

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 14-1336
MAPS IN TITLES 4 AND 14 OF THE	)	
URBAN GROWTH MANAGEMENT	)	Introduced by Martha J. Bennett, Chief
FUNCTIONAL PLAN TO CONFORM WITH	)	Operating Officer, with the concurrence of
CHANGES ENACTED BY THE OREGON	)	Tom Hughes, Council President
LEGISLATURE IN HOUSE BILL 4078	)	

WHEREAS, in 2010 and 2011 Metro, Washington County, Multnomah County and Clackamas County entered into agreements regarding the designation of urban reserves and rural reserves in the Metro region pursuant to ORS 195.141, and those reserve areas were formally adopted and mapped on April 21, 2011 via Metro Ordinance No. 11-1255; and

WHEREAS, the Land Conservation and Development Commission (LCDC) reviewed the urban and rural reserve designations and voted to approve those designations at the close of its public hearing on August 19, 2011; and

WHEREAS, relying on LCDC’s vote of approval regarding the urban reserve areas, Metro proceeded with its 2011 growth management decision and expanded the Urban Growth Boundary (UGB) to include four areas in Washington County on October 20, 2011 via Ordinance No. 11-1264B; and

WHEREAS, LCDC issued its written decision approving the urban and rural reserve designations on August 14, 2012 via Order No. 12-ACK-001819, and issued its written decision approving the UGB expansion on December 21, 2012 via Order No. 12-UGB-001826; and

WHEREAS the LCDC order approving the urban and rural reserve designations was reversed and remanded by the Oregon Court of Appeals on February 20, 2014; and

WHEREAS, in response to the decision issued by the Court of Appeals, the Oregon Legislative Assembly enacted House Bill 4078 on April 1, 2014, which: (a) legislatively enacted Metro’s 2011 UGB expansion, (b) added approximately 1,178 acres of land formerly designated as urban reserve to the UGB in Washington County, (c) made changes in the designation of certain urban and rural reserve areas in Washington County, and (d) identified certain land being brought into the UGB as being specifically designated for employment and industrial purposes; and

WHEREAS, the UGB and reserves map revisions enacted by House Bill 4078 became effective immediately and create discrepancies with the maps adopted by Metro in 2011 and 2012; and


WHEREAS, Metro is obligated to revise its maps under Title 4 and Title 14 of the Urban Growth Management Functional Plan in order to make the mapped UGB and reserves locations correspond with the locations adopted by the legislature; now therefore


THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Title 14 map of the UGB and urban and rural reserves is hereby amended, as indicated in Exhibit A, attached and incorporated into this Ordinance, to revise the location of urban and rural reserves and the UGB as required by House Bill 4078.

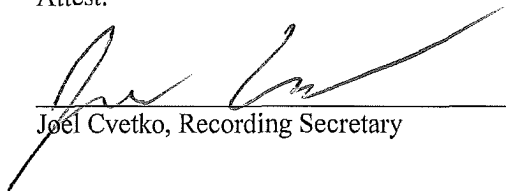
2. The Metro Title 4 map of industrial and other employment areas is hereby amended, as indicated in Exhibit B, attached and incorporated into this Ordinance, to reflect new industrial and employment designations required by House Bill 4078.

ADOPTED by the Metro Council this 31st day of July 2014.

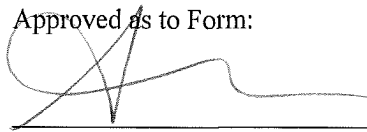
  
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Tom Hughes, Council President

