Published February 25, 2010
- [Map of urban and rural reserves in Multnomah County \(acknowledged by LCDC\)](#)
759K Adobe Acrobat PDF | Published February 25, 2010
- [Descriptions of changes to proposed Washington County reserves map](#)
248K Adobe Acrobat PDF | Published March 29, 2011

To view PDF files, download free Adobe Reader. To translate PDF files into text to assist visually-impaired users, visit Access.Adobe.com.

NEED ASSISTANCE?

Reserves information
503-813-7577
reserves@oregonmetro.gov

RELATED INTERNET LINKS

- [Washington County urban and rural reserves web site](#)

- REGIONAL VALUES
- 2040 GROWTH CONCEPT
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- CAPACITY ORDINANCE
- URBAN GROWTH BOUNDARY
- URBAN AND RURAL RESERVES
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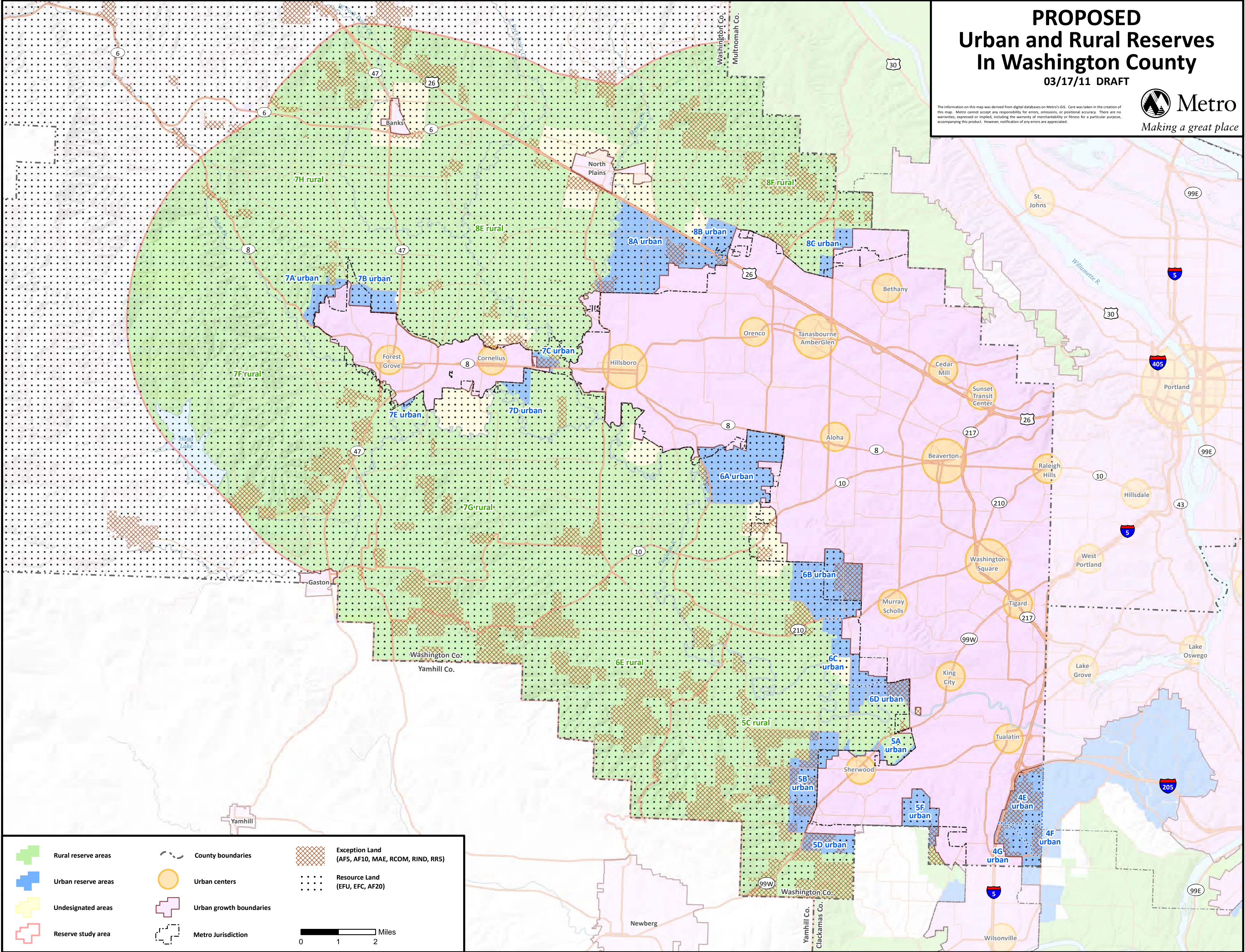
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PROPOSED Urban and Rural Reserves In Washington County

03/17/11 DRAFT

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 warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.



	Rural reserve areas		County boundaries		Exception Land (AF5, AF10, MAE, RCOM, RIND, RR5)
	Urban reserve areas		Urban centers		Resource Land (EFU, EFC, AF20)
	Undesignated areas		Urban growth boundaries		
	Reserve study area		Metro Jurisdiction		

Date: April 21, 2011

To: Metro Councilors

From: Miki Barnes

Topic: Protect Helvetia's rural reserves

I oppose Washington County Ordinance No. 740 Area 8D and strongly urge you to designate this area as rural. I further recommend that land currently within the urban growth boundary be used for future industrial purposes instead of designating prime farmland as urban reserve.

Towards this end I suggest setting aside acreage at the Hillsboro Airport for future development. Though located on farmland, the airport property has for the most part, already been taken out of production.

The notion that Hillsboro Airport serves primarily business jets is misleading. According to the Final Environmental Assessment on the third runway proposal (pg 2-1), in 2007 the Hillsboro Airport logged 236,885 annual operations. Of that number 7,008 operations were listed as jet operations. (Draft Environmental Assessment on the HIO Third Runway Proposal, pg 5.1-6). This equates to less than 3% of the total,

The Draft EA (pg 3-6) also states "Local operations (consisting largely of training activity) currently represents about 68 percent of total operations at HIO." Based on the 2007 numbers this translates into 157,923 operations. According to the 2005 Hillsboro Master Plan "Future growth in local operations will be driven by training operations at Hillsboro Airport. This will be function of the businesses on the airport which provide pilot training services (pg 3-31)."

What the foregoing suggests is that Hillsboro Airport is a taxpayer subsidized international training school primarily on behalf of a for-profit company that recruits a substantial number of student pilots from outside the country. Instead of forcing taxpayers to subsidize this enterprise, I would suggest that a Peace Corps model be implemented by which flight training companies, such as Hillsboro Aviation, travel to the countries from which they recruit their students and offer training there. This would not only save millions in infrastructure costs but would also ease the noise, pollution, safety and security risks, as well as property devaluation and land use restrictions currently shouldered by local residents.

As for the general aviation hobbyists who use this airport, According to the Oregon Department of Aviation (ODA) 2006-2008 Biennial Report, "As of 2008 there are 97 public use and over 350 private use airports (pg 5)" in Oregon for a total of 447. This figure does not include commercial or personal use airstrips. This same document states that there are 5,732 pilots in Oregon (5,173 registered pilots and 559 unregistered). This number, which represents 1/6 of 1 % of the state's total population, translates into a ratio of 12.82 pilots to each general aviation airport in the state.

Please note that the Oregon Blue Book states that Oregon operates 1,306 public schools for the 566,067 (almost 15% of the state's population) kindergarten through 12th grade students enrolled, a ratio of 433 students per school. Thus the proportion of airports per Oregon pilot exceeds the school to student ratio 33 times over. Obviously there are already plenty of facilities in this state to accommodate the pilot population.

Setting aside some or all of the Hillsboro Airport property for future industrial growth solves two problems simultaneously. It saves taxpayer dollars that would otherwise be wasted on unnecessary expansion and it allows prime farmland north of Highway 26 to be designated for rural reserve.

It is worth noting that according to their website, Boeing Field, located five miles from Seattle, "is one of the busiest general aviation airports in the country...It receives no general tax dollars and is financed by rents, fees and FAA resources <http://www.kingcounty.gov/transportation/kcdot/Airport/About.aspx>."

Like HIO, its users included flight schools, charter operation, helicopter services, and general aviation hobbyists. This two runway airport, located on 594 acres, logs 375,000 flights annually. Hillsboro Airport by contrast, based on 2010 figures, logged 220,000 operations on 928 acres.

Thus Boeing Field is able to manage 155,000 more operations annually on acreage less than two-thirds the size of HIO. Clearly, this airport serves as a model of how Port of Portland owned and operated airports can use less acreage to manage aviation activity.

It is worth noting that Portland International Airport (PDX) with three runways and five times the acreage of Boeing Field logged around 240,000 flights in 2010, 135,000 fewer than Boeing Field.

Regarding PDX, a 2009 Portland Airport Futures: Economic Development Inventory report prepared for the City of Portland Bureau of Planning and Sustainability and the Port of Portland, inventoried 8,600 acres designated for industrial and airport related uses at and around PDX. Of the land under consideration, the Port owned 3,250 acres.

What they found is that "there is still a relatively significant inventory of approximately 3,380 acres that remain undeveloped or lesser improved" - 702 acres were categorized as "vacant and owned by the Port" including three 50-100 acre parcels and four 25-50 acre parcels. "An estimated 585 acres were indicated as vacant with other (primarily private) ownership." And 1,387 acres were labeled as lesser improved including two 50+ acre parcels (pg 15).

Better utilizing Port of Portland property and setting it aside for future industrial development could go a long way towards mitigating the need to further compromise prime Washington County farmland.

Thank you for your time and consideration.

Respectfully Submitted,



Miki Barnes
48100 NW Dingheiser Rd.
Banks, Oregon 97106
503-324-0291

**Robert Bailey
7455 NW Helvetia Road
Hillsboro, Oregon 97124**

April 21, 2011

**Metro Council
Portland, Oregon**

For a Hearing on Washington County's Engrossed Ordinance 740

I testify today ^{in opposition} regarding Washington County's Ordinance 733's area 8B, now engrossed into Ordinance 740. 8B is that area of 88 acres to the north of Highway 26 and to the west of NW Helvetia Road, sometimes referred to as the Standing parcels.

- During the Ordinance 733 reserves process, the findings asserted that this area was needed in its entirety for the Helvetia Interchange Project.
- The findings also asserted that this area needed to be designated as urban reserve to more easily accomplish the Helvetia Interchange Project.
- We have received definitive information that refutes these points.
- Area 8B also does not comply with Urban Reserve factors (OAR 660-027-0050) #s 5, 7, and 8.
- SHPO site
- Washington County has "supplemental materials" not yet available to the public

Acreeage Needs for Helvetia Interchange Project

We have been in ongoing communication with the Oregon Department of Transportation. They indicate a need for just a little over 5 acres to accomplish the Helvetia Interchange Project.

Designation Required for Helvetia Interchange Project

Please find attached the 3/29/2011 ODOT letter from their Lainie Smith, Senior Policy Advisor. It was directed to Chairman Duyck and Metro

President Hughes so I presume you have had an opportunity to review it. The letter indicates that ODOT does not need an urban reserve designation to make currently proposed or future improvements at this interchange.

Re-designated 8B as Rural Reserve is Responsive to Taxpayers

The rationale for including 8B as urban reserve has fallen away and no longer supports the designation. It would be irresponsible to spend tax dollars for more acreage than needed, and at a higher Urban Reserve price level. ODOT should be allowed to acquire only that land needed for the project, and that land should be designated as Rural Reserve. Not only is this appropriate by the factors, but it protects taxpayer dollars in the Helvetia Interchange Project.

Factor-Based Objections

When Ordinance 733 was before the LCDC in late October of 2010, Save Helvetia objected to the urban reserve designation for 8B, as follows: "First, none of the urban reserve factors of OAR 660-027-0050 contemplate potential demands for urban freeway interchange expansion. To the contrary, the administrative rules authorize designating rural or urban lands for "roads, highways, and other transportation and public facilities and improvements." OAR 660-027-0070 (4). Similarly, there is nothing in OAR 660-027-0050 that allows designating land urban reserves when necessary for a freeway. The policy of creating livable communities does not include any reference to expanding highway access.

Second, Area 8B does not have to be designated Urban Reserves in order to accommodate a roadway, interchange or provide sewer or storm water management. ORS 215.213(2) (q) expressly authorizes the expansion of travel lanes and roadways in areas zoned for exclusive farm use, which is presumably the designation that would remain on these lands if they were designated rural reserves. Similarly, utility facilities such as storm water collection or sewer pump stations are allowed outright on lands zoned for Exclusive Farm Use under ORS 215.283(1) (c).

To the contrary, it is more likely that re-designating the area for urban uses will not achieve the desired ends. An urban reserve designation will only increase the pressure for urban, non-utility-based uses, without any legal prohibition against construction of such non-utility uses. Rather, it is much more likely that the area would serve its utility and infrastructure function if it is designated rural where it would likely retain its Exclusive Farm use

designation for the next 50 years and be protected to serve public infrastructure uses.

Considering the facts in the record, there is no evidence that operation of an urban-scale interchange is inconsistent with farming activities likely to occur if Area 8B is designated for rural reserves. The evidence in the record is that the overpass at NW Jackson School Road over Highway 26, the next interchange to the west of NW Helvetia Road Interchange, operates with minimum impact to the surrounding farm uses currently zoned for Exclusive Farm Use. Nothing in the urban/rural reserve factors provide that areas planned for roadway expansion must be zoned for urban use. Such land can be any designation.

Based on the above, Area 8B does not satisfy the factors of OAR 660-027-0050 and should not be designated for urban reserves.”

Urban Reserve Factors in Conflict

Under OAR 660-027-0050, urban reserve factor #5, asks if the area can be designed to preserve and enhance natural ecological systems. Development in this area would be destructive of native, old growth Oregon white oak, potentially damage this designated and regionally significant riparian and upland habitat found in this section of Waible Creek: listed by Metro as class one, two and three riparian habitat; listed by Metro as class B and C upland “wildlife habitat”. This section is an important drainage to thousands of upland acres, and development might contribute to damaging the century old drainage system for upland farmers, causing flooding to adjacent lands and roadways, and erosion into the downstream McKay Creek drainage.

Under OAR 660-027-0050, urban reserve factor #7, asks if the area can be developed in a way that preserves important natural landscape features included in urban reserves. Refer to the above.

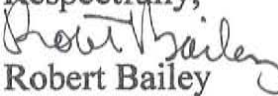
Under OAR 660-027-0050, urban reserve factor #8, asks if the area can be designed to avoid or minimize adverse effects on farm and forestry practices, and adverse effects on important natural landscape features, on nearby land, including land designated rural reserve. Again, this area is a critical drainage and recharge area for upland water resources and farming practices and field tiling systems that begin several miles to the north and shunts water from over 1000 acres of upland acreage. This natural landscape acts as a buffer to farming practice as it is. The site contains a SHPO site, and has a native, old growth Oregon white oak forest of over 200

trees, a substantial portion was a lake during the flood of 1996. It works well as a buffer from the east as the highway does from the south.

This area includes a site that has been duly reported to the State SHPO and to the Confederated Tribes of the Grand Ronde.

The designation of urban reserve for Area 8B is not compliant to an urban reserve Designation and the area is better suited to a Rural Reserves designation.

Finally and at Washington County's April 19th ordinance hearing, Brent Curtis indicates that he (DLUT) will be bringing forward "supplemental materials" into the record, "sometime next week". As they have yet to issue to the public any revised "findings" to rationalize their designations, we have not had access to these during our first several hearings. Presumably, you will have them available to your final hearing today: such is citizen involvement in Washington County.

Respectfully,

Robert Bailey
Save Helvetia

Attachments

1. ODOT letter dated 3/29/2011
2. Helvetia Interchange Conceptual Layout map, 10/28/2010
3. email from ODOT's Matt Gossett dated November 16th, 2010

----- Forwarded message -----

From: GOSSETT Matthew C <Matthew.C.Gossett@odot.state.or.us>

Date: Tue, Nov 16, 2010 at 9:25 AM

Subject: RE: Estimate of area for US26/Helvetia interchange?

To: Brian Beinlich <brian@beinlich.org>, JOHNSON Andrew * Andy

<Andrew.JOHNSON@odot.state.or.us>, FULLER Dean M <Dean.M.FULLER@odot.state.or.us>,

KIM David <David.KIM@odot.state.or.us>

Cc: "Allen & Cherry Amabisca (E-mail)" <cherryamabisca@gmail.com>

Hi Brian,

With the understanding that we are still in the preliminary design phase on this project, we have calculated approximately 5.05 acres of property (220,000 square feet) would be needed in fee for the proposed project in the northwest quadrant. This preliminary design includes the residences in the NW quadrant, south of Groveland; a strip of property running parallel to the north side of Groveland and; a strip of property running parallel to the west side of Helvetia.

Sincerely,

Matt Gossett

ODOT, Region 1
Right of Way Project Manager
[503-731-8425](tel:503-731-8425)



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

March 29, 2011

Washington County Commission Chair Andy Duyck
155 North First Avenue
Hillsboro, Or 97124

Metro President Tom Hughes
600 NE Grand Avenue
Portland, OR 97232

Subject: Washington County Urban and Rural Reserves, Ordinance 740

The Oregon Department of Transportation has the following comments regarding the latest proposed Urban and Rural Reserves designations in Washington County. Please enter this letter into the record of your proceedings.

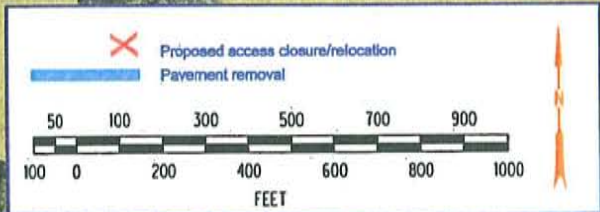
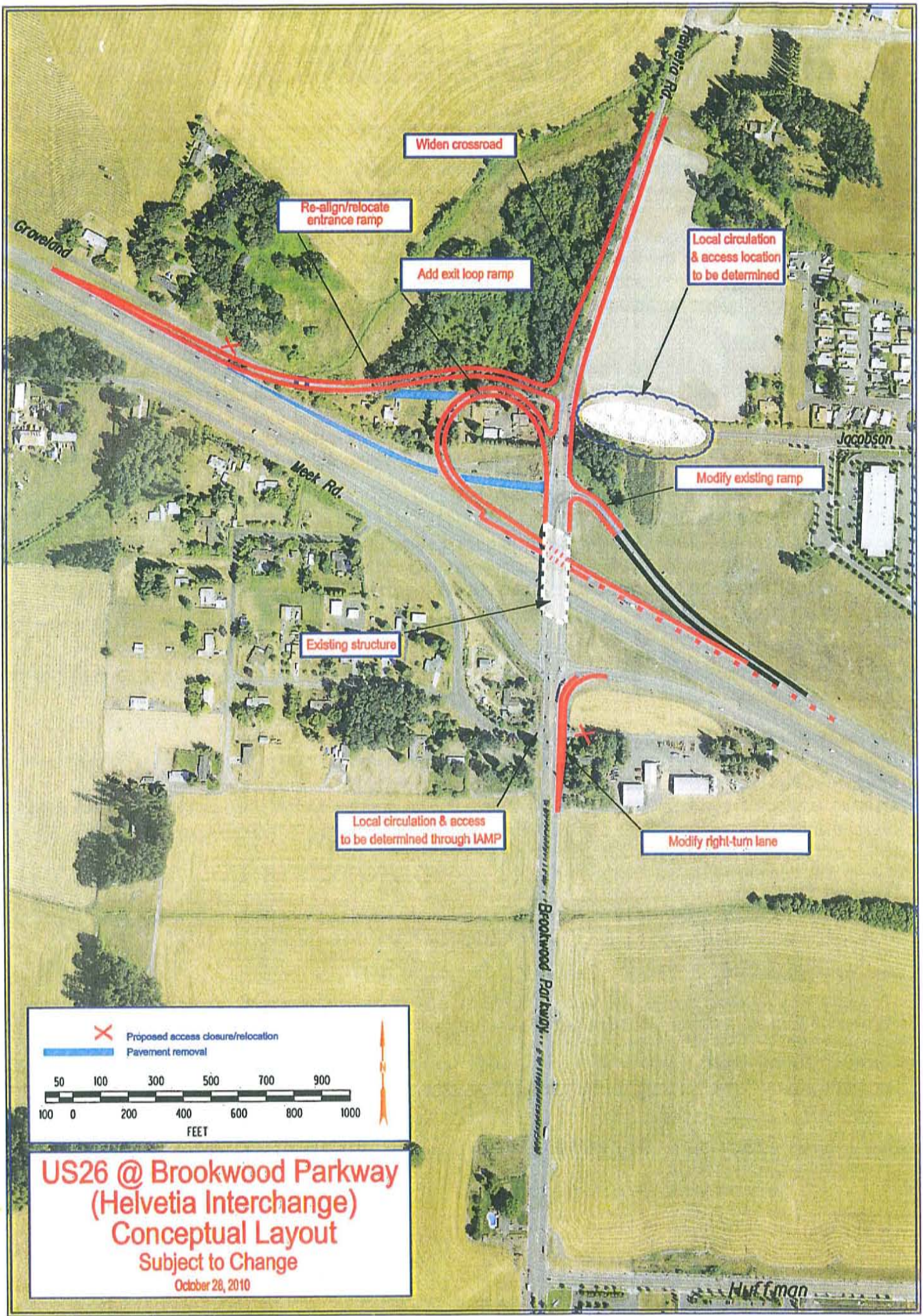
ODOT has an interest in the designation of additional acres of Urban Reserves north of US 26, in the vicinity of the Brookwood Parkway /Helvetia Rd interchange. The interchange is a primary entry point to regionally significant high-tech employment centers. We are currently developing a project to reduce congestion and improve safety and freight mobility, to better serve economic development opportunities inside the UGB in this area. ODOT's indented primary function of this interchange is to provide access to the regionally significant industrial area to the south of US 26, and goods movement for the industrial lands inside the UGB on both sides of US 26. If Metro and Washington County choose to designate additional acreage at this location for Urban Reserves, ODOT recommends a stipulation indicating that the capacity needed to protect that function be maintained if the land is brought into the Metro urban growth boundary.

Also, we wish to set the record straight that ODOT does **not** need an urban reserve designation in order to make currently proposed or future improvements at this interchange. The Transportation Planning Rule sections -0065 and -0070 provide for certain transportation improvements to be made on rural lands without and with exceptions to Statewide Planning Goals 3, 4, 11, and 14. In fact, an Urban Reserves designation does not affect any of the applicable requirements for interchange improvements.

ODOT thanks you for this opportunity to comment.


Lainie Smith
Senior Policy Advisor

CC: Jason Tell
Rian Windsheimer
Kirsten Pennington
Andy Johnson
Lidwien Rahman
John Williams, Metro
Jerry Lidz, Interim DLCD
Jennifer Donnelly, DLCD
Anne Debaut, DLCD



**US26 @ Brookwood Parkway
(Helvetia Interchange)
Conceptual Layout
Subject to Change
October 28, 2010**

From: Cherry Amabisca
13260 NW Bishop Road
Hillsboro, OR 97124

Date: April 21, 2011

To: Metro Council President and Councilors

Re: Opposition to Area 8D in Washington County Ord. No. 740/Metro Ord. No. 11-1255

Dear President Hughes and Councilors:

Last year Save Helvetia was unhappy with your decision to include Area 8B in Ordinance 733 as urban reserves. As you have heard from Robert Bailey's testimony, the 88 acres is way bigger than the 5 acres needed by ODOT for interchange improvements and ODOT is on record as saying it does not need to be designated urban reserves to accomplish these improvements. We were debating whether to go ahead with a challenge but it's a lot of money to do an appeal and we're just a grass-roots citizens group. BUT, now that you've decided to add another 352 acres of urban reserves north of the Sunset, it makes our decision a whole lot easier.

There is no legal obligation to "make up" for the land remanded north of Cornelius in Helvetia or anywhere else. There is no legal ability to claim that the land north of Cornelius was for industrial use and so the make-up must also be. The actual use of any area is not done until concept planning when it comes into the UGB. I was at the MPAC meetings when Hillsboro Mayor Willey declined to commit the land in 8A as industrial - saying that some of it might be used for residential.

Hillsboro doesn't need the 440 acres of urban reserves north of the Sunset Highway. That 440 acres is part of *Helvetia's* economic engine, has been for 150 years. Taking this land from the vibrant agriculture industry north of the Sunset and giving it to Hillsboro when Hillsboro already has 2.5 million square feet of empty warehouse and commercial space and 7,000 acres of available land including the most recent land designated as urban reserves, is a really bad decision.

With this decision, you have totally violated at least three factors regarding buffers:

You've left Area 8D with an inadequate buffer of a one-lane, gravel road only 21 feet wide - Groveland Road. You've created another inadequate buffer of West Union Road, only 35 feet wide, which puts the agricultural land on the north side of West Union Road in jeopardy. Putting urban uses next to agricultural lands with inadequate buffers *magnifies* the adverse effects on farm practices - not *minimizes* them, thereby violating Urban Reserve Factor (8). You've ignored the natural buffer of Waibel Creek and its 200-foot wide floodplains, violating Rural Reserve Factors (2)d)(B) and (3)(f).

Designating Area 8B as urban reserves was a bad decision. Designating Area 8D as urban reserves is an even worse decision. You are not protecting the farmland north of the Sunset - you're actually endangering the high-value farms both to the south of West Union Road *and* to the north. You need to dial back the urban reserves north of Highway 26 just to the amount needed by ODOT for the interchange. You need to put a smarter decision before LCDC.

Thank you for your time.



Washington County Farm Bureau

April 19, 2011

Washington County Chair and Board of Commissioners
155 North First Avenue, MS-21
Hillsboro, OR 97124

RE: OPPOSITION TO ORDINANCE NO. 740 - RECOMMENDATIONS
Re-submission with revised map

Dear Chair Duyck:

The Washington County Farm Bureau would like to go on record as opposing Ordinance No. 740. The quantity of urban reserves is too high and takes too much farm land from the agriculture industry in Washington County. We are taking this opportunity to outline the areas of foundation farm land that are designated or proposed as urban reserves that we believe should be designated as rural reserves under the Reserves Rule OAR 660-027-0005 and 660-027-0060. Our recommendations are as follows:

Areas A, 7B, B, C - north of Cornelius and north of Forest Grove

Follow the directive of LCDC and designate all the lands north of Council Creek, in both Cornelius and Forest Grove, as rural reserves. (See attached map titled "WCFB Reserves Recommendations: North of Council Creek").

Area 8B, Area D and adjacent undesignated - north of Highway 26

Use the boundary of Waibel Creek and designate all land northwest of Waibel Creek as rural reserve. Only 5.05 acres is needed by ODOT for interchange improvements, negating the need for the full 88 acres of Area 8B as urban reserves. Follow the recommendation of the State Agency letter and designate Area D (352 acres) and adjacent undesignated (233 acres) as rural reserves. (See attached map titled "WCFB Reserves Recommendations: North of Evergreen Road").

Area 8A - south of Highway 26

Use the boundaries of Waibel Creek and designate all land north of Waibel Creek as rural reserves as recommended in the State Agency letter of October 14, 2009 and re-confirmed on January 22, 2010. (See attached map titled "WCFB Reserves Recommendations: North of Evergreen Road").

Area E - South of Rosedale Road

Retain the rural reserve designation for this 383 acres and do not redesignate it as urban reserves.

Do not take more foundation farm land

The Washington County Farm Bureau's position is that Washington County and the region have enough urban reserves without replacing the urban reserves north of Council Creek orally remanded by LCDC. *There should be no urban reserves on the foundation farm land north of Council Creek in Cornelius, north of Forest Grove, north of Highway 26 and north of Waibel Creek.* These areas provide natural buffers between urban and agricultural uses.

If the region believes that urban reserves need to be "replaced" from north of Cornelius, our directive is to first look at land that is conflicted. A second alternative is to look at three areas of undesignated lands: south of Cornelius, south of Minter Bridge Road in Hillsboro and south of Area E. (See circled areas on attached map titled "Urban and Rural Reserves in Washington County dated 3/17/11"). We would welcome the opportunity to meet with you and your staff to discuss options that best meet the needs of the agriculture industry.