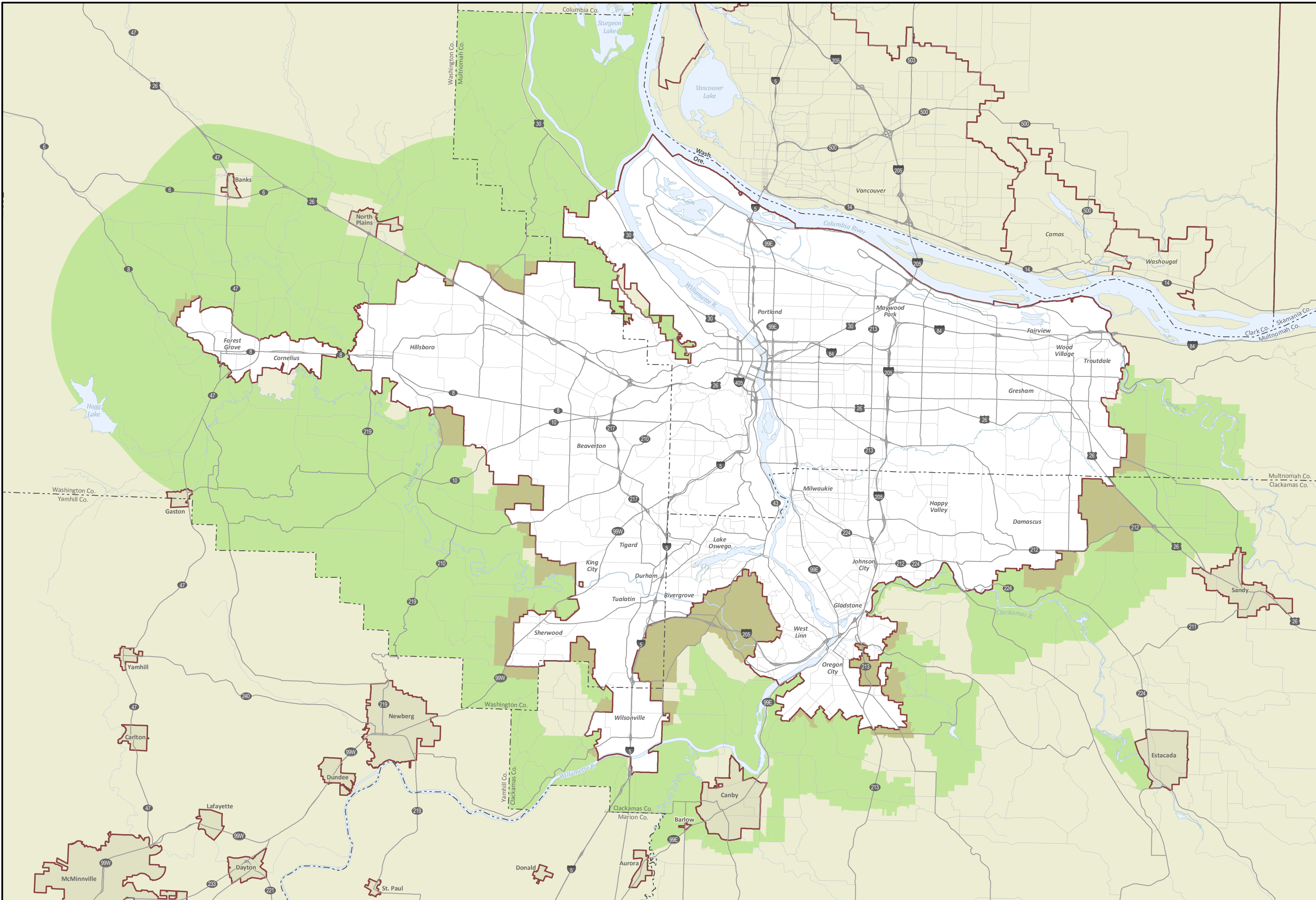


Attest:

  
\_\_\_\_\_  
Joel Cvetko, Recording Secretary

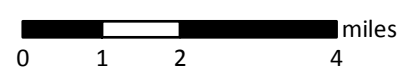
Approved as to Form:

  
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Alison R. Kean, Metro Attorney