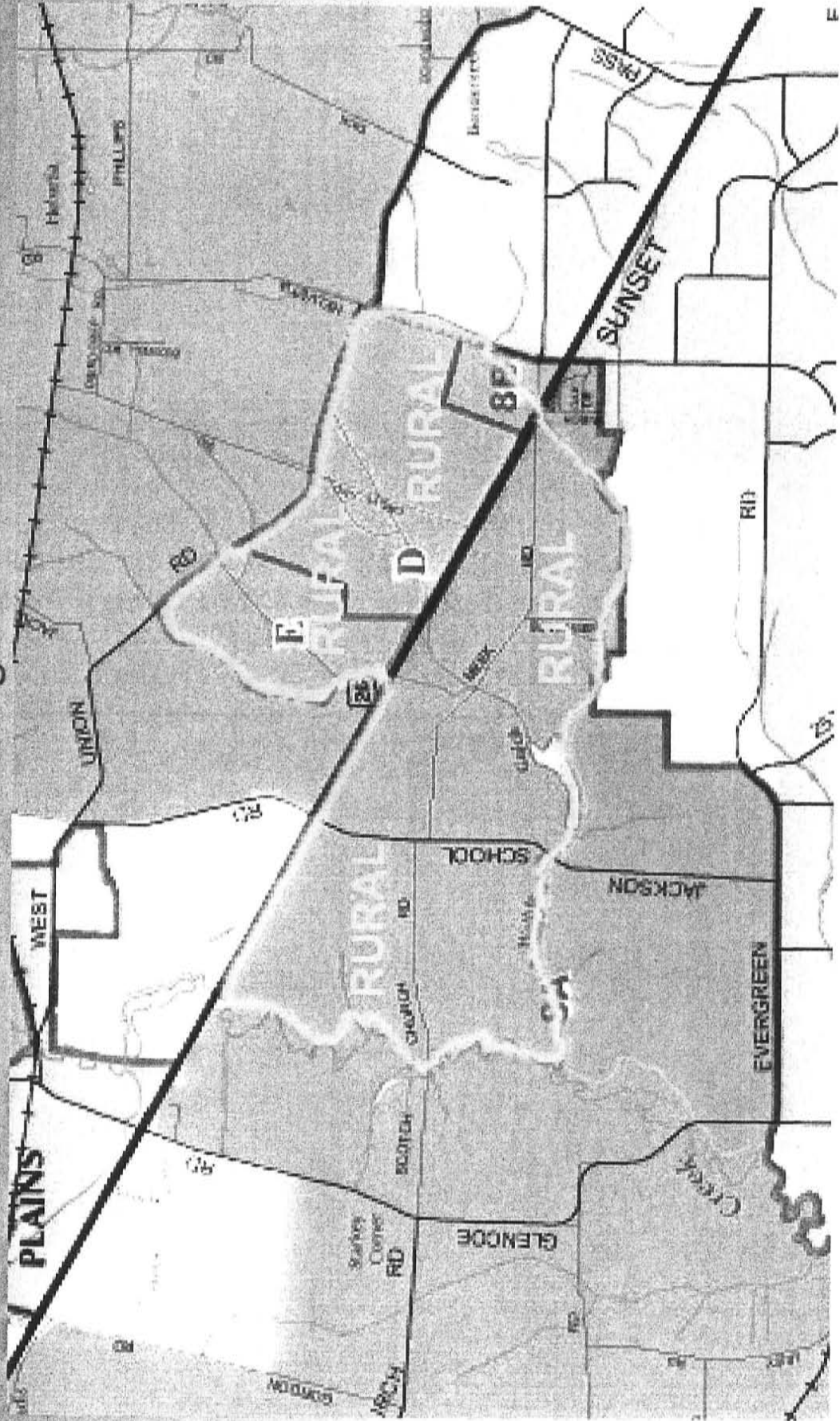
Respectfully,



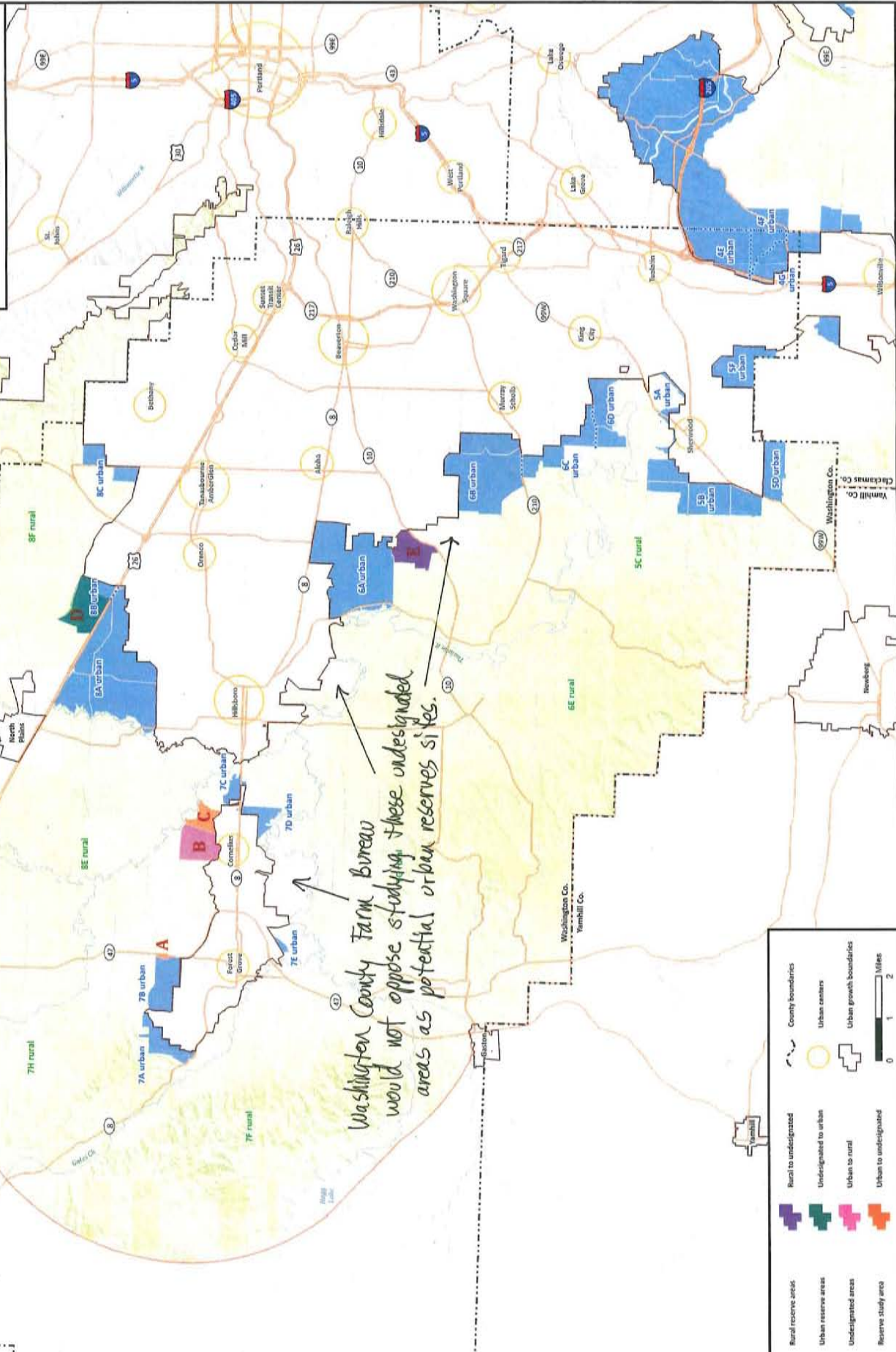
Washington County Farm Bureau
Dave Vanasche, Chairman
Washington County Farm Bureau Land Use Committee
885 SW Baseline
Hillsboro, OR 97124

WCFB Reserves Recommendations:

North of Evergreen Road



Urban and Rural Reserves In Washington County Revised Urban and Rural Reserves In Washington County, By Designation Attachment 1 to Staff Report for Ordinance No. 11-1255 March 2011, DRAFT



*Washington County Farm Bureau
would not oppose studying these undesignated
areas as potential urban reserves sites.*

	Rural reserve areas		County boundaries
	Urban reserve areas		Urban centers
	Undesignated areas		Urban growth boundaries
	Reserve study area		0 1 2 Miles
	Rural to undesignated		
	Undesignated to urban		
	Urban to rural		
	Urban to undesignated		

Washington County Farm Bureau

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

April 21, 2011

RE: WASHINGTON COUNTY ORD. NO. 740 - URBAN/AGRICULTURE CONFLICTS, LACK OF GOOD EDGES

Dear President Hughes and Metro Councilors:

In our letter of March 29, 2011, the Washington County Farm Bureau went on the record as opposing Ordinance No. 740. In that letter, we expressed that the quantity of urban reserves is too high and takes too much farm land from the agriculture industry in Washington County. We described the areas of foundation farm land that are designated or proposed as urban reserves that we believe should be designated as rural reserves under the Reserves Rule OAR 660-027-0005 and 660-027-0060.

This letter is to elaborate on the conflicts that farmers in Washington County have experienced and continue to experience as we attempt to farm adjacent to urban settings. These conflicts illustrate the importance of establishing strong edges between urban and agricultural areas. The Washington County Farm Bureau believes that Ordinance No. 740 ignores the edges that provide the best natural buffers between urban and agricultural areas and creates the opportunity for additional and ongoing conflicts between the two uses.

As we face the pressure to urbanize, Washington County Farm Bureau's goal is to limit the urban/rural conflicts that farmers experience on a daily and weekly basis. Having optimum natural buffers ensures that we

- a) Minimize and limit urban/rural conflicts
- b) Protect the quality of life on the urban side
- c) Save taxpayer dollars in enforcement and resolution of conflicts

Decisions about where to place the edge between urban and rural areas are of extreme importance to the Washington County Farm Bureau. Because Urban and Rural Reserves are expected to last 50 years, the region needs to plan for long-term urban/rural edges that will minimize conflicts. Conflicts can have a negative effect on urban dwellers and on agricultural practices. Farms are disturbed by trespassing and litter, off-leash pets, storm water run-off, added traffic on rural roads, and urban noise, lights and smells. Urban areas are disturbed by wild animals (skunks in garages, deer that eat gardens), as well as rural noises, lights and smells.

Natural buffers can reduce conflicts along these edges, and can also provide valuable resources to the urban area.

Our objective of minimizing conflicts between urban areas and agricultural/forest practices by having effective buffers is supported by **Oregon's Statewide Planning Goal 3** (OAR 660-015-0000(3)) which says: "Agricultural land shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space." The Planning Guidelines for Goal 3 say:

1. *"Urban growth should be separated from agricultural lands by buffer or transitional areas of open space.*
2. *Plans providing for the preservation and maintenance of farm land for farm use, should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources."*

The **Oregon Department of Agriculture** describes the need for buffers and setbacks to mitigate the impact of UGB expansion on surrounding agricultural lands in their "Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands" dated January, 2007 (page 63):

"Greater consideration should be given the mitigation, when found to be appropriate, of impacts to agricultural lands. Conditions of approval, such as requiring buffers and setbacks, establishment of agricultural easement and protection of compatible urban uses from conversion can mitigate impacts to agricultural operations located outside the UGB."

Dave Hunnicutt, the author of Measure 37, said in the April 15 edition of the Capital Press "...buffers are needed between farmland and urban settings. It goes to show you that this whole concept of having cities and small lot subdivisions right next door to land in crop production that is sprayed and farmed, doesn't work very well. It goes to show that there needs to be some kind of transition or buffer between commercial agriculture and small lot urban subdivisions."

Many jurisdictions, both inside Oregon and outside Oregon, have recognized the importance of buffers to preserve adjacent agriculture and have adopted practices to implement buffers. Several examples are included in the attachments: San Luis Obispo County (CA) "Agricultural Buffer Policies and Procedures", "Can City and Farms Coexist? The Agricultural Buffer Experience in California", Sonoma County (CA) General Plan, Placer County (CA) Land Use Buffer Zone Standards.

In our testimony at the joint Metro/Washington County Board of Commissioners hearing on March 15, 2011, we shared with you what we believe to be the best buffers to ensure

compatibility between urban and rural uses: broad floodplains, rivers, freeways, tall cliffs, smaller streams, rural residential areas. Instead of using the best buffers, such as Council Creek, Waibel Creek, Rock Creek and Highway 26, Ordinance 740 uses narrow roads and property lines as edges.

As an example, Area 8D north of Highway 26 is a particularly egregious example of breaching edges that have served as effective buffers for many years and substituting poor and inadequate buffers, thus endangering the adjacent rural reserves. Area 8D intrudes into a large block of foundation agricultural land and relies on a narrow gravel road (NW Groveland Road) as a buffer between the Urban Reserves of Area 8D and the undesignated land on the west side of NW Groveland Road. NW Groveland Road is a one-lane, gravel road that is only 21-feet wide - an inadequate buffer! Ordinance 740 also relies on NW West Union Road as a buffer between Area 8D on the south and a large block of foundation agricultural land on the north side of NW West Union Road. The north side contains an organic dairy, hazelnut farms, Christmas tree farms, grass seed farms and nurseries. West Union Road is only 35 feet wide and will not provide an adequate buffer. Minor roads are poor buffers compared with Highway 26 and broad riparian corridors.

It is in the best interests of the residents of both urban and rural areas that Washington County approve a reserves plan that addresses the needs for buffers which minimize the conflicts between the urban and rural uses. Ordinance 740 does not accomplish that goal. The Washington County Farm Bureau welcomes the opportunity, as we have expressed multiple times, to work with you to create a reserves plan that takes advantage of the best buffers - the ones that have worked in the past and the ones that will continue to provide good separation and minimal conflict between our urban residents and our rural farmers.

Respectfully,



Washington County Farm Bureau
Dave Vanasche, Chairman
Washington County Farm Bureau Land Use Committee
885 SW Baseline
Hillsboro, OR 97124

See appendices next page

Appendices

- Appendix 1 Examples of Urban/Rural Conflicts in Washington County

- Appendix 2 Letters describing Washington County Urban/Rural conflicts

- Appendix 3 David Hunnicut quotation advocating buffers, Capital Press, April 15, 2011

- Appendix 4 Checklist of Common Urban/Agricultural Conflicts, Guide to Edge Planning

- Appendix 5 Examples of Agricultural Buffer Policies in Other Jurisdictions

Appendix 1

Examples of Urban/Rural Conflicts

Washington County

- Residents complained about bees swarming their above-ground pool and watered landscape from their hives one-quarter mile away in crimson clover field on Jackson School Road. Bees are essential for pollination of clover and berries. Bees will use the closest water source to the hives, in this case a swimming pool and landscaping. Farmer was forced to move the hives from the fields, losing the value of the pollination to his crops and reducing the yield of his crops. The farmer also lost his lease on the adjacent fields.
- Nearby residents removed electronic noise machines used by farmer to scare birds from his fields of blueberries, telling him not to use them again. Farmer could not protect the fields from birds eating ripe blueberries from the bushes and lost much of the crop.
- Irrigation piping was stolen from a field next to the Banks/Vernonia Linear Park. The thief accessed the field from the public access on the park trail, dragging the pipe down the trail. This incident involved 2 pieces of 6-inch diameter by 40 feet long aluminum pipe valued at about \$320.
- Combine blows dust on 15 homes on Bagley Road. During the summer the wind blows from northwest to southerly direction, blowing dust into neighborhood. After complaints, farmer took time to write out a harvest tillage plan for neighbors.
- Two car pile-up on Wren Road due to lack of visibility from combine causing dust. Combine moving 2.5 miles per hour in field parallel to Wren Road created cloud of dust which stayed on the road due to lack of wind. One car drove into the dust and stopped due to lack of visibility. Second vehicle (a pick-up) rear-ended the first car. Both drivers taken by ambulance to hospital.
- Combine blows dust on homes and nursery operation at NW Dick Road during crimson clover harvest and tillage. Neighbors complain.
- Driver dies in a head-on collision with a 6-ton John Deere tractor on Cornelius-Shefflin Road. Driver lost control just north of Cornelius and crossed the centerline, hitting the tractor pulling a steel hay trailer. Although the tractor driver had swung his vehicle off the road in order to avoid a head-on crash, the vehicle struck the tractor's hay trailer, tearing the hood from the chassis.

Appendix 1 (con't)

Examples of Urban/Rural Conflicts

Washington County

- Vehicle is clipped by a 16 foot-wide swather on NW Springville Road near PCC. Vehicle driver did not wait for the swather to pass, but pulled out in front of the swather, causing damage to the vehicle. The farmer had provided a pilot car in an effort to warn oncoming vehicles of the approaching equipment but driver ignored it. Driver claimed damages to farmer's insurance company.
- Combining caused dust around IDT facilities on Dawson Creek Parkway. Farmer asked to restrict combining times.
- Hillsboro Aviation helicopter training looks for "empty" fields to give pilots practice in hovering low. Unfortunately, what looks like "empty" fields to student pilots actually contain crops in early stage of growth. The rotor wash can damage crops during particular windows in growth stages. Incident occurred at NW Purdin Road.
- Street lights installed on the rural side of Cornelius Shefflin road causes crops to ripen faster in the area around the street lights, resulting in over-ripe areas that are spoiled at harvest.
- Early excavation efforts on Intel property south of West Union Road inside the UGB (Intel subsequently stopped development of that property) severed field drainage pipes, causing flooding on farms on the *north* side of West Union Road. The drainage system installed by farmers over the past 100 years throughout Washington County is interconnected and crosses property lines. Farms on the north side of West Union Road suffered damaged crops due to flooding.
- Urban developments have inadvertently interrupted, or severed, long segments of interconnected tiling. This has resulted in the backup of water onto adjoining land, causing flooding, which takes that farmland out of its maximum productivity and causes "development-induced wetlands".
- Formerly actively farmed property, now held by speculators, grows noxious weeds inside the UGB on the south side of West Union Road. Noxious weed seeds can travel several miles, contaminating the purity of grass seed crops on the *north* side of West Union Road. Farmers must pay more money to have the seed cleaned and suffer loss of income when the purity is reduced. Noxious weed seeds can stay in fields for up to 20 years.

Appendix 1 (con't)

Examples of Urban/Rural Conflicts

Washington County

- Contractor building sports complex pushed rocks from excavation onto adjacent farmed fields near PCC Rock Creek. Combine was damaged, time lost due to repairs and taxpayers had to pay \$2,500 for repairs to farmer.
- Residents called police in Forest Grove complaining about the lights and noise from night swathing. Swathing must be done at night for seed crops due to higher moisture content, otherwise seed crops will shatter on the ground during the day. Police came out, interrupting the harvest.
- Resident on NW Springville Road called Department of Agriculture to investigate alleged chemical drift into her yard from adjacent farmed field. Department of Agriculture conducted an investigation and issued 50-page investigative report, including leaf tissue analysis, and found no evidence of drift or pesticide. Cost to taxpayers: approximately \$10,000.

With no planned buffers between the relatively new urban development in Bethany and adjacent farms, conflicts are plentiful:

- Teenagers smoking dope in a farm shed belonging to an elderly woman, creating a fire hazard and leaving behind used condoms.
- One man from an urban area insisted that it was his right to walk his dog every day on the adjacent, privately-owned rural property. This created a liability for the rural property owner. The County Sheriff declined to intervene.
- Teenagers came onto a rural property wearing ski masks and carrying machetes, without warning or permission. They wanted to film a video.
- Urban homeowners cut down (or threaten to cut down) trees on adjacent rural properties to create a view.
- A neighbor who complained about an adjacent timber harvest waking up her teenage daughter before 10:00 AM. The mother called the contractor doing the harvest so many times that he quit the job and the property owner had to find another contractor to complete the work.

Appendix 1 (con't)

Examples of Urban/Rural Conflicts

Washington County

- Pet dogs allowed to run loose in farm fields with livestock and chickens. Farmers are entitled to shoot dogs chasing livestock, but if they do they can end up on the evening news.
- A family spread a blanket and sat down to picnic in a field with cattle, endangering both the family and the cows.
- People feed human food to cattle, putting the animals' health at risk and potentially spoiling a valuable organic certification for the animals and the farm.
- Farmers have found that urban lights cause some crops to ripen faster, resulting in over-ripe areas that are spoiled at harvest.
- A farmer's clover harvest was halted when urban neighbors stood in front of his combine because they were annoyed by dust blowing into their yards. The sheriff was called, and a deputy had to stand guard while the harvest was completed.

Urban/Agriculture Conflicts - Washington County



Grass seed harvest (note multiple combines) generates dust - causes low visibility on nearby roads, complaints from urban neighbors.



Tillage of fields causes dust, creating visibility problems on roads and residences, complaints from nearby neighbors.

Urban/Agriculture Conflicts - Washington County

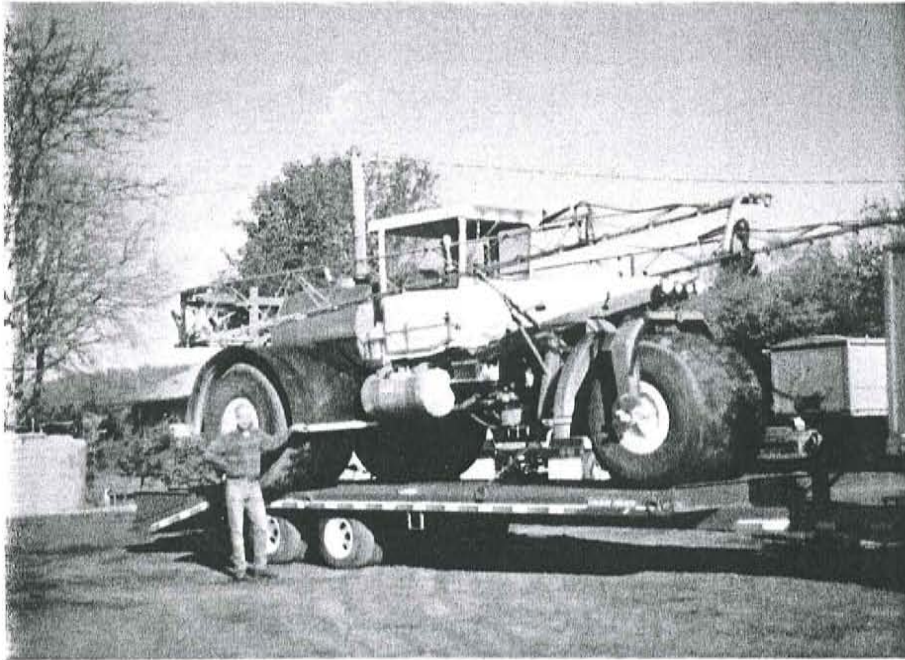


Grass seed harvest (NW Dick Road). Multiple combines generate noise, complaints from neighbors - especially if done through the night.



Land clearing causes smoke (note fires), smells, complaints from neighbors.

Urban/Agriculture Conflicts - Washington County



Sprayer with 60-foot boom, obstructs road when moving from field to field, causes traffic congestion. Drivers of other vehicles lose patience and try to pass, causing accidents.

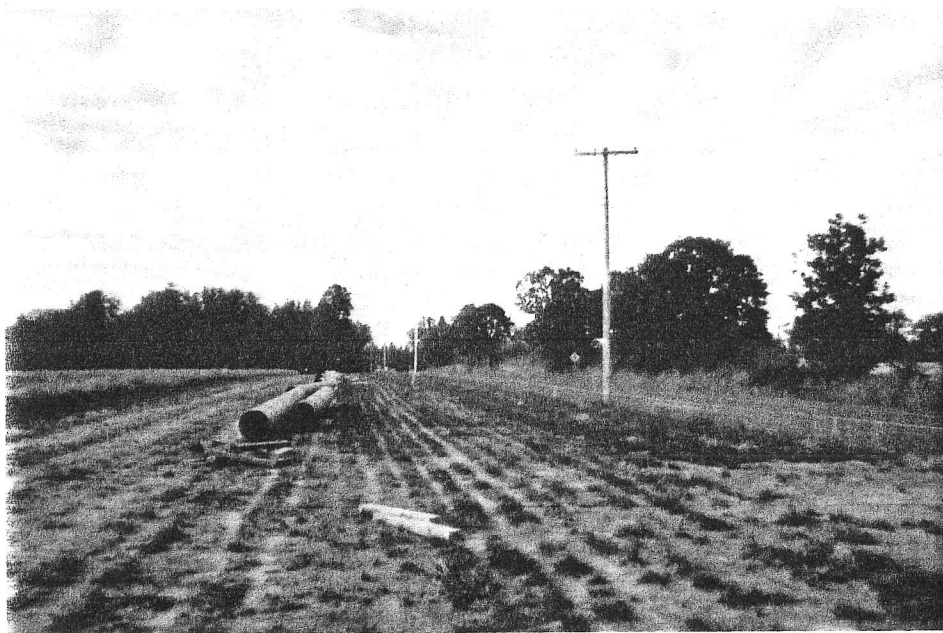


Sprayer with 50-foot boom. Spraying causes concern with neighbors due to odor, effect on residential landscaping, or other crops, such as grapes.

Urban/Agriculture Conflicts - Washington County

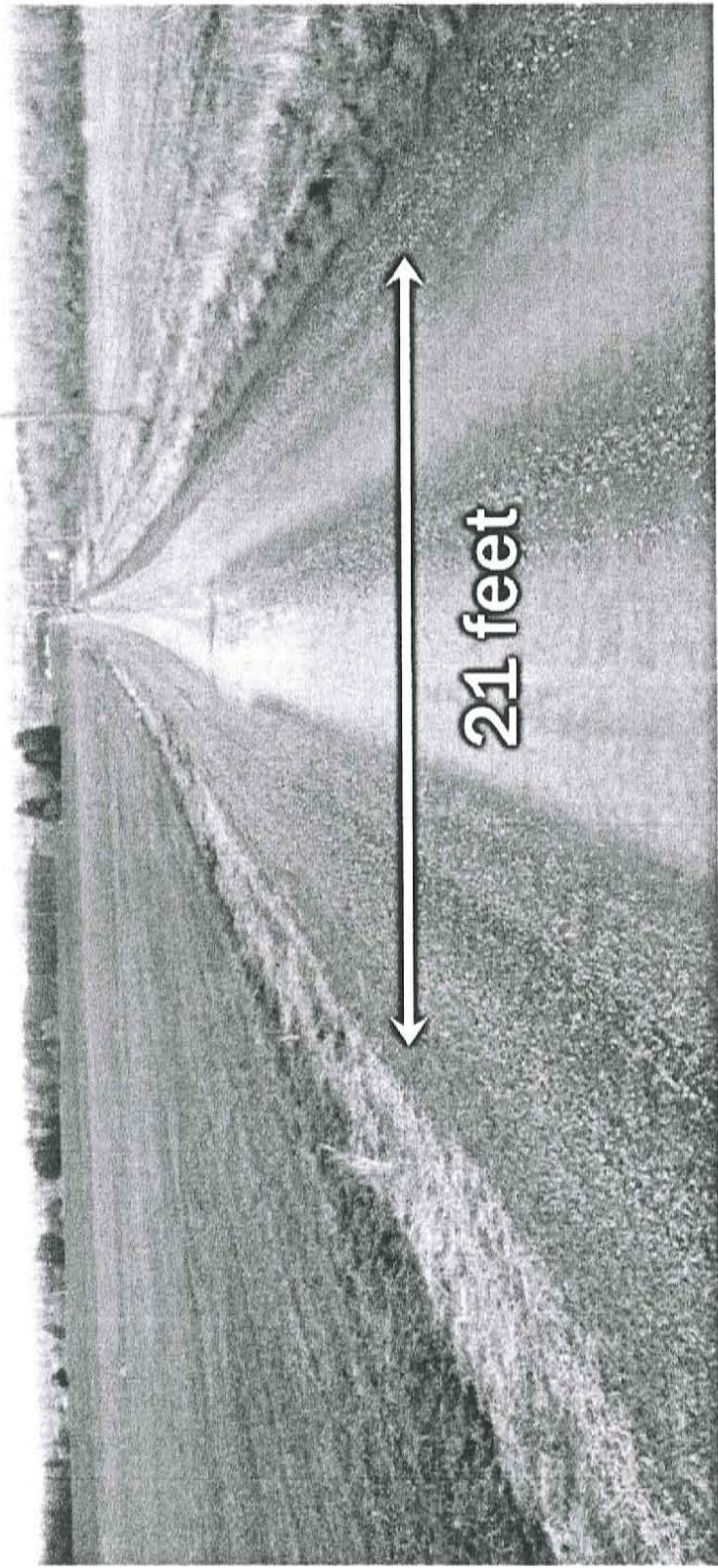


NW Natural Gas buried 24" diameter pipeline across fields. Farmers wanted to have it buried in road right-of-way, rather than through the middle of their farms. Took land out of production, damaged field tile (drainage system).



Field tile is expensive, but necessary, infrastructure investment. Construction crews cut tile lines during installation, farmers fought to have tile buried deeper.

Area 8D: Inadequate Buffers



Groveland Road - 21 feet wide

West Union Road - 35 feet wide

A one-lane gravel road does NOT make a good buffer!

Appendix 2
Letters Describing Urban/Rural Conflicts
Washington County

Alan Schaaf, Farmer
23220 NW Pubols Rd
Hillsboro, OR 97124
August 29th, 2009

Tom Brian, Chair, and Washington County Board of Commissioners
155 North 1st Ave.
Hillsboro, OR 97124

Dear Chair Brian and Commissioners,

I understand that you are considering whether powerlines and a creek corridor around north Bethany will eliminate conflicts between suburban homes and adjacent farms. In my experience as a wheat and grass seed farmer (1400 acres) for 32 years, I believe more buffer is needed.

I would like to tell you about one experience that stands out, but I would like to state that I get about a dozen similar complaints every year.

In July of 2006, I was combing one of my fields of clover seed at 14120 NW Springville Road in Multnomah County next to some suburban homes in Bethany. The farm is separated from the homes by a small creek corridor (no trees) on the South and power lines on the West. Again, there are no trees and there is 60 feet clear space.

Harvesting crops is very dusty, creating clouds of dirt and debris that are carried by the wind. Sometimes, the wind carries it farther than 1000 feet. On that July day, it was dry, dusty, and the wind was blowing.

During the day, my two combines where approached by several neighbors who had walked from their yards to the path in which my combines were headed. After 15 minutes of heated arguments about our interference with their backyard picnics, and our explanation that the seed must be harvested during the heat of the day, no compromise was reached. Finally, we called in the Sherriff who assessed the situation and kindly told the upset neighbors that our harvesting will continue while he stood guard for more than an hour. Not only did we lose precious hours of harvesting, be we also had to deal with the stress of a toe-to-toe confrontation that could have involved weapons such as recent cases in many neighborhoods.

We must have buffers between farm land and urban communities that cover at least 1000 feet which include trees and other shrubbery to act as a filter. I urge you to require planners to include these features because as urban boundary grows, more homes border farm lands which will only worsen the problem.

Thank you for considering all sides of this growing problem

Sincerely,

Alan Schaaf

7547 NW Skyline Blvd
Portland, Oregon 97229
August 30, 2009

Chair Brian and Washington County Board of Commissioners
155 North 1st Avenue
Hillsboro, OR 97124-3072

Dear Chair Brian and Commissioners,

We understand that you are considering whether powerlines and a creek corridor around North Bethany will eliminate conflicts between suburban homes and adjacent farms.

It has been our consistent experience that when passers by and neighbors have open agricultural land available, they assume it is theirs to use however they see fit. We lived in this situation for many years in Washington County. Even though there are no trespassing and no dumping laws, these are not enforceable in practice because sheriffs and the DA do not act on anything but the most serious crimes.

Several examples we have experienced are: a group of teenagers filming a home movie carrying swords and wearing facemasks....campfires with beer cans left littered....neighbors dumping refuse, cutting trees, or walking dogs, and not willing to consider that this isn't their perfect right when confronted.

Creeks and powerlines are good to separate suburbs from farms. But they aren't enough. Fences must be put up to keep people from damaging areas that are not public property. It is crucial that Washington County acknowledge the inherent conflicts in these areas *as specified in the Metro ordinances* and provide setbacks so that all neighboring land owners are put on notice that farmland is to be protected.

There is enough land here for both agricultural and urban purposes, but it is government's role to manage the potential conflicts between adjacent land uses in the planning process. Thank you for your consideration of this issue.

Sincerely,

Fred and Cori Bacher

Greg Malinowski

13450 NW Springville Ln
PORTLAND, OREGON, 97229
USA

Phone 503-297-9398

August 31, 2009

To: Washington County Commission

From: Malinowski Farms

Regarding Buffering between North Bethany, and Rural areas in Washington and Multnomah County as required by Metro

Dear Members of the Washington County Commission

Metro required a buffer or fence between the Urban land uses in North Bethany, and adjoining Resource Areas in Multnomah and Washington County. We have cases of dogs chasing livestock, (we shoot them, that way there is no question with the owner about whether their dog was the one chasing the livestock.) or golf balls shot into our hay fields (hard on the hay equipment), or folks just having a picnic in the hay field (good thing for them we are organic), kids trespassing in Cattle pasture with Bulls (while we do not charge to walk on our pasture, the bulls might!).

Because NB sticks out into Resource lands on 3 sides, and that is not going to change for years, Urban reserves or not, Metro has required that those areas be protected from Urban trespass. As a Farmer, we are required to build fences to control, our animals on our property. We are not open range here, if I have cows, I am responsible for keeping them off the neighbors land, ditto for chickens, at my expense. I think the urban areas need to be responsible to keep their Children and Pets off mine. It should not have to add to my expense to do so. I would think a 6' to 8' chain link, but once again that is their business and expense, not mine. Please provide that kind of protection to all of us. Good fences make good neighbors.



Thanks for your time. Greg Malinowski

Larry Dwyck
4/17/11

Conflicts in the Ag Zone

1) Blueberries - Birds are a problem, eating and knocking off ripe berries from the Bushes. Devices used to scare the birds from the field include propane canons, Electronic noise machines and shotguns.

People who do not understand that farmers are only trying to protect their crop complain about the noise.

I have had people take my machines out of the field and tell me not to use them again.

2) Drainage - Most Farmland is drained by the use of Creeks, drainage ditches and underground tile. All these systems must be maintained and link

all the adjacent property owners.

If a non farmer (landowner) does not understand these systems and does not maintain them on their property the upstream property owners property will flood or not properly drain.

3) Public Access along Farmland - Farmers use many types of equipment and tools in the fields they farm. In the case of irrigation pipe it may be left in the field for 3 to 4 months during the irrigation season.

While farming next to the Banks/Vernonia linear Park I lost 2 pieces of 6 inch diameter (Value \$20) by 40 ft ^{long} aluminum pipe. The theft accessed the field from the Park trail, dragged the pipe to the Trail and carried them down the trail.

July 9, 2008

Dave Vanashe
36130 N.W. Wren Rd.
Cornelius, Oregon 97113

Dear Dave,

Tuesday afternoon, a combine came down your field on Bagley Rd. to process the clover. The wind was blowing from the north at 15 mph. We had no warning. It was the worst mess we have ever had. On every pass, the road in front of our house became invisible. It went on for 5 hours. I have attached some pictures to demonstrate the problem.

All 15 of our homes were inundated with very fine particles of chafe, covering our roofs, driveways, cars, gardens, lawns, outdoor furniture, windows, and patios. The texture was fine enough that it seeped inside our homes, too. Ted and I spent 4 hours Wednesday morning blowing and hosing down some of the furniture and plants. It didn't even begin to solve the clean up problem.

The texture of this stuff was unlike anything we have seen, causing staining of concrete patios and driveways when the sprinklers hit it. It actually became "pasty" in some areas because it was so thick.

In addition to the absolute mess it creates, it is an environmental problem that can cause health issues as well. Over half of our neighbors on Bagley Rd. are over age 60. Nine of them are between 65-85. Because of the 90+ degree heat on Tuesday, many of the homes had to open windows. The air quality was very bad and dangerous to breathe the entire night.

After a discussion on Tuesday evening with the majority of the home owners on Bagley Rd., they asked me to let you know what a burden it places on us when your combines and plows work on the field to our north on high wind afternoons. We would like to request that you please consider working on other fields and save the Bagley Rd. field for times when we don't have the wind right on us. On Wednesday, the field in back of us was processed with no problem because the wind was blowing it away from us.

Last August, I ran out into the field to ask you, personally, to please stop because of high winds and dirt from the field. You agreed. I was thankful, and hopeful that you might recognize the problem if it arose again.

We know that there will be more work done to the field to our north and understand that you have a business to run. All of us on Bagley Rd want to maintain a "good neighbor" relationship with you. All we ask is that you consider our neighborhood in your future plans for processing your field and treat our homes as you would your own.

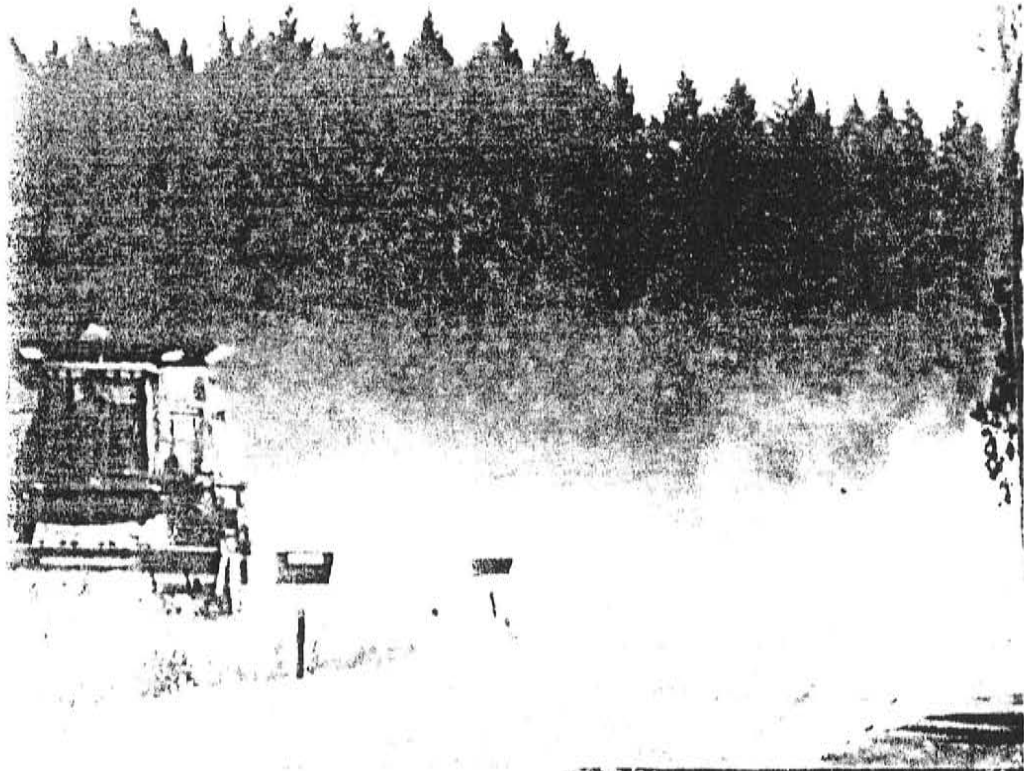
Thank you, Dave, for your consideration.

Ruth DiBrino (for the Olinger Airpark Neighborhood)

A handwritten signature in cursive script, appearing to read "Ruth". The signature is written in black ink and is positioned centrally below the typed name.

Photo July 3, 2003

B1

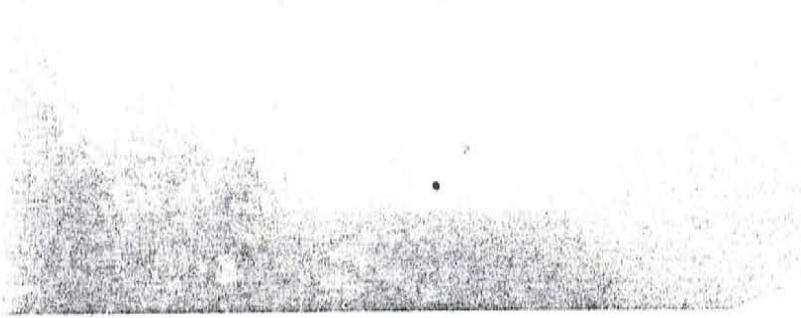


B2



the photos are the front of house
 on porch - approx. 50' x 20'
 area. The back looks similar.

13



same
new -
since not
possible

14

45



46

1-12-09

1-12-09

Vanosche Farm

Harvest & Tillage Schedule

@ Hanley Farm (Bagley Rd.)

Crimson Clover (Blooms in May) Annual Crop

Swathing - Late June / nights or early morning

Combine - 3-7 days after swathing / weather permitting

Tillage - July - August - September

Note: 08' Crimson clover had red clover planted with it so that's why field was not tilled.

1-13-09

Assoc

Met w/ Anstrup

Wheat

Combine - August 1 - 15TH weather permitting

Tillage - August - September

Red Clover (Blooms in July) Perennial Crop

Swathing - Late August - September

Combine - 7 days after swathing[±]

May be two year crop

Tillage - September - October

Gross Seed - Perennial Crop (Tall Fescue 5-10 years, Rye 3 years)

Swathing - July 10-15th ±.

Combine - 7 days[±] after swathing

Tillage - August - September

The predominate summer wind is 0-15 mph from the northwest across this farm toward NW Bagley Rd. Dust from other fields surrounding the airstrip have little or no impact!

Present crop is Red Clover. Field will probably be tilled in September 09' and replanted to gross seed.

Our farm is very weather dependent which can affect our harvest - tillage & planting schedule.

Hanley Farm

We began farming this property in
1978

Issues

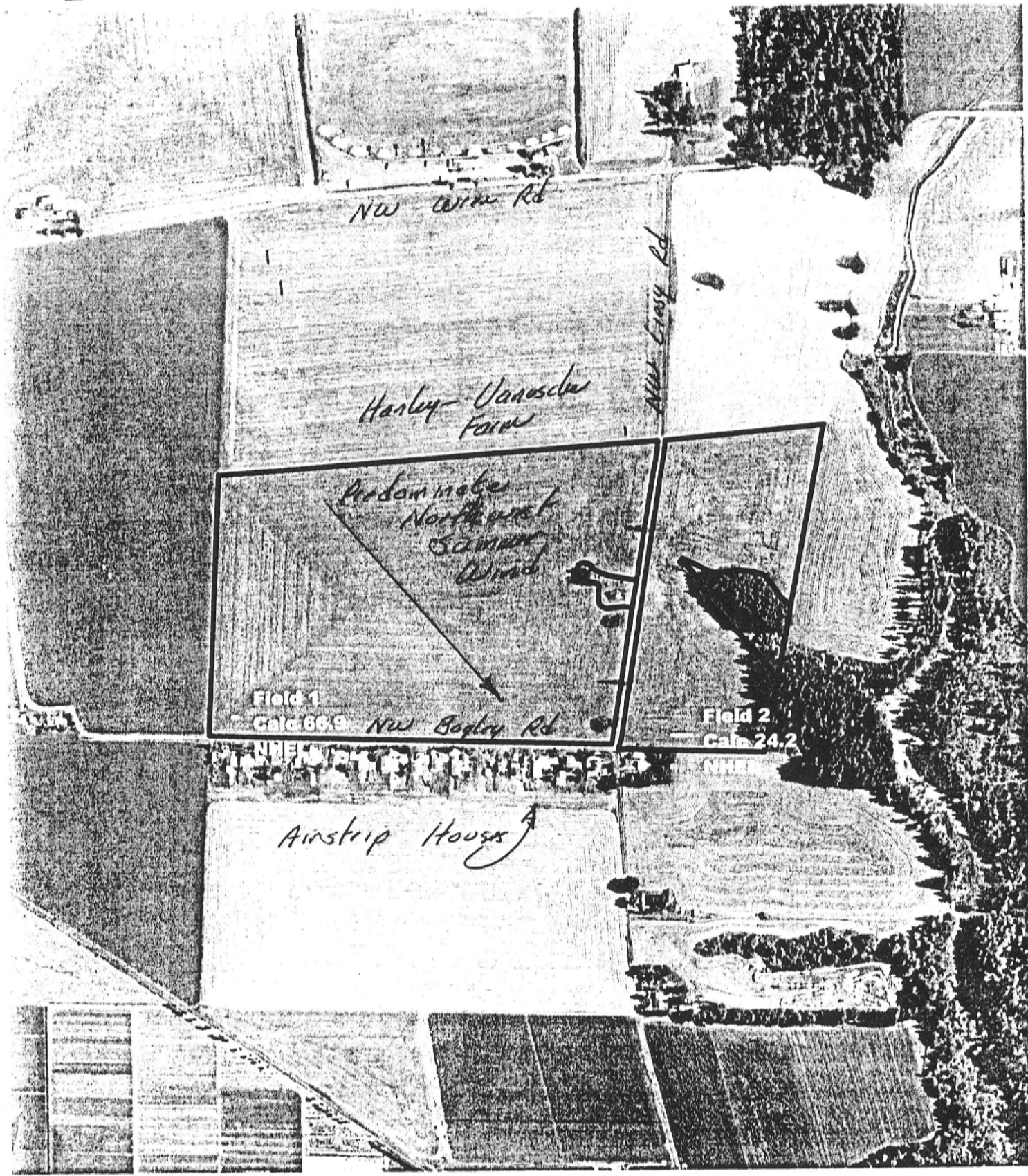
Field burning - 1980's

Dust - 1) NW wind
2) Dryland crops
3) Almost every field we farm
has house adjacent including
our families

4) We attempt to till the field
along Bagley Rd in the morning
before the NW wind increases.

5) We voluntarily joint joined your
road CID even though we
have no access or direct benefit.

EFU - Agricultural Industrial Zone
(Exclusive Farm Use)

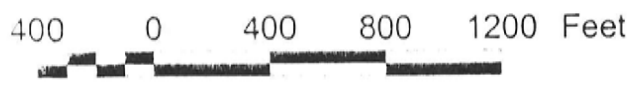


Washington County
 Farm 6444
 Tract 00885

- Legend**
- ▣ Tract/Field Boundary
 - Wetland



Feb 28, 2006
 T1N R3W Sec23



This acreage is for FSA program purposes only
 No warranty is made for any other use

Harley

Dust Conflict

From: Dave Conascke

Insurance

P.O. BOX 1789
4000 KRUSE WAY PLACE, BLDG. 3, #200
LAKE OSWEGO, OR 97035
WEB SITE: www.mutualofenumclaw.com

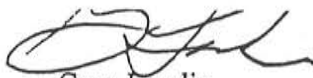
This was a very serious accident involving harvest dust from our combine drifting with the prevailing wind blowing from NW to SE.

Ms Lyda drove into the dust and stopped and was rear ended by a pickup who also drove into the dust.

Both individuals were taken to hospital by ambulance.

Carrier. Our investigation into an
given by Ms. Lyda on NW Wren
r combines during harvest of red
reactions by the respective vehicle

representative. The best number is my



Gary Landis
Senior Claim Representative
Mutual of Enumclaw Ins. Co

Enumclaw  Insurance
Group

LAKE OSWEGO CLAIMS OFFICE
PHONE: 503.635.6262
800.473.5972
FAX: 503.636.1695

P.O. BOX 1789
4000 KRUSE WAY PLACE, BLDG. 3, #200
LAKE OSWEGO, OR 97035
WEB SITE: www.mutualofenumclaw.com

Families. Businesses. Promises Kept.®

October 4, 2010

Vanasche Farm
Attn: Dave Vanasche
36130 NW Wren Road
Corneilius, OR 97113

RE: Our Insured: Kenneth Miller
Our File No.: 04-162971
Date of Loss: September 28, 2010
Damaged Party: Angela Lyda

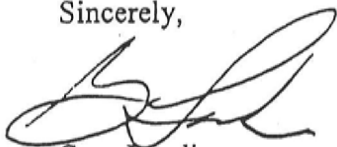
Dear Mr. Vanasche,

Please refer this letter to your Farm Liability Insurance Carrier. Our investigation into an auto accident, where our insured rear ended the auto driven by Ms. Lyda on NW Wren road, indicates a cloud of dust produced by one of your combines during harvest of red clover seed may have been associated with actions or reactions by the respective vehicle operators.

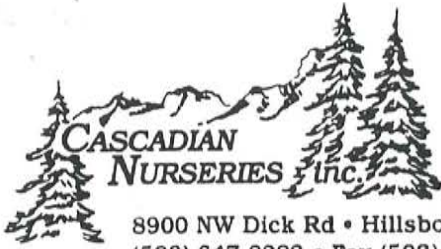
I look forward to hearing from your insurance representative. The best number is my business cell phone of (503) 341-2381.

Thank you for your patience in this matter.

Sincerely,



Gary Landis
Senior Claim Representative
Mutual of Enumclaw Ins. Co



8900 NW Dick Rd • Hillsboro, Oregon 97124
(503) 647-9292 • Fax (503) 647-9494

July 8, 2005

Dave Vanasche
VANASCHE FARM
36130 NW Wren Road
Hillsboro, OR 97124

Dear Mr. Vanasche:

Growing a crop of clover for the last three years, we, as neighbors, enjoy the color of the wide-open spaces of farms around us in the spring.

However, we do not enjoy the tremendous amounts of dust combines created at harvest season. It covers our houses inside and out, sinuses and allergies are difficult to deal with, we find our dinner tables lightly covered with dust. It is a nuisance. We have four families living at our properties—two families with little kids.

It would be very neighborly to visit us, and others, with a few words of apology, saying: "I am sorry, but I need to harvest our crop soon. We will create terrible dust for a few days, so keep your windows closed."

So my point is that since we all live together, we need to accept our neighbors and be caring and sensitive to their needs. To say, "I am sorry. Keep your windows closed" will go a long way.

Thanks,

Alfred Meisner
Cascadian Nurseries, Inc.
AM:mg

Trees with European Artistry

www.cascadiannurseries.com • sales@cascadiannurseries.com

Mg/Vanasche

Mr. & Mrs. David Vanasche
36130 N.W. Wren Rd.
Cornelius, OR 97113

8-23-05

Mr Alfred Misner
Cascadian Nurseries
8900 NW Dick Rd
Hillsboro, Oregon 97124

Dear Alfred:

I apologize for the dust our farm operation created in your area, during our crimson clover harvest and tillage operation. One of your employees contacted my tractor operator (Mel) regarding dusting of your nursery and he stopped in the middle of the day. On one occasion Mel went to the field @ 7 AM in the morning to till the soil but the wind was already blowing so he did not operate any equipment that day.

Dust is a part of our operation and we attempt to farm areas adjacent to homes in the early hours of the day to avoid wind.

Actual combining or harvesting of the crop must occur in the afternoon, when temperatures are warm and the wind is usually blowing.

Next year we plan on planting the field to grass seed, so there will be no tillage for several years after that.

Again, I apologize

Sincerely

Dave Vanoson

* I received this your letter on
July 22, 2005

MAKING A DIFFERENCE IN WESTERN WASHINGTON COUNTY SINCE 1886 | WWW.FGNEWTIMES.COM | 509.425.1100 • ENR 11

NEWS TIMES

WEDNESDAY, JULY 22, 2009

Rethinking Portland

Section analyzes effects of high unemployment | Inside

Playoff bound!

Junior Vils sweep their final three games | 1B

RETHINKING PORTLAND

PAMPLIN MEDIA GROUP

YOUR TOWN. YOUR PAPER.

Police say alcohol a factor in fatal crash

INQUIRY | Investigation underway into where Jeremy Bryant was drinking before he crashed into a tractor

BY CHRISTIAN GASTON
OF THE NEWS-TIMES

A 30-year-old Forest Grove man died Saturday evening in a head-on collision between his 2003 Pontiac Grand Prix and a 6-ton John Deere tractor.

Police said Monday that Jeremy Bryant was under the influence of alcohol when he lost control of his Pontiac

“ Not recognizing slow moving vehicles is a leading cause of collisions. ”

just north of Cornelius on Cornelius-Schefflin Road.

Bryant was alone in the Pontiac.

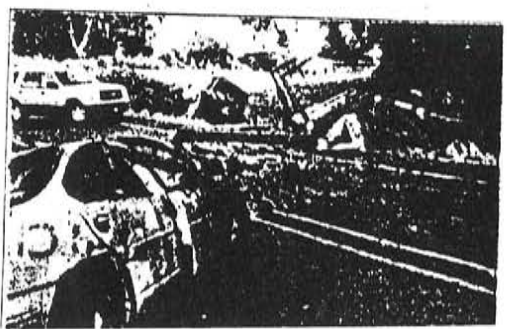
Sgt. Bob Ray, spokesman for the Washington County Sheriff's Office, said an analysis of Bryant's blood alcohol level likely wouldn't be performed. But he did say that the office is still investigating the crash, and looking into where Bryant was drinking before he died.

County spokeswoman Victoria Saager

Ray wouldn't say where Bryant was drinking, citing the pending investigation, or what, if any charges, might be pending.

The accident sent the tractor's driver, Rafael Lopez of Gaston, to Tuality Community Hospital in Hillsboro with non-

see CRASH, page 14A



Crash: Tractor driver quick to react

continued from page 1A

its threatening injuries. It also closed Cornelius-Schefflin Road for about four hours while members of the Crash Analysis Reconstruction Team investigated the accident.

According to the sheriff's office witnesses said the Grand Prix was driving erratically and passed a vehicle at high speed in the no-passing zone northbound on Northwest Martin Road.

Witnesses also told deputies that the same Pontiac passed three more vehicles, again at high speed in two additional no-passing zones as it merged onto Cornelius-Schefflin Road.

The sheriff's office said the Pontiac apparently failed to negotiate a sweeping right hand turn and crossed the centerline, hitting the large John Deere tractor pulling a steel hay trailer.

Just before the crash, Lopez, the tractor driver, swung his vehicle off the road in order to avoid a head-on crash.

Bryant's Pontiac then struck the tractor's hay trailer. The trailer mangled the Pontiac, tearing its hood from the chassis and causing catastrophic damage to the car's cab.

The impact between the car and the trailer broke a

two-inch hardened steel bolt that secured the trailer to the tractor's hitch.

"It's fortunate that it was not another vehicle coming that way because the damage to that vehicle would have been very, very severe," Ray said.

During harvest time, tractors are a common sight on the rural roads of western Washington County.

More than half of the 1,271 miles of Washington County roads are rural, and most see use by farmers moving large, heavy and slow equipment. •

County officials say that motorists need to be cautious when sharing the road with tractors.

"Not recognizing slow moving vehicles, or simply not being aware of them until it is too late, is a leading cause of collisions," said Victoria Saager, a Washington County spokeswoman.

Since most farm equipment moves at a maximum of 25 miles per hour (with many moving slower), it's important for drivers to slow down around the lumbering vehicles.

"If you do not begin to slow as soon as you see a farm vehicle, you might not have time to avoid a collision," Saager said.

A primer on rules of the road

Q: When can I pass?

A: Passing a piece of farm equipment in a no-passing zone or any roadway with double yellow lines is illegal, no matter how slow the farm equipment might be moving. Pass only when the road ahead is clear and there is either a dashed yellow line on your side of the road or a dashed white line. And when passing, be extra cautious. Tractors and other farm equipment may be wider than they look from behind and may require ample space in both lanes.

Q: Well, shouldn't tractors pull over if they're blocking a lot of cars?

A: Farm vehicles have to be driven as close as practically possible to the edge of the roadway, in order to allow vehicles to pass in proper passing areas. Oregon doesn't have a set threshold (say 5 cars waiting behind slow-moving equipment) that requires the tractor driver to pull over. But most farm equipment isn't going far, at most a mile or so, traveling from one field to another and motorists are encouraged to wait it out.

Q: How many times do crashes like this happen?

A: According to statistics

gathered by the Oregon Department of Transportation, Oregon experienced 151 crashes involving farm equipment between 2003 and 2007; 112 people were injured and 10 people died. Eight of those crashes and one death occurred on Washington County's roads. Almost two-thirds of Washington County's crashes were rear-end crashes or crashes during turning movements. Most crashes took place on a weekday (most often Wednesday), during the day, on dry pavement.

Q: What's the most common accident?

A: It's when a slow-moving farm vehicle is turning left. Although a tractor may appear to be stopping beside the road or turning right, it might actually be turning left. The farmer is swinging wide to line up with a gate or driveway; the driver behind the farmer may think the farmer is pulling over to let the driver pass. Look for gates, driveways or access roads on the left side of the road that may indicate a left turn.

Source: Washington County Department of Land Use and Transportation.

COUNTRY
Insurance & Financial Services

1750 Blankenship Road
Suite 450
West Linn, OR 97068
tel (503) 723-6300
fax (503) 723-6301
www.countryfinancial.com

July 21, 2009

Bill Stone
4540 NW Sewell
Hillsboro OR 97124

Re: Our Insured: David Vanasche
Our Claim: 181-41081
Date of Loss: July 7, 2009

Dear Mr. Stone:

Thank you for your cooperation in the investigation of the July 7, 2009 incident.

We believe that our insured was proceeding properly under the provisions of ORS 811.400 allowing implements of husbandry to be on the roadway. Our insured also provided a pilot car in an effort to warn oncoming vehicles of the approaching implement of husbandry.

The scene investigation showed that there was ample room for you to pull off the roadway between the apartment complex that you referred to in your statement and the point of impact. There is a wide shoulder and side street at 181st prior to the impact point that allowed you adequate space to stop.

We believe that you failed to maintain proper lookout and had the last clear chance to avoid. Therefore, we respectfully deny your claim for damages resulting from this loss.

Please contact me with any questions or concerns.

Sincerely,



Julie D Annen
Claims Representative
(503) 723-6303



HILLSBORO AVIATION

The Northwest's Leading Provider of
Quality Aviation Services and Products

March 31, 2008

Mr. Dave Vanasche
36130 NW Wren Road
Cornelius, OR 97113

Dear Mr. Vanasche:

Thank you for taking the time to meet with us at your property the other day to discuss the impact of our helicopter operations on your crop. It was very helpful for us to understand how a low hovering helicopter could cause damage to your crop during certain times of the year.

I wanted to again reiterate with you what we told you in person during this meeting. Upon your initial contact with Ryan McCartney a few weeks ago, we posted an aerial image of the property in question in our flight dispatch area. With this aerial image we included instructions for our pilots that said they should not conduct low hovering operations over this field. Additionally, at our weekly meeting with all of our helicopter flight instructors we reinforced this issue by showing the aerial map and having a specific discussion related to hovering over this field. We have also now added this issue as an agenda item for future instructor meetings so that new instructors will also receive this briefing on a regular basis.

I know you have also asked us to put in writing a promise to pay a financial penalty to you in the event one of our helicopters again hovers low over this field (even if no damage is done to your property or crop). As we told you in person, we will agree to compensate you in the event a helicopter operated by Hillsboro Aviation causes identifiable damage to your property.

We are very much interested in the idea you suggested where Hillsboro Aviation rents landing rights for our helicopters on this field. This option seems very possible after we learned from you that the rotor wash will only damage the crop during a two month window each year. We are discussing this idea and will be in touch with you if we feel this will work with our operation.

I wanted to again extend our apology for causing you this frustration. I also wanted to thank you for your reasonable and professional approach in dealing with this situation. Both Ryan and I enjoyed meeting you and learning the details of the type of crops being grown in this part of Washington County. Feel free to call me or Ryan anytime at (503) 648-2831.

Sincerely,

Houston Hickenbottom
Hillsboro Aviation, Inc.

Corporate Office

HILLSBORO AIRPORT • 3565 NE CORNELL RD. • HILLSBORO, OR 97124
(503) 648-2831 • (800) 345-0949 • FAX (503) 648-1886

www.hillsboroaviation.com

Troutdale Office

TROUTDALE AIRPORT • 911 NW GRAHAM RD. • TROUTDALE, OR 97060
(503) 489-1142 • FAX (503) 489-1906

September 27, 2000

Dear Mr. And Mrs. Vanasche:

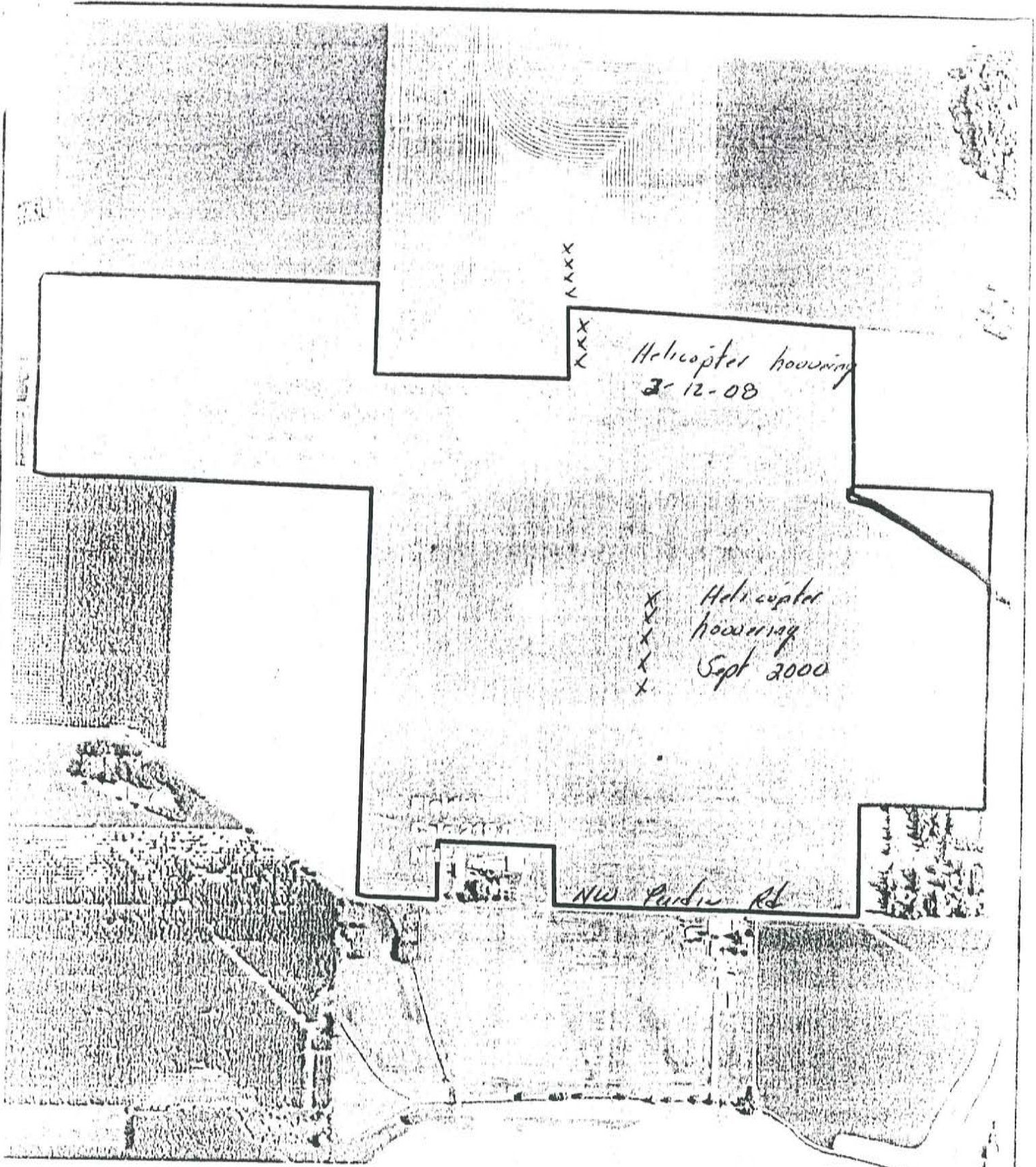
I would like to take a second of your time to apologize for making an approach to your field last month. The last thing I want to do is cause damage or be a nuisance to your business and property. I will to the best of my ability, spread the word to other students as well as instructors and let them benefit from my mistake. I am sorry for any inconvenience that I have caused.

I hope that you will think of Hillsboro Aviation as a company that is looking forward to helping you with any of your aviation needs and not a threat to your land and livelihood. Please contact me if you have any questions or comments. I will do anything I can to help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Macci', with a large, sweeping flourish at the end.

Joe Macci
3565 NE Cornell RD.
Hillsboro, OR 97124
(503) 648-2831



Washington County
 Farm 5320
 Tract 19812

Legend

- Tract/Field Boundary
- Wetland



Feb 27, 2008
 HNR/SW/S



To: Max or
Anyone of concern 3-16-08

On Feb 12 3PM I
observed a Red & white
helicopter @ Cropp Farm
(NW Purdin Rd) - 2 people
- 9565 Hovering about
10' feet above my seedling
perennial ryegrass field.

This helicopter was also
hovering above Vandyle
Seed Co Toll Paddock.

As I approached the
helicopter spraying herbicides
with my sprayer the
helicopter left the area.