# Title 14, Urban Growth Boundary - Exhibit A

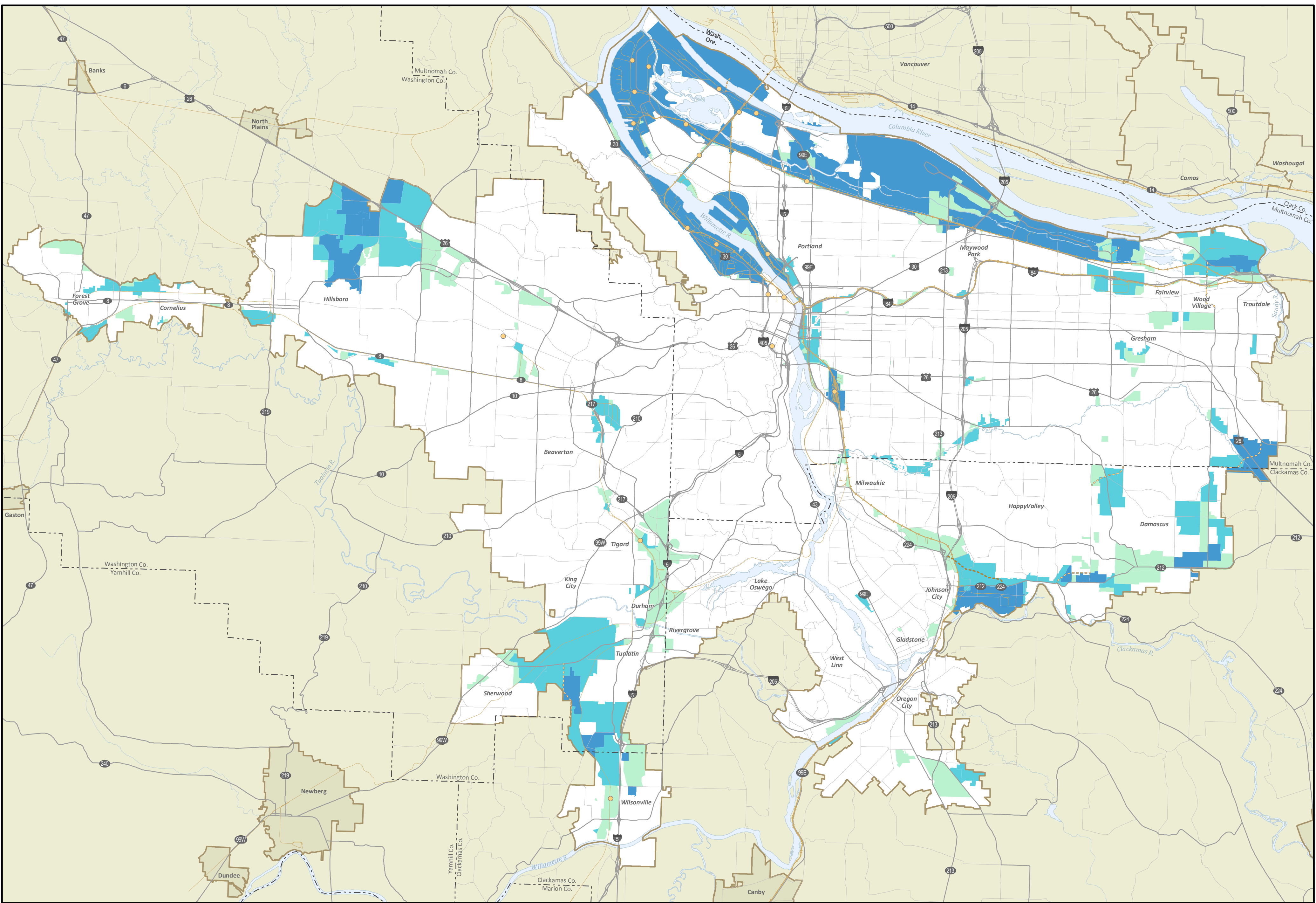
April 2014



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- - - County boundaries
- ⬜ Urban growth boundaries
- ⬜ Neighbor cities
- ⬜ Rural reserve
- ⬜ Urban reserve





# Title 4, Industrial and Other Employment Areas - Exhibit B

April 2014

- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities



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## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1336, FOR THE PURPOSE OF AMENDING MAPS IN TITLES 4 AND 14 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO CONFORM WITH CHANGES ENACTED BY THE OREGON LEGISLATURE IN HOUSE BILL 4078

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Date: July 3, 2014

Prepared by: Tim O'Brien  
Principal Regional Planner

### BACKGROUND

In 2007 the Oregon Legislature enacted Senate Bill 1011, codified at ORS 195.137 to 195.145, to establish a new method to designate urban and rural reserves at the request of Metro, Multnomah, Washington and Clackamas Counties, and numerous stakeholders in the region. Pursuant to rules adopted by the Land Conservation and Development Commission (LCDC) implementing the new urban and rural reserve statute, Metro and the three counties engaged in a three year process culminating in the adoption of Metro Ordinance No. 11-1255 on April 21, 2011, which identified and mapped urban and rural reserves in the Metro region.

On review of Metro's urban and rural reserves submittal, LCDC held public hearings and voted to approve the reserves decision in its entirety on August 19, 2011. However, the Commission's written acknowledgement order was not issued until almost a year later on August 14, 2012. Twenty-two petitioners, including property owners, non-profit and citizen groups and municipalities appealed the Commission's approval of urban and rural reserves to the Oregon Court of Appeals.

Based on LCDC's August 19, 2011 vote to acknowledge the region's urban and rural reserves, the Metro Council proceeded with its 2011 growth management decision. On October 20, 2011, the Metro Council adopted Ordinance No. 11-1264B adding four areas in Washington County to the urban growth boundary (UGB) to meet a residential and large lot industrial need. These four areas, Roy Rogers West, South Cooper Mountain, South Hillsboro and North Hillsboro were included in the UGB based on their urban reserve status as a result of LCDC's August 19, 2011 vote for acknowledgement.

On February 20, 2014, the Oregon Court of Appeals issued a decision reversing and remanding LCDC's order for further action consistent with the principles expressed in its opinion. The Court determined that LCDC erred in four respects (1) approving Washington County's misapplication of the rural reserve factors pertaining to agricultural land; (2) concluding that Multnomah County had adequately "considered" the rural reserve factors pertaining to Area 9D; (3) concluding that it has authority to affirm a local government's decision where its findings are inadequate if the evidence "clearly supports" the decision; and (4) failing to meaningfully explain why – even in light of countervailing evidence – Metro and the counties' designation of Areas 4A to 4D (commonly referred to as Stafford) as urban reserves is supported by substantial evidence.

In response to the Court of Appeals decision, the 2014 Oregon Legislature passed House Bill 4078, which directly impacted both the Court of Appeals decision regarding LCDC's approval of urban and rural reserves and the Metro Council's UGB decision of 2011. House Bill 4078 made significant changes to the designation of urban and rural reserves in Washington County, made final Metro's 2011 UGB expansion including the conditions of approval adopted by the Council, and added additional land to the UGB near

Cornelius, Forest Grove and Hillsboro. The Governor signed HB 4078 on April 1, 2014 and it became effective immediately.

**PROPOSAL**

Urban Growth Management Functional Plan (Functional Plan) Title 14: Urban Growth Boundary contains Metro’s code requirements related to expansion of the UGB. The Urban Growth Boundary and Urban and Rural Reserves Map contained in Title 14 is the official depiction of the UGB and the urban and rural reserves. Thus, the Title 14 map needs to be amended to represent the changes to the urban and rural reserves as well as the new areas that were added to the UGB as a result of House Bill 4078. A summary of the changes is outlined in the table below and represented on Attachment 1. Attachment 2 represents these changes on the Title 14 Map.