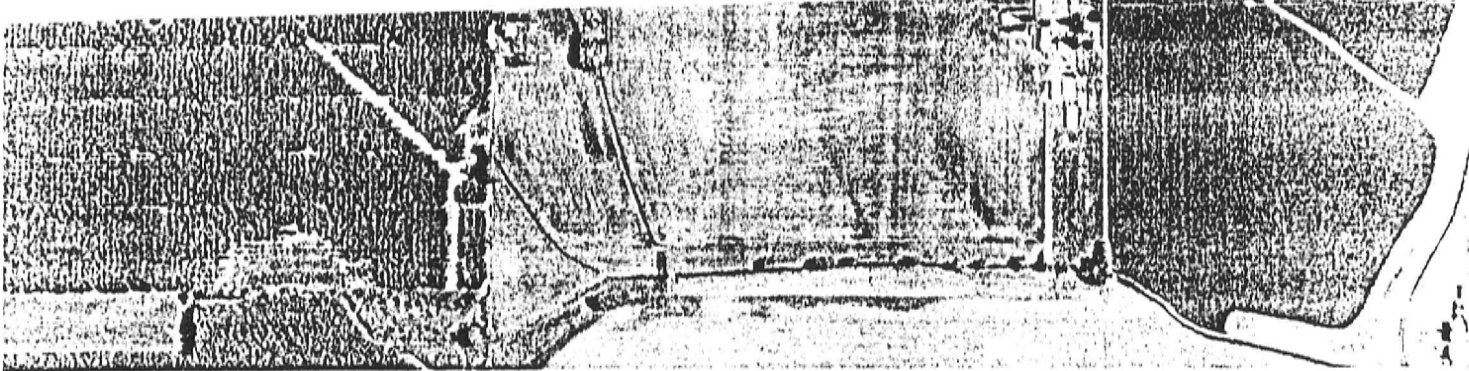
On Feb 15, 2008 I
contacted Hillsboro Helicopter
I eventually was put

Mailed to Hillsboro Aviation
3-16-08

Helicopter hovering
3-12-08

Helicopter
passing
Sept 2000

Purdin Rd



Washington County
Farm 5320
Tract 19812

Legend
□ Tract/Field Boundary
○ Wetland



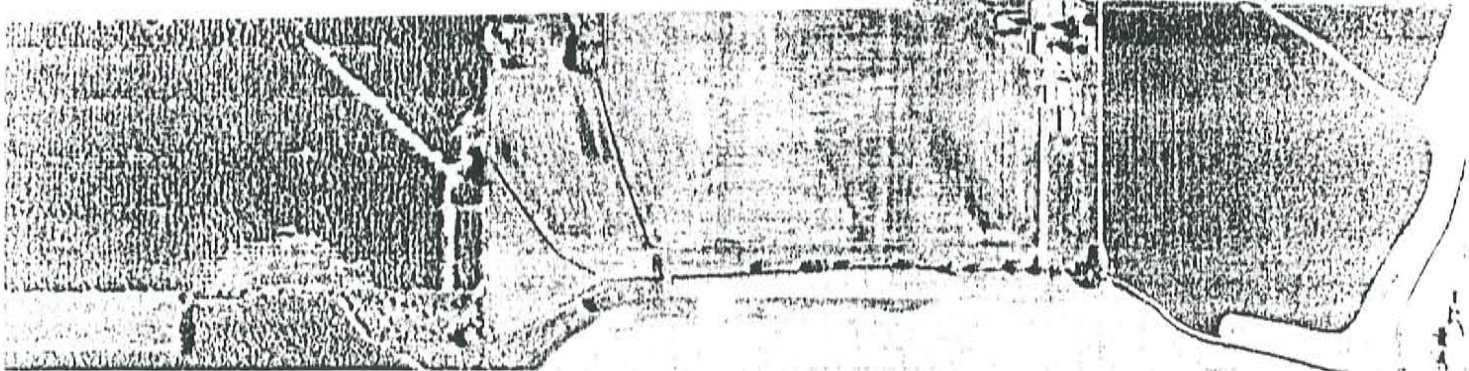
Feb 27, 2006
TIN R3W Sec 30

400 0 400 800 1200 Feet

This acreage is for field use only.
No warranty is made for any other use.

into contact with either
 Frotz Birkholder but
 probably Ryan McCarthy
 (Flight School) 648-2831
 After a 10 min discussion
 of the problem (potential
 crop damage and past issues
 and reference to letter
 Sept. 2000) Ryan said
 he would look into
 the issue and get back
 to me. I stated that
 penalty compensation was
 in order.
 As of 3-16-09 he has
 not contacted me.

Dore Varoche



Washington County
 Farm 5320
 Tract 19812

- Legend**
- Tract/Field Boundary
 - Wetland



Feb 27, 2006
 LIS RSW Sec 30



April 15, 2011

Land use laws trap farmer

Urban setting sprouts up around farm, crimps practices

By MITCH LIES
Capital Press

AURORA, Ore. — Aurora farmer Fred Netter, once a well-known fixture in this small Willamette Valley town, today is a stranger in his own neighborhood.

"Most of the neighbors, I don't even know anymore," Netter said. "It used to be you knew everybody. If somebody had a problem, you'd go help them."

Sandwiched between modern, upscale housing and swamp and brush, Netter and his wife, Teresa, today are the lone farmers in an area once full of farm activity.

Farming in the suburb is difficult, Netter said. But farming is what he and his wife love. And Oregon's land use laws provide the Netters little option.

"We love what we do," Netter said. "We just don't like the hassles that have grown up around us the last 15 years."

Selling the 116-acre farm is an option, he said. But he wonders what farmer would want to buy a farm bordered on two sides by housing.

So Netter hangs on, surrounded by memories of a happy childhood and a future clouded by compromise.

Netter, who went to Aurora Grade School, North Marion High School and Oregon State University, took over the family farm in 1971, shortly after graduating from the university with a bachelor's degree in ornamental horticulture.

His mother, Audrey, who died in 2007 at the age of 91, for many years was the postmistress of Aurora.

As an adult, Netter served on the Aurora Planning Commission, on school boards and as a volunteer fireman.

Starting in the mid-1990s, housing started cropping up



Fred Netter squats with his dog, Dolly, in a field of orchardgrass and timothy hay with Keil Park housing development pictured behind him. Netter's Aurora farm is bordered on two sides by housing.

Mitch Lies/Capital Press

Report: Measures' impacts minimal

Property rights measures 37 and 49 are not expected to significantly impact Oregon farms and forests, according to a Department of Land Conservation and Development report.

The 6,100 new houses authorized under the measures are about 6 to 10 times the normal number authorized on farm and forest land in any given year, the report states. But the impacts will be muted given that landowners are expected to act on the authorizations over a 10- to 20-year period.

Also, according to property rights advocate Dave

Hunnicut, much of the land earmarked for housing is poor quality farmland that isn't in production.

"It is a misnomer to state that people who obtain Measure 49 approvals are going to take that land out of agricultural production and put it into homesites," Hunnicutt, executive director of Oregonians In Action, said. "Some of that land isn't in production now, and hasn't been in production, so it isn't coming out."

The DLCDC report, issued earlier this year to the Land Conservation and Development Commission, shows

landowners filed about 7,000 Measure 37 claims and 4,600 Measure 49 claims.

Measure 37, which voters approved in 2004, required governments to compensate eligible landowners for the loss of property value caused by a development restriction, or waive the restriction.

Measure 49, which voters approved in 2007, scaled back the number of lots allowed under Measure 37. Both measures required landowners to have owned property prior to the institution of the law restricting development.

—Mitch Lies

And the once quiet farm area became much more populated.

Netter thought his life took a turn for the better in 2004 when Oregon voters passed Measure 37. Under the landmark property rights measure,

build 25 houses in one application and to build 58 houses in a second application.

"We put a ton of money into that," he said. "We hired an environmental engineer, a sanitary engineer, a planner. We paid attorney fees."

to farm until he was ready to retire, then sell the land and development rights.

But the plan never made it to fruition.

Measure 37 was overturned in 2007 and Measure 49 took its place. That forced Netter

stead of 25 houses, which was his primary plan, he applied for the right to build one house.

Netter today is looking to sell a 2.6-acre lot just east of his current house, complete with a development right to build the one house.

As farmland, Netter estimates the value of his property at about \$10,000 an acre. As residential land, he estimates its value at \$100,000 an acre.

Netter contends that he should never have been forced to cede compensation for lost property value through measures 37 or 49. The Aurora City Council, he said, long ago should have extended the city's urban growth boundary at least to the flood plain that cuts across his land.

At age 65, Netter can't do the intense farming he did as a youth, he said. And farming around housing is difficult.

He waits until winds have come to a standstill before spraying his orchard grass and timothy hay. He limits his use of vole bait for fear neighborhood cats will get sick from eating voles that ingest it.

"You err on the side of caution," he said. "I would rather lose a little grass than have a lawsuit, because I can't afford a lawsuit."

Dave Hunnicutt, the author of Measure 37, said Netter's experience is a stark reminder that buffers are needed between farmland and urban settings.

"It goes to show you that this whole concept of having cities and small lot subdivisions right next door to land in crop production that is sprayed and farmed, doesn't work very well," Hunnicutt said. "(It goes to show) that there needs to be some kind of transition or buffer between commercial agriculture and small lot urban subdivisions."

Netter today doubts he will ever be able to sell his land for even a small percentage of its true value.

"This was our 401K," he said, pointing to his land. "Not

A Checklist of Common Urban / Agricultural Conflicts

"A man trespassed into my orchard and climbed a tree to steal some fruit. He fell out of the tree, damaging several branches and broke his arm ... then he threatened to sue me for his injury."

In conversation with an Okanagan orchardist.

Urban / rural conflicts experienced by the farm community represent a growing concern and are often related to rapidly expanding urban populations living in close proximity to farming or, in some cases, associated with the changing nature of agricultural operations. This may be the result of urban and suburbanization close to or *abutting* farm operations or rural residential, recreational and other uses located *within* agricultural areas.

The coexistence of urban and agricultural land uses can have several mutually beneficial attributes such as the availability of fresh produce in season, the esthetics of living near farm areas and the ready markets and urban services available to the farm community. However, urbanization can also have significant adverse effects that go beyond the ultimate impact of land use conversion.

The potential for conflict can be lessened through an enhanced awareness of agriculture.

When dealing with impacts on farming, there is not always a land use "fix" that can be found to lessen or resolve the problem. At times, the root cause of a conflict situation may go beyond the jurisdiction of a single local government and must be addressed at a regional or Provincial level. Conflicts, such as the harassment of stock, are expressions of the black side of human nature that are not limited to farming areas. Notwithstanding these factors, many conflict situations - or the potential for conflict - can be lessened by increasing the awareness of agriculture and ensuring an improved understanding of what constitutes normal farm practices. Education on many levels, maintaining strong links with the farm community, sensitive urban design, and more focused planning for agriculture can all be instrumental in achieving greater compatibility between farming and non-farm land uses.

As Gary Runka has stated, "The relationship between adjacent urban and agricultural communities is a complex one" and "... the negative impacts are predominantly borne by the agricultural community." The following list is consciously presented from an agricultural perspective to focus on the sources of conflict and impacts on farm land, farming and farmers. While not necessarily comprehensive, the list outlines some of the key urban / farm conflicts and contributing factors experienced by the agricultural community that should be considered when developing planning policies affecting agricultural areas.

A CHECKLIST OF COMMON URBAN / AGRICULTURAL CONFLICTS

1. Farming In The Urban Shadow

1. An historic lack of land use planning designed to support agriculture on the one hand, avoiding the unnecessary intrusion of non-farm uses into agricultural areas on the other.
2. Urban development adjacent to farm operations without prior planning and subsequent implementation of adequate or appropriate buffering, and other design features aimed at reducing 'edge' conflicts at the time of development.
3. A lack of fencing and /or maintenance. This is a particularly concern when rural residential subdivisions are developed in ranching areas.
4. Limitations on activities such as aerial spraying, land clearing, the use of bird scare devices or other farm

practices due to urban encroachment.

5. An increased demand and competition between agriculture and urban users for limited but critical water resources, including reductions in available ground water. Also of concern with increased urbanization and rural non-farm populations is the inherent shift in decision making related to water allocation in favour of non-farm users.
6. Flooding from upland, urban runoff and water contamination, particularly from road runoff.
7. Soil erosion and sedimentation as a result of water runoff from adjoining properties.
8. The shading of crops and orchards by the installation of inappropriate buffering.
9. Increases in the number of rural residential and hobby farm uses in traditional farm communities as a result of parcelization and shifting urban populations to rural settings. This influences an escalating of farmland prices and increases the number of people within farm areas with urban attitudes and a lack of understanding of normal farm practices.
10. Impacts of a highly parcelized agricultural land base on farm operations include:
 - field inefficiencies due to small size;
 - increased operating costs due to farms being made up of several small dispersed parcels;
 - single farm operations consist of several parcels sold off as individual parcels to unique owners, with each parcel developed as an individual homesite. This results in a break up of the farm and increases the intrusion of non-farm residents into a farm area.
 - increased per hectare cost of land for new entrants or operators wishing to expand farms;
 - uneconomical unit size to support a family farm operation, necessitating off farm income sources to maintain operation; and
 - increased necessity to lease or rent from absentee or non-farmland owners with inherent uncertainties and instabilities that can potentially influence land stewardship practices.
- Non-farm developments, including rural residential, park, recreation and wildlife uses, within or adjacent to farmland influencing zoning and other bylaw regulations that may restrict or prohibit, *unnecessarily*, farm expansion or diversification, specific types of farm use, normal farm practices, direct farm marketing and opportunities for home occupation, and other low impact means of income diversification.
- The building of "mega" homes in farm areas, along with ancillary uses such as tennis courts, swimming pools and excessive 'domestic' landscaping is land consumptive and increases land prices beyond farm values. In addition, further impact is caused by the improper siting of residences (from an agricultural perspective) and the further (urban) gentrification of the farm community and potential for increasing land use conflicts.
- Placing of intensive (moderate and high density housing and schools) or inappropriate urban uses (motel, other commercial and some industrial uses) *next to agriculture*.
- Allowing for the intrusion of urban and non-agriculturally associated uses *within the farm community*. In so doing, expectations of changing land uses can result. This can create what has been referred to as the "urban shadow effect" on farmland, setting off a complex chain of events. This may escalate changing (non-farm) land ownership and generally undermine the agricultural community, often resulting in a destabilizing of the industry and a loss of agricultural support services. This slow (but at times rapid) demise of the farm community represents the ultimate negative effect of urban / farm conflict.

2. Transportation Related Impacts

1. A lack of **transportation planning** focused on the impacts on farming and the needs of agriculture.
2. Increased volume and speed of **urban traffic** moving through farm areas making it difficult and time-consuming to safely use the once rural road system to move farm equipment between fields and orchards.
3. Limited or **restricted access** to fields due to urban road patterns, traffic volumes and physical barriers to equipment movements, including bridges and tunnels.

4. Use of pesticides for **weed control** along roads and highways adjacent to organic farm / ranch operations.
5. A lack of **weed control** along roads and highways allowing the spread of noxious weeds. (**Note:** There may appear to be a discrepancy between point 4 and 5, but they reflect the diversity of B.C. agriculture, varying impacts and the corresponding need to consider farm-related issues in a detailed manner.)
6. The **location of roads**, road endings, highways and other linear corridors (gas / hydro) impacting agricultural land and operations in the short run (at time of construction) by interrupting drainage patterns, causing erosion, flooding or sedimentation of irrigation water sources. In the longer term impacts include the loss of productive farmland, property / operation severance and restrictions on siting options for buildings.
7. Transportation facilities, in particular roads and highways, can influence land use decisions that impact farming and be an impetus for **speculation of land use change**, resulting in shifts of land ownership to non-farm persons and in turn causing increasing land values.
8. Road / highway "improvements" can result in restrictions on use of these facilities for the **movement of farm equipment**.
9. The reduced effectiveness of intensive irrigation systems by **hydro transmission lines** and the long term safety of operating in the midst of high-pressure gas pipelines.

3. Wildlife and Recreation

1. Wildlife damage to crops and land:
 - o displacement or loss of habitat by residential and other development placing additional pressure on agricultural land to provide wildlife habitat;
 - o deer and elk browsing with a lack of population control and/or inadequate interface management programmes; and
 - o waterfowl damage through soil compaction, spread of weeds and destruction of crops.
2. The impacts of successful conservation measures, resulting in population increases of specific species subsequently demanding the use of agricultural crops for feed, coupled with a lack of mitigative measures and provision for compensation for crop loss and field damage.
3. Acquisition and the setting aside of farmland for single use wildlife habitat causing loss of land for agricultural production, the potential for increased wildlife / agricultural conflict and the destabilization of the agricultural community.
4. Restrictions on the maintenance of farm drainage ditches due to the potential impact on fish and wildlife habitat.
5. Recreational uses in the farm areas:
 - o trails along or through farmland;
 - o associated increased traffic, cycling abreast along rural roads blocking farm vehicles;
 - o parking along rural roads blocking access to fields or alternatively requiring the use of farmland for parking lots to access recreation facilities;
 - o golf courses: besides the sheer loss of farm land from active or potential production: traffic increases on rural roads, water run-off and flooding of adjacent fields if ditching and drainage is inadequate, reducing availability and competition for ground water (particularly during the growing season), reducing available land base for the application of manure, garbage along fence lines and damage to fences and crops when chasing balls into farm fields; and
 - o increased instability by recreational uses setting off expectations of further land use change (example: future residential uses associated with a golf course).

4. Direct Impacts on Farms and Farming

"...they didn't want any spraying in the area because their kids go down into our fields to play and

they walk their dogs there, too. That they are trespassing on private property doesn't seem to matter."

Gordon Huff (whose family has farmed in Delta for over 100 years) in conversation with: Patricia McKay, "Association Profile: The Delta Farmers' Institute", B.C Agriculture, February 1991, p.26.

1. Harassment and complaints about normal farm practices associated with:

- o slow moving farm vehicles;
- o truck traffic servicing agriculture, particularly that associated with processing and during periods of harvesting
- o odours from the spreading and storage of manure;
- o farmers' use of chemicals to spray crops;
- o movement of farm equipment through urban areas;
- o air emissions from burning and fan use;
- o fan and other equipment noise;
- o use of noise making devices to protect crops;
- o light from greenhouses at night;
- o keeping of bees;
- o dust created by machinery working in fields;
- o night harvesting; and
- o early morning use of equipment.

2. Stealing and damage to equipment and crops.

"Subdivision dwellers think nothing of helping themselves to farmers' produce. When three women were questioned after harvesting turnips and potatoes from a neighbouring farmer's field, their response was: "There's lots of it out here. He's not going to miss a handful of potatoes."

3. *Trespassing and vandalism, including the invasion of fields and damage to fences due to off-road vehicles, bicycles, cars and dogs.*
4. Bottles, cans and other objects thrown into fields causing secondary damage to crops, livestock and equipment.
5. Harassment of stock.
6. Animal rights advocates releasing birds and animals from stalls and cages.
7. Dumping of garbage in ditches and in farm fields.
8. Efforts to restrict land clearing to bring land into agricultural production.

"Some years ago, residents presumably upset by the late night and early morning harvesting activity, destroyed four tractors and two trucks. Tires had been flattened on the tractors, fuel lines broken and the cab roof of an old tandem dump truck pounded down to the level of the steering wheel. Dirt and sand had been poured into the fuel tanks. We couldn't prove who did it ... but when we left the field there were people waiting for us on the roadway. They said: We don't want those noisy things starting up at 7 o'clock in the morning. That's ridiculous. We moved out here for peace and quiet and we're not going to put up with this noise."

Gordon Huff

5. Other Contributing Factors

1. A lack of effort to better inform non-farm residents living next to or within farm areas about normal farm practices and agriculture's benefits to the community.
2. The need for improved guide material concerning practical techniques to mitigate existing conflicts and enhance land use compatibility in the future.
3. The need for greater consistency in land use policy which demonstrates a clear, long term commitment to both the activity of farming, its associated support infrastructure (suppliers and processing facilities) and the preservation of land and water resources.

"The speculative market is extremely sensitive to the perceived impermanence of provincial, regional and local land use planning and agricultural zoning regulations."

G. Runka

Tree Fruit Industry Land and Water Issues p.19

Appendix 5
Examples of Agricultural Buffer
Policies and Requirements
in other Jurisdictions

San Luis Obispo County (CA) Department of Agriculture

Agricultural Buffer Policies and Procedures, Pages 1-2,500 - "Buffers Reduce Land Use Conflict from:

1. Pesticide Use
 - a. Provides for a margin of safety for the public and sensitive non-target areas
 - b. Reduces the need for spray buffers or other governmental restrictions, which negatively impact agriculture.
 - c. Helps maintain the feasibility of pesticide use as a tool for agriculture.
 - d. Reduces local neighbor conflict and complaints to agriculturist and government agencies.

2. Noise and Night-time Lighting
 - a. Reduces the potential for nuisance from a variety of agricultural sources such as bird-frightening devices, pumps, heavy equipment, wind machines, etc.
 - b. Reduces local neighbor conflict and complaints to governmental agencies.
 - c. Reduces the disturbance from noise and light associated with night harvesting

3. Dust
 - a. Creates distance or screening for dust to settle out before affecting homes or people

4. Trespass/Vandalism/Theft/Litter/Liability
 - a. Helps reduce the potential negative impact that people and pets can have on agricultural property.
 - b. Helps reduce the impact that stray livestock can have on neighbor's property.

5. Rodent Control
 - a. Helps maintain the use of agricultural rodent control materials, which may be otherwise prohibited in close proximity to homes, schools, and other urban areas.
 - b. Reduces the likelihood of accidental poisoning of pets.

6. Agricultural Burns
 - a. Helps maintain agricultural burning as a cultural management tool. Otherwise, burns may be prohibited or further regulated if dwellings are built too close to agricultural property.
 - b. Protects the public's health and safety.

7. Beekeepers
 - a. Helps preserve the use of bees for honey production and pollination. Otherwise, beekeepers may be forced to move hive sets out of agricultural areas due to close proximity to urban areas.
 - b. Protects the public's health and safety from bees searching for food and water.

8. Erosion and Development Impacts
 - a. Reduces the sources of soil erosion in agricultural areas from development activities on adjacent land.
 - b. Reduces impacts on agriculture from flooding and siltation.

9. Harborage and introduction of agricultural disease and pests
 - a. Protects agriculture by reducing the incident of insect and diseases moving from backyard situations to adjacent agriculture.

**“Can City and Farm Coexist? The Agricultural Buffer Experience in California,”
authored by Sonya Varea Hammond for the Great Valley Center’s Agricultural
Transactions Program (ATP), March 2002.**

“Although new suburbanites may be initially pleased to find themselves adjacent to a farm’s “open space,” experience has shown that with the turning of the seasons, complaints about pesticides, noise, dust and other farming practices are often sure to follow. Likewise, farmers long accustomed to a relatively familiar farming neighbor, suddenly find themselves having to deal with the negative impacts (e.g., litter, dumping, trespassing) of having residences adjacent to his or her active farm.

In the process, farmers lose money and residents take their complaints to city hall. Absent a plan for co-existence, these problems only find resolution after the investment of time by local governments and agencies.” Page 8

Page 9 includes lists of Common Concerns. Common Farmer Concerns are litter, pests, theft/vandalism, increased liability, farm restrictions, loss of profit. Common suburbanite concerns are pesticides, noise, odors, dust, smoke, lights, farm traffic.

“Aesthetics, such as maintenance and landscaping, are key to community acceptance and buffer success from the perspective of suburban residents.” Page 11

“Are “setbacks” the same as buffers? Setbacks are building restrictions that require that a residence be built a certain designated distance away from agricultural land. Uses are sometimes restricted within the setback to low exposure uses, such as storage sheds, animal corrals, greenhouses and swimming pools. Policies usually stipulate that the setbacks will be imposed on the non-agricultural side. This is consistent with the intent of protecting agriculture, and in protecting the rights of the person who was there first. It was not uncommon in the policies reviewed to provide for a reduced buffer width if landscaping is added as a screen.” Page 13

“The City of Oceanside recently developed a process whereby growers who wish to construct greenhouses or shade houses can get a waiver from the public hearing process on their permits if they build their structures at least 500’ away from any property line. Conversely, fast-track incentives for development could promote the use of top quality buffers. The developer’s costs to install a buffer could well be saved in time.” Page 20

“In virtually all policies reviewed, the responsibility and cost of installing the buffer was placed on the developer who proposed to locate adjacent to existing agriculture. When building a new subdivision, the costs of installing a buffer are no different than any other costs the developer pays for rendering the land acceptable for housing. That could mean remedying poor soil stability, drainage, a grading situation, or providing a sound wall to dampen freeway noise. In short, a buffer is promoted as another aspect of infrastructure needed to make a site suitable for housing.” Page 21



Sonoma County (CA)

The Sonoma County General Plan includes an Agricultural Resources Element that says, in part:

2.4 MITIGATE CONFLICTS BETWEEN AGRICULTURAL AND NONAGRICULTURAL USES IN DESIGNATED AGRICULTURAL PRODUCTION AREAS

Both on the urban fringe and in the midst of agricultural areas, parcelization has occurred which has resulted in residential use being the primary use of the land. Complaints about noise, odors, flies, spraying and similar "nuisances" attendant to agricultural practices have discouraged and sometimes prevented farmers from managing their operations in an efficient and economic manner. Not only do residents complain about aspects of farming operations, but residential areas often directly affect the operations. For example, residential sites can become a sanctuary for pests which could damage adjacent crops. Clear policy is needed for County decision makers to balance the needs of the farmer with the concerns of his many residential neighbors.

The Agricultural Element establishes policies that support the needs and practices of agriculture as the highest priority in areas designated for agricultural use.

Goal AR-4: Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.

Objective AR-4.1: Apply agricultural land use categories only to areas or parcels capable of the commercial production of food, fiber and plant material. Establish agricultural production as the highest priority use in these areas or parcels. The following policies are intended to apply only to lands designated within agricultural land use categories.

Sonoma County pollicyAR-4c: Protect agricultural operations by establishing a buffer between the agricultural land use and the residential use at the urban fringe adjacent to an agricultural land use category. Buffers shall generally be defined as a physical separation of 100 to 200' and/or may be a topographic feature, a substantial tree stand, water course or similar feature. In some circumstances a landscaped berm may provide the buffer. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land.



Placer County (CA)

Policy Document Land Use/Circulation Diagrams and Standards

LAND USE BUFFER ZONE STANDARDS

...
This General Plan requires the use of buffer zones in several types of development. While the exact dimensions of the buffer zones and specific uses allowed in buffer zones will be determined through the County's specific plan, land use permit, and/or subdivision review process, buffer zones must conform to the following standards (as illustrated conceptually in Figures I-2 through I-7).



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April 21, 2011

Metro President Tom Hughes
Metro Council Members
600 NE Grand Ave
Portland OR 97232

Re: Metro Ordinance 11-1255; Urban and Rural Reserves

Dear President Hughes and Council members:

1000 Friends of Oregon has previously submitted written and oral testimony on this matter of how to revise the urban and rural reserves in response to the direction from the Land Conservation and Development Commission at its October 2010 hearing. We will focus these comments primarily on the urban and rural reserves proposed in the March 15, 2011 intergovernmental agreement

As explained below, this proposal fails to meet the explicit requirements of the Land Conservation and Development Commission's directive.

We believe you have two viable options before you:

- Follow the directive of LCDC and remove all the lands north of Council Creek from urban reserves and re-designate them as rural reserves, north of Cornelius and Forest Grove. There is no obligation to "replace" those lands, and even if the region chose to do so, the lands proposed here (north of Highway 26 and south of the south Hillsboro urban reserve) also fail to meet the law; or
- Follow the directive of the State Agency letter of October 14, 2009, which the state agencies have twice re-confirmed was still their position - in a subsequent letter of January 2010 and before the LCDC in October 2010: designate rural reserves north of Council Creek, and in area 8A (northwest of Hillsboro and south of Hwy. 26), use the boundaries of Meek Road and Waibel Creek as edges and buffers to define the urban reserve area and separate it from the rural reserve area.

While 1000 Friends of Oregon has advocated for a designation similar to that in the state agency letter, both options have been offered by the state and seem the clearest path to moving this decision on. The proposal before you will not do that, and will lead to protracted hearings and appeals, for the following reasons.

Areas North of Council Creek - Cornelius

35

Celebrating Thirty-five Years of Innovation

The Land Conservation and Development Commission directed Metro and the counties to remove the entire area north of Council Creek and north of Cornelius (approximately 623 acres), previously designated as urban reserves. The March 15 IGA proposes to split this area on an east-west axis, with the southern portion (Area C) – 360 acres – being “undesignated” and the northern portion being rural reserves (Area B).

We do not believe this is responsive to LCDC’s directive. LCDC directed removal of this area from urban reserves for at least 4 reasons:

1. **The area does not qualify as an urban reserve**, based on Metro’s own conclusions. The Metro Chief Operating Officer relied on this in finding that the area north of Cornelius does not qualify as an urban reserve:

“Large scale urbanization in the area to the north may detract from implementing the 2040 Plan by placing thousands of households and jobs farther away from centers and transit corridors, thus increasing Vehicle Miles Traveled (VMT) and making it more difficult to support the recently adopted High Capacity Transit (HCT) corridor from Hillsboro to Forest Grove.”¹

Urbanizing the area north of Council Creek would also be expensive. “To improve such[transportation] access would require considerable regional resources.”²

2. **The entire area qualifies as a rural reserve because of its agricultural value** and its geographic placement in the heart of the Tualatin Valley farm land. It is Foundation agricultural land and meets all rural reserve factors: It is “highly” subject to urbanization during the time period, is capable of and does sustain long-term agricultural operations, is primarily Class I, II, and III soils, is an intact large block of farm land, and the farm use and ownership patterns demonstrate long-term stability. Most, if not all, the land is in the Tualatin Valley Irrigation District. As a potential candidate for rural reserves, Washington County ranked it as Tier 1 – the most qualifying, based on all the rural reserve factors.³

Written and oral testimony from the Washington County Farm Bureau and from individual farmers, some of whom farm north of Council Creek, attested to the fact that this area is the heart of the Tualatin Valley agricultural industry and contains some of the most productive blocks of farmland in the state. Agriculture-related businesses in Washington County testified that this area is critical to the economic health of the supporting agriculture infrastructure and industry.

The area designated as ~~urban reserves~~ ^{undesignated} has significant and irreplaceable agricultural infrastructure in it. These include, among others: Tualatin Valley Irrigation District infrastructure; VanDyke Seed, a seed cleaning plant; Jacobsmuhlen’s Meats, a meat processor; Spiesschaert Enterprises; and Duyck Produce. There is also nearby agricultural infrastructure – inside the urban areas of Cornelius, Forest Grove, Hillsboro, North Plains, and Banks. These are actual businesses already on the ground and dependent on farming – not speculative ones that may or may not ever come. Why adopt a decision that might push out existing businesses because of lack of the farm land and products necessary to support them.

¹ COO Recommendation, Sept. 15, 2009, p. 24

² Id.

³ Washington County Report

3. **The area qualifies as a rural reserves because of its natural resource value.** The area is mapped as a “significant natural landscape feature” under the rural reserves statute and rule.⁴ Council Creek and its floodplain form a natural boundary separating urban and rural uses, and qualify as an important natural landscape feature.
4. **Council Creek forms the only logical buffer** in this area between urban and rural uses, and thus between urban and rural reserves. And it is an excellent buffer. As explained by many members of the local farming community, and as illustrated by the photos and maps shown to this body, Council Creek itself is wide and has a very wide floodplain, forming a geographical, visual, and filtering (of noise, smells, and dust) buffer between urban uses and agricultural practices. This is an explicit factor in the reserves rule. In evaluating whether land qualifies as a rural reserves, the following must be considered, under OAR 660-027-0060(3):

“When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county ... shall base its decision on consideration of whether the lands propose for designation:

“(f) Can serve as a boundary or buffer, such as rivers, cliffs, or floodplains, to reduce conflicts between urban and rural uses, or between urban uses and natural resource uses.”

Using Council Creek as the divide between urban uses and rural reserves clearly meets this definition. The IGA proposal does not meet the law or LCDC’s directive. The IGA proposal leaves 360 acres, on the north side of Council Creek, as undesignated. There is no legal or factual basis to do so:

- There is no effective buffer between undesignated and rural reserves. The dividing line is described as in the “general location” of a 2-lane country road, NW Hobbs Road. That road does not divide anything – the road is used actively used for farming purposes and the land on either side of it is in commercial agricultural use.
- The land does not qualify as urban reserves, it does qualify as rural reserves, and therefore there is no justification for it being left as “undesignated.”

Areas North of Council Creek – Forest Grove

LCDC directed that the region to re-examine the area north of Council Creek, north of Forest Grove for rural reserve designation (formerly Area 7B). The Commission’s discussion clearly was about the approximately 240 acres north of the east/west branch of Council Creek; representatives from Forest Grove present at the LCDC meeting even gave that information to the Commission when asked to clarify the amount of the 7B that lies north of Council Creek.

Instead, the IGA proposal leaves all but 28 acres (Area A) as urban reserves. The 28 acres is re-designated to “undesignated.” This is not responsive to LCDC’s directive.

For reasons already in the record and presented to you today, Council Creek and its riparian area forms a natural buffer here as well between urban and rural uses. In fact, there was discussion by LCDC about how much of what was said about the area north of Cornelius applies here as well. The emphasized that Council Creek seems to be the *only* boundary that makes sense north of Forest

⁴ Metro Natural Landscape Features Map; Washington County Map 5 Natural Landscape Features Inventory - Metro (February 2008)

Grove. If the area north of Council Creek, north of Forest Grove is switched to rural reserve, there are still approximately 200 acres in urban reserves remaining in this area. And those acres are *excellent Foundation* farm land, but the agricultural community recognizes that some flexibility for future urbanization may be needed here, and *south* of Council Creek makes sense.

General Comments

There are extensive vacant and under-developed lands inside the UGB in Washington County, including in Hillsboro and Cornelius, as well as in the uncontested urban reserves, to meet any alleged land need for future urbanization.

Even if the land north of Council Creek and north of Cornelius is redesignated as all rural reserves, Cornelius will still have *over 300 acres* of urban reserves. Moreover, according to Metro and Cornelius, over 10% of the land in the current city limits is *vacant* - more than 125 acres. Cornelius itself is only just over 1000 acres in size; that is a lot of urbanizable land.

And, this does not include redevelopable land, empty warehouses, and vacant storefronts. For example, there is at least *another 30+* acres of land, zoned industrial, that has full urban services in the Cornelius Holladay Street industrial park, which has had a “For Sale” sign up for years. The primary economic activity going on there is agriculture-related industry, which is precisely the sort of industry that Cornelius can and should encourage and grow – because the agricultural industry is growing in value, in the Metro region and statewide.

There are also over 50 acres of land that Metro added to Cornelius, on the north side of town (but still south of Council Creek) almost 7 years ago for industrial use. That land is still being farmed and has not been annexed to the City. According to the family farming the land, as of at least 2009, they had not been approached by anyone offering to purchase it, for any use, nor has the city approached them to even annex the land.

At your last hearing, the Council heard from Sheldon Manufacturing that it is contemplating expanding its current 5-acre facility, possibly doubling it in size, and might have to leave Cornelius to do so. This is something that Sheldon Manufacturing has been contemplating since at least those 50 acres were added, based on testimony then and over the years. We support keeping existing businesses and allowing them to grow where they are. However, Sheldon has not been able to describe why it has not expanded onto any of the many sites available in Cornelius, including in the existing industrial park (located a few blocks away), onto the 50 acres added 7 years ago, or into any of the sites currently available for sale and lease in Cornelius.⁵

“Making Up” for Urban Reserves by Adding More Land – Helvetia and South of Rosedale Road

The proposal before you attempts to “make up” for lands removed from urban reserve designation by changing 352 acres from undesignated to urban reserve north of Hwy. 26, and 383 acres from rural reserve to undesignated south of Rosedale Road.

This also is not responsive to LCDC’s directive.

- The Commission said the region could, but did not have to, consider whether to add additional urban reserves or undesignated after designating the area north of Council Creek as rural reserves. In doing so, several LCDC Commissioners made the following observations:

⁵ For example, the old Stuart Stiles site is available, which is 9.5 acres and includes a 100,000 square foot vacant building.

- The region should look to agricultural lands that are categorized as conflicted, to re-designate as undesignated or urban.
 - There is quite a bit of “flexibility” in Metro’s projections as to the rate and amount of growth and the time projection; Metro could simply shorten the time frame to something less than 50 years or chose a different amount of growth within the range.
 - While there was surprise expressed regarding the amount of rural reserves designated in Washington County far from any urbanization threat, the Commission did not express any direction that Foundation farm land actually threatened by urbanization and originally designated as rural reserves should be changed to urban or undesignated by this remand.
- There is nothing in the Commission’s directive or law requiring that only lands in Washington County be looked to for additional urban reserves or undesignated lands. The “balancing” test required by rule is looking at reserves in their “entirety,” considering the “region.”⁶ This has not been done.

Throughout this process, 1000 Friends and others repeatedly brought up the issue of looking at the reserves process regionally – as required by law and certainly as intended by the legislature and this Commission. We were assured that this would be done at the Metro level. Yet what we have and are seeing again is a mere amalgamation of the wish lists of certain local governments. That is not consistent with the letter or spirit of the law.

- Some have stated that the reason the 352 acres north of Hwy. 26 have been re-designated to urban reserves is because those lands are “making up” for the lands north of Council Creek, which were intended to be for industrial use. That is contrary to the law, and to statements made by local officials during the reserves process.

Assuming that certain urban reserve lands will be used for certain purposes mistakes the reserves process for the UGB process. When expanding a UGB, a local government is adding land for a particular and current unmet need for housing, commercial or industrial uses, institutional uses, etc... Not so with urban reserves – that are specifically for needs 20 to 30 years beyond the current 20-year UGB, a time horizon for which it would be absurd to nail down actual uses now. And that is how Metro has set up its reserves-to-UGB process. If and when there is a need for additional land inside the UGB, Metro will evaluate various reserve areas and concept plans done for those areas to see which best meets the region’s needs at that time. And, in fact, when asked several times at MTAC meetings whether the Evergreen urban reserve area (8A) would be reserved for future industrial uses, Hillsboro Mayor Willey and then-Washington county Chair Tom Brian said no, they would not commit at this time to promising that area would be reserved for industrial use. So, the notion that there was some binding commitment that any lands – including those north of Council Creek – would be held for up to a 50-year time frame for any one use and therefore must be “made up” with other lands that will be used for industrial use is contrary to all past statements made in this process.

Land that would otherwise *not* qualify for urban reserves designation because it qualifies as rural reserves cannot be designated as urban reserves ahead of other non-foundation lands

⁶ The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important landscape features that define the region for its residents.”
 OAR 660-027-0005(2)

based on an assumed future use. This has been previously stated by LCDC and affirmed the courts.

- The 383 acres proposed for undesignated status south of the South Hillsboro urban reserves, down to Farmington Road is Foundation farm land. To the best of our recollection, it has *never* been in discussions as a possible urban reserve or undesignated area in any of the many proposals over the past few years.

In fact, the current urban reserve area – from Hillsboro south to Rosedale Road, represents an enormous compromise by the agricultural community. The nine state agency letter noted that compromise – the Oregon Department of Agriculture recommended that the urban reserve extend only to Butternut Creek (a natural boundary), but agreed to go along with the other state agencies to use Rosedale Rd. as the southern boundary – if needed. The Washington County Farm Bureau and the Agriculture/Natural Resources Coalition stated that if there was truly a need for large lots for future urban use, then the former St. Mary’s site and the land south to Butternut Creek should be considered for urban reserves, but no farther south. When the final decision came before LCDC, the agricultural community compromised again – by focusing its concerns on the areas north of Council Creek and north and west of Waibel Creek in Area 8A. It decided to not comment on the very large area south of Hillsboro. Now, this area is proposed to expand even more, through converting it from rural reserves to undesignated and/or urban reserves.

This area meets every rural reserves criterion and does not meet the criteria for an urban reserve, as evidenced by its original designation by Metro and Washington County as rural reserve. Its re-designation causes us to further question the integrity of this process, and also of the entire urban reserve area south of Hillsboro. The agriculture community was already uneasy with the designation of the areas south of Hillsboro, but recognized the need for urban land and saw that this trade-off was needed. Inclusion of this new area will magnify that unease and the adverse impact of this now-very large swath of urban reserves and undesignated lands, extending into the historic Scholls farming area, a vibrant agricultural area. If this new area is included, 1000 Friends will object to inclusion of all the Foundation farm land south of Hillsboro being designated as urban reserves or undesignated.

- Adding these two areas aggravates the lack of balance already present in this decision. If this proposal stands, Metro will be designating 28,256 acres as urban reserves. 11,551 of those acres are identified as Foundation farm land by the Oregon Department of Agriculture. **Almost all of the Foundation farm land designated for urban reserves is in Washington County** – 9371 acres, or over 80% of all the Foundation farm land in the entire decision. In contrast, Metro designated very little Foundation farm land as urban reserves in Clackamas and Multnomah counties. For example, in Clackamas County, the *inverse* of Washington County is the case – 84% of the urban reserves are on lands indentified as “Conflicted” by the ODA.

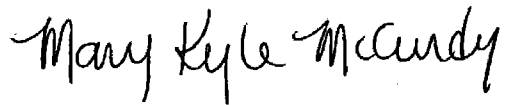
Conclusion

We recommend that you designate the entire area north of Council Creek (areas C and the northern portion of A) as rural reserves, consistent with LCDC’s direction. There is no legal or practical reason to “make up” this acreage anywhere, and certainly not by looking only to Washington County.

We also ask that you trim urban reserve area 8A back to the area that the state agency letter said was consistent with the law: at Waibel Creek.

These actions are consistent with the state's prior directions and are therefore very likely to be approved. They are also consistent with Metro's obligations under the reserves statute and rule, and with Metro's projections:

Thank you for consideration of our comments.

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive style with a large, stylized "M" and "C".

Mary Kyle McCurdy
Policy Director
Staff Attorney

Carol Chesarek
13300 NW Germantown Road
Portland, OR 97231

April 21, 2011

To: Metro Council
600 NE Grand Avenue
Portland, OR 97232

Re: Ordinance 11-1255, Urban and Rural Reserves, additional information related to the Peterkort property in Washington County

Dear Council President Hughes and Councilors,

I want to provide a few additional pieces of information about the Peterkort property (located between North Bethany and NW 185th Ave in Washington County) for the Reserves record.

The Peterkort property is approximately 129 acres, located between North Bethany and NW 185th Ave in Washington County, adjacent to North Bethany. This property was designated as an urban reserve.

At the LCDC hearing last October, Brent Curtis (representing Washington County) verbally testified before the Commission that Washington County needed the Peterkort property to be an urban reserve because the County would not be allowed to mitigate on rural land for wetlands lost due to urban development in the adjacent North Bethany Subarea. His argument was that the Peterkort property needed to be an urban reserve so the County could use it to mitigate for impacted wetlands in North Bethany. This argument was made during the County's response to public testimony, and there was no opportunity for citizens to respond to this claim during the hearing.

There are two problems with this argument. First, land in an urban reserve is considered rural until it is brought within an Urban Growth Boundary. It is highly unlikely, as we have explained elsewhere, that the Peterkort property will be added to the Metro area UGB before wetland mitigation for North Bethany will need to begin.

The second problem is there does not appear to be a restriction on using land outside a UGB to mitigate for wetlands lost to urban development. There are considerations of functions and values lost, proximity to the lost wetland, and other factors, but the urban or rural status of a site is not mentioned. Oregon's Department of State Lands uses Oregon Administrative Rules (OARs) 141-08-0680 to guide Compensatory Wetland and Tidal Waters Mitigation. A copy of this OAR is attached for reference. The rural or urban status of the mitigation site is not a consideration.

Clean Water Services told us they do not regulate wetlands, they follow DSL on these issues.

There are extensive wetlands available upstream and downstream from the Peterkort property, very close to North Bethany, that could be used for wetland mitigation if the Peterkort property is not available. This is not a valid argument for designating the Peterkort property as urban reserve.

Thank you.



Carol Chesarek

Compensatory Mitigation For Wetlands And Tidal Waters

141-085-0680

Compensatory Wetland and Tidal Waters Mitigation (CWM); Applicability and Principal Objectives

(1) Applicability. OAR 141-085-0680 through 0760 applies to removal-fill that occurs within wetlands and tidal waters and applies to all forms of compensatory mitigation (i.e., mitigation bank, in-lieu fee mitigation, advance mitigation, permittee responsible mitigation, and payment in-lieu mitigation). OAR 141-085-0680 through 141-085-0760 does not apply to removal-fill within areas covered by an approved Wetland Conservation Plan.

(2) Principal Objectives for CWM. For projects where impacts to wetlands or tidal waters cannot be avoided, CWM will be required to compensate for the reasonably expected adverse impacts in fulfillment of the following principal objectives.

(a) The principal objectives of CWM are to:

(A) Replace functions and values lost at the removal-fill site;

(B) Provide local replacement for locally important functions and values, where appropriate;

(C) Enhance, restore, create or preserve wetlands or tidal areas that are self-sustaining and minimize long-term maintenance needs;

(D) Ensure the siting of CWM in ecologically suitable locations considering: local watershed needs and priorities; appropriate landscape position for the wetland types, functions and values sought; connectivity to other habitats and protected resources; and the absence of contaminants or conflicting adjacent land uses that would compromise wetland functions; and

(E) Minimize temporal loss of wetlands and tidal waters and their functions and values.

(b) Applicants must demonstrate how the selected method of CWM (i.e., mitigation bank, in-lieu fee mitigation, advance mitigation, permittee-responsible mitigation and payment in-lieu mitigation) addresses the principal objectives.

(3) General Requirements.

(a) Permittee-responsible CWM at an off-site location will be located within the 4th field Hydrologic Unit Code (HUC) in which the removal-fill site is located.

(b) Impacts to tidal waters must be replaced in the same estuary unless the Director determines that it is environmentally preferable to exceed this limitation.

(c) Projects that involve 0.20 acres or less of permanent wetland impact may use mitigation banks, in-lieu fee, or payment in-lieu mitigation without addressing the principle objectives set forth in Section (2) of this rule.

(d) Payment in-lieu fee mitigation may not be used if appropriate mitigation bank credits or in-lieu fee credits are available at the time of the permit decision.

Stat. Auth.: ORS 196.600 – 196.692, 196.795 – 196.990

Stats. Implemented: ORS 196.600 – 196.692, 196.795 – 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11

141-085-0685

Functions and Values Assessment

(1) Purpose. The purpose of the functions and values assessment is to document those wetland or tidal waters functions and values anticipated to be lost as a result of the project and help ensure that the proposed CWM will replace those functions and values.

(2) Assessment Requirements. Elements of a functions and values assessment must include the following:

(a) Existing functions and values at the proposed project site;

(b) Functions and values reasonably expected to be adversely impacted by the proposed project;

(c) Existing functions and values at the proposed CWM site, if the site is currently wetland or tidal waters; and

(d) The projected net gain or loss of specific functions and values as a result of the CWM project compared to the reasonably expected adverse impacts as a result of the project.

(3) Methods. Wetland functions and values assessment methods and requirements are as follows:

(a) All applications for tidal waters impacts or for wetland impacts of greater than 0.20 acres must include a functions and values assessment using the reference-based method in the appropriate Hydrogeomorphic Method (HGM) guidebook for Oregon wetlands, if available. If not available, the Oregon Rapid Wetland Assessment Protocol (ORWAP) is the required method.

(A) The same functions and values assessment method must be used on the impact site and the proposed CWM site.

(B) A functions and values assessment is not required for the CWM site if CWM is proposed to be fulfilled by purchase of bank credits, advance mitigation credits, or fee in-lieu program credits.

(C) If the same reference-based HGM is not available for both the impact site and the CWM site, then ORWAP must be used for both the impact site and the CWM site.

(D) If a reference-based HGM is not available for all wetland subclasses on the impact site, then ORWAP must be used for all wetlands on the impact site.

(b) For non-tidal wetland impacts involving impacts of 0.20 acres or less, ORWAP is the preferred method, but best professional judgment may be used to assess wetland functions and values. A written discussion of the basis of the conclusions based on best professional judgment must be provided. For example, if the water quality function is determined to be "low," a detailed rationale based upon direct measurement or observation of indicators of water quality function must be discussed.

(c) If best professional judgment is used, wetland functions and values to be assessed must include, but are not limited to:

(A) Water quality and quantity;

(B) Fish and wildlife habitat;

(C) Native plant communities and species diversity; and

(D) Recreation and education.

(d) The Oregon Freshwater Wetland Assessment Methodology will not satisfy the requirements of OAR 141-085-0685.

Stat. Auth.: ORS 196.600 – 196.692, 196.795 – 196.990

Stats. Implemented: ORS 196.600 – 196.692, 196.795 – 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11

141-085-0690

Additional Requirements for CWM

(1) Replacement by Class and Functions and Values. The CWM project must have the capability to replace:

(a) Wetland or tidal water type(s) impacted by the project, as classified per Cowardin system and class (e.g., palustrine forested) and by HGM class/subclass(es) impacted by the project (e.g., riverine impounding), using the Oregon HGM Statewide Classification (Oregon Department of State Lands, 2001); and

(b) The functions and values of the impacted wetland or tidal waters.

(2) Exceptions. The Department may approve exceptions to replacement by class and function if the applicant demonstrates, in writing, that the alternative CWM:

(a) Replaces functions and values that address problems (such as flooding) that are identified in a watershed management plan or water quality management plan;

(b) Replaces important wetland or tidal waters types (Cowardin/HGM) and functions and values disproportionately lost in the region;

(c) Replaces rare or uncommon plant communities appropriate to the region, as identified in the most recent Oregon Natural

Heritage Program plant community classification; or

(d) Is for the replacement of a non-tidal wetland or tidal water type that is technically impracticable to replace. Upon demonstration of such to the satisfaction of the Department, the Department may require re-consideration of alternatives to ensure that all practicable opportunities to avoid and minimize impacts have been reasonably incorporated into the project.

(3) Conversion of Wetland to Tidal Waters. CWM involving the conversion of wetland to tidal waters will not be approved where the wetland proposed for conversion provides a high level of functionality, provides locally important functions or values, or supports listed species or rare plant community or communities.

(4) CWM Ratios.

(a) The purpose of a CWM ratio is to:

(A) Ensure that the total area of the state's wetland and tidal waters resource base is maintained; and

(B) Replace wetland and tidal waters functions that may be size dependent.

(b) Ratios will not be used as the sole basis for demonstrating functional replacement.

(c) Except as otherwise provided in this section, the following minimum ratios must be used in the development of CWM plans:

(A) One acre of restore wetland or tidal waters for one acre of impacted wetland or tidal waters (1:1);

(B) One and one-half acres of created wetland or tidal waters for one acre of impacted wetland or tidal waters (1.5:1);

(C) Three acres of enhanced wetland or tidal waters for one acre of impacted wetland or tidal waters (3:1);

(D) Two acres of enhanced cropped wetland for one acre of impacted wetland (2:1). Cropped wetland is converted wetland that is regularly plowed, seeded and harvested in order to produce a crop for market. Pasture, including lands determined by the Natural Resources and Conservation Service to be "farmed wetland pasture," is not cropped wetland; and

(E) There is no established ratio for CWM using preservation. The acreage needed under preservation will be determined on a case-by-case basis by the Department.

(d) The Department may double the minimum ratio requirements for project development affecting existing CWM sites.

(e) The Department may increase the ratios when:

(A) Mitigation is proposed to compensate for an unauthorized removal-fill activity; or

(B) Mitigation will not be implemented in the same construction season as the authorized impact.

(f) At the option of the applicant, CWM may consist of any one or a combination of the following CWM ratios for commercial aggregate mining operations where both the mining operation and the CWM are conducted on converted wetlands (not including pasture):

(A) One acre of wetland and open water habitat, with depths less than 35 feet, for one acre of wetland impacted;

(B) Three acres of wetland and open water habitat, with depths greater than 35 feet, for one acre of wetland impacted; and

(C) One acre of a combination of restored, created or enhanced wetland and upland, comprising at least 50 percent wetland, for one acre of wetland impacted.

(g) The Department may also apply the following CWM measures for commercial aggregate mining operations on converted wetland (not including pasture):

(A) Allow for staged CWM or mined land reclamation required under ORS 517.700; or

(B) Allow the applicant, upon approval by the Department, to pay the entire cost of CWM according to the following criteria:

(i) On an annual basis for a period not to exceed 20 years over the life expectancy of the operation, whichever is less; or

- (ii) On an annual basis over time at a monetary rate per cubic yard or ton of aggregate material removed annually from the site.
- (h) Alternative methods may be used for mitigation crediting and/or impact debiting by applying a wetland function-based accounting method approved by the Department.
- (5) Timing of CWM Implementation. CWM earthwork must be completed within the same construction season as the authorized removal-fill project. The Department may approve non-concurrent CWM if the applicant clearly demonstrates, in writing, the reason for the delay or that there is benefit to the water resources in doing so.
- (6) CWM in Areas with High Natural Resource Value. CWM projects must not degrade areas with existing high natural resource values (e.g., forested uplands).
- (7) CWM Hydrology Must Be Self-Sustaining. CWM must not rely on features or facilities that require frequent and regular long-term maintenance and management. For example, permanent water control structures may be acceptable, whereas pumping from a groundwater well to provide adequate hydrologic support is not acceptable.
- (8) Multiple Purpose CWM. CWM sites may fulfill multiple purposes including storm water retention or detention, provided:
 - (a) All other CWM requirements are met;
 - (b) No alteration or management is required to maintain the functionality of the stormwater facility that would degrade the wetland functions and values;
 - (c) The runoff water entering the CWM site has been pretreated to the level necessary to assure that state water quality standards and criteria are met in the mitigation area;
 - (d) Construction of storm water facilities in existing wetlands meets the criteria for enhancement;
 - (e) Construction of the CWM site will not adversely affect adjacent wetlands or tidal waters;
 - (f) Construction of the CWM site will not significantly change pre-development hydrologic conditions or increase peak flows of velocity to receiving streams; and
 - (g) Stormwater discharges to existing or CWM wetlands will not result in hydrologic conditions that impair vegetation or substrate characteristics necessary to support wetland functions.
- (9) Special Requirements for Enhancement as CWM. CWM enhancement must conform to the following additional requirements. Enhancement must:
 - (a) Be conducted only on degraded wetlands or tidal waters;
 - (b) Result in a demonstrable net gain in functions and values at the CWM site as compared to those functions and values lost or diminished as a result of the project and those functions and values that already exist at the CWM site;
 - (c) Not replace or diminish existing wetland or tidal waters functions and values with different functions and values unless the applicant justifies, in writing, that it is ecologically preferable to do so;
 - (d) Not consist solely of the conversion of one HGM or Cowardin class to another;
 - (e) Identify the causes of wetland or tidal waters degradation at the CWM site and the means by which the CWM plan will reverse, minimize or control those causes of degradation in order to ensure self-sustaining success; and
 - (f) Not consist solely of removal of non-native, invasive vegetation and replanting or seeding of native plant species.
- (10) Preservation as CWM. Preservation of wetlands or tidal waters may be used for meeting the CWM requirement when the wetland or tidal waters site proposed for preservation is demonstrated to be under threat of development (e.g., zoned for a development use), and one of the following applies:
 - (a) The preservation site supports a significant population of rare plant or animal species;
 - (b) The preservation site is a rare wetland or tidal waters type (S1 or S2 according to the Oregon Natural Heritage Program);
 - (c) The preservation site is a native, mature forested wetland; or

(d) The preservation site, with existing and ongoing management, is in good condition and is highly functioning (as determined using a Department-approved assessment method). Preservation must also accomplish one or more of the following:

(A) Serves a documented watershed need; or

(B) Preserves wetland types disproportionately lost in the watershed.

(11) Preservation as the Preferred CWM Option. Preservation may be accepted as the preferred CWM option when the lost or diminished functions and values are exceptionally difficult to replace. Examples of such waters include, but are not limited to, vernal pools, fens, bogs and tidal spruce wetlands, as defined by the Oregon Natural Heritage Program.

(12) Special Case; CWM for Linear Projects in Multiple Watersheds. The Department will review and approve CWM for linear projects in multiple watersheds (e.g., roads or utility lines with wetland or tidal waters impacts) on a case-by-case basis and may establish other CWM requirements than those explicitly set forth in these rules.

Stat. Auth.: ORS 196.600 – 196.692, 196.795 – 196.990

Stats. Implemented: ORS 196.600 – 196.692, 196.795 – 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11

141-085-0695

Administrative Protection of CWM Sites

(1) Administrative Protection Instruments. All CWM sites must be protected from adverse impacts in perpetuity with appropriate protection instruments.

(2) Protection Instrument Standards. Protection instruments must meet the following standards:

(a) The permanent protection instrument must prohibit any uses of the CWM site that would violate conditions of the removal-fill authorization or otherwise adversely affect functions and values provided by the CWM site;

(b) Any proposed revisions to the protection instrument require prior approval from the Department;

(c) A conservation easement may only be granted to qualifying parties set forth in ORS 271;

(d) Conservation easements must provide the Department a third party right-of-enforcement; and

(e) An access easement, conveyed to the Department, must be recorded on the deed for all CWM sites on non-public lands, using a template provided by the Department.

(3) Publicly Owned CWM Sites. For publicly owned CWM sites, administrative protection may be provided through an adopted management plan. Such plan will provide for appropriate protection of the CWM site as determined by the Department.

Stat. Auth.: ORS 196.600 – 196.692, 196.795 – 196.990

Stats. Implemented: ORS 196.600 – 196.692, 196.795 – 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11

141-085-0700

Financial Security for CWM Sites

(1) Purpose. Financial security instruments are required for CWM sites as a guarantee that the CWM will be constructed, monitored and maintained in accordance with removal-fill authorization requirements.

(2) Exceptions. Financial security Instruments are required for CWM projects except in the following circumstances:

(a) No financial security instrument is required for projects conducted by government agencies;

(b) The Department may waive the requirement for a financial security instrument for impacts (0.20) of an acre or less; and

(c) Financial security instruments are not required when CWM is satisfied by purchase of credits from a wetland mitigation bank, an in-lieu fee program, advance mitigation or payment in-lieu mitigation.



CITY OF CORNELIUS

April 19, 2011

Metro Council
600 Northeast Grand Avenue
Portland, Oregon 97232

RE: Urban Reserve for Jobs in Cornelius – Community – Farmland Compromise

President Hughes and Metro Councilors:

I am Amy Scheckla-Cox, Vice-Chair of the Cornelius Planning Commission. Thank you for hearing us today. As this proposal stands, we are the only city in Washington County and Metro region that is being denied any Urban Reserve land suitable for future industry. The amendment to your proposal today is simple. Please see the Compromise Map.

Simply move the 352 acres of Urban Reserve that is NOT wanted north of Sunset Highway in Helvetia to north of Cornelius where it IS wanted and needed to build a complete and sustainable community consistent with your "Making the Greatest Place Outcomes". This move will satisfy Helvetia advocates' wishes saving the region's best farmland, and at the same time, meet Cornelius' needs on less-than-prime farmland. This move is also consistent with the long public record and county and regional staff recommendations last fall. Your Council, Washington County and LCDC will be happy for a compromise that results in a finished defensible product.

The barrier to this Community – Farmland Compromise is the worry that LCDC will not like any Urban Reserve north of Cornelius. This worry is overblown. At their October 2010 meeting, LCDC voiced concerns about urban reserves north of Cornelius, . . . concerns for which they never formulated a set of findings for a legal decision. . . they only voiced a *written* verbal remand based on their concerns; there are not even any Meeting Minutes of their discussion. (Because LCDC never wrote a final order, Cornelius did not have a chance to question or address their concerns.) None-the-less, Cornelius responds to the concerns voiced by LCDC's with this Community-Farmland Compromise.

In October, one LCDC Commissioner said that Area 7-I was a protrusion into prime farmland. (They were looking at a map colored green all around Urban Reserves that did not show streams or floodplains, partial development or infrastructure.) Please note that, none-the-less, this area has been significantly reduced and flattened to even out the northern border of Cornelius in our compromise.

They said this area was the "best of the best" farmland in the state – a "national treasure". This is simply not true. We summarized the facts about farmland suitability in the long public record, showing that the land north of Cornelius is documented as Class II & III soils and Tier II land in Washington County's study. Much better Class I soils and Tier I land are designated Urban Reserves elsewhere in the region, including north of Hillsboro, Forest Grove and outside of Sherwood.

Look at these slides of United States Department of Agriculture mapping of soils. Note the difference between the soils north of Hillsboro, including the area north of Sunset Highway where your proposal approves 352 acres of Urban Reserves and the soils north of Cornelius where your proposal omits any Urban Reserves. – Major amounts of Class I Soil in the Helvetia area – Absolutely no Class I Soil in the area north of Cornelius!

The Commissioner said this land contained too much floodplain. So we show a flood plain map of this area bordered by the southern edge of the Dairy Creek floodplain and containing little floodplain. They had no simple floodplain map in front of them.

Simple floodplain, zoning and infrastructure maps (from the record) would have shown the Commission that the Council Creek tributary was no effective boundary or buffer.

- ✓ Cornelius already extends north of Council Creek,
- ✓ \$20 million in public investments in urban development north of Council Creek,
- ✓ Most of this land is zoned Exception Land because its partially urbanized already,
- ✓ It's just a six-block distance from Cornelius' Town Center and future LRT station,
- ✓ And the broad floodplain natural boundary of Dairy Creek.

(This is all part of the record that LCDC had not been presented in time to read.)

As misinformed as LCDC's concerns were, none-the-less, we drastically reduced 624 acres to 360 acres of Urban Reserves – to respect their concerns and as a good faith compromise to reach agreement – a finished product.

Each and every Washington County Commissioner has voiced support for Urban Reserve north of Cornelius (and the majority doesn't want more Urban Reserves north of Sunset Highway). But they say that our Compromise "has no traction" with the Metro Council.

Give them that traction. They will support this Community – Farmland Compromise "in a nano-second" as one Commissioner said this Tuesday. We believe that LCDC will support this Compromise too with the facts in the existing public record, if you send it to them.