<b>Additions to the Urban Growth Boundary and changes to the Urban and Rural Reserves</b>	
<b>UGB Additions</b>	<b>Acreage</b>
Urban Reserve 7B Forest Grove	240
Urban Reserve 7C Cornelius	137
Urban Reserve 7D Cornelius	211
Urban Reserve 7E Forest Grove	38
Urban Reserve 8A Hillsboro	552
<b>Urban Reserve to Rural Reserve</b>	
Urban Reserve 7B Forest Grove	240
Urban Reserve 8A Hillsboro	1,769
Urban Reserve 8B Hillsboro	354
<b>Undesignated to Rural Reserve</b>	
Cornelius (north side)	360
North Plains (south side)	275
Forest Grove (Hwy 47)	28
Hillsboro (north of Hwy 26)	220
<b>New Urban Reserve Area</b>	
Hillsboro (Bendemeer Area)	417
<b>New Undesignated Area</b>	
Rural Reserve 5C (Scholls Ferry)	28
Urban Reserve 8B Hillsboro	86
Rural Reserve 8F (West Union)	25

Functional Plan Title 4: Industrial and other Employment Areas seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIA), Industrial and Employment Areas as depicted on the Title 4 Map. House Bill 4078 added land to the UGB with the intent that it be used for employment uses, thus the Title 4 Map needs to be amended to reflect these new employment areas that were added to the UGB. The land added to the UGB on the north side of Forest Grove is designated as Employment land and the land added to the UGB on the south side of Forest Grove is designated as Industrial land. The land added to the UGB on the north side of Hillsboro is designated as Industrial land. Attachment 3 represents these changes on the Title 4 Map.

The 2040 Growth Concept Map will be updated to reflect the changes adopted on the Title 4 and 14 Maps upon effective date of this ordinance. The UGB additions adjacent to Cornelius will be designated for residential use on the 2040 Growth Concept Map.