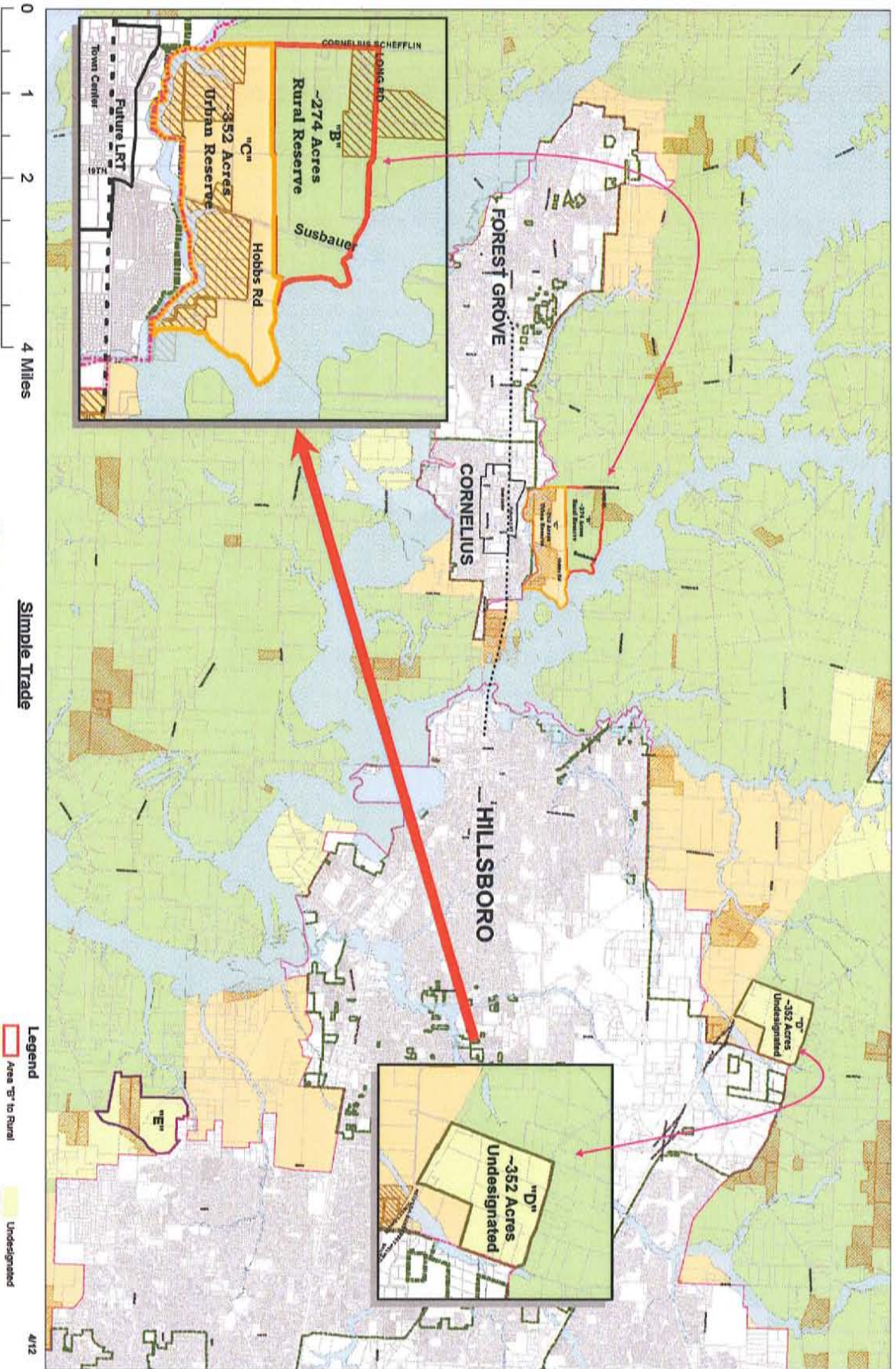
This "oral remand" gives you the opportunity to make a decision based on facts and findings in the record – like a land use decision in Oregon should be.

Please stand up and do what is right and good for us all. Remove the 352 acres of Urban Reserve designation from North of Sunset Highway on your map and move it back north of Cornelius. You will remember this decision. Make it a good memory.

Thank you for your public service.

Amy Scheckla-Cox, Vice-Chair
Cornelius Planning Commission

Draft Community - Farmland Compromise

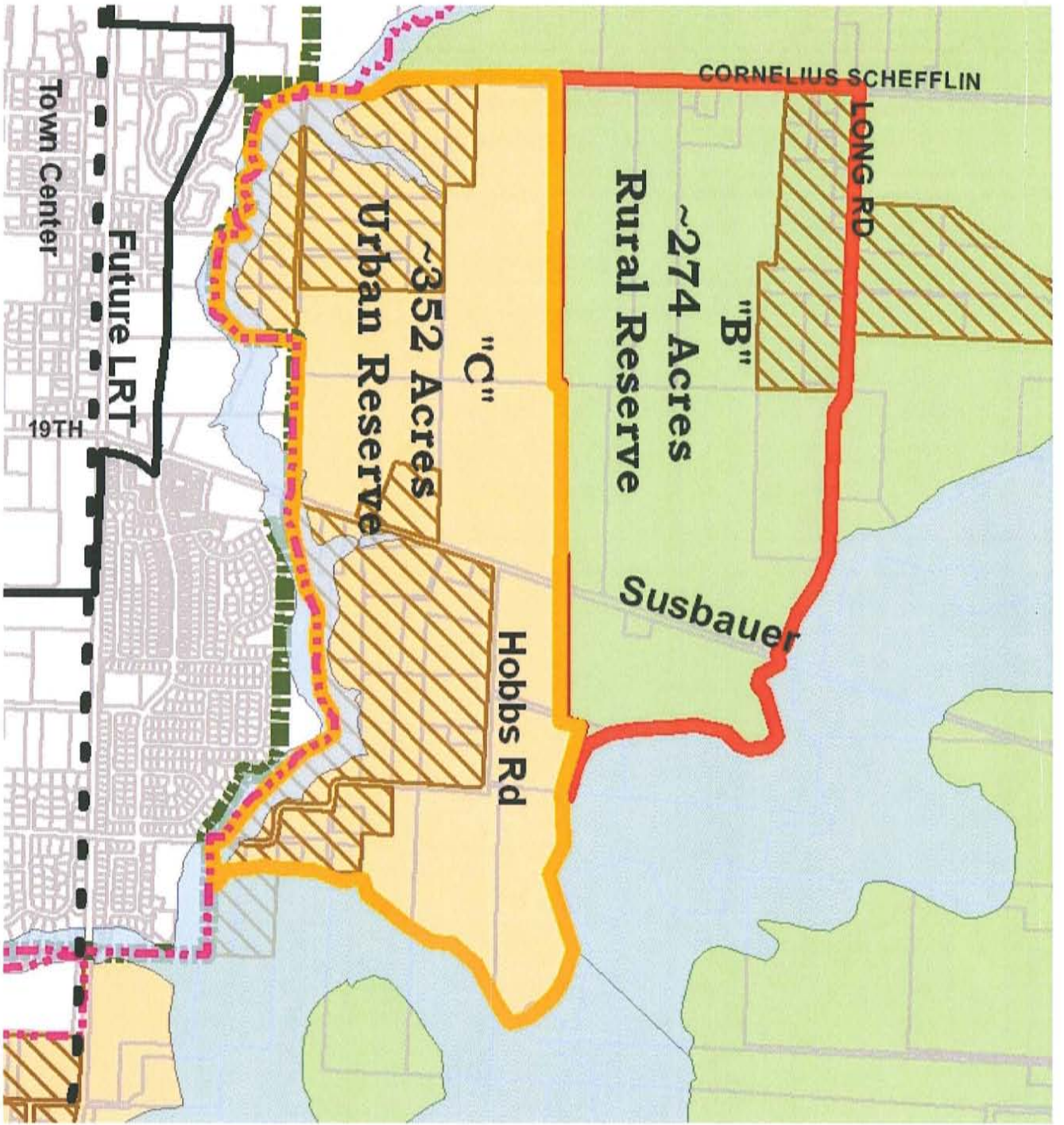


* 352 Acres of Urban Reserve
North of Sunset HWY. (Not wanted by Save Helvetia)
FOR

* 352 Acres North of Cornelius (Wanted by Cornelius)

Simple Trade

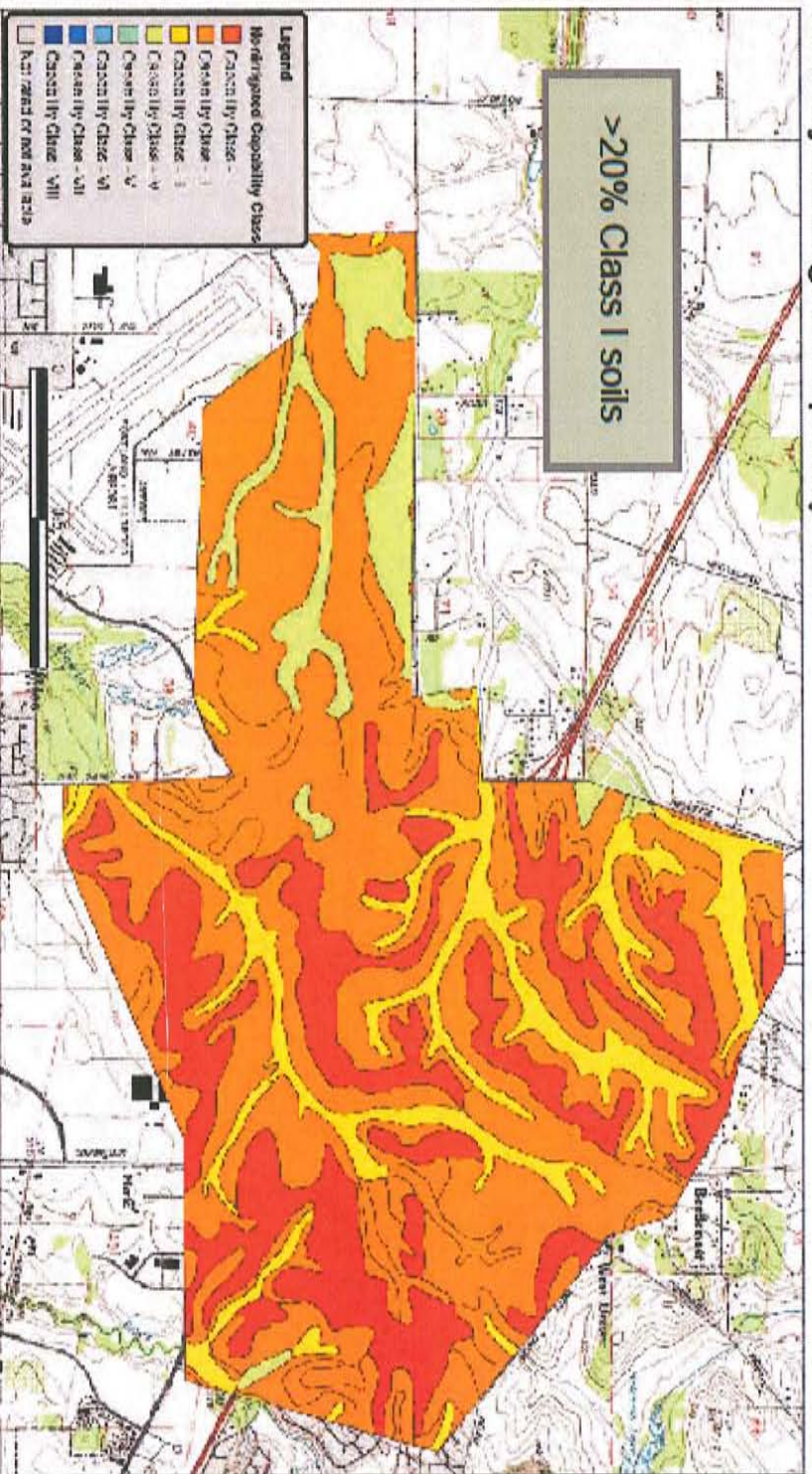
- Legend**
- Area "B" to Rural
 - Area "C" to Urban
 - Area "D" to Undesignated
 - Area "E" to Undesignated
 - Rural Reserve areas
 - Urban Reserve areas
 - Undesignated
 - Exception Land
 - UCB
 - Town Center
 - Floodplain
 - Future LRT



Tech district

Already urbanized North Hillsboro
Soils by nonirrigated capability class

Assisted By: Norman P. Adelman
USDA-NRCS
08 March 2011



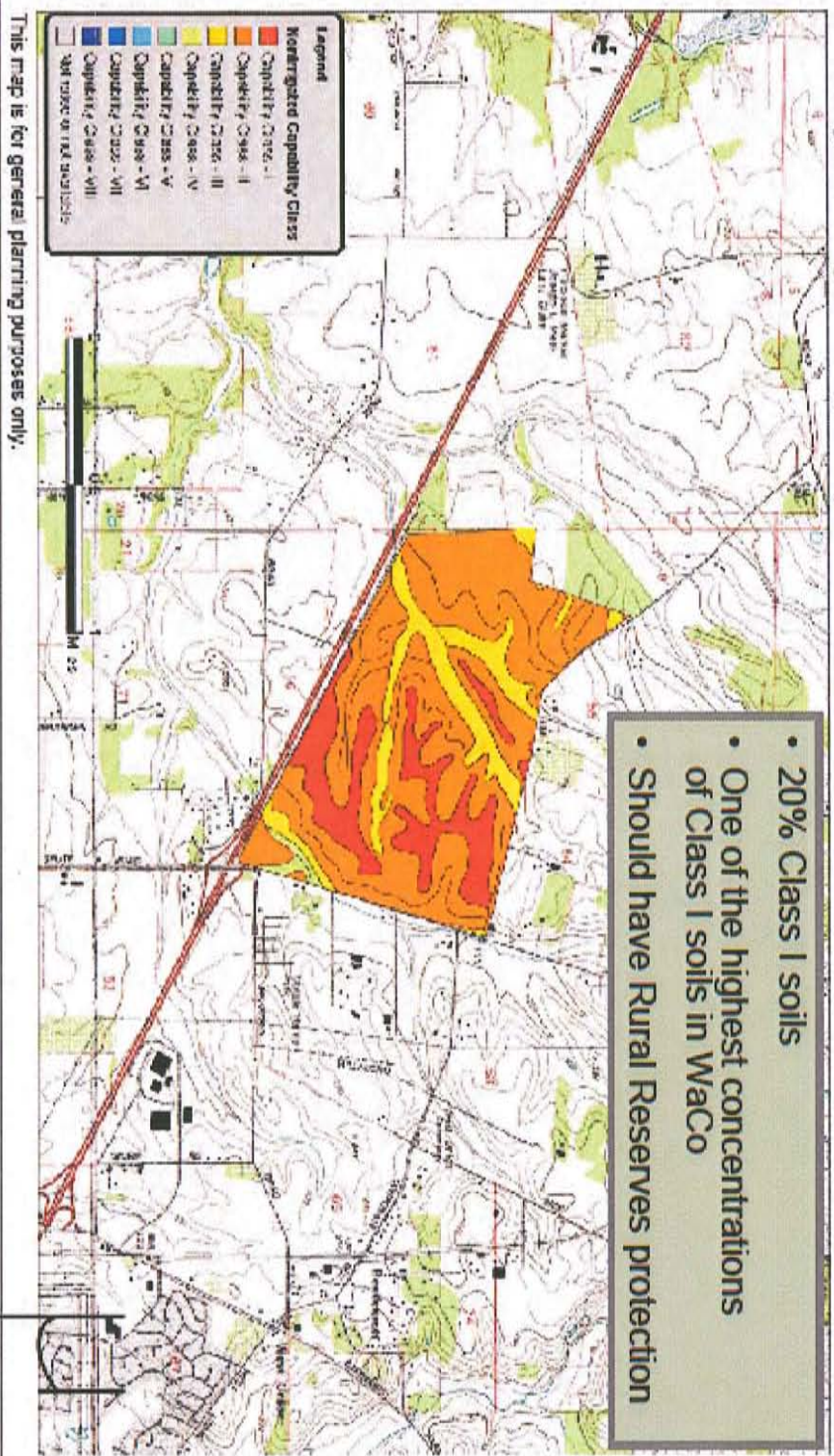
This map is for general planning purposes only.

Proposed Urban Reserves – Area D

Helvetia N of 26 proposed Urban Reserve
Soils by nonirrigated capability class

Assisted By: Nathan P. Accliman
USDA-NRCS
08 March 2011

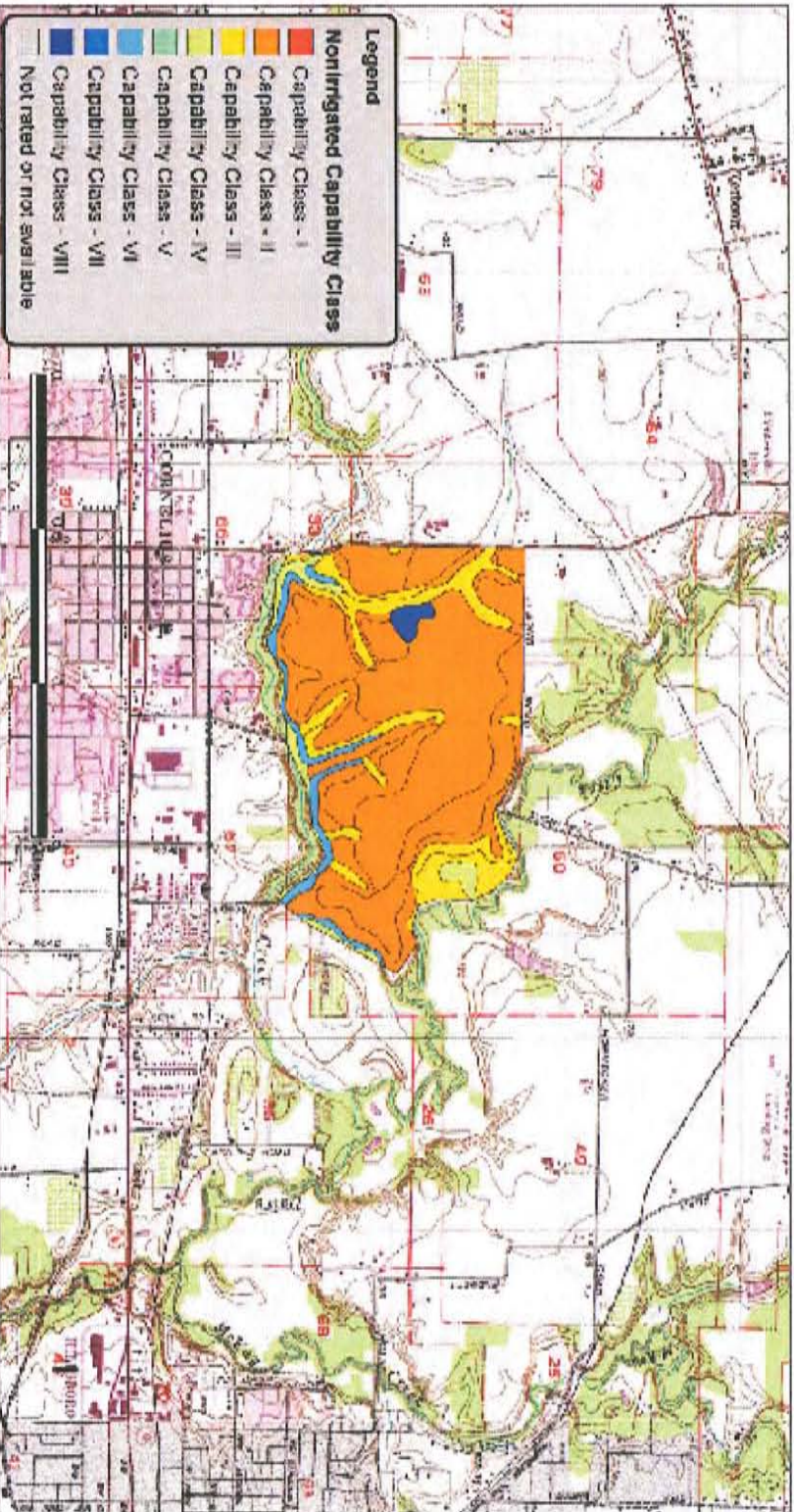
- 20% Class I soils
- One of the highest concentrations of Class I soils in WaCo
- Should have Rural Reserves protection



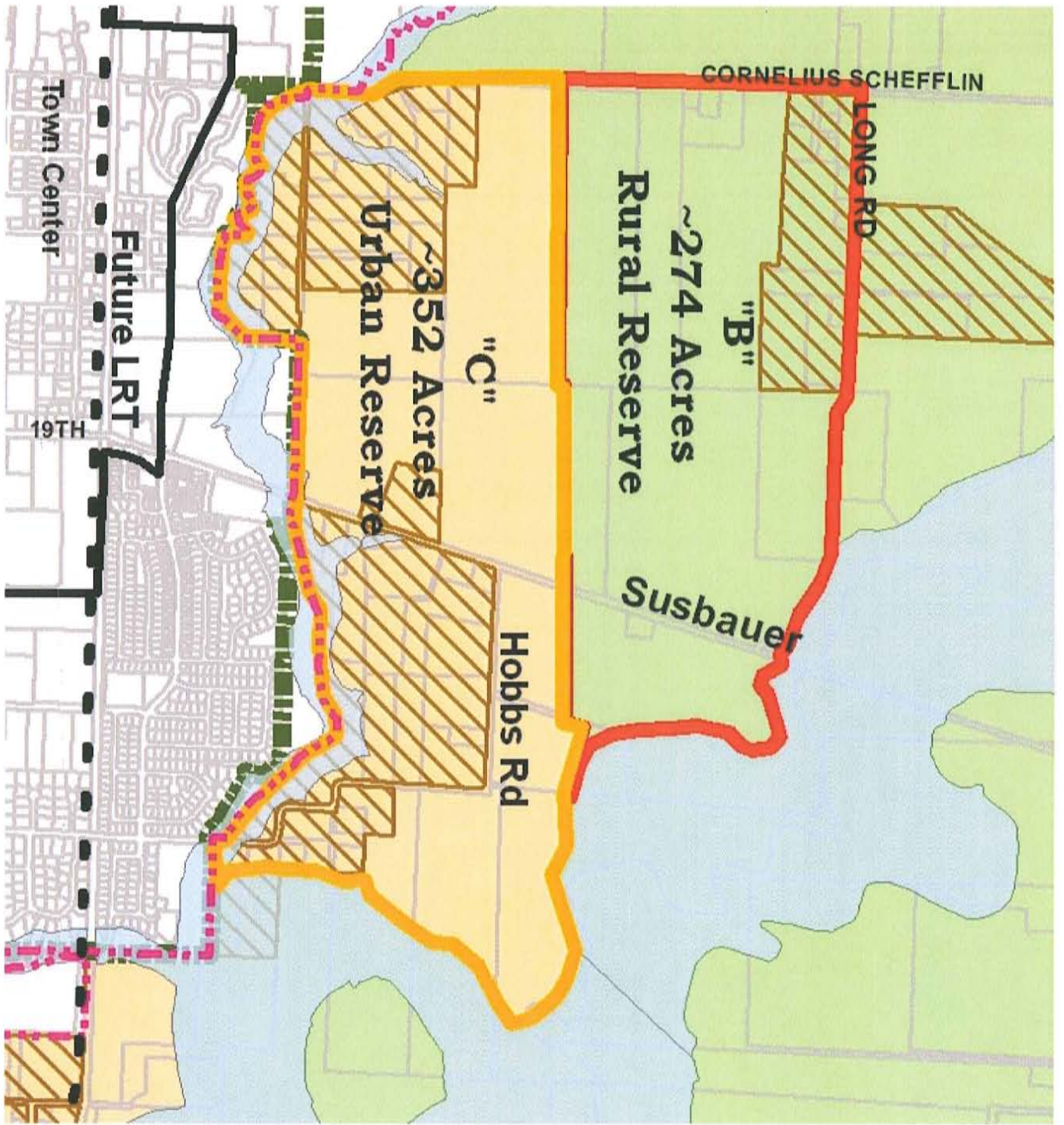
Cornelius north of Council Creek

Cornelius N. of Council Creek Soils by nonirrigated capability class

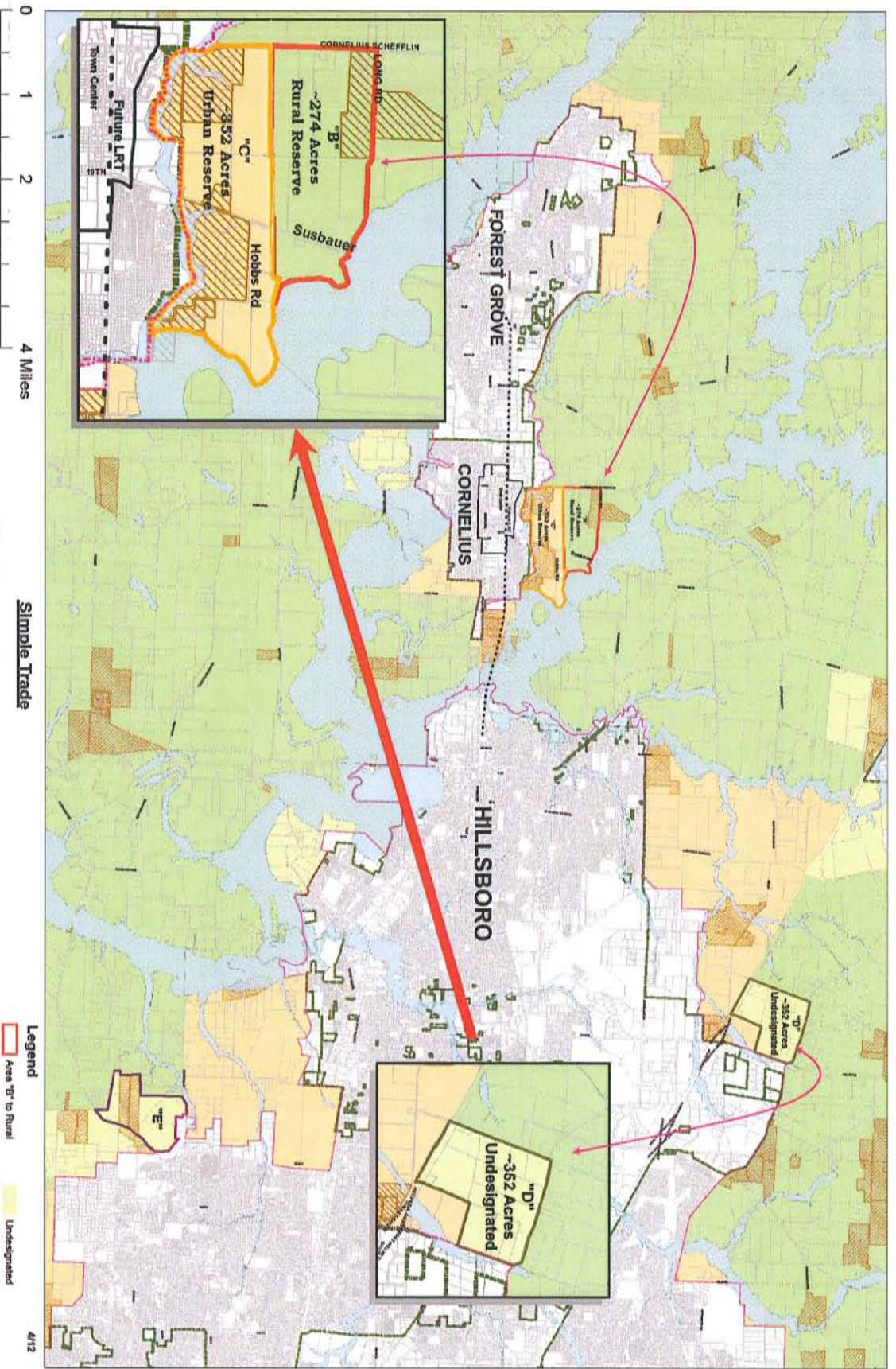
Assisted By: Nathan P. Aselman
USDA-NRCS
08 March 2011



This map is for general planning purposes only.



Draft Community - Farmland Compromise



0 1 2 4 Miles

Simple Trade

Legend

4/12

* 352 Acres of Urban Reserve
North of Sunset HWY. (Not wanted by Save Helvetia)

For

* 352 Acres North of Cornelius (Wanted by Cornelius)

- Area 'A' to Rural
- Area 'B' to Urban
- Area 'C' to Undesignated
- Area 'D' to Undesignated
- Area 'E' to Undesignated
- Rural Reserve areas
- Urban Reserve areas
- Undesignated
- Exception Land
- UGB
- Town Center
- Floodplain
- Future LRT

Linda B. Peters
25440 NW Dairy Creek Road
North Plains, OR 97133
lindabpeters@gmail.com (503) 647-2301

April 21, 2011

To: Metro Council

Re: Urban and Rural Reserves, IGA and related Ordinance decisions

I want to associate my testimony with that submitted by Save Helvetia, the Washington County Farm Bureau, and 1000 Friends of Oregon, and to assure that in both Washington County's and Metro's case files, I have standing as a party of record to this year's proceedings as well as last year's.

I believe we are in very murky legal waters here. A legal order from Land Conservation and Development Commission met with staff refusal to write it up with findings in a timely manner. Thus there's been no opportunity for any parties to appeal LCDC's October 2010 decision and remand of Washington County designations or findings.

In the interim, privileged lobbyists and selected local officials and the very DLCD Director who declined to issue the Commission's Order have apparently had free access to both Metro Councilors and LCD Commissioners – while citizen representatives encounter stonewalling by Metro staff when attempting to schedule appointments with Metro Councilors.

I give the Metro Council credit for its presence in a marathon joint meeting with Washington County in March, and with at one point voting 7-0 for a map proposal that might have met the letter and intent of Reserves statute, OAR's and LCDC's intended order as extracted from meeting minutes. But when a majority of the Washington County Board rejected that proposal, insisting upon replaing urban reserves LCDC had "taken away", the Metro Council caved in.

As constituted, Metro was to have an oversight role in regional planning. It was not set up to simply facilitate intergovernmental agreements, and particularly was never required to yield "veto power" over regional decisions to jurisdiction(s) most stubbornly aligned with a development lobby intent on urban expansion rather than urban revitalization.

Metro's Great Place policies, goals, and public rhetoric all argue for Council members to judiciously weigh the merits of County proposals, and say no when those proposals fail to meet the adopted policies and applicable state law.

I appreciate how hard everyone has worked over the years to come to consensus on reserves. But consensus in which most officials regrettably yield their better judgment to the stubbornness of the last hold-out is not an appropriate sort of consensus as a basis for the next 30 to 50 years of land use planning in this region.

Protecting Washington County's Remaining Class 1 Soils



Greg Mecklem
12995 NW Bishop Rd.
Hillsboro, OR 97124
April 20, 2011

Not all soils are created equal

- NRCS* has developed soil capability classes
- Indicate productivity of soil
- Highest Class I soils remain productive irrespective of whether irrigation is used
- Important to protect these soils in an era of water shortages
- Soil preservation / local food production is important
 - Food security
 - Advent of peak oil

*Natural Resource Conservation Service, an agency of USDA

Soil capability classes

Legend

Nonirrigated Capability Class

Red	Capability Class - I
Orange	Capability Class - II
Yellow	Capability Class - III
Light Green	Capability Class - IV
Green	Capability Class - V
Blue-Green	Capability Class - VI
Blue	Capability Class - VII
Dark Blue	Capability Class - VIII
White	Not rated or not available

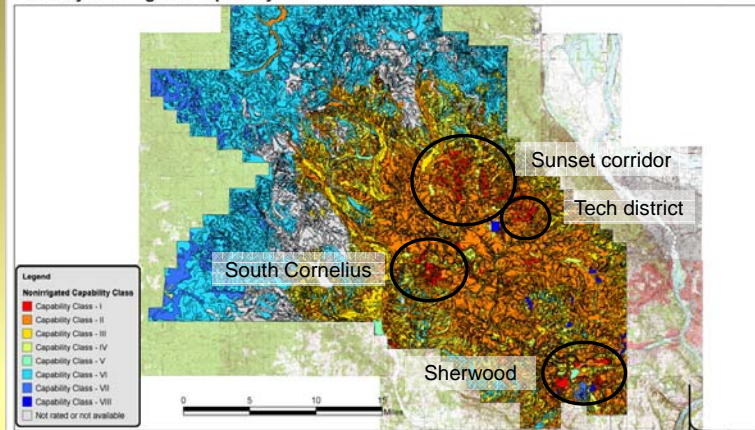
- Class I soils have few limitations that restrict their use.
- Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
- Class III soils have severe limitations that reduce the choice of plants, or that require special conservation practices, or both.
- Class IV soils have very severe limitations that reduce the choice of plants, or that require very careful management, or both.
- Class V soils are not likely to erode but have other limitations, impractical to remove, that limit their use.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation.
- Class VII soils have very severe limitations that make them unsuitable for cultivation.
- Class VIII soils and landforms have limitations that nearly preclude their use for commercial crop production.

- Essential to protect Class I soils – few limitations on productivity
- Class II-IV have moderate to severe limitations on productivity
- Class V-VIII have serious productivity problems – not useful for ag

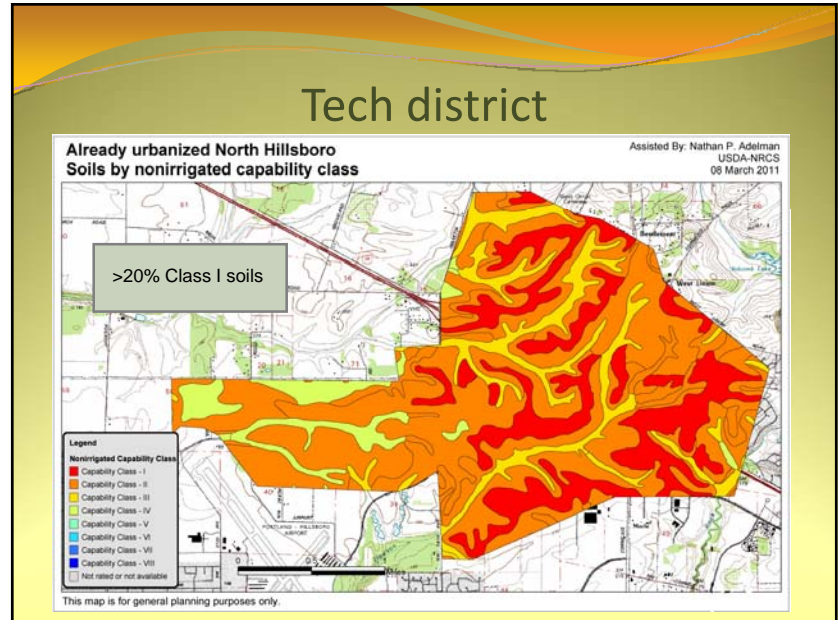
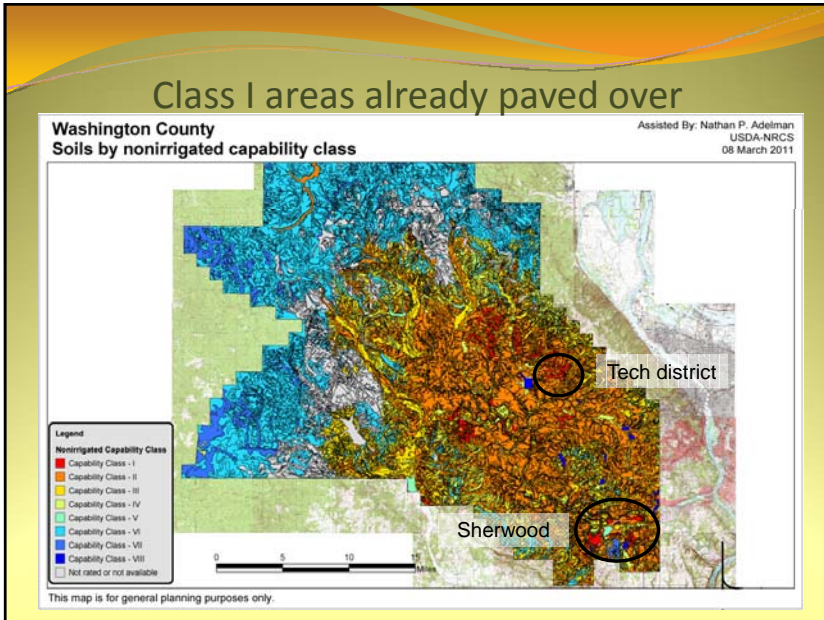
4 areas of concentrated Class I soils

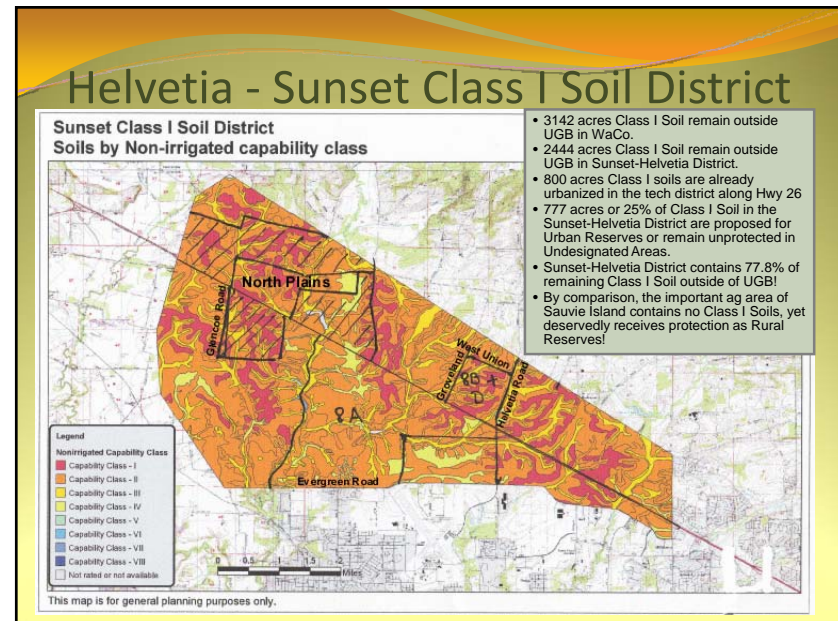
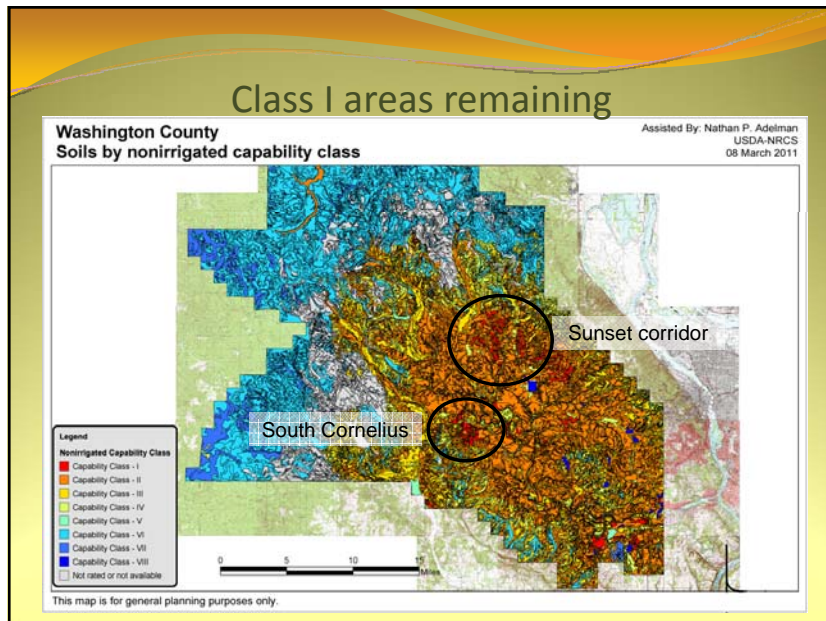
Washington County
Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



This map is for general planning purposes only.

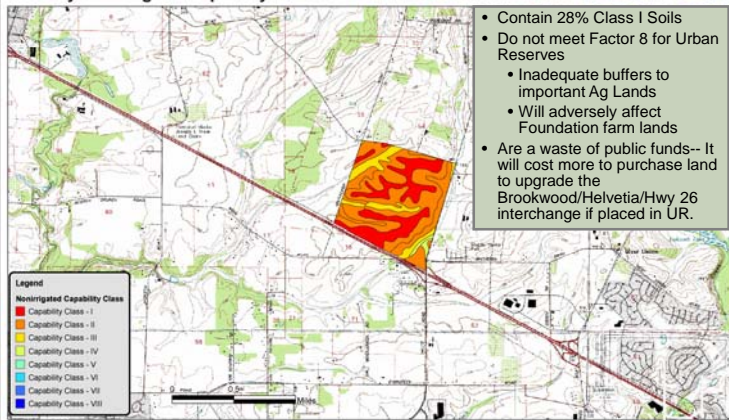




Proposed Urban Reserves – Area 8D & 8B

Proposed UR D/8B
Soils by Non-irrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



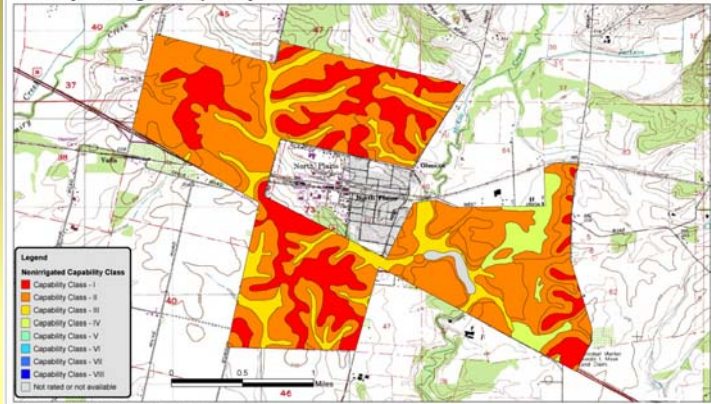
- Contain 28% Class I Soils
- Do not meet Factor 8 for Urban Reserves
 - Inadequate buffers to important Ag Lands
 - Will adversely affect Foundation farm lands
- Are a waste of public funds-- It will cost more to purchase land to upgrade the Brookwood/Helvetia/Hwy 26 interchange if placed in UR.

This map is for general planning purposes only.

Undesignated areas around North Plains

North Plains Undesignated
Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



This map is for general planning purposes only.

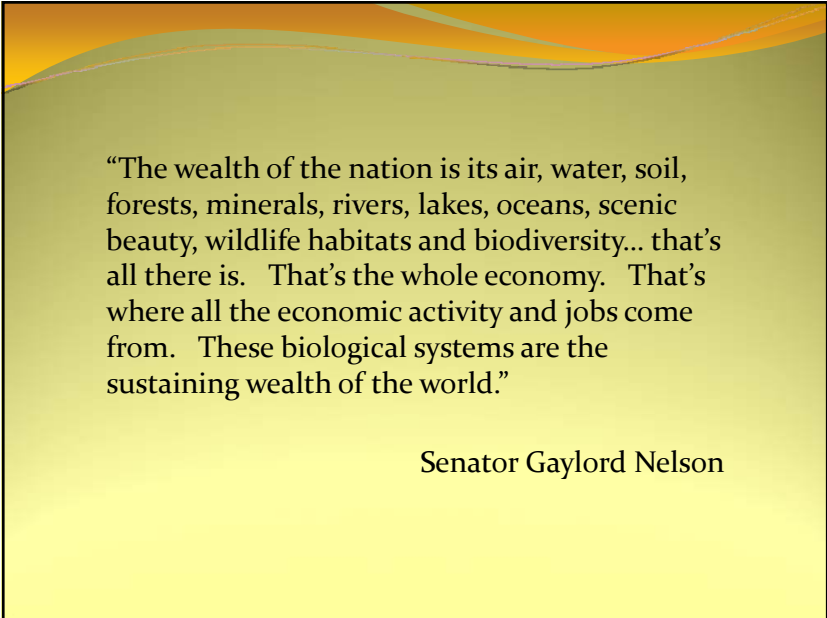
Current Urban Reserves and unprotected Undesignated areas leave approximately 1060 acres of Class I Soils (33.6% of WaCo total) and 9002 acres of Class II Soils (10.1% of WaCo total) without protection.

Summary



Class I Willamette Silt Loam soil
(Area 8D)

- The Helvetia Sunset Class I soil district contains over 77.8% of the remaining Class I soils in WaCo.
- Much of it is slated for development under Urban Reserves or remains unprotected.
- It needs to be protected as Rural Reserves.



“The wealth of the nation is its air, water, soil, forests, minerals, rivers, lakes, oceans, scenic beauty, wildlife habitats and biodiversity... that’s all there is. That’s the whole economy. That’s where all the economic activity and jobs come from. These biological systems are the sustaining wealth of the world.”

Senator Gaylord Nelson



1120 N.W. Couch Street, Tenth Floor

Portland, OR 97209-4128

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FAX: (503) 346-2261
EMAIL: SPfeiffer@perkinscoie.com

April 21, 2011

VIA EMAIL AND HAND DELIVERY

Tom Hughes, Council President
Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Letter in Opposition to Metro Council Ordinance No. 11-1255 (Urban Reserves)

Dear Council President Hughes and Metro Councilors:

This office represents Chris Maletis, Tom Maletis, Exit 282A Development Company, LLC, and LFGC, LLC ("Owners"), the owners of property generally located south of the Willamette River, east of I-5, and west of Airport Road in Clackamas County ("Property"). The Owners will be adversely affected in their use of the Property by the proposed designation of urban and rural reserves. As such, they oppose Metro's adoption of Ordinance No. 11-1255 ("Ordinance"), which relates not only to revised reserves designations in Washington County but also to re-designation of all other reserves in Clackamas and Multnomah Counties, including designation of the Property as a rural reserve.

1. Summary of Arguments.

First, the Owners incorporate by reference the myriad argument and evidence they have previously submitted into the record in opposition to the proposed reserves designations, including, without limitation, the objections set out in the letter from the undersigned to the Land Conservation and Development Commission ("LCDC") on July 14, 2010. In addition, the Metro Council should not adopt the Ordinance for the following reasons:

- The designation of urban and rural reserves by Metro and the Counties violates the Federal and State Equal Protection Clauses.
- Metro's jurisdiction ends at the boundaries of the Metropolitan Service District; as such, Metro lacks the authority to designate reserves outside of these boundaries.

42204-0001/LEGAL20694106.1

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PHOENIX · PORTLAND · SAN DIEGO · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

Perkins Coie LLP

Tom Hughes, Council President
Metro Council
April 21, 2011
Page 2

- Metro wholly failed to comply with the notice requirements of ORS 197.610 in advance of considering the Ordinance.
- The Oregon Department of Agriculture ("ODA") report that serves as the basis for defining the "safe harbor" provision of OAR 660-027-0060(4) does not constitute substantial evidence.

2. Description of the Property.

The Property is located in the French Prairie area south and east of the City of Wilsonville in Clackamas County. The Property is generally located south of the Willamette River, east of I-5, and west of Airport Road in Clackamas County. It is served by short and main line railways, and it is within the immediate area of the Aurora State Airport. The Property is generally unimproved, although it does include the Langdon Farms Golf Club. The Property is generally flat, but it does not lie within any floodplains. Moreover, the Property does not include any important natural landscape features, such as plant or wildlife habitat or other features that define and distinguish the region. As a result, the Property is generally unconstrained and buildable.

After completing a comprehensive analysis of the Property and its suitability for urban or rural purposes, Clackamas County staff rated the Property as having "medium" or "high" suitability for an urban reserve designation on all factors, with the exception of three subfactors.

Notwithstanding these ratings and additional evidence in support of an urban reserve designation offered by the Owners into the record, Clackamas County recommended that the Property be designated as a rural reserve. Metro and the Counties incorporated the rural reserve designation into the final reserves decision. The Ordinance does not modify or further justify this designation.

3. Argument.

A. The Designation of Urban and Rural Reserves Violates the Federal and State Equal Protection Clauses Both Facially and as Applied.

Under the Equal Protection Clause of the Fourteenth Amendment, a state may not "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. Amend. XIV, § 1. The Oregon Constitution also provides that "[n]o law shall be passed granting to any citizen or class of citizens, privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens." Or. Const. Art. 1, § 20. The purpose of the Equal Protection Clause "is to secure every person within the State's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly

constituted agents." *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). Where a person "has been intentionally treated differently from others similarly situated and [] there is no rational basis for the difference in the treatment," that action would support an equal protection claim. *Id.* "Disparate government treatment will survive rational basis scrutiny as long as it bears a rational relation to a legitimate state interest." *Squaw Valley Dev. Co. v. Goldberg*, 375 F.3d 936, 944 (9th Cir. 2004). "[T]here is no rational basis for state action that is malicious, irrational or plainly arbitrary." *Id.*

The decision by Metro and the Counties to designate urban and rural reserves violates the Federal and State Equal Protection Clauses both facially and as applied. First, the decision is facially invalid because it does not treat similarly-situated properties/owners in a similar manner. The land use statutes that contain provisions concerning the reserve system unlawfully protect farmland owners at the expense of non-farmland owners. A designation of urban reserve that affects farmland requires "a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land." There is no similar protection with respect to the designation of any land as a rural reserve. This stark difference in process has no relationship to any legitimate state interest, and thus, violates the Federal and State Equal Protection Clauses.

Second, the evidence in the record shows that Metro and the Counties applied the reserve designation rules to similarly situated properties in a disparate manner based on improper political distinctions. Instead of applying the reserve factors in a fair and equitable manner, Metro and the Counties created pretextual "justifications" for its actions. For example, Clackamas County justified its "rural reserve" designation of the Property for two primary reasons, which are discussed on pages 11 to 12 of the July 14, 2010 letter from the undersigned to DLCD. As shown there, neither of these reasons is valid, and each is contradicted by the evidence before LCDC. These pretextual justifications cannot be used as a rational basis for the disparate treatment of the Property. For these reasons, Metro should not adopt the Ordinance as drafted.

B. Metro Has No Authority to Designate Reserves Outside of the Service District Boundary.

Metro's jurisdiction is coterminous with the boundaries of the metropolitan service district. *See, e.g.,* Metro Charter, Chapter I, Section 3 ("The Metro Area of governance includes all territory within the boundaries of the Metropolitan Service District...and any territory later annexed or subjected to Metro governance under state law.") Although ORS 195.137 through 195.145 purport to allow Metro, in tandem with area counties, to designate urban reserves, these provisions do not explicitly extend the geographic scope of Metro's governing authority outside of the boundaries of the metropolitan service district. Rather, the Legislature's grant of authority

Tom Hughes, Council President
Metro Council
April 21, 2011
Page 4

in ORS Chapter 195 must be read consistent with the statutory and charter provisions confining Metro's jurisdiction to a limited area. Therefore, to the extent that the Ordinance purports to designate urban reserves outside of the boundaries of the metropolitan service district, the Ordinance exceeds the scope of Metro's authority and is void *ab initio*.

C. Metro Failed to Provide Notice of the Ordinance to DLCD.

Local governments, including Metro, are required to submit proposed post-acknowledgment plan amendments and amendments to land use regulations to the State Department of Land Conservation and Development ("DLCD") at least 45 days prior to the first evidentiary hearing for the amendment. ORS 197.610(1). Metro's designation of urban reserves is subject to the notice requirements of ORS 197.610 through ORS 197.625. *City of Hillsboro v. Metro*, 34 Or LUBA 775 (1998). The notice to DLCD not only provides notice to DLCD but also a secondary notice to third parties who rely upon DLCD for notice of upcoming hearings.

Thus, compliance with ORS 197.610 serves an important role in ensuring that proposed amendments receive scrutiny from the broader public and that the proposed amendments comply with the Statewide Planning Goals. For these reasons, the Court of Appeals of Oregon has held that the complete failure to comply with the notice provisions of ORS 197.610(1) is a substantive, not procedural, error that requires remand without regard to whether the failure results in prejudice to a particular petitioner at LUBA. *Oregon City Leasing, Inc. v. Columbia County*, 121 Or App 173, 177, 854 P2d 495 (1993). In other words, the mere failure to provide notice is error unto itself and does not need to be raised by a party who actually failed to receive notice of the proceedings.

The Owners reviewed the last six (6) months of notices to DLCD and located no notice from Metro for the first (or any) evidentiary hearing for the Ordinance. Metro is not excused from complying with ORS 197.610 in this instance simply because Metro is acting in response to an oral remand from LCDC.¹ The Ordinance is a separate proposal with separate substantive impacts and findings. For this reason alone, the Metro Council must not adopt the Ordinance.

D. The Report that Serves as the Basis for the "Safe Harbor" Provision does not Constitute Substantial Evidence.

Finally, the Owners would like to supplement their earlier objection (raised in the July 14, 2010 letter to DLCD) to Metro and the Counties' application of the "safe harbor" provision of OAR

¹ In fact, Washington County, for one, submitted the required notice of its revised reserves amendments to DLCD on January 12, 2011.

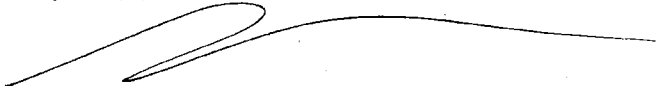
Tom Hughes, Council President
Metro Council
April 21, 2011
Page 5

660-027-0060(4). In that earlier objection, the Owners contended that Metro and the Counties could not permissibly apply the "safe harbor" provision as the sole basis to designate properties as rural reserves when ORS 195.141(3) and (4) requires that Metro and the Counties apply all rural reserve factors to a reserve designation decision. The Owners reiterate that objection at this time. The Owners further contend that Metro and the Counties cannot rely upon the "safe harbor" provision, because it is based upon a 2007 report prepared by the ODA that cannot constitute substantial evidence because it is so generalized and was completed at such a regional level that it fails to recognize and identify parcel-specific distinctions regarding soil conditions. Furthermore, the data was set out in an inter-agency report that was not vetted through a noticed public process prior to being finalized. As such, the ODA report is inherently unreliable and fails to provide an adequate factual base sufficient to constitute substantial evidence in support of a rural reserve designation.

4. Conclusion

For these three reasons--in addition to the myriad reasons raised by the Owners and other parties previously on the record, which reasons are incorporated herein by reference—Metro should not adopt the Ordinance as drafted. I have asked Tim O'Brien to place this letter in the official record for the Ordinance. Please contact me with any questions. Thank you for your consideration of the points raised in this letter.

Very truly yours,



Steven L. Pfeiffer

SLP:crl

cc: Client (via email)
Tim O'Brien (via email)
Richard Benner (via email)

1650 Northwest Susbauer Road
Cornelius, Oregon 97113

April 10, 2011

Metro Council
600 Northeast Grand Avenue
Portland, Oregon 97232

Dear President Hughes and Members of the Council:

My family, neighbors, and I object to the plan to have the land north of Council Creek in Cornelius be designated as an Urban Reserve. Nor do we want an "undesigned" label. Instead, we want the protection of a Rural Reserves designation.

We contend that Council Creek serves as an obvious, natural, beautiful boundary separating urban and rural populations. It makes no sense to extend the UGB beyond the creek, encroaching on valuable foundation farmland, potentially ruining the livability of the area.

These soils have been tested and found to be some of the richest in the state. The idea of paving over this fertile, historic farmland for industrial or commercial use is outrageous and a violation of common sense and decency!

The livability of the area would most certainly be ruined along with the beautiful vistas as acres of farmland are paved over for manufacturing plants, factories, and parking lots. Loss of farmland depletes natural resources and negatively affects the ecology of the area. Why would people choose to move to Cornelius without the draw of the charm afforded by the rural surroundings? Pave over farmland and it's gone forever. Gone is the chance for future generations to enjoy what it is to live the rural way of life. For what? To add to a city's tax revenue and pad developers' pockets? That's too high a cost and such an ill-conceived plan.

And what of the loss of jobs associated with farming? Besides the farmers themselves, think of all the businesses that support them. There needs to be a balance. Right now, there is one. But crossing the creek, encroaching on valuable farmland takes away that balance.

Instead, we urge city planners to clean up and fully utilize property they already have zoned for development. Clean up the blight. Build up, not out. Urban sprawl must be stopped at Council Creek; another goal of land use planning is to use natural buffers wherever possible.

Council Creek provides just that: an obvious, natural, beautiful boundary separating urban from rural ways of life.

Attached is a letter from Mayor Knight to Cornelius City Planner Richard Meyer, asking that my neighborhood, the area north of Council Creek and east of N.W. Susbauer Road, NOT be included in the UGB expansion as it would be "against the will of the people." Mr. Meyer agreed, as the letter shows. Another neighbor collected signatures west of Susbauer Road, while I revisited those east of the road. The attached petitions show that the vast majority of residents north of Council Creek are opposed to either an Urban Reserves designation or an undesigned

label. The petition reads as follows: "We, the undersigned, residents and/or property owners north of Council Creek in Cornelius urge the powers-that-be to protect valuable foundation farmland with a Rural Reserves designation, saving it from potential development for the next 50 years. We DO NOT want to be incorporated into the UGB, nor annexed by the city of Cornelius. We DO NOT want an Urban Reserves designation, nor do we want our land to be labeled as 'undesigned.' Farmland and the peaceful, eco-friendly way of 'life in the country' need to be preserved for future generations." The mayor claims not to want to go against the will of the people, and the people most affected the residents north of Council Creek^{3/4} have shown, by signing this petition, that it would be going against our will to expand the UGB beyond Council Creek.

We appreciate your support and hope you will protect and preserve the land north of Council Creek with a Rural Reserves designation. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Melissa J. Jacobsen". The signature is written in black ink and is positioned above the typed name.

Melissa J. Jacobsen, Friends of Council Creek
Attachments

3/10/2011

Dear Richard Meyer,

As you know I have expressed concerns about property being brought into the city of Cornelius against the will of the people. I believe that the people east of Susbauer and south of Hobbs Rd. do not want to be a part of the city of Cornelius. However I do support the 50-year Urban Reserve designation and understand the vital importance to the future of Cornelius and would be glad to do whatever I can to help support the efforts to get the job done.

What I would like to ask from you, provided that the parties that are involved support the idea including the majority of the Cornelius city council and the county commissioners agree, is to oppose this area east of Hobbs Rd. from Urban Growth Boundary expansion.

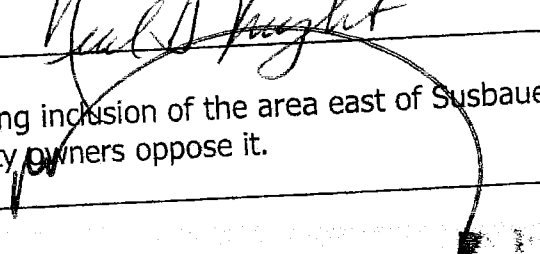
Thank you.

Mayor Neal Knight

S. NK


I commit to opposing inclusion of the area east of Susbauer Rd. in the Urban Growth Boundary, as long as the property owners oppose it.

Richard Meyer



Friends of Council Creek

We, the undersigned, residents and/or property owners north of Council Creek in Cornelius urge the powers-that-be to protect the valuable foundation farmland with a Rural Reserves designation, saving it from potential development for the next 50 years. We DO NOT want to be incorporated into the UGB, nor annexed by the city of Cornelius. We DO NOT want an Urban Reserves designation, nor do we want our land to be labeled as "undesigned." Farmland and the peaceful, eco-friendly way of "life in the country" needs to be preserved for future generations. Thank you for your support.

Signature

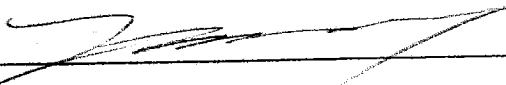
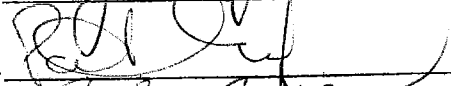
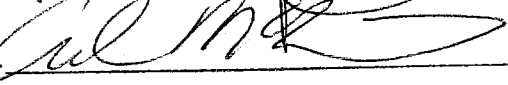
Address

1. Melissa J. Jacobsen 1650 N.W. Susbauer Rd., Cornelius, OR 97113
2. Mark J. Jurek 1690 NW SUSBAUER RD, CORNELIUS OR 97113
3. Nathan J. Jurek 1650 NW Susbauer Rd, Cornelius OR, 97113
4. Emma L. Jacobsen 1650 NW Susbauer Road, Cornelius OR 97113
5. Sharon M. Clay 1725 NW Hobbs Rd. Cornelius, Or. 97113
6. Donald L. Clay 1725 NW Hobbs Rd Cornelius OR 97113
7. Joe Strassburg 1495 NW Hobbs Rd Cornelius OR 97113
8. R. McNulty 1710 NW HOBBS " " "
9. Peggy Van De Moortele 1560 N.W. HOBBS RD CORNELIUS, OR 97113
10. LeVee De Moortel 1560 NW Hobbs Rd Cornelius, OR 97113
11. Charles F. Kutilek 1675 N.W. HOBBS RD, CORNELIUS, OR, 97113
12. Paulette M. Decker 1450 NW Hobbs Rd Cornelius, OR 97113
13. Debra Severdu 1010 NW Hobbs Rd. Cornelius OR 97113
14. P. Decker 1010 NW Hobbs Rd Cornelius OR 97113
15. Cynthia Sirko 2200 NW SUSBAUER RD CORNELIUS, OR 97113
16. Anne Wells 2200 N.W. SUSBAUER RD, CORNELIUS, OR 97113
17. Chuck M. Wells 2200 NW SUSBAUER RD CORNELIUS, OR 97113
18. Kathleen B. Tommy 1655 NW Hobbs Rd Cornelius, OR 97113

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Signature

Address

- | Signature | Address |
|--|------------------------------|
| 19.  | 1655 NW Hobbs Rd Cornelius |
| 20. Dave True | 1325 NW Hobbs Rd Cornelius |
| 21. Tina True | 1325 N.W. Hobbs Rd Cornelius |
| 22. F. Alkoush | 1290 NW Hobbs Rd Cornelius |
| 23.  | 1290 NW Hobbs Rd Cornelius |
| 24.  | 1785 NW Hobbs Rd Cornelius |
| 25. _____ | _____ |
| 26. _____ | _____ |
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| 35. _____ | _____ |
| 36. _____ | _____ |

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Signature

Address

1. Terriaine Vanordenhaagen 2865 NW Criss-Schefflin Cornelius, OR 97113
2. Michael Vanordenhaagen 2785 NW C-Schefflin Cornelius OR 97113
3. Sandra Vanordenhaagen 2785 NW Criss/Schefflin Rd Cornelius, OR 97113
4. Melissa Ackerman 2717 26th Avenue Forest Grove, OR 97116
5. Kenneth L. Messerud 35535 NW Long Rd. Cornelius, OR 97113
6. Maureen Messerud 35535 NW Long Rd Cornelius OR 97113
7. Walter Vandenberg 36390 NW Long Rd. Cornelius, OR 97113
8. Marjorie Vandenberg 36390 NW Long Rd. Cornelius, OR 97113
9. David Vong 36300 NW Long Rd. Cornelius, OR 97113
10. Tommy Vandenberg 36300 NW Long Rd Cornelius OR 97113
11. Janet E. Sims 36815 N-W Long Rd Cornelius OR 97113
12. Paul J. Reed 37100 NW Long Rd Cornelius, OR 97113
13. Debra A. Dwyck 2330 NW Cornelius-Schefflin Rd ^{Cornelius OR} 97113
14. Michael M. Dwyck 2330 NW CORNELIUS Schefflin Rd 97113
15. Kristine M. Dwyck 2330 NW Cornelius Schefflin Rd 97113
16. Stephen D. Root 2270 NW Cornelius Schefflin Rd 97113
17. Jane King 3200 NW 366th Pl 97113
18. Ronda King 3200 NW 366th Pl 97113

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Signature

Address

- | Signature | Address |
|-------------------------------|---|
| 19. <i>Charles Remington</i> | 37085 NW Farmside Ln. Cornelius, OR 97113 |
| 20. <i>Becky Remington</i> | 37085 NW Farmside Lane Cornelius, Or 97113 |
| 21. <i>Juanita Dick</i> | 37140 NW Farmside Lane Cornelius 97113 |
| 22. <i>Wayne M. Dick</i> | 37140 Farmside Ln Cornelius 97113 |
| 23. <i>Joann A. Holte</i> | 37020 NW Farmside Ln, Cornelius, 97113 |
| 24. <i>Jeff W. Kennedy</i> | 3620 NW Cornelius Schaff Blvd Cornelius 97113 |
| 25. <i>Andrew R. Lanthorn</i> | 36820 NW Long Rd Cornelius OR 97113 |
| 26. <i>Carelyn Lanthorn</i> | 36820 NW Long Road Cornelius OR 97113 |
| 27. <i>Denise Dyck</i> | 36600 NW Long Rd Cornelius OR 97113 |
| 28. <i>Philip H. Dyck</i> | 36600 NW LONG RD Cornelius 97113 |
| 29. | |
| 30. | |
| 31. | |
| 32. | |
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| 35. | |
| 36. | |

We, the undersigned, residents and/or property owners north of Council Creek in Cornelius urge the powers-that-be to protect the valuable foundation farmland with a Rural Reserves designation, saving it from potential development for the next 50 years. We DO NOT want to be located near and/or incorporated into the UGB, nor annexed by the city of Cornelius. We DO NOT want an Urban Reserves designation for farmland north of Cornelius, nor do we want our land to be labeled as "undesigned." Farmland and the peaceful, eco-friendly way of "life in the country" needs to be preserved for future generations. Thank you for your support.