### **ANALYSIS/INFORMATION**

**Known Opposition:** There is no known opposition to this application.

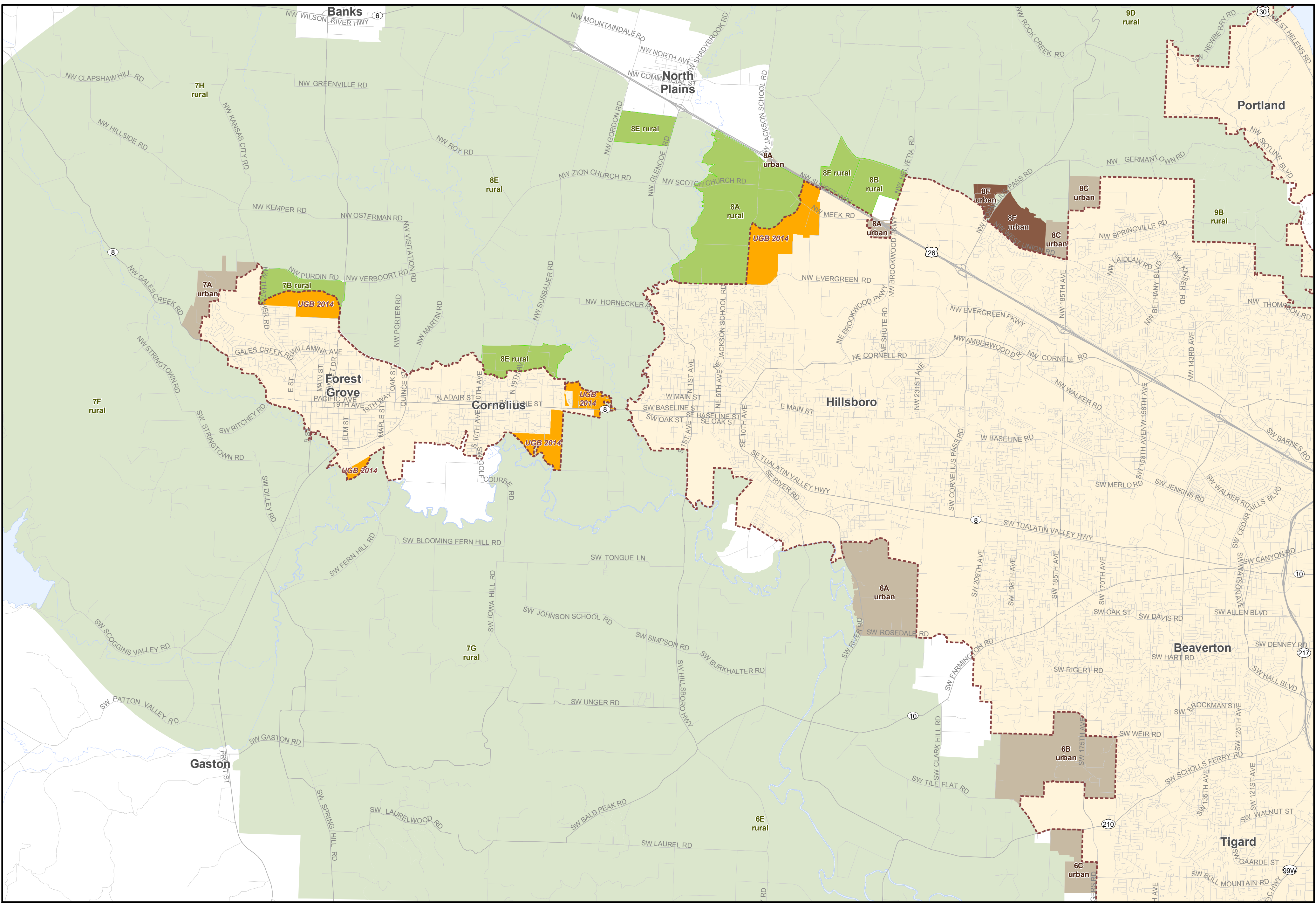
**Legal Antecedents:** Oregon Revised Statute (ORS) 197.298 and 197.299 and Metro Code Section 3.07.1400 provide evaluation and amendment requirements for an amendment to the urban growth boundary.

**Anticipated Effects:** Adoption of Ordinance No. 14-1336 will officially amend the UGB and adopt the amendments to the urban and rural reserves consistent with the provisions of House Bill 4078. These amendments will be reflected on Functional Plan Title 14 Map. Functional Plan Title 4 Map is amended to reflect the new UGB additions that are intended for employment use as directed by House Bill 4078.

**Budget Impacts:** There is no budget impact.

### **RECOMMENDED ACTION**

Staff recommends adoption of Ordinance No. 14-1336.

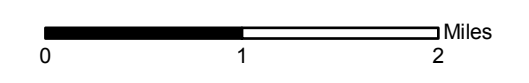


# HB 4078 Reserves and Urban Growth Boundary Washington County Area - Attachment 1

June 2014

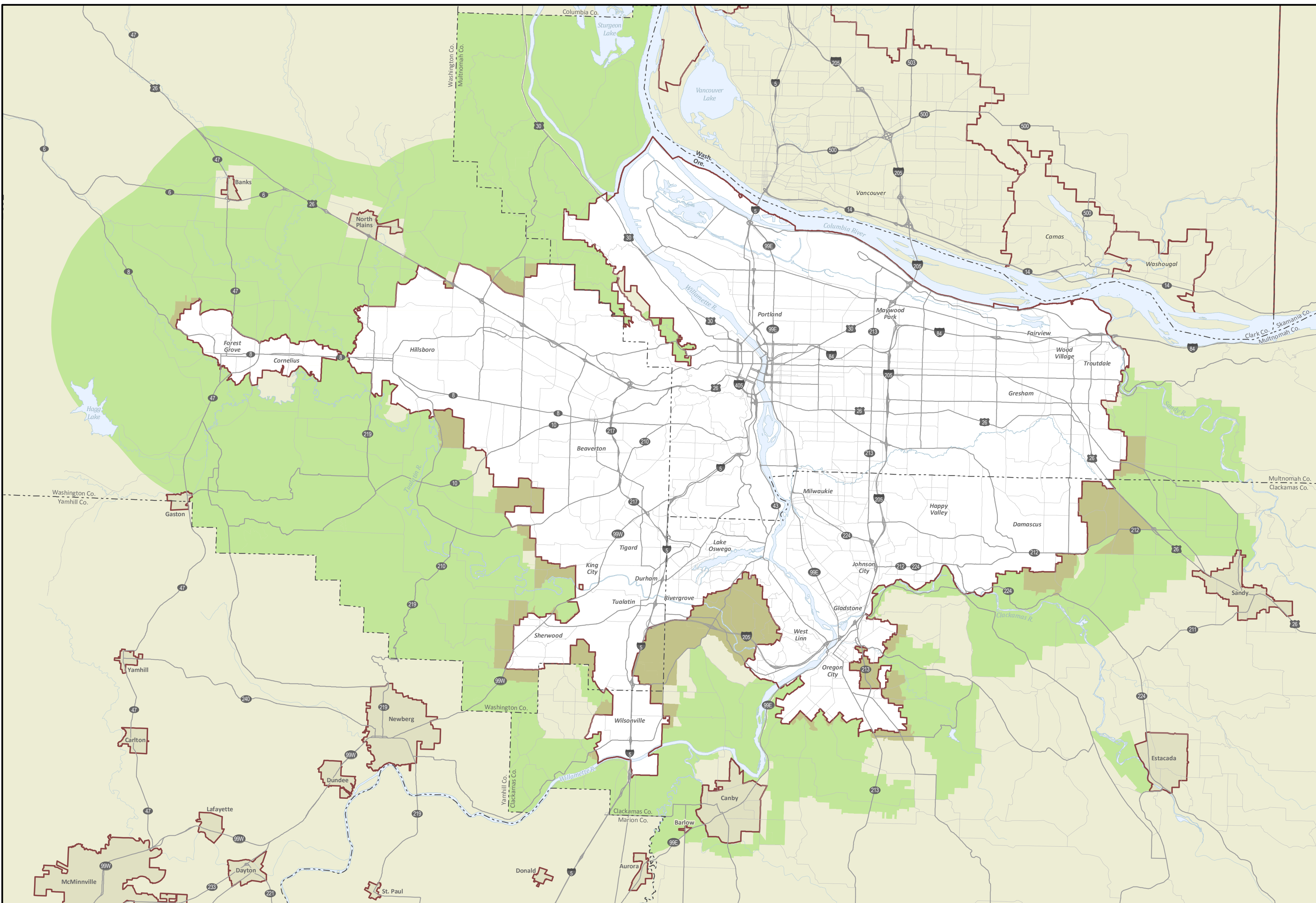
- New Rural Reserves Added
- Existing Rural Reserve
- New Urban Reserve Added (Formerly Rural Reserve)
- Existing Urban Reserve

- New Urban Growth Boundary
- New Urban Growth Boundary Areas Added (Formerly Urban Reserve)
- Existing Urban Growth Boundary



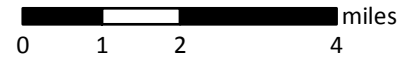
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# Title 14, Urban Growth Boundary - Attachment 2