Signature

Address

1. Clifford A. Bond 36495 NW Wren Rd. Cornelius, OR 97113
2. William R Evans 36495 N.W. Wren Rd. Cornelius
3. Annetta M Evans 36495 NW Wren Rd, Cornelius
4. Mary Evans 36495 NW Wren Rd, Cornelius, OR 97113
5. Kathleen M Guenemann 37175 NW Farm side Ln Cornelius 97113
6. Paul J Guenemann 37175 NW FARMSIDE LN. CORNELIUS 97113
7. Bob Guenemann 5160 NW Cornelius-Schefflin Rd Cornelius 97113
8. Steve Guenemann 5160 NW Cornelius-Schefflin Rd Cornelius, OR
9. Bob Guenemann 2995 NW Cornelius-Schefflin Rd Cornelius 97113
10. Jan C Guenemann 3000 Cornelius Schefflin Rd CORNELIUS, OR 97113
11. Sam the Digger 2995 NW Cornelius-Schefflin Rd Corn. 97113
12. Ethel J. Duyck 2125 NW Cornelius Schefflin Rd Cornelius 97113
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____

April 10, 2011

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Metro Urban and Rural Reserves: Oppose Farmland Inclusion in Undesignated or Urban Reserves North of Council Creek, Cornelius

Dear Council President Hughes and Members of the Council:

On October 29, 2010, LCDC orally remanded the Urban Reserve of farmland located north of Council Creek (Cornelius). Subsequently, the County Commission and Metro Council amended to include 350+ acres as Undesignated Reserves in Ordinance 740.

I feel the Reserves process has been one of "catering" or feeling "obligated" to the city of Cornelius for political and/or personal purposes. More than once during the public hearing process, city representatives reported that Cornelius has been "promised" this land. It is my feeling the Reserves process has already provided land for the city (Cornelius) to grow through prior Metro Reserve approval that identified Urban and Undesignated Reserve lands northeast, southeast and southwest of the city.

While my family has provided testimony at public hearings, I would like to share with you in my own words the concerns I have with the proposed Ordinance 740, and most specifically the inclusion of land north of Council Creek.

As the owner of a 153 acre Grade-A dairy farm operated by our family since 1957 and located ¼ mile north of Council Creek, I write to oppose the inclusion of all farmland north of Council Creek into "Undesignated" or "Urban" Reserves.

Dairy farming is a 365 day a year business that is especially sensitive to nearby urbanization, more so than many other types of agriculture given the need to ensure the health and well-being of livestock, and subsequent food safety of our products. Dairy farming requires a major investment in immobile capital, and is highly regulated to meet the Oregon Confined Feeding Animal Operation (CAFO) permit program, state and federal water quality guidelines, and food safety regulations.

Cornelius did not define in the Undesignated Reserve area what type of industry they seek to bring to this foundation farmland and sensitive environmental area. Non-farm related businesses on abutting properties adversely impact the well-being of dairy livestock and food safety. Our farm has already been impacted by Cornelius business expansions just south of Council Creek and any future development north will only compound these impacts.

The air around Cornelius stinks. The Summit bio-fuel ethanol processing plant emits an odor similar to French Onion soup on a daily basis. There is also a composting plant in the same area. We experience the noise and odors of these facilities on a regular basis. There has been a direct impact to our livestock on days when the fumes are extremely strong, as the dairy cattle run the pasture – resulting in harm to our livestock and a loss in milk production.

On occasion, the overhead PA system from city businesses can be heard. One evening, the radios blared with music pumped out over the PA system and spooked our dairy cattle, putting the livestock at risk of breaking through barbwire fences in the middle of the night.

Our family testified to the Board of County Commissioners and Metro Council to uphold Council Creek as a natural buffer, with all properties north of Council Creek designated Rural Reserves. This is critical! The city does not understand or empathize with the impacts urbanization brings to farmland operations. Abutting urbanization next to farm operations will only compound existing issues we continually strive to mitigate. Council Creek as a natural barrier aids in keeping the "boundary challenged citizens" of Cornelius from trespassing on to farmland, reducing the number of incidents where citizens have:

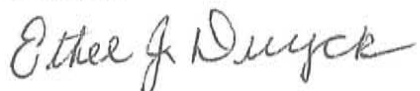
- * Opened livestock containment gates allowing cows to run thru the streets of Cornelius;
- * Theft of farm property (e.g. irrigation pipe, crops), tossed trash and junk into the fields which has damaged expensive farm equipment, and injured livestock who ate the trash in hay and silage products; and
- * Despite "no trespass signs", we've caught youth who trespassed on our land to shoot guns and/or play near the irrigation pond encompassing nearly 2 acres in size. In addition, should LCDC approve the Reserve Plan, development will abut this sensitive water reservoir and may affect water quality used to raise our food commodities.

Extensive capital outlay has been invested into drainage tiling on farmland, both our land and the proposed reserve area. Construction on adjoining farmlands could ruin the drain lines, causing water to back-up on our property. In addition, lands north of Council Creek have Bureau of Reclamation liens with many years before the liens can be removed. Liens were imposed during the development of Scoggins Dam and Hagg Lake, which provides irrigation water to western Washington County farmlands.

The Duyck Dairy Farm is one of three dairy operations located within 5 miles north of Council Creek. As dairy operations are forced out of business due to incompatible land use issues as a result of urbanization and impacts to land valuations, the cost of milk transportation, etc. are passed on to the remaining dairy operations, creating added cost burdens and impacts to sustainable farming.

In closing, an Undesignated Reserve classification carries the same detrimental impacts as Urban Reserve to the sustainability in planning for capital asset purchases and future operations. Our family wants to achieve the "Century Farm" status, and this will only be possible with the **preservation of all farmland north of Cornelius as designated Rural Reserves.**

Sincerely,



Ethel J. Duyck, Owner
Duyck Dairy Farm
2125 NW Cornelius Schefflin Road
Cornelius, OR 97113

Attachment: Aerial map of Duyck Dairy Farm Property



N
W
E
S

Ditch feeding water to Council Creek

Duyck Dairy Farm

Pond

Proposed
"Undesignated Reserve" Area

Wetland Area

Wetland Area

Council Creek located less than 1/4 mile south of Duyck Dairy Farm

NW Cornells-Schubert Road

The Economics of Green Cities

A Global Collaborative Project chaired by Lord Nicholas Stern

Outline Document (Draft)
February 2011

Grantham Research Institute, London School of Economics
LSE Cities, London School of Economics
The Climate Centre

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Executive Summary

This project chaired by Lord Nicholas Stern is a global collaborative project that aims to examine the risk-adjusted costs and benefits of green policy frameworks on the sustainable economic growth of cities in different parts of the world. The purpose is to provide robust, evidence-based recommendations for policy-makers and other stakeholders. In particular, the two key questions that the Project aims to examine are:

1. What is the economic rationale for cities to undertake early-action green policies?
2. Which programmes, institutions and tools are most promising for policy makers to implement, measure and monitor green city policies?

Urbanisation has played a major role in the creation of environmental problems ranging from anthropogenic climate change to the loss of biodiversity. However, urban development is also central to any solution tackling these challenges. No global collaborative agreement to tackle climate change, water and air pollution, biodiversity or resource depletion can be delivered without the full involvement of cities and metropolitan regions.

Evidence suggests that measures that improve cities in terms of carbon emissions and environmental sustainability can also improve them as dynamic, attractive and innovative places to live and work. That such measures so far have been exceptions rather than the norm is probably due to the presence of numerous city-specific market failures.

These barriers to city improvement cannot be addressed cost-effectively without well-designed policy intervention, adjusted market incentives, credible policy signals, and robust data and information to allow well-informed decision making. Further empirical investigation is required to analyse and quantify these effects, and this demands the development of a consistent urban database and improved assessments of best practice.

Clearly, risks and opportunities will differ from city to city. For example, income levels, policy frameworks, industry compositions, availability of clean water, existing infrastructure and available options for low-carbon/green transition will vary. But cities share some common properties and all have opportunities to improve efficiency and energy security, reduce congestion and pollution, and make greater use of renewable resources. Addressing market failures through clear and credible policy leadership can improve the environment for innovation and entrepreneurship with significant economic as well as environmental pay-offs.

The Project will focus on synthesizing the risks from action versus inaction and understand the interrelated co-benefits stemming from a variety of urban and regional policies. The initiative aims to build the foundation for a continual process of comparative economic analysis of green city policies and of city performance more generally.

Project Aims

This Project is a global collaborative project that aims to examine the risk-adjusted costs and benefits of green policy frameworks on the sustainable economic growth of cities in different parts of the world. The purpose is to provide robust, evidence-based recommendations for policy-makers and other stakeholders. In particular, the two key questions that the SCP aims to examine are:

1. **What is the economic rationale for cities to undertake early-action green policies?**
2. **Which programmes, institutions and tools are most promising for policy makers to implement, measure and monitor green city policies?**

1. Economic rationale

In order to examine the economic rationale for green city policies, the SCP aims to deliver the following:

- **Economic framework at city level for quantifying costs and benefits and addressing risk and uncertainty** associated with action and inaction on green investment
- **Analysis of ancillary and co-benefits** stemming from a variety of urban and regional policies and outlining policy tools most appropriate for addressing inter-related market failures.
- **Analysis of the contribution to national growth.** This will set out the costs and benefits of green cities for national growth and the role of national and city-level policy intervention in generating efficiency, inducing private innovation and facilitating the operation of the market.

2. Policy tools

In order to provide recommendations on effective, efficient and equitable green policy frameworks in cities, the SCP aims to build the following:

- **Set of standardised city indicators.** This is an important precondition for future comparative analysis and will need to draw on existing indicators in collaboration with other research institutes and international bodies.
- **Public database** Collaborate with partners on an open database that can be used by city policy-makers and other stakeholders to access city indicators and other relevant data.
- **Toolkit for city policy-makers.** Provide recommendations on the most effective, efficient and equitable policy programmes, delivery mechanisms and institutions for promoting sustainable urban growth based on the most up-to-date evidence.
- **Measuring and monitoring standards.** Provide recommendations on best practice methods for measuring and monitoring the economic impact of

green city policies.

The Project will publish a series of reports over a three year period designed to provide clear, concrete guidance and conclusions that should benefit a range of stakeholders. The reports will aim to inform and advise:

- (1) **city governments** on policies that provide the greatest net benefits;
- (2) **national governments** on the most effective means to enable cities to unlock sustainable economic growth;
- (3) **businesses** on how to make informed decisions on investments in collaboration with city governments, and
- (4) **civil society** on holding policymakers accountable for their decisions and actions.

Why is this Project Different?

This Project differs from other research programmes on green cities by combining three key elements:

- (1) an analytical methodology based on rigorous, risk-based economics
- (2) an experienced team with proven track records of delivering large projects,
- (3) collaboration with global partners, working with some of the most respected authorities and institutions on green growth in the world.

Economic rigour. This Project is an ambitious programme of reports that aims to test the actual and potential scale of green growth in cities. While other research has helped to develop green city indicators, there are few rigorous economic analyses at the city level (though good work is being started, e.g. by the OECD). The project will apply a consistent analytical methodology based on rigorous, risk-based economics.

Experienced team. This Project brings together a unique combination of expertise in economics, urban planning and policy making. Team members also have a strong track record in delivering large, complex projects. Dimitri Zenghelis was a lead author of the influential Stern Review on the Economics of Climate Change and continues to act as an advisor to Lord Stern at the LSE's Grantham Research Institute. Philipp Rode is Executive Director of the LSE Cities research centre and is coordinator author for the chapters on cities and buildings of UNEP's Green Economy Report. He organised Urban Age conferences in New York, Shanghai, London, Mexico City, Johannesburg, Berlin and Mumbai, and managed related research efforts. Graham Floater is the Director of The Climate Centre. He brings extensive policy and management experience as a senior Treasury official and deputy director at the Office of Climate Change, where he headed various Reviews for the Prime Minister and advised Lord Stern.

Collaboration with global partners. This is a global collaborative project, partnering with major public research institutes and private sector research groups. Working with organisations such as the World Bank, OECD and other international research institutes, the Project will draw on a wide range of expertise and data. The Project will also work closely with C40, the climate leadership group of major cities in Europe, the Americas, Asia and Australia.

Background

Definition of 'green cities'

In this Project, we define 'green cities' as environmentally-friendly cities. Indicators to measure environmental performance can include levels of pollution and carbon emission, energy and water consumption, water quality, energy mix, waste volumes and recycling rates, green space ratios, primary forests, and agricultural land loss (Meadows 1999, Bruggmann 1999). Defining green cities by environmental performance standards does not mean that social equity issues are ignored. In fact, greener living environments can play an important role in making cities more equitable for their residents.

The greening of cities refers to the following actions that make cities green: (1) control diseases and their health burden; (2) reduce chemical and physical hazards; (3) achieve high quality urban environments for all; (4) minimize transfers of environmental costs to areas outside the city; and (5) ensure progress towards sustainable consumption (Satterthwaite 1997). Although this Project cuts across all five areas, emissions reductions – given its primacy in international environmental policy – is given priority as a clear and targetable outcome.

Importance of cities

More than half the world's population now live in urban areas. The World Bank estimates that over 90% of urban growth is in the developing world, adding an estimated 70 million new residents to urban areas each year (World Bank 2011). Over the next 20 years, the urban population of South Asia and Sub-Saharan Africa, which includes some of the poorest people in the world, is expected to double. As a consequence, the importance of cities in powering economic growth, development and prosperity continues to increase.

Furthermore, cities are not only important geographic units of economic activity in their own right, they are anchors of regional economies and are often key drivers of national growth. Already today, 150 of the world's most significant metropolitan economies produce 46% of global GDP with only 12% of the global population.

While cities are often engines of growth and prosperity in the short term, in the longer term they can have negative economic impacts. As centres of energy demand and industrial production, urban areas are responsible for up to 80% of

anthropogenic greenhouse gases. This not only has consequences for the environment, but also creates negative impacts on sustainable economic growth (Stern 2006). Furthermore, in the short term, poor resource efficiency can increase economic and social costs substantially, while pollution and reduced biodiversity can potentially act as negative externalities, affecting productivity through e.g. reduced health of the population and reductions in natural resources.

These costs are likely to increase substantially over the coming years as resource constraints (including energy, water, raw materials, food commodities and other resources) continue to deepen. In the last 10 years alone, global food prices have increased around 80% (FAO 2010) while oil prices rose above \$100 a barrel by the beginning of 2011 with the potential for further increases as the global economy recovery drives increased demand.

This then raises the question: is there an economic rationale for early-action policies that promote green growth in cities? This will depend on the economic benefits of green policy programmes (both locally and globally) weighed against their associated costs. Policies need to be well designed, where possible using non-discriminatory market instruments to avoid inefficiencies and prevent rent-capture by wasteful vested interests.

Cities are natural units for driving innovative policy solutions for sustainable growth. They combine a mix of specialization and diversity derived from a concentration of people and economic activity that generate a fertile environment for innovation in ideas, technologies and processes. As hubs of regional economic activity, they produce and distribute the resources that provide better livelihoods for urban and rural residents alike.

At the same time, cities have a degree of self-governance, and city policymakers are often able to deliver integrated policy programmes that have a more direct, systemic impact on citizens. City-specific issues such as congestion, clean water, waste, energy, education and crime require considered city-specific public intervention. Examples include energy efficient buildings, renewable energy, efficient distribution of clean water and waste, green transport schemes, congestion charging and clean air zones. For these reasons, cities may have more potential for making a significant impact on sustainable growth relatively rapidly.

In addition, their high population density and compactness can allow for economics of scale, efficiency gains and collaboration. Although per capita emissions are generally higher in cities than in rural areas, much of this reflects higher incomes in urban areas. By contrast, emissions per unit of output are usually lower in dense cities than in surrounding rural or suburban areas.

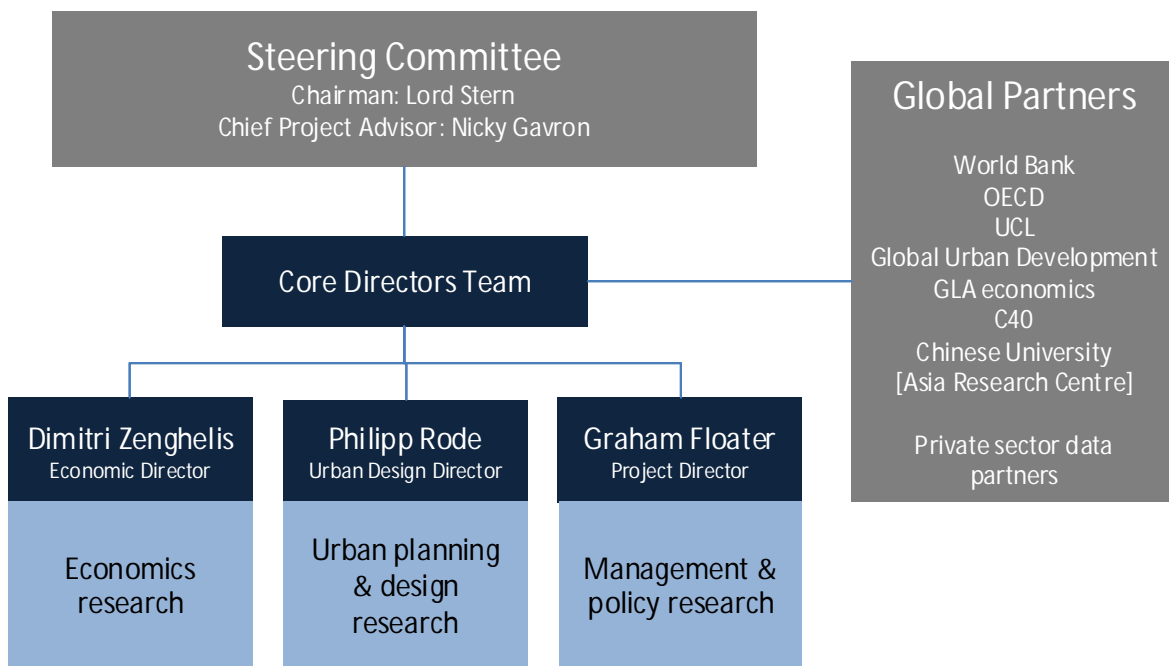
The Team

The Project brings together a talented group of leading experts with strong experience of delivering high quality economic, urban and climate change reviews, reports and projects. The Project will be delivered through the following:

- **Core Directors Team** providing project and research management;
- **Steering Committee** chaired by Lord Stern;
- **Global Partners** including the World Bank, OECD, leading research establishments and the private sector to provide a global collaborative approach.

Figure 1 illustrates the governance and management structure of the Project, together with key individuals and organisations involved.

Figure 1. SCP governance and management structure



Core Directors Team

The Core Directors Team brings together a unique combination of expertise in economics, urban design and planning, low carbon policy and project management. The core team is led by three directors, each with a strong track record in research and project delivery.

Dimitri Zenghelis, Economics Director. Dimitri is a leading authority on low carbon economics. He was a lead author of the influential Stern Review on the

Economics of Climate Change, commissioned by the Prime Minister and has held a variety of senior economic positions in HM Treasury, economic consultancy and banking. He is now Senior Economic Advisor to Cisco's long term innovation group and continues to act as an advisor to Lord Stern at the London School of Economics. He is also an Associate Fellow at the Royal Institute of International Affairs (Chatham House).

Philipp Rode, Urban Design Director. Philipp is Executive Director of the LSE Cities research centre. He is a leading researcher and practitioner and has organised Urban Age conferences in partnership with Deutsche Bank's Alfred Herrhausen Society in New York, Shanghai, London, Mexico City, Johannesburg, Berlin and Mumbai, bringing together political leaders, city mayors, urban practitioners, private sector representatives and academic experts. He is coordinator author for the chapters on cities and buildings for UNEP's Green Economy Report.

Graham Floater, Project Director. Graham is the Director of The Climate Centre, an independent low carbon strategy consultancy. He brings extensive policy experience having been a senior Treasury official and deputy director at the Office of Climate Change, where he advised the Prime Minister, Cabinet and Lord Stern on energy, climate change and finance. Graham also brings substantial project management expertise to the SCP, having headed Prime Ministerial Reviews on international financial frameworks and global carbon trading, led the creation of the UK's £1 billion Low Carbon Industrial Strategy and managed the Government's Review on the practical delivery of energy efficiency measures across 20 million households.

Steering Committee

The Steering Committee will provide advice, direction and support to the Project. Members will be leading experts in their respective fields. The Committee will be chaired by Lord Nicholas Stern.

Lord Stern, Chairman of the Steering Committee

Lord Stern is IG Patel Professor of Economics and Government at the London School of Economics, heading the India Observatory within the LSE's Asia Research Centre. He is also Chairman of LSE's Grantham Research Institute on Climate Change and the Environment. From 2005-2007 he was adviser to the UK Government on the Economics of Climate Change and Development, reporting to the Prime Minister and the Chancellor of the Exchequer. He produced the Stern Review on the Economics of Climate Change.

Nicky Gavron, Chief Project Advisor

Nicky has a track record in urban policy development for every level of government. In particular, she has been at the forefront of developing land-use, transport and environmental policies for London for over two decades, becoming

the city's first Deputy Mayor in 2000. She served in Ken Livingstone's administration for seven years, leading on climate change and the London Plan, including the establishment of the C40 climate leadership group of major cities. She currently chairs City Hall's Planning and Housing Committee, is vice-chair of Global Urban Development and advises cities and city networks in the UK and around the world.

Global Partners

This Project is a global collaborative project, partnering with major public research institutes and private sector research groups. Working with organisations such as the OECD, World Bank, University College London, The Brookings Institution, The Urban China Institute and other international research institutes, the Project will draw on a wide range of expertise and data. The Project will also work closely with C40, the climate leadership group of major cities in every continent including Europe, Africa, the Americas, Asia and Australia.

Project Schedule

The Project will cover a three year period, divided into three broad project modules (see Figure 2a). The first module is scheduled to start in April 2011 and report in April 2012. Each module will be managed in four phases: scoping, data collection, analysis and reporting (see Figure 2b).

Figure 2a. Three year project showing annual modules and reporting points.

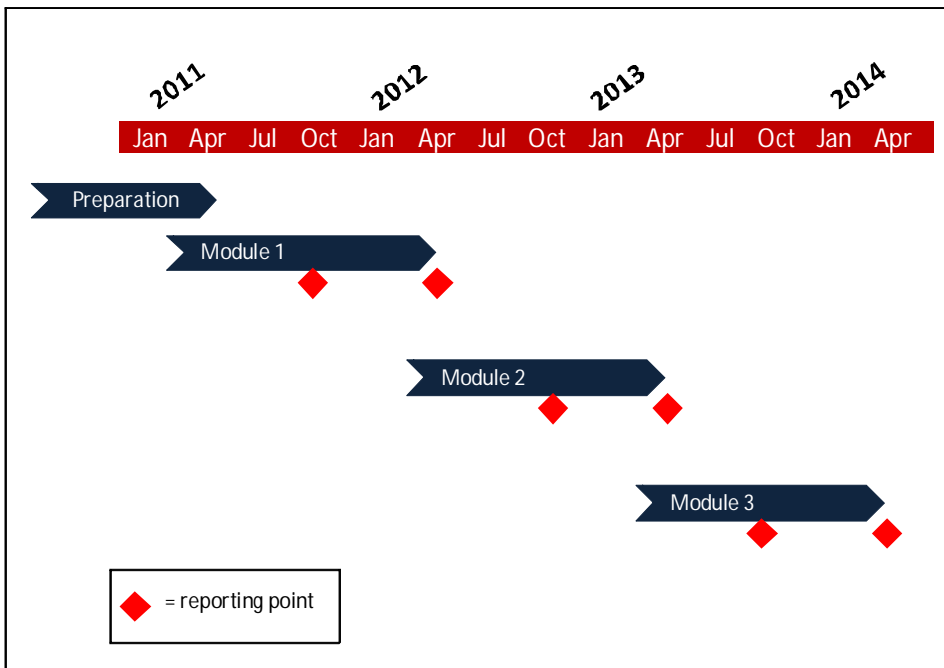
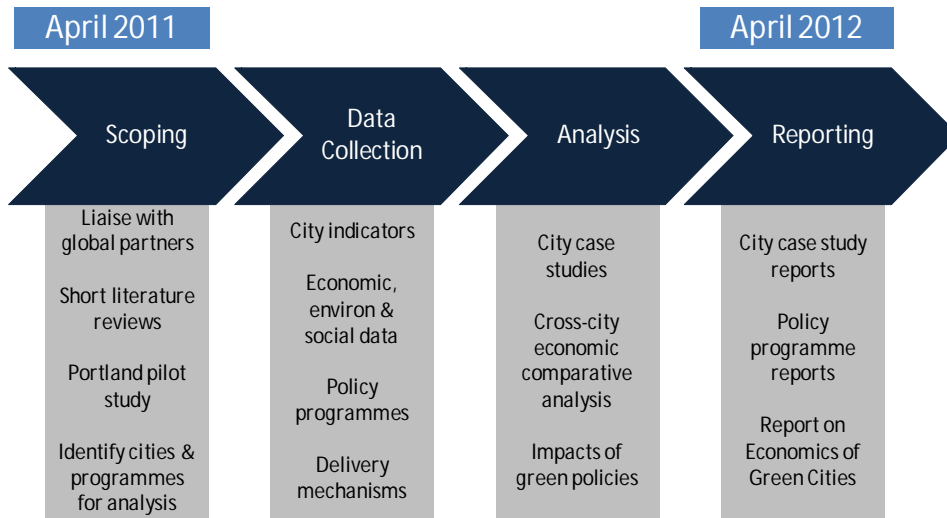


Figure 2b. Structure of first year module.



1. Scoping phase

The scoping phase is scheduled to take 6 weeks. Using literature reviews, interviews with city stakeholders and liaison with global research partners, the main outputs of this phase will include: identification of cities and policy programmes for analysis, and the scope of data collection required in phase 2.

Around 100 cities will be reviewed as part of the scoping to determine the suitability of data and indicators for analysis. Portland is being used as a pilot for detailed interviews. The 100 cities will be distributed across developed and developing countries. Examples include Curitiba, Singapore, Surat, Melbourne, Freiberg, as well as cities in China, the US, Africa and Asia.

The scoping work will be used to draw up a short-list of policy programmes for analysis. For example, these may include programmes targeted at transport infrastructure and modal shift (including policies designed to overcome barriers to moving from car transport to public transport), energy efficiency of buildings, urban consumption patterns or eco-system services.

2. Data collection phase

The data collection phase will be a continuous process running through 6-9 months of the module. It will be undertaken in collaboration with city policy-makers, city stakeholders, national governments and international bodies such as the OECD and World Bank who have been developing a range of economic, environmental and social city indicators. Among others, these indicators may include:

Green City Indicators

- Siemens "Green City Index". Economist Intelligence Unit research based on

30 European cities with 30 indicators (2009) and 17 Latin American Cities (2010).

- SustainLane.com – “Greenest US Cities” Rankings with 16 indicators
- Clinton Global Initiative. Future “Green City Index”

Economic and other Composite City Indicators

- OECD metropolitan region indicators. Includes 90 metropolitan regions in OECD member countries.
- Global City Indicators Facility (GCIF). UN Habitat, World Bank & OECD index including over 100 cities.
- International Council on Local Environmental Initiatives (ICLEI). Star Community Index. US NGO qualitative program with multiple indicators – also part of GCIF.
- Urban Land Institute (ULI) - “Sustainable Cities Awards”.
- Brookings and LSE Cities “Global Metro Monitor”.

More detailed data for specific cities and policy programmes will also be collated in collaboration with our partners.

3. Analysis phase

The analysis phase will run for 6-8 months, with different areas of analysis being undertaken as data is collated. Analysis will cover the following areas (though final decisions on methodologies will be made once evidence from the scoping and data collection phases has been amassed):

- *City indicators.* The aim is to collate existing data and indicators, assess their quality and determine their comparability.
- *City case studies.* The aim is to learn lessons from those cities that measure and monitor the implementation of their policies and consequently to build a guide to best practice. Time-series data will be used where such data exist.
- *Policy programmes.* The aim is to test whether policy programmes have had a real impact on economic growth and cobenefits. Time-series data will be used where such data exist.
- *Cross-city analysis.* The aim is to examine impacts of green policy-making across cities in space and time. Panel data will be used where data exist, though finding robust, comparable data will be challenging. Pairwise comparisons of cities will be undertaken country by country, region by region to reduce confounding variables. The aim is to compare cities that have chosen green growth paths with those that have not, thereby testing the counterfactual hypothesis of growth.

4. Reporting phase

A series of reports will be produced throughout the Project. These will include case studies on individual cities, reports on specific policy programmes, as well as main reports on the economics of green cities.

Under the first project module, the aim is to publish a major Report on the Economics of Green Cities in March/April 2012, with shorter interim reports being prepared in autumn 2011.