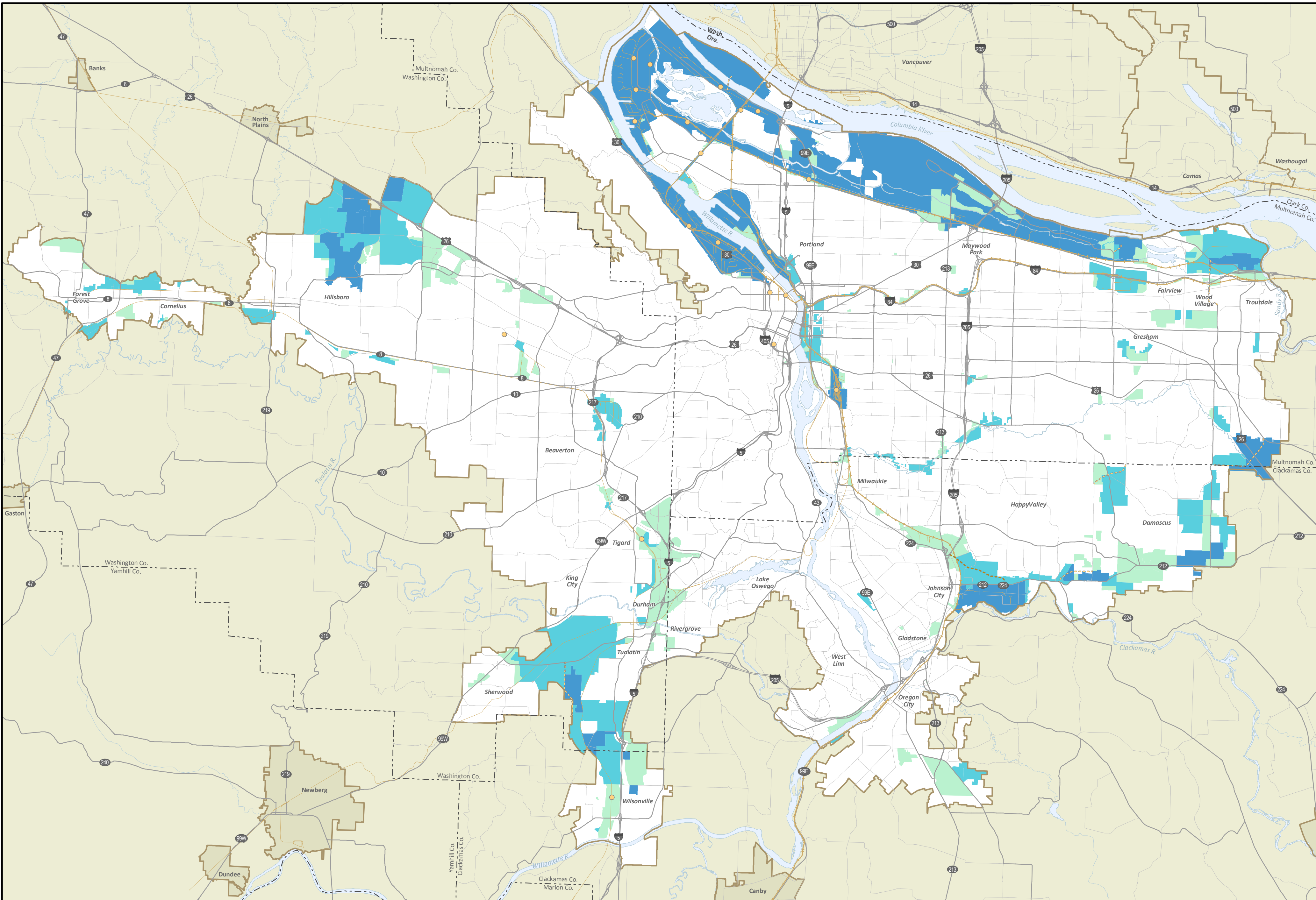
June 2014



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- - - County boundaries
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- ⬢ Neighbor cities
- ⬢ Rural reserve
- ⬢ Urban reserve





# Title 4, Industrial and Other Employment Areas - Attachment 3

April 2014

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